



SEANAD ÉIREANN

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

**LEASUITHE COISTE
COMMITTEE AMENDMENTS**

SEANAD ÉIREANN

AN BILLE UM THITHÍOCHT INACMHAINNE, 2021 —AN COISTE

AFFORDABLE HOUSING BILL 2021 —COMMITTEE STAGE

Leasuithe Amendments

**Government amendments are denoted by an asterisk*

SECTION 3

1. In page 6, to delete lines 28 to 33 and substitute the following:

“(3) Where regulations under this Act are proposed to be made, a draft of the regulations shall be laid before each House of the Oireachtas and the regulations shall not be made until a resolution approving the draft has been passed by each such House.”.

—*Senator Rebecca Moynihan.*

SECTION 4

2. In page 6, between lines 33 and 34, to insert the following:

“Housing policy: paramount concern

4. Subject to its obligations in relation to the provision of social housing, in the performance of all relevant functions under—

- (a) the Housing Acts 1966 to 2021, and
- (b) the Planning and Development Acts 2000 to 2020,

the paramount concern of a local authority shall be to secure as best it may that an adequate supply of housing is available for purchase by persons with average annual earnings who have the benefit only of a mortgage agreement entered into in compliance with the macro-prudential policy for residential mortgage lending of the Central Bank.”.

—*Senator Rebecca Moynihan.*

SECTION 5

3. In page 8, to delete line 4.

—*Senators Rebecca Moynihan, Fintan Warfield, Alice-Mary Higgins, Lynn Ruane.*

SECTION 6

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

“(b) arrangements with co-operatives, community housing trusts and other not for profit bodies.”.

—*Senator Fintan Warfield.*

[SECTION 6]

5. In page 8, to delete line 13.

—*Senator Fintan Warfield.*

6. In page 8, to delete line 14.

—*Senators Rebecca Moynihan, Fintan Warfield, Alice-Mary Higgins, Lynn Ruane.*

7. In page 8, line 14, after “arrangements” to insert the following:

“, where the provision of affordable dwellings or publicly owned social or cost rental housing constitutes not less than 80 per cent of such an arrangement”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

8. In page 8, line 14, after “arrangements” to insert “and public-public partnership arrangements”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

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

“(d) arrangements under *paragraph (b)* or *(c)* shall be subject to the condition that affordable housing or publicly owned social or cost rental housing constitutes at least 80 per cent of such an arrangement.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

10. In page 8, lines 25 and 26, to delete “counteract undue segregation in housing between persons of different social backgrounds” and substitute “promote sustainable mixed income communities”.

—*Senator Fintan Warfield.*

11. In page 8, line 25, after “in” to insert “owner-occupier”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

12. In page 8, line 26, after “and” to insert the following:

“support the long-term sustainability of diverse communities, including the inter-generational sustainability of urban communities, and”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

13. In page 8, lines 27 and 28, to delete all words from and including “is” in line 27 down to and including line 28 and substitute the following:

“to reasonably match the needs of diverse eligible applicants including at least 20 per cent of dwelling types that are suitable for persons with a disability, at least 20 per cent of dwelling types that are suitable for households with one adult and at least 10 per cent of dwellings that are suitable for households of five or more members.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

[SECTION 6]

14. In page 8, between lines 28 and 29, to insert the following:

“(c) the need to ensure access to affordable purchase for persons in each income quintile within a housing authority area.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

15. In page 8, between lines 30 and 31, to insert the following:

“(6) In performing its functions under *subsections (1) and (5)*, a housing authority shall—

(a) prepare and publish plans relating to periods of three, five and ten years (in this section referred to as a “housing authority affordable housing plan”) which shall specify measures the housing authority shall undertake—

(i) to make dwellings available for the purpose of sale to eligible applicants under affordable dwelling purchase arrangements, and

(ii) to make dwellings available for designation as cost rental dwellings in accordance with *section 31*,

(b) prepare and publish the first housing authority affordable housing plan within six months of the coming into operation of this section, and

(c) conduct and publish a review by 15 September in each year of the progress made during the immediately preceding year in respect of the housing authority affordable housing plan.”.

