Changes to Legislation: as of 14 September 2026, this Act is up to date with all changes known to be in force.

Number 21 *of* 2014

HOUSING (MISCELLANEOUS PROVISIONS) ACT 2014

REVISED

Updated to 16 May 2024

This Revised Act is an administrative consolidation of the *Housing (Miscellaneous Provisions) Act 2014*. 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 *Employment (Collective Redundancies and Miscellaneous Provisions) and Companies (Amendment) Act 2024* (14/2024), enacted 9 May 2024, and all statutory instruments up to and including the *Local Government (Mayor of Limerick) and Miscellaneous Provisions Act 2024 (Commencement) (No. 2) Order 2024* (S.I. No. 207 of 2024), made 14 May 2024, 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 revisedacts@lawreform.ie.

Number 21 *of* 2014

HOUSING (MISCELLANEOUS PROVISIONS) ACT 2014

REVISED

Updated to 16 May 2024

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Number 21 *of* 2014

HOUSING (MISCELLANEOUS PROVISIONS) ACT 2014

REVISED

Updated to 16 May 2024

An Act to make further provision in relation to housing provided by housing authorities and for that purpose to amend and extend the Housing Acts 1966 to 2014, to provide for financial assistance by housing authorities in respect of rent payable by certain housing tenants, to provide for the direct remission to a housing authority in respect of rent or rent-related obligations of certain social welfare payments and allowances payable to a person under the Social Welfare Acts and for that purpose to amend the law relating to such payments, to amend the Housing Finance Agency Act 1981, and to provide for connected matters. [28 *th July*, 2014]

Be it enacted by the Oireachtas as follows:

Annotations

Modifications (not altering text):

C1 Functions transferred and references to "Cathaoirleach" or "Cathaoirligh", "Leas-Chathaoirleach", "chief executive" and "deputy chief executive" construed (16.05.2024) by *Local Government (Mayor of Limerick) and Miscellaneous Provisions Act 2024* (7/2024), ss. 10, 23, 25, 26, 28 and sch. 1 parts 1, 2, S.I. No. 207 of 2024.

Functions of Mayor

10. (1) All functions (other than functions conferred by or under an enactment specified in Part 1 of Schedule 1) that, immediately before the vesting day, vested in the Cathaoirleach of Limerick City and County Council shall, on and after that day, vest in the Mayor.

(2) All functions (other than functions conferred by or under an enactment specified in Part 2 of Schedule 1) that, immediately before the vesting day, vested in the chief executive of Limerick City and County Council shall, on and after that day, vest in the Mayor.

(3) From the vesting day, a reference in any enactment (other than an enactment specified in Part 1 of Schedule 1) to Cathaoirleach shall, in so far as the reference applies to the Cathaoirleach of Limerick City and County Council, be construed as a reference to the Mayor, or as including a reference to the Mayor, as the context requires.

(4) From the vesting day, a reference in any enactment (other than an enactment specified in Part 2 of Schedule 1) to chief executive shall, in so far as that reference applies to the chief executive of Limerick City and County Council, be construed as a reference to the Mayor, or as including a reference to the Mayor, as the context requires.

(5) This section shall apply subject to the modifications of the Principal Act specified in Schedule 3.

...

Functions of Príomh Chomhairleoir

23. (1) All functions conferred by or under an enactment specified in Part 1 of Schedule 1 that, immediately before the vesting day, vested in the Cathaoirleach of Limerick City and County Council shall, on and after that day, vest in the Príomh Chomhairleoir.

(2) From the vesting day, a reference in an enactment specified in Part 1 of Schedule 1 to Cathaoirleach or Cathaoirligh shall, in so far as that reference applies to the Cathaoirleach of Limerick City and County Council, be construed as a reference to the Príomh Chomhairleoir, or as including a reference to the Príomh Chomhairleoir, as the context may require.

(3) This section shall apply subject to the modifications of the Principal Act specified in Schedule 3.

...

Functions of Leas-Phríomh Chomhairleoir

25. (1) All functions conferred by or under any enactment that, immediately before the vesting day, vested in the Leas-Chathaoirleach of Limerick City and County Council shall, on and after that day, vest in the Leas-Phríomh Chomhairleoir.

(2) From the vesting day, a reference in any enactment to Leas-Chathaoirleach shall, in so far as that reference applies to the Leas-Chathaoirleach of Limerick City and County Council, be construed as a reference to the Leas-Phríomh Chomhairleoir, or as including a reference to the Leas-Phríomh Chomhairleoir, as the context may require.

(3) This section shall apply subject to the modifications of the Principal Act specified in Schedule 3.

Director general

26. (1) The chief executive of Limerick City and County Council shall, on and after the vesting day, be known as the director general of Limerick City and County Council and is in this Act referred to as the "director general".

(2) The person who, immediately before the vesting day, was the chief executive of Limerick City and County Council shall, on and after that day, continue in office and be referred to in accordance with subsection (1).

(3) On and after the vesting day, a reference in an enactment specified in Part 2 of Schedule 1 to chief executive shall, in so far as that reference applies to the chief executive of Limerick City and County Council, be construed as a reference to the director general, or as including a reference to the director general, as the context may require.

(4) This section shall apply subject to the modifications of the Principal Act specified in Schedule 3.

...

Deputy director general

28. (1) On and after the vesting day, a deputy chief executive appointed by the director general under section 148 of the Principal Act shall be known as the deputy director general of Limerick City and County Council and is, in this Act, referred to as the "deputy director general".

(2) The person who, immediately before the vesting day, was the deputy chief executive of Limerick City and County Council shall, on and after that day, continue in office and be referred to in accordance with subsection (1).

(3) On and after the vesting day, a reference in any enactment to deputy chief executive shall, in so far as the reference applies to the deputy chief executive of Limerick City and County Council, be construed as a reference to the deputy director general, or as including a reference to the deputy director general, as the context may require.

(4) This section shall apply subject to the modifications of the Principal Act specified in Schedule 3.

...

SCHEDULE 1

PART 1

Enactments for Purposes of Sections 10 and 23

Number and Year (1)	Provision (2)	Extent of Modification (3)
No. 37 of 2001	Local Government Act 2001	Sections 11(5)(b), 11(8), 31(4)(a), 31(5), 31(7), 31(9), 31(11), 33, 34(2)(e), 36, 37, 38, 104(7)(a), 133(6)(a), 134(4)(b), 140(8), 141(1)(b), 141(4), 142(2)(a), 142(5)(f), 143(1), 147, 148, 158(3), 174(8), 178(2)(b), 178(5), 180(3)(a), 189(9), 190(9), 216(2)(a), 219(1) and 220(1); paragraphs 3(4), 4(2), 4(3), 6(1), 6(2), 6(3), 7(9), 10, 13(5)(e), 13(6) and 16(4)(c) of Schedule 10; paragraph 3 of Schedule 14.

PART 2

Enactments for Purposes of Sections 10 and 26

Number and Year (1)	Short Title (2)	Provision (3)
...	...	...
No. 21 of 2014	Housing (Miscellaneous Provisions) Act 2014	Sections 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 22, 23, 24, 25, 26, 27, 28, 29, 53 and 55; Part 4.
...	...	...

PART 1

Preliminary and General

Short title, collective citation and construction

1. (1) This Act may be cited as the Housing (Miscellaneous Provisions) Act 2014.

(2) This Act and the Housing Acts 1966 to 2014 shall be read together as one and shall be included in the collective citation " Housing Acts 1966 to 2014 ".

Commencement

2. This Act 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.

Annotations

Editorial Notes:

E1 Power pursuant to section exercised (1.01.2016) by *Housing (Miscellaneous Provisions) Act 2014 (Commencement of Certain Provisions) (No. 2) Order 2015* (S.I. No. 482 of 2015).

2. The 1st day of January 2016 is appointed as the day on which Part 3 (in so far as not already commenced) of the Housing (Miscellaneous Provisions) Act 2014 (No. 21 of 2014) comes into operation.

E2 Power pursuant to section exercised (13.04.2015) by *Housing (Miscellaneous Provisions) Act 2014 (Commencement of Certain Provisions) Order 2015* (S.I. No. 121 of 2015).

2. The 13th day of April 2015 is appointed as the day on which sections 6 to 19 of the Housing (Miscellaneous Provisions) Act 2014 (No. 21 of 2014) come into operation.

E3 Power pursuant to section exercised (15.09.2014) by *Housing (Miscellaneous Provisions) Act 2014 (Commencement of Certain Provisions) Order 2014* (S.I. No. 404 of 2014).

2. The 15th day of September 2014 is appointed as the day on which the following provisions of the Housing (Miscellaneous Provisions) Act 2014 (No. 21 of 2014) come into operation:

(*a*) Part 1 (sections 1 to 5);

(*b*) in Part 3, paragraph (d) of section 34;

(*c*) in Part 4—

(*i*) section 35,

(*ii*) section 36, other than in so far as it relates to section 47 of that Act,

(*iii*) sections 37 to 40,

(*iv*) section 41, other than subsection (4),

(*v*) sections 42 and 43,

(*vi*) sections 45 and 46, and

(*vii*) sections 49 to 51;

(*d*) in Part 5—

(*i*) section 52,

(*ii*) section 54, other than subsection (1), and

(*iii*) sections 55 to 58.

Definitions (generally)

3. In this Act—

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

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

"Act of 2009" means the Housing (Miscellaneous Provisions) Act 2009;

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

"household" has the meaning assigned to it by section 2(1) of the Act of 2009

"prescribed" means prescribed by regulations made by the Minister;

"Principal Act" means the Housing Act 1966.

Regulations

4. (1) Subject to *subsection (2)*, 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—

(a) may 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 generally or—

(i) to specified housing authorities or areas, or

(ii) to housing authorities, areas, apartment complexes (within the meaning of section 50 of the Act of 2009), 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 of the Act of 2009), 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 under the regulation.

Annotations

Editorial Notes:

E4 Power pursuant to section exercised (29.01.2024) by *Housing (Sale of Local Authority Houses) (Amendment) Regulations 2023* (S.I. No. 619 of 2023), in effect as per reg. 2.

E5 Power pursuant to section exercised (11.07.2022) by *Housing Assistance Payment (Amendment) Regulations 2022* (S.I. No. 342 of 2022), in effect as per reg. 2.

E6 Power pursuant to section exercised (1.03.2017) by *Housing Assistance Payment (Amendment) Regulations 2017* (S.I. No. 56 of 2017), in effect as per reg. 2.

E7 Power pursuant to section exercised (27.02.2017) by *Housing Assistance Payment (Section 50) Regulations 2017* (S.I. No. 55 of 2017).

E8 Power pursuant to section exercised (1.12.2016) by *Housing Assistance Payment (Amendment) (No. 4) Regulations 2016* (S.I. No. 575 of 2016), in effect as per reg. 2.

E9 Power pursuant to section exercised (30.11.2016) by *Housing Assistance Payment (Section 50) (No. 2) Regulations 2016* (S.I. No. 574 of 2016).

E10 Power pursuant to section exercised (6.07.2016) by *Housing Assistance Payment (Amendment) (No. 3) Regulations 2016* (S.I. No. 354 of 2016).

E11 Power pursuant to section exercised (1.07.2016) by *Housing Assistance Payment (Amendment) (No. 2) Regulations 2016* (S.I. No. 338 of 2016), in effect as per reg. 2.

E12 Power pursuant to section exercised (1.02.2016) by *Housing Assistance Payment (Amendment) Regulations 2016* (S.I. No. 40 of 2016), in effect as per reg. 2.

E13 Power pursuant to section exercised (26.01.2016) by *Housing Assistance Payment (Section 50) Regulations 2016* (S.I. No. 38 of 2016).

E14 Power pursuant to section exercised (1.01.2016) by *Housing (Sale of Local Authority Houses) Regulations 2015* (S.I. No. 484 of 2015), in effect as per reg. 2.

E15 Power pursuant to section exercised (2.11.2015, 16.11.2015) by *Housing Assistance Payment (Amendment) (No. 4) Regulations 2015* (S.I. No. 474 of 2015), in effect as per reg. 2.

E16 Power pursuant to section exercised (2.11.2015, 16.11.2015) by *Housing Assistance Payment (Section 50) (No. 3) Regulations 2015* (S.I. No. 473 of 2015), in effect as per reg. 2.

E17 Power pursuant to section exercised (20.07.2015) by *Housing Assistance Payment (Amendment) (No. 3) Regulations 2015* (S.I. No. 304 of 2015), in effect as per reg. 2.

E18 Power pursuant to section exercised (15.06.2015, 29.06.2015) by *Housing Assistance Payment (Amendment) (No. 2) Regulations 2015* (S.I. No. 246 of 2015), in effect as per reg. 2.

E19 Power pursuant to section exercised (15.06.2015, 29.06.2015) by *Housing Assistance Payment (Section 50) (No. 2) Regulations 2015* (S.I. No. 245 of 2015), in effect as per reg. 2.

E20 Power pursuant to section exercised (25.05.2015) by *Housing Assistance Payment (Amendment) Regulations 2015* (S.I. No. 200 of 2015), in effect as per reg. 2.

E21 Power pursuant to section exercised (25.05.2015) by *Housing Assistance Payment (Section 50) Regulations 2015* (S.I. No. 199 of 2015), in effect as per reg. 2.

E22 Power pursuant to section exercised (13.04.2015) by *Housing (Local Authority Tenancy Warnings) Regulations 2015* (S.I. No. 122 of 2015), in effect as per reg. 2.

E23 Power pursuant to section exercised (18.12.2014) by *Housing Assistance Payment (Amendment) (No. 2) Regulations 2014* (S.I. No. 576 of 2014), in effect as per reg. 2.

