



SEANAD ÉIREANN

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

LAND DEVELOPMENT AGENCY BILL 2021

**LEASUITHE COISTE
COMMITTEE AMENDMENTS**

SEANAD ÉIREANN

AN BILLE FÁN nGNÍOMHAIREACHT UM FHORBAIRT TALÚN, 2021 —AN COISTE

LAND DEVELOPMENT AGENCY BILL 2021 —COMMITTEE STAGE

Leasuithe Amendments

**Government amendments are denoted by an asterisk*

SECTION 1

1. In page 8, line 8, after “provisions” to insert the following:

“, which days shall not be before the publication of the final report of the Commission of Investigation into the National Asset Management Agency”.

—*Senator Alice-Mary Higgins.*

SECTION 2

2. In page 8, line 11, after “of” to insert “public”.

—*Senator Alice-Mary Higgins.*

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

—*Senator Alice-Mary Higgins.*

4. In page 8, line 12, to delete “in particular”.

—*Senator Alice-Mary Higgins.*

5. In page 8, line 12, after “particular” to insert “public”.

—*Senator Alice-Mary Higgins.*

6. In page 8, between lines 12 and 13, to insert the following:

“(b) to provide land for the provision of Traveller specific accommodation,”.

—*Senators Fintan Warfield, Lynn Boylan, Paul Gavan, Niall Ó Donnghaile.*

7. In page 8, between lines 12 and 13, to insert the following:

“(b) to provide land for the provision of accommodation for those in the asylum application process,”.

—*Senators Fintan Warfield, Lynn Boylan, Paul Gavan, Niall Ó Donnghaile.*

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

—*Senator Alice-Mary Higgins.*

[SECTION 2]

9. In page 8, to delete lines 15 and 16 and substitute the following:

“(c) to ensure the delivery of vibrant and sustainable mixed income communities,”.

—*Senators Fintan Warfield, Lynn Boylan, Paul Gavan, Niall Ó Donnghaile.*

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

—*Senator Alice-Mary Higgins.*

11. In page 8, line 17, after “new” to insert “, existing”.

—*Senator Alice-Mary Higgins.*

12. In page 8, line 21, before “housing,” to insert “public”.

—*Senator Alice-Mary Higgins.*

13. In page 8, line 24, after “deficiencies” to insert “and speculation”.

—*Senator Alice-Mary Higgins.*

14. In page 8, line 25, after “experiencing” to insert “or exploiting”.

—*Senator Alice-Mary Higgins.*

15. In page 8, line 30, after “practice” to insert “, universal design”.

—*Senator Alice-Mary Higgins.*

16. In page 9, line 2, to delete “socially integrated housing” and substitute “vibrant, sustainable, mixed income communities”.

—*Senators Fintan Warfield, Lynn Boylan, Paul Gavan, Niall Ó Donnghaile.*

17. In page 9, to delete lines 5 to 8.

—*Senators Fintan Warfield, Lynn Boylan, Paul Gavan, Niall Ó Donnghaile.*

18. In page 9, line 16, after “Act” to insert “only in so far as is necessary for the provision of social, affordable and cost rental housing and”.

—*Senator Alice-Mary Higgins.*

19. In page 9, to delete line 18 and substitute the following:

“so far as is necessary for the provision of social, affordable and cost rental housing and to achieve the purposes specified in this section, and”.

—*Senators Victor Boyhan, Gerard P. Craughwell.*

SECTION 4

20. In page 10, between lines 16 and 17, 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;”.

—*Senators Ivana Bacik, Annie Hoey, Rebecca Moynihan, Marie Sherlock, Mark Wall.*

[SECTION 5]

SECTION 5

21. In page 11, between lines 19 and 20, 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.”.

—*Senators Ivana Bacik, Annie Hoey, Rebecca Moynihan, Marie Sherlock, Mark Wall, Alice-Mary Higgins.*

SECTION 8

22. In page 12, line 2, after “may,” to insert “following consultation with the relevant Oireachtas Committee and”.

—*Senator Alice-Mary Higgins.*

23. In page 12, between lines 15 and 16, to insert the following:

“(5) The Minister, in giving a direction under *subsection (1)*, shall publish the contents of such a direction in, *Iris Oifigiúil*, being the official Irish State gazette, at least one national newspaper and the Agency shall publish on its website the same contents, where a copy of the direction may be seen at all reasonable times.”.