—*Senator Mary Fitzpatrick.*

16. In page 8, between lines 32 and 33, to insert the following:

“(7) No action taken under the provisions of this section should be to the detriment of the provision of social housing by a housing authority.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

17. In page 8, between lines 32 and 33, to insert the following:

“(7) In performing functions under *subsection (1)* housing authorities shall have regard to the appropriateness of the location of dwellings in respect of facilitating access to public transport, education services, health services and public amenities.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

SECTION 7

18. In page 9, to delete lines 4 to 6.

—*Senators Rebecca Moynihan, Fintan Warfield, Alice-Mary Higgins, Lynn Ruane.*

19. In page 9, between lines 13 and 14, to insert the following:

“(3) A housing authority or a planning authority may only enter into an agreement under *subsection (2)* where the dwellings specified in the agreement meet such criteria of affordability as may be set out in regulations developed by the Minister and laid before, and agreed by, both Houses of the Oireachtas and which may be reviewed by the Minister from time to time and which may be amended by the Minister from time

[SECTION 7]

to time subject to the laying before and agreement of both Houses of the Oireachtas.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

20. In page 9, between lines 13 and 14, to insert the following:

“(3) A housing authority or a planning authority may only enter into an agreement under *subsection (2)* where the dwellings specified in the agreement meet such criteria of affordability, to include a criteria that any such dwellings should be affordable to individuals on or below the national median income, as may be set out in regulations developed by the Minister and agreed by both Houses of the Oireachtas.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

21. In page 9, between lines 13 and 14, to insert the following:

“(3) Notwithstanding any national regulations which may be set out, a housing authority may specify such additional criteria in respect of the determination of affordability as it believes appropriate before entering into an agreement under *subsection (2)*.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

22. In page 9, between lines 19 and 20, to insert the following:

“(i) require that the maximum price at which dwellings specified in the agreement are made available for sale is a price that would be affordable by persons—

(I) whose earnings do not exceed the figure published by the Central Statistics Office that represents average annual earnings in the State in the previous year, and

(II) who have the benefit only of a mortgage agreement entered into in compliance with the macro-prudential policy for residential mortgage lending of the Central Bank,”.

—*Senator Rebecca Moynihan.*

23. In page 9, line 22, after “priority” to insert “and the eligible applicants will be owner occupiers”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

24. In page 9, between lines 25 and 26, to insert the following:

“(iii) require that a dwelling specified be affordable for the specific eligible applicant nominated,”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

25. In page 9, between lines 37 and 38, to insert the following:

“(c) shall require that the dwelling specified meets any criteria for affordability as set out by the Minister or the relevant housing authority.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

[SECTION 7]

26. In page 9, line 41, after “person” to insert the following:

“except where such an amount would bring the total amount paid for the dwelling to greater than market price”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

27. In page 10, line 8, after “person” to insert the following:

“except where such an amount would bring the total amount paid for the dwelling to greater than market price”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

SECTION 8

28. In page 10, line 14, after “may” to insert “in exceptional circumstance”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

29. In page 10, between lines 19 and 20, to insert the following:

“(c) in State ownership or owned by an approved housing body.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

30. In page 10, between lines 19 and 20, to insert the following:

“(1) The purchase of such open market dwellings may constitute no more than 10 per cent of the affordable housing purchase supported by a housing authority in any given year.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

Section opposed.

