

*(Supplementary Order Paper)*

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**DÁIL ÉIREANN**

*Dé Céadaoin, 21 Meitheamh, 2017*  
*Wednesday, 21st June, 2017*

12 meán lae  
12 noon

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**GNÓ COMHALTAÍ PRÍOBHÁIDEACHA**  
**PRIVATE MEMBERS' BUSINESS**

*Fógra i dtaobh Leasuithe ar Thairiscint : Notice of Amendments to Motion*

**112.** “That Dáil Éireann:

notes that:

- thousands of people in Ireland have been affected by poor quality housing following the building boom of the past 20 years;
- the record of the current Government and the previous Government is one of clear failure to properly regulate the building industry, and of regression of building standards;
- there is a commitment in the Programme for a Partnership Government to provide quality housing;
- effective building regulation requires an independent regulator and not self-regulation by the building industry;
- claims have been made by the Construction Industry Federation (CIF) that it will draft upcoming Government legislation in this area;
- with the exception of the Pyrite Panel, there has been no public inquiry or reflection on the causes of the widespread quality problems in housing, which continue to emerge and which are a heavy burden on the lives of those affected;
- there has been no law reform that addresses the lack of remedies available to homeowners affected by pyrite, building regulations breaches and other housing failures;
- the availability of effective remedies for defects when they occur is an essential part of the quality of housing;
- the defects in housing resulting from this situation include defects which cause risks to life, health and wellbeing as well as creating environmental damage and economic costs;
- Irish home buyers in both the public and private sectors are poorly served by the law, as it stands:

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- the builder may be insolvent;
- the building contractor may not be available to provide a remedy when the defect appears (for example, where the house or apartment has been sold);
- the Statute of Limitations may bar the action; and
- there may be no defects insurance policy available to pay for the repair works;
- these problems have not been addressed by the Building Control (Amendment) Regulations 2014, as while the regulations provide for mandatory inspections by certifiers appointed by building owners/developers and which require a certificate of compliance with building regulations to be lodged with the local building control authority before a new building is opened, occupied or used and are changing the culture of construction regulation, they do not create new legal remedies for home owners;
- the Law Reform Commission has proposed appropriate legislation on several occasions to deal with many of these issues and there is also a commitment in Construction 2020 ‘to consider and report on potential forms of redress for consumers and homeowners, including the potential for latent defects insurance’ and that redress must include new legal remedies; and
- many housing defects have ultimately been rectified at the expense of the State, rather than those responsible for those defects; and

calls on the Government to:

- introduce new primary legislation to include a transmissible warranty of quality and assignment of causes of action in negligence from builders and those involved in the building process, in favour of the first and subsequent purchasers of houses;
- direct the carrying out of a feasibility exercise and business case for the creation of an Irish Building Authority, to which the functions of the existing building control authorities would be transferred, that would administer building control on a nationwide basis, and that would provide a supervisory regulatory function in relation to those involved in the construction industry, including contractors, sub-contractors and others involved in the construction process as appropriate;
- consider the development and use of alternative forms of contract for delivery of housing;
- engage with the Law Society and the CIF to initiate a review of the standard form building agreement used for residential construction, to consider amendments to the agreement to facilitate consumer protection, including amendment of the dispute resolution provision, and removal of the restriction on transfer of the agreement upon sale of the unit;
- establish a consumer-friendly system of dispute resolution for homeowners dealing with defective housing;
- amend the Statute of Limitations 1957 to implement the recommendations of the Law Reform Commission in relation to building defects;
- review and evaluate the resourcing of building control for local authorities, recognising that their role and objectives are quite different to the role and objectives of private building control certifiers, who are appointed to protect the interests of building owners rather than the interests of the general public in ensuring compliance with the Building Control Acts; and
- prepare and publish options for the financing and carrying out of remedial works to defective housing units, that will form the basis for a nationwide scheme, enshrined in legislation, for the orderly remediation of legacy defects in housing.” — *Catherine*

*Martin, Eamon Ryan.*

*Leasuithe:*

*Amendment:*

1. To insert the following after “orderly remediation of legacy defects in housing”:

- “— conduct an urgent review of the use of combustible materials used in the construction and refurbishment of homes and to update, if necessary, fire safety regulations; and
- conduct an urgent review of fire safety compliance and enforcement regulations and bring forward new regulations, if necessary, to ensure the highest safety standards in residential dwellings.” — *Eoin Ó Broin, Gerry Adams, John Brady, Pat Buckley, Seán Crowe, David Cullinane, Pearse Doherty, Dessie Ellis, Martin J. Ferris, Kathleen Funchion, Martin Kenny, Mary Lou McDonald, Denise Mitchell, Imelda Munster, Carol Nolan, Jonathan O'Brien, Caoimhghín Ó Caoláin, Donnchadh Ó Laoghaire, Louise O'Reilly, Aengus Ó Snodaigh, Maurice Quinlivan, Brian Stanley, Peadar Tóibín.*

2. To delete all words after “Dáil Éireann” and substitute the following:

“deeply regrets the tragic loss of life in Grenfell Tower, London as a result of a devastating fire on June 14th;

recognises:

