Changes to Legislation: as of 11 November 2026, this Act is up to date with all changes known to be in force.



Number 22 *of* 2009

HOUSING (MISCELLANEOUS PROVISIONS) ACT 2009

REVISED

Updated to 31 December 2025

This Revised Act is an administrative consolidation of the *Housing (Miscellaneous Provisions) Act 2009*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including the *National Training Fund (Amendment) Act 2025* (21/2025), enacted 23 December 2025, and all statutory instruments up to and including the *European Union (Restrictive Measures concerning Iraq) Regulations 2026* (S.I. No. 1 of 2026), made 6 January 2026, were considered in the preparation of this Revised Act.

Disclaimer: While every care has been taken in the preparation of this Revised Act, the Law Reform Commission can assume no responsibility for and give no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided and does not accept any liability whatsoever arising from any errors or omissions. Please notify any errors, omissions and comments by email to
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HOUSING (MISCELLANEOUS PROVISIONS) ACT 2009

REVISED

Updated to 31 December 2025

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HOUSING (MISCELLANEOUS PROVISIONS) ACT 2009

REVISED

Updated to 31 December 2025

AN ACT TO MAKE FURTHER PROVISION FOR THE FUNCTIONS OF HOUSING AUTHORITIES; TO PROVIDE FOR THE MAKING OF HOUSING SERVICES PLANS; TO PROVIDE FOR THE CARRYING OUT OF SOCIAL HOUSING ASSESSMENTS FOR THE PURPOSES OF SOCIAL HOUSING SUPPORT AND THE ALLOCATION OF DWELLINGS; TO PROVIDE FOR RENTAL ACCOMMODATION ARRANGEMENTS; TO PROVIDE FOR THE MANAGEMENT AND CONTROL FUNCTIONS OF HOUSING AUTHORITIES; TO PROVIDE FOR THE MAKING OF HOMELESSNESS ACTION PLANS; TO PROVIDE FOR THE MAKING OF AN ANTI-SOCIAL BEHAVIOUR STRATEGY; TO MAKE FURTHER PROVISION FOR TENANT PURCHASE OF DWELLINGS UNDER INCREMENTAL PURCHASE ARRANGEMENTS; TO PROVIDE FOR THE TENANT PURCHASE OF APARTMENTS; TO PROVIDE FOR THE SALE OF CERTAIN DWELLINGS UNDER AFFORDABLE DWELLING PURCHASE ARRANGEMENTS; TO MAKE FURTHER PROVISION RELATING TO STANDARDS FOR RENTED HOUSES AND TO PROVIDE FOR THE GIVING OF IMPROVEMENT NOTICES AND PROHIBITION NOTICES TO LANDLORDS; FOR THOSE AND OTHER PURPOSES TO AMEND AND EXTEND THE HOUSING ACTS 1966 TO 2004, TO AMEND THE HOUSING FINANCE AGENCY ACT 1981, THE PLANNING AND DEVELOPMENT ACT 2000, THE CIVIL REGISTRATION ACT 2004, THE RESIDENTIAL TENANCIES ACT 2004 AND THE SOCIAL WELFARE CONSOLIDATION ACT 2005 AND TO PROVIDE FOR RELATED MATTERS.

[15*th July*, 2009]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART 1

PRELIMINARY AND GENERAL

Short title, collective citation, construction and commencement.

1.— (1) This Act may be cited as the Housing (Miscellaneous Provisions) Act 2009.

(2) The Housing Acts 1966 to 2004 and this Act (other than *section 100*) may be cited together as the Housing Acts 1966 to 2009 and shall be construed together as one Act.

(3) *Section 100* and, in so far as it relates to that section, this section shall be construed as one with the Residential Tenancies Acts 2004 and 2009 and shall be included in the collective citation "Residential Tenancies Acts 2004 and 2009".

(4) This Act (other than *section 100*) comes into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions, including the application of *section 7* or *8* to different enactments specified in *Schedule 1* or *Schedule 2* and to different provisions of those enactments.

Interpretation.

2.— (1) In this Act—

"Act of 1988" means the Housing Act 1988;

"Act of 1992" means the Housing (Miscellaneous Provisions) Act 1992;

"Act of 1997" means the Housing (Miscellaneous Provisions) Act 1997;

"Act of 2002" means the Housing (Miscellaneous Provisions) Act 2002;

"affordable housing" means F1**[**affordable dwellings within the meaning of section 4 of the Affordable Housing Act 2021 purchased under Part 2 of that Act**]** or affordable housing provided under Part V of the Planning and Development Act 2000 or Part 2 of the Act of 2002, as the case may be;

"allocation scheme" has the meaning given to it by *section 22*;

"anti-social behaviour" has the same meaning as in section 1 of the Act of 1997;

"approved body" means a body standing approved of for the purposes of section 6 of the Act of 1992;

"caravan" has the same meaning as in section 13 of the Act of 1988;

"*Chapter 4* tenancy agreement" has the meaning given to it by *section 25* and references to "*Chapter 4* tenancy" shall be construed accordingly;

F2**[**"chief executive" means, as respects a local authority, a chief executive as provided for by Chapter 2 of Part 14 (as amended by the Local Government Reform Act 2014) of the Local Government Act 2001;**]**

"development plan" has the same meaning as in section 2 of the F3**[**Planning and Development Act 2024**]**;

"dwelling" includes any building or part of a building occupied or intended for occupation as a normal place of residence and includes any out-office, yard, garden or other land appurtenant thereto or usually enjoyed therewith and includes a house, flat, apartment, maisonette or hostel;

"estate management" has the same meaning as in section 1 of the Act of 1997;

"executive function" has the same meaning as in section 2 of the Local Government Act 2001;

"homelessness action plan" has the meaning given to it by *section 37*;

"homelessness consultative forum" has the meaning given to it by *section 38*;

"homeless person" means a person who is regarded by a housing authority as being homeless within the meaning of section 2 of the Act of 1988 and "homeless" and "homeless household" shall be construed accordingly;

"joint homelessness consultative forum" shall be read in accordance with *section 38*;

"household" means, subject to *sections 20* and *84* , a person who lives alone or 2 or more persons who live together;

"housing action programme" has the meaning given to it by *section 18*;

F4**[**...**]**

"housing services" shall be read in accordance with *section 10*;

"housing services plan" has the meaning given to it by *section 14*;

"housing strategy" has the same meaning as in F3**[**section 2 of the Planning and Development Act 2024**]**;

"housing support" shall be read in accordance with *section 10 (a)*;

F5**[**"local authority" means a local authority for the purposes of the Local Government Act 2001 (as amended by the Local Government Reform Act 2014);**]**

F4**[**...**]**

"market rent" has the same meaning as in section 24 of the Residential Tenancies Act 2004;

"material improvements" F1**[**means improvements made to a dwelling sold under an incremental purchase arrangement under Part 3**]**;

whether for the purposes of extending, enlarging, repairing or converting the dwelling, but does not include decoration, or any improvements carried out on the land including the construction of the dwelling;

"Minister" means the Minister for the Environment, Heritage and Local Government;

"prescribed" means prescribed by regulations made by the Minister under this Act;

"Principal Act" means the Housing Act 1966;

"public private partnership arrangement" has the same meaning as in section 3 of the State Authorities (Public Private Partnership Arrangements) Act 2002;

"refurbishment" in relation to a dwelling or other building, includes the enlargement, improvement, adaptation or reconstruction of such dwelling or other building;

"rental accommodation availability agreement" has the meaning given to it by *section 24*;

"rent scheme" has the meaning given to it by *section 31*;

F5**[**"reserved function" means a reserved function for the purposes of the Local Government Act 2001 (as amended by the Local Government Reform Act 2014);**]**

"social housing assessment" has the meaning given to it by *section 20*;

"social housing support" shall be read in accordance with *section 19*.

(2) F4**[**...**]**

Regulations.

3.— (1) The Minister may make regulations prescribing any matter referred to in this Act as prescribed or to be prescribed or to be the subject of regulations or for the purpose of enabling any of its provisions to have full effect.

(2) Regulations made under this Act may—

(*a*) contain such incidental, supplementary, consequential or transitional provisions as appear to the Minister to be necessary for the purposes of the regulations, and

(*b*) may be expressed to apply either generally or to specified housing authorities or areas or to housing authorities, areas, apartment complexes (within the meaning of *section 50*), dwellings, tenancies, loans, mortgages, persons, households, works or any other matter of a specified class or classes, denoted by reference to such matters to which the provision or provisions of this Act under which the regulations are made relate, as the Minister considers appropriate, and different provisions of such regulations may be expressed to apply in relation to different housing authorities or areas or different classes of housing authorities, areas, apartment complexes (within the meaning of *section 50*), dwellings, tenancies, loans, mortgages, persons, households, works or other matters.

(3) Every regulation under this Act shall be laid before each House of the Oireachtas as soon as may be after it has been made and, if a resolution annulling the regulation is passed by either such House within the next 21 days on which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

Ministerial directions.

4.— (1) The Minister may, from time to time, as he or she considers appropriate, give general policy directions in writing to a housing authority in relation to the performance by the housing authority of any of its functions under the *Housing Acts 1966 to 2009* and the housing authority shall comply with any such directions.

(2) The Minister may, by direction in writing, revoke or amend a direction under *subsection (1)*, including a direction under this subsection.

(3) Whenever the Minister gives a direction under this section, he or she shall publish the direction or cause it to be published in the manner he or she considers appropriate.

(4) A housing authority shall make available for inspection by members of the public, without charge, on the Internet and at its offices and such other places as it considers appropriate, during normal working hours, a copy of any direction given to it under this section.

Guidelines.

5.— (1) The Minister may, from time to time, as he or she considers appropriate, issue to housing authorities such guidelines in relation to the performance of their functions under the *Housing Acts 1966 to 2009* as he or she considers appropriate and housing authorities shall have regard to such guidelines in the performance of those functions.

(2) The Minister shall publish or cause to be published, in the manner he or she considers appropriate, any guidelines issued under this section.

(3) A housing authority shall make available for inspection by members of the public, without charge, on the Internet and at its offices and such other places as it considers appropriate, during normal working hours, a copy of any guidelines issued to it under this section.

Limitation on Ministerial power.

6.— Without prejudice to *section 12*, *sections 4* and *5* shall not be construed as enabling the Minister to exercise any power or control in relation to any particular case with which a housing authority is or may be concerned.

Repeals.

7.— The Acts specified in *column (3)* of *Schedule 1* are repealed to the extent specified in *column (4)* of that Schedule.

Consequential amendments.

8.— The Acts specified in *Schedule 2* are amended as indicated in that Schedule.

Expenses.

9.— The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

PART 2

FUNCTIONS OF HOUSING AUTHORITIES

CHAPTER 1

Housing Services

Provision of housing services.

10.— In performing its functions under the *Housing Acts 1966 to 2009*, a housing authority may provide housing services, including, but not necessarily limited to, all or any of the following—

(*a*) housing support provided to households for the purposes of meeting their accommodation needs, including:

(i) social housing support;

(ii) affordable housing;

(iii) the granting of shared ownership leases under section 3 of the Act of 1992;

F7**[**(iv) the sale, or consent to the sale, of a dwelling under section 90(1)(b) of the Principal Act to a person other than another housing authority;**]**

(v) subsidies payable under section 4 of the Act of 1992 or section 7 of the Act of 2002;

(vi) loans made under section 11 of the Act of 1992 or section 25(1) of the Housing (Traveller Accommodation) Act 1998;

(vii) grants for works of improvement or adaptation to houses under section 5 of the Act of 1992;

(viii) grants and other assistance for the provision of new houses or improvement works to houses under section 6 of the Housing (Miscellaneous Provisions) Act 1979;

(ix) services provided to homeless persons under section 10 of the Act of 1988;

(x) the provision of sites under section 57 of the Principal Act,

(*b*) assistance, other than financial assistance or housing support, provided—

(i) in accordance with a homelessness action plan to households that were formerly homeless before their occupation of their current accommodation and, in the

opinion of the housing authority, such assistance is necessary for the purposes of supporting those households in remaining in occupation of that accommodation, or

(ii) to tenants of dwellings to which *section 31 (1)* applies,

(*c*) the management, maintenance and refurbishment under *section 28* of any dwelling, building or land of which the housing authority is the owner or which is under its F8**[**management and control,**]**

(*d*) the reconstruction or improvement under section 12 of the Act of 1988 of certain houses provided by F8**[**housing authorities, and**]**

F9**[**(*e*) cost rental dwellings within the meaning of Part 3 of the Affordable Housing Act 2021.**]**

Provision of ancillary services.

11.— (1) In this section "ancillary services" include roads, shops, facilities for the benefit of the community (including health and leisure facilities), playgrounds, places of recreation, parks, allotments, open spaces, sites for places of worship, factories, schools, offices and other buildings or land and other such works or services, as will, in the opinion of a housing authority, serve a beneficial purpose either in connection with the requirements of the households for which the dwellings concerned are provided or in connection with the requirements of other households.

(2) In providing housing services and in connection with dwellings provided, to be provided or which, in the opinion of the housing authority will in the future require to be provided, a housing authority may provide and, if it considers appropriate, maintain in good order and repair, the ancillary services.

(3) For the purposes of *subsection (2)*—

(*a*) reference to the provision of dwellings includes dwellings provided, or maintained, on behalf of a housing authority pursuant to arrangements with an approved body, or public private partnership arrangements, and

(*b*) reference to the provision and maintenance of ancillary services includes ancillary services provided pursuant to arrangements with an approved body, or public private partnership arrangements.

Funding for housing services.

12.— (1) The Minister may, for the purposes of the provision of housing services, with the consent of the Minister for Finance, pay to a housing authority, out of moneys provided by the Oireachtas, a grant or subsidy in respect of all or any one or more of the following:

(*a*) the provision of dwellings or sites by the authority;

(*b*) the refurbishment of dwellings provided by the authority;

(*c*) the provision of caravans, or the provision, improvement or management by the authority of sites for caravans referred to in section 13 of the Act of 1988 for persons to whom that section applies;

(*d*) the acquisition of land for the provision of dwellings or sites;

(*e*) the provision of ancillary services in connection with the provision or improvement of dwellings or sites;

(*f*) subject to such regulations as may be made under this section, the provision of assistance to an approved body under section 6 of the Act of 1992;

(*g*) such measures as may be taken by the housing authority pursuant to its housing services plan for the purposes of improving its housing services;

(*h*) such measures as may be taken by the housing authority pursuant to its homelessness action plan relating to the provision of assistance under *section 10 (b) (i)*.

(2) A grant or subsidy shall not be paid under this section in respect of a dwelling, site or works unless the relevant dwelling, site or works comply on completion with such conditions, if any, as may, from time to time, be determined by the Minister for the purposes of this section in relation to standards of construction and works and the provision of water, sewerage and other services in dwellings or to sites.

(3) A subsidy under *subsection (1)* in respect of loan charges incurred in the provision of any of the housing services referred to in that subsection may be made either to the housing authority concerned or, on its behalf, to the person who made the relevant loan in respect of which the loan charges were incurred.

(4) The Minister may make regulations in relation to the payment of a grant or subsidy under *subsection (1) (f)* providing for all or any one or more of the following:

(*a*) the class or classes of accommodation in respect of which the grant or subsidy may be paid and the class or classes of households for whom such accommodation is provided;

(*b*) the amount of the grant or subsidy;

(*c*) requirements in relation to—

(i) the assistance in respect of which the grant or subsidy may be paid,

(ii) the payment of the grant or subsidy,

(iii) the financial and other circumstances of households occupying accommodation in respect of which the grant or subsidy may be paid,

(iv) the occupation and maintenance of accommodation in respect of which the grant or subsidy may be paid,

(v) the floor area of accommodation in respect of which the grant or subsidy may be paid, measured in such manner as may, from time to time, be determined by the Minister,

(vi) standards of construction, works and repair and the availability in accommodation, in respect of which the grant or subsidy may be paid, of water, sewerage and other services, and

(vii) the payment under any enactment (including this Act) of any other grant, subsidy or assistance in respect of the accommodation concerned.

Housing authority resources.

13.— Any moneys accruing to a housing authority from—

(*a*) the sale of a dwelling owned by the authority, including a sale under section 90 of the Principal Act F10**[**, *Part 3* or *4* of this Act or Part 3 of the Housing (Miscellaneous Provisions) Act 2014**]**,

(*b*) the resale of a dwelling under section 48 or 76 F11**[**or section 29 of the Housing (Miscellaneous Provisions) Act 2014**]**,

(*c*) an approved body in respect of the resale of a dwelling referred to in *paragraph (b)*,

(*d*) payments in respect of any amounts outstanding under section 47 or 75 F12**[**or section 27 of the Housing (Miscellaneous Provisions) Act 2014**]**, as the case may be,

(*e*) the resale of a dwelling under section 9 of the Act of 2002,

(*f*) the purchase of the interest of the housing authority or the sale of a dwelling, as the case may be, under section 10 of the Act of 2002,

(*g*) the resale of certain sites, or dwellings on such sites, under *section 98*, or

(*h*) the repayment of a grant to which *section 99* applies,

shall be accounted for by the housing authority in a separate account and, subject to the prior approval of the Minister, may be used for the provision of housing or for the refurbishment or maintenance of existing housing, or any other related purposes.

CHAPTER 2

Housing Services Plan

Obligation to make housing services plan.

14.— (1) Each housing authority shall make a plan (in this Act referred to as a "housing services plan") setting out the objectives which the housing authority considers to be reasonable and necessary for the provision of housing services having regard to the requirements of the housing strategy or strategies relating to housing supports for its administrative area.

(2) A housing services plan shall be in writing and shall specify how the housing authority proposes to provide housing services.

(3) Subject to *subsection (5)*, a housing authority shall adopt a housing services plan not later than 6 months after the date on which the current development plan is made.

(4) A housing services plan shall relate to the remaining period of the housing authority's current development plan.

(5) (*a*) The Minister may direct a housing authority or housing authorities to make a housing services plan relating to the remaining period of the development plan in operation, on the coming into operation of this section, in respect of the administrative area concerned and this Chapter shall apply to the preparation and making of such a plan.

(*b*) A housing authority shall comply with any direction given to it under *paragraph (a)*.

(6) The preparation, making, adoption or variation of a housing services plan, or draft plan, as the case may be, is a reserved function.

Content of housing services plan.

15.— (1) In making a housing services plan, a housing authority shall, in particular, have regard to the following:

(*a*) the development plan or plans for its administrative area;

(*b*) any summary or summaries of social housing assessments prepared under *section 21*;

(*c*) the demand for affordable housing in its administrative area;

(*d*) the accommodation programme or programmes adopted for its administrative area in accordance with section 7 of the Housing (Traveller Accommodation) Act 1998;

(*e*) the homelessness action plan adopted in accordance with *Chapter 6* in respect of its administrative area;

(*f*) the need to ensure that housing services are delivered in a manner which promotes sustainable communities, including but not necessarily limited to the need to—

(i) counteract undue segregation in housing between persons of different social backgrounds, and

(ii) ensure that a mixture of dwelling types and sizes and of classes of tenure is provided to reasonably match the different types of housing support required in its administrative area;

(*g*) its anti-social behaviour strategy (if any) under *section 35*;

(*h*) any directions given by the Minister under *subsection (2)*;

(*i*) the matters specified in section 69 of the Local Government Act 2001 to which local authorities are required to have regard in performing their functions.

(2) (*a*) The Minister may direct a housing authority to include in its housing services plan such information as he or she considers necessary, including, but not necessarily limited to, information on, and priorities relating to, each of the following:

(i) the provision of appropriate housing supports;

(ii) proposed measures to ensure that housing supports are delivered in a manner which promotes sustainable communities;

(iii) the quality, standards and condition of housing owned by the housing authority, and priorities for refurbishment;

(iv) plans for the regeneration of the administrative area concerned or any part of it;

(v) the policies of the housing authority relating to the management and maintenance of dwellings or sites owned or controlled by it.

(*b*) A housing authority shall comply with any direction given to it under *paragraph (a)*.

(3) A housing services plan shall include the summary or summaries, prepared under *section 21*, of the social housing assessments carried out in respect of the administrative area concerned.

Preparation of draft plan and making of plan.

16.— (1) A housing authority shall prepare a draft of the housing services plan and shall send a copy of the draft housing services plan to—

(*a*) the Minister,

(*b*) every local authority whose administrative area adjoins F13**[**...**]** the administrative area of the authority preparing the draft plan,

(*c*) the Health Service Executive,

(*d*) approved bodies engaged in the provision of accommodation or shelter in the administrative area concerned,

(*e*) the homelessness consultative forum in its administrative area, or joint homelessness consultative forum, as the case may be,

(*f*) any local traveller accommodation consultative committee in the administrative area concerned appointed under section 21 of the Housing (Traveller Accommodation) Act 1998, and

(*g*) such local community bodies in the administrative area concerned and any other person, as the housing authority considers appropriate.

(2) Written submissions or observations with respect to the draft housing services plan may be made by the persons specified in *subsection (1)* to the housing authority within 8 weeks from the date on which the draft plan is sent under *subsection (1)*.

(3) Where the Minister considers that any draft housing services plan fails to adequately take account of any of the matters specified in *section 15 (1)*, the Minister may, within the period specified in *subsection (2)*, for stated reasons, direct the housing authority concerned to take specified measures to ensure that the housing services plan, when made, takes adequate account of those matters and the housing authority shall comply with any such direction.

(4) Not later than 4 weeks after the end of the period specified in *subsection (2)*, the F14**[**chief executive**]** shall prepare and submit to the housing authority a report on—

(*a*) any submissions or observations made under *subsection (2)*,

(*b*) the directions (if any) of the Minister under *subsection (3)* and the stated reasons for those directions, and

(*c*) any aspect of the draft housing services plan (other than aspects of the draft plan the subject of any ministerial direction under *subsection (3)*) that, in his or her opinion, fails to adequately take account of any of the matters specified in *section 15 (1)*.

(5) The housing authority shall, having taken account of the directions of the Minister (if any) under *subsection (3)* and the F14**[**chief executive**]** under *subsection (4)*, adopt the housing services plan, with or without modification, within 6 weeks after the submission of the F14**[**chief executive**]'**s report.

(6) The housing authority shall—

(*a*) give a copy of the housing services plan to the Minister as soon as practicable after it is adopted,

(*b*) make the housing services plan available for inspection on request by any person, without charge, at its offices and such other places as it considers appropriate, during normal office hours,

(*c*) on request by any person, provide a copy of the housing services plan at a price not exceeding the reasonable cost of reproduction, and

(*d*) publish and maintain a copy of the housing services plan on the Internet for the period of the plan.

Variation of housing services plan.

17.— (1) Where the F15**[**chief executive**]** considers that there has been a change in any of the matters specified in *section 15 (1)* that significantly affects the housing services plan, including any adjustment of a housing strategy pursuant to F16**[**section 57 of the Planning and Development Act 2024**]**, the F15**[**chief executive**]** shall submit a report on the matter to the members of the housing authority and, where the F15**[**chief executive**]** considers it necessary and appropriate, he or she may recommend that the housing services plan be varied accordingly and the housing authority may, having taken account of any such recommendations, as it considers appropriate, decide to vary the plan or part or parts thereof accordingly.

(2) Where the Minister considers that there has been a change in circumstances that significantly affects all or any part or parts of one or more than one housing services plan, he or she may give a direction requiring the housing authority or authorities concerned to vary the plan or plans or part or parts thereof accordingly and the housing authority or authorities, as the case may be, shall comply with any such direction.

(3) *Section 16* applies to the variation of a plan as it applies to the preparation and adoption of a plan, with any necessary modifications.

Housing action programme.

18.— (1) The F17**[**chief executive**]** shall, from time to time, in such form and for such period as the Minister may direct, prepare a programme (in this Act referred to as a "housing action programme") for implementation of the housing services plan.

(2) A housing action programme shall—

(*a*) take account of the financial resources available for the period to which the programme relates, and

(*b*) include such matters as the Minister may specify in a direction given under *subsection (1)*, including (except in the case of the first housing action programme) a review of progress made in the implementation of the housing services plan during the period of the previous housing action programme.

(3) The F17**[**chief executive**]** shall provide a copy of the housing action programme to the Minister F17**[**, the members of the housing authority and the members of any borough council or town council situated in the administrative area of the housing authority**]**.

CHAPTER 3

Social Housing Support

Provision of social housing support.

19.— (1) A housing authority may, in accordance with the *Housing Acts 1966 to 2009* and regulations made thereunder, provide, facilitate or manage the provision of social housing support.

(2) Without prejudice to the generality of *subsection (1)*, social housing support may include all or any of the following:

(*a*) dwellings provided by a housing authority under the *Housing Acts 1966 to 2009* or provided under Part V of the Planning and Development Act 2000, other than affordable housing;

(*b*) dwellings provided by an approved body;

F18**[**(*bb*) providing housing assistance under Part 4 of the Housing (Miscellaneous Provisions) Act 2014;**]**

F19**[**(*c*) the sale of a dwelling under section 90 of the Principal Act or *Part 3* or *4*, or the sale of a house under Part 3 of the Housing (Miscellaneous Provisions) Act 2014; **]**

(*d*) entering into and maintaining rental accommodation availability agreements;

(*e*) the provision of sites for caravans referred to in section 13 of the Act of 1988 and any accommodation provided to travellers under the Housing (Traveller Accommodation) Act 1998;

(*f*) the provision of sites for building purposes under section 57 of the Principal Act.

(3) A housing authority may, in accordance with the *Housing Acts 1966 to 2009* and regulations made thereunder, for the purposes of providing social housing support to households, whether provided on a permanent or temporary basis—

(*a*) purchase, build, lease or otherwise acquire dwellings or sites,

(*b*) convert buildings, and

(*c*) refurbish dwellings.

(4) In performing its functions under *subsections (2)* and *(3)* a housing authority shall have regard to its housing services plan and the need to—

(*a*) counteract undue segregation in housing between persons of different social backgrounds, and

(*b*) ensure that a mixture of dwelling types and sizes and of classes of tenure is provided to reasonably match the requirements of households.

(5) A housing authority may, with the approval of the Minister, enter into a public private partnership arrangement for the performance of its functions under *subsection (1)*.

(6) F20**[**...**]**

Social housing assessment.