—*Senators Rebecca Moynihan, Fintan Warfield, Alice-Mary Higgins, Lynn Ruane.*

SECTION 9

31. In page 10, lines 22 and 23, to delete “or providing financial assistance under *section 8*,”.

—*Senator Rebecca Moynihan.*

32. In page 10, line 29, to delete “or to provide financial assistance under *section 8*”.

—*Senator Rebecca Moynihan.*

33. In page 10, line 31, to delete “or to receive such assistance”.

—*Senator Rebecca Moynihan.*

34. In page 11, between lines 4 and 5, to insert the following:

“(6) Where an affordable dwelling purchase arrangement made under *section 6* involves 20 or more dwellings at least 20 per cent of such dwellings shall be appropriate for applications from a household of one adult member.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

[SECTION 9]

35. In page 11, between lines 4 and 5, to insert the following:

“(6) Where an affordable dwelling purchase arrangement made under *section 6* involves 20 or more dwellings at least 20 per cent of such dwellings shall be appropriate for applications from a household which has a person with a disability.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

SECTION 10

36. In page 11, line 22, after “occupation” to insert the following:

“and the persons making the application make a declaration of their intent to be owner-occupiers of the affordable dwelling for such a period as might be specified by the Minister”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

37. In page 12, between lines 20 and 21, to insert the following:

“(8) Notwithstanding anything in *subsection (7)* and *(8)* a housing authority may set out additional criteria for eligibility of applicants for a specific affordable housing purchase arrangement with respect to income and asset thresholds with regard to ensuring access to affordable purchase for persons from each income quintile within a housing authority area and such other matters as may be outlined under *section 6(4)*.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

38. In page 12, between lines 28 and 29, to insert the following:

“(9) Regulations under *subsection (7)* will have regard to:

- (a) ensuring that the proportion of the applicant’s net income represented by housing costs not exceed 35 per cent of the total, and;
- (b) ensuring that the applicant’s income falls within the bottom 40 per cent of national income distribution but is above the Maximum Net Income Threshold, as defined by the Social Housing Assessment Regulations 2011 (S.I. No. 84/2011), that applies in the housing authority area in which the dwelling is located.”.

—*Senators Victor Boyhan, Sharon Keogan, David Norris.*

SECTION 11

39. In page 12, to delete lines 34 to 41 and substitute “priority to be accorded to eligible applicants in relation to the sale of affordable dwellings referred to in *paragraphs (a)* and *(b)* of *section 5* where the demand for such dwellings exceeds the number of such dwellings available for the purposes of this Part.”.

—*Senator Rebecca Moynihan.*

40. In page 12, line 42, after “may” to insert the following:

“, following consultation with the relevant Oireachtas Committee, local authority managers and local authority elected members,”.

—*Senator Fintan Warfield.*

[SECTION 11]

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

“(4) A scheme of priority shall ensure that 20 per cent of dwellings are reserved for purchase by eligible applicants who—

(a) live alone, or

(b) are living together with one or more other persons in a household, where only one member of the household earns an income.”.

—*Senator Rebecca Moynihan.*

42. In page 13, to delete lines 17 to 19 and substitute the following:

“(5) The sale of affordable dwellings to eligible applicants under this Part is an executive function.”.

—*Senator Rebecca Moynihan.*

43. In page 13, line 27, to delete “comply with” and substitute “have regard to”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

SECTION 12

44. In page 13, between lines 34 and 35, to insert the following:

“12. Where a dwelling is being made available for affordable purchase under a Part V agreement under *section 5(b)* that dwelling shall be made available for affordable purchase according to such criteria of affordability as may be set out by the Minister in regulation or by the relevant housing authority and there shall be no obligation on a housing authority to provide any financial contribution above such an agreed affordable threshold.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

45. In page 13, to delete lines 39 and 40, and in page 14, to delete lines 1 to 6 and substitute the following:

“(2) The purchase of an affordable dwelling shall be facilitated by means of a contribution (in this Part referred to as the “affordable dwelling contribution”) which shall be the difference between the market value of the affordable dwelling on the date on which an enforceable agreement is made for its purchase by the eligible applicant and the price paid by the eligible applicant.”.

