



DÁIL ÉIREANN

**AN BILLE FÁN NGNÍOMHAIREACTH UM FHORBAIRT
TALÚN, 2021**

LAND DEVELOPMENT AGENCY BILL 2021

**LEASUITHE TUARASCÁLA
REPORT AMENDMENTS**

DÁIL ÉIREANN

AN BILLE FÁN NGNÍOMHAIREACHT UM FHORBAIRT TALÚN, 2021 —AN TUARASCÁIL

LAND DEVELOPMENT AGENCY BILL 2021 —REPORT

Leasuithe Amendments

1. In page 7, lines 5 to 19, to delete line 5 down to and including “price” in line 19 and substitute the following:

“An Act to regulate relevant public and relevant private land in order to increase the amount of land available for the provision of public and genuinely affordable housing; for that housing to address deficiencies in the stock of public and affordable housing; for the land to be developed in consultation with communities; for public services and amenities to be developed at the same time as the public and affordable housing; for that public and affordable housing to be made available to people on a broad range of incomes”.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith, Mick Barry.

2. In page 7, line 6, to delete “housing so as to address deficiencies in the housing market” and substitute “public and affordable housing so as to address deficiencies in the housing supply”.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith, Mick Barry.

3. In page 7, line 6, after “market;” to insert the following:

“to provide for a requirement that a proportion of the dwellings built be genuinely affordable in perpetuity to rent or buy and that the remainder remain public housing and that the proportion be decided by the relevant local authority in consultation with the communities;”.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith, Mick Barry.

4. In page 7, line 7, to delete “DAC” and substitute “public agency”.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith, Mick Barry.

5. In page 7, line 8, after “public” to insert “and relevant private”.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith, Mick Barry.

6. In page 7, line 9, after “of” to insert “such”.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith, Mick Barry.

7. In page 7, line 9, to delete “develop” and substitute “assemble”.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith, Mick Barry.

8. In page 7, line 10, to delete “, including with other persons or bodies”.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith, Mick Barry.

9. In page 7, lines 12 and 13, to delete “to enable the Agency to form subsidiaries for the purposes of carrying out its functions;”.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith, Mick Barry.

10. In page 7, line 14, after “Public” to insert “and Relevant Private”.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith, Mick Barry.

11. In page 7, line 14, after “for” to insert “public and affordable”.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith, Mick Barry.

12. In page 7, lines 14 to 19, to delete all words from and including “to” where it secondly occurs in line 14 down to and including “price” in line 19.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith, Mick Barry.

13. In page 7, lines 18 and 19, to delete “at a price below market price” and substitute the following:

“on a cost rental basis, transferred to a planning authority or transferred directly in accordance with Part 2 of the Affordable Housing Act 2021”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreacht.

14. In page 8, line 4, to delete “Land Development Agency Act 2021” and substitute “Active Land Assembly and Management Agency Act 2021”.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith, Mick Barry.

15. In page 8, lines 11 and 12, to delete “housing in the State and in particular affordable and social housing” and substitute “public and affordable housing in the State”.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith, Mick Barry.

16. In page 8, line 13, after “public” to insert “and private”.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith, Mick Barry.

17. In page 8, line 14, after “for” to insert “public and affordable”.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith, Mick Barry.

18. In page 8, between lines 14 and 15, to insert the following:

“(c) to eliminate land hoarding and property speculation or any practices of private landowners which limit the availability of relevant public or private land suitable for the provision of public and affordable housing or which contribute to excessive inflation of land or property prices,

(d) to provide land for the provision of traveller specific accommodation,”.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith, Mick Barry.

19. In page 8, line 15, to delete “undue”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta, Richard Boyd Barrett,
Gino Kenny, Paul Murphy, Bríd Smith, Mick Barry.

20. In page 8, lines 15 and 16, to delete “social background” and substitute “incomes”.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith, Mick Barry.