20.—F22**[**(1) For the purposes of this section "household" means—

(*a*) a person who lives alone,

(*b*) 2 or more persons who live together, or

(*c*) 2 or more persons who do not live together but who, in the opinion of the housing authority concerned, have a reasonable requirement to live together.**]**

(2) Where a household applies for social housing support, the housing authority concerned shall, subject to and in accordance with regulations made for the purposes of this section, carry out an assessment (in this Act referred to as a "social housing assessment") of the household's eligibility, and need for, social housing support for the purposes of determining—

(*a*) whether the household is qualified for such support, and

F23**[**(*b*) an appropriate form of such support for that household.**]**

F24**[**(3) A housing authority may carry out a social housing assessment in respect of a household where a household member is in receipt of a supplement under section 198(3) of the Social

Welfare Consolidation Act 2005 towards the amount of rent payable in respect of his or her residence.**]**

(4) The Minister may make regulations providing for the means by which the eligibility of households for social housing support shall be determined including, but not necessarily limited to, the following:

(*a*) the maximum income threshold based on a household comprising one person;

(*b*) the methodology according to which the threshold referred to in *paragraph (a)* shall be adjusted for households comprising more than one person;

(*c*) the manner in which a housing authority shall set the income threshold, having regard to the market rent in respect of, and the average purchase prices for, dwellings in its administrative area, which in any case shall not be more than the maximum income threshold referred to in *paragraph (a)*;

(*d*) the procedures to be applied by a housing authority for the purposes of determining a household's eligibility by reference to income;

(*e*) the availability to the household of alternative accommodation that would meet its housing need;

(*f*) social housing support previously provided by any housing authority to the household which may be taken account of by a housing authority in making a determination as to F25**[**an appropriate form**]** of social housing support for that household;

(*g*) the period for which a household F26**[**member**]** is required to be in receipt of the supplement referred to in *subsection (3)*.

F27**[**(4A) (*a*) Where, due to the circumstances of a particular case, a housing authority is unable to establish for the time being whether alternative accommodation is available to a household that would meet the household's housing need, the authority may, subject to the other provisions of this section, determine that the household is qualified for the forms of social housing support specified in *paragraphs (bb)* and *(d)* of *section 19(2)* of the *Act of 2009*.

(*b*) A determination under *paragraph (a)* shall be reviewed by the housing authority at intervals prescribed for the purposes of this section.

(*c*) A household to which *paragraph (a)* relates that is in receipt of a form of social housing support referred to in that paragraph is not eligible to apply for a transfer to a form of such support not referred to in *paragraph (a)* but, if a housing authority subsequently determines that alternative accommodation is not available to the household that would meet its housing need, then the length of time that the household was in receipt of that form of social housing support shall be reckonable, in accordance with the allocation scheme of the housing authority, for the purposes of an application by the household for a transfer to another form of social housing support.**]**

F28**[**(5) (*a*) Subject to *paragraph (b)*, a household shall not be eligible for social housing support where—

(i) at any time during the 3 years immediately before the carrying out of the social housing assessment, the household or a member of his or her household was in arrears of rent, rent contributions, charges, fees or loan repayments or any other moneys due and owing to a housing authority or an approved body for an accumu-

lated period of 12 weeks or more in respect of a dwelling or site to which *Chapter 3* of *Part 2* of the *Act of 2009* relates, and

(ii) the household or the member concerned has not entered into rescheduling arrangements with the housing authority or approved body concerned for the payment of such arrears, or, having entered into such arrangements, has not, in the opinion of the authority or body, substantially complied with their terms.

(*b*) The failure of a household or household member to substantially comply with the terms of rescheduling arrangements shall be disregarded in any case where the housing authority or approved body concerned is satisfied that the failure was due to circumstances outside the control of such household or household member.**]**

F29**[**(5A) (*a*) Subject to *paragraph (b)*, a household in receipt of social housing support shall cease to be eligible for such support where—

(i) in the preceding 3 years, the household or a household member was in arrears of rent, rent contributions, charges, fees or any other moneys due and owing to a housing authority or an approved body for an accumulated period of 12 weeks or more in respect of a dwelling or site to which *Chapter 3* of *Part 2* of the *Act of 2009* relate, and

(ii) the household or the member concerned has not entered into rescheduling arrangements with the housing authority or approved body concerned for the payment of such arrears, or, having entered into such arrangements, has not, in the opinion of the authority or body, substantially complied with their terms.

(*b*) The failure of a household or household member to substantially comply with the terms of rescheduling arrangements shall be disregarded in any case where the housing authority or approved body concerned is satisfied that the failure was due to circumstances outside the control of such household or household member.

(5B) (*a*) Where a qualified household that is entered on the record of qualified households maintained by a housing authority refuses a prescribed number of reasonable offers of a specified form of social housing support in any continuous period that is prescribed, then—

(i) the household shall be ineligible for social housing support for a prescribed period after the last refusal during the said continuous period, and

(ii) the prescribed period of ineligibility shall not subsequently be reckonable in any way for the purposes of determining the relative priority of that household for social housing support.

(*b*) In making an offer of housing social support referred to in *paragraph (a)*, a housing authority may, unless it has been prescribed for the purpose of the paragraph concerned, specify a period or date within which the offer has to be accepted before it lapses and if the offer lapses it shall be deemed to be a refusal for the purposes of that subsection.

(*c*) In this subsection "specified form of social housing support" means social housing support of a kind referred to in *paragraph (a)*, *(b)* or *(d)* of *section 19(2)*.**]**

(6) The Minister may make regulations providing for the matters by reference to which a household's need for social housing support and the form of such support shall be determined including, but not necessarily limited to, the following:

(*a*) the description and classification of household need;

(*b*) the description of specific accommodation requirements according to different categories of household need;

(*c*) the description of accommodation need based on the composition of the household.

(7) The Minister may make regulations in relation to the carrying out of social housing assessments, including, but not necessarily limited to, the following:

(*a*) the form and manner in which a social housing assessment shall be carried out;

(*b*) the period within which an application for social housing support shall be dealt with by a housing authority;

(*c*) notification by the housing authority of the making of a decision in respect of an application for social housing support;

(*d*) the frequency of reviewing and updating assessments.

(8) In carrying out a social housing assessment under this section, a housing authority may disregard the accommodation the household is occupying where the authority has reason to believe that the household, or any member of it, has deliberately or without good and sufficient reason done or failed to do anything (other than an action or omission in good faith) in consequence of which the accommodation the household is so occupying is less suitable for its adequate housing than other accommodation which it would have been, or would be, reasonable for the household to occupy.

(9) A household in receipt of social housing support referred to in *section 19 (2) (b)*, before the coming into operation of this section, is deemed to have been assessed and qualified for such social housing support under this section.

F30**[**(10) A housing authority shall not be required to carry out a social housing assessment in respect of a household in receipt of social housing support that is seeking to transfer to, or to avail of, another form of social housing support.**]**

Summary of social housing assessments.

21.— A housing authority shall—

(*a*) for the purposes of preparing an estimate under F31**[**section 242(6)(a) of the Planning and Development Act 2024**]** of the amount of housing required for households assessed under *section 20* as being qualified for social housing support,

(*b*) when preparing a draft housing services plan under *section 16*,

(*c*) when preparing an accommodation programme under section 7 of the Housing (Traveller Accommodation) Act 1998, or

(*d*) as the Minister may from time to time direct,

prepare a summary, in the prescribed form, of the social housing assessments carried out in its administrative area.

Allocation of dwellings.

22.— (1) This section applies to—

(*a*) dwellings provided under the *Housing Acts 1966 to 2009* or Part V of the Planning and Development Act 2000—

(i) of which a housing authority is the owner, or

(ii) of which the housing authority is not the owner and which are provided under a contract or lease between the housing authority and the owner concerned, including rental accommodation availability agreements,

and

(*b*) dwellings owned and provided by approved bodies to whom assistance is given under section 6 of the Act of 1992 for the purposes of such provision.

(2) A housing authority may allocate a dwelling under this section to a household in accordance with a scheme made under *subsection (3)*.

(3) A housing authority shall, not later than one year after the coming into operation of this section, in accordance with this section and any regulations made thereunder, make a scheme (in this Act referred to as an "allocation scheme") determining the order of priority to be accorded in the allocation of dwellings to—

(*a*) households assessed under *section 20* as being qualified for social housing support, and

(*b*) households, in receipt of social housing support, that have applied to the housing authority to transfer to another dwelling or to purchase a dwelling under *Part 3* and the housing authority consents to the transfer, or purchase, as the case may be.

(4) The Minister may make regulations providing for the matters to be included in an allocation scheme, including the following:

(*a*) the manner in which dwellings, or different categories of dwellings, are allocated to households;

(*b*) the order or priority in accordance with which dwellings are allocated under the allocation scheme;

(*c*) the conditions relating to refusals by a household of reasonable offers of social housing support offered in accordance with an allocation scheme by reference to the availability of social housing support in the administrative area concerned, the number of offers made to, and refusals made by, a household and the period during which those offers and refusals are made.

(5) Having regard to *section 19 (4)*, a housing authority shall make provision in its allocation scheme for the proportion of dwellings in any part or parts of its administrative area which may be reserved for all or any of the following purposes:

(*a*) allocation to particular classes of household;

(*b*) particular forms of tenure;

(*c*) allocation to households transferring from other forms of social housing support.

(6) An allocation scheme may include conditions subject to which the preference of a household to reside in a particular area or areas may be taken into account in allocating a dwelling to such a household, including, but not necessarily limited to, conditions relating to—

(*a*) whether the household or any member of it currently resides, or at any time has resided, and for what period, in the area or areas concerned,

(*b*) the distance of the area or areas from the place of employment of any member of the household,

(*c*) whether any members of the household are attending any university, college, school or other educational establishment in the area or areas concerned, and

(*d*) whether any relatives of any member of the household reside in the area or areas concerned.

(7) Notwithstanding the generality of *subsection (2)*, a housing authority may disregard the order of priority given to a household under an allocation scheme where the household is being provided with social housing support—

(*a*) in a dwelling let to the household under a *Chapter 4* tenancy agreement having been assessed under *section 20 (3)*, or

(*b*) arising from specified exceptional circumstances, including displacement by fire, flood or any other emergency, development, redevelopment or regeneration of an area by the housing authority, or exceptional medical or compassionate grounds.

(8) An allocation scheme may provide that the housing authority shall obtain and have regard to a report from a medical practitioner employed by the Health Service Executive in the allocation of dwellings where priority is claimed on grounds consisting of, or including, exceptional medical grounds.

(9) A housing authority may from time to time review its allocation scheme and, as it considers necessary and appropriate, amend the scheme or make a new scheme.

(10) The making of an allocation scheme, or the amendment to such a scheme, are reserved functions.

(11) The allocation of a dwelling to a household is an executive function.

(12) The F32**[**chief executive**]** shall—

(*a*) prepare and submit to the members of the housing authority not later than 30 April in each year a written report on allocations made under its allocation scheme by specifying the different categories of dwellings and households and the proportions of each such category, by reference to the total number of such allocations in the preceding year, and

(*b*) provide a copy of the report prepared under *paragraph (a)* to the Minister, if the Minister requests such a copy.

(13) Notwithstanding the repeal by this Act of section 11 of the Act of 1988, a scheme of priorities made by a housing authority under that section and in force immediately before the coming into operation of this section continues to have effect after such coming into operation and is deemed to have been made under this section until an allocation scheme under this section comes into force.

(14) A housing authority shall make a copy of its allocation scheme available for inspection by members of the public, without charge, on the Internet and at its offices and such other places as it considers appropriate, during normal working hours.

(15) Before making or amending an allocation scheme, a housing authority shall provide a draft of the scheme or amendment to the scheme, as the case may be, to the Minister, who may direct the housing authority to amend the draft scheme or draft amendment, and the

housing authority shall comply with any such direction within such period as may be specified by the Minister.

(16) The Minister may, as he or she considers necessary and appropriate, direct a housing authority to amend an allocation scheme, in such manner as he or she may direct, and the housing authority shall comply with any such direction within such period as may be specified by the Minister.

(17) (*a*) The Minister may issue directions to a housing authority regarding the operation of an allocation scheme and the housing authority shall comply with any such direction in operating the scheme.

(*b*) Nothing in *paragraph (a)* shall be construed or operate to enable the Minister to direct the allocation of a dwelling to a specific household.

CHAPTER 4

Rental Accommodation Arrangements

Interpretation (*Chapter 4*).

23.— In this Chapter—

"Act of 2004" means the Residential Tenancies Act 2004;

"authorised agent" has the same meaning as in the Act of 2004;

"dwelling to which this Chapter applies" means a dwelling which is the subject of a rental accommodation availability agreement;

"qualified tenant" means a household assessed under *section 20* as being qualified for social housing support;

"rental accommodation availability agreement" has the meaning given to it by *section 24* and references to "availability agreement" shall be construed accordingly;

"rental accommodation provider" means a person who makes a dwelling, of which he or she is the owner, available under a rental accommodation availability agreement for the purposes of letting to a qualified tenant in accordance with this Chapter, and references to "provider" shall be construed accordingly;

"rent contribution" has the meaning given to it by *section 25*.

Rental accommodation availability agreement.

24.— (1) Subject to such regulations as may be made for the purposes of this section and such terms and conditions as may be prescribed, a housing authority may, by order of the F34**[**chief executive**]**, enter into an agreement (in this Act referred to as a "rental accommodation availability agreement") with a rental accommodation provider pursuant to the terms and conditions of which availability agreement the provider agrees to—

(*a*) make the dwelling available for a specified period for the purposes of this Chapter, and

(*b*) let the dwelling pursuant to a tenancy agreement—

(i) to such qualified tenant as the housing authority may from time to time allocate to the tenancy in accordance with *section 22*, or to the housing authority, or

(ii) to the qualified tenant specified in the availability agreement,

in consideration of which availability agreement and subject to the terms and conditions thereof and the tenancy agreement, the housing authority guarantees the payment of the rent specified in the tenancy agreement and agrees to pay any other moneys, payable by the housing authority, specified in the availability agreement or the tenancy agreement, as the case may be.

(2) A housing authority shall not enter into a rental accommodation availability agreement unless the provider—

(*a*) satisfies the housing authority, in accordance with regulations made for the purposes of this section, that the dwelling complies with any standards for dwellings for the time being prescribed under section 18 of the Act of 1992, and

(*b*) gives to the housing authority—

(i) his or her tax reference number within the meaning of section 888 of the Taxes Consolidation Act 1997, and

(ii) a current tax clearance certificate issued under section 1095 of the Taxes Consolidation Act 1997.

(3) A rental accommodation availability agreement shall be in writing and shall include the following information—

(*a*) the address of the dwelling,

(*b*) the name and address for correspondence of the provider and of the housing authority,

(*c*) the name and address for correspondence of the provider's authorised agent (if any),

(*d*) if the provider or his or her authorised agent, as the case may be, is a company, the registered number and registered office of the company,

(*e*) a description of the dwelling, indicating—

(i) the estimated floor area,

(ii) the number of bed spaces,

(iii) a statement as to which of the following categories it belongs, namely, a whole or part of a house, a maisonette, an apartment or a flat and, where it is within the category of a house or maisonette, an indication as to whether the house or maisonette is detached, semi-detached or terraced, and

(iv) the number of bedrooms,

and

(*f*) the term of the availability agreement.

(4) An availability agreement shall include terms and conditions relating to—

(*a*) the payment of the rent and any other moneys, payable by the housing authority, specified in the tenancy agreement,

(*b*) the responsibility of the provider in relation to any works to be carried out, as are necessary to ensure that the dwelling complies with the standards for dwellings for the time being prescribed under section 18 of the Act of 1992, before the

commencement of the tenancy or where there is more than one tenancy during the term of the availability agreement, before each such tenancy,

(*c*) the registration by the provider under Part 7 of the Act of 2004 of the tenancy or each tenancy entered into during the term of the availability agreement,

(*d*) such access as may reasonably be required by officers or agents authorised by the housing authority for the purposes of inspection of the dwelling during the term of the availability agreement,

(*e*) termination of the availability agreement by the housing authority or the provider, as the case may be, and

(*f*) such other matters as the housing authority considers necessary and appropriate relating to the standard of the accommodation concerned.

(5) The Minister may make regulations for the purposes of this section providing for, but not necessarily limited to, the following:

(*a*) the manner in which a provider shall satisfy the housing authority for the purposes of *subsection (2) (a)*, including by the provision of a certificate of compliance;

(*b*) the class or classes of persons who may provide a certificate of compliance referred to in *paragraph (a)*;

(*c*) the information to be provided by a provider to the housing authority before entering into an availability agreement including information relating to the provider, his or her authorised agent (if any) and the dwelling concerned;

(*d*) in relation to the termination of an availability agreement by the housing authority or the provider—

(i) the terms and conditions relating to, and procedures for, termination,

(ii) the grounds on which an availability agreement may be terminated,

(iii) the giving of notice and notice periods, and

(iv) the procedure for resolution of any dispute arising from the proposed termination of the availability agreement including appeal procedures,

and

(*e*) the period within which a provider shall serve a notice of termination on a qualified tenant pursuant to *section 25 (6)*.

Chapter 4 tenancy agreement.

25.— (1) A housing authority may allocate a dwelling to which this Chapter applies to a qualified tenant in accordance with *section 22*.

(2) The provider shall, subject to the terms and conditions of the rental accommodation availability agreement enter into a tenancy agreement (in this Act referred to as a "*Chapter 4* tenancy agreement") with the qualified tenant to whom the dwelling concerned is allocated.

(3) A dwelling to which this Chapter applies which is the subject of a *Chapter 4* tenancy agreement shall not be construed as a dwelling let by or to a public authority for the purposes of section 3(2)*(c)* of the Act of 2004.

(4) A *Chapter 4* tenancy agreement shall be in writing, for such period as may be specified therein, and shall include the following particulars relating to the parties to the tenancy, the tenancy and the dwelling concerned:

(*a*) the address of the dwelling;

(*b*) the name of the tenant;

(*c*) the name and address for correspondence of the provider and of the housing authority;

(*d*) the name and address for correspondence of the provider's authorised agent (if any);

(*e*) if the provider or his or her authorised agent, as the case may be, is a company, the registered number and registered office of the company;

(*f*) a description of the dwelling;

(*g*) the date of commencement of the tenancy;

(*h*) where the tenancy is for a fixed term, the period of that term.

(5) A *Chapter 4* tenancy agreement shall, in addition to the obligations imposed under Part 2 of the Act of 2004, include terms and conditions relating to—

(*a*) occupation of the dwelling,

(*b*) the payment by the qualified tenant to the housing authority of an amount specified in the tenancy agreement (in this Act referred to as the "rent contribution") at such times as may be specified therein, and

(*c*) termination of the tenancy for—

(i) failure to pay the rent contribution in accordance with the terms and conditions of the tenancy agreement,

(ii) breach of the terms and conditions relating to occupation of the dwelling under *paragraph (a)*, or

(iii) knowingly permitting a person, against whom an excluding order under section 3 of the Act of 1997 or an interim excluding order under section 4 of that Act is in force in respect of the dwelling concerned, to enter the dwelling in breach of the excluding order or interim excluding order, as the case may be.

(6) (*a*) Where a qualified tenant does any of the things specified in *subsection (5) (c)*, he or she shall have failed to comply with the obligations of the tenancy for the purposes of section 67 of the Act of 2004.

(*b*) Where it comes to the notice of the housing authority that a tenant is doing or has done any of the things specified in *subsection (5) (c)* or is or was behaving in a way that is anti-social in breach of the obligation specified in section 16*(h*) of the Act of 2004, the housing authority may notify the provider in writing regarding the failure to comply with the said obligations.

(*c*) A provider, having received notification from the housing authority under *paragraph (b)*, shall, within such period as may be prescribed under *section 24 (5) (e)*, if the provider has not already done so under section 67 of the Act of 2004, serve a notice of termination on the qualified tenant in accordance with subsection (2) of the said section 67.

(7) Where a provider serves a notice of termination on a qualified tenant pursuant to a notice from a housing authority under *subsection (6) (b)*, the provider shall give a copy of the notice to the housing authority as soon as practicable thereafter.

(8) Where the provider intends to serve notice of termination on a qualified tenant in accordance with the terms and conditions of the tenancy agreement, other than pursuant to a notice from the housing authority under *subsection (6) (b)*, the provider shall give notice in writing to the housing authority not less than 14 days before serving the notice of termination on the qualified tenant.

(9) Where the housing authority intends to apply to the District Court for an excluding order against a person under section 3(2) of the Act of 1997, in respect of a dwelling the subject of a *Chapter 4* tenancy agreement, the housing authority shall give notice in writing to the provider of its intention to apply not less than 14 days before making the application.

(10) The rent contribution shall be determined by a housing authority in accordance with a rent scheme under *section 31*.

(11) A housing authority may reduce the rent contribution payable under a *Chapter 4* tenancy agreement, for a specified period of the tenancy, where the costs of the accommodation to the tenant before the tenancy agreement was entered into were substantially lower than the costs under the tenancy agreement, resulting in hardship to the household.

Expenses incurred by housing authority.

26.— The Minister may, subject to the prior consent of the Minister for Finance, make payments, out of moneys provided by the Oireachtas, to a housing authority in respect of some or all of the expenses, including administrative expenses, incurred by the authority by virtue of this Chapter.

Non-application of certain provisions to disposals for purposes of this Chapter.

27.— Section 211(2) of the Planning and Development Act 2000 and section 183 of the Local Government Act 2001 shall not apply to the disposal, for any of the purposes of this Chapter, of land or a dwelling by a housing authority.

CHAPTER 5

Management and Control Functions

Management and control functions.

28.— (1) Subject to this section, the management and control of any—

(*a*) dwelling, building, site or other land of which a housing authority is the owner, or

(*b*) works or services provided by the authority under the *Housing Acts 1966 to 2009*,

shall be vested in and exercised by the housing authority.

(2) Where a dwelling is provided by a housing authority under the *Housing Acts 1966 to 2009* or provided under Part V of the Planning and Development Act 2000, the management and control of the common areas appurtenant to and enjoyed with the dwelling are not required to be vested in the housing authority under *subsection (1)*.

(3) Subject to this section, a housing authority may perform management and control functions in respect of any dwelling of which the housing authority is not the owner and which is provided

under a contract or lease between the housing authority and the owner of the dwelling, including a rental accommodation availability agreement.

(4) Subject to the *Housing Acts 1966 to 2009* and regulations made thereunder, a housing authority may in respect of a dwelling or site to which *subsection (1) (a)* applies:

(*a*) allocate the dwelling to a household in accordance with *section 22*;

(*b*) specify the terms and conditions of the tenancy agreement between the housing authority and the tenant governing the letting of the dwelling in accordance with *section 29*;

(*c*) specify such rent and make any other charges for the tenancy, occupation or use of the dwelling as the housing authority may determine from time to time in accordance with *section 31*;

(*d*) in relation to any other building or land or works or services provided under the *Housing Acts 1966 to 2009* or Part V of the Planning and Development Act 2000, make such charges, whether by way of rent or otherwise, as it considers appropriate;

(*e*) sell the dwelling under section 90 of the Principal Act F36**[**, *Part 3* or *4* of this Act or Part 3 of the Housing (Miscellaneous Provisions) Act 2014**]**;

(*f*) carry out such works of maintenance, repair or refurbishment, or other activities, as the housing authority may consider necessary and appropriate, for the purposes of securing the proper maintenance of the dwelling or the estate in which the dwelling is situated and the good management of that estate, having regard to the objectives set out in its housing services plan.

(5) Subject to the *Housing Acts 1966 to 2009* and regulations made thereunder, a housing authority may, in respect of a dwelling to which *subsection (3)* applies, subject to the provisions of any contract or lease between the housing authority and the owner of the dwelling, including a rental accommodation availability agreement:

(*a*) allocate the dwelling to a household in accordance with *section 22*;

(*b*) specify the terms and conditions of a tenancy agreement governing the letting of the dwelling in accordance with *section 29*, as appropriate;

(*c*) specify such rent and any other charges for the tenancy, occupation or use of the dwelling as the housing authority may determine from time to time in accordance with *section 31*;

(*d*) carry out such works of maintenance, repair or refurbishment or other activities, as the authority may consider necessary and appropriate, for the purposes of securing the proper maintenance of the dwelling or the estate in which the dwelling is situated and the good management of that estate, having regard to the objectives set out in its housing services plan.

(6) The Land Law (Ireland) Act 1881 shall not apply as respects the letting by a housing authority of an allotment provided under *section 11* and such letting shall, unless a provision to the contrary is contained in a letting agreement, be deemed to be a letting for temporary convenience and determinable at the end of any month.

Tenancy agreements.

29.— (1) This section applies to—

(*a*) a dwelling referred to in *section 28 (1)*, and

(*b*) a dwelling referred to in *section 28 (3)*, other than a dwelling which is the subject of a rental accommodation availability agreement.

(2) The letting of a dwelling to which this section applies shall be subject to a tenancy agreement which shall be in writing, in the prescribed form and, subject to *subsection (3)*—

(*a*) shall include the terms and conditions specified in *Schedule 3* under which the household is permitted to occupy or use the dwelling, and

(*b*) may include such other terms and conditions as the housing authority concerned considers necessary and appropriate in respect of the letting.

(3) In the case of a dwelling referred to in *subsection (1) (b)*, the terms and conditions of a tenancy agreement shall be subject to the terms of the contract or lease between the housing authority and the owner of the dwelling.

(4) The Minister may by regulations prescribe all or any one or more of the following:

(*a*) the form or forms of tenancy agreement;

(*b*) the term of a tenancy by reference to a specified class or specified classes of dwelling and whether the tenancy is periodic or for a fixed term;

(*c*) the notice periods required for termination of a class or classes of tenancy by the housing authority or tenant, as the case may be;

(*d*) procedures for termination of a tenancy by the housing authority or tenant, as the case may be.

F39**[**Revision of existing tenancy agreements.

29A. ...**]**

Delegation of management and control functions.

30.— (1) Subject to such regulations as may be made for the purposes of this section, a housing authority may delegate to a designated body all or any one or more of its functions (including maintenance) in respect of the management and control of a dwelling of which it is the owner.

(2) A delegation by a housing authority under *subsection (1)* shall specify—

(*a*) the designated body for the purposes of the delegation,

(*b*) the functions being delegated to the designated body, and

(*c*) the dwellings to which the delegation applies.

(3) Without prejudice to the generality of *subsection (2)*, the Minister may make regulations providing for, but not necessarily limited to, all or any one or more of the following:

(*a*) the constitution and composition of a designated body;

(*b*) the procedures of a designated body;

(*c*) the terms and conditions of a delegation;

(*d*) the form of an agreement between a housing authority and a designated body in relation to a delegation;

(*e*) the class or classes of dwellings in respect of which a delegation may be made;

(*f*) the monitoring by a housing authority of activities being carried out by a designated body under a delegation, including the inspection by the authority of dwellings;

(*g*) the provision by a designated body of periodic reports and accounts on its activities to a housing authority;

(*h*) the auditing of the annual accounts of a designated body.

(4) A housing authority may, at its discretion, revoke a delegation under this section whereupon the functions which had been delegated shall again be vested in and exercised by the authority with effect from a date specified in the resolution revoking the delegation.

(5) The delegation of a function to a designated body or the revocation of any such delegation under this section shall be reserved functions.

(6) A delegation under *subsection (1)* may provide for all or any of the following:

(*a*) arrangements in relation to the carrying out of works of maintenance, repair or environmental improvement or ancillary works;

(*b*) the collection of rent or any other charges due to the housing authority from a tenant, in accordance with a rent scheme under *section 31*;

(*c*) the assignment of all or any part of the proceeds of such rent or other charges to the designated body to defray in whole or in part the costs of management and maintenance of a dwelling and common areas appurtenant to such dwelling;

(*d*) the right of the housing authority to inspect any book, document or other record (including records stored in a non-legible form) of the designated body in relation to the management and control of a dwelling;

(*e*) assistance by the housing authority to the designated body whether financial or otherwise;

(*f*) any other related or incidental matter which the housing authority considers appropriate, including matters set out in the relevant housing services plan relating to the policy on management and maintenance of dwellings owned by the housing authority.