—*Senator Rebecca Moynihan.*

46. In page 14, line 1, to delete “or (b)”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

47. In page 14, to delete lines 13 to 16 and substitute the following:

“(4) The affordable dwelling contribution shall not be greater than 20 per cent of market value.”.

—*Senator Rebecca Moynihan.*

[SECTION 12]

48. In page 14, between lines 16 and 17, to insert the following:

“(5) For the avoidance of doubt, no affordable dwelling contributions shall be required from a local authority in respect of an affordable dwelling made available for sale under a Part V agreement as specified in *section 5(b)* or *section 7(2)*.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

49. In page 14, to delete lines 17 to 28 and substitute the following:

“(5) In consideration of the provision of the affordable dwelling contribution, the housing authority shall be entitled to a beneficial interest in the affordable dwelling (in this Part referred to as the “affordable dwelling equity”) which shall be equal to the amount of the affordable dwelling contribution.”.

—*Senator Rebecca Moynihan.*

50. In page 14, to delete lines 37 and 38 and substitute the following:

“(c) record the affordable dwelling equity, expressed as a sum equal to the affordable dwelling contribution,”.

—*Senator Rebecca Moynihan.*

51. In page 15, to delete lines 5 to 7.

—*Senator Fintan Warfield.*

52. In page 15, to delete lines 27 to 30.

—*Senator Fintan Warfield.*

53. In page 16, to delete lines 32 to 35.

—*Senator Rebecca Moynihan.*

SECTION 16

54. In page 20, to delete lines 3 to 16.

—*Senator Rebecca Moynihan.*

SECTION 17

55. In page 21, to delete lines 12 to 29.

—*Senator Rebecca Moynihan.*

SECTION 19

56. In page 26, to delete lines 14 to 28.

—*Senator Rebecca Moynihan.*

SECTION 20

57. In page 27, to delete line 24.

—*Senator Rebecca Moynihan.*

[SECTION 30]

SECTION 30

58. In page 32, line 6, to delete “30 years” and substitute “40 years”.

—*Senator Rebecca Moynihan.*

59. In page 32, line 6, to delete “30 years” and substitute “50 years”.

—*Senator Fintan Warfield.*

60. In page 32, to delete lines 12 and 13.

—*Senator Fintan Warfield.*

61. In page 32, line 12, after “dwelling” to insert the following:

“, which in any case where a loan is or has been granted by the housing agency shall be not less than 90 years,”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

62. In page 32, line 18, to delete “and limited equity returns”.

—*Senators Fintan Warfield, Alice-Mary Higgins, Lynn Ruane.*

63. In page 32, line 19, before “management” to insert “necessary and appropriate”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

64. In page 32, line 21, after “maintenance” to insert “or adaptation”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

65. In page 32, line 28, after “a” to insert “binding”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

66. In page 32, to delete lines 30 and 31 and substitute the following:

“(4) The proposed minimum period referred to in *subsection (3)(e)*—

(a) in a case where a loan is to be granted by the Housing Agency under *section 41* for the development or provision of dwellings to be designated as cost rental dwellings, shall be a period of indefinite duration,

(b) in any other case, shall be a period of not less than 100 years.”.

—*Senator Rebecca Moynihan.*

SECTION 32

67. In page 33, line 37, after “may” to insert the following:

“, following consultation with the relevant Oireachtas Committee, local authority managers and local authority elected members,”.

—*Senator Fintan Warfield.*

SECTION 33

68. In page 34, line 36, to delete “removal,”.

—*Senator Fintan Warfield.*

[SECTION 34]

SECTION 34

69. In page 35, to delete lines 11 to 13 and substitute the following:

“(1) In setting, at any particular time, the rent under a cost rental tenancy, a rent shall not be provided for that is greater than—

(a) the cost rental rent for that dwelling specified in *subsection (4)*, or

(b) 30 per cent of the figure published by the Central Statistics Office as average net income in respect of the previous year,

whichever is the lower.”