21. In page 8, line 18, after “schools,” to insert “infrastructure that promotes and facilitates cycling or walking,”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

22. In page 8, line 18, after “amenities” to insert “and services and roads, cycling and other active mobility infrastructure”.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith, Mick Barry.

23. In page 8, to delete lines 19 and 20 and substitute the following:

“(e) to assemble and, make available to Local Authorities, Approved Housing Bodies, Community Housing Trusts and not for profit organisations, relevant public and private land for the purposes of delivering public and affordable housing,”.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith, Mick Barry.

24. In page 8, line 21, after “to” where it thirdly occurs to insert “public and affordable”.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith, Mick Barry.

25. In page 8, line 23, to delete “the housing market” and substitute “public and affordable housing”.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith, Mick Barry.

26. In page 8, line 24, after “for” to insert “public and affordable”.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith, Mick Barry.

27. In page 8, line 24, to delete “that market is experiencing” and substitute “there is”.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith, Mick Barry.

28. In page 8, line 25, after “systemic” to insert “public and affordable”.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith, Mick Barry.

29. In page 8, line 26, after “for” to insert “public and affordable”.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith, Mick Barry.

30. In page 8, between lines 27 and 28, to insert the following:

“(i) to support balanced regional and rural housing development to ensure rural and urban housing is prioritised simultaneously,”.

—Richard O'Donoghue, Michael Collins, Danny Healy-Rae, Michael Healy-Rae,
Mattie McGrath, Carol Nolan.

31. In page 8, line 28, after “in” to insert “public and affordable”.
—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith, Mick Barry.
32. In page 8, line 31, after “of” to insert “public and affordable”.
—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith, Mick Barry.
33. In page 8, line 33, after “of” to insert “public and affordable”.
—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith, Mick Barry.
34. In page 8, to delete lines 34 and 35.
—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith, Mick Barry.
35. In page 8, line 36, after “of” where it secondly occurs to insert “public and affordable”.
—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith, Mick Barry.
36. In page 8, line 38, after “of” to insert “public and affordable”.
—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith, Mick Barry.
37. In page 9, line 1, to delete “achieve socially integrated housing” and substitute “make public housing available to people on a broad range of incomes”.
—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith, Mick Barry.
38. In page 9, between lines 1 and 2, to insert the following:
“(o) to ensure rural communities are not excluded from any increased supply of housing, particularly affordable and social housing, which could lead to, *inter alia*, rural depopulation, a lack of social housing investment and other associated infrastructural provisions and investments,”.
—Richard O'Donoghue, Michael Collins, Danny Healy-Rae, Michael Healy-Rae, Mattie McGrath, Carol Nolan.
39. In page 9, lines 4 and 5, to delete “and collaborative structures between public and private bodies”.
—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith, Mick Barry.
40. In page 9, line 10, after “single” to insert “publicly owned and controlled”.
—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith, Mick Barry.
41. In page 9, line 14, after “land,” to insert “and relevant private land”.
—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith, Mick Barry.
42. In page 9, to delete lines 15 to 17.
—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith, Mick Barry.

43. In page 9, between lines 20 and 21, to insert the following:

“State aid

3. (1) Functions conferred on the Minister or the Agency under this Act shall be performed by the Minister and, as the case may be, the Agency in compliance with—

- (a) an enactment or rule of law,
- (b) a provision of the treaties governing the European Union, or
- (c) an act adopted by an institution of the European Union, an institution of the European Communities or any other body competent under those treaties,

relating to State aid.