(7) For the purposes of this section "designated body" means an association, council, committee or other body whether corporate or unincorporated which is—

(*a*) (i) established by and represents residents of an area within which are located dwellings that are to be the subject of a delegation under this section, or

(ii) established jointly by such residents and the housing authority and any other person or body (whether corporate or unincorporated) approved of by the authority,

and

(*b*) declared by the authority by resolution to be a designated body for the purposes of this section.

Rent schemes and charges.

31.— F40**[**(1) This section applies to a dwelling provided under the *Housing Acts 1966 to 2014* or Part V of the Planning and Development Act 2000—

(*a*) of which the housing authority is the owner,

(*b*) of which the housing authority is not the owner and which is provided under a contract or lease between the housing authority and the owner of the dwelling, including a rental accommodation availability agreement, or

(*c*) in respect of which housing assistance is being provided under Part 4 of the Housing (Miscellaneous Provisions) Act 2014.**]**

F41**[**(2) (*a*) In this section references to rent include a rent contribution payable by a tenant under a Chapter 4 tenancy agreement.

(*b*) In this section, other than *subsection (6)(h)*, references to rent include a rent contribution payable under section 44 of the Housing (Miscellaneous Provisions) Act 2014 by a tenant who is a member of a qualified household within the meaning of section 35 of that Act.**]**

F42**[**(2A) Where payments are made in respect of rent, arrears of rent, or rescheduling arrangements are entered into, by or on behalf of one or more members of the tenant's household, then such payments or arrangements shall not of themselves create a tenancy arrangement between the housing authority and the members concerned and, accordingly, other than in respect of the tenant, no tenancy rights shall arise or continue as a consequence of such payments or arrangements.**]**

(3) A housing authority may, in accordance with this section, in respect of a dwelling to which this section applies—

(*a*) charge such rent or make such other charge for the tenancy or occupation thereof as it may determine from time to time, and

(*b*) in respect of works or services provided under the *Housing Acts 1966 to 2009* or Part V of the Planning and Development Act 2000, make such charge, whether by rent or otherwise, as it considers appropriate.

(4) Without prejudice to the generality of *subsection (3)*, charges made under that subsection may include—

(*a*) charges relating to the provision of services to, and the insurance of, a dwelling and other charges relating to the management and control of the dwelling, and

(*b*) charges relating to—

(i) the management and control of common areas appurtenant to a dwelling where such common areas are also used by the occupants of other dwellings, and

(ii) the provision of services where those services are also provided to the occupants of other dwellings.

(5) F43**[**(*a*) A housing authority shall, in accordance with regulations made for the purposes of this section, not later than the date prescribed by the Minister for the purposes of this subsection, make a scheme (in this Act referred to as a "rent scheme") providing for the manner in which rents and other charges referred to in *subsection (3)* shall be determined.**]**

(*b*) A housing authority may, from time to time, as it considers appropriate, or as the Minister directs, revoke the rent scheme and make a new rent scheme.

F44**[**(5A) For the purposes of this section and *sections 33* and *34*, arrears of rent or other payments due to a housing authority under section 58(3) of the Principal Act shall be deemed to be arrears of rent or other charges referred to in *subsection (3)*.**]**

(6) The Minister may, for the purposes of this section, by regulations provide for the matters to be included in a rent scheme including:

(*a*) the manner in which the financial circumstances of households and their ability to pay rent shall be taken into account in determining rent, including the level, type and sources of household income that may be assessed for the purpose of determining rents;

(*b*) F45**[**...**]**

(*c*) the manner in which adjustments may be made to the rent in respect of any obligations imposed on the tenant under the tenancy agreement relating to the maintenance of the dwelling;

(*d*) the amount, or method of calculation, of any allowances in respect of rent which may be made for dependents;

(*e*) the procedure for rent review including rent increases during the period of the tenancy having regard to F45**[**...**]** any changes in household circumstances or income levels;

(*f*) the manner in which the charges referred to in *subsection (4)* shall be determined;

F46**[**(*g*) the waiving of rent and other charges, in whole or in part, on a temporary basis, in case of financial hardship;

(*h*) subject to *subsection (6A)*, the manner in which a housing authority shall, having regard to—

(i) financial circumstances of households and their ability to pay rent,

(ii) the other provisions of regulations made under this subsection, and

(iii) any guidance issued in the matter under section 5,

determine rent and charges under this section during a transitional period that will expire on a date prescribed by the Minister, which date shall not be later than 2 years after the date *subsection (3)* comes into operation.**]**

F47**[**(6A) The Minister may, having regard to the composition, financial circumstances and ability to pay rent of a qualified household in receipt of housing assistance under Part 4 of the Housing (Miscellaneous Provisions) Act 2014, prescribe the rent contribution that will be payable to a housing authority by a tenant who is a member of that household during the transitional period referred to in *paragraph (h)* of *subsection (6)*. **]**

(7) The making and revocation of a rent scheme are reserved functions.

(8) The charging of rents or other charges referred to in *subsection (3)* in respect of a dwelling to which this section applies and the review of such rents or other charges in accordance with a rent scheme are executive functions.

(9) A housing authority shall make a copy of its rent scheme available for inspection by members of the public, without charge, on the Internet and at its offices and such other places as it considers appropriate, during normal working hours.

Information requirements.

32.— (1) This section applies to—

(*a*) a household which has applied for housing support and in respect of whom a decision has not been made to provide a dwelling or site, including a household which applied for housing support before the coming into operation of this section,

(*b*) a household in respect of whom—

(i) a social housing assessment is being carried out under *section 20 (3)*, and

(ii) a decision has not yet been made to allocate a dwelling, F49**[**...**]**

F50**[**(*ba*) a household that has been determined by a housing authority to be qualified for social housing support and is seeking housing assistance in respect of a particular dwelling, and**]**

(*c*) a household in receipt of housing support, whether before or after the coming into operation of this section.

(2) In the performance of its functions under the *Housing Acts 1966 to 2009*, a housing authority may request—

(*a*) a household to which this section applies, to give to the housing authority all or any of the following information:

(i) the number of household members, together with the age, sex, occupation and condition of health of each member;

(ii) the weekly income of each household member, including any assistance, benefit or allowance received by or on behalf of any household member under the Social Welfare Acts, the Health Acts 1947 to 2008 or the legislation of any other state or from any other source;

(iii) the means of transport available to the household and the cost of such transport,

and

(*b*) in the case of a household referred to in F51**[***paragraph (a)*, *(b)* or *(ba)* of *subsection (1)***]**, to give to it all or any of the following information:

(i) the terms upon which premises are currently occupied by the household, the amount of rent payable in respect of such premises and the name and address of the person to whom rent is payable;

(ii) any dwelling or site provided by a housing authority, or an approved body, previously let or sold to the household or any household member at any time before the application is made;

(iii) any dwelling previously let to the household or any household member under a *Chapter 4* tenancy agreement at any time before the application is made.

(3) A request for information shall be in writing and shall specify a period of not less than 14 days from the date of the request within which the information shall be given to the housing authority.

(4) Information shall be given in writing unless the housing authority agrees to the information being given in another form and subject to any conditions it may specify.

(5) Without prejudice to *subsection (2)*, for the purposes of carrying out social housing assessments under *section 20*, the Minister may make regulations providing for—

(*a*) the form in which an application for social housing support shall be made, including by electronic means,

(*b*) the information and particulars to be provided by a household applying for social housing support and verification of such information and particulars,

(*c*) the furnishing of such additional information as a housing authority considers appropriate for the purposes of carrying out an assessment,

(*d*) the period within which the information and particulars, including any additional information, shall be provided by the household concerned, and

(*e*) such other matters as the Minister considers necessary and appropriate.

F52**[**(5A) Without prejudice to *subsection (2)*, for the purpose of enabling a housing authority to consider a request from a qualified household for housing assistance under Part 4 of the Housing (Miscellaneous Provisions) Act 2014 in respect of a particular dwelling, the Minister may make regulations providing for—

(*a*) the information and particulars to be provided by the household in respect of the dwelling, the landlord involved and, in relevant cases, the person or person with whom the household proposes to reside in the dwelling, and the verification of such information and particulars,

(*b*) the furnishing of such additional information as the authority considers appropriate for the purposes of considering the request,

(*c*) the period within which the information and particulars including any additional information, shall be provided by the household concerned, and

(*d*) such other matters as the Minister considers necessary and appropriate.**]**

(6) (*a*) Without prejudice to *subsection (2)*, the Minister may make regulations for the purposes of—

(i) the purchase of a dwelling under an incremental purchase arrangement under *Part 3* ,

(ii) the purchase of an apartment under *Part 4*, F53**[**...**]**

F54**[**(iia) the purchase of a house under Part 3 of the Housing (Miscellaneous Provisions) Act 2014, or**]**

F55**[**(iii) the purchase of an affordable dwelling within the meaning of section 4 of the Affordable Housing Act 2021 under Part 2 of that Act**]**.

(*b*) Regulations made under this subsection may provide for the following:

(i) the form and manner in which an application to purchase may be made, including by electronic means;

(ii) the information and particulars to be provided by a household applying to purchase and verification of such information and particulars;

(iii) the furnishing of such additional information as the housing authority considers appropriate for the purposes of considering the application;

(iv) the period within which the information and particulars, including any additional information, shall be provided by the household making the application, and

(v) such other matters as the Minister considers necessary and appropriate.

(7) (*a*) A person is guilty of an offence and is liable on summary conviction to a fine not exceeding €2,000 where he or she is a member of a household requested to give information to a housing authority under this section or any regulations made under *subsection (5)* or *(6)*, as the case may be, and he or she—

(i) knowingly makes any statement or representation (whether written or verbal) which is to his or her knowledge false or misleading in any material respect, or knowingly conceals any material fact, or

(ii) produces or furnishes, or causes or knowingly allows to be produced or furnished, any document or information which he or she knows to be false in a material particular.

(*b*) An offence under *paragraph (a)* may be prosecuted by the housing authority who requested the information referred to in that paragraph.

(8) Where a person is convicted of an offence under *subsection (7) (a)* and by reason of that offence the housing authority incurred a higher level of expenditure in providing housing support for a household than it would have incurred otherwise, any such expenditure shall be repayable to the housing authority and the person or the personal representative of that person shall be liable to pay to the housing authority, on demand, the expenditure so repayable and that expenditure, if not so repaid, may be recovered by the housing authority as a simple contract debt in any court of competent jurisdiction.

(9) Where a person is convicted of an offence under *subsection (7) (a)* and by reason of that offence the housing authority charged a lower rent in respect of the provision of housing support than it would otherwise have charged, the amount by which the rent was undercharged shall be repayable to the housing authority and the person or the personal representative of that person shall be liable to pay to the housing authority, on demand, the amount so repayable and that amount, if not so repaid, may be recovered by the housing authority as a simple contract debt in any court of competent jurisdiction.

Moneys owing to housing authority.

33.— (1) This section applies to the following provisions:

(*a*) *sections 28*, *31*, *32(8)* and *(9)*, *47(4)*, *48(5)* and *(6)*, *75(4)*, *76(5)*, *98* and *99*;

(*b*) section 13 of the Act of 1988;

(*c*) sections 3 and 11 of the Act of 1992;

(*d*) section 25 of the Housing (Traveller Accommodation) Act 1998; and

(*e*) sections 9 and 10 of the Act of 2002.

(2) Interest is payable in accordance with this section on so much of any rent, charges, fees or loan repayments or any other moneys due and owing to a housing authority under any of the provisions to which this section applies which remain unpaid in respect of the period between the date on which the moneys become payable and the date on which payment is made.

(3) The rate of interest payable under *subsection (2)* shall be that for the time being prescribed for the purposes of this section but in any case shall not be more than the rate for the time being applicable to a High Court civil judgement debt.

(4) Where there are moneys due and owing by a household to a housing authority under any of the provisions to which this section applies and, at the same time, another sum is due by the local authority concerned to that household, the former sum may be set off against the latter, in whole or in part, as appropriate.

Arrangements with households for payment of moneys due and owing to housing authority.

34.— (1) This section applies to the following provisions:

(*a*) *sections 28*, *31* and *32 (8)* and *(9)*;

(*b*) section 13 of the Act of 1988;

(*c*) sections 3 and 11 of the Act of 1992, and

(*d*) section 25 of the Housing (Traveller Accommodation) Act 1998.

(2) Where there are moneys due and owing by a household to a housing authority under any of the provisions to which this section applies and the housing authority is satisfied that the household would otherwise suffer undue hardship, the housing authority may enter into arrangements with the household for the payment of those moneys (together with any interest that may have accrued under *section 33 (2)*) by such instalments and at such times as the housing authority considers reasonable in all the circumstances in addition to any rent, charges, fees or loan repayments that the household is paying to the authority.

Anti-social behaviour strategy.

35.— (1) A housing authority shall, within one year of the coming into operation of this section, draw up and adopt a strategy (in this section referred to as an " anti-social behaviour strategy ") in respect of that part or those parts of its administrative area in which are situated—

(*a*) dwellings let by the housing authority to tenants under the *Housing Acts 1966 to 2009*,

(*b*) dwellings which are the subject of *Chapter 4* tenancy agreements,

(*c*) dwellings in which relevant purchasers (within the meaning of section 1 of the Act of 1997) reside, and

(*d*) sites (within the meaning of section 1 of the Act of 1997).

(2) An anti-social behaviour strategy shall have as its principal objectives—

(*a*) the prevention and reduction of anti-social behaviour,

(*b*) the co-ordination of services within the housing authority directed at dealing with, or preventing or reducing, anti-social behaviour,

(*c*) the promotion of co-operation with other persons, including the Garda Síochána, in the performance of their respective functions insofar as they relate to dealing with, or the

prevention or reduction of, anti-social behaviour, having regard to the need to avoid duplication of activities by the housing authority and such other persons in the performance of those functions, and

(*d*) the promotion of good estate management.

(3) An anti-social behaviour strategy shall set out the proposals of the housing authority for achieving the principal objectives referred to in *subsection (2)*, including, but not necessarily limited to, the following:

(*a*) procedures in relation to the making of complaints to the housing authority in respect of anti-social behaviour;

(*b*) initiatives for the prevention and reduction of anti-social behaviour;

(*c*) the provision of education relating to, and the carrying out of research into, anti-social behaviour and its prevention and reduction.

(4) A housing authority—

(*a*) shall, not less than 6 months before the expiration of its housing services plan, and

(*b*) may, from time to time as it thinks fit,

review its anti-social behaviour strategy and amend the strategy or draw up and adopt a new strategy, as it considers appropriate.

(5) When drawing up a strategy, or before amending a strategy, a housing authority shall consult with—

F56**[**(*a*) any local community safety partnership established under regulations made under section 114 (1) of the Policing, Security and Community Safety Act 2024 in respect of its administrative area,**]**

(*b*) the Garda Síochána,

(*c*) the Health Service Executive, and

(*d*) any other person as the authority considers appropriate.

(6) The drawing up and adoption of, and the amendment of, an anti-social behaviour strategy shall be a reserved function.

(7) The drawing up and adoption of, and amendment of, an anti-social behaviour strategy is not to be taken to confer on any person a right in law that the person would not otherwise have to require a housing authority in a particular case to exercise any function conferred on it under the Act of 1997 or this Act or to seek damages for a housing authority's failure to perform any such function.

F57**[**(8) Where, immediately before the coming into operation of section 282 of the Policing, Security and Community Safety Act 2024, a consultation by a housing authority in accordance with *subsection (5)(a)* is ongoing and one or more steps in the consultation was taken in accordance with that subsection before that coming into operation, other steps in the consultation may be taken on or after that coming into operation in accordance with that subsection as amended by that section.

(9) Where, after the repeal of section 36 of the Garda Síochána Act 2005 by section 5 of the Policing, Security and Community Safety Act 2024, a joint policing committee has not been

dissolved pursuant to regulations made under section 114 (1) of that second-mentioned Act, a reference in *subsection (5)(a)* to a local community safety partnership in respect of an administrative area shall, for so long as the joint policing committee has not been dissolved, be construed as including a reference to that joint policing committee in respect of the administrative area concerned.**]**

CHAPTER 6

Homelessness Action Plans

Interpretation (*Chapter 6*).

36.— In this Chapter—

"management group" has the meaning given to it by *section 39*;

"responsible housing authority" has the meaning given to it by *section 38*;

"specified body" means—

(*a*) an Foras Áiseanna Saothair,

(*b*) the Irish Prison Service, where there is a prison located in—

(i) the administrative area of the housing authority, or

(ii) in the case of a joint homelessness consultative forum, the administrative area of any housing authority concerned,

(*c*) the Probation Service,

(*d*) F58**[**an education and training board**]** whose functional area corresponds to—

(i) the administrative area of the housing authority, or

(ii) in the case of a joint homelessness consultative forum, the administrative area of any housing authority concerned,

and

(*e*) such other body as may be prescribed for the purposes of this Chapter.

Homelessness action plan.

37.— (1) A housing authority shall, in respect of its administrative area, not later than 8 months after the coming into operation of this Chapter, adopt a plan (in this Act referred to as a "homelessness action plan") to address homelessness.

(2) A homelessness action plan shall specify the measures proposed to be undertaken to address homelessness in the administrative area or administrative areas concerned by the housing authority or housing authorities, as the case may be, the Health Service Executive, specified bodies, or approved bodies or other bodies providing services to address homelessness or the performance of whose functions may affect or relate to the provision of such services, including but not necessarily limited to measures to achieve the following objectives—

(*a*) the prevention of homelessness,

(*b*) the reduction of homelessness in its extent or duration,

(*c*) the provision of services, including accommodation, to address the needs of homeless households,

(*d*) the provision of assistance under *section 10 (b) (i)*, as necessary, to persons who were formerly homeless, and

(*e*) the promotion of effective co-ordination of activities proposed to be undertaken by the bodies referred to in this subsection for the purposes of addressing homelessness in the administrative area or areas concerned.

(3) A homelessness action plan shall be in writing and shall take account of—

(*a*) any available information regarding the extent of the need for services to address homelessness, including, in the case of housing supports, any summary of social housing assessments prepared under *section 21* in respect of homeless households,

(*b*) the costs of the proposed measures referred to in *subsection (2)* and the financial resources that are available or are likely to be available for the period of the homelessness action plan to the housing authority or housing authorities concerned, the Health Service Executive or any specified body, as the case may be, for the purposes of undertaking those measures and the need to ensure the most beneficial, effective and efficient use of such resources,

(*c*) such policies and objectives for the time being of the Government or the Minister in so far as they may affect or relate to the provision of services to homeless persons, and

(*d*) such other matters as the Minister may specify in a direction given to the housing authority under *subsection (4)*, including (except in the case of the first homelessness action plan) a review of progress made in the implementation of the homelessness action plan during the period of the previous plan.

(4) (*a*) The Minister may, from time to time, give directions in writing to a housing authority for the purpose of either or both of the following—

(i) providing guidance as to the form and content of a homelessness action plan, and

(ii) specifying the period for which such a plan is to remain in force, which period shall not in any case be less than 3 years.

(*b*) The housing authority shall comply with any directions given under *paragraph (a)*.

Homelessness consultative forum.

38.— (1) Subject to *subsections (3)* and *(4)*, as soon as practicable after the coming into operation of this Chapter and having regard to *section 37 (1)*, a housing authority shall establish a body to be known as the homelessness consultative forum and shall appoint its members.

(2) The functions of a homelessness consultative forum are to provide information, views, advice or reports, as appropriate, to the management group in relation to—

(*a*) homelessness and the operation and implementation of the homelessness action plan in the administrative area concerned,

(*b*) the provisions of the draft homelessness action plan, and

(*c*) any proposed modification of the draft homelessness action plan pursuant to *section 40 (6)*.

(3) Where either or both of the conditions specified in *subsection (4) (a)* are met or where the Minister so directs pursuant to *subsection (4) (b)*, a housing authority shall enter into an arrangement with any other housing authority whose administrative area adjoins the administrative area of the housing authority concerned or with any other housing authority, as appropriate, to establish a joint homelessness consultative forum which shall perform the functions specified in *subsection (2)* in relation to the administrative areas of the housing authorities which are parties to the arrangement.

(4) (*a*) The conditions referred to in *subsection (3)* are that the housing authority considers that—

(i) a joint homelessness consultative forum would further the objectives of a homelessness action plan because of the extent or nature of homelessness in its administrative area, or

(ii) a joint homelessness consultative forum and the sharing of administrative services relating thereto would ensure the most beneficial, effective and efficient use of resources.

(*b*) The Minister may, where he or she considers it appropriate, direct housing authorities to enter into an arrangement pursuant to *subsection (3)* and the housing authorities shall comply with any such direction.

(5) In the case of an arrangement pursuant to *subsection (3)* for the establishment of a joint homelessness consultative forum, the housing authorities concerned shall, by agreement in writing, appoint one housing authority (in this Chapter referred to as the "responsible housing authority") for the purposes of the performance, on behalf of the housing authorities concerned, of their functions under this Chapter.

(6) A housing authority or, in the case of a joint homelessness consultative forum, the responsible housing authority, in accordance with such directions as the Minister may give under *section 41*, shall appoint a chairperson of the homelessness consultative forum or joint homelessness consultative forum, as the case may be, from the membership thereof.

(7) The chairperson appointed under *subsection (6)* shall also be the chairperson of the management group.

(8) The membership of the homelessness consultative forum shall comprise the following persons:

(*a*) one or more than one employee of the housing authority or, in the case of a joint homelessness consultative forum, one or more than one employee of each of the housing authorities concerned nominated by the housing authority or housing authorities concerned, as the case may be;

(*b*) one or more than one employee of the Health Service Executive nominated by the Health Service Executive;

(*c*) subject to such directions as the Minister may give under *section 41 (1) (a)*, persons nominated by specified bodies, and

(*d*) subject to *subsection (9)*, persons nominated by—

(i) approved bodies, and

(ii) any other bodies,

providing services to homeless persons in the administrative area or, in the case of a joint homelessness consultative forum, administrative areas concerned or the performance of whose functions may affect or relate to the provision of such services, as the housing authority or responsible authority, as the case may be, consider appropriate in accordance with such directions as the Minister may give under *section 41*.

(9) The number of persons referred to in *subsection (8) (d)* shall not exceed one half of the membership of the homelessness consultative forum or joint homelessness consultative forum, as the case may be.

(10) A homelessness consultative forum or joint homelessness consultative forum, as the case may be, shall regulate, by standing orders or otherwise, the meetings and proceedings of the forum.

(11) The housing authority or, in the case of a joint homelessness consultative forum, the housing authorities concerned, may provide such services and support relating to the operation of the homelessness consultative forum or joint homelessness consultative forum, as the case may be, as is considered necessary by the housing authority or housing authorities, in accordance with such directions as the Minister may give under *section 41*.

(12) The proceedings of a homelessness consultative forum or joint homelessness consultative forum, as the case may be, shall not be invalidated by any vacancies among the membership.

Management group.

39.— (1) The housing authority or responsible housing authority, as the case may be, shall appoint a group (in this Chapter referred to as a " management group ") consisting of certain members of the homelessness consultative forum or joint homelessness consultative forum, as the case may be, being such person or persons referred to in *section 38 (8) (a)*, *(b)* and *(c)* as the housing authority or responsible authority, as the case may be, considers appropriate in accordance with such directions as the Minister may give under *section 41*.

(2) The management group may regulate, by standing orders or otherwise, its meetings and proceedings.

(3) The housing authority or responsible housing authority, as the case may be, may provide such services and support relating to the operation of the management group, as such housing authority considers appropriate, in accordance with such directions as the Minister may give under *section 41*.

(4) The management group—

(*a*) shall perform the functions conferred on it by this Chapter in relation to the preparation and modification of the draft homelessness action plan and the review of the homelessness action plan, and

(*b*) may make recommendations to the housing authority or, in the case of a joint homelessness consultative forum, the housing authorities concerned, to the Health Service Executive or to any specified body, in relation to all or any of the following:

(i) services required to address homelessness in the administrative area or administrative areas concerned;

(ii) funding for such services taking into account the financial resources that are available or are likely to be available;

(iii) the operation of the homelessness action plan having regard to any information, views, advice or reports provided by the homelessness consultative forum or joint homelessness consultative forum, as the case may be.

(5) The proceedings of a management group shall not be invalidated by any vacancies among the membership.

Preparation of draft plan and making of plan.

40.— (1) The F59**[**chief executive**]** of a housing authority or of a responsible housing authority, as the case may be, not later than 6 weeks after the coming into operation of this Chapter, shall send a request, in writing, to the chairperson of the management group to arrange for the preparation of a draft homelessness action plan in respect of the administrative area concerned or, in the case of a joint homelessness consultative forum, the administrative areas concerned.

(2) For the purposes of preparing a draft homelessness action plan under this section and before submission of the draft homelessness action plan pursuant to *subsection (3)*, the management group—

(*a*) F59**[**shall consult the other members of the homelessness consultative forum or joint homelessness consultative forum, as the case may be, and**]**

and

(*b*) may consult any housing authority whose administrative area adjoins the administrative area of the housing authority concerned or, in the case of a joint homelessness consultative forum, the administrative areas of the housing authorities concerned.

(3) Not later than 10 weeks from the date on which the request referred to in *subsection (1)* is sent, the management group shall approve and submit the draft homelessness action plan to the housing authority or, in the case of a joint homelessness consultative forum, each of the housing authorities concerned for adoption.

(4) Subject to *subsections (5)* to *(8)*, the housing authority, or, in the case of a joint homelessness consultative forum, each of the housing authorities concerned, shall adopt the homelessness action plan within 6 weeks of receipt of the draft homelessness action plan, with or without modification.

(5) Where any part of a draft homelessness action plan relates to the functions of the Health Service Executive or of a specified body, the housing authority, or responsible housing authority, as the case may be, shall send a request in writing to the chairperson of the management group to seek its approval to any proposed modification pursuant to *subsection (4)* in respect of such part of the draft plan.

(6) The management group, not later than 3 weeks from the date on which the request referred to in *subsection (5)* is sent, following consultation with the other members of the homelessness consultative forum, or joint homelessness consultative forum, as the case may be, shall—

(*a*) accept or reject the proposed modification referred to in *subsection (5)*, and

(*b*) notify, in writing, the housing authority or responsible housing authority, as the case may be, of the decision and the reasons for that decision.

(7) The housing authority or, in the case of a joint homelessness consultative forum, each of the housing authorities concerned, shall adopt the homelessness action plan not later than 6 weeks from the date on which the notification under *subsection (6)* is sent, with the modification,

in a case where it is accepted by the management group, or without the modification, in a case where it is rejected.

