



SEANAD ÉIREANN

**AN BILLE UM THITHÍOCHT INACMHAINNE, 2021
AFFORDABLE HOUSING BILL 2021**

**LEASUITHE A RINNE AN DÁIL
AMENDMENTS MADE BY THE DÁIL**

SEANAD ÉIREANN

AN BILLE UM THITHÍOCHT INACMHAINNE, 2021 [BILLE SEANAID ARNA LEASÚ AG AN DÁIL]

AFFORDABLE HOUSING BILL 2021 [SEANAD BILL AMENDED BY THE DÁIL]

*Leasuithe a rinne an Dáil
Amendments made by the Dáil*

*[The page and line references in this list of amendments
are to the text of the Bill as passed by Seanad Éireann]*

SECTION 6

1. In page 8, lines 13 and 14, “arrangements with co-operatives, community housing trusts and other not for profit bodies” deleted and the following substituted:

“arrangements with a community-led housing organisation, a housing co-operative or a community land trust”.

2. In page 8, between lines 16 and 17, the following inserted:

“(3) The Minister may prescribe minimum requirements in relation to governance, previous experience, financial management and financial reporting to be met by a body or a class of bodies referred to in *subsection (2)(b)* before a housing authority may enter into an arrangement with such a body for the purposes of *subsection (1)*.”.

3. In page 8, line 27, “undue” deleted.

SECTION 26

4. In page 30, lines 1 to 13 deleted.

SECTION 27

5. In page 30, between lines 27 and 28, the following inserted:

“(b) in section 10—

- (i) in paragraph (c), by the substitution of “management and control,” for “management and control, and”,
- (ii) in paragraph (d), by the substitution of “housing authorities, and” for “housing authorities.”, and
- (iii) by the insertion of the following paragraph after paragraph (d):

“(e) cost rental dwellings within the meaning of *Part 3* of the *Affordable Housing Act 2021*.”.

[SECTION 27]

SECTION 32

6. In page 34, lines 16 and 17, all words from and including “the” in line 16 down to and including line 17 deleted and the following substituted:

“the form and content of a cost rental tenancy agreement, including mandatory terms of the agreement, which may include, but shall not be limited to, covenants on the part of the landlord and the tenant, agreements and provisos with regard to the cost rental tenancy, provision for the giving or service of notices, deemed dates of receipt of notices and other incidental and consequential matters.”.

SECTION 34

7. In page 37, line 1, after “date”, “of receipt” inserted.

SECTION 44

8. In page 44, between lines 6 and 7, the following inserted:

“PART 6

AMENDMENTS TO PART V OF ACT OF 2000

Amendment of section 93(1) of Act of 2000

44. Section 93(1) of the Act of 2000 is amended—

- (a) by the insertion of the following definition:

“ ‘cost rental housing’ means housing comprising cost rental dwellings within the meaning of *Part 3* of the *Affordable Housing Act 2021*;”,

and

- (b) by the substitution of the following definition for the definition of ‘market value’:

“ ‘market value’—

- (a) in relation to a house, means the price which the unencumbered fee simple of the house would fetch if sold on the open market, and
- (b) in relation to land in respect of which planning permission is granted, means the price which the unencumbered fee simple of the land would have fetched if it had been sold on the open market on the date of the grant of planning permission;”.

[SECTION 44]

9. In page 44, between lines 6 and 7, the following inserted:

“Amendment of section 94 of Act of 2000

45. Section 94 of the Act of 2000 is amended—

(a) in subsection (4)—

(i) in paragraph (a)—

(I) in subparagraph (i), by the deletion of “and”,

(II) by the substitution of the following subparagraph for subparagraph (ii):

“(ii) housing for eligible applicants within the meaning of *Part 2* of the *Affordable Housing Act 2021*, and”,

and

(III) by the insertion of the following subparagraph after subparagraph (ii):

“(iii) cost rental housing,”,

(ii) by the substitution of the following paragraph for paragraph (c):

“(c) Subject to paragraph (d), a housing strategy shall provide that as a general policy a specified percentage, not being more than 20 per cent, of—

(i) the land zoned for residential use, or for a mixture of residential and other uses, and

(ii) any land which is not zoned for residential use, or for a mixture of residential and other uses, but in respect of which permission for the development of houses is granted,

shall be reserved under this Part for the provision of housing for the purposes of one or more of subparagraphs (i), (ii) and (iii) of paragraph (a).”,

and

(iii) by the substitution of the following paragraph for paragraph (d)—

“(d) Paragraph (c) shall not operate to prevent any person (including a local authority) from using more than 20 per cent of land in respect of which permission for the development of houses is granted for the provision of housing to which paragraph (a) applies.”,

(b) in subsection (5), by the deletion of subparagraph (va) of paragraph (a), and

(c) by the insertion of the following subsections after subsection (5):

“(6) (a) When making an estimate under subsection (4)(a)(iii), the planning authority shall have regard to the following:

(i) the supply of and demand for houses for rent in the whole or

- part of the area of the development plan;
 - (ii) the cost of rents applicable to houses generally, or to houses of a particular class or classes, in the whole or part of the area of the development plan;
 - (iii) the income of persons generally, or of a particular class or classes of person, who require houses for rent in the area of the development plan;
 - (iv) the relationship between the cost of rents referred to in subparagraph (ii) and incomes referred to in subparagraph (iii) for the purpose of establishing the affordability of housing for rent in the area of the development plan;
 - (v) such other matters as the planning authority considers appropriate or as may be prescribed for the purposes of this subsection.
- (b) Regulations made for the purposes of this subsection shall not affect any housing strategy or the objectives of any development plan made before those regulations come into operation.
- (7) Where on the date on which this subsection comes into operation a development plan includes a housing strategy—
- (a) the chief executive of the planning authority shall, for the purpose of the performance by a planning authority of its functions under this Part, make an estimate of the amount of housing referred to in subparagraphs (ii) and (iii) of subsection (4)(a) required in the area of the development plan during the period of the development plan,
 - (b) such estimate may state the different requirements for housing for different areas within the area of the development plan, and
 - (c) such estimate shall be deemed to be included in the housing strategy concerned.”.”.