—*Senators Victor Boyhan, Gerard P. Craughwell.*

24. In page 12, between lines 15 and 16, to insert the following:

“(5) The content of any direction under this section shall be published in *Iris Oifigiúil*; in at least one national newspaper; and on the websites of the Minister and of the Land Development Agency.”.

—*Senator Alice-Mary Higgins.*

25. In page 12, between lines 15 and 16, to insert the following:

“(5) Any direction under this section shall have regard to any City or County Development Plan, Local Area Plan, or any other statutory plan made by a local authority.”.

—*Senator Alice-Mary Higgins.*

SECTION 9

26. In page 12, to delete lines 19 to 21 and substitute the following:

“(2) The Agency shall furnish an annual report to the Minister and the relevant Oireachtas Committee regarding progress towards achieving the purposes of this Act.”.

—*Senators Fintan Warfield, Lynn Boylan, Paul Gavan, Niall Ó Donnghaile.*

[SECTION 9]

27. In page 12, to delete lines 19 to 21 and substitute the following:

“(2) Not later than 31 October 2022 and every year thereafter, the Agency shall furnish a report to the Minister, to be laid before both Houses of the Oireachtas, regarding progress made by the Agency and subsidiary DACs towards achieving the purposes of this Act, which shall include but not be limited to:

- (a) a breakdown of social dwellings delivered in each local authority area;
- (b) a breakdown of cost rental dwellings delivered in each local authority area;
- (c) a breakdown of affordable dwellings delivered in each local authority area; and
- (d) the average cost of an affordable dwelling in each local authority area.”.

—*Senator Alice-Mary Higgins.*

28. In page 12, line 19, to delete “5 years” and substitute “2 years”.

—*Senator Alice-Mary Higgins.*

29. In page 12, between lines 34 and 35, to insert the following:

“(7) The Minister shall make public an annual count of houses built by the Land Development Agency with a breakdown of the number of social and affordable houses published by Local Authority.”.

—*Senator Alice-Mary Higgins.*

SECTION 14

30. In page 14, line 19, to delete “facilitate the provision of housing for the public good” and substitute “deliver social and affordable housing”.

—*Senator Alice-Mary Higgins.*

31. In page 15, between lines 37 and 38, 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.”.

—*Senators Ivana Bacik, Annie Hoey, Rebecca Moynihan, Marie Sherlock, Mark Wall, Fintan Warfield, Lynn Boylan, Paul Gavan, Niall Ó Donnghaile, Alice-Mary Higgins.*

32. In page 16, between lines 4 and 5, to insert the following:

“(4) In carrying out its functions, the Agency and any subsidiary DAC performing a function of the Agency, shall be subject to the City or County Development Plan, the Local Area Plan and any other statutory plans or bye-laws made by the local authority in relation to any land which it proposes to develop and including the making of a masterplan for such land.”.

—*Senator Alice-Mary Higgins.*

[SECTION 14]

SECTION 14

33. In page 16, between lines 9 and 10, to insert the following:

“(5) A masterplan shall have regard to the objectives of the development plan, the local area plan and any other statutory plans or bye-laws in force for the area where the land is situated.”.

—*Senators Victor Boyhan, Gerard P. Craughwell.*

34. In page 16, between lines 9 and 10, to insert the following:

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

—*Senator Alice-Mary Higgins.*

SECTION 15

35. In page 16, between lines 9 and 10, to insert the following:

“Limitation on performance of functions of Agency

15. 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.”.

—*Senators Ivana Bacik, Annie Hoey, Rebecca Moynihan, Marie Sherlock, Mark Wall.*

36. In page 16, line 11, after “authority” to insert “, subject to approval of a majority of the elected members,”.

—*Senators Fintan Warfield, Lynn Boylan, Paul Gavan, Niall Ó Donnghaile.*

37. In page 16, to delete lines 12 to 22 and substitute the following:

“development of sites for housing and urban development that are 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 that are on land owned by the local authority in order to assist the local authority in the performance of its functions.”.

—*Senators Victor Boyhan, Gerard P. Craughwell.*

38. In page 16, between lines 20 and 21, to insert the following:

“(c) consistent with a local development plan for that area.”.