(8) Where the housing authority or, in the case of a joint homelessness consultative forum, any of the housing authorities concerned, fail to adopt the homelessness action plan in accordance with this section, the F59**[**chief executive**]** of each housing authority, as appropriate, shall, by order, as soon as practicable and in any event not later than the end of the period referred to in *section 37 (1)*, adopt the draft homelessness action plan in accordance with *subsection (4)* or *(7)*, as appropriate.

(9) The housing authority or responsible housing authority, as the case may be, shall—

(*a*) give a copy of the homelessness action plan to the Minister and each member of the homelessness consultative forum or joint homelessness consultative forum, as the case may be, as soon as practicable after it is adopted,

(*b*) make the homelessness action plan available for inspection on request by any person, without charge, at its offices and such other places as it considers appropriate, during normal office hours,

(*c*) on request by any person, provide a copy of the homelessness action plan at a price not exceeding the reasonable cost of reproduction, and

(*d*) publish and maintain a copy of the homelessness action plan on the Internet for the period of the plan.

(10) A housing authority or responsible housing authority, as the case may be, may, at any time, and shall, in any case, not less than 8 months before the end of the period of the homelessness action plan decide to arrange for—

(*a*) the review and, where appropriate, amendment of the homelessness action plan, or

(*b*) the preparation and adoption of a new homelessness action plan.

(11) Where a housing authority or responsible housing authority, as the case may be, makes a decision for the purposes of *subsection (10)*, the manager of the housing authority or responsible housing authority, as the case may be, shall send a request in writing to the chairperson of the management group to arrange for the review of the homelessness action plan or the preparation of a new homelessness action plan and *subsections (2)* to *(9)* shall apply accordingly with any necessary modifications.

(12) Subject to *subsection (8)*, the adoption or amendment of a homelessness action plan is a reserved function.

(13) (*a*) Notwithstanding *section 37 (1)*, where, before the coming into operation of this Chapter, a housing authority has adopted a plan which meets the conditions specified in *paragraph (b)*, then such a plan is deemed to be a homelessness action plan duly adopted by the housing authority for the purposes of this Chapter.

(*b*) The conditions referred to in *paragraph (a)* are that the plan—

(i) specifies the measures proposed to be undertaken to achieve the objectives of a homelessness action plan specified in *section 37 (2)*, and

(ii) does not expire before the end of one year after the date of coming into operation of this Chapter.

Ministerial directions.

41.— (1) The Minister may give directions to a housing authority or responsible housing authority, as the case may be, in relation to all or any of the following:

(*a*) the number of members and composition, including an appropriate gender balance, of a homelessness consultative forum or joint homelessness consultative forum, as the case may be;

(*b*) the number of members and composition of a management group;

(*c*) the period of appointment of the members of a homelessness consultative forum or joint homelessness consultative forum, as the case may be, and the management group;

(*d*) the terms and conditions of appointment (including terms and conditions relating to removal, resignation, the filling of casual vacancies and re-appointment) of the members of a homelessness consultative forum or joint homelessness consultative forum, as the case may be, and the management group;

(*e*) the appointment of the chairperson of a homelessness consultative forum or of the joint homelessness consultative forum, as the case may be;

(*f*) services and support relating to the operation of the homelessness consultative forum, joint homelessness consultative forum or management group, as the case may be.

(2) A housing authority or responsible housing authority, as the case may be, shall, in the performance of its functions under this Chapter, comply with any directions given by the Minister under *subsection (1)*.

Power of Minister to prescribe body as specified body.

42.— The Minister may prescribe any body which provides services to address homelessness or the performance of whose functions may affect or relate to the provision of such services to be a specified body and any body so prescribed shall be a specified body for the purposes of this Chapter.

PART 3

INCREMENTAL PURCHASE ARRANGEMENTS

Interpretation (*Part 3*).

43.— (1) In this Part—

"charging order" has the meaning given to it by *section 46*;

"charged period" has the meaning given to it by *section 46*;

"charged share" has the meaning given to it by *section 46*;

"eligible household" means—

F60**[**(*a*) a household assessed by a housing authority under *section 20* as being qualified for social housing support, which has been allocated a dwelling to which this Part applies in accordance with an allocation scheme, and which applies to purchase the dwelling under this Part within 5 years from the date of such allocation, or **]**

(*b*) subject to *subsection (2)*, a household referred to in *section 22 (5) (c)* which has been allocated a dwelling to which this Part applies in accordance with an allocation scheme;

"incremental purchase arrangement" has the meaning given to it by *section 45;*

"incremental release" has the meaning given to it by *section 46*;

"market value", in relation to a dwelling to which this Part applies, means the price for which the unencumbered fee simple of the dwelling might reasonably be expected to be sold on the open market and, in a case where the site for the dwelling was provided to the housing authority by the eligible household for a nominal sum, excludes an amount equal to the excess (if any) of the market value of the site over such sum;

"net market value" means the market value reduced by an allowance equal to the amount of the market value attributable to material improvements;

"purchase money", in relation to a dwelling to which this Part applies, means the monetary value of the proportion of the purchase price of the dwelling fixed by the housing authority, in accordance with regulations made under *section 49* for the purposes of calculating the purchase money, as the proportion that is required to be paid to purchase the dwelling;

"purchase price", in relation to a dwelling to which this Part applies, means the price of the dwelling determined by a housing authority in accordance with regulations made under *section 49* for the purposes of calculating the purchase price;

"purchaser" means a person who purchases a dwelling under an incremental purchase arrangement and includes a person in whom there subsequently becomes vested (other than for valuable consideration) the interest of the purchaser or his or her successor in title and the personal representative of that person or successor in title;

"transfer order" has the meaning given to it by *section 45*.

F61**[**(2) (*a*) A housing authority shall not proceed with the sale of a dwelling under an incremental purchase arrangement to a household referred to in *paragraph (b)* of the definition of "eligible household" in *subsection (1)* where—

(i) at any time during the 3 years immediately before applying to the authority to purchase a dwelling under this Part, the household or a household member was in arrears of rent, rent contributions, charges, fees or any other moneys due and owing to a housing authority or an approved body for an accumulated period of 12 weeks or more in respect of a dwelling or site to which *Chapter 3* of *Part 2* of the *Act of 2009* relates, and

(ii) subject to *paragraph (b)*, the household or the member concerned has not entered into rescheduling arrangements with the housing authority or approved body concerned for the payment of such arrears, or, having entered into such arrangements, has not, in the opinion of the authority or body, substantially complied with their terms.

(*b*) In applying *paragraph (a)(ii)*, a housing authority shall disregard the case where the authority or approved body concerned is satisfied that the failure of the household or the member concerned to substantially comply with the terms of the rescheduling arrangements was due to circumstances outside the control of such household or member.**]**

Application of *Part 3* to certain dwellings.

44.— (1) Subject to *subsection (2)*, this Part applies to a dwelling—

(*a*) provided by a housing authority under the *Housing Acts 1966 to 2009* or by an approved body with the assistance of a housing authority under section 6 of the Act of 1992 or provided under Part V of the Planning and Development Act 2000—

(i) constructed after the coming into operation of this Part, or the construction of which began before the coming into operation of this Part and which is completed after such coming into operation and which is allocated to an eligible household in accordance with an allocation scheme within one year of its completion, or

(ii) which has not previously been let in accordance with an allocation scheme and is vacant on the coming into operation of this Part,

and

(*b*) and which is of a class of dwelling prescribed for the purposes of this Part as being a class of dwelling to which an incremental purchase arrangement may apply.

(2) (*a*) This Part does not apply to a dwelling referred to in *subsection (1)* which is—

(i) an apartment in a designated apartment complex, or

(ii) a dwelling which is a separate and self-contained apartment in a premises, divided into 2 or more apartments, which requires arrangements for the upkeep and management of all or any part of the common areas, structures, works or services other than by the purchaser.

(*b*) For the purposes of *paragraph (a) (i)*, "apartment" and "designated apartment complex" have the same meaning as they have in *section 50*.

Sale of dwelling by incremental purchase arrangement.

45.— (1) Subject to and in accordance with this Part and the *Housing Acts 1966 to 2009* and subject to such regulations as may be made under *section 49*, a housing authority or an approved body may enter into an arrangement (in this Part referred to as an " incremental pur chase arrangement ") with an eligible household whereby, in consideration of the receipt by the housing authority of the purchase money, the housing authority may sell a dwelling to which this Part applies, in the state of repair and condition existing on the date of sale, to the eligible household, by means of an order (in this Part referred to as a " transfer order "), in the prescribed form, which shall be expressed and shall operate to vest, on the date specified in the order, the interest specified in the order, in accordance with the terms and conditions specified in *subsection (2)* and the terms and conditions of a charging order.

(2) The terms and conditions referred to in *subsection (1)* shall include the following:

(*a*) that where the purchaser sells the dwelling to a person other than a housing authority or approved body during the charged period, the purchaser shall pay to the authority or approved body, as appropriate, an amount calculated in accordance with *section 48 (5)* or *(6)*;

(*b*) that the dwelling shall, during the charged period, unless the housing authority or approved body, as appropriate, gives its prior written consent, be occupied as the normal place of residence of the purchaser or of a member of the purchaser's household;

(*c*) that the dwelling or any part thereof shall not, during the charged period, without the prior written consent of the housing authority or approved body, as the case may be,

be sold, assigned, let or sublet or otherwise disposed of or mortgaged, charged or alienated, otherwise than by devise or operation of law;

(*d*) F63**[**...**]**

(*e*) terms and conditions relating to—

(i) maintenance of the dwelling by the purchaser, and

(ii) the provision and maintenance of adequate property insurance by the purchaser in respect of the dwelling;

(*f*) such other terms and conditions relating to the sale of the dwelling as may be prescribed for the purposes of a transfer order.

(3) Save as provided for by any other enactment or regulations made thereunder, the sale of a dwelling to which this Part applies under an incremental purchase arrangement shall not imply any warranty on the part of the housing authority or approved body concerned in relation to the state of repair or condition of the dwelling or its fitness for human habitation.

(4) An approved body may, with the consent of the housing authority and subject to such regulations as may be made under *section 49*, reserve a number of dwellings for sale under this Part, being dwellings provided with the assistance of a housing authority under section 6 of the Act of 1992.

(5) Section 211(2) of the Planning and Development Act 2000 and section 183 of the Local Government Act 2001 shall not apply to the sale of a dwelling to an eligible household under this section.

Charging order.

46.— (1) As soon as practicable after a dwelling to which this Part applies is sold under an incremental purchase arrangement, the housing authority or approved body, as appropriate, shall, subject to such regulations as may be made under *section 49*, shall make an order (in this Part referred to as a "charging order"), in the prescribed form, charging the dwelling in the terms specified in this section for the period specified in the order (in this Part referred to as the "charged period").

(2) The charging order shall create a charge in favour of the housing authority or approved body concerned in respect of an undivided percentage share (in this Part referred to as the "charged share"), calculated in accordance with *subsection (3)*, in the dwelling which charged share shall be reduced in accordance with *subsection (4)*.

(3) The charged share is calculated in accordance with the following formula:

$$\frac{Y \times 100}{Z}$$

where—

(*a*) Y is the difference between the purchase price of the dwelling at the time of sale to the purchaser and the purchase money, and

(*b*) Z is the purchase price of the dwelling at the time of sale to the purchaser.

(4) (*a*) Subject to *paragraph (b)* and *section 47*, the charged share shall be reduced, in equal proportions (referred to in this section as "incremental releases") applied annually, on the anniversary of the date of the transfer order, in respect of each complete year

after that date during which a purchaser or a member of his or her household has been in occupation of the dwelling as his or her normal place of residence, until the earlier of—

(i) subject to *section 48*, the first resale of the dwelling, or

(ii) subject to *section 47*, the expiration of the charged period.

(*b*) The reduction of the charged share for the period of 5 years from the date of the transfer order shall be cumulative and shall not apply until the expiration of that period, provided the purchaser or a member of his or her household has been in occupation of the dwelling as his or her normal place of residence for that period.

(5) The housing authority or approved body, as the case may be, shall, at any time where requested by the purchaser, give a statement in writing, in the prescribed form, to the purchaser indicating the accumulated amount of incremental releases that have been applied under the charging order.

(6) A charging order shall be deemed to be a mortgage made by deed within the meaning of the Conveyancing Acts 1881 to 1911 and to have been executed, at the time of the sale of the dwelling, in favour of the housing authority or approved body, as appropriate, for a charge in the terms provided for in this section.

(7) Accordingly, the housing authority or approved body shall, as on and from the making of the charging order—

(*a*) be deemed to be a mortgagee of the dwelling for the purposes of the Conveyancing Acts 1881 to 1911, and

(*b*) have, in relation to the charge referred to in *subsection (6)*, all the powers conferred by those Acts on mortgagees under mortgages made by deed.

(8) Where a housing authority or an approved body makes a charging order, it shall, as soon as practicable thereafter, cause the order to be registered in the Registry of Deeds or the Land Registry, as appropriate, and it shall be a sufficient description of the charge in respect of which the order is being registered to state that charge to be the charge referred to in *section 46 (2)* of the *Housing (Miscellaneous Provisions) Act 2009*.

(9) A charging order affecting a dwelling which is registered land within the meaning of the Registration of Title Act 1964 shall be registrable as a burden affecting such land whether the person named in the order as the owner of the land is or is not registered under the said Act as the owner of the land.

(10) A housing authority or an approved body may, subject to *subsection (11)*, enter into an agreement with a holder of a licence under the Central Bank Act 1971, a building society or other financial institution that a charge proposed to be created by it by a charging order shall have a priority, as against a mortgage or charge proposed to be created in favour of that holder, society or institution, that is different from the priority the charge would otherwise have if this subsection had not been enacted.

(11) A housing authority or an approved body may only enter into an agreement referred to in *subsection (10)* if it considers that the agreement will—

(*a*) enable an eligible household to whom it is proposing to sell a dwelling to which this Part applies under an incremental purchase arrangement to obtain an advance of moneys

from the holder, society or institution referred to in *subsection (10)* for the purposes of purchasing the dwelling, or

(*b*) enable a purchaser—

(i) to refinance an existing advance of moneys from the holder, society or institution referred to in *subsection (10)*, or

(ii) to obtain a further advance of moneys from the holder, society or institution referred to in *subsection (10)*, for any purpose.

(12) Any amount that becomes payable to a housing authority or an approved body under *section 47 or 48* may, without prejudice to any other power in that behalf, be recovered by the authority or approved body, as the case may be, from the person concerned as a simple contract debt in any court of competent jurisdiction.

(13) For the avoidance of doubt, neither a charging order nor a charge that arises under it shall be regarded as a conveyance for the purposes of section 3 of the Family Home Protection Act 1976.

(14) (*a*) On the occurrence of the earlier of the events specified in *subsection (4)(a)* and subject to the terms and conditions of the transfer order and of the charging order having been complied with, the housing authority or approved body, as the case may be, shall, where requested to do so by the purchaser, execute a deed of discharge in respect of the charging order.

(*b*) The housing authority or approved body, as the case may be, shall be liable for any expenses incurred in the execution and registration of a deed of discharge but shall not otherwise be liable for any expenses incurred by a purchaser under this section or under *section 47* or *48.*

Suspension of reduction of charged share.

47.— (1) A housing authority or approved body, as the case may be, may suspend the reduction of the charged share provided for under *section 46* in respect of any year ending on the anniversary of the transfer order, where the purchaser fails to comply with any of the terms and conditions of the transfer order.

(2) Where the housing authority or approved body suspends the reduction of the charged share under *subsection (1)*, the charged share on the dwelling shall be calculated in accordance with the following formula:

$$\frac{Y \times 100}{Z} - R$$

where—

(*a*) Y is the difference between the purchase price of the dwelling at the time of sale to the purchaser and the purchase money,

(*b*) Z is the purchase price of the dwelling at the time of sale to the purchaser, and

(*c*) R is the portion of the charged share that has been released in accordance with this subsection.

(3) (*a*) Where a housing authority or approved body has suspended the reduction of the charged share under *subsection (1)*, the housing authority or approved body, as

appropriate, shall, as soon as practicable thereafter, notify the purchaser in writing of the suspension and the reasons for the suspension.

(*b*) The housing authority or approved body, as the case may be, shall, on the expiration of the charged period, give a statement to the purchaser in writing, in the prescribed form, indicating the amount of the charge outstanding under the charging order on the date of expiration of the charged period, which amount shall be expressed as a percentage of the market value of the dwelling, equivalent to the charged share of the housing authority or approved body, as appropriate, in the dwelling on that date calculated in accordance with *subsection (2)*.

(4) (*a*) The purchaser shall, within 2 months of receipt of the statement referred to in *subsection (3)*, pay to the housing authority the amount set out in the statement.

(*b*) Where the purchaser fails to pay the amount referred to in *paragraph (a)*, *section 46 (12)* applies.

(5) For the purposes of this section, " market value " means the price for which a dwelling might reasonably be expected to be sold on the date of expiration of the charged period, in its existing state of repair and condition and not subject to the conditions specified in *section 45 (2)* or to a charging order.

(6) (*a*) For the purposes of this section, the market value of a dwelling shall be determined by the housing authority or approved body, as appropriate, or, where the purchaser does not agree with the market value so determined, by an independent valuer nominated by the purchaser from a panel of suitably qualified persons, established by the housing authority, who are of a class or description prescribed under *section 49*.

(*b*) The housing authority or approved body shall not be liable for any expenses incurred by the purchaser under *paragraph (a)*.

Control on resale of dwelling sold under an incremental purchase arrangement.

48.— (1) Where a purchaser proposes to sell a dwelling which is subject to a charging order which has not been discharged, he or she shall give prior written notice to the housing authority or approved body, as appropriate, in accordance with the terms and conditions specified in the transfer order.

(2) Upon receipt of a notice referred to in *subsection (1)*, the housing authority or approved body may, subject to *subsection (4)*, purchase the dwelling for a sum equivalent to its market value, reduced by an amount equal to that proportion of the market value of the dwelling corresponding to the charged share in the dwelling on the date of resale.

(3) Without prejudice to any other power in that behalf, a housing authority or an approved body, as appropriate, may refuse to consent to the sale to any person of the dwelling where the housing authority or an approved body, as the case may be, is of the opinion that—

(*a*) the proposed sale price is less than the market value,

(*b*) the said person is or was engaged in anti-social behaviour or the sale would not be in the interest of good estate management, or

(*c*) the intended sale would, if completed, leave the vendor or any person who might reasonably be expected to reside with him or her without adequate housing.

(4) Where the housing authority or approved body purchases the dwelling in accordance with *subsection (2)* and material improvements have been made to the dwelling with the prior written

consent of the housing authority or approved body, as appropriate, in accordance with the terms and conditions of the transfer order, the price payable by the authority or approved body shall be the market value of the dwelling, reduced by an amount equal to that proportion of the net market value of the dwelling as corresponds to the charged share of the authority or approved body in the dwelling on the date of its resale.

(5) Where a purchaser resells a dwelling to a person other than a housing authority or an approved body during the charged period, the purchaser shall pay to the housing authority or approved body concerned an amount equal to a percentage of the market value, such percentage being the equivalent of the charged share of the authority or approved body in the dwelling on the date of resale of the dwelling.

(6) Where a purchaser resells a dwelling to which material improvements have been made with the prior written consent of the authority or approved body, as appropriate, to a person other than a housing authority or an approved body, the purchaser shall pay to the housing authority or approved body an amount equal to that proportion of the net market value of the dwelling as corresponds to the charged share of the authority or approved body in the dwelling on the date of its resale.

(7) Where the amount payable under any of the provisions of this section would reduce the proceeds of the sale (disregarding solicitor and estate agent's costs and fees) below the purchase money, the amount payable under the charging order shall be reduced to the extent necessary to avoid that result.

(8) (*a*) Subject to *paragraph (b)*, where a purchaser resells a dwelling which is subject to a charging order the charged period of which has expired and in respect of which the amount referred to in *section 47 (3)* has not been paid in accordance with that section, *section 46 (12)* applies.

(*b*) No account shall be taken of any material improvements made to the dwelling after the expiration of the charged period.

(9) The housing authority may take account of any moneys likely to accrue to an approved body from the sale of dwellings under incremental purchase arrangements when providing assistance to such a body under section 6 of the Act of 1992 in respect of the provision of housing accommodation.

(10) (*a*) Subject to *paragraph (b)*, any moneys accruing to an approved body from the sale of a dwelling under an incremental purchase arrangement or the resale of such a dwelling shall be paid to the housing authority for use by the housing authority for the purposes specified in *section 13*.

(*b*) Repayment of the moneys referred to in *paragraph (a)* shall be limited to the extent that those moneys have been taken into account by the housing authority when providing assistance under section 6 of the Act of 1992 in respect of the provision of housing accommodation.

(11) For the purposes of this section, the current market value of a dwelling shall be determined by the housing authority or the approved body, as appropriate, or, where the vendor does not agree with the market value so determined, by an independent valuer nominated by the vendor from a panel of suitably qualified persons, established by the housing authority, who are of a class or description prescribed under *section 49*.

(12) The housing authority or approved body, as the case may be, shall not be liable for any expenses incurred by a vendor under *subsection (11)*.

Regulations (*Part 3*).

49.— The Minister may make regulations in relation to all or any one or more of the following:

(*a*) the class or classes of dwelling to which incremental purchase arrangements may apply;

(*b*) the class of classes of households with whom incremental purchase arrangements may be entered into;

(*c*) the method for determining the purchase price of a dwelling which method may—

(i) differentiate between different classes of dwelling, and

(ii) take account of the age of the dwelling;

(*d*) the method for determining the purchase money taking account of the financial circumstances of households with whom incremental purchase arrangements may be entered into;

(*e*) the determination of the minimum period, or the range within which a housing authority shall fix the minimum period, for which a charging order shall apply in respect of a dwelling sold under an incremental purchase arrangement, which period shall not in any case be less than 20 years from the date of the transfer order;

(*f*) in the case of an approved body, the reservation by it of a specified number or proportion of newly-constructed dwellings provided with the assistance of a housing authority under section 6 of the Act of 1992;

(*g*) the form and manner of, and terms and conditions to be specified in, a transfer order and a charging order;

(*h*) the class or classes or description of persons who are suitably qualified by reference to their qualifications and experience to determine the market value of a dwelling or site, as the case may be, for the purposes of this Part;

(*i*) the form of the statement for the purposes of *sections 46(5)* and *47(3)*;

(*j*) such other matters as the Minister considers necessary and appropriate relating to incremental purchase arrangements.

PART 4

TENANT PURCHASE OF APARTMENTS

Interpretation (*Part 4*).

50.— (1) In this Part—

"apartment" means a separate and self-contained dwelling in an apartment complex which requires arrangements for the upkeep and management of all or any part of the common areas, structures, works or services other than by the owner of the apartment;

"apartment assignment order" has the meaning given to it by *section 64 (2)*;

"apartment complex" means land on which there stands erected a building or buildings, comprising or together comprising not less than 5 apartments (but not including any community apartment) and the common areas, structures, works and services;

"apartment complex service charge" has the meaning given to it by *section 67 (1)* and " service charge " shall be construed accordingly;

"apartment complex support fund" has the meaning given to it by *section 70*;

" apartment complex transfer order " has the meaning given to it by *section 59*;

"apartment owner" , in relation to an apartment (including a community apartment) in a designated apartment complex, means, subject to *section 65 (1) (b)*—

(*a*) an apartment purchaser, or

(*b*) the housing authority, in the case of an apartment which has not been sold by the housing authority—

(i) under section 90 of the Principal Act, whether before or after the coming into operation of this Part, or

(ii) under this Part and any regulations made thereunder;

"apartment purchaser" means, subject to *section 76*, a person who purchases an apartment under this Part and includes a person in whom there subsequently becomes vested the interest of the apartment purchaser or his or her successor in title and the personal representative of that person or successor in title and references to "purchaser" shall be construed accordingly;

"apartment transfer order" has the meaning given to it by *section 60*;

"charging order" has the meaning given to it by *section 74*;

"charged period" has the meaning given to it by *section 74*;

"charged share" has the meaning given to it by *section 74*;

"common areas, structures, works and services" means, in relation to an apartment complex, areas, structures, works and services that are, or are intended to be, common to apartments (including community apartments) in the apartment complex and enjoyed therewith, including where relevant access and side roads, architectural features, circulation areas, footpaths, internal common stairways, open spaces, parking areas, utility rooms and that portion of the roof or exterior of any building not intended to form or not forming part of any individual apartment;

"community apartment" means an apartment in an apartment complex that is authorised by the housing authority to be used for activities for the common benefit or enjoyment of the occupiers of apartments in the apartment complex;

"current market value" means the price for which an apartment might reasonably be expected to be sold, on the open market, on the date of sale under *section 76*, in its existing state of repair and condition and not subject to the conditions specified in *section 64 (5)* or to a charging order;

"designated apartment complex" has the meaning given to it by *section 55 (1)*;

"financial year", in relation to a management company, means a period of 12 months ending on 31 December in any year, and, in the case of the first financial year of a management company, means the period commencing on the expiry of the period specified in *section 63 (1)* and ending on 31 December next following;

"initial selling period" has the meaning given to it by *section 56 (2)*;

"management company" has the meaning given to it by *section 57 (2)*;

"management company annual charges" has the meaning given to it by *section 69*;

"member" means a member of the management company;

"property management services" means services in respect of the management of an apartment complex carried out on behalf of a management company, and such services include—

(*a*) administrative services, and

(*b*) the procurement of or any combination of the maintenance, servicing, repair, improvement or insurance of the apartment complex or any part or parts of the apartment complex;

"purchase money", in relation to an apartment, means the monetary value of the proportion of the purchase price of the apartment fixed by the housing authority, in accordance with regulations made under *section 77* for the purposes of calculating the purchase money, as the proportion that is required to be paid to purchase the apartment;

"purchase price", in relation to an apartment, means the price of the apartment determined by a housing authority in accordance with regulations made under *section 77* for the purposes of calculating the purchase price;

"*section 53* proposal" has the meaning given to it by *section 53*;

"sell", in relation to an apartment, means to sell or assign a leasehold estate or interest;

"sinking fund" has the meaning given to it by *section 68 (1)*;

"sinking fund contribution" has the meaning given to it by *section 68 (3)*;

"tenant" means the tenant of an apartment pursuant to a tenancy agreement between the household and a housing authority.

(2) Save where otherwise provided for by this Part—

(*a*) references in this Part to an apartment, shall not include a community apartment, and

(*b*) references in this Part to a tenant, shall not include any tenant of a community apartment.

(3) In this Part, save where the context otherwise requires, a reference to a transfer of ownership shall be construed as a reference to a deed of transfer, conveyance or assignment.

Consideration of designation of apartment complex.

51.— (1) Subject to and in accordance with this Part and any regulations made thereunder, a housing authority may propose to designate an apartment complex for the purpose of making all of the apartments comprised therein, in respect of which the housing authority is the apartment owner, available for sale to the tenants thereof, under this Part and any regulations made thereunder, where the housing authority is satisfied that the conditions specified in *subsection (2)* are met.