—*Senator Rebecca Moynihan.*

70. In page 35, line 13, after “*subsection (4)*” to insert the following:

“or greater than 30 per cent of the median net income recorded by the Central Statistics Office for the previous year”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

71. In page 35, between lines 18 and 19, to insert the following:

“(4) Without prejudice to *subsection (5)* no rent shall be defined as “cost rental rent” whereby the total amount of such rent would exceed 35 per cent of the applicant’s net income as determined by a housing authority.”.

—*Senators Victor Boyhan, Sharon Keogan, David Norris.*

72. In page 35, line 21, after “plus” to insert “or minus”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

73. In page 35, lines 23 to 25, to delete all words from and including “Harmonised” in line 23 down to and including “prescribe” in line 25 and substitute “management and maintenance costs of the property”.

—*Senator Fintan Warfield.*

74. In page 35, line 27, after “plus” to insert “or minus”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

75. In page 35, lines 29 to 31, to delete all words from and including “Harmonised” in line 29 down to and including “prescribe” in line 31 and substitute “management and maintenance costs of the property”.

—*Senator Fintan Warfield.*

76. In page 35, line 33, after “plus” to insert “or minus”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

[SECTION 34]

77. In page 35, lines 35 to 37, to delete all words from and including “Harmonised” in line 35 down to and including “prescribe” in line 37 and substitute “management and maintenance costs of the property”.

—*Senator Fintan Warfield.*

78. In page 36, line 5, to delete “12 months” and substitute “3 years”.

—*Senator Fintan Warfield.*

79. In page 36, line 7, to delete “12 months” and substitute “3 years”.

—*Senator Fintan Warfield.*

80. In page 36, between lines 9 and 10, to insert the following:

“(8) A tenant may request a rent review, including a downward review, to reflect a change in the harmonised index of consumer prices and other such circumstances and the mechanisms for making such a request shall be set out by the Minister in regulation.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

81. In page 36, line 17, to delete “be served not earlier than two weeks before, and not later than four weeks after,” and substitute “be served 90 days before”.

—*Senator Fintan Warfield.*

82. In page 36, line 18, after “review” to insert “, including the detail of how the new rent amount was arrived at,”.

—*Senator Fintan Warfield.*

83. In page 36, to delete lines 22 to 24.

—*Senator Fintan Warfield.*

SECTION 35

Section opposed.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

SECTION 36

84. In page 38, line 22, to delete “shall” and substitute “may”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

85. In page 38, line 24, after “support” to insert the following:

“, without prejudice to the right of a household to seek an alternative form of social housing support if they believe that to be more appropriate”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

SECTION 39

86. In page 39, line 34, to delete “28 days” and substitute “90 days”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

[SECTION 39]

87. In page 40, line 6, after “concerned” to insert the following:

“and the Minister shall, on an annual basis, publish information on the rationale for any revocations granted on exceptional grounds”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

88. In page 40, to delete lines 16 to 20.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

Section opposed.

—*Senator Fintan Warfield.*

SECTION 41

89. In page 40, between lines 30 and 31, to insert the following:

“41. When there is public land which is made available for the purposes of the development or provision of cost rental dwellings then such dwellings shall revert to public ownership following the termination of the cost rental period or any extension thereof under *section 29.*”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

90. In page 40, between lines 30 and 31, to insert the following:

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

—*Senators Alice-Mary Higgins, Lynn Ruane.*

91. In page 40, between lines 30 and 31, to insert the following:

“41. Where the land upon which cost rental dwellings were developed was in public ownership at the time of the passing of this Act, then upon the termination of the cost rental period such property will revert to public ownership.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

92. In page 40, line 34, after “bodies” to insert “or housing authorities”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

93. In page 41, lines 1 and 2, to delete “where requested to do so by the Minister and in accordance with the terms of any such request, invite and” and substitute “on a rolling basis,”.