(2) In *subsection (1)*—

“enactment” means—

- (a) an Act of the Oireachtas,
- (b) a statute that was in force in Saorstát Éireann immediately before the date of coming into operation of the Constitution and that continued in force by virtue of Article 50 of the Constitution, or
- (c) an instrument made under an Act of the Oireachtas or a statute referred to in *paragraph (b)*;

“European Communities” has the same meaning as it has in the Act of 1972;

“European Union” has the same meaning as it has in the Act of 1972;

“treaties governing the European Union” has the same meaning as it has in the Act of 1972.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

44. In page 9, between lines 22 and 23, to insert the following:

“ “Act of 1972” means the European Communities Act 1972;”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

45. In page 9, between lines 24 and 25, to insert the following:

“ “affordable housing” means housing that is sold or let by a local authority/AHB, and can only be sold back to the local authority;”.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith, Mick Barry.

46. In page 9, between lines 32 and 33, to insert the following:

“ “cost rental dwellings” means dwellings, the rent for which is to be calculated so that it covers only the cost of building (not including the cost of site provision but including the cost of any loans), managing and maintaining the dwellings;”.

—Duncan Smith.

47. In page 10, between lines 3 and 4, to insert the following:

“ “local area plan” has the same meaning as it has in the Act of 2000;”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

48. In page 10, between lines 12 and 13, to insert the following:

“ “regional spatial and economic strategy” has the same meaning as it has in the Act of 2000;”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

49. In page 10, between lines 12 and 13, to insert the following:

“ “public housing” means housing that is owned and operated by Local Authorities and/or Approved Housing Bodies and is let in line with the differential rent scheme and each Local Authority’s Allocation Scheme;”.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith, Mick Barry.

50. In page 10, between lines 14 and 15, to insert the following:

“ “relevant private land” means land that is owned privately but has lain unused for more than three years, or has building(s) that are unused for more than three years on it;”.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith, Mick Barry.

51. In page 10, between lines 29 and 30, to insert the following:

“(3) Notwithstanding *subsection (1)*, the following shall not be relevant public land for the purposes of this Act:

- (a) any land that is being managed, maintained or developed as a nature reserve or a national park by the National Parks and Wildlife Service of the Department of Housing, Heritage and Local Government;
- (b) any land that is being managed, maintained or developed as a heritage site by the Commissioners of Public Works in Ireland; and
- (c) the Phoenix Park, Dublin.”.

—Duncan Smith.

52. In page 11, lines 16 and 17, to delete “Minister for Public Expenditure and Reform” and substitute “Houses of the Oireachtas”.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith, Mick Barry.

53. In page 11, between lines 19 and 20, to insert the following:

“(2) The Minister, in giving a direction under *subsection (1)* shall, where the direction relates to a matter in the National Planning Framework, a regional spatial and economic strategy, a development plan or a local area plan, have regard, as the case may be, to the National Planning Framework, regional spatial and economic strategy, development plan or local area plan.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

54. In page 11, lines 20 and 21, to delete “Minister for Public Expenditure and Reform” and substitute “Houses of the Oireachtas”.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith, Mick Barry.

55. In page 11, between lines 24 and 25, to insert the following:

“(4) The Agency and a subsidiary DAC shall comply with all provisions of any relevant City or County Development Plans, a Local Area Plan or any other such plans.”.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith, Mick Barry.

56. In page 11, line 26, to delete “The Minister” and substitute “Either House of the Oireachtas or any Committee of the Oireachtas”.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith, Mick Barry.

57. In page 11, line 28, to delete “31 March 2024, and every 5 years” and substitute “31 March 2022, and every year”.

—Richard O'Donoghue, Michael Collins, Danny Healy-Rae, Michael Healy-Rae,
Mattie McGrath, Carol Nolan.

58. In page 12, line 2, to delete “within 30 days of its receipt by him or her” and substitute “for consideration and debate prior to issuing the direction under *subsection (4)*”.

—Richard O'Donoghue, Michael Collins, Danny Healy-Rae, Michael Healy-Rae,
Mattie McGrath, Carol Nolan.

59. In page 12, between lines 5 and 6, to insert the following:

“(7) The Minister shall be required to directly answer Parliamentary Questions relating to the activities of the Agency or any subsidiary DAC within the normal time frame required by Standing Orders of Dáil Eireann.”.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith, Mick Barry.