(2) The conditions referred to in *subsection (1)* are that—

(*a*) the housing authority considers that the sale of the apartments concerned is consistent with good estate management and management of its overall dwelling stock in accordance with the policy objectives set out in its housing services plan relating to the management and maintenance of dwellings owned by the housing authority,

(*b*) the apartment complex is suitable for designation having regard to, but not necessarily limited to, the following—

(i) the configuration of the apartment complex by reference to its design and layout and to the common areas, structures, works and services,

(ii) the annual cost of managing and maintaining the apartment complex and providing for future capital works to preserve and improve the apartment complex, and

(iii) the number of apartments available for sale,

(*c*) the housing authority is satisfied, in a case where structural work has been carried out on the apartment complex within the previous 10 years or, in any other case, where a survey of the structural condition of the apartment complex has been carried out within the previous 5 years, that the apartment complex is in good structural condition, order and repair,

(*d*) with respect to the apartment complex concerned, neither the housing services plan nor the housing action programme contain—

(i) proposals to carry out reconstruction or improvement works by virtue of section 12 of the Act of 1988, or

(ii) plans for the regeneration of the area in which the apartment complex is situated,

(*e*) good and marketable title may be transferred to a management company under *section 59* for the purposes of this Part, and

(*f*) none of the apartments in the apartment complex is of a class excluded from sale under this Part by regulations made under *section 77*.

Preparation of draft proposal to designate apartment complex.

52.— (1) Where a housing authority proposes to designate an apartment complex, the housing authority shall prepare a draft proposal, which shall—

(*a*) specify the apartment complex which it is proposed to designate,

(*b*) include information relating to the arrangements for—

(i) holding a tenant plebiscite in respect of the proposed designation of the apartment complex within 3 months of the adoption by the housing authority of a *section 53* proposal,

(ii) transferring ownership of the apartment complex to a management company,

(iii) the sale of apartments in the apartment complex to the tenants of those apartments,

(iv) managing and maintaining the common areas, structures, works and services in the apartment complex, and

(v) funding expenditure of a type referred to in *section 68 (1)*,

(*c*) include information relating to the terms and conditions of sale of an apartment in the apartment complex to the tenant thereof, including—

(i) the obligation to pay the management company annual charges and the estimated level thereof in the first year after purchase,

(ii) the restrictions on resale of an apartment by an apartment purchaser, and

(iii) the covenants in the apartment assignment order and the consequences for the apartment purchaser of failure to observe same,

(*d*) include information relating to the performance by the housing authority of its functions in respect of apartments in the apartment complex the subject of tenancy agreements between the housing authority and the tenants thereof,

(*e*) set out indicative figures for the projected purchase price and purchase money for the different classes of apartment in the apartment complex, and

(*f*) include any other information that the authority considers relevant to the draft proposal.

(2) The housing authority shall—

(*a*) publish and maintain on the Internet a copy of a draft proposal under this section to designate an apartment complex,

(*b*) make the draft proposal available for inspection on request by any person, without charge, at its offices and such other places as it considers appropriate during normal office hours,

(*c*) give notice of the draft proposal to—

(i) each tenant of an apartment in the apartment complex, and

(ii) each member of the housing authority.

(3) A housing authority shall take such steps as it considers appropriate for the purposes of informing tenants and seeking their views about a draft proposal under this section to designate an apartment complex including but not limited to—

(*a*) the holding of an information meeting or meetings about the draft proposal, and

(*b*) arranging to meet with individual tenants, as appropriate, on request, regarding the draft proposal.

(4) For the purposes of *subsection (1) (a)*, the draft proposal may include a map that clearly indicates the boundaries, common areas, structures, works and services of the apartment complex concerned.

Proposal to designate apartment complex.

53.— (1) Where, subject to the conditions specified in *section 51 (2)* continuing to be satisfied and having regard to the views of the tenants concerned expressed at information meetings or otherwise under *section 52 (3)*, the F65**[**chief executive**]** decides to proceed with the proposal to designate the apartment complex, the F65**[**chief executive**]** shall submit the draft proposal to the members of the housing authority with or without such modifications as the F65**[**chief executive**]** considers appropriate.

(2) Where the F65**[**chief executive**]** decides not to proceed with the proposal to designate an apartment complex—

(*a*) because any condition specified in *section 51 (2)* is no longer satisfied,

(*b*) having regard to the views of the tenants concerned expressed at information meetings or otherwise under *section 52 (3)*, or

(*c*) for any other reason,

the F65**[**chief executive**]** shall advise the tenants concerned and the members of the housing authority of his or her decision and the reasons for that decision.

(3) The housing authority may, with or without modification, adopt the draft proposal, submitted to it under *subsection (1)*, to designate the apartment complex (in this Part referred to as a "*section 53* proposal").

(4) The adoption under this section of a *section 53* proposal is a reserved function.

Tenant plebiscite.

54.— (1) Where a housing authority adopts a *section 53* proposal, it shall hold a tenant plebiscite in respect of the apartment complex concerned within the period specified in the proposal and in accordance with this section and any regulations made thereunder for the purpose of ascertaining the level of—

(*a*) support for the designation of the apartment complex, and

(*b*) willingness of tenants who purchase apartments in the apartment complex under this Part to serve as directors of the management company.

(2) (*a*) Subject to *paragraph (b)*, each apartment in the apartment complex concerned shall be afforded one vote in the plebiscite.

(*b*) Where an apartment has been sold by the housing authority under section 90 of the Principal Act, whether before or after the coming into operation of this Part, the apartment shall not be included for the purposes of a tenant plebiscite under this section.

(3) A vote under *subsection (2)* may only be exercised—

(*a*) by the tenant of the apartment at the time of the plebiscite, and

(*b*) by completing and returning a ballot paper in the form and manner prescribed under *subsection (6)*.

(4) In the case of an apartment where there are 2 or more tenants—

(*a*) they shall be considered as one tenant for the purposes of *subsection (3) (a)*,

(*b*) they are not entitled to vote in the plebiscite unless a majority of them concurs, and

(*c*) unless the vote is signed by a majority of them, it shall be disregarded for the purposes of the plebiscite.

(5) Not later than 2 months after the adoption of the proposal to designate the apartment complex, the housing authority shall send to the tenants concerned, by ordinary post or any other means that may be prescribed under *subsection (6)*, all ballot papers for completion under *subsection (3)* together with a copy of the *section 53* proposal and any other explanatory material it considers relevant.

(6) The Minister may make regulations—

(*a*) relating to and governing the conduct of a tenant plebiscite,

(*b*) prescribing the form of a ballot paper under this section and the manner in which it is to be completed and returned, and

(*c*) prescribing means other than post for the delivery and return of ballot papers under this section.

Designation of apartment complex.

55.— (1) Where, following the holding of a tenant plebiscite, the conditions specified in *section 51 (2)* continue to be met, and subject to the conditions specified in *subsection (2)* being satisfied, the housing authority may designate the apartment complex (in this Part referred to as a "designated apartment complex") in accordance with the *section 53* proposal.

(2) The conditions referred to in *subsection (1)* are that—

(*a*) the number of votes in favour of the designation of the apartment complex equals or exceeds 65 per cent of the number of tenants entitled to vote at the plebiscite, and

(*b*) the number of voters who indicate at the plebiscite that, if designation proceeds and they purchase their apartments, they are willing to serve as directors of the management company equals or exceeds the greater of—

(i) the minimum number of tenants specified in *column (2)* of the Table to this subsection opposite the entry in *column (1)* of the class of apartment complex corresponding to the class of the apartment complex concerned, or

(ii) the number (rounded up to the nearest higher whole number) of tenants represented by the minimum proportion of all tenants specified in *column (3)* of the said Table opposite the said entry in *column (1)*.

TABLE

Class of apartment complex determined by the number of apartments comprised therein of which the housing authority is the apartment owner (1)	Minimum number of tenants in apartment complex willing to serve as directors of management company (2)	Minimum proportion of all tenants in apartment complex willing to serve as directors of management company (3)
Apartment complex comprising not more than 9 apartments	3	60%
Apartment complex comprising 10 to 19 apartments	6	40%
Apartment complex comprising 20 to 29 apartments	8	None
Apartment complex comprising 30 to 59 apartments	9	None
Apartment complex comprising 60 apartments or more	10	None

(3) Where an apartment complex is designated under *subsection (1)*, the designation lapses if no apartment is sold by the housing authority under this Part before the expiry of the initial selling period.

(4) The designation of an apartment complex is a reserved function.

Initial selling period.

56.— (1) A housing authority shall, within 6 months of designating an apartment complex under *section 55*, by written notice given to each tenant of an apartment in the apartment complex, invite him or her to submit to the authority an application to purchase the apartment.

(2) Apartments in a designated apartment complex shall be available for sale under this Part to the tenants thereof during the period (in this Part referred to as the "initial selling period") beginning on the date specified in *subsection (3)* and ending on the later of the following—

(*a*) 3 years from the date on which the initial selling period begins, or

(*b*) 5 years from the date on which the initial selling period begins in a case where the housing authority, before the expiry of the period specified in *paragraph (a)*, extends that period for a further period of 2 years where it is satisfied that the sales of at least the minimum number of apartments available for sale in the designated apartment complex, calculated in accordance with *section 64 (4)*, will proceed during any such extended period.

(3) The specified date for the purposes of *subsection (2)* is the date of the first occasion following designation of the apartment complex under *section 55* on which the housing authority, pursuant to an application referred to in *subsection (1)*, provides to a tenant the necessary information, documentation, particulars of title and terms and conditions of sale relating to the apartment concerned together with information and documentation relating to the management company.

(4) The extension of the initial selling period for the purposes of *subsection (2) (b)* is a reserved function.

(5) The F66**[**chief executive**]** shall arrange for the establishment of a management company under *section 57* where the F66**[**chief executive**]** is satisfied that—

(*a*) the sales are ready to proceed, during the initial selling period, of at least the minimum number of apartments available for sale in the designated apartment complex calculated in accordance with s*ubsection (6)*, and

(*b*) in relation to those sales that are ready to proceed as referred to in *paragraph (a)*, the number of tenants of the apartments concerned that have indicated their willingness to serve as directors of the management company equals or exceeds half of the minimum number of apartments calculated in accordance with *subsection (6)*.

(6) The minimum number of apartments for the purposes of *subsection (5) (a)* is calculated as the greater of—

(*a*) the minimum number of apartments specified in *column (2)* of the Table to this subsection opposite the entry in *column (1)* of the class of apartment complex corresponding to the class of the designated apartment complex concerned, and

(*b*) the minimum number (rounded up to the nearest higher whole number) of tenants represented by the minimum proportion of all apartments in the designated apartment complex concerned specified in *column (3)* of the said Table opposite the said entry in *column (1)*.

TABLE

Class of apartment complex determined by the number of apartments comprised therein of which the housing authority is the apartment owner (1)	Minimum number of apartment sales (2)	Minimum proportion of all apartments in apartment complex (3)
Apartment complex comprising not more than 19 apartments	2	35%
Apartment complex comprising 20 or more apartments	7	30%

(7) For the purposes of *subsection (5)* and *section 64 (3)*, a sale is ready to proceed where, in accordance with the terms and conditions of sale, the tenant has—

(*a*) signed the apartment assignment order,

(*b*) paid such deposit as is payable to the housing authority in respect of the purchase concerned, and

(*c*) provided to the housing authority written notice of loan approval or otherwise established, to the satisfaction of the housing authority, his or her capacity to pay the balance of the purchase money on the completion of the sale to him or her.

Establishment and objects of management company.

57.— (1) In this section references to an apartment include a community apartment.

(2) A housing authority shall, in relation to a designated apartment complex, establish a company (in this Part referred to as a "management company") to achieve the principal objects specified in *subsections (5)* and *(6)* which shall be a company formed and registered under the Companies Acts and limited by—

(*a*) shares, where there are not more than 6 apartments in the designated apartment complex concerned, or

(*b*) guarantee, where there are more than 6 apartments in the designated apartment complex.

(3) The name of every management company shall be comprised of the name of the designated apartment complex concerned and the words "owners' management company" which words may be abbreviated to "OMC".

(4) The memorandum and articles of association of a management company shall be in such form consistent with this Act as may be determined by the housing authority.

(5) The principal objects of a management company shall be stated in its memorandum of association to be as follows:

(*a*) to take a transfer of ownership of a designated apartment complex in accordance with an apartment complex transfer order;

(*b*) in the case of apartments in the designated apartment complex which have not been sold by the housing authority under section 90 of the Principal Act, whether before or after the coming into operation of this Part, to grant a lease or sublease of the apartments to the housing authority in accordance with an apartment transfer order;

(*c*) to manage, control and maintain the common areas, structures, works and services in accordance with *section 63 (3)*;

(*d*) to carry out its functions in accordance with this Part.

(6) *Subsection (5)* does not prevent or restrict the inclusion of objects and powers that are—

(*a*) reasonably necessary, proper for or incidental or ancillary to attaining the principal objects referred to in *subsection (5)*, and

(*b*) not inconsistent with this Part or any other enactment.

(7) The articles of association shall include provision for—

(*a*) the levying and collection annually of an apartment complex service charge and a charge in respect of the sinking fund contribution, and

(*b*) the covenants and agreements relating to the designated apartment complex and the apartments comprised therein.

Annual meetings and reports of management company.

58.— (1) A management company shall—

(*a*) prepare and furnish to each member an annual report which complies with *subsection (2)*, and

(*b*) hold a meeting at least once in each year for purposes which include the consideration of the annual report referred to in *paragraph (a)*.

(2) An annual report of a management company shall include:

(*a*) a statement of income and expenditure relating to the period covered by the report;

(*b*) a statement of the assets and liabilities of the company;

(*c*) a statement of the funds standing to the credit of the sinking fund;

(*d*) a statement of the amount of the apartment complex service charge and the basis of such charge in respect of the period covered by the report;

(*e*) a statement of the projected or agreed apartment complex service charge relating to the current period;

(*f*) a statement of any planned expenditure on refurbishment, improvement or maintenance of a non-recurring nature which it is intended to carry out in the current period;

(*g*) a statement of the insured value of the designated apartment complex, the amount of the premium charged, the name of the insurance company with which the policy of insurance is held and a summary of the principal risks covered; and

(*h*) a statement fully disclosing any contracts entered into or in force between the management company and a director or shadow director of the company or a person who is a connected person as respects that director or shadow director.

(3) At least 21 days written notice of the meeting referred to in *subsection (1) (b)* shall be given to each member.

(4) A copy of the annual report referred to in *subsection (1) (a)* shall be given to each member at least 10 days before the meeting referred to in *subsection (1) (b)*.

(5) The meeting referred to in *subsection (1) (b)* shall take place within reasonable proximity to the designated apartment complex and at a reasonable time (unless otherwise agreed by 75 per cent majority vote of the members).

(6) The obligations of a management company under this section are in addition to any other obligation or duty of such company whether arising under an Act, statutory instrument, by rule of law or otherwise.

(7) For the purposes of *subsection (2) (h)*, "shadow director" and "connected person" have the same meanings as they have in the Companies Acts.

Transfer of ownership of designated apartment complex to management company.

59.— (1) As soon as practicable after the establishment of the management company under *section 57* the housing authority shall, for nominal consideration transfer its ownership of the apartment complex (including its interest in any apartment sold under section 90 of the Principal Act whether before or after the coming into operation of this Part) to the management company by means of an order (in this Part referred to as an "apartment complex transfer order"), in the prescribed form, made by the housing authority, which order shall be expressed and shall operate to vest, on the date specified in the order, the interest specified therein, subject as therein provided and to the terms and conditions specified in *subsection (2)*.

(2) The terms and conditions referred to in *subsection (1)* include the following—

(*a*) that the management company shall, on the date specified in the apartment complex transfer order or as soon as practicable thereafter, lease or sublease, as the case may be, each apartment (including any community apartment) in the designated apartment complex to the housing authority in accordance with this Part other than any apartments sold by the housing authority under section 90 of the Principal Act whether before or after the coming into operation of this Part,

(*b*) that the transfer of ownership under *subsection (1)* is subject to—

(i) the tenancy agreements between the housing authority and the tenants of the apartments concerned entered into before the date of the apartment complex transfer order, and

(ii) any lease entered into between the housing authority before the date of the apartment complex transfer order for the purpose of the sale of an apartment in the designated apartment complex under section 90 of the Principal Act whether before or after the coming into operation of this Part,

(*c*) that the consent of the management company shall not be required in respect of the sale or letting of apartments by the housing authority under the *Housing Acts 1966 to 2009*,

(*d*) that the management company shall, where the designation of an apartment complex lapses under *section 55 (3)*, comply with the requirements of *section 61*,

(*e*) such other terms and conditions as may be prescribed for the purposes of an apartment complex transfer order.

(3) Save as provided for by any other enactment or regulations made thereunder, the transfer of ownership of a designated apartment complex to a management company under this section shall not imply any warranty on the part of the housing authority in relation to the state of repair or condition of the apartment complex or the fitness for human habitation of the apartments concerned.

Lease of apartment to housing authority.

60.— (1) In this section, in the case of a designated apartment complex in respect of which a leasehold interest is assigned to the management company for the purposes of *section 59,* a reference to a lease includes a sublease.

(2) Subject to and in accordance with this section, as soon as practicable after the date specified in the apartment complex transfer order for the purposes of *section 59 (1)*, the management company shall, for nominal consideration, grant a lease to the housing authority in respect of each apartment (including any community apartment) in the designated apartment complex, by means of an order (in this Part referred to as an "apartment transfer order") in the prescribed form, made by the management company, which shall be expressed and shall operate to vest, on the date specified in the order, the interest specified therein, subject as therein provided and to the terms and conditions specified in *subsection (3)*.

(3) The terms and conditions referred to in *subsection (2)* include the following—

(*a*) that the housing authority may, without the consent of the management company—

(i) sell the apartment, under this Part, to a tenant thereof, or

(ii) without prejudice to any tenancy agreement entered into between the housing authority and a tenant of the apartment concerned before the date specified in the apartment transfer order for the purposes of *subsection (2)*, let the apartment in accordance with and in the performance of its functions under the *Housing Acts 1966 to 2009*,

(*b*) that the housing authority shall not, without the prior written consent of the management company make material improvements to the apartment,

(*c*) the condition specified in *section 69 (3)* relating to payment of the management company annual charges in respect of the apartment and the consequences of failing to pay,

(*d*) that the management company shall, where the designation of an apartment complex lapses under *section 55 (3)*, comply with the requirements of *section 61*,

(*e*) terms and conditions relating to membership of the management company, and

(*f*) such other terms and conditions relating to the lease of an apartment to the housing authority under this section as may be prescribed for the purposes of an apartment transfer order.

(4) This section does not apply to any apartment in a designated apartment complex sold by a housing authority under section 90 of the Principal Act whether before or after the coming into operation of this Part.

(5) In this section "material improvements" means improvements made to an apartment whether for the purposes of extending, enlarging or converting the apartment but does not include internal decoration and repair.

Consequences of designation lapsing under *section 55* .

61.— (1) Where the designation of an apartment complex lapses under *section 55 (3)*, the housing authority shall notify the management company in writing and the management company shall, as soon as practicable after receipt of the notification—

(*a*) terminate the leases granted to the housing authority in respect of each apartment in accordance with the terms and conditions of the apartment complex transfer order and the apartment transfer order;

(*b*) transfer ownership of the apartment complex to the housing authority, subject to any lease referred to in *section 59 (2) (b) (ii)*, and

(*c*) arrange for the winding up of the management company in accordance with the Companies Acts.

(2) Where the designation of an apartment complex lapses under *section 55 (3)* and subject to compliance by the management company with the requirements of *subsection (1)*, the housing authority shall continue to perform its functions under the *Housing Acts 1966 to 2009* relating to the management and control of the apartment complex.

Costs incurred by management company.

62.— A housing authority shall reimburse a management company established by it in respect of such reasonable and vouched expenses as may be incurred by the management company in the performance of its functions under *sections 59 , 60* and *61* .

Management, control and maintenance of designated apartment complex.

63.— (1) Notwithstanding the transfer of ownership of a designated apartment complex to a management company under *section 59*, the housing authority shall manage and control the designated apartment complex in the performance of its functions under the *Housing Acts 1966 to 2009*, for the period beginning on the date specified in the apartment complex transfer order for the purposes of *section 59 (1)* and ending on the date of the first sale of an apartment in the apartment complex to the tenant thereof.

(2) The management company shall pay to the housing authority as soon as practicable after receipt thereof any charges paid to the management company in respect of the period specified in *subsection (1)* by any person to whom an apartment in the designated apartment complex was sold under section 90 of the Principal Act whether before or after the coming into operation of this Part.

(3) On the date of the first sale under this Part of an apartment in a designated apartment complex to the tenant thereof the management company shall, in relation to the common areas, structures, works and services in the designated apartment complex, in accordance with its memorandum and articles of association ensure the effective management and maintenance of the common areas, structures, works and services, and without prejudice to the generality of the foregoing, ensure that the designated apartment complex functions effectively and otherwise comply with the obligations imposed on the management company under and in accordance with this Part and the apartment complex transfer order.

Sale by housing authority of apartments to tenants.

64.— (1) In this section, in the case of an apartment in respect of which a sublease is granted to the housing authority for the purposes of *section 60*, a reference to a lease includes a sublease.

(2) Subject to and in accordance with this Part and the Housing Acts 1966 to 2004 and subject to such regulations as may be made under *section 77*, a housing authority may, subject to *subsections (3)* and *(4)*, in consideration of the receipt by the housing authority of the purchase money, sell an apartment, of which it is the apartment owner, in a designated apartment complex, in the state of repair and condition existing on the date of sale, to the tenant of the apartment (in this Part referred to as an "apartment purchaser") by assignment of the lease granted to the housing authority under *section 60* by means of an order (in this Part referred to as an "apartment assignment order"), in the prescribed form, made by the housing authority, which shall be expressed and shall operate to vest, on the date specified in the order, the interest specified in the order, in accordance with and subject to the terms and conditions specified in *subsection (5)* and the terms and conditions of a charging order.

(3) The F67**[**chief executive**]** shall not sign the apartment assignment order for the sale to a tenant under this Part of the first apartment in a designated apartment complex where—

(*a*) the initial selling period has expired, or

(*b*) he or she is not satisfied that the sales are ready to proceed (within the meaning of *section 56 (7)*) within 4 weeks of the date of signing the assignment order of at least the minimum number of apartments available for sale in the designated apartment complex, calculated in accordance with *subsection (4)*, or

(*c*) the number of tenants of the apartments referred to in *paragraph (b)* who have indicated a willingness to serve as directors of the management company is less than half of the minimum number of apartments calculated in accordance with *subsection (4)*.

(4) The minimum number of apartments for the purposes of *subsection (3) (b)* includes the first apartment referred to in *subsection (3)* and is calculated as the greater of—

(*a*) the minimum number of apartments specified in *column (2)* of the following Table opposite the entry in *column (1)* of the class of apartment complex corresponding to the class of the designated apartment complex concerned, or

(*b*) the minimum number (rounded up to the nearest higher whole number) of tenants represented by the minimum proportion of all apartments specified in *column (3)* of the following Table opposite the said entry in *column (1)*.

TABLE

Class of apartment complex determined by the number of apartments comprised therein of which the housing authority is the apartment owner (1)	Minimum number of apartment sales (2)	Minimum proportion of all apartments in apartment complex (3)
Apartment complex comprising not more than 19 apartments	2	30%
Apartment complex comprising 20 or more apartments	6	25%

(5) The terms and conditions referred to in *subsection (2)* shall include the following—

(*a*) that the apartment shall, during the charged period, unless the housing authority gives its prior written consent, be occupied as the normal place of residence of the apartment purchaser or of a member of the apartment purchaser's household;

(*b*) that the apartment or any part thereof shall not, during the charged period without the prior written consent of the housing authority, be sold, assigned, let or sublet or otherwise disposed of or mortgaged, charged or alienated, otherwise than by devise or operation of law;

(*c*) terms and conditions relating to the resale of the apartment under *section 76* during the charged period;

(*d*) such other terms and conditions relating to the sale of an apartment as may be prescribed for the purposes of an apartment assignment order.

(6) A tenant who applies to purchase his or her apartment under this Part shall, on or before signing the apartment assignment order, pay to the housing authority a deposit of an amount determined in accordance with such method as may be prescribed under *section 77* which deposit, subject to *subsection (7)*, shall not be refundable if the tenant withdraws from the sale for any reason at any time before the expiration of 6 months from the date on which he or she signs the order.

(7) Where a housing authority does not proceed with the sale of an apartment for any reason, the housing authority shall—

(*a*) notify the tenant in writing,

(*b*) refund any deposit paid by the tenant and reimburse the tenant in respect of such reasonable legal expenses as may be incurred by him or her in respect of the proposed purchase of the apartment by him or her under this Part, and

(*c*) pay to the tenant interest on the amount of the deposit refunded under *paragraph (b)* at the rate prescribed under *section 33* for the period beginning on the date the tenant signed the apartment assignment order and ending on the date on which the housing authority notifies the tenant that it is not proceeding with the purchase.

(8) Save as provided for by any other enactment or regulations made thereunder, the sale of an apartment under this Part to a tenant shall not imply any warranty on the part of the housing authority in relation to the state of repair or condition of the apartment or its fitness for human habitation.

(9) A housing authority shall not proceed with the sale of an apartment under this Part to the tenant thereof—

F68**[**(a) where—

(i) at any time during the 3 years immediately before applying to the authority to purchase an apartment under this Part, the tenant or a member of his or her household was in arrears of rent, rent contributions, charges, fees or any other moneys due and owing for an accumulated period of 12 weeks or more to a housing authority or an approved body in respect of a dwelling or site to which *Chapter 3* of *Part 2* of the *Act of 2009* relates, and

(ii) subject to *subsection (9A)*, the tenant or the household member has not entered into rescheduling arrangements with the housing authority or approved body concerned for the payment of such arrears, or, having entered into such arrangements, has not, in the opinion of the authority or body, substantially complied with their terms,**]**

(*b*) where, on the basis of any structural survey of the apartment complex or of an individual apartment that may be carried out after the date of the designation of the apartment complex under *section 55*, the authority considers that it is not in the interest of good estate management to proceed with the sale,

(*c*) where the authority is not satisfied, having regard to the provisions of *section 65(5)*, that the number of existing and prospective apartment purchasers willing to serve as directors of the management company is sufficient to enable the company to function effectively, or

(*d*) where the designation of the apartment complex for tenant purchase has lapsed under *section 55 (3)*.

F69**[**(9A) In applying *subsection (9)(a)(ii)*, a housing authority shall disregard the case where the authority or approved body concerned is satisfied that the failure of the tenant or the household member concerned to substantially comply with the terms of the rescheduling arrangements was due to circumstances outside the control of such tenant or household member. **]**

(10) Section 211(2) of the Planning and Development Act 2000 and section 183 of the Local Government Act 2001 shall not apply to the sale of an apartment to a tenant in accordance with this Part.

Management company provisions.