—*Senator Fintan Warfield.*

94. In page 41, line 3, after “bodies” to insert “or housing authorities”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

95. In page 41, line 6, after “bodies” to insert “or housing authorities”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

[SECTION 41]

96. In page 41, line 40, after “bodies” to insert “or housing authorities”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

97. In page 42, between lines 6 and 7, to insert the following:

“(14) Regulations made by the Minister in relation to the making of loans under this section shall prescribe conditions and requirements to ensure that not less than 20 per cent of cost rental dwellings to be developed or provided by approved housing bodies are reserved for tenants who—

(a) live alone, or

(b) are living together with one or more other persons in a household, where only one member of the household earns an income.”.

—*Senator Rebecca Moynihan.*

SECTION 42

98. In page 42, between lines 8 and 9, to insert the following:

“42. The Minister may, from time to time, out of moneys provided by the Oireachtas for that purpose, make grants to housing authorities for the development or provision of dwellings to be designated as cost rental dwellings under *section 31*.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

99. In page 42, between lines 8 and 9, to insert the following:

“42. The Minister may, from time to time, out of moneys provided by the Oireachtas for that purpose, make grants to the Housing Agency for the purpose of making loans to local housing authorities for the development or provision of dwellings to be designated as cost rental dwellings under *section 31*.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

100. In page 42, between lines 8 and 9, to insert the following:

“42. The Minister shall offer such supports as may be appropriate in relation to applications made by local housing authorities for loans under such as EU financing instruments as may be available.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

101. In page 43, between lines 21 and 22, to insert the following:

“(4) Where there is a more than 5 per cent inflation in the price of dwellings in the State is recorded in any given year this section shall be suspended for the following calendar year.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

Section opposed.

—*Senators Rebecca Moynihan, Fintan Warfield, Alice-Mary Higgins, Lynn Ruane.*

[SECTION 43]

SECTION 43

102. In page 44, between lines 2 and 3, to insert the following:

“(3) Where a housing authority is the responsibility of a local authority, an arrangement under this section may only be made with the agreement of a majority of elected members of that local authority.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

Section opposed.

—*Senator Fintan Warfield.*

SECTION 45

103. In page 44, between lines 18 and 19, to insert the following:

“Report

45. The Minister shall, within twelve months of the passing of this Act, lay a report before both Houses of the Oireachtas detailing the impact of the provisions of this Act on aligning Ireland with the United Nations Convention on the Rights of Persons with Disabilities, in particular Articles 19 and 28, and the vindication of the rights contained within the Convention.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

104. In page 44, between lines 18 and 19, to insert the following:

“Report

45. The Minister shall, within twelve months of the passing of this Act, lay a report before both Houses of the Oireachtas reviewing the impact of the operation of this Act upon the availability of dwellings under the provisions of this Act within each local authority area in the State.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

105. In page 44, between lines 18 and 19, to insert the following:

“Amendments to Urban Regeneration and Housing Act 2015

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

(a) in section 5(1)(a)—

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

(ii) by the insertion of “and” after “idle,” in subparagraph (iii), and

(iii) by the insertion of the following after subparagraph (iii):

“(iv) the site has, within the previous five years, been the subject of a grant of permission by the planning authority for residential development on the site, or the majority of the site,”

[SECTION 45]

(b) in section 5(2), in the definition of “site”, by the deletion of the words “identified by a planning authority in its functional area”,

(c) the substitution of the follow subsections for subsection (2):

“(2) The owner of a site which has been a vacant site for 12 months or more shall apply to a planning authority, in such form as may be prescribed by the Minister, to enter on the register a description of the site including a map thereof.

(2A) 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”, and

(e) by the substitution of the following 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) 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.

(3) 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.

(4) 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.*

TITLE

106. In page 5, lines 8 to 10, to delete all words from and including “to” where it thirdly occurs in line 8 down to and including “equity;” in line 10.

—*Senator Fintan Warfield.*