60. In page 13, to delete lines 5 and 6 and substitute “cause a public agency to be known as the Active Land Assembly and Management Agency to be formed.”.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith, Mick Barry.

61. In page 13, to delete lines 7 to 19.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith, Mick Barry.

62. In page 13, line 22, after “land” where it firstly occurs to insert “and private land, and to acquire private land where necessary”.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith, Mick Barry.

63. In page 13, line 25, after “public” to insert “and private”.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith, Mick Barry.

64. In page 13, line 27, after “of” to insert “public and affordable”.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith, Mick Barry.

65. In page 13, to delete lines 34 to 36 and substitute the following:

“(d) to ensure, or assist in, the timely provision of publicly owned infrastructure to service housing or sites being developed for housing on relevant public land and other land;”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

66. In page 14, to delete lines 15 to 17 and substitute the following:

“(g) to take measures to promote the sustainable development of communities and housing, including climate adaptive, low-carbon and affordable housing, that are well served by schools, infrastructure that promotes and facilitates cycling or walking, public transport and public amenities;”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

67. In page 14, line 25, after “Framework” to insert the following:

“and rural and regional development to ensure no discrimination on equality of access to housing for all citizens of the State, irrespective of where you live”.

—Richard O'Donoghue, Michael Collins, Danny Healy-Rae, Michael Healy-Rae,
Mattie McGrath, Carol Nolan.

68. In page 15, between lines 5 and 6, to insert the following:

“(p) following consultation with members of the Traveller community, to develop, or facilitate the development of, local authority sites for the housing of Travellers in a manner that is culturally appropriate and that complies with the Traveller accommodation strategy prepared by the local authority concerned.”.

—Duncan Smith.

69. In page 15, between lines 16 and 17, to insert the following:

“(5) The Agency shall confirm that all possible areas of burial sites of Mother and Baby Homes are identified and protected from future developments.”.

—Thomas Pringle.

70. In page 15, between lines 16 and 17, to insert the following:

“(5) The Agency shall not permit private investment funds to purchase land, developments or housing for private profit.”.

—Thomas Pringle.

71. In page 15, between lines 16 and 17, to insert the following:

“Limitation on performance of functions of Agency

14. The Agency shall not perform any functions or provide any services for the purpose of or in connection with the development of—

(a) shared accommodation, within the meaning of section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016,

- (b) student accommodation, or
- (c) dwellings for rent at the prevailing market rent.”.

—Duncan Smith.

72. In page 15, to delete line 20 and substitute the following:

- “(a) large scale, multi tenure or mixed-use development sites that may include sites that are fully or partially intended to secure the implementation of all or part of an accommodation programme, within the meaning of the Housing (Traveller Accommodation) Act 1998, and”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreacht.

73. In page 15, line 23, to delete “500” and substitute “100”.

—Richard O'Donoghue, Michael Collins, Danny Healy-Rae, Michael Healy-Rae,
Mattie McGrath, Carol Nolan.

74. In page 15, line 24, to delete “30,000 persons” and substitute “1,500 persons”.

—Richard O'Donoghue, Michael Collins, Danny Healy-Rae, Michael Healy-Rae,
Mattie McGrath, Carol Nolan.

75. In page 16, line 25, to delete “by the Minister” and substitute “through the Public Appointments Service”.

—Richard O'Donoghue, Michael Collins, Danny Healy-Rae, Michael Healy-Rae,
Mattie McGrath, Carol Nolan.

76. In page 16, to delete lines 27 and 28 and substitute the following:

- “(2) The chairperson of the Board shall be appointed through the Public Appointments Service.”.

—Richard O'Donoghue, Michael Collins, Danny Healy-Rae, Michael Healy-Rae,
Mattie McGrath, Carol Nolan.

