

Dé Céadaoin, 12 Iúil, 2017
Wednesday, 12th July, 2017

10 a.m.

GNÓ COMHALTAÍ PRÍOBHÁIDEACHA
PRIVATE MEMBERS' BUSINESS

- 38.** (l) An Bille um Réiteach Riaráistí Morgáiste (Áras an Teaghlaigh), 2017 — An Dara Céim.
(a) Mortgage Arrears Resolution (Family Home) Bill 2017 — Second Stage.

—*Michael McGrath.*

Leasú ar an Tairiscint don Dara Léamh:
Amendment to Motion for Second Reading:

1. To delete all words after “That” and substitute the following:

“Dáil Éireann:

- (a) noting the significant concerns with the Mortgage Arrears Resolution (Family Home) Bill 2017 in respect of its compatibility with the Constitution of Ireland, but acknowledging the positive intentions behind the Bill;
- (b) acknowledging the importance of addressing the difficulties faced by distressed borrowers in mortgage arrears and the high priority that Government attaches to this issue;
- (c) noting the range of measures already put in place by Government, both up to 2016 and under the Programme for a Partnership Government, to support and assist financially distressed borrowers in mortgage arrears on their homes, with a view to keeping people in their homes and avoiding repossessions as far as possible;
- (d) noting the welcome substantial and continuing decrease (as shown in the latest Central Bank of Ireland statistics) in the overall number of home mortgage accounts in arrears, the very significant number of home mortgage restructures now in place, and the very high proportion of home mortgages which are meeting the terms of their restructure;
- (e) noting also the welcome significant and ongoing reductions, both in the issue of new Civil Bills seeking possession on foot of home mortgage arrears and in the numbers of repossession orders made by the Courts, and the continuing and substantial increase in repossession proceedings struck out or discontinued;
- (f) noting the existence of the Personal Insolvency Arrangement, provided under the Personal Insolvency Acts, as the primary formal mechanism to facilitate the negotiated resolution between debtors and creditors of both unsecured and secured (including mortgage) debt;
- (g) noting that the Personal Insolvency Arrangement is designed, as far as possible, to

permit the debtor to continue to reside in his or her principal private residence, while resolving their debts in a holistic manner and returning the debtor to solvency;

- (h) noting that under changes introduced by the Personal Insolvency (Amendment) Act 2015, a borrower whose reasonable proposal for a Personal Insolvency Arrangement (which includes his or her home mortgage arrears) is refused by the mortgage lender or other creditors can now seek an independent review of that refusal by the Courts, who have power, subject to certain conditions, to impose the rejected proposal, thus ending the so-called ‘bank veto’;
- (i) noting the introduction of free independent financial and legal advice and assistance, for insolvent borrowers in home mortgage arrears, as part of a range of supports available through the Money Advice and Budgeting Service (MABS) under the Government’s Abhaile mortgage arrears resolution service, and the high level of takeup by distressed borrowers of the various supports provided under Abhaile;
- (j) noting the public consultation already completed on personal insolvency legislation, and the ongoing review of the insolvency system, to be completed this year under the Programme for a Partnership Government commitments on mortgage arrears;
- (k) noting the further measures already in train under the Government’s Action Plan on Housing and Homelessness, including recent and continuing changes to the Mortgage-to-Rent Scheme to extend its availability, particularly for borrowers in rural areas; and
- (l) noting the other relevant measures which have been put in place to protect principal private residences of those in mortgage arrears; and

declines to give the Bill a second reading.”

— *An tAire Dlí agus Cirt agus Comhionannais.*