E24 Power pursuant to section exercised (15.09.2014) by *Housing Assistance Payment Regulations 2014* (S.I. No. 407 of 2014), in effect as per reg. 2.

E25 Previous affecting provision: power pursuant to section exercised (1.02.2022) by *Housing (Sale of Local Authority Houses) (Amendment) Regulations 2021* (S.I. No. 776 of 2021), in effect as per reg. 1(2); revoked (29.01.2024) by *Housing (Sale of Local Authority Houses) (Amendment) Regulations 2023* (S.I. No. 619 of 2023), reg. 4, in effect as per reg. 2.

Expenses of Minister

5. The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Public Expenditure and Reform, be paid out of moneys provided by the Oireachtas.

PART 2

Termination of Local Authority Tenancies, etc.

Interpretation (*Part 2*)

6. (1) In this Part—

"affordable housing" means—

(a) an affordable house provided under Part V of the Planning and Development Act 2000 or Part 2 of the Housing (Miscellaneous Provisions) Act 2002, or

(b) an affordable dwelling F1**[**purchased under an affordable dwelling purchase arrangement under Part 2 of the Affordable Housing Act 2021**]**, as the case may be;

"dwelling" means a dwelling provided by a housing authority under the Housing Acts 1966 to 2014 or Part V of the Planning and Development Act 2000, other than affordable housing, and includes any building or part of a building of which an authority is the owner and which the authority requires for the purposes of those Acts;

"rent-related obligation" means—

(a) the term of a tenancy agreement requiring payment on the due dates of the amount of rent determined under section 58 of the Principal Act or section 31 of the Act of 2009, and

(b) a term of rescheduling arrangements;

"rescheduling arrangements" means arrangements relating to payment of rent arrears and includes arrangements referred to in section 34(2) of the Act of 2009;

"tenancy agreement" means—

(a) an agreement, between a person and a housing authority, that is of a type referred to in section 58(4)(b) of the Principal Act, under which the person is permitted to occupy or use a dwelling to which that section applies, or

(b) a tenancy agreement referred to in section 29 of the Act of 2009.

(2) A reference in this Part to rent includes a reference to charges in respect of a dwelling, whether by way of rent or otherwise, in respect of works or services provided under the Housing Acts 1966 to 2014 or Part V of the Planning and Development Act 2000.

Annotations

Amendments:

F1 Substituted (3.09.2021) by *Affordable Housing Act 2021* (25/2021), s. 27(a), S.I. No. 450 of 2021.

Tenancy warning relating to anti-social behaviour, etc.

7. (1) In this section "specified term" means a term of a tenancy agreement that prohibits—

(a) anti-social behaviour,

(b) nuisance or conduct likely to cause annoyance or disturbance to neighbours, or

(c) 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.

(2) A housing authority may issue a tenancy warning under this section to a tenant where, in the opinion of the authority, the tenant or a member of his or her household has breached a specified term of the tenancy agreement.

(3) A tenancy warning issued under this section shall, subject to *subsection (5)*, set out the basis for its issue and the reason for its issue and for those purposes shall—

(a) set out—

(i) the specified term or specified terms that has or have, in the housing authority's opinion, been breached,

(ii) the nature of that breach, including the name of the household member (if that name is readily available to the housing authority) who caused that breach, the occasion of the breach and, where relevant, the significant or persistent detrimental effect of the breach on the quality of life of those in the locality of the dwelling to which the tenancy agreement relates,

(b) require the tenant to ensure that the household member who caused that breach—

(i) ceases or does not repeat specified actions, or

(ii) undertakes specified actions,

in order to prevent the detrimental effect of the breach from recurring or continuing,

(c) indicate that, if the breach continues during, or is repeated within, 12 months of the tenancy warning coming into effect, then the authority may either—

(i) apply under *section 12* to recover possession of the dwelling, or

(ii) where appropriate, apply to the District Court (under section 3 of the Act of 1997) for an excluding order against the household member who caused that breach,

(d) indicate that the housing authority may, during the period of 3 years following a tenancy warning coming into effect, take the tenancy warning into account when considering whether—

(i) to consent, under subsection (12) of section 90 of the Principal Act, to a sale of a dwelling to the person identified in the tenancy warning as causing the breach of the specified term, where the grounds for refusal would be those set out in subparagraph (a)(ii) of that subsection,

(ii) to consent, under subsection (3) of section 48 of the Act of 2009, to a sale, during the charged period, of a dwelling to the person identified in the tenancy warning as causing the breach of the specified term, where the grounds for refusal would be those set out in paragraph (b) of that subsection,

(iii) to consent, under subsection (4) of section 76 of the Act of 2009, to a sale, during the charged period, of a dwelling to the person identified in the tenancy warning as causing the breach of the specified term or specified terms, where the grounds for refusal would be those set out in paragraph (b) of that subsection,

(iv) to consent, under *subsection (3)* of *section 29*, to a sale, during the charged period, of a house to the person identified in the tenancy warning as causing the breach of the specified term or specified terms, where the grounds for refusal would be those set out in *paragraph (b)* of that subsection,

(v) to refuse, under section 14(2) of the Act of 1997, to sell a dwelling to—

(I) the tenant (within the meaning of Part 4 of the Act of 2009 or to whom *Part 3* applies) concerned,

(II) the eligible household (within the meaning of Part 3 or 5 of the Act of 2009) concerned, or

(III) the person concerned (in a case to which section 90 of the Principal Act relates),

or

(vi) to refuse, under section 14(1) of the Act of 1997, to allocate a dwelling, or to defer the allocation of it, to the tenant or to the household member identified in the tenancy warning as causing the breach of the specified term,

and

(e) set out the tenant's right, under *section 10* , to request a review of the tenancy warning.

(4) A tenancy warning shall be served on the tenant (either at the dwelling concerned or otherwise) or, in his or her absence from the dwelling, on such other person at the dwelling as may be prescribed or, if the housing authority has attempted to but has not been able to so serve, by so serving subsequently or by serving in such other manner as may be prescribed.

(5) In setting out the basis for a tenancy warning under this section, a housing authority shall have due regard to protecting the identity of persons informing it of the breach of the specified term in circumstances where, in the opinion of the authority, not to do so—

(a) could render those persons, or persons associated with them, liable to violence, threat or fear as a consequence of so informing, or

(b) might otherwise have prevented those persons from so informing because of such violence, threat or fear.

Annotations

Modifications (not altering text):

C2 References construed (16.05.2024) by *Local Government (Mayor of Limerick) and Miscellaneous Provisions Act 2024* (7/2024), s. 26 and sch. 1 part 2, S.I. No. 207 of 2024.

Director general

26. (1) The chief executive of Limerick City and County Council shall, on and after the vesting day, be known as the director general of Limerick City and County Council and is in this Act referred to as the "director general".

(2) The person who, immediately before the vesting day, was the chief executive of Limerick City and County Council shall, on and after that day, continue in office and be referred to in accordance with *subsection (1)*.

(3) On and after the vesting day, a reference in an enactment specified in Part 2 of Schedule 1 to chief executive shall, in so far as that reference applies to the chief executive of Limerick City

and County Council, be construed as a reference to the director general, or as including a reference to the director general, as the context may require.

(4) This section shall apply subject to the modifications of the Principal Act specified in Schedule 3.

...

SCHEDULE 1

...

PART 2

Enactments for Purposes of Sections 10 and 26

...

Number and Year (1)	Short Title (2)	Provision (3)
...	...	...
No. 21 of 2014	Housing (Miscellaneous Provisions) Act 2014	Sections 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 22, 23, 24, 25, 26, 27, 28, 29, 53 and 55; Part 4.
...	...	...

Editorial Notes:

E26 Power pursuant to section exercised (13.04.2015) by *Housing (Local Authority Tenancy Warnings) Regulations 2015* (S.I. No. 122 of 2015), in effect as per reg. 2.

Tenancy warning relating to rent arrears

8. (1) A housing authority may issue a tenancy warning under this section to a tenant who is in breach of a rent-related obligation.

(2) The tenancy warning shall—

(a) set out the basis for the tenancy warning, that is to say, the rent-related obligation that has been breached, the amount of rent arrears that has accrued and the period during which the said amount was not paid,

(b) outline any previous occasion in the 5 years preceding that tenancy warning where the tenant or a member of his or her household was in breach of a rent-related obligation and the position as regards the payment of the rent arrears involved,

(c) require the tenant to pay the rent arrears immediately or, where such payment would cause undue hardship for the household, to contact the housing authority immediately with a view to entering into rescheduling arrangements in respect of the rent arrears involved,

(d) indicate that if, within 2 months after the tenancy warning comes into effect—

(i) the rent arrears have not been paid to the authority, or

(ii) rescheduling arrangements have not been entered into with the housing authority,

the authority may initiate proceedings under *section 12* to recover possession of the dwelling,

(e) indicate that if—

(i) the rent arrears are paid by or on behalf of the tenant within 2 months of the tenancy warning coming into effect, and

(ii) in the 12-month period following the tenancy warning coming into effect there is a failure by or on behalf of the tenant to pay rent on the due date,

then the housing authority may, except where, during that period, the authority and either or both the tenant and other members of his or her household enter into rescheduling arrangements for payment of the rent arrears, apply under *section 12* to recover possession of the dwelling without issuing a further tenancy warning to the tenant,

(f) indicate that, where either or both the tenant and the other members of his or her household enters into rescheduling arrangements with the housing authority and during the term of those arrangements fails to make a repayment or pay rent on a due date, the authority may, except where the authority is satisfied that the failure to make a repayment or pay rent on a due date was due to circumstances outside the household's control and the authority and the tenant or the household enter into revised rescheduling arrangements for payment of the rent arrears, apply under *section 12* to recover possession of the dwelling without issuing a further tenancy warning to the tenant,

(g) outline the provisions in housing legislation relating to tenants or households in arrears of rent to any housing authority that have not entered into rescheduling arrangements for the payment of such arrears,

(h) set out the tenant's right, under *section 10* , to request a review of the tenancy warning, and

(i) where the housing authority is aware or suspects that the tenant has debts in addition to rent arrears, set out information on where the household may obtain debt advice and assistance.

(3) A tenancy warning shall be served on the tenant (either at the dwelling concerned or otherwise) or, in his or her absence from the dwelling, on such other person at the dwelling as may be prescribed or, if the housing authority has attempted to but has not been able to so serve, by so serving subsequently or by serving in such other manner as may be prescribed.

Annotations

Editorial Notes:

E27 Power pursuant to section exercised (13.04.2015) by *Housing (Local Authority Tenancy Warnings) Regulations 2015* (S.I. No. 122 of 2015), in effect as per reg. 2.

Tenancy warning relating to other tenancy breach

9. (1) A housing authority may issue a tenancy warning to a tenant under this section where he or she or a member of his or her household has breached a term of the tenancy agreement other than a term to which *section 7* or *8* relates.

(2) The tenancy warning shall—

(a) subject to *subsection (4)*, set out the basis for the tenancy warning, that is to say, the term of the tenancy that has been breached, the nature

and occasion of the breach and the name of the person (if that name is readily available to the housing authority) who caused the breach,

(b) require—

(i) the person causing the breach, and

(ii) where appropriate, either or both the tenant and other household members,

to cease, or not to repeat, specified actions or to undertake specified actions in order to prevent the breach from recurring or continuing,

(c) indicate that, if the breach continues in the period of, or is repeated within, 12 months of the tenancy warning coming into effect, the authority may apply under *section 12* to recover possession of the dwelling without issuing a further tenancy warning to the tenant, and

(d) set out the tenant's right, under *section 10* , to request a review of the tenancy warning.

(3) A tenancy warning shall be served on the tenant (either at the dwelling concerned or otherwise) or, in his or her absence from the dwelling, on such other person at the dwelling as may be prescribed or, if the housing authority has attempted to but has not been able to so serve, by so serving subsequently or by serving in such other manner as may be prescribed.

(4) In setting out the basis for a tenancy warning under this section, a housing authority shall have due regard to protecting the identity of persons informing it of the breach of a term of the tenancy agreement in circumstances where, in the opinion of the authority, not to do so—

(a) could render those persons or persons associated with them liable to violence, threat or fear as a consequence of so informing, or

(b) might otherwise have prevented those persons from so informing because of such violence, threat or fear.

Annotations

Editorial Notes:

E28 Power pursuant to section exercised (13.04.2015) by *Housing (Local Authority Tenancy Warnings) Regulations 2015* (S.I. No. 122 of 2015), in effect as per reg. 2.

Review of tenancy warning

10. (1) This section applies where a tenant does not accept that a breach of a tenancy agreement or rent-related obligation has occurred in the terms set out in a tenancy warning issued to him or her under *section 7* , *8* or *9* .

(2) A tenant may request in writing (in this section referred to as a "review request") a housing authority to review a tenancy warning issued to him or her.

(3) A review request shall—

(a) outline the grounds upon which the tenant disputes the basis for the tenancy warning and be accompanied by any relevant supporting documents, and

(b) state whether the tenant or a member of his or her household wishes to make oral representations to the housing authority as part of the review.

(4) Subject to *subsection (5)*, a review request shall be received by the housing authority within 10 working days from the issuing of the tenancy warning to the tenant.

(5) The Minister may prescribe the types of extenuating circumstances as a consequence of which the period of 10 working days referred to in *subsection (4)* may, at the discretion of the chief executive of the local authority concerned and upon being satisfied that any such circumstance does apply, be extended upon application by or on behalf of the tenant for such further period as decided by that chief executive, but any such further period as so decided shall not, taken together with the 10 working days from the issuing of the tenancy warning concerned, exceed 20 working days from such issue.