—*Senator Alice-Mary Higgins.*

[SECTION 15]

39. In page 17, line 7, after “of” where it secondly occurs to insert “social and affordable”.

—*Senator Alice-Mary Higgins.*

SECTION 16

40. In page 17, line 21, to delete “by the Minister” and substitute “through the public appointments process”.

—*Senators Fintan Warfield, Lynn Boylan, Paul Gavan, Niall Ó Donnghaile, Alice-Mary Higgins.*

41. In page 17, to delete lines 23 and 24 and substitute the following:

“(2) A chairperson of the Board shall be appointed through the public appointments process.”.

—*Senators Fintan Warfield, Lynn Boylan, Paul Gavan, Niall Ó Donnghaile, Alice-Mary Higgins.*

42. In page 17, to delete lines 33 to 37 and substitute the following:

“(6) 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.”.

—*Senators Ivana Bacik, Annie Hoey, Rebecca Moynihan, Marie Sherlock, Mark Wall.*

43. In page 17, line 36, to delete “may” and substitute “shall”.

—*Senator Alice-Mary Higgins.*

44. In page 17, lines 36 and 37, to delete “, finance, and corporate governance” and substitute the following:

“and may include finance and corporate governance where such a person has no role or interests in a real estate investment trust”.

—*Senator Alice-Mary Higgins.*

45. In page 17, between lines 37 and 38, to insert the following:

“(7) The Minister shall, in appointing members to the Board, ensure that the membership of the Board is reflective of the Agency’s objective of delivering social and affordable housing.”.

—*Senator Alice-Mary Higgins.*

[SECTION 16]

46. In page 17, line 38, to delete “, in so far as is practicable,”.

—*Senator Alice-Mary Higgins.*

47. In page 18, between lines 5 and 6, to insert the following:

“(11) The Minister shall ensure that no member of the Board has conflicting financial interests in relation to the usage of land for social and affordable housing by way of a mandatory self-declaration.”.

—*Senator Alice-Mary Higgins.*

SECTION 18

48. In page 19, line 11, to delete “not”.

—*Senators Fintan Warfield, Lynn Boylan, Paul Gavan, Niall Ó Donnghaile.*

SECTION 23

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

“(4) Each member of the Board, upon appointment and on an annual basis thereafter, must make a written declaration of their assets and interests both within and outside the State.”.

—*Senator Alice-Mary Higgins.*

SECTION 24

50. In page 24, between lines 11 and 12, to insert the following:

“(i) the disclosure is made in response to a request for information from a Committee of the Houses of the Oireachtas.”.

—*Senator Alice-Mary Higgins.*

SECTION 26

51. In page 25, lines 14 to 16, to delete all words from and including the comma after “Reform” in line 14 down to and including “shares” in line 16 and substitute the following:

“must hold in perpetuity, the shares in the Agency and any rights or powers associated with such shares”.

—*Senator Alice-Mary Higgins.*

52. In page 25, between lines 16 and 17, to insert the following:

“(5) Notwithstanding *subsections (1) and (2)*, neither the Minister, the Minister for Public Expenditure and Reform nor the Agency may redeem, purchase, sell, dispose of or otherwise transfer all or any of the shares in the Agency without the prior approval of both Houses of the Oireachtas.

(6) Notwithstanding any provision of the Companies Act, no alteration of the memorandum of association or the articles of association of the Agency or a subsidiary DAC shall be valid or effectual without the prior approval of both Houses of the Oireachtas.”.

—*Senators Victor Boyhan, Gerard P. Craughwell.*

[SECTION 26]

53. In page 25, between lines 16 and 17, to insert the following:

“(5) The Minister, and the Minister for Public Expenditure and Reform, shall not dispose of any shares in the Agency.”.

—*Senator Alice-Mary Higgins.*

SECTION 27

Section opposed.

—*Senators Ivana Bacik, Annie Hoey, Rebecca Moynihan, Marie Sherlock, Mark Wall.*

SECTION 28

54. In page 25, to delete lines 33 to 36.

—*Senator Alice-Mary Higgins.*

55. In page 25, line 36, after “fit” to insert “, subject to the agreement of the Minister”.

—*Senator Alice-Mary Higgins.*

SECTION 33

Section opposed.