77. In page 16, line 30, to delete “quorum of 3” and substitute “quorum of 9”.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith, Mick Barry.

78. In page 16, to delete lines 37 to 41 and substitute the following:

- “(1) The Minister shall, in appointing the directors of the Board, ensure that—
 - (a) among those directors there are persons who in the opinion of the Minister have satisfactory experience, competence or qualifications in relation to construction, delivery of housing, which may include delivery of social and affordable housing, finance, and corporate governance,
 - (b) among those directors there is at least one person who is a director or employee of a registered charity engaged in the delivery of social and affordable housing, and
 - (c) one person appointed as a director is a nominee of the General Council of County

Councils and the Association of Municipal Authorities of Ireland, acting jointly.”.

—Duncan Smith.

79. In page 16, to delete lines 40 and 41 and substitute “public and genuinely affordable housing.”.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith, Mick Barry.

80. In page 22, line 17, after “decision” to insert “, either directly or indirectly in any way,”.

—Richard O'Donoghue, Michael Collins, Danny Healy-Rae, Michael Healy-Rae,
Mattie McGrath, Carol Nolan.

81. In page 22, line 19, to delete “not”.

—Richard O'Donoghue, Michael Collins, Danny Healy-Rae, Michael Healy-Rae,
Mattie McGrath, Carol Nolan.

82. In page 24, to delete lines 22 to 30.

—Duncan Smith.

83. In page 31, between lines 2 and 3, to insert the following:

“(3) The particular covenant agreed between DLR County Council and the dissolved agency that commits to the preservation of Shanganagh Castle Site in public ownership and for that site to be developed for 100 per cent public and affordable housing shall be honoured by the new agency.”.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith, Mick Barry.

84. In page 35, line 12, after “Agency” to insert “or a subsidiary DAC”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

85. In page 35, line 20, after “Agency” to insert “or a subsidiary DAC”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

86. In page 35, line 26, after “Agency” to insert “or a subsidiary DAC”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

87. In page 36, line 7, to delete “that it owns” and substitute “owned by it or a subsidiary DAC”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

88. In page 37, to delete lines 4 and 5 and substitute the following:

“**51.** (1) The Agency shall prepare and furnish a report to each House of the Oireachtas on relevant public land and land owned by the Agency or a subsidiary DAC.”.

—Duncan Smith.

89. In page 37, line 13, after “plan” to insert “and local area plan in force”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

90. In page 37, line 23, to delete “place.” and substitute the following:

“place;

“(f) any housing strategy for the area where the land is situated.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

91. In page 38, to delete lines 27 to 38, and in page 39, to delete lines 1 to 31 and substitute the following:

“Provision for determination of value of relevant public land

54. (1) A relevant public body notified of a decision of the Agency under *section 51(3)* to acquire its land, or a direction of the Government under *section 52(2)* to acquire its land, shall be entitled to receive a price that ensures that the acquisition is on a cost neutral basis for the relevant public body.

(2) In default of agreement the price of the relevant public land shall be determined in accordance with matters prescribed under *subsection (3)*.

(3) The Minister shall prescribe the manner in which the price of relevant public land shall be determined in default of agreement.

(4) Matters to be prescribed by the Minister under *subsection (3)* shall include—

(a) procedures for nomination of a person to determine the price of the land,

(b) the relevant experience, qualifications, training or expertise required to be held by a person nominated in accordance with procedures prescribed under *paragraph (b)*,

(c) procedures and time limits to apply, including in relation to examination of information, hearing or examination of evidence, requests for further information or the giving of the notice of the determination,

(d) fees and costs to be paid, and to and by whom, in respect of the determination,

(e) any other matter the Minister considers necessary or appropriate to include in the regulations for the purpose of determining the price of the land.