(6) On receipt of a valid review request the chief executive of the local authority concerned shall appoint as the reviewer of the tenancy warning concerned an officer or employee of a local authority who was not involved in the decision to issue the tenancy warning and who is senior in rank to the officer or employee who decided to issue that warning.

(7) The reviewer shall review the decision to issue the tenancy warning as if the matter were being decided for the first time and on the basis of the information available to him or her.

(8) A reviewer may make such enquiries and meet with any person, including the tenant, a household member and a member of An Garda Síochána, that he or she considers it appropriate to meet in the circumstances.

(9) Except where the reviewer and the tenant otherwise agree in writing, the reviewer shall make a decision on the review within 20 working days of his or her appointment or, where—

(a) the tenant or a household member wishes to make oral representations,

(b) the reviewer wishes to meet the tenant or a household member as part of the review, or

(c) the tenant proposes a variation to the tenancy warning or is given the opportunity to comment or make representations (either orally or in writing) on a variation proposed by the reviewer to the tenancy warning, within 30 working days of his or her appointment.

(10) A decision on a review request by a tenant shall—

(a) confirm the tenancy warning in its original terms,

(b) vary the tenancy warning in specified terms, or

(c) annul the tenancy warning, and shall state the reasons for doing so and the housing authority shall send a copy in writing of the reviewer's decision and reasons to the tenant.

(11) Any variation to a tenancy warning proposed by the reviewer under *subsection (10) (b)*, other than to correct any clerical error of a non-material nature, shall not be made without first giving the tenant an opportunity to comment or make representations on such a variation.

(12) A tenant who has made a review request may, at any time before the review is completed, notify the housing authority in writing that he or she

is withdrawing the review request but any such withdrawal is subject to *subsection (13)*.

(13) A reviewer may, notwithstanding the withdrawal of a review request by the tenant and where the reviewer is satisfied that it is in order to do so continue the review under this section as if the withdrawal had not been made and the housing authority shall notify the tenant in writing accordingly.

(14) Where, in a review under this section, a member of An Garda Síochána or an officer of a housing authority states that he or she believes that a person is or has been engaged in anti-social behaviour, then, if the reviewer is satisfied that there are reasonable grounds for such belief and that another person would be deterred or prevented by violence, threat or fear from providing evidence in that regard, the reviewer may accept that statement as evidence of such anti-social behaviour.

(15) In a review of a tenancy warning under this section, the housing authority concerned and the reviewer shall have due regard to protecting the identity of persons informing the authority or reviewer of the breach in circumstances where, in the opinion of the authority or the reviewer, not to do so—

(a) could render those persons or persons associated with them liable to violence, threat or fear as a consequence of so informing, or

(b) might otherwise have prevented those persons from so informing because of such violence, threat or fear.

Annotations

Modifications (not altering text):

C3 References construed (16.05.2024) by *Local Government (Mayor of Limerick) and Miscellaneous Provisions Act 2024* (7/2024), s. 26 and sch. 1 part 2, S.I. No. 207 of 2024.

Director general

26. (1) The chief executive of Limerick City and County Council shall, on and after the vesting day, be known as the director general of Limerick City and County Council and is in this Act referred to as the "director general".

(2) The person who, immediately before the vesting day, was the chief executive of Limerick City and County Council shall, on and after that day, continue in office and be referred to in accordance with *subsection (1)*.

(3) On and after the vesting day, a reference in an enactment specified in Part 2 of Schedule 1 to chief executive shall, in so far as that reference applies to the chief executive of Limerick City and County Council, be construed as a reference to the director general, or as including a reference to the director general, as the context may require.

(4) This section shall apply subject to the modifications of the Principal Act specified in Schedule 3.

...

SCHEDULE 1

...

PART 2

Enactments for Purposes of Sections 10 and 26

...

Number and Year (1)	Short Title (2)	Provision (3)
...	...	...
No. 21 of 2014	Housing (Miscellaneous Provisions) Act 2014	Sections 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 22, 23, 24, 25, 26, 27, 28, 29, 53 and 55; Part 4.
...	...	...

Editorial Notes:

E29 Power pursuant to section exercised (13.04.2015) by *Housing (Local Authority Tenancy Warnings) Regulations 2015* (S.I. No. 122 of 2015), in effect as per reg. 2.

Day that tenancy warning comes into effect

11. (1) Subject to *subsections (2)* and *(3)*, a tenancy warning comes into effect on the second working day after the expiration of the period within which a request to review that warning could be received.

(2) Where a tenancy warning was the subject of a review request under *section 10* and either—

(a) the tenancy warning was not withdrawn before the day the review was completed, or

(b) *section 10(13)* applies to the tenancy warning, then, except where the tenancy warning is annulled on review, the tenancy warning comes into effect on the second working day after a copy of the reviewer's decision is sent to the tenant for the purposes of *section 10(10)* and in the terms specified in the review decision.

(3) Where a tenancy warning was the subject of a review request under *section 10* and that request was withdrawn before the day the review was completed then, except where *section 10(13)* applies, the tenancy warning comes into effect on whichever of the following days last occurs:

(a) on the day determined in accordance with *subsection (1)* as if the request had not been made;

(b) on the second working day after the tenant notifies the housing authority in accordance with *section 10(12)* of the withdrawal.

Proceedings for possession of local authority dwelling

12. (1) Where a tenant or a member of his or her household breaches a tenancy agreement or rent-related obligation, the housing authority may, subject to *subsection (3)*, apply (in this section referred to as a "possession application") to the District Court for a possession order under this section.

(2) A housing authority may make a possession application in respect of a dwelling under this section notwithstanding the fact that there may be in progress a review of a tenancy warning that relates to a breach of a type referred to in *subsection (1)* that is of a similar nature to the breach to which the possession application relates.

(3) (a) Subject to *paragraph (b)*, a housing authority shall, not less than 10 working days before the hearing by the District Court of a possession

application under this section in respect of a dwelling, give the tenant notice in writing of—

(i) the authority's intention to make such an application,

(ii) the information to be included in the application, and

(iii) the date on which the authority intends to make the application.

(b) In a case where the housing authority is satisfied that the breach of the tenancy agreement to which the possession application relates has had or is having a significant or persistent detrimental effect on the quality of life of those in the locality of the dwelling, the authority shall, not later than at the time that it makes the possession application, give a copy of the possession application to the tenant.

(4) A possession application shall set out—

(a) the grounds for the application, that is to say, the term of the tenancy agreement or rent-related obligation that is alleged to have been breached and the nature and occasion of the breach including the name of the person (if that name is readily available to the housing authority) who caused the breach and, where relevant, the significant or persistent detrimental effect of the breach on the quality of life of those in the locality of the dwelling,

(b) where any housing authority previously issued a tenancy warning to or in respect of a person within the period of 5 years prior to the date of the application and such person is the tenant of the dwelling to which the application relates or is a member of the tenant's household, the terms of that warning and the outcome of any request for its review, irrespective of whether or not the breach the subject of that warning is of a similar nature to the breach to which the possession application relates,

(c) where the housing authority did not issue a tenancy warning in relation to the breach to which the application relates, a statement as to why the housing authority did not do so,

(d) where the housing authority did not issue a notice to the tenant under *subsection (3) (a)*, a statement as to why the housing authority did not do so, and

(e) whether or not the situation specified in *subsection (2)* applies and, if it does apply, a statement as to why the housing authority is seeking the possession order while the tenancy warning is under review.

(5) In setting out the grounds for a possession application under this section, a housing authority shall, where appropriate, have due regard to protecting the identity of persons who informed it of the breach in circumstances where, in the opinion of the housing authority, not to do so—

(a) could render those persons or persons associated with any of them liable to violence, threat or fear as a consequence of so informing, or

(b) might otherwise have prevented those persons from so informing because of such violence, threat or fear.

(6) The grounds for a possession application referred to in *subsection (4)* may be provided by information on oath given by an officer or employee of the housing authority concerned duly authorised to give that information and, for the purposes of this section shall—

(a) form part of the possession application, and

(b) be served on the tenant concerned in accordance with *subsection (3)*.

(7) Where the tenant does not, without due cause, appear at the hearing of the possession application under this section and subject to *subsection (8)*, the District Court may, where it is satisfied that there is a prima facie case for doing so, grant an order in the terms sought by the authority.

(8) The District Court may, as it thinks fit, adjourn proceedings under this section for a period fixed by the Court, with or without imposing conditions as to the conduct of the tenant or a household member, payment of either or both rent and rent arrears, or otherwise.

(9) (a) Without prejudice to *subsection (7)*, the District Court shall make a possession order in respect of the dwelling the subject of a possession application under this section if it appears to the Court that the housing authority has grounds for the recovery of possession and that it is reasonable having regard to all the circumstances of the case to make the order.

(b) In considering the reasonableness of making a possession order under this section, the District Court shall, where appropriate, have regard to the following:

(i) the steps taken by the housing authority to secure the cessation or non- repetition of the breach of the term of the tenancy agreement or rent-related obligation, including the issue of any tenancy warning;

(ii) the response of the tenant to the steps taken by the housing authority referred to in sub*paragraph (i)* ;

(iii) the effect, if any, that the breach of the tenancy agreement had or is having on the quality of life of those in the locality of the dwelling;

(iv) whether in the circumstances it is just and equitable to make the order notwithstanding that—

(I) the housing authority did not issue a tenancy warning in respect of the breach of the term of the tenancy agreement or the rent-related obligation,

(II) a tenancy warning issued by the housing authority in respect of a breach of the term of the tenancy agreement or the rent-related obligation of a similar nature to the breach to which the possession application relates is under review, or

(III) in accordance with *subsection (3) (b)*, the housing authority did not issue a notice to the tenant under *subsection (3) (a)*;

and

(v) the proportionality of making a possession order under this section, having regard to the grounds for the possession application.

(10) A possession order under this section shall specify the commencement date for the period during which the housing authority has the right to recover possession of the dwelling and the length of that period, which shall not be less than 2 months or more than 9 months, and shall have the effect of terminating the tenancy on the date that the housing authority recovers possession of the dwelling in pursuance of the order.

(11) Where the District Court (or the Circuit Court on appeal) is satisfied that it is desirable, because of the nature or circumstances of the proceedings before it under this section or that it is otherwise in the interest of justice,

the whole or any part of those proceedings may be heard otherwise than in public.

(12) Where the grounds for a possession application are anti-social behaviour by a household member other than, where there is no joint tenant, the tenant, then the District Court—

(a) may decide that, as an alternative to determining the possession application, the possession application shall be deemed to be an application by the housing authority under section 3(2) of the Act of 1997 for an excluding order against that household member, notwithstanding that the provisions of paragraphs (a) and (b) of the said section 3(2) have not been complied with, and

(b) where the District Court so deems an application under *subsection (3)*, shall require such notice (if any) to be given to the member of the household as the District Court considers appropriate in the circumstances.

(13) In proceedings under this section, a document purporting to be the relevant tenancy agreement produced by the housing authority shall be prima facie evidence of the agreement and it shall not be necessary to prove any signature on the document.

(14) The jurisdiction of the District Court in respect of an application under this section may be exercised, as regards the District Court, by a judge of the District Court for the time being assigned to the District Court district where the dwelling in relation to which that application was made is situate.

(15) Where a judge of the District Court to whom *subsection (14)* relates is not immediately available, the jurisdiction of the District Court under that subsection may be exercised by any judge of the District Court.

(16) Nothing in the Landlord and Tenant Acts 1967 to 2008 or the Housing (Private Rented Dwellings) Acts 1982 and 1983 relating to the obtaining of possession of a dwelling or building or part thereof shall be deemed to affect this section.

Proceedings for possession against person in occupation of local authority dwelling

13. (1) In circumstances where—

(a) there is no tenancy in a dwelling other than in circumstances to which *section 17* relates, or

(b) the dwelling has been abandoned by the tenant, and a person, without lawful authority or any right to become the tenant of the dwelling, resides in or otherwise occupies the dwelling (in this section referred to as a "person in occupation"), then the housing authority may apply (in this section referred to as a "possession application") to the District Court for a possession order under this section.

(2) A possession application shall set out the grounds for the application and, where the occupier of the dwelling applied to the authority to become the tenant of the dwelling, the basis upon which the application was refused.

(3) In setting out the grounds for a possession application under this section, a housing authority shall have due regard to protecting the identity of persons who informed the authority of matters referred to in *subsection (1)* in circumstances where, in the opinion of the housing authority, not to do so—

(a) could render those persons or persons associated with any of them liable to violence, threat or fear as a consequence of so informing, or

(b) might otherwise have prevented those persons from so informing because of such violence, threat or fear.

(4) A housing authority shall, not less than 10 working days before the hearing by the District Court of a possession application under this section in respect of a dwelling, give to the person that the authority has reasonable grounds for believing to be the person occupying the dwelling, notice in writing—

(a) addressed to that person, or

(b) where the authority has a doubt about that person's identity, addressed to the "occupier",

of—

(i) the authority's intention to make such an application,

(ii) the information to be included in the application, and

(iii) the date on which the authority intends to make the application.

(5) The grounds referred to in *subsection (2)* for a possession application may be provided by information on oath given by an officer or employee of the housing authority concerned duly authorised to give that information and, for the purposes of this section shall—

(a) form part of the possession application, and

(b) be served in accordance with *subsection (4)* on the person occupying the dwelling.

(6) Where the person in occupation does not, without due cause, appear at the hearing of the possession application under this section and subject to *subsection (7)*, the District Court may, where it is satisfied that there is a prima facie case for doing so, grant an order in the terms sought by the authority.