—*Senators Fintan Warfield, Lynn Boylan, Paul Gavan, Niall Ó Donnghaile.*

SECTION 34

Section opposed.

—*Senators Fintan Warfield, Lynn Boylan, Paul Gavan, Niall Ó Donnghaile.*

SECTION 48

56. In page 35, between lines 37 and 38, to insert the following:

“(3) The Minister shall, as soon as may be after receiving a report under *subsection (1)*, cause a copy of it to be laid before the Cathaoirleach of each local authority and the Cathaoirleach shall cause the report to be made available to each member of the authority.”.

—*Senators Victor Boyhan, Gerard P. Craughwell.*

SECTION 50

57. In page 36, line 11, after “a” to insert “public”.

—*Senators Fintan Warfield, Lynn Boylan, Paul Gavan, Niall Ó Donnghaile.*

SECTION 52

58. In page 38, to delete lines 4 and 5 and substitute the following:

“52. (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.”.

—*Senators Ivana Bacik, Annie Hoey, Rebecca Moynihan, Marie Sherlock, Mark Wall.*

59. In page 38, between lines 5 and 6, to insert the following:

“(2) The Agency shall furnish the report specified in *subsection (1)* to the Cathaoirleach of each local authority and the Cathaoirleach shall cause the report to be made available

[SECTION 52]

to each member of the authority.”.

—*Senator Alice-Mary Higgins.*

60. In page 38, line 13, after “plan” where it secondly occurs to insert “, as well as any statutory plan, policy or bye-laws made by the local authority”.

—*Senators Victor Boyhan, Gerard P. Craughwell.*

61. In page 38, to delete line 25 and substitute the following:

- “(f) any housing strategy for the area where the land is situated;
(g) the Housing Need and Demand Assessment in force for the area where the land is situated.”.

—*Senators Victor Boyhan, Gerard P. Craughwell.*

62. In page 39, line 3, after “Oireachtas” to insert “and the relevant Oireachtas Committee”.

—*Senators Fintan Warfield, Lynn Boylan, Paul Gavan, Niall Ó Donnghaile.*

SECTION 54

63. In page 39, between lines 29 and 30, to insert the following:

- “(4) The Agency shall not acquire land from a local authority unless a Local Area and Development Plan has been published in respect of that land.”.

—*Senator Alice-Mary Higgins.*

SECTION 55

64. In page 39, between lines 29 and 30, to insert the following:

“Provision for determination of value of relevant public land

55. (1) A relevant public body notified of a decision of the Agency under *section 53(3)* to acquire its land, or a direction of the Government under *section 54(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,

[SECTION 55]

- (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) *Section 67* shall apply to land proposed to be acquired by the Agency under this Part as it applies to land proposed to be purchased compulsorily under *Part 8* subject to the following and any other necessary modifications:
- (a) a reference in *section 67* to land shall be read as a reference to relevant public land;
 - (b) a reference in *section 68(1)* to an acquisition order shall be read as a reference to a decision under *section 53(3)* or a direction under *section 54(2)* to acquire relevant public land.”.

—*Senators Ivana Bacik, Annie Hoey, Rebecca Moynihan, Marie Sherlock, Mark Wall.*

[Acceptance of this amendment involves the deletion of section 55 of the Bill.]

65. In page 39, line 35, to delete “market” and substitute “existing use”.

—*Senators Fintan Warfield, Lynn Boylan, Paul Gavan, Niall Ó Donnghaile.*

66. In page 40, line 26, after “shall” to insert “not”.

—*Senators Victor Boyhan, Gerard P. Craughwell.*

SECTION 57

67. In page 41, to delete lines 25 to 27 and substitute the following:

“57. (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.”.

—*Senators Ivana Bacik, Annie Hoey, Rebecca Moynihan, Marie Sherlock, Mark Wall.*

68. In page 41, lines 25 and 26, to delete “consent of the Minister having consulted with the Minister for Public Expenditure and Reform” and substitute “prior approval of both Houses of the Oireachtas”.

—*Senator Alice-Mary Higgins.*

69. In page 41, between lines 27 and 28, to insert the following:

- “(a) in the case of land acquired originally from a local authority, the Agency shall not dispose of relevant public land unless the Agency has offered the land for sale to the local authority within the period of 12 months immediately prior to the disposal, and
- (b) such an offer shall be for purchase at the prevailing market price or the price paid to the local authority at original acquisition, whichever is the lower.”.

