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The Royal Institute of the Architects of Ireland
The Registration Body for Architects in Ireland

RIAI

Opening Statement On: Vacant House Refurbishment Bill 2017 Joint Oireachtas Committee on Housing, Planning, Community and Local Government

Date: 31 January 2018 – 01:30pm

Chairperson, Deputies and Senators,

I would like to thank the Committee for their invitation to speak to you this afternoon on the Vacant Housing Refurbishment Bill 2017. I am David Browne of RKD Architects and President of the RIAI and my colleague Joe Kennedy, Smith + Kennedy Architects joins me. We are both practising architects working on the design and delivery of a broad range of building types - industrial, commercial and housing projects both large and small scale throughout Ireland and abroad.

The RIAI welcomes and supports in principle many of the concepts contained in the Vacant House Refurbishment Bill 2017, including measures that assist in providing residential accommodation to address the housing shortage, the restoration of vibrancy to our towns and villages and providing accommodation for the smaller household sizes that are a growing part of our society.

We also welcome any measures to speed up the preconstruction approvals process for housing delivery so that the refurbishment of vacant buildings for housing may be implemented urgently.

In principle, many of the concepts in the Bill are consistent with previous RIAI recommendations and are to be welcomed, in particular moving away from self-certification by builder/developers and the verification of plans before work commences.

The RIAI represent the views of architects, who, as practitioners would be at the coalface in the implementation of the proposed Bill and our observations and recommendations are made with the detailed understanding of the operation of the system.

Our comments and recommendations are also made with positive intent, with a view to improving and strengthening the Bill, increasing clarity in achieving its aims and ensuring consistency with other complimentary legislation.

However, the RIAI has significant concerns in respect of many key aspects of the Bill in its current format, which we believe renders it unworkable, and these are set out below.

1. RIAI OBSERVATIONS

- a) The primary concern of the RIAI with this Bill is in its potential to undermine the safety of occupants of any new dwellings. SI 9 of 2014 was enacted to improve delivery of safe and well-built buildings, particularly in the apartment and housing sectors. Alignment of this Bill with SI 9 is critical to provide proper protection of the public.
- b) If the Bill proposals to compile lists of “authorised persons” to oversee its implementation are introduced, we will end up with three separate systems for Building Control, the systems under this Bill, SI 9 of 2014 and SI 365 of 2015. This will be inefficient, confusing and unsafe for the public
- c) The RIAI believes that in order to ensure the competency of the “*authorised person*” and the panel of “*relevant professionals and authorised persons*”, they must comprise professional, trained people with the competency and experience to carry out assessment of applications and independent inspection of works.
- d) The Bill proposes that the Technical Guidance Documents be revised to indicate how the amended requirements detailed in the *Schedule 1* of the *Act of 2017* can be achieved in practice. The RIAI believes that this approach will result negatively in the following:-
 - i. A two-tier system of Building Regulation and Building Control which will be inefficient, confusing and unsafe for the public.
 - ii. It will be very difficult, in practice, to achieve effective, robust change to the TGDs, given their current complexity.
 - iii. An effective relaxation of the Building Regulations, as proposed by the Bill, has serious potential to put at risk the occupants of new dwellings, particularly vulnerable individuals.
- e) The Bill provides for a radical change to the current planning and building control systems in this country. There is significant potential for unintended consequences. For example, a worst-case scenario could result in the conversion of a relatively small non-domestic building into, say, six bedsits with shared bathroom accommodation and substandard fire separation and means of escape, if proper guidelines are not issued and rigorous inspection procedures are not implemented.

Therefore, it would be prudent to limit the life time of this Bill, in a revised format, to two years so that the outcomes may be understood. At the end of that period, it is recommended that a review of SI 9 of 2014 and SI 365 of 2015 would be reaching completion and that both the contents of the Vacant House Refurbishment Bill 2017 and the Planning and Development (Amendment) (No. 2) Regulations 2018 would be aligned.
- f) No reference is made to zoning within the Bill. This has the potential to lead to highly undesirable outcomes.

- g) There is no reference to “vacant houses” or “vacant buildings” in the Bill, nor any definition of what they comprise, or the period for which they should be unoccupied to be considered “vacant”.
- h) The Bill does not provide for first or third party appeal.
- ì) The Bill assumes that local authorities have the resources to deal with the additional workload which will result from this Bill and we do not consider this to be realistic.

2. RIAI RECOMMENDATIONS

- a) The RIAI believes that this Bill requires significant redrafting to address the serious concerns which we have raised, primarily to ensure the health and safety of the public.
- b) The health and safety of the public and occupants of the new dwellings which may result from implementation of this Bill must be its primary intent. This Bill should be aligned with SI 9 of 2014 as this is critical to providing for the proper protection of the public.
- c) The Bill should avoid introducing a third system of Building Control in this country to avoid inefficiency, confusion and for the safety of the public.
- d) Specific guidance to ensure the competency of the “*authorised person*” and the “*panel of relevant professionals and authorised persons*” must be set out in the Bill.
- e) We do not support the revision of the Technical Guidance Documents.
- f) The Bill should be time limited for two years in order to avoid perpetuating unintended consequences and should be aligned with other relevant regulations at the conclusion of that period after review.
- g) Reference must be made to zoning within the Bill in order to avoid highly undesirable outcomes.
- h) Definition of “vacant house” or “vacant buildings” and the period for which they should be unoccupied to be considered “vacant” should be included in the Bill.
- i) The Bill should provide for first and third party appeal.
- j) Local authorities have to be given adequate resources to deal with the additional workload.

In our written submission, which has been circulated to the committee, we have made further detailed observations which I will not read out but we would be pleased to answer any questions that the committee may have.

The RIAI's objective is to drive excellence architecture and the built environment and the RIAI supports any measures that will improve the quality and safety our buildings.

Thank you.