(7) The District Court may, as it thinks fit, adjourn proceedings under this section for a period fixed by the Court, with or without imposing conditions as to the conduct of the person in occupation or of persons associated with the person in occupation.

(8) Without prejudice to *subsection (6)*, the District Court shall make a possession order under this section in respect of the dwelling that is the subject of a possession application if it appears to the Court that—

(a) the housing authority has grounds for the recovery of possession,

(b) recovery of possession by the housing authority is a proportionate response to the occupation of the dwelling by the person concerned, and

(c) it is reasonable having regard to all the circumstances of the case to make the order.

(9) A possession order under this section has the effect of giving the housing authority the right to recover possession of the dwelling, which right may be specified not to come into effect before a date specified in the order, but the date so specified shall not be more than 6 months after the date the order is made.

(10) Where the District Court (or the Circuit Court on appeal) is satisfied that it is desirable, because of the nature or circumstances of the proceedings before it under this section or that it is otherwise in the interest of justice, the whole or any part of those proceedings may be heard otherwise than in public.

(11) The jurisdiction of the District Court in respect of an application under this section may be exercised, as regards the District Court, by a judge of the District Court for the time being assigned to the District Court district where the dwelling in relation to which that application was made is situate.

(12) Where a judge of the District Court to whom *subsection (11)* relates is not immediately available, the jurisdiction of the District Court under that subsection may be exercised by any judge of the District Court.

(13) Nothing in the Landlord and Tenant Acts 1967 to 2008 or the Housing (Private Rented Dwellings) Acts 1982 and 1983 relating to the obtaining of possession of a dwelling or building or part thereof shall be deemed to affect this section.

(14) (a) Subject to *paragraph (b)*, where—

(i) there is no tenancy in a dwelling or the dwelling has been abandoned by the tenant in circumstances to which *section 14* has been or could be applied, and

(ii) a person makes an entry into the dwelling, or uses it for human habitation or otherwise occupies it, without the consent of the housing authority,

such person, subject to *paragraph (b)*, commits an offence and is liable on summary conviction to a class C fine or, at the discretion of the court, to a term of imprisonment not exceeding one month or to both.

(b) *Paragraph (a)* does not apply in relation to a person—

(i) who was ordinarily resident in the dwelling at the time when the tenancy last created in the dwelling was terminated or otherwise ceased to exist,

(ii) who was ordinarily resident in the dwelling at the time the dwelling was abandoned by the tenant in circumstances to which *section 14* has been or could be applied,

(iii) making an entry into the dwelling for the purposes of normal social relations with the person to whom sub*paragraph (i)* or *(ii)* relates, or

(iv) making an entry into the dwelling (but not using it for human habitation) in the course of his or her ordinary business, profession, vocation or trade.

Abandoned local authority dwellings

14. (1) For the purposes of this section and *section 15* and in relation to the calculation of any period of abandonment of a dwelling, a dwelling continues to remain abandoned during such period notwithstanding any occasional visit to the dwelling by the tenant or a member of his or her household for the purpose of removing from the dwelling any property and for any other purpose that is incidental to the first-mentioned purpose.

(2) This section applies where the rent payable in respect of a dwelling the subject of a tenancy agreement between the housing authority and the

tenant is in arrears for a period of not less than one month and the authority has reasonable grounds for believing that—

(a) the dwelling has not been occupied by the tenant or a member of his or her household for a continuous period of more than 6 weeks, and

(b) that household does not intend to occupy the dwelling as its normal place of residence, and either—

(i) there is a risk of non-minor damage, or of unquantifiable damage that could be of a non-minor nature—

(I) to the dwelling due to vandalism, or

(II) to the dwelling, or to any neighbouring property, due to any electrical, water or gas supply situated in that dwelling,

or

(ii) steps are necessary to prevent entry to the dwelling by trespassers or other unauthorised persons.

(3) Subject to *subsection (4)*, a housing authority may enter a dwelling to which this section applies for the purpose of—

(a) securing the dwelling and any of its fittings and fixtures against vandalism,

(b) rendering safe any electrical, water or gas supply situated in that dwelling, or

(c) securing the dwelling against trespassers.

(4) Except with the consent of the tenant, or where the housing authority has reasonable grounds for believing that—

(a) there is an imminent risk of damage of a type referred to in *paragraph (i)* of *subsection (2)*, or that such damage is occurring, and irrespective of whether or not the risk of such damage arises in circumstances to which *paragraph (ii)* of that subsection also relates, and

(b) in the circumstances, in order to protect the dwelling it is not practical or expedient to have to wait to apply to the District Court for a warrant under *subsection (5)*, the authority shall, before entering a dwelling under this section, apply under *subsection (5)* to a judge of the District Court for a warrant to enter the dwelling.

(5) (a) A judge of the District Court may issue a warrant under this subsection in respect of a dwelling if satisfied, by information on oath of an officer or employee of the housing authority that—

(i) there are reasonable grounds for believing that the circumstances set out in *subsection (2)* apply to the dwelling, and

(ii) it is necessary for the purposes set out in *subsection (3)* to enter the dwelling.

(b) A warrant under this subsection shall operate to authorise the person named in the warrant, accompanied by such other persons as the named person thinks necessary, to enter (if need be by force), at any time or times within one month from the date of the issue of the warrant, on production if so required of the warrant, the dwelling named in the warrant for the purposes set out in *subsection (3)*.

(6) An officer or employee of the local authority concerned shall not enter a dwelling for the purposes of this section except—

(a) with the consent of the tenant,

(b) in accordance with a warrant issued under *subsection (5)*, or

(c) in circumstances to which *paragraphs (a)* and *(b)* of *subsection (4)* apply, with the written authorisation, in respect of the dwelling, of—

(i) the chief executive of the local authority concerned, or

(ii) an officer or employee of the local authority authorised in writing by that chief executive to give such written consent,

which authorisation may be expressed to enable a named officer or employee to be accompanied by such other persons as the officer or employee thinks necessary, and to enter (if need be by force) the dwelling for the purposes of taking such measures as are considered appropriate in the circumstances.

(7) Where a housing authority has taken under this section all reasonable steps in the circumstances to make a dwelling secure from vandalism, it shall not by reason of taking such steps be liable for any damage subsequently caused to the dwelling or its contents by vandalism.

(8) This section is without prejudice to the right of a housing authority to exercise any other power it has in relation to a dwelling.

Annotations

Modifications (not altering text):

C4 References construed (16.05.2024) by *Local Government (Mayor of Limerick) and Miscellaneous Provisions Act 2024* (7/2024), s. 26 and sch. 1 part 2, S.I. No. 207 of 2024.

Director general

26. (1) The chief executive of Limerick City and County Council shall, on and after the vesting day, be known as the director general of Limerick City and County Council and is in this Act referred to as the "director general".

(2) The person who, immediately before the vesting day, was the chief executive of Limerick City and County Council shall, on and after that day, continue in office and be referred to in accordance with *subsection (1)*.

(3) On and after the vesting day, a reference in an enactment specified in Part 2 of Schedule 1 to chief executive shall, in so far as that reference applies to the chief executive of Limerick City and County Council, be construed as a reference to the director general, or as including a reference to the director general, as the context may require.

(4) This section shall apply subject to the modifications of the Principal Act specified in Schedule 3.

...

SCHEDULE 1

...

PART 2

Enactments for Purposes of Sections 10 and 26

...

Number and Year (1)	Short Title (2)	Provision (3)
...	...	...

Number and Year (1)	Short Title (2)	Provision (3)
No. 21 of 2014	Housing (Miscellaneous Provisions) Act 2014	Sections 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 22, 23, 24, 25, 26, 27, 28, 29, 53 and 55; Part 4.
...	...	...

Repossession of abandoned dwellings

15. (1) A housing authority wishing to take possession of a dwelling that has been abandoned by the tenant's household, whether or not in circumstances to which *section 14* applies, shall serve on the tenant a notice—

(a) stating that the authority has reason to believe that the dwelling is unoccupied and that the household does not intend to occupy it as its normal place of residence,

(b) requiring the tenant to inform the authority in writing within 4 weeks of service of the notice if the household intends to occupy the dwelling as its normal place of residence, and

(c) advising the tenant that, if at the end of the period to which *paragraph (b)* relates—

(i) the tenant has not informed the authority in the manner required by *paragraph (b)*, and

(ii) it appears to the authority at the end of that period that the dwelling is unoccupied and that the household does not intend to occupy it as its normal place of residence,

then the authority will serve a further notice on the tenant bringing the tenancy agreement to an end with immediate effect.

(2) Where—

(a) the housing authority—

(i) has served on the tenant a notice in accordance with *subsection (1)*, and

(ii) has made such inquiries as may be necessary to satisfy itself that the dwelling is unoccupied and that the tenant's household does not intend to occupy it as its normal place of residence,

and

(b) at the end of the period mentioned in *subsection (1) (b)* the authority is so satisfied, then the authority may serve a further notice on the tenant bringing the tenancy agreement to an end with immediate effect.

(3) Where a tenancy agreement has been duly terminated in accordance with this section, the housing authority is entitled to take possession of the dwelling without any further proceedings.

(4) In taking possession of the dwelling under this section, the housing authority shall, subject to *subsection (6)*, secure the safe custody and delivery to the former tenant of any property found in the dwelling that does not belong to the authority, but, before that property is so delivered,

the authority may require the former tenant to pay to it the reasonable cost of effecting such custody and delivery, including storage costs.

(5) If the former tenant has not arranged for the delivery by the housing authority to him or her of the property referred to in *subsection (4)* before the expiry of 2 months following the termination of the tenancy, the authority may, subject to *subsection (6)*, dispose of the said property, and apply any proceeds in the following order of priority:

(a) firstly, towards any costs incurred by the authority in removing, storing and disposing of the property together with the costs associated with the application of the proceeds under this subsection;

(b) secondly, towards any legally enforceable prior claim under any other enactment in respect of the proceeds, or on any part of the proceeds that the authority is aware of or could, with due diligence in the circumstances and having regard to the amount of the proceeds involved, become aware of;

(c) thirdly, towards any rent due but unpaid by the former tenant to the authority in respect of the dwelling concerned;

(d) fourthly, towards any other monies duly owed to and recoverable by the authority from the former tenant; and any sum remaining after such application of the proceeds shall be paid to the former tenant.

(6) Where a housing authority is satisfied that certain property held by it by virtue of *subsection (4)* is the property of a person other than the former tenant, it shall, unless it has reasonable grounds for believing that the property has been abandoned, take all reasonable steps in the circumstances to identify that person and offer to return that property to that person upon proving ownership, subject to the payment, at the discretion of the housing authority and where appropriate, of some or all of the cost of removing and storing such property.

Application to court in respect of tenancy terminated under *section 15*

16. (1) Where a person—

(a) was, immediately before the termination of a tenancy, the tenant of a dwelling to which *section 15* relates, and

(b) is aggrieved by the termination of that tenancy, then the person (in this section referred to as the "applicant") may make application to the District Court in respect of the termination of the tenancy within 6 months after the date of that termination.

(2) *Subsection (3)* applies where, in proceedings under this section, it appears to the District Court—

(a) that the housing authority—

(i) had failed to comply with any provision of *subsections (1)* and *(2)* of *section 15* , or

(ii) did not have reasonable grounds for finding that—

(I) the dwelling was unoccupied by the applicant's household, or

(II) the applicant's household did not intend to occupy the dwelling as its normal place of residence,

or

(b) that the housing authority was in error in finding that the applicant's household did not intend to occupy the dwelling as its normal place of residence, and that the applicant had reasonable cause, by reason of illness or otherwise, for failing to notify the housing authority of his or her household's intention to so occupy it.

(3) Where this subsection applies, the District Court shall—

(a) if the dwelling has not been let to a new tenant and continues to be a dwelling to which this Part applies, grant a declaration that the notice under *section 15(2)* bringing the tenancy agreement to an end is of no effect, or

(b) in any other case, direct the housing authority to allocate another dwelling in respect of the applicant's household that is suitable for his or her adequate housing, and that is located as near as practicable to the dwelling in which the tenancy was terminated under *section 15* .

Death of tenant and recovery of possession in certain cases

17. (1) In the case of a dwelling where a tenancy has ended due to the death of the tenant and the dwelling is occupied by—

(a) a member of that tenant's household who is not entitled to become a tenant of the dwelling as a consequence of that death, or

(b) by a person purporting to be a member of the tenant's household, then the authority may apply to the District Court for a possession order under this section (in this section referred to as a "possession application").

(2) A possession application shall set out the grounds for the application including, where the occupier of the dwelling applied to the authority to become the tenant of the dwelling, the basis upon which the application was refused including reference to the housing authority's written policy in relation to succession to the tenancy of a deceased tenant.

(3) A housing authority shall, not less than 10 working days before the hearing by the District Court of a possession application under this section in respect of a dwelling, give to the person that the authority has reasonable grounds for believing to be the person occupying the dwelling, notice in writing—

(a) addressed to that person, or

(b) where the authority has a doubt about that person's identity, addressed to the "occupier",

of—

(i) the authority's intention to make such an application,

(ii) the information to be included in the application, and

(iii) the date on which the authority intends to make the application.

(4) The grounds referred to in *subsection (2)* for a possession application may be provided by information on oath given by an officer or employee of the housing authority concerned duly authorised to give that information and, for the purposes of this section shall—

(a) form part of the possession application, and

(b) be served in accordance with *subsection (3)* on the person occupying the dwelling.

(5) Where the person in occupation does not, without due cause, appear at the hearing of the possession application under this section and subject to *subsection (6)*, the District Court may, where it is satisfied that there is a prima facie case for doing so, grant an order in the terms sought by the authority.