—*Senators Victor Boyhan, Gerard P. Craughwell.*

[SECTION 57]

70. In page 41, lines 33 and 34, to delete “consent of the Minister having consulted with the Minister for Public Expenditure and Reform” and substitute “prior approval of both Houses of the Oireachtas”.

—*Senator Alice-Mary Higgins.*

71. In page 42, between lines 16 and 17, to insert the following:

“(8) In the case of land that has been acquired originally from a local authority, the land shall be offered for purchase to the local authority at the prevailing market price or the price paid to the local authority at original acquisition, whichever is the lower.”.

—*Senator Alice-Mary Higgins.*

SECTION 58

Section opposed.

—*Senators Ivana Bacik, Annie Hoey, Rebecca Moynihan, Marie Sherlock, Mark Wall, Victor Boyhan, Gerard P. Craughwell, Fintan Warfield, Lynn Boylan, Paul Gavan, Niall Ó Donnghaile, Alice-Mary Higgins.*

72. In page 42, line 18, to delete “and section 183 of the Local Government Act 2001”.

—*Senator Barry Ward.*

SECTION 59

73. In page 42, to delete lines 39 and 40.

—*Senator Alice-Mary Higgins.*

SECTION 61

74. In page 43, between lines 17 and 18, to insert the following:

“(a) to provide land to local authorities, approved housing bodies, community housing trusts or other not-for-profit bodies for the provision of social, affordable cost rental and affordable purchase homes,”.

—*Senator Alice-Mary Higgins.*

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

“(2) Notwithstanding *subsection (1)*, the Agency may not compulsorily acquire land owned by a local authority.”.

—*Senators Victor Boyhan, Gerard P. Craughwell.*

76. In page 43, between lines 30 and 31, to insert the following:

“(5) The power referred to in *subsection (1)* shall not apply to land in the ownership of a local authority.”.

—*Senator Alice-Mary Higgins.*

[SECTION 75]

SECTION 75

77. In page 49, to delete lines 7 to 16 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, 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, for rent or sale, 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.”.

—*Senators Ivana Bacik, Annie Hoey, Rebecca Moynihan, Marie Sherlock, Mark Wall.*

78. In page 49, lines 7 and 8, to delete “An agreement under this section shall provide for the specified percentage, or such other percentage as the Minister may prescribe under *section 77*,” and substitute “An agreement under this section shall provide for 100 per cent”.

—*Senators Fintan Warfield, Lynn Boylan, Paul Gavan, Niall Ó Donnghaile.*

79. In page 49, line 8, to delete “Minister” and substitute “relevant local authority”.

—*Senators Victor Boyhan, Gerard P. Craughwell, Alice-Mary Higgins.*

80. In page 49, line 11, after “dwellings” to insert “by a housing authority or approved housing body”.

—*Senator Alice-Mary Higgins.*

[SECTION 75]

81. In page 50, between lines 4 and 5, to insert the following:

“(9) When there is public land which is made available for the purposes of the development or provision of cost rental dwellings under this section, following the termination of the cost rental period such property will revert to public ownership.”.

—*Senator Alice-Mary Higgins.*

82. In page 50, line 18, to delete “means 80 per cent” and substitute “, shall be 80 per cent, of which a minimum of 50 per cent will be used for social housing”.

—*Senator Alice-Mary Higgins.*

83. In page 50, line 19, to delete “means 50 per cent” and substitute “shall be 50 per cent, of which a minimum of 40 per cent will be used for social housing”.

—*Senator Alice-Mary Higgins.*

SECTION 77

84. In page 50, to delete lines 31 to 39 and substitute the following:

“Local Authority may set percentage

77. (1) The relevant local authority may set a percentage of housing higher or lower than the specified percentage, up to a maximum of 80 per cent, for the purposes of an agreement under *section 75(3)* and may set different percentages in respect of different geographical areas.

(2) For the purposes of setting a percentage in relation to an area under *subsection (1)* the relevant local authority shall have regard to the likely future demand for cost rental dwellings and dwellings for sale in the area and to the following:”.