(5) *Sections 66* and *67* shall apply to land proposed to be acquired by the Agency under this Part as they apply to land proposed to be purchased compulsorily under *Part 8* subject to the following and any other necessary modifications:

(a) a reference in *sections 66* and *67* to land shall be read as a reference to relevant public land;

(b) a reference in *section 66(1)* to an acquisition order shall be read as a reference to a decision under *section 51(3)* or a direction under *section 52(2)* to acquire relevant public land.”.

—Duncan Smith.

92. In page 38, lines 32 and 33, to delete “equal to the market value” and substitute “equivalent to the value of the land in its current form or the existing use value”.

—Cian O’Callaghan.

93. In page 38, line 37, to delete “market” and substitute “current or existing use”.

—Cian O’Callaghan.

94. In page 39, line 6, to delete “market”.

—Cian O’Callaghan.

95. In page 39, line 9, to delete “market” and substitute “current or existing use”.

—Cian O’Callaghan.

96. In page 39, line 20, to delete “market”.

—Cian O’Callaghan.

97. In page 39, line 29, to delete “market” and substitute “current or existing use”.

—Cian O’Callaghan.

98. In page 40, line 8, to delete “market” and substitute “current or existing use”.

—Cian O’Callaghan.

99. In page 40, to delete lines 22 to 42, and in page 41, to delete lines 1 to 12.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Brid Smith, Mick Barry.

100. In page 40, to delete lines 23 to 25 and substitute the following:

“56. (1) Subject to *subsection (6)*, the Agency may, with the prior approval of both Houses of the Oireachtas, dispose of land owned by the Agency.”.

—Duncan Smith.

101. In page 41, to delete lines 13 to 16.

—Duncan Smith, Richard Boyd Barrett, Gino Kenny, Paul Murphy, Brid Smith, Mick Barry.

102. In page 41, to delete lines 14 to 16 and substitute the following:

“57. (1) Section 211(2) of the Act of 2000 and section 183 of the Local Government Act 2001 shall not apply to the disposal by a local authority to the Agency under this Part of relevant public land owned by the local authority which land—

(a) is situated—

(i) in the local authority area in respect of which a development plan is in force,
or

(ii) in the functional area, within the meaning of the Act of 2000, of, or any particular area within the functional area of, a planning authority in respect of which a local area plan is in force,

and

- (b) is zoned for solely residential use or a mixture of residential and other uses in, as the case may be, the development plan or local area plan.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreacht.

103.In page 41, to delete lines 17 to 27.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith, Mick Barry.

104.In page 47, between lines 7 and 8, to insert the following:

“ “cost rental dwelling” has the meaning assigned to it by Part 3 of the Affordable Housing Act 2021;”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreacht.

105.In page 47, line 8, to delete “2009.” and substitute the following:

“2009;

“ “specified percentage” has the meaning assigned to it by *section 74(11)**.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreacht.

*[*This is a reference to the section inserted by amendment no. 120.]*

106.In page 47, line 12, to delete “10 or more dwellings” and substitute “5 or more dwellings”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreacht.

107.In page 47, line 19, after “Minister,” to insert “following approval of both Houses of the Oireachtas,”.

—Richard O'Donoghue, Michael Collins, Danny Healy-Rae, Michael Healy-Rae,
Mattie McGrath, Carol Nolan.

108.In page 47, to delete line 37, and in page 48, to delete lines 1 to 13 and substitute the following:

“(4) An agreement under this section shall provide for the specified percentage, or such other percentage as the Minister may prescribe under *section 76*, of the dwellings to be built on the land which is subject to the application for permission, of such description as may be specified in the agreement, to be built and—

(a) designated and leased as cost rental dwellings, or

(b) transferred on completion—

(i) to the ownership of the planning authority, or

(ii) to the ownership of eligible applicants nominated by the housing authority in accordance with a direct sales agreement within the meaning of the Affordable Housing Act 2021.