(6) The District Court may, as it thinks fit, adjourn proceedings under this section for a period fixed by the Court, with or without imposing conditions as to the conduct of the person in occupation or of persons associated with the person in occupation.

(7) Without prejudice to *subsection (5)*, the District Court shall make a possession order under this section in respect of the dwelling that is the subject of a possession application if it appears to the Court that—

(a) the housing authority has grounds for the recovery of possession,

(b) recovery of possession by the housing authority is a proportionate response to the occupation of the dwelling by the person concerned, and

(c) it is reasonable having regard to all the circumstances of the case to make the order.

(8) A possession order under this section has the effect of giving the housing authority the right to recover possession of the dwelling, which right may be specified not to come into effect before a date specified in the order, but a date so specified shall not be in respect of a date that is more than 6 months after the date the order is made.

(9) Where the District Court (or the Circuit Court on appeal) is satisfied that it is desirable, because of the nature or circumstances of the proceedings before it under this section or that it is otherwise in the interest of justice, the whole or any part of those proceedings may be heard otherwise than in public.

(10) The jurisdiction of the District Court in respect of an application under this section may be exercised by a judge of the District Court for the time being assigned to the District Court district where the dwelling in relation to which that application was made is situate.

(11) Where a judge of the District Court to whom *subsection (10)* relates is not immediately available, the jurisdiction of the District Court under that subsection may be exercised by any judge of the District Court.

(12) Nothing in the Landlord and Tenant Acts 1967 to 2008 or the Housing (Private Rented Dwellings) Acts 1982 and 1983 relating to the obtaining of possession of a dwelling or building or part thereof shall be deemed to affect this section.

***Part 2* and amendment of Principal Act**

18. (1) Section 3 of the Principal Act is amended—

(a) in subsection (4) by substituting ", a notice mentioned in subsection (4) of section 117 of this Act or a notice mentioned in *section 15* of the *Housing (Miscellaneous Provisions) Act 2014*," for "or a notice mentioned in subsection (4) of section 117 of this Act", and

(b) by inserting the following subsection after subsection (7):

"(8) In this section 'notice' includes a tenancy warning under *section 7* , *8* or *9* of the *Housing (Miscellaneous Provisions) Act 2014* and—

(i) references (however expressed) in this section to the serving of a notice on a person includes the serving of any such tenancy warning to a person under the said *section 7* , *8* or *9* , as the case may be, and

(ii) subsection (5) shall apply to a tenancy warning affixed on or near the dwelling concerned in a manner prescribed under the said *section 7(4)*, *8(3)* or *9(3)*, as the case may be."

(2) Section 62 of the Principal Act is repealed.

***Part 2* and amendment of Act of 1997**

19. (1) Section 1 of the Act of 1997 is amended—

(a) by inserting the following definition before the definition of "anti-social behaviour":

" 'affordable house' means an affordable house provided under Part V of the Planning and Development Act 2000 or Part 2 of the Housing (Miscellaneous Provisions) Act 2002 or an affordable dwelling purchased under affordable dwelling purchase arrangements under Part 5 of the Housing (Miscellaneous Provisions) Act 2009 as the case may be;",

(b) by substituting the following for the definition of "excluding order":

" 'excluding order' has, where the context admits or requires, the meaning assigned to it by subsection (1) or (2) of section 3;",

(c) by substituting the following for the definition of "anti-social behaviour":

" 'anti-social behaviour' includes either or both of the following, namely—

(a) the manufacture, production, preparation, importation, exportation, sale, supply, possession for the purposes of sale or supply, or distribution of a controlled drug (within the meaning of the Misuse of Drugs Acts 1977 to 2007),

(b) any behaviour which causes or is likely to cause any significant or persistent danger, injury, damage, alarm, loss or fear to any person living, working or otherwise lawfully in or in the vicinity of a house provided by a housing authority under the Housing Acts 1966 to 2014 or Part V of the Planning and Development Act 2000 or a housing estate in which the house is situate and, without prejudice to the foregoing, includes—

(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;",

and

(d) by substituting the following definition for the definition of "relevant purchaser":

" 'relevant purchaser' means (subject to section 1A)—

(a) a person to whom a housing authority has sold a house under the Housing Acts 1966 to 2014 other than an affordable house, or

(b) a person in whom there subsequently becomes vested (other than for valuable consideration) the interest of the person referred to in paragraph (a) of this definition in the house referred to in that paragraph;".

(2) The Act of 1997 is amended by inserting the following section after section 1:

"Person ceasing to be relevant purchaser

1A. (1) A person shall cease to be a relevant purchaser for the purposes of this Act—

(a) where the sale of the house concerned was effected by a transfer order made by way of a shared ownership lease provided for in accordance with Regulation 11 of the Housing (Sale of Houses) Regulations 1995 (S.I. No. 188 of 1995)—

(i) on the date of expiry of the lease due to the effluxion of time, or

(ii) where the purchaser purchases the reversion expectant on the termination of the lease, on the expiry of—

(I) the period of 20 years from the date the transfer order became effective, or

(II) the period from the date the transfer order became effective to the date of purchase of the reversion expectant on the termination of the lease,

whichever is the longer period,

(b) in the case that the sale of the house was effected by a transfer order made by way of a lease other than a lease referred to in paragraph (a) —

(i) on the date of expiry of the lease due to the effluxion of time, or

(ii) where the purchaser acquires the fee simple in the house from the housing authority under section 26 of the Landlord and Tenant (Ground Rents) (No. 2) Act 1978, on the expiry of—

(I) the period of 20 years from the date the transfer order became effective, or

(II) the period from the date the transfer order became effective to the date of acquisition of the fee simple,

whichever is the longer period,

(c) in the case that the house was sold under Part 3 or 4 of the Housing (Miscellaneous Provisions) Act 2009 or *Part 3* of the *Housing (Miscellaneous Provisions) Act 2014*, on the expiration of the charged period provided for by each of those Parts respectively, or

(d) in any other case, on the expiry of the period of 20 years from the date of the sale of the house.

(2) Subsection (1) shall apply to a person irrespective as to when the house (other than an affordable house) was sold by the housing authority to the person concerned and, in the definition of 'relevant purchaser' in section 1—

(a) the reference in paragraph (a) of that definition to the Housing Acts 1966 to 2014, and

(b) paragraph (b) of that definition,

shall be construed accordingly."

(3) Section 2 of the Act of 1997 is amended by substituting " *Part 2* of the *Housing (Miscellaneous Provisions) Act 2014"* for "section 62 of the Housing Act, 1966," in both places where it occurs.

(4) Section 3 of the Act of 1997 is amended—

(a) by substituting the following subsection for subsection (2):

"(2) A housing authority may, in respect of a house referred to in subsection (1), apply to the District Court for an order (in this Act referred to as an 'excluding order') against a person, other than the tenant, where there is no joint tenant, or relevant purchaser of the house (in this Act referred to as the 'respondent'), whom the authority believe to be engaging in anti-social behaviour where the authority—

(a) believe that the tenant or relevant purchaser—

(i) may be deterred or prevented by violence, threat or fear, either to himself or herself or to persons associated with him or her, from pursuing an application for an excluding order, or

(ii) does not intend, for whatever other reason, to make such an application,

and

(b) consider that, in the interest of good estate management, it is appropriate, in all the circumstances, to apply for the excluding order.",

(b) by inserting the following subsection after subsection (2):

(2A) An application under subsection (1) or (2) may not be made against a person who is under 12 years of age.",

and

(c) by substituting the following subsection for subsection (3):

"(3) Where the court, on application to it, is of the opinion that there are reasonable grounds for believing that the respondent is or has been engaged in anti-social behaviour it may by order—

(a) in the case of a respondent who is under 18 years of age and is residing at the house in respect of which the application was made, prohibit the respondent, during the period when the order is in force—

(i) from entering or being in the vicinity of another specified house or being in or in the vicinity of any specified place or area,

consisting of a place or area where one or more of the houses there are under the control and management of a housing authority, or

(ii) from doing all or any of the things referred to in subparagraph (i) unless specified conditions provided for by the order are complied with,

(b) in the case of a respondent who is under the age of 18 years and is not residing at the house in respect of which the application was made, prohibit the respondent during the period when the order is in force—

(i) from entering or being in the vicinity of that house or any other specified house or being in or in the vicinity of any specified place or area, consisting of a place or area where one or more of the houses there are under the control and management of a housing authority, or

(ii) from doing all or any of the things referred to in subparagraph (i) unless specified conditions provided for by the order are complied with,

(c) in any other case—

(i) direct the respondent, if residing at the house in respect of which the application was made, to leave that house and not re- enter it or be in its vicinity during the period that the order is in force, and

(ii) whether the respondent is or is not residing at the house in respect of which the application was made, prohibit the respondent for the period during which the order is in force—

(I) from entering or being in the vicinity of that house or any other specified house or being in or in the vicinity of any specified place or area, consisting of a place or area where one or more of the houses there are under the control and management of a housing authority, or

(II) from doing all or any of the things referred to in clause (I) unless specified conditions provided for by the order are complied with."

(5) Section 3A of the Act of 1997 is amended—

(a) by substituting the following subsection for subsection (2):

"(2) A housing authority or an approved body may, in respect of a site provided by the housing authority or the approved body under the Housing Acts 1966 to 2014, apply to the District Court for a site excluding order against a respondent whom the housing authority or the approved body believes to be engaging in anti-social behaviour and where the housing authority or the approved body—

(a) has reasonable grounds to believe that an authorised person—

(i) may be deterred or prevented by violence, threat or fear, either to himself or herself or to persons associated with him or her, from pursuing an application for a site excluding order, or

(ii) does not intend, for whatever other reason, to make such an application,

and

(b) considers that, in the interest of good estate management, it is appropriate, in all the circumstances, to apply for a site excluding order.",

(b) by inserting the following subsection after subsection (2):

"(2A) An application under subsection (1) or (2) may not be made against a person who is under 12 years of age.",

and

(c) by substituting the following subsection for subsection (3):

"(3) Where following an application under this section, the District Court, or the Circuit Court on appeal from the District Court, is of the opinion that there are reasonable grounds for believing that the respondent is or has been engaged in anti-social behaviour it may by order (in this Act referred to as a 'site excluding order')—

(a) in the case of a respondent who is under 18 years of age and is residing at the site in respect of which the application was made prohibit the respondent during the period when the order is in force—

(i) from entering or being on or being in or in the vicinity of any other specified site or being in or in the vicinity of any specified place, or

(ii) from doing all or any of the things referred to in subparagraph (i) unless specified conditions provided for by the order are complied with,

(b) in the case of a respondent who is under the age of 18 years and is not residing at the site in respect of which the application was made, prohibit the respondent, for the period during which the order is in force—

(i) from entering or being on or being in or in the vicinity of that site or any other specified site or being in or in the vicinity of any specified place, or

(ii) from doing all or any of the things referred to in subparagraph (i) unless specified conditions provided for by the order are complied with,

(c) in any other case—

(i) direct the respondent, if residing at the site in respect of which the application was made, to leave that site and not re-enter it during the period that the order is in force, and

(ii) whether the respondent is or is not residing at the site in respect of which the application was made, prohibit the respondent for the period during which the order is in force—

(I) from entering or being on or being in or in the vicinity of that site or any other specified site or being in or in the vicinity of any specified place, or

(II) from doing all or any of the things referred to in clause (I) unless specified conditions provided for by the order are complied with."

(6) Section 4 of the Act of 1997 is amended by substituting the following subsection for subsection (1):

"(1) If, on the making of an application for an excluding order relating to a house or between the making of the application and its determination, the court is of the opinion that there are reasonable grounds for believing that, if the order is not made immediately, there is an immediate risk of significant harm to any person residing, working or otherwise lawfully in or in the vicinity of such house or of a housing estate in which such house is situate, the court may by order (in this Act referred to as an 'interim excluding order')—

(a) in the case of a respondent who is under 18 years of age and is residing at the house in respect of which the application was made, prohibit the respondent, until further order of the court or until such other time as the court shall specify—

(i) from entering or being in the vicinity of another specified house or being in or in the vicinity of any specified place or area, consisting of a place or area where one or more of the houses there are under the control and management of a housing authority, or

(ii) from doing all or any of the things referred to in subparagraph (i) unless specified conditions are complied with,

but no interim excluding order in respect of a respondent to whom this paragraph relates shall be made *ex parte* by virtue of subsection (3),

(b) in the case of a respondent who is under the age of 18 years and is not residing at the house in respect of which the application was made, prohibit the respondent—

(i) from entering or being in the vicinity of that house or any other specified house or being in or in the vicinity of any specified place or area, consisting of a place or area where one or more of the houses there are under the control and management of a housing authority, or

(ii) from doing all or any of the things referred to in subparagraph (i) unless specified conditions provided for by the order are complied with,

but no interim excluding order in respect of a respondent to whom this paragraph relates shall be made *ex parte* by virtue of subsection (3),

(c) in any other case—

(i) direct the respondent, if residing at the house in respect of which the application was made, to leave that house until further order of the court or until such other time as the court shall specify, and not re-enter it during the period that the order is in force, and

(ii) whether the respondent is or is not residing at the house in respect of which the application was made, prohibit the respondent—

(I) from entering or being in the vicinity of that house or any other specified house or being in or in the vicinity of any specified place or area, consisting of a place or area where

one or more of the houses there are under the control and management of a housing authority, or

(II) from doing all or any of the things referred to in clause (I) unless specified conditions provided for by the order are complied with."