65.— (1) In this section—

(*a*) references to an apartment include a community apartment, and

(*b*) references to an apartment owner include—

(i) a person to whom an apartment in a designated apartment complex was sold under section 90 of the Principal Act whether before or after the coming into operation of this Part, and

(ii) a person in whom there subsequently becomes vested the interest of the person referred to in *subparagraph (i)* or his or her successor in title and the personal representative of that person or successor in title.

(2) Each apartment owner shall be a member of the management company.

(3) (*a*) The voting rights of the members shall be structured in such a manner that in the determination of any matter by the members one vote shall attach to each apartment owner in respect of each apartment in the designated apartment complex to which the management company relates, and that no other person has such a vote.

(*b*) Each vote referred to in *paragraph (a)* shall be of equal value.

(4) Where 2 or more persons are joint apartment owners they shall constitute one member in respect of the exercise of the voting and other powers vested in such member.

(5) According as apartments in a designated apartment complex are sold to tenants under this Part, a housing authority shall, subject to *subsection (6)*, nominate for election as directors of the management company such number of persons which, when expressed as a proportion of the total number of directors of the company that will be serving after the election is concluded, does not exceed the proportion of the total number of apartments in the designated apartment complex of which the housing authority is the apartment owner.

(6) A housing authority may decide not to nominate any person for election as a director of the management company where the number of apartments of which the housing authority is the apartment owner is equal to or less than 20 per cent of the total number of apartments in the designated apartment complex.

Automatic transfer of membership of management company on sale of apartment.

66.— (1) Where ownership of an apartment in a designated apartment complex is transferred, whether by conveyance, transfer, assignment, by operation of law or otherwise, membership of the management company which arises by virtue of ownership of the apartment shall, notwithstanding any provision to the contrary in the Companies Acts or other enactment, on such transfer stand transferred to the person becoming entitled to the interest in the apartment

concerned without the need to execute a transfer or have it approved by the directors of the company, and such person shall—

(*a*) be entitled to exercise the powers, rights and entitlement of a member in the company concerned, and

(*b*) subject to *subsection (3)*, be obliged to perform all the obligations (including the payment of the apartment complex service charge, the charge in respect of the sinking fund contribution and any other charges) pertaining to the membership of the company concerned.

(2) Notwithstanding *subsection (1)* a management company shall take all steps necessary to ensure—

(*a*) that the share certificate or membership certificate, as appropriate, is issued to the member concerned as soon as practicable following notification of the change of ownership of an apartment,

(*b*) that the register of members of the company is altered accordingly, and

(*c*) that there is compliance with all other relevant requirements under the Companies Acts.

(3) This section is without prejudice to the rights, entitlements and obligations of any person to whom an apartment in a designated apartment complex was sold under section 90 of the Principal Act, whether before or after the coming into operation of this Part including a person in whom there subsequently becomes vested the interest of such person or his or her successor in title and the personal representative of that person or successor in title.

Apartment complex service charge.

67.— (1) Before the end of the period specified in *section 63 (1)*, and thereafter before the end of the first month of each financial year, the management company shall prepare an estimate of the amount to be raised, in respect of the financial year concerned, by way of an annual charge or charges (in this Part referred to as the "apartment complex service charge") payable by apartment owners, being the amount required to discharge ongoing expenditure reasonably incurred on the insurance, maintenance (including cleaning and waste management services) and repair of the common areas, structures, works and services of the designated apartment complex concerned and on the provision of common or shared services to the apartment owners and occupiers of the designated apartment complex.

(2) The management company shall prepare the estimate referred to in *subsection (1)* by reference to the actual or projected expenditure for the financial year in respect of which the service charge is to be levied.

(3) The estimate referred to in *subsection (1)* shall include the following categories:

(*a*) insurance;

(*b*) general maintenance;

(*c*) repairs;

(*d*) waste management;

(*e*) cleaning;

(*f*) gardening and landscaping;

(*g*) security services;

(*h*) legal services and accounts preparation; and

(*i*) other expenditure anticipated to arise in connection with the maintenance, repair and management of the common areas anticipated to arise.

(4) The apartment complex service charge for each financial year shall not be levied by the management company unless it has been considered by a general meeting of the members called for purposes which include the consideration of the estimate referred to in *subsection (1)*.

(5) The general meeting referred to in *subsection (4)* shall take place within reasonable proximity to the designated apartment complex and at a reasonable time (unless otherwise agreed by a 75 per cent majority vote of the members).

(6) (*a*) The proposal in relation to the setting of the apartment complex service charge may be amended at the meeting referred to in *subsection (4)* with the approval of a 60 per cent majority vote of the members present and voting at the meeting.

(*b*) Where the apartment complex service charge proposed to the general meeting is disapproved of by not less than a 75 per cent majority vote of the members present and voting at the meeting, the proposed apartment complex service charge shall not take effect but the apartment complex service charge applying to the previous financial year shall continue to apply pending the adoption of an apartment complex service charge in respect of the financial year concerned.

(7) The amount of the apartment complex service charge shall as soon as practicable after its adoption under this section be levied by the management company as a charge on each apartment in the designated apartment complex, the proportion of the apartment complex service charge attributable to any apartment being the same as the proportion which the floor area of that apartment, determined in the prescribed manner, bears to the aggregate floor area of all apartments in the designated apartment complex.

(8) (*a*) In the case of a designated apartment complex where the housing authority has sold one or more than one apartment under section 90 of the Principal Act, whether before or after the coming into operation of this Part, the management company shall—

(i) determine the net amount of the apartment complex service charge by deducting from the amount of the apartment complex service charge for the financial year concerned the amount of its estimated service charge receipts for the current financial year from the apartment owners of the apartments so sold under the terms and conditions of the transfer orders in respect of the sales of those apartments,

(ii) excluding the apartments so sold from the calculation and subject to the prior approval of the Minister, apportion the net amount of the apartment complex service charge between each of the other apartments in the designated apartment complex by the method of apportionment provided for in the said transfer orders, and

(iii) levy the amount so apportioned in respect of each of those other apartments in the designated apartment complex as a charge on such apartment.

(*b*) The Minister shall not approve the method of apportionment referred to in *paragraph (a) (ii)* where he or she is not satisfied that such method is equitable as between the apartments referred to in *paragraph (a) (iii)*.

(*c*) Where the Minister does not approve the method of apportionment referred to in *paragraph (a) (ii)*, the management company shall, excluding the apartments so sold under section 90 of the Principal Act from the calculation, apportion the net amount of the apartment complex service charge between each of the other apartments in the designated apartment complex by the method of apportionment specified in *subsection (7)*.

(9) (*a*) To the extent that any part of the apartment complex service charge is not required for the year concerned, any excess shall be taken account of in setting the apartment complex service charge for the following year.

(*b*) To the extent that the apartment complex service charge is inadequate for the expenditure in the year concerned, the extent of such inadequacy may be added to the apartment complex service charge otherwise payable in respect of the following year.

(10) The management company shall maintain sufficient and proper records of expenditure incurred by it to enable appropriate verification and audits to be undertaken.

(11) The apartment complex service charge levied pursuant to this section shall be applied for the purposes specified in *subsection (1)* but any excess may, notwithstanding *subsections (2)* or *(9)*, be applied on expenditure which may be incurred by the sinking fund.

(12) The Minister may make regulations prescribing the class or classes of items of expenditure which may be the subject of the apartment complex service charge.

Sinking fund.

68.— (1) Before the end of the period specified in *section 63 (1)*, the management company shall establish a building investment fund (in this Part referred to as a "sinking fund") for the purpose of discharging expenditure reasonably incurred, in respect of the designated apartment complex concerned on—

(*a*) refurbishment,

(*b*) improvement,

(*c*) maintenance of a non-recurring nature, or

(*d*) advice from a suitably qualified person relating to *paragraphs (a)* to *(c)*.

(2) For the purposes of *subsection (1)*, expenditure shall not be considered to be expenditure on maintenance of a non-recurring nature—

(*a*) where the expenditure relates to a matter in respect of which expenditure is generally incurred in each year,

(*b*) unless it is certified by the directors of the management company as being expenditure on maintenance of a non-recurring nature, and

(*c*) unless the expenditure is approved by a meeting of the members as being expenditure on maintenance of a non-recurring nature.

(3) (*a*) Before the end of the period specified in *section 63 (1)*, and thereafter before the end of the first month of each financial year, the management company shall, subject to *paragraph (b)* prepare an estimate of the sum of moneys (referred to in this Part as the "sinking fund contribution") that it considers appropriate and prudent for addition to the sinking fund in the financial year concerned and, applying the method of apportionment specified in *subsection (4) (a)* or *(b)*, as appropriate, calculate the amount equal to the proportion of the sinking fund contribution that would be attributable to each apartment in the designated apartment complex.

(*b*) The management company shall not prepare an estimate of the sinking fund contribution for the financial year concerned which, when apportioned between each apartment in the designated apartment complex in accordance with *paragraph (a)*, results in the smallest amount attributable to any apartment being less than €200 or such other amount as may be prescribed for the purposes of this subsection.

(*c*) If, under the calculation set out in *paragraph (a)*, the smallest amount attributable to any apartment in the designated apartment complex is equal to €200 or such other amount as may be prescribed for the purposes of this subsection, the management company may adopt its estimate under *paragraph (a)* as the sinking fund contribution for the financial year concerned.

(*d*) If under the calculation specified in *paragraph (a)*, the smallest amount attributable to any apartment in the apartment complex is more than €200 or such other amount as may be prescribed for the purposes of this subsection, the sinking fund contribution for the financial year shall be adopted by a general meeting of members called for those purposes, provided that such contribution, when apportioned between each apartment in the designated apartment complex on the same basis as the apartment complex service charge, does not result in the smallest amount attributable to any apartment being less than €200 or such other amount as may be prescribed for the purposes of this subsection.

(4) The amount of the sinking fund contribution shall, as soon as practicable after its determination, be levied by the management company as a charge on each apartment in the designated apartment complex, the amount being apportioned between each apartment in the designated apartment complex on the same basis as the apartment complex service charge is apportioned—

(*a*) in accordance with *section 67 (7)*, or

(*b*) in the case of a designated apartment complex where the housing authority has sold one or more than one apartment under section 90 of the Principal Act, in accordance with *section 67 (8)*.

(5) The contributions made to the sinking fund shall be held in a separate account and in a manner which identifies such funds as belonging to the sinking fund and those funds shall not be used or expended on matters other than expenditure of a type referred to in *subsection (1)*.

(6) The Minister may make regulations prescribing all or any one or more of the following:

(*a*) a class or classes of expenditure which may be incurred by a sinking fund;

(*b*) thresholds of expenditure (by reference to amounts of expenditure or by reference to the proportion of the sinking fund) which necessitate approval of the members;

(*c*) any other amount for the purposes of *subsection (3)* having regard to the average level of service charges in designated apartment complexes.

Management company annual charges.

69.— (1) A management company may issue a single request for payment of the aggregate of the charges arising under *sections 67* and *68* , and every request for payment, whether in reliance on this section or on *section 67* or *68* shall set out the basis of the calculation of the charge, a breakdown of how it is calculated and the amount payable in respect of the apartment concerned.

(2) Where payment of charges arising under *sections 67* and *68* are requested or collected together such charges may collectively be referred to as "management company annual charges".

(3) It shall be a condition of the apartment transfer order and the apartment assignment order that—

(*a*) the apartment owner shall pay the management company annual charges of such amount or amounts and at such times and in such manner as the management company may specify subject to and in accordance with the terms and conditions of the apartment transfer order or the apartment assignment order, as the case may be, and

(*b*) where the apartment owner fails to comply with the obligation in *paragraph (a)*, the management company shall have the right to re-enter and take possession of the apartment, whereupon the term of the apartment transfer order or the apartment assignment order, as the case may be, shall end, without prejudice to the rights and remedies of the company in respect of any such charge in arrears or of any other breach of the apartment transfer order or apartment assignment order.

(4) Where the management company annual charges or part thereof remain unpaid by the apartment owner on the expiration of the period for payment specified in the apartment transfer order or apartment assignment order, as the case may be, the amount concerned shall bear interest, at the rate provided for therein and calculated in accordance therewith.

(5) Where, during the charged period, the management company annual charges or part thereof remain unpaid by the apartment purchaser concerned for a period of more than 6 months after the expiry of the period for payment of the charge specified in the apartment assignment order, the management company shall notify the housing authority in writing.

(6) Where a housing authority sells an apartment to the tenant thereof under this Part, it shall not be liable, in respect of any period after the date on which the housing authority signs the apartment assignment order, for the management company annual charges for the proportion of the financial year remaining after that date or for any financial year thereafter.

Apartment complex support fund.

70.— (1) Subject to *subsection (3)*, on the first sale of an apartment in a designated apartment complex to the tenant thereof under this Part, the housing authority shall establish, maintain and account for a fund (referred to in this Part as an "apartment complex support fund") for the purposes set out in *subsection (4)*.

(2) (*a*) The housing authority shall, on the establishment of the apartment complex support fund, pay into the fund an amount fixed in accordance with *paragraph (b)*.

(*b*) The amount referred to in *paragraph (a)* shall be calculated as the sum of the prescribed proportion of the purchase price on the date of the first sale referred to in *subsection (1)* of each apartment in the designated apartment complex, including community apartments and any apartments sold to tenants under section 90 of the Principal Act

whether before or after the coming into operation of this Part, which proportion shall not exceed the greater of—

(i) 5 per cent of such purchase price, or

(ii) such amount as may be prescribed for the purposes of this section having regard to the number and size of the apartments comprised in the designated apartment complex concerned.

(3) The moneys referred to in *subsection (2)* in respect of one or more than one designated apartment complex may be held in, managed and accounted for by a housing authority in a single apartment complex support fund, provided that the funding for each such apartment complex is capable of being separately identified.

(4) The housing authority, in accordance with this section, on a request being made in that behalf by the management company and subject to there being sufficient moneys in the apartment complex support fund, may decide to transfer moneys from the apartment complex support fund to the company's sinking fund to meet expenditure by, or on behalf of, the management company on any of the works referred to in *section 68 (1) (a)* to *(c)*.

(5) (*a*) Where a request is made under *subsection (4)*, the management company shall, as the housing authority may reasonably require for the purpose of deciding whether to transfer moneys from the apartment complex support fund to the sinking fund—

(i) provide details (including drawings and estimated costs) of the proposed works,

(ii) provide financial and other information (including the company's records relating to management, maintenance and repair of the common areas, structures, works and services), and

(iii) carry out, or facilitate the housing authority in carrying out, inspections, surveys and tests.

(*b*) The reasonable costs incurred by the management company in meeting the requirements of a housing authority under this subsection shall be paid by the housing authority.

(6) A housing authority may refuse to transfer moneys under *subsection (4)* where it is of the opinion that any of the following applies:

(*a*) the works proposed are not in the interest of good estate management;

(*b*) the management company is not in a position to meet the cost of the works, from its own resources, including the sinking fund, moneys which it has requested under *subsection (4)* from the apartment complex support fund and borrowings;

(*c*) the works proposed are necessary because of the management company's failure to discharge its obligations under *section 63 (3)*, whether this failure is attributable to the company's failure to levy or collect an adequate apartment complex service charge in one or more than one financial year, or otherwise;

(*d*) the moneys may be used by the management company for purposes other than the carrying out of the works proposed, including eliminating or reducing any excess of expenditure over income (but not including the sinking fund) on the management company's accounts.

(7) Where a housing authority decides to transfer moneys under *subsection (4)* it may do all or any of the following—

(*a*) transfer from the apartment complex support fund the amount requested by the management company under *subsection (4)* or an amount less than that so requested;

(*b*) attach such conditions as it considers appropriate to its decision including conditions specifying—

(i) the works to be carried out,

(ii) the works not to be carried out,

(iii) the standard of the works to be carried out, and

(iv) the timing and content of reports to be given to the housing authority in relation to the works carried out;

(*c*) transfer same to the sinking fund of the management company in such instalments and at such times as the housing authority considers reasonable having regard to the progress of the works concerned.

(8) The management company in carrying out any of the works referred to in *section 68 (1) (a)* to *(c)* shall comply with such conditions if any as may be attached under *subsection (7) (b)* to the decision to transfer moneys under *subsection (4)*.

(9) (*a*) The housing authority may, for the purpose of establishing that the moneys transferred under *subsection (4)* were used for the purpose for which they were intended and in compliance with the conditions attached under *subsection (7) (b)* to its decision to transfer moneys, carry out such further inspections, surveys and tests of the works concerned as it considers necessary.

(*b*) The management company shall facilitate the housing authority in the carrying out of the inspections, surveys and tests referred to in *paragraph (a)* and, if requested by the authority, shall itself carry out such inspections, surveys and tests of the works concerned, as the housing authority considers necessary, the reasonable cost of which shall be paid by the housing authority.

(10) (*a*) The management company shall be liable to repay to the housing authority—

(i) in case of its failure to use all or any of the moneys transferred under *subsection (4)* for the purpose for which they were intended, the entire of such moneys or such part thereof, as the case may be, or

(ii) in case of a breach of one or more than one condition attached by the authority under *subsection (7) (b)* to its decision to transfer moneys under *subsection (4)*, that proportion of the amount of the transferred moneys corresponding to the cost of complying with the condition or conditions concerned expressed as a proportion of the total cost of carrying out the works in respect of which the authority agreed to so transfer moneys.

(*b*) Any moneys due and owing to the housing authority under *paragraph (a)* shall, subject to *section 71*, be repaid by the management company not later than 2 months after the date on which the authority demands repayment from the management company by notice in writing specifying the matters giving rise to the demand for repayment and the amount concerned.

(*c*) Any moneys repaid by a management company to a housing authority under this subsection shall be paid into the apartment complex support fund.

(11) The housing authority may recoup from the apartment complex support fund such reasonable expenses as it may incur in the exercise of its functions under this section.

(12) The apartment complex support fund shall consist of a current account (in this section referred to as the "current account") and an investment account (in this section referred to as the "invest ment account").

(13) The housing authority shall pay into the current account, from time to time, the amount that the authority determines is required for the purposes of—

(*a*) transferring moneys to a sinking fund under this section, and

(*b*) defraying the costs incurred by the authority—

(i) under *subsection (5) (b)*, *(9)* or *(11)*, as the case may be, and

(ii) in the performance of its functions under this section relating to management of the apartment complex support fund.

(14) All other moneys standing to the credit of the apartment complex support fund shall be paid into the investment account.

(15) Whenever the moneys in the current account are insufficient to meet the liabilities of the apartment complex support fund specified in *subsection (13)*, there shall be paid into that account from the investment account the moneys that are necessary to meet those liabilities.

(16) Moneys in the investment account that are not required to meet current and prospective liabilities of that account shall be invested and the investments shall be realised or varied from time to time as occasion requires and the proceeds of any such realisation, and any dividends or other payments received in respect of moneys invested under this paragraph, shall be paid into the investment account or invested under this subsection.

(17) An investment under *subsection (16)* shall be invested in the State and in the currency of the State—

(*a*) in the securities (other than shares in a company) that the housing authority considers appropriate, or

(*b*) by way of deposit of moneys with any credit institution, or the investment of moneys in short term financial products, such as certificates of deposit or commercial paper, issued by any person.

Dispute between housing authority and management company arising under *section 70 (10)*.

71.— (1) Where there is a dispute between the housing authority and the management company on any matter relating to a demand for repayment under *section 70 (10)*, which is subsequently resolved by agreement in writing between the housing authority and the management company, repayment of the amount concerned or any revised amount shall be made by the management company not later than 2 months after the date of the agreement.

(2) Where there is a dispute between the housing authority and the management company relating to the demand for repayment under *section 70 (10)* in respect of a breach of a condition attached under *section 70 (7) (b)* to its agreement to transfer moneys under *section 70 (4)*, subject to the agreement of the parties in writing, the dispute may be resolved by the management company agreeing to carry out, at its expense, such additional works as are agreed by the parties to be necessary to secure compliance with the condition concerned.

(3) Where there is a dispute between the housing authority and the management company on any matter or matters relating to the demand for repayment under *section 70 (10)*, which cannot be resolved to the satisfaction of both parties, the matter shall be determined by conciliation procedures agreed between both parties or, in default of such agreement, by arbitration under the Arbitration Acts 1954 to 1998.

Accounts of management company.

72.— (1) A management company shall keep all proper and usual books or other accounts of—

(*a*) all moneys received or expended by it, and

(*b*) all property, assets and liabilities of the management company,

including an income and expenditure account and a balance sheet.

(2) Without prejudice to the generality of *subsection (1)*, a management company shall establish, operate and maintain financial systems, accounts, reporting and record keeping procedures, including the preparation of annual financial statements, which are based on generally accepted accounting principles and practices.

(3) A management company shall—

(*a*) submit to the housing authority concerned a copy of its annual audited accounts no later than 4 months after the end of each financial year of the management company to which the accounts relate, and

(*b*) on the request of any member, provide a copy of those accounts at a price not exceeding the reasonable cost of reproduction.

(4) *Subsection (3) (a)* shall cease to apply in respect of the financial year following the financial year in which the sale of an apartment results in the total number of all apartments in the designated apartment complex that are sold exceeding by one the total number, divided by 2, of apartments (including any community apartment) in the designated apartment complex, rounded up to the nearest whole number, as appropriate.

Property services agreement.

73.— (1) In this section "specified body" means—

(*a*) the housing authority which transferred ownership of the designated apartment complex to the management company under an apartment complex transfer order,

(*b*) a company referred to in *subsection (6)*, or

(*c*) an approved body.

(2) Subject to *subsection (3)*, a management company and a specified body may enter into an agreement (in this Part referred to as a "property services agreement") for the purposes of the provision of such property management services, as may be specified in the agreement, to the management company in respect of the designated apartment complex.

(3) In the case of a property services agreement between a management company and a housing authority the agreement shall be for such period not exceeding 5 years from the date of the first sale of an apartment to the tenant thereof under this Part in the designated apartment complex concerned.

(4) A property services agreement shall be in writing and shall be subject to the terms and conditions and include the information specified in *Schedule 4*.

(5) The expenses incurred by a specified body in the provision of property management services pursuant to a property services agreement, shall be recouped to the specified body by the management company in accordance with the terms and conditions of the agreement.

(6) A housing authority may, for the purposes of this section, establish a company whose objects include the provision of property management services to management companies, which company shall be a company formed and registered under the Companies Acts.

Charging order.

74.— (1) As soon as practicable after an apartment is sold to an apartment purchaser under this Part, the housing authority shall, subject to such regulations as may be made under *section 77*, make an order (in this Part referred to as a "charging order"), in the prescribed form, charging the apartment in the terms specified in this section for the period specified in the order (in this Part referred to as the "charged period").

(2) The charging order shall create a charge in favour of the housing authority in respect of an undivided percentage share (in this Part referred to as the "charged share"), calculated in accordance with *subsection (3)*, in the apartment which charged share shall be reduced in accordance with *subsection (4)*.

(3) The charged share is calculated in accordance with the following formula:

$$\frac{Y \times 100}{Z}$$

where—

(*a*) Y is the difference between the purchase price of the apartment at the time of sale to the apartment purchaser and the purchase money, and

(*b*) Z is the purchase price of the apartment at the time of sale to the apartment purchaser.

(4) (*a*) Subject to *paragraph (b)* and *section 75*, the charged share shall be reduced in equal proportions (referred to in this section as " incremental releases ") applied annually on the anniversary of the date of the apartment assignment order in respect of each complete year after that date during which an apartment purchaser or a member of his or her household has been in occupation of the apartment as his or her normal place of residence, until the earlier of—

(i) subject to *section 76*, the first resale of the apartment, or

(ii) subject to *section 75*, the expiration of the charged period.

(*b*) The reduction of the charged share for the period of 5 years from the date of the apartment assignment order shall be cumulative and shall not apply until the expiration of that period, provided the apartment purchaser or a member of his or her household has been in occupation of the apartment as his or her normal place of residence for that period.

(5) The housing authority shall, at any time where requested by the apartment purchaser, give a statement in writing in the prescribed form, to the apartment purchaser indicating the accumulated amount of incremental releases that have been applied under the charging order.

(6) A charging order shall be deemed to be a mortgage made by deed within the meaning of the Conveyancing Acts 1881 to 1911 and to have been executed, at the time of the sale of the apartment, in favour of the housing authority for a charge in the terms provided for in this section.

(7) Accordingly, the housing authority shall, as on and from the making of the charging order—

(*a*) be deemed to be a mortgagee of the apartment for the purposes of the Conveyancing Acts 1881 to 1911, and

(*b*) have, in relation to the charge referred to in *subsection (8)*, all the powers conferred by those Acts on mortgagees under mortgages made by deed.

(8) Where a housing authority makes a charging order, it shall, as soon as practicable thereafter, cause the order to be registered in the Registry of Deeds or the Land Registry, as appropriate, and it shall be a sufficient description of the charge in respect of which the order is being registered to state that charge to be the charge referred to in *section 74 (2)* of the *Housing (Miscellaneous Provisions) Act 2009*.

(9) A charging order affecting an apartment which is registered land within the meaning of the Registration of Title Act 1964 shall be registrable as a burden affecting such land whether the person named in the order as the owner of the land is or is not registered under the said Act as the owner of the land.

(10) A housing authority may, subject to *subsection (11)*, enter into an agreement with a holder of a licence under the Central Bank Act 1971, a building society or other financial institution that a charge proposed to be created by it by a charging order shall have a priority, as against a mortgage or charge proposed to be created in favour of that holder, society or institution, that is different from the priority the charge would otherwise have if this subsection had not been enacted.

(11) A housing authority may only enter into an agreement referred to in *subsection (10)* if it considers that the agreement will—

(*a*) enable a tenant to whom it is proposing to sell an apartment under this Part to obtain an advance of moneys from the holder, society or institution referred to in *subsection (10)* for the purposes of purchasing the apartment, or

(*b*) enable an apartment purchaser—

(i) to refinance an existing advance of moneys from the holder, society or institution referred to in *subsection (10)*, or

(ii) to obtain a further advance of moneys from the holder, society or institution referred to in *subsection (10)*, for any purpose.

(12) Any amount that becomes payable to a housing authority under *section 75* or *76* , as the case may be, may, without prejudice to any other power in that behalf, be recovered by the housing authority from the person concerned as a simple contract debt in any court of competent jurisdiction.

(13) For the avoidance of doubt, neither a charging order nor a charge that arises under it shall be regarded as a conveyance for the purposes of section 3 of the Family Home Protection Act 1976.

(14) (*a*) On the occurrence of the earlier of the events specified in *subsection (4)(a)* and subject to the terms and conditions of the apartment assignment order and of the charging order having been complied with, the housing authority shall, where requested to do so by the apartment purchaser, execute a deed of discharge in respect of the charging order.

(*b*) The housing authority shall be liable for any expenses incurred in the execution and registration of a deed of discharge but shall not otherwise be liable for any expenses incurred by an apartment purchaser under this section or under *section 75* or *76* .

Suspension of reduction of charged share.

75.— (1) A housing authority may suspend the reduction of the charged share provided for under *section 74* in respect of any year ending on the anniversary of the apartment assignment order, where the apartment purchaser fails to comply with any of the terms and conditions of the apartment assignment order.