- that the horrendous human cost of the fire highlights the importance of building regulation and fire safety standards;
- that a strong regulatory structure is vital to ensuring a high quality of home build across the country and the design and construction flaws in Priory Hall, Longboat Quay and Millfield Manor are a sharp reminder of that;
- that the Building Control (Amendment) Regulations 2014, introduced in March 2014, will not provide enough protection and require reform and strengthening;
- the new building control model is convoluted, difficult to manage, costly and not fit for purpose;
- that self-regulation is an ineffective model for upholding the required building standards; and
- the Law Reform Commission’s recommendations in relation to building defects; and

calls on the Government to:

- introduce new primary legislation to include a transmissible warranty of quality and assignment of causes of action in negligence from builders and those involved in the building process, in favour of the first and subsequent purchasers of houses;
- amend the Statute of Limitations 1957 to implement the recommendations of the Law Reform Commission in relation to building defects;
- develop a national strategy for remedial works on defective units;
- increase resources and powers to local authorities for fire inspection in the rental sector;
- establish an ‘approved certifiers list’ and a best-in-class building regulatory process within the existing local authority framework; and
- remove the current financial link between certifiers and developers in future reforms

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of building regulations and ensure 100 per cent inspection of refurbished vacant properties.” — *Barry Cowen, Bobby Aylward, John Brassil, Declan Breathnach, James Browne, Mary Butler, Thomas Byrne, Jackie Cahill, Dara Calleary, Pat Casey, Shane Cassells, Jack Chambers, Lisa M. Chambers, Niall Collins, John Curran, Stephen S. Donnelly, Timmy Dooley, Sean Fleming, Pat the Cope Gallagher, Seán Haughey, Billy Kelleher, John Lahart, James Lawless, Marc MacSharry, Micheál Martin, Charlie McConologue, Michael McGrath, John McGuinness, Aindrias Moynihan, Michael Moynihan, Eugene Murphy, Margaret Murphy O'Mahony, Darragh O'Brien, Jim O'Callaghan, Eamon Ó Cuív, Willie O'Dea, Kevin O'Keeffe, Fiona O'Loughlin, Frank O'Rourke, Anne Rabbitte, Eamon Scanlon, Brendan Smith, Niamh Smyth, Robert Troy.*

3. To delete all words after “Dáil Éireann” and substitute the following:

“notes that:

- in light of the tragic events in the Grenfell Tower fire London, all local authorities have been requested, as a matter of urgency, to review their multi-storey social housing units to ensure that all early warning systems, including alarm and detection systems, and means of escape including corridors, stairways and emergency exits, are fully functional and in place; and
- immediate action has been taken to alert the building industry, landlords and homeowners to remain vigilant in relation to fire and life safety in buildings for which they are responsible;

acknowledges the many incidences of building failures and non-compliance concerns that have come to light over the past decade, and the associated significant economic and personal consequences of such situations;

further notes that building defects are matters for resolution between the contracting parties involved, including the homeowner, the builder, the developer and/or their respective insurers, structural guarantee or warranty scheme;

recognises:

- the important role of the State in maintaining an effective regulatory framework for building standards and the extensive statutory powers of enforcement that local building control authorities have, pursuant to the Building Control Act 1990, both during construction and during the five years following completion of building works, where issues of non-compliance with building regulations arise; and
- the powers that local authorities have pursuant to the Fires Services Acts 1981 and 2003, which have been effectively invoked in recent years in a number of cases where concerns have arisen regarding fire safety in a building;

welcomes the responding initiatives that have been introduced as part of a broad-ranging building control reform agenda, which have brought a new order and discipline to bear on construction projects and have created a culture of compliance with building regulations, including:

- the Building Control (Amendment) Regulations 2014 (S.I. No. 9 of 2014) and accompanying Code of Practice for Inspecting and Certifying Buildings and Works, empowering competence and professionalism in the design, construction, inspection and certification of building works through statutory certificates;
- the new Building Control Management System, which facilitates the electronic administration of building control functions and provides a common platform for clear and consistent administration of building control matters, and which is subject to ongoing improvement to achieve further efficiencies;
- the new Framework for Building Control Authorities, which standardises work

practices, systems, procedures and decision-making in relation to oversight of building control activity across the sector, to enhance consistency of approach nationally, and to move towards a risk-based approach to inspections by building control authorities;

- the development of training programmes for building control officers;
- the significant changes and clarification in legislation for construction products on foot of the European Union Construction Products Regulation (No. 305/2011); and
- recent developments in the construction insurance market, including the introduction of products which offer first-party insurance cover, for damage and non-damage related claims; and

requests that continuing priority is attached to the completion of further important steps as part of the building control reform agenda, particularly:

- building on the preparatory work undertaken as part of the local government reform programme, the creation of a centralised structure for the governance and oversight of the building control functions of local authorities, through a shared service in a lead local authority;
- the completion of an evaluation of the adequacy of building control resources at local level. A 12 month study of local building control activity commenced in quarter two of 2017 and it is anticipated that a sufficient level of data will be received to commence analysis in quarter four of 2017, this will inform the evaluation of the adequacy of resources;
- the drafting and enactment of legislation in relation to the registration of building contractors, following on from the recent publication of the General Scheme of the Building Control (Construction Industry Register Ireland) Bill 2017; and
- the ongoing review and updating of the building regulations in light of technical innovation and international best practice in the construction sector, in particular, a new volume of Technical Guidance Document B (TGD B) in respect of dwelling houses will come into effect on 1st July, 2017, and work is ongoing in relation to a second volume of TGD B in respect of buildings other than dwelling houses.” — *An tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitiúil*.