(7) Section 5 of the Act of 1997 is amended by substituting the following subsection for subsection (1):

"(1) (a) A respondent who is under the age of 18 years and who contravenes an excluding order or an interim excluding order, as the case may be, commits an offence and is liable on summary conviction to a class D fine or, at the discretion of the court, to detention in a children detention school (as defined in section 3 of the Children Act 2001) for a period not exceeding 3 months, or to both.

(b) A respondent (other than a respondent to whom paragraph (a) relates) who contravenes an excluding order or an interim excluding order shall be guilty of an offence and shall be liable on summary conviction to a class B fine or, at the discretion of the court, to imprisonment for a term not exceeding 6 months, or to both."

(8) Section 12 of the Act of 1997 is amended by deleting ", on complaint being made to him or her by the tenant or the housing authority,".

(9) Section 14 of the Act of 1997 is amended by substituting the following subsection for subsection (1):

"(1) Notwithstanding anything contained in the Housing Acts 1966 to 2014, or in an allocation scheme made under section 22 of the Housing (Miscellaneous Provisions) Act 2009, a housing authority may—

(a) refuse to allocate, or defer the allocation of, a dwelling to which subsection (1) of the said section 22 refers, to a household where—

(i) the authority considers that any member of the household is or has been engaged in anti-social behaviour or that an allocation to that household would not be in the interest of good estate management, or

(ii) the household fails to provide information, including information relating to members residing together or proposing to reside together as part of the household, which is requested by the authority and which the authority considers necessary in connection with an allocation,

or

(b) refuse to permit a person, or defer permitting a person, to take up or resume residence or enter or be in a dwelling to which section 22(1)(a) of the said Act refers where—

(i) the authority considers that the person is or has been engaged in anti-social behaviour or that such permission would not be in the interest of good estate management, or

(ii) the tenant of the dwelling or the person concerned fails to provide information that is requested by the authority and which the authority considers necessary in connection with deciding whether to give, refuse or defer such permission."

(10) The Act of 1997 is amended by substituting the following section for section 14A:

"Authorisation to occupy caravan on site

14A. Notwithstanding anything contained in the Housing Acts 1966 to 2014, a housing authority may refuse or defer an authorisation to a person to occupy a caravan on a site where—

(a) the authority considers that that person or a member of his or her household is or has been engaged in anti-social behaviour or that the occupation by that person or household member of a caravan on the site would not be in the interest of good estate management, or

(b) that person fails to provide information, including information relating to persons residing or to reside with that person, which is requested by the authority and which the authority considers necessary in respect of the application for such authorisation."

(11) The Act of 1997 is amended by substituting the following section for section 18:

"Intimidation, etc.

18. (1) A person commits an offence if he or she causes or attempts to cause any threat, intimidation or harassment, coerces, obstructs, impedes, or interferes with—

(a) an officer or employee of a housing authority in respect of the exercise of a function of the authority by such officer or employee, or

(b) a member of the family or household of such an officer or employee in contemplation or as a consequence of the exercise of functions of the housing authority by the officer or employee, or

(c) any person who provides or is to provide evidence in any proceedings under this Act or *Part 2* of the *Housing (Miscellaneous Provisions) Act 2014*.

(2) A person who commits an offence under subsection (1) is liable on summary conviction to a class A fine or, at the discretion of the court, to imprisonment for a term not exceeding 12 months or to both."

(12) The Act of 1997 is amended by substituting the following section for section 21:

"Evidence

21. Where, in any proceedings under section 3, 3A, 4 or 9 of this Act or *Part 2* of the *Housing (Miscellaneous Provisions) Act 2014*, a member of An Garda Síochána or an officer or employee of a housing authority states that he or she believes that a person is or has been engaged in anti-social behaviour, then, if the Court is satisfied that there are reasonable grounds for such belief and that another person would be deterred or prevented by violence, threat or fear from providing evidence in that regard, the statement shall be evidence of such anti-social behaviour."

***Part 2* and amendment of Act of 2009**

20. The Act of 2009 is amended by inserting the following section after section 29:

"Revision of existing tenancy agreements

29A. (1) Where, by or under any provision of an Act (whether enacted before or after the passing of this Act), a term or condition of an existing tenancy agreement is affected or the need for a new term or condition arises by or under that provision, then, without prejudice to that provision duly having effect, the Minister may prescribe by regulations that a housing authority shall, in the interest of good estate management—

(a) revise the terms and conditions in a manner so prescribed, and

(b) give notice of that provision to the tenants concerned in a manner so prescribed.

(2) For the purposes of this section, regulations made under section 3 may—

(a) require the revision by housing authorities concerned of the terms and conditions in existing tenancy agreements—

(i) by substituting a prescribed term or condition for an affected term or condition,

(ii) by inserting a new term or condition, or

(iii) partly by so substituting and so inserting,

(b) require the re-issue of all or part of the terms and conditions of existing tenancy agreements to tenants concerned so as to take account of the matters referred to under paragraph (a), and

(c) prescribe the manner in which the tenants concerned are to be informed of the revision, which shall include writing to each tenant concerned and may include one or more of the following:

(i) by publication in a newspaper circulating within the administrative area of the housing authority concerned or, if a dwelling concerned is not situated in that area, in the area where it is situated;

(ii) by making it available on the Internet at the web address of the local authority concerned."

PART 3

Purchase of Houses by Tenants

Interpretation (*Part 3*)

21. In this Part—

"adjusted market value" means, in a case where the site on which a house was built was provided to the housing authority by the purchaser for a nominal sum, the market value of the house excluding an amount equal to the excess (if any) of the market value of the site over such sum;

"affordable house" means an affordable house provided under Part V of the Planning and Development Act 2000 or Part 2 of the Housing (Miscellaneous Provisions) Act 2002 or an affordable dwelling F2**[**purchased under an affordable dwelling purchase arrangement under Part 2 of the

Affordable Housing Act 2021**]**, as the case may be, and cognate words shall be construed accordingly;

"allocation scheme" has the meaning given to it by section 22 of the Act of 2009;

"charged period" has the meaning given to it by *section 26* ;

"charged share" has the meaning given to it by *section 26* ;

"charging order" has the meaning given to it by *section 26* ;

"common areas, structures, works or services" means areas, structures, works and services that are, or are intended to be, common to dwellings 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 dwelling;

"discount" has the meaning given to it by *section 26* ;

"dwelling", subject to *section 22(3)*, includes—

(a) any building or part of a building, including a house, flat, apartment, maisonette or hostel occupied or intended for occupation as a normal place of residence, and

(b) any out-office, yard, garden or other land appurtenant thereto or usually enjoyed therewith;

"house", other than in *section 22(1)*, means a dwelling to which this Part applies;

"incremental release" has the meaning given to it by *section 26* ;

"market value" means the price for which a house might reasonably be expected to be sold, on the open market, on the date concerned, in its existing state of repair and condition and not subject to the conditions specified in *section 25(2)* or to a charging order;

"material improvements" means improvements made to a house, with the prior written consent of the housing authority concerned, by one or both, as appropriate, of the tenant prior to purchase under this Part and the purchaser, whether such improvements were for the purposes of extending, enlarging, repairing or converting the house, but does not include—

(a) decoration, or

(b) any improvements otherwise carried out on the land, including the construction of a house;

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

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

"outstanding charged share" means the charged share, reduced by the sum of the incremental releases applied under *section 26(3)* (including any incremental releases paid by the purchaser under *section 28*);

"purchase money", in relation to a house to which this Part applies, means the monetary value of the purchase price of the house, reduced by the discount;

"purchase price", in relation to a house to which this Part applies, means the price of the house determined by a housing authority;

"purchaser" means a person who purchases a house under this Part 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;

"relevant market value" means the adjusted market value, the market value, the net adjusted market value or the net market value, as the case may be;

"rescheduling arrangements" means arrangements relating to payment of arrears of rent, rent contributions, charges, fees or any other moneys due and owing in respect of a dwelling or site to which Chapter 3 of Part 2 of the Act of 2009 relates and includes arrangements referred to in section 34(2) of the Act of 2009;

"tenant" means any person to whom a housing authority has let a house under the Housing Acts 1966 to 2014 or Part V of the Planning and Development Act 2000;

"transfer order" has the meaning given to it by *section 25* ;

"vesting date" has the meaning given to it by *section 25* .

Annotations

Amendments:

F2 Substituted (3.09.2021) by *Affordable Housing Act 2021* (25/2021), s. 27(b), S.I. No. 450 of 2021.

Extent of application of *Part 3* to certain houses

22. (1) Subject to *subsections (2)* and *(3)*, this Part applies to a house provided by a housing authority under the Housing Acts 1966 to 2014 or provided under Part V of the Planning and Development Act 2000, other than an affordable house or a class of house prescribed under this Part as excluded from sale.

(2) A housing authority may sell an affordable house under this Part where the authority no longer requires the house for the purposes of affordable housing and the authority has allocated the dwelling to a household in accordance with an allocation scheme.

(3) The purchase of a house under this Part does not apply to—

(a) a separate and self-contained dwelling in a building that—

(i) is divided into a dwelling and one or more dwellings or other properties or both, and

(ii) requires arrangements for the regular upkeep and management of all or any part of the common areas, structures, works or services other than by a person who could, but for this subsection, be the purchaser,

(b) a house that may be sold under Part 3 of the Act of 2009 during the period of 5 years commencing on the date of allocation of the dwelling under an allocation scheme to an eligible household within the meaning of that Part.

Disqualifications from purchase

23. (1) A housing authority shall not proceed with the sale of a house under this Part to a tenant where—

(a) (i) at any time during the 3 years immediately before applying to the authority to purchase a house 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 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 *subsection (2)*, the tenant or the household 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,

or

(b) the tenant had previously purchased a dwelling under section 90 of the Principal Act, Part 3 or 4 of the Act of 2009 or this Part.

(2) In applying *subsection (1) (a)(ii)*, a housing authority shall disregard the case where the authority or the approved body concerned is satisfied that the failure of the tenant or 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.

Calculation of tenant's income

24. (1) In this section—

"Act of 2010" means the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010;

"civil partner" means each person in a civil partnership or legal relationship to which section 3 of the Act of 2010 relates and who are living together;

"cohabitant" means a cohabitant within the meaning of section 172(1) of the Act of 2010;

"reckonable income" shall be construed in accordance with *subsections (3)* and *(4)*;

"spouse" means each person of a married couple who are living together.

(2) In calculating the annual income of a tenant who has applied to purchase a house under this Part, a housing authority—

(a) shall include the reckonable income of all tenants of that house, and

(b) where a tenant has a spouse, civil partner or cohabitant, shall include in the calculation the reckonable income of the spouse or civil partner of the tenant resident in the dwelling or of any cohabitant of the tenant resident in the dwelling.

(3) The Minister may from time to time issue directions in writing to housing authorities or to a class of housing authorities concerning the manner in which each authority shall determine reckonable income for the purposes of this Part.

(4) Directions issued under *subsection (3)* may specify—

(a) the sources and classes of income that a housing authority shall include in determining reckonable income and the sources and classes of income that a housing authority shall disregard in so determining,

(b) whether a housing authority shall deduct from gross income any specified payments by a tenant and, where applicable, by a person to whom *subsection (2) (b)* relates, that relate to income, and such specified payments may include—

(i) income tax,

(ii) universal social charge under Part 18D of the Taxes Consolidation Act 1997, and

(iii) contributions within the meaning of the Social Welfare (Consolidated Contributions and Insurability) Regulations 1996 (S.I. No. 312 of 1996),

and

(c) the information and particulars to be provided by a tenant to enable reckonable income to be calculated and verified.

(5) A housing authority to which directions have issued under this section shall comply with those directions.

(6) Without prejudice to *subsection (7)*, whenever the Minister gives directions under this section, he or she shall publish the directions or cause them to be published in such manner as he or she considers appropriate in the circumstances.

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

Sale of house to tenant

25. (1) Subject to this Part and the other provisions of Housing Acts 1966 to 2014 and in accordance with such regulations as may be made under *section 30* , a housing authority may, in consideration of the receipt by the authority of the purchase money, sell a house to which this Part applies, in the state of repair and condition existing on the date of sale, to the tenant of the house, 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 (in this Part referred to as the "vesting date"), the interest specified in that order, in accordance with the terms and conditions specified in *subsection (2)* (which terms and conditions shall apply during the charged period) 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 the house shall, unless the housing authority gives its prior written consent, be occupied as the normal place of residence of the purchaser or a member of the purchaser's household;

(b) that the house or any part of it shall not, 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 house under *section 29* ;

(d) the purchaser shall not cause any nuisance or allow any person residing in the house to cause any nuisance or be guilty of, or permit, any conduct likely to cause annoyance or disturbance to his or her neighbours and, without prejudice to the generality of the foregoing, shall not engage in, or allow any person residing in the house to engage in, anti-social behaviour;

(e) the purchaser shall not knowingly permit 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 house, to enter the house in breach of the excluding order or interim excluding order, as the case may be;

(f) terms and conditions relating to—

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

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

(g) such other terms and conditions relating to the sale of the house 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 house under this Part to a tenant does not imply any warranty on the part of the housing authority in relation to the state of repair or conditions of the house or its fitness for human habitation.

(4) Section 211(2) of the Planning and Development Act 2000 and section 183 of the Local Government Act 2001 do not apply to the sale of a house under this Part.

Charging order

26. (1) As soon as practicable after a house is sold under this Part, the housing authority shall, subject to such regulations as may be made under *section 30*, make an order (in this Part referred to as a "charging order") in the prescribed form, charging the house in the terms specified in this section for the period specified in the order (in this Part referred to as the "charged period"), which period may be reduced in accordance with *section 28*.

