



SEANAD ÉIREANN

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

**LEASUITHE TUARASCÁLA
REPORT AMENDMENTS**

SEANAD ÉIREANN

AN BILLE UM THITHÍOCHT INACMHAINNE, 2021 —AN TUARASCÁIL

AFFORDABLE HOUSING BILL 2021 —REPORT

*Leasuithe
Amendments*

**Government amendments are denoted by an asterisk*

1. In page 8, line 3, after “sale” to insert the following:

“, which for the avoidance of doubt, is a dwelling for which no contribution shall be required from a local authority or State body”.

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

2. In page 8, line 16, after “arrangements” to insert “, public-public partnership and not-for-profit arrangements”.

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

3. In page 8, between lines 33 and 34, 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 in each year of the progress made during the preceding year in respect of the housing authority affordable housing plan.”.

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

4. In page 8, between lines 35 and 36, 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, public amenities and intergenerationally accessible public spaces.”.

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

5. In page 9, between lines 15 and 16, 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 and is necessary for the delivery of social and affordable housing within that local authority’s area before entering into an agreement under *subsection (2)*.”.

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

6. In page 9, after line 39, 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, and in setting out such criteria the Minister shall have regard to the median national income.”.

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

7. In page 10, between lines 28 and 29, to insert the following:

“(2) The purchase of such open market dwellings may constitute no more than 15 per cent of the affordable housing purchase supported by a housing authority in any given year.”.

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

8. In page 12, between lines 23 and 24, 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 and any other dwellings held under an affordable housing purchase arrangement by the applicant, 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, Frances Black.*

9. In page 12, between lines 31 and 32, 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.*

10. In page 13, after line 38, 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 or State body to provide any financial contribution above such an agreed affordable threshold.”.

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

11. In page 14, line 7, to delete “or (b)”.

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

12. In page 14, between lines 22 and 23, to insert the following:

“(5) For the avoidance of doubt, the affordable dwelling contributions from a local authority or any other State body 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)* shall not be a financial contribution.”.

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

*13. In page 20, line 19, after “to” to insert “the”.

14. In page 32, line 12, to delete “40 years” and substitute “50 years”.

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

*15. In page 32, line 25, to delete “(iii) management” and substitute “(iii) necessary and appropriate management”.

16. In page 32, line 26, after “dwelling” to insert the following:

“as is necessary and appropriate and which will be subject to appropriate maximum threshold as may be set out by the Minister in regulation”.

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

17. In page 32, line 26, after “dwelling” to insert “as is necessary and appropriate and which will be subject to regulation by the Minister”.

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

18. In page 32, line 27, after “maintenance” to insert “or adaptation and retrofitting”.

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

19. In page 35, between lines 24 and 25, 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.*

20. In page 35, between lines 24 and 25, 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 33 per cent of the applicant’s net income as determined by a housing authority.”.

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

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

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

22. In page 35, lines 28 to 31, to delete all words from and including “to” in line 28 down to and including “prescribe,” in line 31 and substitute “that is up to 30 per cent of the net income of the proposed tenant”.

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

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

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

24. In page 35, line 39, after “plus” to insert “or minus”.

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

25. In page 36, between lines 13 and 14, 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, Frances Black.*

26. In page 36, to delete line 21 and substitute the following:

“(a) be served 90 days before”.

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

27. In page 36, line 24, after “review” to insert “including the detail of how the new rent amount was arrived at”.

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

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

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

29. In page 40, between lines 35 and 36, 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 28.*”.

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

30. In page 40, between lines 35 and 36, 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, Frances Black.*

31. In page 42, to delete lines 14 to 39, and in page 43, to delete lines 1 to 25.

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

32. In page 43, between lines 25 and 26, to insert the following:

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

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

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

“Amendment to Urban Regeneration and Housing Act 2015

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

(a) in section 5(1), by the insertion of the following paragraph:

“(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,”

(b) in section 5(2), in the definition of “site”, after “means” to insert:

“any area of land exceeding 0.05 hectares or, for the purposes of section 5(1)(a) and/or section 5(1)(b),”

(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 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 deletion of “Before entering a site on the register a planning authority” and the substitution of the following:

“A planning authority may of its own initiative enter a site on the register pursuant to this Part, but before doing so”

(e) in section 15(1), after “site” by the insertion of the following:

“which is situated in an area where there is a need for housing”,

and

(f) by the substitution of the following for section 26:

“Prosecutions

- 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 2 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.”.

—*Senators Rónán Mullen, Sharon Keogan, Victor Boyhan.*

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

“Report

- 45.** The Minister shall, within six months of the passing of this Act, lay a report before both Houses of the Oireachtas outlining supports that are available to local authorities, the Housing Agency and other State bodies under national or European Union financing mechanisms for the purposes of obtaining financing for the development or provision of dwellings to be designated as cost rental dwellings under *section 31*.”.

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