(5) Where dwellings are to be transferred to the planning authority in accordance with an agreement under this section, the price of such dwellings shall be determined on the basis of—

(a) the site cost of the dwelling (calculated in accordance with *section 54*), and

- (b) the costs, including normal construction costs and profit on those costs and development costs, calculated at open market rates that would have been incurred by the planning authority had it retained an independent builder to undertake the works, including the appropriate share of any common development works, as agreed between the authority and the developer.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreacht.

109. In page 47, to delete line 37, and in page 48, to delete lines 1 to 13 and substitute the following:

“(4) An agreement under this section shall provide for—

- (a) the building and transfer, on completion, to the ownership of the planning authority, or to the ownership of persons nominated by the authority, of the dwellings to be built on the land which is subject to the application for permission of such description as may be specified in the agreement and at a price in accordance with *section 76*, all of which shall be dwellings to which either *subparagraph (i), (ii) or (iii)* applies and—

- (i) not less than 20 per cent and not more than 40 per cent of which shall be housing for the purposes of the provision of social housing support within the meaning of the Housing (Miscellaneous Provisions) Act 2009,

- (ii) not less than 20 per cent and not more than 40 per cent of which shall be housing for eligible households (within the meaning of section 78 of the Housing (Miscellaneous Provisions) Act 2009, and

- (iii) not less than 20 per cent and not more than 40 per cent of which shall be cost rental dwellings,

or

- (b) the building and provision of the dwellings to be built on the land which is subject to the application for permission, of such description as may be specified in the agreement, for rent or sale at a price in accordance with *section 76*, all of which shall be dwellings to which either *subparagraph (i), (ii) or (iii)* applies and—

- (i) not less than 20 per cent and not more than 40 per cent of which shall be housing for the purposes of the provision of social housing support within the meaning of the Housing (Miscellaneous Provisions) Act 2009,

- (ii) not less than 20 per cent and not more than 40 per cent of which shall be housing for eligible households (within the meaning of section 78 of the Housing (Miscellaneous Provisions) Act 2009, and

- (iii) not less than 20 per cent and not more than 40 per cent of which shall be cost rental dwellings.”.

—Duncan Smith.

110. In page 47, to delete line 37, and in page 48, to delete lines 1 to 13 and substitute the following:

“(4) An agreement under this section shall provide for the building and transfer on

completion, to the ownership of the planning authority, or to the ownership of persons nominated by the authority for the provision of public and affordable housing.”.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith, Mick Barry.

111. In page 48, line 3, after “dwellings” where it firstly occurs to insert “, social housing”.

—Cian O’Callaghan.

112. In page 48, lines 3 and 4, to delete “or to a combination of both, of dwellings comprising 50 per cent” and substitute “or a combination of all three, of dwellings comprising 100 per cent”.

—Cian O’Callaghan.

113. In page 48, line 4, to delete “50 per cent” and substitute “100 per cent”.

—Richard O’Donoghue, Michael Collins, Danny Healy-Rae, Michael Healy-Rae,
Mattie McGrath, Carol Nolan, Richard Boyd Barrett, Gino Kenny, Paul Murphy,
Bríd Smith, Mick Barry.

114. In page 48, line 8, to delete “dwellings comprising 50 per cent” and substitute “100 per cent of dwellings”.

—Cian O’Callaghan.

115. In page 48, line 8, to delete “50 per cent” and substitute “100 per cent”.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith, Mick Barry.

116. In page 48, line 12, after “for” to insert “social housing,”.

—Cian O’Callaghan.

117. In page 48, line 28, to delete “undue”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreacht.

118. In page 48, line 33, to delete “provided” and substitute “designated as cost rental dwellings”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreacht.

119. In page 48, to delete lines 37 to 41.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreacht.

120. In page 49, between lines 3 and 4, to insert the following:

“(11) In this section, “specified percentage”—

(a) in relation to housing to be built on land located in the area of a town (including all the environs of the town for the purpose of the census of the population concerned) the population of which, when rounded to the nearest 500 as shown on the latest census report of the Central Statistics Office, is equal or greater to 150,000, means 80 per cent,

(b) in relation to housing to be built on any other land, means 50 per cent.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreacht.