(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") in the house equivalent to the percentage (referred to in this Part as the "discount") by which the purchase price of the house was reduced for the purposes of calculating the purchase money payable by the purchaser.

(3) (a) Subject to *paragraph (b)*, the charged share shall be reduced annually by a proportion equivalent to 2 per cent of the total equity in the house (which proportion is referred to in this section as an "incremental release"), on the anniversary of the vesting date, in respect of each complete year after that date during which the terms and conditions of the transfer order and the charging order have been complied with, until whichever of the following first occurs—

(i) subject to *section 29*, the first resale of the house,

(ii) the payment by the purchaser to the housing authority of the full amount of the outstanding charge in accordance with *section 28(1)(a)*,

(iii) in the case where a payment has been made to the housing authority under *section 28(1)(b)*, the application of an incremental release under the charging order that reduces the outstanding charged share to zero, or

(iv) subject to *section 27*, the expiration of the charged period.

(b) The reduction of the charged share for the period of 5 years from the vesting date shall be cumulative and shall not apply until the expiration of that period, but if during that period the terms and conditions of the transfer order and the charging order have not been complied with by the purchaser in any of those years, then the reduction of the charged share for that period shall not take into account a reduction otherwise due in respect of any years for which there has not been such compliance.

(c) Where under *paragraph (b)* the reduction of the charged share for the period concerned is not to be taken into account, then the housing authority shall, as soon as practicable thereafter, notify the purchaser in writing of that fact and the reasons why it is not being taken into account.

(4) The housing authority shall, at any time where requested by the purchaser, give a statement in writing, in the prescribed form, to the purchaser indicating, in respect of the charge in the house—

(a) the charged share specified in the charging order,

(b) the accumulated per cent of incremental releases that have been applied to the charged share under this section, including incremental releases applied under *section 28(1)(b)*,

(c) the accumulated per cent of incremental releases in respect of the charged share that have been suspended under *section 27*,

(d) the outstanding charged share, and

(e) the remaining duration of the charged period.

(5) A charging order shall be deemed to be a legal mortgage under Part 10 of the Land and Conveyancing Law Reform Act 2009 and to have been executed, on the vesting date for the house, in favour of the housing authority for a charge in the terms provided for in this section.

(6) Accordingly, the housing authority shall, as on and from the making of the charging order—

(a) be deemed to be a mortgagee of the house for the purposes of Part 10 of the Land and Conveyancing Law Reform Act 2009, and

(b) have, in relation to the charge referred to in *subsection (5)*, all the powers conferred by that Act on mortgagees under mortgages made by deed.

(7) 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 26(2)*.

(8) A charging order affecting a house 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) A housing authority may, subject to *subsection (10)*, 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.

(10) A housing authority may only enter into an agreement referred to in *subsection (9)* if it considers that the agreement will—

(a) enable a tenant to whom it is proposing to sell a house under this Part to obtain an advance of moneys from the holder, society or institution referred to in *subsection (9)* for the purposes of purchasing the house, or

(b) enable a purchaser—

(i) to refinance an existing advance of moneys from the holder, society or institution referred to in *subsection (9)*, or

(ii) to obtain a further advance of moneys from the holder, society or institution referred to in *subsection (9)* for any purpose.

(11) Any amount that becomes payable to a housing authority under *section 27* or *29*, as the case may be, 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.

(12) 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 or section 28 of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010.

(13) (a) On the occurrence of the earlier of the events specified in *subsection (3) (a)* and subject to the terms and conditions of the transfer order and the charging order having been complied with, the housing authority shall, where requested to do so by the 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 a purchaser under this section or under *section 27*, *28* or *29*.

Suspension of incremental release

27. (1) Except where otherwise provided for by *section 26(3)(b)* in respect of the period of 5 years from the vesting date, a housing authority may suspend an incremental release provided for under *section 26* in respect of any year ending on the anniversary of the vesting date, where the purchaser fails to comply with any of the terms and conditions of the transfer order or the charging order.

(2) Where a housing authority has suspended an incremental release under *subsection (1)* —

(a) the housing authority shall, as soon as practicable thereafter, notify the purchaser in writing of the suspension and the reasons for the suspension, and

(b) subject to *section 28*, the housing authority shall, on the expiration of the charged period, give a statement to the purchaser in writing, in the prescribed form, indicating the amount representing the value of the outstanding charged share in the house on the date of expiration of the charged period, calculated by applying that share to the relevant market value of the house on the date of the expiration of the charged period.

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

(4) Where the purchaser fails to pay the amount referred to in *subsection (3)* within the period referred to in that subsection, then, *section 26(11)* applies in respect of the amount concerned.

(5) For the purposes of this section, the relevant market value of a house shall be determined by the housing authority or, where the purchaser does not agree with the relevant 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 30*.

Payment during charged period in respect of charged share or incremental release

28. (1) A purchaser may, on the fifth or any subsequent anniversary of the vesting date during the charged period and with the consent of the housing authority—

(a) pay to the housing authority, on the anniversary date or within such period as the housing authority may specify, the value of the outstanding charged share in the house on any such anniversary date (including an incremental release suspended by the authority under *section 27(1)*), which value is calculated by applying that share to the relevant market value of the house on that day,

(b) subject to *subsection (2)*, pay to the housing authority an amount, being the value on any such anniversary date of one or more than one incremental release (other than an incremental release suspended by the authority under *section 27(1)*) in respect of the charged share of the housing authority in the house, and where the value of one incremental release is calculated as 2 per cent of the relevant market value of the house on the anniversary date concerned.

(2) A payment by a purchaser under *subsection (1) (b)* shall relate to a number of incremental releases that is equal to or a multiple of one.

(3) Where a purchaser makes a payment to the housing authority under *subsection (1) (b)*, then—

(a) for the purpose of calculating the outstanding charged share in the house, an incremental release paid under this section shall be treated as if it has been applied to the charged share on the date concerned, and

(b) the charged period shall be reduced by the number of years equivalent to the number of incremental releases to which the payment relates.

(4) For the purposes of this section, the relevant market value of a house shall be determined by the housing authority or, where the vendor does not agree with the relevant 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 30*.

Control on resale of house

29. (1) Where a purchaser proposes to sell a house 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 transfer order.

(2) Upon receipt of a notice referred to in *subsection (1)*, the housing authority may purchase the house for a sum equivalent to the value of the uncharged share in the house, which is calculated by reducing the market value of the house on the date of resale by the outstanding charged share in the house on that date.

(3) Without prejudice to any other power in that behalf, a housing authority may refuse to consent to the sale to any person of the house during the charged period where the authority wishes to purchase the house in accordance with *subsection (2)* or the authority 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 (within the meaning of section 1 of the Act of 1997), 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 a purchaser resells a house to a person other than a housing authority during the charged period, the purchaser shall pay to the housing authority concerned the value of the outstanding charged share in the house on the date of resale of the house, which amount is calculated by applying that share to the relevant market value of the house on that date.

(5) 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.

(6) (a) Subject to *paragraph (b)*, where a purchaser resells a house 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 27(2)* has not been paid in accordance with that section, *section 26(11)* applies.

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

(7) For the purposes of this section, the market value or the relevant market value of a house shall be determined by the housing authority or, where the vendor does not agree with the market value or the relevant 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 30*.

(8) The housing authority shall not be liable for any expenses incurred by a vendor under *subsection (7)*.

Regulations (*Part 3*)

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

(a) the class or classes of house excluded from sale under this Part;

(b) for the purposes of making an application to purchase a house under this Part, the minimum period for which a person is required to be in receipt of social housing support under Chapter 3 of Part 2 of the Act of 2009, which period may differ according to the form of social housing support involved but shall not in any case be less than one year before the date of the making of such application;

(c) the class or classes of tenants with whom incremental purchase arrangements may be entered into;

(d) the minimum amount of annual income that a tenant is required to have in order to apply to purchase a house under this Part;

(e) the method for determining the purchase price of a house, which method may—

(i) differentiate between classes of houses,

(ii) take account of the age of the house and the estimated cost to the housing authority of providing, in accordance with prevailing national building standards and design policies for local authority housing, a house on the same site designed to accommodate a household in the same class that the house being purchased was designed for,

and any such method of determination of such estimated cost shall include, among other matters, the cost of site acquisition, legal and other professional fees;

(f) the method for determining the discount that is to be deducted from the purchase price for the purposes of calculating the purchase money, which method shall take account of the annual income of tenants to whom houses are sold under this Part;

(g) the period for which a charging order shall apply in respect of a house sold under an incremental purchase arrangement under this Part, which period may vary depending on the discount deducted from the purchase price for the purposes of calculating the purchase money but shall not, in any case, be less than 20 years from the vesting date;

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

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

(j) the form of the statement for the purposes of *sections 26(4)* and *27(2)(b)*;

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

Annotations

Editorial Notes:

E30 Power pursuant to section exercised (29.01.2024) by *Housing (Sale of Local Authority Houses) (Amendment) Regulations 2023* (S.I. No. 619 of 2023), in effect as per reg. 2.

E31 Power pursuant to section exercised (1.01.2016) by *Housing (Sale of Local Authority Houses) Regulations 2015* (S.I. No. 484 of 2015), in effect as per reg. 2.

E32 Previous affecting provision: power pursuant to section exercised (1.02.2022) by *Housing (Sale of Local Authority Houses) (Amendment) Regulations 2021* (S.I. No. 776 of 2021), in effect as per reg. 1(2); revoked (29.01.2024) by *Housing (Sale of Local Authority Houses) (Amendment) Regulations 2023* (S.I. No. 619 of 2023), reg. 4, in effect as per reg. 2.

***Part 3* and amendment of Principal Act**

31. The Principal Act is amended in section 90—

(a) by deleting subsections (1)(a)(i), (2), (3), (4A) and (6A), and

(b) in subsection (7), by deleting paragraphs (a), (b) and (c) and by substituting the following for paragraph (l):

"(l) in the case of a sale under this section, the obtaining of the consent of the Minister to the sale;".

***Part 3* and amendment of Act of 1992**

32. The Act of 1992 is amended by deleting section 26(2).

***Part 3* and amendment of Act of 1997**

33. The Act of 1997 is amended in section 14(2) —

(a) by deleting "or" at the end of paragraphs (b) and (c), inserting "or" at the end of paragraph (d) and inserting the following after paragraph (d):

"(e) *Part 3* of the *Housing (Miscellaneous Provisions) Act 2014*,",

and

(b) by deleting "or" at the end of paragraph (iii), inserting "or" at the end of paragraph (iv) and inserting the following after paragraph (iv):

"(v) in the case of *Part 3* of the *Housing (Miscellaneous Provisions) Act 2014*, a tenant,".

***Part 3* and amendment of Act of 2009**

34. The Act of 2009 is amended—

(a) in section 10(a) by substituting the following for subparagraph (iv):

"(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;",

(b) in section 13—

(i) by substituting in paragraph (a) ", Part 3 or 4 of this Act or *Part 3* of the *Housing (Miscellaneous Provisions) Act 2014* " for "or Part 3 or 4",

(ii) by inserting in paragraph (b) "or *section 29* of the *Housing (Miscellaneous Provisions) Act 2014* " after "section 48 or 76", and

(iii) by inserting in paragraph (d) "or *section 27* of the *Housing (Miscellaneous Provisions) Act 2014* " after "section 47 or 75",

(c) in section 19(2) by substituting the following for paragraph (c):

"(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) in section 20 by substituting the following for subsection (5):

"(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 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) 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.",

(e) in section 28(4)(e) by substituting ", Part 3 or 4 of this Act or *Part 3* of the *Housing (Miscellaneous Provisions) Act 2014* " for "or Part 3 or 4",

(f) in section 32(6) by deleting "or" in subparagraph (ii) and inserting the following after subparagraph (ii):

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

(g) in section 43(1) by substituting the following for paragraph (a) in the definition of "eligible household":

"(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",

(h) in section 43 by substituting the following for subsection (2):

"(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.",

(i) in section 45(2) by deleting paragraph (d),

(j) in section 64(9) by substituting the following for paragraph (a):

"(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,",

and

(k) in section 64 by inserting the following subsection after subsection (9):

"(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."

PART 4

HOUSING ASSISTANCE

Annotations

Modifications (not altering text):

C5 References construed (16.05.2024) by *Local Government (Mayor of Limerick) and Miscellaneous Provisions Act 2024* (7/2024), s. 26 and sch. 1 part 2, S.I. No. 207 of 2024.

Director general

26. (1) The chief executive of Limerick City and County Council shall, on and after the vesting day, be known as the director general of Limerick City and County Council and is in this Act referred to as the "director general".

(2) The person who, immediately before the vesting day, was the chief executive of Limerick City and County Council shall, on and after that day, continue in office and be referred to in accordance with *subsection (1)*.

(3) On and after the vesting day, a reference in an enactment specified in Part 2 of Schedule 1 to chief executive shall, in so far as that reference applies to the chief executive of Limerick City and County Council, be construed as a reference to the director general, or as including a reference to the director general, as the context may require.

(4) This section shall apply subject to the modifications of the Principal Act specified in Schedule 3.

...

SCHEDULE 1

...

PART 2

Enactments for Purposes of Sections 10 and 26

...

Number and Year (1)	Short Title (2)	Provision (3)
...	...	...
No. 21 of 2014	Housing (Miscellaneous Provisions) Act 2014	Sections 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 22, 23, 24, 25, 26, 27, 28, 29, 53 and 55; Part 4.
...	...	...

C6 Application of Part restricted (19.08.2021) by *Affordable Housing Act 2021* (25/2021), s. 34(1), S.I. No. 424 of 2021.