(2) Where the housing authority suspends the reduction of the charged share under *subsection (1)*, the charged share on the property shall be calculated in accordance with the following formula:

$$\frac{Y \times 100}{Z} - R$$

where—

(*a*) Y is the difference between the purchase price of the apartment at the time of sale to the apartment purchaser and the purchase money,

(*b*) Z is the purchase price of the apartment at the time of sale to the apartment purchaser, and

(*c*) R is the portion of the charged share that has been released in accordance with this subsection.

(3) (*a*) Where a housing authority has suspended the reduction of the charged share under *subsection (1)*, the housing authority shall, as soon as practicable thereafter, notify the apartment purchaser in writing of the suspension and the reasons for the suspension.

(*b*) The housing authority shall, on the expiration of the charged period, give a statement to the apartment purchaser in writing, in the prescribed form, indicating the amount of the charge outstanding under the charging order on the date of expiration of the charged period, which amount shall be expressed as a percentage of the market value of the apartment, equivalent to the charged share of the housing authority in the apartment on that date calculated in accordance with *subsection (2)*.

(4) (*a*) The apartment purchaser shall, within 2 months of receipt of the statement referred to in *subsection (3)*, pay to the housing authority the amount set out in the statement.

(*b*) Where the apartment purchaser fails to pay the amount referred to in *paragraph (a)*, *section 74 (12)* applies.

(5) For the purposes of this section, "market value" means the price for which an apartment might reasonably be expected to be sold on the date of expiration of the charged period, in its existing state of repair and condition and not subject to the conditions specified in *section 64 (5)* or to a charging order.

(6) (*a*) For the purposes of this section, the market value of an apartment shall be determined by the housing authority or, where the apartment purchaser does not agree with the market value so determined, by an independent valuer nominated by the apartment purchaser from a panel of suitably qualified persons, established by the housing authority, who are of a class or description prescribed under *section 77*.

(*b*) The housing authority shall not be liable for any expenses incurred by an apartment purchaser under *paragraph (a)*.

Control on resale of apartment subject to a charging order.

76.— (1) In this section references to an apartment purchaser shall not include a person in whom there subsequently becomes vested, for valuable consideration, the interest of the apartment purchaser or the successor in title of that person and the personal representative of that person or successor in title.

(2) Where an apartment purchaser proposes to sell an apartment during the charged period, he or she shall give prior written notice to the housing authority in accordance with the terms and conditions specified in the apartment assignment order.

(3) Upon receipt of a notice referred to in *subsection (2)*, the housing authority may purchase the apartment for a sum equivalent to its current market value, reduced by an amount equal to that proportion of the current market value of the apartment corresponding to the charged share in the apartment on the date of resale.

(4) Without prejudice to any other power in that behalf, a housing authority may refuse to consent to the sale to any person of the apartment where the housing authority is of the opinion that—

(*a*) the proposed sale price is less than the current market value,

(*b*) the said person is or was engaged in anti-social behaviour or the sale would not be in the interest of good estate management, or

(*c*) the intended sale would, if completed, leave the vendor or any person who might reasonably be expected to reside with him or her without adequate housing.

(5) Where an apartment purchaser resells an apartment to a person other than a housing authority during the charged period the apartment purchaser shall pay to the housing authority an amount equal to a percentage of the current market value, such percentage being the equivalent of the charged share of the authority in the apartment on the date of resale of the apartment.

(6) Where the amount payable under any of the provisions of this section would reduce the proceeds of the sale (disregarding solicitor and estate agent's costs and fees) below the purchase money, the amount payable under the charging order shall be reduced to the extent necessary to avoid that result.

(7) Where a purchaser resells an apartment which is subject to a charging order the charged period of which has expired and in respect of which the amount referred to in *section 75 (3)* has not been paid in accordance with that section, *section 74 (12)* applies.

(8) (*a*) For the purposes of this section, the current market value of an apartment shall be determined by the housing authority or, where the vendor does not agree with the current market value so determined, by an independent valuer nominated by the vendor from a panel of suitably qualified persons, established by the housing authority, who are of a class or description prescribed under *section 77*.

(*b*) The housing authority shall not be liable for any expenses incurred by a vendor under *paragraph (a).*

Regulations (*Part 4*).

77.— The Minister may make regulations for the purposes of this Part in relation to all or any one or more of the following:

(*a*) the class or classes of apartment that are excluded from sale under this Part;

(*b*) the minimum period for which a person must be a tenant for the purposes of making an application to purchase an apartment under this Part, which period shall not in any case be less than one year before the date of the making of such application;

(*c*) the method for determining the purchase price;

(*d*) the method for determining the purchase money, taking account of the financial circumstances of tenants to whom apartment may be sold;

(*e*) the method for determining the amount of a deposit to be paid by the apartment purchaser under *section 64 (6)* in respect of the purchase of an apartment under this Part;

(*f*) the form of, and terms and conditions to be specified in, an apartment complex transfer order, an apartment transfer order and an apartment assignment order;

(*g*) the form of a charging order;

(*h*) the determination of the minimum period, or the range within which a housing authority shall fix the minimum period, for which a charging order shall apply in respect of an apartment sold under this Part, which period shall not in any case be less than 20 years from the date of the apartment assignment order;

(*i*) the determination of the floor area of an apartment, for the purpose of *section 67 (7)*;

(*j*) the proportion of the sum of the purchase price of each apartment in the designated apartment complex that a housing authority shall pay into the apartment complex support fund under *section 70 (2)* and the maximum amount that it shall pay into the fund under that provision;

(*k*) the form of the statement to be issued by a housing authority under *section 74 (5)* or *75 (3)*, as the case may be;

(*l*) the class or classes or description of person who are suitably qualified by reference to their qualifications and experience to determine the current market value or market value (within the meaning of *section 75*), as the case may be, of an apartment for any of the purposes of this Part.

PART 5

AFFORDABLE DWELLING PURCHASE ARRANGEMENTS

Interpretation (*Part 5*).

78.— F71**[...]**

Provision of dwellings. **79**.— F72**[...]**

Direct sales agreement. **80**.— F73**[...]**

Open market dwelling. **81**.— F74**[...]**

Application of *Part 5*. **82**.— F75**[...]**

Affordable dwelling purchase arrangements. **83**.— F76**[...]**

Assessment of eligibility of household for affordable dwelling purchase arrangement. **84**.— F77**[...]**

Scheme of priority for affordable dwelling purchase arrangements. **85**.— F78**[...]**

Charging order. **86**.— F79**[...]**

Payments by purchaser during charged period. **87**.— F80**[...]**

Registration of charging orders and agreements with financial institutions. **88**.— F81**[...]**

Repayment on expiration of charged period. **89**.— F82**[...]**

Control on resale of dwelling purchased under affordable dwelling purchase arrangement. **90**.— F83**[...]**

Recovery of amounts due to housing authority. **91**.— F84**[...]**

Valuation of dwelling for certain purposes. **92**.— F85**[...]**

Discharge of charging order.

93.— F86**[...]**

Affordable Dwellings Fund.

94.— F87**[...]**

Regulations (*Part 5*).

95.— F88**[...]**

Transitional arrangements and savings provisions.

96.— (1) F89**[...]**

(2) F89**[...]**

(3) F89**[...]**

(4) F89**[...]**

(5) Not withstanding the repeal by *section 7* of sections 2, 3 and 9 of the Act of 1992 and section 10 of the Act of 2002, those provisions and any regulations made thereunder shall, after the coming into operation of *section 7* (in so far as it applies to the Act of 1992 and the Act of 2002), continue to apply to a shared ownership leases granted under section 3 of the Act of 1992 before the said coming into operation of *section 7* as if *section 7* had not come into operation.

(6) Notwithstanding the repeal by *section 7* of sections 98, 99 and 100 of the Planning and Development Act 2000, those provisions and any regulations made thereunder shall, after the coming into operation of *section 7* (in so far as it applies to the said Act), continue to apply to affordable housing (within the meaning of that Act) sold or leased under section 98 of that Act before the said coming into operation of *section 7* as if *section 7* had not come into operation.

(7) Notwithstanding the repeal by *section 7* of sections 6, 8 and 9 of the Act of 2002, those provisions and any regulations made thereunder shall, after the coming into operation of *section 7* (in so far as it applies to the said Act), continue to apply to affordable houses (within the meaning of that Act) sold before the said coming into operation of *section 7* as if *section 7* had not come into operation.

PART 6

PROVISIONS IN RESPECT OF CERTAIN GRANTS

Grants in respect of provision of sites under section 57 of Principal Act.

97.— (1) In this section and *section 98*—

"market value", in relation to a site, means the price for which the unencumbered fee simple of the site might reasonably be expected to be sold on the open market;

"qualified purchaser" means a household which—

(*a*) has been assessed by a housing authority under *section 20* as being qualified for social housing support, or

(*b*) is a tenant in a dwelling provided by—

(i) a housing authority under the *Housing Acts 1966 to 2009* or Part V of the Planning and Development Act 2000,

(ii) a rental accommodation provider pursuant to a rental accommodation availability agreement, or

(iii) an approved body,

and includes a person in whom there subsequently becomes vested (other than for valuable consideration) the interest of the qualified purchaser or his or her successor in title and the personal representative of that person or successor in title;

"site" means a site provided by a housing authority under section 57 of the Principal Act.

(2) The Minister may, with the consent of the Minister for Finance, and subject to such regulations as may be made for the purposes of this section, pay to a housing authority out of moneys provided by the Oireachtas a grant of such amount as the Minister may determine in respect of—

(*a*) the provision by the authority of a site to an approved body for—

(i) the erection, other than by or on behalf of a housing authority, of a dwelling or dwellings for the purposes of letting to households assessed under *section 20* as being qualified for social housing support, or

(ii) the erection of a dwelling or dwellings for the purposes of sale to qualified purchasers,

or

(*b*) the provision of a site to a qualified purchaser.

(3) The amount of a grant payable by the Minister under *subsection (2)*, may be used to defray all or any of the following costs incurred by the housing authority—

(*a*) site acquisition costs including loan interest and other related costs,

(*b*) costs of works necessary for or incidental to the development of the site for the purposes of the erection of the dwelling or dwellings, and

(*c*) professional, legal and any other costs incurred by the authority in relation to the provision of the site.

(4) The Minister may make regulations providing for, in particular, but without prejudice to the generality of *subsection (2)*, all or any one or more of the following:

(*a*) the terms and conditions subject to which a grant may be made under this section, including terms and conditions relating to the ownership of a site provided by a housing authority to an approved body for the purposes specified in *subsection (2) (a)*;

(*b*) the means of determining the purchase price of a site having regard to its market value;

(*c*) the range of the amount of the grant paid for the purposes of *subsection (2) (a) (i)*, having regard to the location of the site and the type of dwelling to be erected on the site;

(*d*) the maximum grant payable for the purposes of *paragraph (a) (ii)* or *(b)* of *subsection (2)*;

(*e*) requirements in relation to the payment of the grant including, but not necessarily limited to, terms and conditions relating to—

(i) the use of the dwelling as the qualified purchaser's normal residence, and

(ii) repayments to a housing authority under *section 98*;

(*f*) requirements in relation to standards of construction and works.

Control on resale of certain sites or dwellings thereon.

98.— (1) This section applies to a site provided by a housing authority to a qualified purchaser at a purchase price less than the market value.

(2) Where a site to which this section applies, including a site with a dwelling thereon, is first resold before the expiration of 20 years from the date of the sale of the site to a qualified purchaser, the vendor shall pay to the housing authority an amount equal to a percentage of the market value of the site only at the date of the resale, calculated in accordance with *subsection (3)*.

(3) The percentage referred to in *subsection (2)* is calculated in accordance with the following formula—

$$\frac{Y \times 100}{Z}$$

where—

(*a*) Y is the difference between the market value of the site at the date of the sale to the qualified purchaser and the price actually paid, and

(*b*) Z is the market value of the site at the date of the sale to the qualified purchaser.

(4) The amount payable under *subsection (2)* shall be reduced by 10 per cent in respect of each complete year after the tenth year during which the purchaser has been in possession of the site.

(5) Where the amount payable under *subsection (2)* would, if subtracted from the market value of the site at the date of its resale, result in an amount that is less than the price actually paid for the site, the amount payable shall be reduced to the extent necessary to avoid that result.

(6) As soon as practicable after a site to which this section applies is sold to a qualified purchaser, the housing authority shall make an order charging the site with an amount that shall be expressed in the order in the terms set out in *subsection (7)*.

(7) The terms referred to in *subsection (6)* are that the amount charged is an amount equal to the amount (if any) that may subsequently become payable under *subsection (2)* in respect of the site.

(8) An order under *subsection (6)* shall be deemed to be a mortgage made by deed within the meaning of the Conveyancing Acts 1881 to 1911 and to have been executed, at the time of the sale of the site to the qualified purchaser, in favour of the housing authority for a charge of the amount referred to in *subsection (7)*.

(9) Accordingly, the housing authority shall, as on and from the making of such an order—

(*a*) be deemed to be a mortgagee of the site for the purposes of the Conveyancing Acts 1881 to 1911, and

(*b*) have in relation to the charge referred to in *subsection (8)*, all the powers conferred by those Acts on mortgagees under mortgages made by deed.

(10) Where a housing authority makes an order under *subsection (6)*, it shall, as soon as practicable thereafter, cause the order to be registered in the Registry of Deeds or the Land Registry, as appropriate, and it shall be a sufficient description of the amount in respect of which the charge to which the order relates is being registered to state that amount to be the amount referred to in *section 98 (7)* of the *Housing (Miscellaneous Provisions) Act 2009.*

(11) An order under *subsection (6)* affecting a site to which this section applies which is registered land within the meaning of the Registration of Title Act 1964 shall be registrable as a burden affecting such land whether the person named in the order as the owner of the land is or is not registered under the said Act as the owner of the land.

(12) A housing authority may, subject to *subsection (13)*, enter into an agreement with a holder of a license under the Central Bank Act 1971, a building society or other financial institution that a charge proposed to be created by it by an order under *subsection (6)* shall have a priority, as against a mortgage or charge proposed to be created in favour of that holder, society or institution, that is different from the priority the charge would otherwise have if this subsection had not been enacted.

(13) A housing authority may only enter into an agreement referred to in *subsection (12)* if it considers that the agreement will—

(*a*) enable a qualified purchaser to whom it is proposing to sell a site to which this section applies to obtain an advance of moneys from the holder, society or institution referred to in *subsection (12)* for the purposes of purchasing the site, or

(*b*) enable a qualified purchaser who purchased a site to which this section applies—

(i) to refinance an existing advance of moneys from the holder, society or institution referred to in *subsection (12)*, or

(ii) to obtain a further advance of moneys from the holder, society or institution referred to in *subsection (12)*, for any purpose.

(14) Any amount that becomes payable to a housing authority under *subsection (2)* may, without prejudice to any other power in that behalf, be recovered by the authority from the person concerned as a simple contract debt in any court of competent jurisdiction.

(15) For the avoidance of doubt, neither an order under *subsection (6)* nor a charge that arises under it shall be regarded as a conveyance for the purposes of section 3 of the Family Home Protection Act 1976.

(16) For the purposes of this section, the current market value of a site to which this section applies shall be determined by the housing authority, or, where the vendor does not agree with the market value so determined, by an independent valuer nominated by the vendor from a panel of suitably qualified persons, established by the housing authority, who are of a class or description prescribed under *section 49*.

(17) The housing authority shall not be liable for any expenses incurred by a vendor under *subsection (16)*.

Repayment of adaptation grant.

99.— (1) This section applies to a grant paid to a person under article 5 of the Housing (Adaptation Grants for Older People and People with a Disability) Regulations 2007 (S.I. No. 670

of 2007), for the purpose of providing additional accommodation, pursuant to an application received by a housing authority on or after such date as may be prescribed.

(2) (*a*) Where a dwelling in respect of which a grant was paid is sold before the expiration of 5 years from the date of payment of the grant, the vendor shall pay to the housing authority an amount equal to a percentage of the grant.

(*b*) The percentage referred to in *paragraph (a)* is—

(i) 85 per cent of the grant paid where less than one year has passed since the date of payment of the grant,

(ii) 70 per cent of the grant paid where one year or more but less than 2 years has passed since the date of payment of the grant,

(iii) 50 per cent of the grant paid where 2 years or more but less than 3 years has passed since the date of payment of the grant,

(iv) 35 per cent of the grant paid where 3 years or more but less than 4 years has passed since the date of payment of the grant, and

(v) 20 per cent of the grant paid where 4 years or more but less than 5 years has passed since the date of payment of the grant.

(3) As soon as practicable after the grant is paid to a person, the housing authority shall make an order charging the dwelling with an amount that shall be expressed in the order in the terms set out in *subsection (4)*.

(4) The terms referred to in *subsection (3)* are that the amount charged is an amount equal to the amount (if any) that may subsequently become payable under *subsection (2)* in respect of the dwelling.

(5) An order under *subsection (3)* shall be deemed to be a mortgage made by deed within the meaning of the Conveyancing Acts 1881 to 1911 and to have been executed, at the time of the making of the grant, in favour of the housing authority for a charge of the amount referred to in *subsection (4)*.

(6) Accordingly, the housing authority shall, as on and from the making of an order under *subsection (3)*—

(*a*) be deemed to be a mortgagee of the dwelling for the purposes of the Conveyancing Acts 1881 to 1911, and

(*b*) have, in relation to the charge referred to in *subsection (5)*, all the powers conferred by those Acts on mortgagees under mortgages made by deed.

(7) Where a housing authority makes an order under *subsection (3)*, it shall, as soon as practicable thereafter, cause the order to be registered in the Registry of Deeds or the Land Registry, as appropriate, and it shall be a sufficient description of the amount in respect of which the charge to which the order relates is being registered to state that amount to be the amount referred to in *section 52 (4)* of the *Housing (Miscellaneous Provisions) Act 2009*.

(8) An order under *subsection (3)* affecting a dwelling which is registered land within the meaning of the Registration of Title Act 1964 shall be registrable as a burden affecting such land whether the person named in the order as the owner of the land is or is not registered under that Act as the owner of the land.

(9) Any amount that becomes payable to a housing authority under *subsection (2)*, may, without prejudice to any other power in that behalf, be recovered by the authority from the person concerned as a simple contract debt in any court of competent jurisdiction.

(10) For the avoidance of doubt, neither an order under *subsection (3)* nor a charge that arises under it shall be regarded as a conveyance for the purposes of section 3 of the Family Home Protection Act 1976.

PART 7

AMENDMENTS TO THE RESIDENTIAL TENANCIES ACT 2004

Amendments to Residential Tenancies Act 2004.

100.— (1) In this section "Act of 2004" means the Residential Tenancies Act 2004.

(2) Section 3 of the Act of 2004 is amended—

(*a*) in subsection (2)(*c*)(ii), by substituting "a household within the meaning of the *Housing (Miscellaneous Provisions) Act 2009* assessed under *section 20* of that Act as being qualified for social housing support" for "a person referred to in section 9(2) of the Housing Act 1988", and

(*b*) by inserting the following subsection:

"(3) Notwithstanding the definition of " tenancy" in section 5(1), in this section a reference to a tenancy does not include a tenancy the term of which is more than 35 years.".

(3) Section 12 of the Act of 2004 is amended—

(*a*) in subsection (1), by inserting the following after paragraph (*b*):

"(*ba*) provide receptacles suitable for the storage of refuse outside the dwelling, save where the provision of such receptacles is not within the power or control of the landlord in respect of the dwelling concerned,",

(*b*) in subsection (4)(*a*), by substituting the following for subparagraph (i):

"(i) the payment of rent, or any other charges or taxes payable by the tenant in accordance with the lease or tenancy agreement, and the amount of rent or such other charges or taxes in arrears is equal to or greater than the amount of the deposit, or",

and

(*c*) by substituting the following for subsection (4)(*b*):

"(*b*) where, at the date of the request for return or repayment, there is a default in—

(i) the payment of rent, or any other charges or taxes payable by the tenant in accordance with the lease or tenancy agreement, or

(ii) compliance with section 16(*f*),

and subparagraph (i) or (ii), as the case may be, of paragraph (*a*) does not apply, then there shall only be required to be returned or repaid under subsection (1)(*d*)

the difference between the amount of rent or such other charges or taxes in arrears or, as appropriate, the amount of the costs that would be incurred in taking steps of the kind referred to in paragraph (*a*)(ii).".

(4) Section 135 of the Act of 2004 is amended—

(*a*) by deleting subsection (2), and

(*b*) in subsection (5), by substituting "that the application is incomplete and invalid and shall return the application, any other information submitted with the application and any fee paid" for "of the omission concerned and afford him or her a reasonable opportunity to rectify the matter".

(5) The Act of 2004 is amended by inserting the following section after section 147:

"Disclosure of certain information to Revenue Commissioners.

147A.— The Board shall, at such intervals as are specified by the Revenue Commissioners, disclose to the Revenue Commissioners information contained in the register the disclosure of which to the Revenue Commissioners is reasonably necessary for the performance by the Revenue Commissioners of their functions.".

(6) The amendment provided for in *subsection (2) (b)* does not affect any matter referred to the Private Residential Tenancies Board for resolution under Part 6 of the Act of 2004 before the coming into operation of this section.

Section 7.

SCHEDULE 1

REPEALS

Item (1)	Number and Year (2)	Short Title (3)	Extent of Repeal (4)
1	No. 21 of 1966	Housing Act 1966	Sections 56, 58 and 61
2	No. 28 of 1988	Housing Act 1988	Sections 8, 9, 11, 14, 15 and 20
3	No. 18 of 1992	Housing (Miscellaneous Provisions) Act 1992	Sections 2, 3 and 9
4	No. 30 of 2000	Planning and Development Act 2000	Sections 98, 99 and 100
5	No. 9 of 2002	Housing (Miscellaneous Provisions) Act 2002	Sections 6, 8, 9, 10 and 14

Section 8.

SCHEDULE 2

CONSEQUENTIAL AMENDMENTS

PART 1

AMENDMENTS TO HOUSING ACT 1966

Item (1)	Provision affected (2)	Amendment (3)
1	Section 90	Insert the following after subsection (4): "(4A) Section 211(2) of the Planning and Development Act 2000 shall not apply to the sale of a dwelling under subsection (1)(*a*)(*i*).".
2	Section 107(7)	Substitute "at the rate at which on the date of the undertaking the authority could borrow from the Housing Finance Agency for the purposes of house purchase loans which are subject to a variable interest rate" for "at a rate specified in the undertaking, being the rate at which on the date of the undertaking the authority could borrow from the local loans fund".

PART 2

AMENDMENTS TO HOUSING FINANCE AGENCY ACT 1981

Item (1)	Provision affected (2)	Amendment (3)
1	Section 4(2)	(*a*) In paragraph (c), delete "and". (*b*) Insert the following after paragraph (c): " (*ca*) to manage the Affordable Dwellings Fund established under *Part 5* of the *Housing (Miscellaneous Provisions) Act 2009* in accordance with that Act and any regulations made by the Minister under that Act, (*cb*) to advance moneys from the said Affordable Dwellings Fund to housing authorities for any purpose authorised by or under *section 94* of the *Housing (Miscellaneous Provisions) Act 2009*, and".
2	Section 5	(*a*) In paragraph (*c*), delete "or". (*b*) In paragraph (*d*), substitute " body, or" for "body.". (*c*) Insert the following after paragraph (*d*): "(*e*) a housing authority from the Affordable Dwellings Fund established under *Part 5* of the *Housing (Miscellaneous Provisions) Act 2009* subject to and in accordance with that Act and any regulations made by the Minister under that Act, for any purpose authorised by or under *section 94* of that Act".
3	Section 10(3)	Substitute "€10,000,000,000" for "€6,000,000,000".

PART 3

AMENDMENTS TO HOUSING ACT 1988

Item (1)	Provision affected (2)	Amendment (3)
1	Section 12	(*a*) In subsection (1), insert "and (8)" after "subsection (2)". (*b*) Insert the following after subsection (7): "(8) (*a*) This section shall not apply to apartments in a designated apartment complex. (*b*) For the purposes of *paragraph (a)*, "apartments" and "designated apartment complex" have the same meaning as they have in *section 50* of the *Housing (Miscellaneous Provisions) Act 2009*.
2	Section 13	In subsection (3), substitute "*Section 11* of the *Housing (Miscellaneous Provisions) Act 2009*" for "Section 56(2) of the Principal Act".

PART 4

AMENDMENTS TO HOUSING (MISCELLANEOUS PROVISIONS) ACT 1992

Item	Provision affected	Amendment
(1)	(2)	(3)
1	Section 1(1)	Insert the following definitions: " 'improvement notice' has the meaning given to it by section 18A; 'prohibition notice' has the meaning given to it by section 18B;".
2	Section 5	In subsection (2), substitute the following for paragraph (*a*): "(*a*) who has been assessed under *section 20* of the *Housing (Miscellaneous Provisions) Act 2009* as being qualified for social housing support, but only if by exercising those functions the authority is satisfied that the person's need for such support will be met or obviated, or".
3	Section 18	(*a*) In subsection (1)— (i) delete ", works and services appurtenant thereto and enjoyed therewith", and (ii) after "let" to insert "or available for letting". (*b*) Delete subsections (3) to (6). (*c*) In subsection (7)(*b*), insert "and any common areas" after "house". (*d*) In subsection (7): (i) in paragraph (*g*) substitute "food;" for "food.", and (ii) insert the following after paragraph (*g*): "(*h*) fire safety.". (*e*) Substitute the following for subsection (8): "(8) For the purposes of subsection (7)(*b*) 'a proper state of structural repair' means sound, internally and externally, with roof, roofing tiles and slates, windows, floors, ceilings, walls, stairs, doors, skirting boards, fascia, tiles on any floor, ceiling and wall, gutters, down pipes, fittings, furnishings, gardens and common areas maintained in good condition and repair and not defective due to dampness or otherwise.". (*f*) Insert the following after subsection (8): "(9) In this section and sections 18A and 18B— 'common areas' means common areas, works and services that are appurtenant to houses and enjoyed therewith and that are in the ownership or under the control of the landlord; 'landlord' means the person for the time being entitled to receive (otherwise than as agent for another person) the rent paid in respect of a house by the tenant thereof; 'tenancy' includes a periodic tenancy and a tenancy for a fixed term, whether oral or in writing or implied; 'tenant' means the person for the time being entitled to the occupation of a house under a tenancy.".