—*Senators Victor Boyhan, Gerard P. Craughwell.*

85. In page 50, to delete lines 32 to 35 and substitute the following:

“77. (1) The Minister shall provide for 100 per cent public housing and the relevant local authority may set different percentages with respect to cost rental, social housing and affordable taking into account the local housing need and demand assessments.”.

—*Senators Fintan Warfield, Lynn Boylan, Paul Gavan, Niall Ó Donnghaile.*

86. In page 50, line 32, to delete “Minister” and substitute “relevant local authority”.

—*Senator Alice-Mary Higgins.*

87. In page 50, line 33, to delete “or lower than the specified percentage, up to a maximum of 80 per cent,” and substitute “than the specified percentage”.

—*Senator Alice-Mary Higgins.*

88. In page 50, line 37, to delete “Minister” and substitute “relevant local authority”.

—*Senator Alice-Mary Higgins.*

[SECTION 77]

89. In page 50, line 37, after “for” to insert “social housing.”.

—*Senator Alice-Mary Higgins.*

90. In page 51, line 1, after “for” to insert “social and affordable”.

—*Senator Alice-Mary Higgins.*

SECTION 78

91. In page 51, between lines 14 and 15, 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.”.

—*Senators Ivana Bacik, Annie Hoey, Rebecca Moynihan, Marie Sherlock, Mark Wall.*

NEW SECTION

92. In page 52, after line 29, 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”.”.

—*Senators Ivana Bacik, Annie Hoey, Rebecca Moynihan, Marie Sherlock, Mark Wall.*

93. In page 52, after line 29, to insert the following:

“Amendment of Urban Regeneration and Housing Act 2015

81. The Urban Regeneration and Housing Act 2015 is amended—

- (a) in section 5(1), by the substitution of “In this Part, a site is a vacant site if (a) the site has, under its present ownership, been the subject of a grant of permission by the planning authority for the development of three or more houses on the site, and that the development has not yet commenced, or (b)—” for “In this Part, a site is a vacant site if—(a)”, and by the substitution of “and/or” for the final use of the word “and” in paragraph (a),

- (b) in section 5(2), in the definition of “site”, by the substitution of “any area of land exceeding 0.05 hectares or, for the purposes of section 5(1)(a) and/or section 5(1) (b), any area of land exceeding 0.05 hectares identified by a planning authority in its functional area” for “any area of land exceeding 0.05 hectares identified by a planning authority in its functional area”,

- (c) in section 6, by the substitution of the following subsections for subsection (2):

“(2) The owner of a site which has been a vacant site pursuant to section 5(1)(a) for 12 months or more shall apply to a planning authority, in

[NEW SECTION]

such form as may be prescribed by the Minister, to enter on the register a description of the site including a map thereof.

- (3) A person who contravenes subsection (2) shall be guilty of an offence and shall be liable on summary conviction to a class A fine.”,
- (d) in section 7(1), by the substitution of “A planning authority may of its own initiative enter a site on the register pursuant to this Part, but before doing so” for “Before entering a site on the register a planning authority”,
- (e) in section 15(1), by the insertion of “which is situated in an area where there is a need for housing” after “site” where it firstly occurs, and
- (f) by the substitution of the following section for section 26:

“26. (1) An offence under this Act may be prosecuted summarily by the local authority in whose functional area the offence is committed.

(2) No proceedings shall be brought against the owner of a vacant site under this section save where the requirement to apply to the local authority arose from a grant of permission by the planning authority under section 5(1).

(3) Notwithstanding section 10(4) of the Petty Sessions (Ireland) Act 1851, summary proceedings for an offence under this Act may be instituted not later than two years from the date on which the relevant planning authority forms the opinion that there exists sufficient evidence to justify the institution of proceedings for the offence concerned, but in no case shall such proceedings be instituted after 6 years from the date of the alleged commission of the offence.

(4) Where an offence under this Act is committed by a body corporate and is to have been so committed with the consent or connivance of any person, being a director, manager, secretary, or other officer of the body corporate, or a person who was purporting to act in such capacity, that person, as well as the body corporate, shall be guilty of an offence and shall be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

(5) Where a person is convicted of an offence under this Act, the court shall order the person to pay to the relevant local authority the costs and expenses, measured by the court incurred by the relevant local authority in relation to the investigation, detection and prosecution of the offence, unless the court is satisfied that there are special and substantial reasons for not so doing.”.

—*Senator Rónán Mullen.*