10. In page 44, between lines 6 and 7, the following inserted:

“Amendment of section 95 of Act of 2000

46. Section 95 of the Act of 2000 is amended by the substitution of the following subsection for subsection (2):

- “(2) Nothing in subsection (1) or section 96 shall prevent any land being developed exclusively for housing referred to in section 94(4)(a)(i), (ii) or (iii).”.”.

[SECTION 44]

11. In page 44, between lines 6 and 7, the following inserted:

“Amendment of section 96 of Act of 2000

47. Section 96 of the Act of 2000 is amended—

(a) in subsection (1), by the substitution of “the provisions of this section shall apply to an application for permission for the development of houses on land” for “where a development plan objective requires that a specified percentage of any land zoned solely for residential use, or for a mixture of residential and other uses, be made available for housing referred to in section 94(4)(a), the provisions of this section shall apply to an application for permission for the development of houses on land to which such an objective applies”,

(b) in subsection (3)—

(i) by the substitution of the following paragraph for paragraph (a):

“(a) Subject to paragraphs (b) and (j), an agreement under this section shall provide for the transfer to the planning authority of the ownership of 20 per cent of the land that is subject to the application for permission for the provision of housing referred to in section 94(4)(a).”,

(ii) in paragraph (b)(iva), by the insertion of “, or persons nominated by the authority in accordance with this Part,” after “to the planning authority”,

(iii) in paragraph (b), by the substitution of “subparagraph (iva)” for “paragraph (iva)”,

(iv) by the insertion of the following paragraph after paragraph (b):

“(bb) Where property is transferred to a planning authority under paragraph (a) or (b) or there is a reduction in rent payable over the term of a lease referred to in paragraph (b)(iva) (excluding any reduction for maintenance, management and void periods specified in such lease), the planning authority shall use at least half of the aggregate of the net monetary value of that property and of any reduction in rent calculated in accordance with paragraph (b) for the provision of housing referred to in section 94(4)(a)(i).”,

(v) in paragraph (d), by the insertion of “or persons nominated by the authority” after “to the planning authority”, and

(vi) by the insertion of the following subsection after subsection (i)—

“(j) Where—

(i) the permission is granted before 1 August 2021, or

(ii) the permission is granted during the period beginning on 1 August 2021 and ending on 31 July 2026 and the land to which the application for permission relates was purchased by the applicant, or the person on whose behalf the application is

[SECTION 44]

made, during the period beginning on 1 September 2015 and ending on 31 July 2021,

the reference to “20 per cent of the land” in paragraph (a) shall be read as “10 per cent of the land” and the reference in paragraph (bb) to “at least half of the aggregate of the net monetary value” shall be read as “all of the aggregate of the net monetary value.”,

- (c) in subsection (8), by the substitution of “parties are unable to reach an agreement” for “agreement is not entered into before the expiration of 8 weeks from the date of the grant of permission”,
- (d) in subsection (9)(a)—
 - (i) in subparagraph (i), by the substitution of “the provision on the land of, housing of the type” for “the provision of, houses on the land for persons”,
 - (ii) in subparagraph (ii), by the substitution of “persons eligible for social housing support within the meaning of the Housing (Miscellaneous Provisions) Act 2009 or eligible applicants within the meaning of *Part 2* of the *Affordable Housing Act 2021*” for “those persons”, and
 - (iii) in subparagraph (iii), by the substitution of “provision on the land of housing of the type” for “provision of houses on the land for persons”,
- (e) in subsection (10)—
 - (i) in paragraph (a), by the substitution of “persons eligible under regulations under *section 32(3)* of the *Affordable Housing Act 2021* to be tenants of cost rental dwellings, persons eligible for social housing support within the meaning of the Housing (Miscellaneous Provisions) Act 2009 or eligible applicants within the meaning of *Part 2* of the *Affordable Housing Act 2021*” for “persons to whom *section 94(4)(a)* applies”, and
 - (ii) by the substitution of the following paragraph for paragraph (b):

“(b) A nominee of a planning authority may be a person eligible for social housing support within the meaning of the Housing (Miscellaneous Provisions) Act 2009, an eligible applicant within the meaning of *Part 2* of the *Affordable Housing Act 2021* or a body approved for the purposes of *section 6* of the Housing (Miscellaneous Provisions) Act 1992 for the provision of housing of the type referred to in *section 94(4)(a)*.”,
- (f) in subsection (12), by the deletion of “including the making of payments under *section 94* of the Housing (Miscellaneous Provisions) Act 2009 into the Affordable Dwellings Fund established under *Part 5* of that Act”, and
- (g) in subsection (13)(a), by the insertion of “cost rental housing or” after “development consisting of the provision of”.

[SECTION 44]

12. In page 44, between lines 6 and 7, the following inserted:

“Amendment of section 97 of Act of 2000

48. Section 97 of the Act of 2000 is amended—

- (a) in subsection (3)(a), by the substitution of “4 or fewer” for “9 or fewer”, and
- (b) in subsection (12)(a), by the insertion of “on the land on which it is proposed to carry out the first-mentioned development or land in its immediate vicinity” after “a development”.”.