121. In page 49, lines 11 and 12, to delete “the agreement is not entered into before the expiration of eight weeks from the date of the grant of permission” and substitute “parties are unable to reach an agreement”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreacht.

122. In page 49, lines 17 and 18, to delete “that specified in *section 74(4)*” and substitute “the specified percentage, up to a maximum of 80 per cent”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreacht.

123. In page 49, line 20, after “areas” to insert “following approval of any alterations by both Houses of the Oireachtas”.

—Richard O'Donoghue, Michael Collins, Danny Healy-Rae, Michael Healy-Rae,
Mattie McGrath, Carol Nolan.

124. In page 49, lines 22 and 23, to delete “cost rental dwellings and dwellings for sale” and substitute “dwellings for sale, cost rental and social housing”.

—Cian O'Callaghan.

125. In page 49, line 29, to delete “undue”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreacht.

126. In page 49, line 33, after “for” to insert “social housing”.

—Cian O'Callaghan.

127. In page 49, lines 33 and 34, to delete “cost rental dwellings at a rent below the prevailing market rent and dwellings for sale at a price below the prevailing market price” and substitute “dwellings for sale or rent under Parts 2 or 3 of the Affordable Housing Act 2021”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreacht.

128. In page 49, line 35, to delete “housing.” and substitute the following:

“housing;

“(h) the cost of site development.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreacht.

129. In page 50, to delete lines 1 to 34.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreacht.

130. In page 50, lines 3 and 4, to delete “shall be a price below the prevailing market price or a rent below the prevailing market rent” and substitute the following:

“shall be a price that ensures the tenant or owner is not paying more than 25 per cent of their earnings on either mortgage or rent”.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith, Mick Barry.

131. In page 50, to delete lines 5 to 32.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith, Mick Barry.

132. In page 50, lines 7 and 8, to delete line 7 down to and including “areas” in line 8.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith, Mick Barry.

133. In page 50, line 8, after “areas.” to insert “The price to be paid will be linked to income and set at an affordable rate.”.

—Cian O’Callaghan.

134. In page 50, between lines 23 and 24, to insert the following:

“(g) the median income as defined by the Central Statistics Office, the tenants and purchasers income and ability to pay and the gap between incomes and the cost of housing.”.

—Cian O’Callaghan.

135. In page 50, between lines 36 and 37, to insert the following:

“Limitation on resale or sub-letting

78. (1) A dwelling sold pursuant to an agreement under *section 73* may subsequently only be sold to an individual, for use as his or her principal private residence.

(2) A dwelling leased pursuant to an agreement under *section 73* may not be sub-let.”.

—Duncan Smith.

136. In page 51, to delete lines 1 to 8 and substitute the following:

“(a) in section 96—

(i) in subsection (1) by the insertion of “and, where applicable, *Part 9* of the *Land Development Agency Act 2021*” after “in addition to the provisions of section 34”, and

(ii) by the insertion of the following subsection after subsection (10):

“(10A) A dwelling that is the subject of an agreement referred to in *section 74* of the *Land Development Agency Act 2021* shall not be reckoned in determining whether or not the condition imposed by this section has been complied with.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreacht.

137. In page 52, between lines 6 and 7, to insert the following:

“(5) Any existing or future subsidiary established by the Agency shall be covered by the Act of 2014 from the date of establishment.”.

—Richard O’Donoghue, Michael Collins, Danny Healy-Rae, Michael Healy-Rae, Mattie McGrath, Carol Nolan.

138. In page 52, after line 9, to insert the following:

“Assessment of eligibility of household for affordable dwelling purchase arrangement

81. Section 84 of the Housing (Miscellaneous Provisions) Act 2009 is amended, in subsection (2)(b), by the substitution of “net of income tax, universal social charge and pay related social insurance” for “net of income tax and pay related social insurance”.”.

—Duncan Smith.