



SEANAD ÉIREANN

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

LAND DEVELOPMENT AGENCY BILL 2021

**LEASUITHE TUARASCÁLA
REPORT AMENDMENTS**

SEANAD ÉIREANN

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

LAND DEVELOPMENT AGENCY BILL 2021 —REPORT

Leasuithe Amendments

**Government amendments are denoted by an asterisk*

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

—Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.

2. In page 9, to delete lines 18 to 21 and substitute the following:

“order to achieve the purposes specified in this section,

- (s) to achieve the best possible social and economic return, consistent with the purposes of this Act, from the use of relevant public land under and in accordance with this Act, and
- (t) to continue the essential involvement of members of local authorities in the disposal of relevant public land as outlined in section 183 of the Local Government Act 2001, notwithstanding *section 58*.”

—Senators Victor Boyhan, Gerard P. Craughwell.

3. 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.”

—Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.

4. In page 12, line 19, to delete “5 years” and substitute “3 years”.

—Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.

5. 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 Annie Hoey, Rebecca Moynihan, Marie Sherlock, Mark Wall.*

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

“(5) The Agency shall not make land in its possession available for purchase by real estate investment trusts.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

7. 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 Annie Hoey, Rebecca Moynihan, Marie Sherlock, Mark Wall.*

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

“(c) The Agency may only provide services to a local authority under this section, where that local authority has published a local development plan subsequent to the commencement of this Act or within the 36 months prior to the commencement of this Act.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

9. 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 Annie Hoey, Rebecca Moynihan, Marie Sherlock, Mark Wall.*

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

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

11. 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”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

12. 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.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

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

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

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

“(11) Where at a meeting of the Board, a member of the Board present at the meeting who, otherwise than in his or her capacity as such member, has a material interest in any matter which falls to be considered by the Board, such member shall—

- (a) at the meeting disclose to the Board, the fact of such interest and the nature of such interest,
- (b) neither influence nor seek to influence a decision to be made in relation to the matter,
- (c) absent himself or herself from the meeting or that part of the meeting during which the matter is being discussed,
- (d) take no part in any deliberation of the Board, relating to the matter, and
- (e) not vote on a decision relating to the matter.”.

—*Senators Alice-Mary Higgins, Frances Black, Eileen Flynn.*

15. 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.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

16. In page 25, to delete lines 17 to 25.

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

17. 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 Annie Hoey, Rebecca Moynihan, Marie Sherlock, Mark Wall.*

18. In page 38, between lines 25 and 26, to insert the following:

“(g) any statutory plan, policy or bye-laws made by the local authority in relation to the location in which the land is situated, including, but not limited to, the County or City Development Plan and the Local Area Plan;

(h) the Housing Needs assessment prepared by the relevant local authority.”.

—*Senators Alice-Mary Higgins, Frances Black, Eileen Flynn.*

19. In page 39, to delete lines 30 to 39 and in page 40, to delete lines 1 to 33 and substitute 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,

(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 Annie Hoey, Rebecca Moynihan, Marie Sherlock, Mark Wall.*

20. 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 Annie Hoey, Rebecca Moynihan, Marie Sherlock, Mark Wall.*

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

“(8) In the case of land that had 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.”.

—*Senators Alice-Mary Higgins, Frances Black, Eileen Flynn.*

22. In page 42, to delete lines 17 to 29.

—*Senators Annie Hoey, Rebecca Moynihan, Marie Sherlock, Mark Wall, Victor Boyhan, Gerard P. Craughwell.*

23. In page 42, line 19, to delete “not”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

24. In page 42, between lines 29 and 30, to insert the following:

“(c) is agreed to be appropriate for exemption from *section 211(2)* of the Act of 2000 and *section 183* of the Local Government Act 2001 by a simple majority vote of the members of the local authority.”.

—*Senators Alice-Mary Higgins, Frances Black, Eileen Flynn.*

25. 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,”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

26. 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.”.

—*Senators Alice-Mary Higgins, Frances Black, Eileen Flynn.*

27. 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 Annie Hoey, Rebecca Moynihan, Marie Sherlock, Mark Wall.*

28. 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.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

29. In page 50, line 18, after “per cent” to insert “, of which a minimum of 50 per cent will be used for social housing”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

30. In page 50, line 19, to delete “means 50 per cent” and substitute “shall be at least 50 per cent, of which a minimum of 30 per cent will be used for social housing”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

31. In page 51, between lines 12 and 13, to insert the following:

“**78.** The Land Development 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 any land which it proposes to develop and including the making of a masterplan for such land.”.

—*Senators Alice-Mary Higgins, Frances Black, Eileen Flynn.*

32. 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 Annie Hoey, Rebecca Moynihan, Marie Sherlock, Mark Wall.*

33. 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 Annie Hoey, Rebecca Moynihan, Marie Sherlock, Mark Wall.*