Item	Provision affected	Amendment
(1)	(2)	(3)
4	New sections	Insert the following new sections after section 18: "Improvement notice. 18A.—(1) Where, in the opinion of a housing authority, a landlord is contravening or has contravened a requirement of a regulation made under section 18, the authority may give notice in writing (in this Act referred to as an "improvement notice") to the landlord of the house concerned. (2) An improvement notice shall— (*a*) state that the housing authority is of the opinion referred to in subsection (1), (*b*) state the reasons for that opinion, (*c*) identify the provision of the regulation concerned in respect of which that opinion is held, (*d*) direct the landlord to remedy the contravention within the period specified in the notice commencing on the date specified therein, which date shall not be earlier than the end of the period within which an objection may be submitted under subsection (6), (*e*) include information regarding the submission of an objection and the making of an appeal in relation to the notice, specifying— (i) the form and manner of an objection, (ii) the form and manner of an appeal, and (iii) the address of the housing authority for the purpose of submitting an objection under subsection (6) or notifying the authority of an appeal under subsection (7), as the case may be, (*f*) contain a statement that if an objection is not submitted in accordance with subsection (6) and within the period specified in that subsection then— (i) the notice will be treated as not disputed, and (ii) the landlord will be deemed to have accepted the notice and to have agreed to comply with the direction within the period specified therein, and (*g*) be signed and dated by the housing authority. (3) An improvement notice may include directions as to the measures to be taken to remedy the contravention to which the notice relates or to otherwise comply with the notice. (4) Where an improvement notice is given under subsection (1), the housing authority shall give a copy to the tenant of the house concerned.

Item (1)	Provision affected (2)	Amendment (3)
		(5) (*a*) A landlord to whom an improvement notice has been given who is of the opinion that the improvement notice has been complied with shall, before the expiration of the period specified in the notice for the purpose of subsection (2)(*d*), confirm in writing to the housing authority that the matters referred to in the notice have been so remedied and shall give a copy of the confirmation to the tenant. (*b*) Where a landlord confirms to the housing authority in accordance with paragraph (*a*) that the matters referred to in the improvement notice have been remedied, the housing authority, on being satisfied that the matters have been so remedied, shall, within 28 days of receiving such confirmation, give notice in writing to the landlord of compliance with the improvement notice and shall give a copy of the notice to the tenant. (*c*) The notice under paragraph (*b*) does not preclude any inspection which the housing authority considers necessary in relation to the house concerned or the service of a further improvement notice which the authority may consider necessary. (6) A landlord aggrieved by an improvement notice may, within 14 days beginning on the day on which the notice is given to him or her, submit an objection to the notice in the form and manner specified in the notice, and the housing authority shall consider the objection and, as it sees fit, vary, withdraw, cancel or confirm the notice and shall notify the landlord in writing of the decision and the reasons for the decision within 14 days after receipt of the objection. (7) (*a*) The landlord may, no later than 14 days after the decision under subsection (6) is notified by the housing authority to him or her, appeal the decision to a judge of the District Court in the district court district in which the notice was served. (*b*) A landlord who appeals under paragraph (*a*) shall at the same time notify the housing authority in writing of the appeal and the grounds for the appeal. (*c*) The housing authority shall be entitled to appear, be heard and adduce evidence on the hearing of the appeal. (*d*) In determining an appeal under paragraph (*a*), the judge of the District Court may confirm, vary or cancel the improvement notice if he or she considers it reasonable to do so. (8) Where an objection is submitted under subsection (6) and no appeal is made under subsection (7) against the decision of the housing authority and the improvement notice is neither withdrawn nor cancelled, the notice takes effect on the later of the following: (*a*) the day after the day on which the notice is confirmed or varied; (*b*) the day after the objection is withdrawn by the landlord;

Item (1)	Provision affected (2)	Amendment (3)
		(*c*) the date specified in the notice. (9) Where an appeal is made under subsection (7) and the improvement notice is neither withdrawn nor cancelled, the notice takes effect on the later of the following: (*a*) the day after the day on which the notice is confirmed or varied on appeal; (*b*) the day after the appeal is withdrawn by the landlord; (*c*) the date specified in the notice. (10) Where no objection is submitted under subsection (6) the improvement notice takes effect on the date specified in the notice. (11) The housing authority may— (*a*) withdraw an improvement notice at any time, or (*b*) where no objection is submitted or appeal made or pending, extend the date specified in the notice for the purposes of subsection (2)(*d*). (12) Withdrawal of an improvement notice under subsection (11) does not prevent the giving of another improvement notice, whether in respect of the same matter or a different matter. Prohibition notice. 18B.—(1) Where a landlord fails to comply with an improvement notice in accordance with section 18A, the housing authority may give notice in writing (in this Act referred to as a "prohibition notice") to the landlord of the house concerned. (2) A prohibition notice shall— (*a*) state that the housing authority is of the opinion that the landlord has failed to comply with an improvement notice, (*b*) direct that the landlord shall not re-let the house for rent or other valuable consideration until the landlord has remedied the contravention to which the improvement notice relates, (*c*) include information regarding the making of an appeal in relation to the notice, specifying— (i) the form and manner of an appeal, and (ii) the address of the housing authority for the purpose of notifying the authority of an appeal under subsection (4), and (*d*) be signed and dated by the housing authority. (3) Where a prohibition notice is given under subsection (1), the housing authority shall give a copy to the tenant of the house concerned. (4) (*a*) A landlord aggrieved by a prohibition notice may, within 14 days beginning on the day on which the notice is given to him or her, appeal

Item (1)	Provision affected (2)	Amendment (3)
		the notice to a judge of the District Court in the district court district in which the notice was served. (*b*) A landlord who appeals under paragraph (*a*) shall at the same time notify the housing authority in writing of the appeal and the grounds for the appeal. (*c*) The housing authority shall be entitled to appear, be heard and adduce evidence on the hearing of the appeal. (*d*) In determining an appeal under paragraph (*a*), the judge of the District Court may confirm, vary or cancel the prohibition notice if he or she considers it reasonable to do so. (5) A prohibition notice shall take effect— (*a*) in the case of an appeal under subsection (4), on the later of the following: (i) the day after the day on which the notice is confirmed or varied on appeal; (ii) the day after the appeal is withdrawn by the landlord; (iii) the expiry, whether by termination or otherwise, of the tenancy existing on the day on which the prohibition notice is given to the landlord, (*b*) in any other case on the later of the following: (i) the day after the expiry of the period allowed by subsection (4)(*a*) for making an appeal; (ii) the expiry, whether by termination or otherwise, of the tenancy existing on the day on which the prohibition notice is given to the landlord. (6) A landlord to whom a prohibition notice has been given who is of the opinion that the matters to which the notice relates have been remedied shall confirm in writing to the housing authority that those matters have been so remedied and shall give a copy of the confirmation to the tenant. (7) Where a landlord on whom a prohibition notice has been served confirms in writing to the housing authority in accordance with subsection (6) that the matters to which the notice relates have been remedied, the housing authority, on being satisfied that the matters have been so remedied, shall, within 28 days of such confirmation, give written notice to the landlord of compliance with the prohibition notice and shall give a copy of the notice to the tenant of the house concerned. (8) A housing authority may at any time withdraw a prohibition notice by notice in writing to the landlord to whom it was given. (9) Withdrawal of a prohibition notice under subsection (8) does not prevent the giving of another prohibition notice.

Item (1)	Provision affected (2)	Amendment (3)
		(10) A housing authority shall, in the interests of public health and safety, make such arrangements as they consider appropriate or necessary to bring the contents of a prohibition notice to the attention of the public.".
5	Section 23	Substitute the following for subsections (1) and (2): "(1) Subject to subsections (2) and (3), a reference in the *Housing Acts 1966 to 2009*, to a housing authority means, in the case of— (*a*) a county, the county council, (*b*) a city, the city council, (*c*) a borough mentioned in Chapter 1 of Part 1 of Schedule 6 to the Act of 2001, except as respects— (i) section 6 of the Act of 1979, (ii) sections 2 to 4, 6 and 7 of this Act, (iii) Part 2 of the Housing (Miscellaneous Provisions) Act 2002, and (iv) *sections 14* to *18* and *Chapter 6* of the *Housing (Miscellaneous Provisions) Act 2009*, the borough council and, as respects each of those sections, the county council in whose administrative area the borough is situate, (*d*) a town mentioned in Chapter 2 of Part 1 of Schedule 6 to the Act of 2001, except as respects— (i) section 6 of the Act of 1979, (ii) section 16 of the Act of 1988, (iii) sections 2 to 4, 6, 7 and 11 of this Act, (iv) Part 2 of the Housing (Miscellaneous Provisions) Act 2002, and (v) *sections 14* to *18* and *Chapter 6* of the *Housing (Miscellaneous Provisions) Act 2009*, the town council and, as respects each of those sections, the county council in whose administrative area the town is situate, (*e*) a town mentioned in Part 2 of Schedule 6 to the Act of 2001, except as respects— (i) sections 34 to 36 and section 41 of the Principal Act, (ii) section 6 of the Act of 1979, (iii) sections 2, 6, 10, 13 and 16 of the Act of 1988, (iv) sections 2 to 7, 10 to 12, 14, 17, 18, 20, 34 and 35 of this Act, (v) Part 2 of the Housing (Miscellaneous Provisions) Act 2002, and

Item (1)	Provision affected (2)	Amendment (3)
		(vi) *sections 14* to *18* and *Chapter 6* of the *Housing (Miscellaneous Provisions) Act 2009*, the town council and, as respects each of those sections, the county council in whose administrative area the town is situate, and references to the functional area of a housing authority shall be construed accordingly. (2) A reference in the *Housing Acts 1966 to 2009* to a housing authority means, in the case of— (*a*) the boroughs of Drogheda, Sligo and Wexford, except as respects— (i) section 6 of the Act of 1979, (ii) sections 6 and 7 of this Act, and (iii) *sections 14* to *18* and *Chapter 6* of the *Housing (Miscellaneous Provisions) Act 2009*, the respective borough councils and, as respects each of those sections, the respective county councils in whose administrative areas those boroughs are situate, (*b*) the town of Bray, except as respects— (i) section 6 of the Act of 1979, (ii) sections 2 to 4, 6 and 7 of this Act, (iii) Part 2 of the Housing (Miscellaneous Provisions) Act 2002, and (iv) *sections 14* to *18* and *Chapter 6* of the *Housing (Miscellaneous Provisions) Act 2009*, the town council and, as respects each of those sections, the county council in whose administrative area that town is situate, (*c*) the towns of Athlone and Dundalk, except as respects— (i) section 6 of the Act of 1979, (ii) sections 6 and 7 of this Act, and (iii) *sections 14* to *18* and *Chapter 6* of the *Housing (Miscellaneous Provisions) Act 2009*, the respective town councils and, as respects each of those sections, the respective county councils in whose administrative areas those towns are situate, and references to the functional area of a housing authority shall be construed accordingly.".
6	Section 34	(*a*) Substitute the following for subsection (1)— "(1) Any person who—

Item (1)	Provision affected (2)	Amendment (3)
		(*a*) by act or omission, obstructs an authorised person in the lawful exercise of the powers conferred by, or contravenes a provision of, or a regulation made under, section 17, 18 or 20, or (*b*) fails to comply with an improvement notice, or (*c*) re-lets a house in breach of a prohibition notice, shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding €5,000 or imprisonment for a term not exceeding 6 months or both and if the obstruction, contravention, failure to comply or re-letting is continued after conviction the person shall be guilty of a further offence on every day on which the obstruction, contravention, failure to comply or re-letting continues and for each such offence shall be liable, on summary conviction, to a fine not exceeding €400.". (*b*) Insert the following subsection: "(3) Where a person is convicted of an offence under this Act, the court shall, unless it is satisfied that there are special and substantial reasons for not doing so, order the person to pay to the housing authority, the costs and expenses, measured by the court, incurred by the housing authority in relation to the investigation, detection and prosecution of the offence.".

PART 5

AMENDMENTS TO HOUSING (MISCELLANEOUS PROVISIONS) ACT 1997

Item (1)	Provision affected (2)	Amendment (3)
1	Section 1(1)	(*a*) In paragraph (*b*) of the definition of "anti-social behaviour"— (i) insert "alarm" after "damage", and (ii) substitute the following for the words from "includes" to the end of the paragraph: "(i) violence, threats, intimidation, coercion, harassment or serious obstruction of any person, (ii) behaviour which causes any significant or persistent impairment of a person's use or enjoyment of his or her home, or (iii) damage to or defacement by writing or other marks of any property, including a person's home;". (*b*) In the definition of "tenant" insert the following after "2000":

Item (1)	Provision affected (2)	Amendment (3)
		"or to whom a dwelling is let under a Chapter 4 tenancy agreement (within the meaning of the *Housing (Miscellaneous Provisions) Act 2009*)".
2	Section 3(1)	Insert the following after paragraph (*a*): "(*aa*) let to a tenant under a Chapter 4 tenancy agreement, or".
3	Section 4A(*b*)	Substitute "*section 30* of the *Housing (Miscellaneous Provisions) Act 2009*" for "section 9 of the Housing (Miscellaneous Provisions) Act 1992".
4	Section 14	(*a*) In subsection (1)— (i) delete the words from "Notwithstanding" down to and including "where" and substitute the following: "Notwithstanding anything contained in the *Housing Acts 1966 to 2009*, or in an allocation scheme made under *section 22* of the *Housing (Miscellaneous Provisions) Act 2009*, a housing authority may refuse to allocate or defer the allocation of a dwelling, including a dwelling the subject of a rental accommodation availability agreement (within the meaning of that Act), to a person where", (ii) in paragraph (*a*), substitute "an allocation" for "a letting", and (iii) in paragraph (*b*), substitute "an allocation" for "an application for the letting". (*b*) Substitute the following for subsection (2): "(2) Notwithstanding anything contained in— (*a*) *Part 3* of the *Housing (Miscellaneous Provisions) Act 2009* or an incremental purchase arrangement under the said *Part 3*, (*b*) *Part 4* of the said Act, or (*c*) *Part 5* of the said Act or an affordable dwelling purchase arrangement under the said *Part 5*, or (*d*) section 90 of the Housing Act 1966 (inserted by section 26 of the Housing (Miscellaneous Provisions) Act 1992) or a purchase scheme under the said section 90, a housing authority may refuse to sell a dwelling to— (i) in the case of an incremental purchase arrangement, an eligible household (within the meaning of *Part 3* of the *Housing (Miscellaneous Provisions) Act 2009*), (ii) in the case of *Part 4* of the said Act, a tenant, (iii) in the case of an affordable dwelling purchase arrangement, an eligible household (within the meaning of *Part 5* of the said Act), or (iv) in the case of section 90 of the Housing Act 1966, a tenant,

Item (1)	Provision affected (2)	Amendment (3)
		where the authority considers that the said tenant or the said eligible household or any member of the eligible household or of the tenant's household, as the case may be, is or has been engaged in anti-social behaviour or that a sale to that eligible household or tenant would not be in the interest of good estate management.".
5	Section 15	Substitute the following for subsection (2): "(2) A housing authority may, for the purposes of any of their functions under the *Housing Acts 1966 to 2009* or Part V of the Planning and Development Act 2000, request from another housing authority or a specified person, information in relation to any person— (*a*) seeking a house or site from the authority or seeking to occupy a caravan on a site or residing or proposing to reside at a house provided by the authority or by an approved body, including a house the subject of a rental accommodation availability agreement, or seeking or receiving any other housing support (within the meaning of the *Housing (Miscellaneous Provisions) Act 2009*) under the *Housing Acts 1966 to 2009*, or (*b*) whom the authority considers may be or may have been engaged in anti-social behaviour, and, notwithstanding anything contained in any enactment, such other housing authority or specified person may provide the information to the housing authority requesting it.".

PART 6

AMENDMENTS TO HOUSING (TRAVELLER ACCOMMODATION) ACT 1998

Item (1)	Provision affected (2)	Amendment (3)
1	Section 6	(*a*) Substitute the following for subsection (1): "(1) A relevant housing authority shall, for the purposes of preparing a programme under section 7, and at such other times as the Minister may by direction specify, in respect of the functional area concerned, make an assessment of the accommodation needs of travellers who are assessed under *section 20* of the *Housing (Miscellaneous Provisions) Act 2009* as being qualified for social housing support (within the meaning of that Act), including the need for sites.". (*b*) Delete subsection (2). (*c*) Substitute the following for subsection (3): "(3) Before making an assessment under this section, a relevant housing authority shall give one month's notice of their intention to do so to—

Item (1)	Provision affected (2)	Amendment (3)
		(*a*) every local authority whose administrative area adjoins, or is contained in, the functional area of the authority preparing a programme under section 7, (*b*) the Health Service Executive, (*c*) approved bodies engaged in the provision of accommodation or shelter in the functional area concerned, (*d*) any local consultative committee in the functional area concerned, and (*e*) such local community bodies in the functional area concerned and any other person, as the housing authority considers appropriate.". (*d*) In subsection (4), insert the following after paragraph (*a*): "(*aa*) any summary of social housing assessments prepared under *section 21(c)* of the *Housing (Miscellaneous Provisions) Act 2009*,". (*e*) In subsection (6), substitute "in relation to any summary of social housing assessments referred to in subsection 4(*aa*), furnish such information" for "in relation to an assessment made by it under section 9 of the Act of 1988, furnish from the assessment such information". (*f*) Delete subsection (7).
2	Section 10(2)	(*a*) In paragraph (*a*), delete the words from "and any" to the end of the paragraph. (*b*) In paragraph (*b*), substitute "in the most recent summary of social housing assessments prepared by a housing authority under *section 21(c)* of the *Housing (Miscellaneous Provisions) Act 2009*" for "in the most recent assessment made by a housing authority under section 9 of the Act of 1998".

PART 7

AMENDMENTS TO PLANNING AND DEVELOPMENT ACT 2000

Item (1)	Provision affected (2)	Amendment (3)
1	Section 93	(*a*) Substitute the following for subsection (1): "(1) In this Part— 'housing strategy' means a strategy included in a development plan in accordance with section 94(1); 'market value', in relation to a house, means the price which the unencumbered fee simple of the house would fetch if sold on the open market;

Item (1)	Provision affected (2)	Amendment (3)
		'mortgage' means a loan for the purchase of a house secured by mortgage in an amount not exceeding 90 per cent of the price of the house. (*b*) Delete subsections (2) and (3).
2	Section 94	(*a*) In subsection (2), substitute "summary of social housing assessments prepared under *section 21(a)* of the *Housing (Miscellaneous Provisions) Act 2009*" for "housing assessment or assessments made under section 9 of the Housing Act, 1988, (*b*) In subsection 4— (i) in paragraph (*a*), substitute the following for subparagraphs (i) and (ii): "(i) housing for the purposes of the provision of social housing support within the meaning of the *Housing (Miscellaneous Provisions) Act 2009*, and (ii) housing for eligible households (within the meaning of *section 78* of the *Housing (Miscellaneous Provisions) Act 2009*,", and (ii) delete paragraph (*b*), (*c*) In subsection (5)(*a*), insert the following after subparagraph (v): "(va) the number of households who have applied to purchase an affordable dwelling under an affordable dwelling purchase arrangement pursuant to *Part 5* of the *Housing (Miscellaneous Provisions) Act 2009*;".
3	Section 96	(*a*) Substitute the following for subsection (12)— "(12) Any amount referred to in subsection (11) and any amount paid to a planning authority in accordance with subsection (3)(*b*)(vi), (vii) or (viii) shall be accounted for in a separate account and shall only be applied as capital for its functions in relation to the provision of housing under the *Housing Acts 1966 to 2009*, including the making of payments under *section 94* of the *Housing (Miscellaneous Provisions) Act 2009* into the Affordable Dwellings Fund established under *Part 5* of that Act.". (*b*) In subsection (13)(*a*), substitute "required for households assessed under *section 20* of the *Housing (Miscellaneous Provisions) Act 2009* as being qualified for social housing support" for "for persons referred to in section 9(2) of the Housing Act, 1988".

PART 8

AMENDMENT TO CIVIL REGISTRATION ACT 2004

Item (1)	Provision affected (2)	Amendment (3)
1	Section 66(1)(*j*)	Substitute the following for subparagraph (ii)— "(ii) the determination of a rent or other payment under *section 31* of the *Housing (Miscellaneous Provisions) Act 2009*, or".

PART 9

AMENDMENT TO SOCIAL WELFARE CONSOLIDATION ACT 2005

Item (1)	Provision affected (2)	Amendment (3)
1	Section 265(1)	Substitute the following for subparagraphs (i), (ii) and (iii) of paragraph (*b*) of the definition of "relevant purpose"— "(i) carrying out a social housing assessment under *section 20* of the *Housing (Miscellaneous Provisions) Act 2009*, (ii) allocating a dwelling under *section 22* of the *Housing (Miscellaneous Provisions) Act 2009*, (iii) determining rent or any other charge under *section 31* of the *Housing (Miscellaneous Provisions) Act 2009*,".

Section 29.

SCHEDULE 3

TERMS AND CONDITIONS OF TENANCY AGREEMENT

The following terms and conditions shall be included in every tenancy agreement:

(*a*) the name of the tenant, or where there is more than one tenant, the names of those tenants;

(*b*) the terms of the letting including restrictions on its purchase and occupation and conditions prohibiting vacating, subletting, assignment or otherwise parting with possession of the dwelling or any part of it;

(*c*) conditions relating to, and procedures for, termination of the tenancy including for breach of any of the terms or conditions of the tenancy agreement;

(*d*) details of the rent and any other charges payable, including procedures for rent review;

(*e*) the times at which rent and any other charges are payable and the manner of their payment;

(*f*) the procedures for recovering arrears, together with any interest payable thereon, of rent or any other charges payable;

(*g*) the obligations of a tenant relating to maintenance in good repair and condition of the dwelling or site, including restrictions on the keeping of animals, the erection of signage or otherwise adapting or altering the dwelling;

(*h*) restrictions on any change of use of the dwelling;

(*i*) provision for such access as may reasonably be required by officers or agents authorised by the housing authority for the purpose of the performance by the housing authority of its functions under the *Housing Acts 1966 to 2009*;

(*j*) the obligations of a tenant to avoid any nuisance to the occupiers of any other dwelling;

(*k*) the procedures which apply where a tenant wishes to transfer to another dwelling provided by the authority;

(*l*) terms and conditions—

(i) relating to anti-social behaviour, in or in the vicinity of the dwelling, by a tenant or any member of his or her household or any other person residing at or lawfully in the dwelling, and

(ii) prohibiting the tenant from knowingly permitting a person, against whom an excluding order under section 3 of the Act of 1997 or an interim excluding order under section 4 of that Act is in force in respect of the dwelling concerned, to enter the dwelling in breach of the excluding order or interim excluding order, as the case may be.

Section 73.

SCHEDULE 4

Information to be Included in Property Services Agreement

A property services agreement shall include—

1. The name and address of the specified body

2. The name and registered office of the management company

3. Details of the designated apartment complex the subject matter of the agreement

4. Particulars of the services to be provided by the specified body under the agreement, including property management services and the provision of staff

5. The amount of the fee or fees payable by the management company under the agreement and the circumstances in which the fee or fees become payable the procedures relating to collection the fee or fees, including procedures for the collection of any such fee in the case of non-payment by the management company

6. The period during which the agreement is to have effect

7. The length of notice to be given in the event of termination of the agreement by the housing authority or management company

8. Details of professional indemnity insurance of the specified body

9. Details of the records to be kept by the specified body in respect of the provision of the services under the agreement

10. Complaints and redress procedures put in place by the specified body

11. A timetable for delivery of services under the agreement

12. Particulars of out-of-hours services for emergencies

13. Reporting obligations of the specified body to the management company.

Number 22 *of* 2009

HOUSING (MISCELLANEOUS PROVISIONS) ACT 2009

REVISED

Updated to 31 December 2025

About this Revised Act

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was first passed.

Related legislation

Housing Acts 1966 to 2024: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Local Government (Mayor of Limerick) and Miscellaneous Provisions Act 2024* (7/2024), s. 1(2)(b)). The Acts in this group are:

- *Housing Act 1966* (21/1966)
- *Housing (Miscellaneous Provisions) Act 1979* (27/1979)
- *Housing Act 1988* (28/1988), other than ss. 27 and 28
- *Housing (Miscellaneous Provisions) Act 1992* (18/1992), other than ss. 29 and 30 and ss. 38(3) and (4)
- *Housing (Miscellaneous Provisions) Act 1997* (21/1997), other than ss. 16, 17 and 24(3)
- *Housing (Traveller Accommodation) Act 1998* (33/1998), other than ss. 26 and 27
- *Housing (Miscellaneous Provisions) Act 2002* (9/2002), other than ss. 17 to 20, 22, 23 and 24 and schs. 2 and 3
- *Housing (Miscellaneous Provisions) Act 2004* (43/2004), other than s. 2
- *Housing (Miscellaneous Provisions) Act 2009* (22/2009), other than s. 100
- *Housing (Amendment) Act 2013* (22/2013)
- *Local Government Reform Act 2014* (1/2014), ss. 1(4), 5(3), sch. 2 part 1, sch. 4 paras. 1 and 14m and sch. 4 para. 16, in so far as they relate to the Housing Act 1966
- *Housing (Miscellaneous Provisions) Act 2014* (21/2014)
- *Residential Tenancies (Amendment) Act 2015* (42/2015), ss. 1(3), 15, 85 and 87
- *Housing (Regulation of Approved Housing Bodies) Act 2019* (47/2019), ss. 1(2), 67
- *Affordable Housing Act 2021* (25/2021)
- *Local Government (Mayor of Limerick) and Miscellaneous Provisions Act 2024* (7/2024), s. 65

Acts previously included in this collective citation and construction but now repealed are:

- *Housing Act 1969* (16/1969)

• *Housing Act 1970* (18/1970)
• *Housing Act 1984* (1/1984)

Residential Tenancies Acts 2004 to 2025: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Residential Tenancies (Amendment) Act 2025* (5/2025), s. 5(3)). The Acts in this group are:

• *Residential Tenancies Act 2004* (27/2004)
• *Residential Tenancies (Amendment) Act 2009* (2/2009)
• *Housing (Miscellaneous Provisions) Act 2009* (22/2009), s. 100
• *Residential Tenancies (Amendment) Act 2015* (42/2015), other than ss. 1(3), 15, 85 and 87
• *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016), ss. 1(2)(b), Part 3 (ss. 30-50) and schedule
• *Residential Tenancies (Amendment) Act 2019* (14/2019), other than s. 38
• *Local Government Rates and Other Matters Act 2019* (24/2019), ss. 25, 26
• *Residential Tenancies and Valuation Act 2020* (7/2020), other than s. 14
• *Residential Tenancies Act 2020* (17/2020)
• *Planning and Development, and Residential Tenancies, Act 2020* (27/2020), Part 3 (ss. 9-16)
• *Residential Tenancies Act 2021* (5/2021)
• *Residential Tenancies (No. 2) Act 2021* (17/2021)
• *Regulation of Providers of Building Works and Miscellaneous Provisions Act 2022* (15/2022), Part 11 (ss. 91-99)
• *Residential Tenancies (Deferment of Termination Dates of Certain Tenancies) Act 2022* (34/2022)
• *Residential Tenancies (Amendment) Act 2024* (22/2024)
• *Planning and Development Act 2024* (34/2024), Part 25 (ss. 634, 635)
• *Residential Tenancies (Amendment) Act 2025* (5/2025)

Annotations

This Revised Act is not annotated and only shows textual amendments. An annotated version of this revision is also available which shows textual and non-textual amendments and their sources. It also shows editorial notes including statutory instruments made pursuant to the Act and previous affecting provisions.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available. A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at
www.irishstatutebook.ie.