Housing assistance payment

34. (1) Notwithstanding the provisions of Part 4 of the Act of 2014 a household shall not be deemed to be qualified for housing assistance in respect of a cost rental dwelling, and for the avoidance of doubt—

(*a*) a housing authority shall not provide housing assistance in respect of a cost rental dwelling, and

(*b*) a landlord shall not receive the payment of housing assistance in respect of a cost rental dwelling,

unless at least one member of the household for which housing assistance is sought has been party to a current tenancy agreement in respect of that cost rental dwelling for a continuous period of more than 6 months.

...

Interpretation (*Part 4*)

35. In this Part—

"housing assistance" means the payment by a housing authority of rent for a dwelling to a landlord on behalf of a qualified household in accordance with this Part;

"landlord" means the person for the time being entitled to receive, otherwise than as agent for another person, the rent payable under a tenancy in a dwelling in respect of which housing assistance is provided;

"overcrowding" has the meaning given in section 63 of the Principal Act;

"public service card" has the same meaning as it has in section 263 of the Social Welfare Consolidation Act 2005;

"qualified household" means a household qualified for social housing support in accordance with section 20 of the Act of 2009, in respect of whom housing assistance under this Part is an appropriate form of social housing support;

"rent contribution" means the payment to the housing authority by a tenant who is a member of a qualified household of a contribution in respect of the rent for a dwelling paid by the authority to a landlord on behalf of the tenant's household;

"social housing support" shall be read in accordance with section 19 of the Act of 2009;

"tenancy" includes a periodic tenancy and a tenancy for a fixed term, whether oral or in writing or implied, and includes a subtenancy, and cognate words shall be read accordingly.

Annotations

Modifications (not altering text):

C7 Application of Part restricted (19.08.2021) by *Affordable Housing Act 2021* (25/2021), s. 34(1), S.I. No. 424 of 2021.

Housing assistance payment

34. (1) Notwithstanding the provisions of Part 4 of the Act of 2014 a household shall not be deemed to be qualified for housing assistance in respect of a cost rental dwelling, and for the avoidance of doubt—

(*a*) a housing authority shall not provide housing assistance in respect of a cost rental dwelling, and

(*b*) a landlord shall not receive the payment of housing assistance in respect of a cost rental dwelling,

unless at least one member of the household for which housing assistance is sought has been party to a current tenancy agreement in respect of that cost rental dwelling for a continuous period of more than 6 months.

...

Restriction on application of Residential Tenancies Act 2004

36. Except in the case of a dwelling to which *section 47* relates, a dwelling in respect of which housing assistance is provided under this Part shall not be construed as a dwelling let by or to a public authority for the purposes of section 3(2)(c) of the Residential Tenancies Act 2004.

Annotations

Modifications (not altering text):

C8 Application of Part restricted (19.08.2021) by *Affordable Housing Act 2021* (25/2021), s. 34(1), S.I. No. 424 of 2021.

Housing assistance payment

34. (1) Notwithstanding the provisions of Part 4 of the Act of 2014 a household shall not be deemed to be qualified for housing assistance in respect of a cost rental dwelling, and for the avoidance of doubt—

(*a*) a housing authority shall not provide housing assistance in respect of a cost rental dwelling, and

(*b*) a landlord shall not receive the payment of housing assistance in respect of a cost rental dwelling,

unless at least one member of the household for which housing assistance is sought has been party to a current tenancy agreement in respect of that cost rental dwelling for a continuous period of more than 6 months.

...

Housing assistance under *Part 4* and social housing support under Act of 2009

37. Subject to regulations made for the purposes of subsection (4)(f) of section 20 of the Act of 2009, the provision of housing assistance under this Part shall be deemed to be an appropriate form of social housing support for a household that is determined by a housing authority under the said section 20 to be qualified for such support.

Annotations

Modifications (not altering text):

C9 Application of Part restricted (19.08.2021) by *Affordable Housing Act 2021* (25/2021), s. 34(1), S.I. No. 424 of 2021.

Housing assistance payment

34. (1) Notwithstanding the provisions of Part 4 of the Act of 2014 a household shall not be deemed to be qualified for housing assistance in respect of a cost rental dwelling, and for the avoidance of doubt—

(*a*) a housing authority shall not provide housing assistance in respect of a cost rental dwelling, and

(*b*) a landlord shall not receive the payment of housing assistance in respect of a cost rental dwelling,

unless at least one member of the household for which housing assistance is sought has been party to a current tenancy agreement in respect of that cost rental dwelling for a continuous period of more than 6 months.

...

Sharing of dwelling by more than one household

38. A qualified household belonging to a class of households prescribed for the purposes of this section may qualify for housing assistance in respect of a dwelling shared with one or more than one person who is not a member of the household, but only if such an arrangement does not result in overcrowding in the dwelling.

Annotations

C10 Application of Part restricted (19.08.2021) by *Affordable Housing Act 2021* (25/2021), s. 34(1), S.I. No. 424 of 2021.

Housing assistance payment

34. (1) Notwithstanding the provisions of Part 4 of the Act of 2014 a household shall not be deemed to be qualified for housing assistance in respect of a cost rental dwelling, and for the avoidance of doubt—

(*a*) a housing authority shall not provide housing assistance in respect of a cost rental dwelling, and

(*b*) a landlord shall not receive the payment of housing assistance in respect of a cost rental dwelling,

unless at least one member of the household for which housing assistance is sought has been party to a current tenancy agreement in respect of that cost rental dwelling for a continuous period of more than 6 months.

...

Editorial Notes:

E33 Power pursuant to section exercised (1.07.2016) by *Housing Assistance Payment (Amendment) (No. 2) Regulations 2016* (S.I. No. 338 of 2016), in effect as per reg. 2.

E34 Power pursuant to section exercised (15.09.2014) by *Housing Assistance Payment Regulations 2014* (S.I. No. 407 of 2014), in effect as per reg. 2.

Housing assistance

39. (1) A housing authority may, subject to *subsection (3)*, provide housing assistance to a qualified household in accordance with this Part.

(2) In order for housing assistance to be provided under this Part to a qualified household in respect of a dwelling—

(a) that household shall source the dwelling in respect of which it seeks housing assistance,

(b) the dwelling concerned shall meet the conditions set down in *section 41* ,

(c) the landlord shall comply with the conditions set down in *section 42* ,

(d) the member of the qualified household who is the tenant of the dwelling occupied by that household shall pay a rent contribution to the housing authority in accordance with *section 44* , and

(e) the housing authority shall be satisfied that the tenancy concerned is or would be a tenancy in good faith.

(3) In providing housing assistance to a qualified household in accordance with *subsection (1)*, a housing authority shall ensure that, in respect of the financial year concerned, the aggregate of the authority's payments of such assistance does not exceed the moneys made available to the authority for that purpose in that year from the Vote for Environment, Community and Local Government in the Estimates for Public Services (within the meaning of section 17(1) (inserted by the Ministers and Secretaries (Amendment) Act 2013) of the Ministers and Secretaries (Amendment) Act 2011).

Annotations

Modifications (not altering text):

C11 Application of section restricted (19.08.2021) by *Affordable Housing Act 2021* (25/2021), s. 34(1), S.I. No. 424 of 2021.

Housing assistance payment

34. (1) Notwithstanding the provisions of Part 4 of the Act of 2014 a household shall not be deemed to be qualified for housing assistance in respect of a cost rental dwelling, and for the avoidance of doubt—

(*a*) a housing authority shall not provide housing assistance in respect of a cost rental dwelling, and

(*b*) a landlord shall not receive the payment of housing assistance in respect of a cost rental dwelling,

unless at least one member of the household for which housing assistance is sought has been party to a current tenancy agreement in respect of that cost rental dwelling for a continuous period of more than 6 months.

...

Housing authority not liable for rent due to landlord

40. The payment by a housing authority of housing assistance to a landlord or his or her agent does not imply any liability on the part of the housing authority for rent due to the landlord or in respect of any other tenant obligation under the tenancy concerned.

Annotations

Modifications (not altering text):

C12 Application of Part restricted (19.08.2021) by *Affordable Housing Act 2021* (25/2021), s. 34(1), S.I. No. 424 of 2021.

Housing assistance payment

34. (1) Notwithstanding the provisions of Part 4 of the Act of 2014 a household shall not be deemed to be qualified for housing assistance in respect of a cost rental dwelling, and for the avoidance of doubt—

(*a*) a housing authority shall not provide housing assistance in respect of a cost rental dwelling, and

(*b*) a landlord shall not receive the payment of housing assistance in respect of a cost rental dwelling,

unless at least one member of the household for which housing assistance is sought has been party to a current tenancy agreement in respect of that cost rental dwelling for a continuous period of more than 6 months.

...

Requirements in relation to dwelling

41. (1) Except where otherwise provided for by this section, it is a condition of the provision of housing assistance to a household in respect of a dwelling that the housing authority concerned is satisfied that the dwelling complies with standards prescribed under section 18 of the Act of 1992.

(2) (a) The condition referred to in *subsection (1)* shall be deemed to be met if the housing authority, within a prescribed period prior to the date on which the household notifies the authority of the dwelling in respect of

which housing assistance is sought, inspected the dwelling and was satisfied that the dwelling complied with that condition.

(b) (i) In a case where *paragraph (a)* does not apply, then the housing authority—

(I) shall, within a prescribed period after the date when housing assistance commences, arrange to inspect the dwelling for the purpose of satisfying the authority that the dwelling complies with the condition referred to in *subsection (1)*, and

(II) may provide housing assistance in respect of the dwelling concerned until the dwelling is so inspected,

and the authority shall notify the qualified household accordingly.

(ii) In this paragraph the reference to assistance commencing means the commencement date of the period in respect of which the housing authority made the first payment of rent under this Part to the landlord of the dwelling.

(c) A housing authority may provide housing assistance in respect of a dwelling the subject of a subsisting improvement notice given under section 18A of the Act of 1992 and shall notify the qualified household accordingly.

(d) (i) A dwelling the subject of proceedings under section 18B of the Act of 1992 or in respect of which a prohibition notice under that section is in force shall not be, or shall cease to be, eligible for housing assistance.

(ii) Notwithstanding sub*paragraph (i)*, where a household is residing in the dwelling in respect of which a prohibition notice under section 18B of the Act of 1992 is in force, the housing authority may provide, or continue to provide, housing assistance in respect of the dwelling for a period prescribed under this subparagraph for the purposes of enabling the qualified household to find an alternative dwelling.

(iii) Where *subparagraph (ii)* applies, the housing authority shall notify the qualified household of the prescribed period under that subparagraph for which housing assistance is being provided in respect of the dwelling concerned.

(3) (a) Where a housing authority determines that a dwelling in respect of which housing assistance is sought, or which is the subject of housing assistance, does not meet, or no longer meets, the accommodation needs of a qualified household due to overcrowding, then the dwelling shall not be, or shall cease to be, eligible for housing assistance.

(b) In a case where *paragraph (a)* applies and the household is residing in the dwelling, the housing authority may provide, or continue to provide, housing assistance in respect of the dwelling for a period prescribed under this paragraph for the purposes of enabling the qualified household to find an alternative dwelling.

(c) Where *paragraph (b)* applies, the housing authority shall notify the qualified household of the prescribed period under that paragraph for which housing assistance is being provided in respect of the dwelling concerned.

(4) (a) Subject to *paragraph (b)*, a housing authority may designate—

(i) an area specified by the Minister as being an area of regeneration for the purpose of providing for greater social integration,

(ii) an area specified by the authority as an area where there is a need to counteract or avoid undue segregation in housing between people of different social backgrounds,

and a dwelling located in such an area so specified that was not the subject of housing assistance on the date the designation was made shall not be eligible for housing assistance.

(b) Where the number of local government electors for the time being in an area referred to in *paragraph (a)(ii)* exceeds a prescribed number, the designation of that area under that paragraph shall be subject to the consent of the Minister, who may direct the authority to amend the designation in a manner that he or she may direct.

(c) In *paragraph (b)* "local government elector" means a person entitled to vote at a local election under Part 4 of the Local Government Act 2001.

Annotations

Modifications (not altering text):

C13 Application of Part restricted (19.08.2021) by *Affordable Housing Act 2021* (25/2021), s. 34(1), S.I. No. 424 of 2021.

Housing assistance payment

34. (1) Notwithstanding the provisions of Part 4 of the Act of 2014 a household shall not be deemed to be qualified for housing assistance in respect of a cost rental dwelling, and for the avoidance of doubt—

(*a*) a housing authority shall not provide housing assistance in respect of a cost rental dwelling, and

(*b*) a landlord shall not receive the payment of housing assistance in respect of a cost rental dwelling,

unless at least one member of the household for which housing assistance is sought has been party to a current tenancy agreement in respect of that cost rental dwelling for a continuous period of more than 6 months.

...

Editorial Notes:

E35 Power pursuant to section exercised (15.09.2014) by *Housing Assistance Payment Regulations 2014* (S.I. No. 407 of 2014), in effect as per reg. 2.

Requirements in relation to landlord

42. (1) In this section "tax reference number" means—

(a) in relation to an individual, that individual's personal public service number (within the meaning of section 262 of the Social Welfare Consolidation Act 2005), or

(b) in relation to a body corporate—

(i) the reference number stated on any return of income form or notice of assessment issued to that body corporate by an officer of the Revenue Commissioners, or

(ii) the registration number of the body corporate for the purposes of the Value-Added Tax Acts.

(2) Housing assistance shall not be provided by a housing authority in respect of a dwelling unless the landlord of the dwelling, on request by the authority, supplies in writing to the authority—

(a) where he or she has not produced to the authority his or her public service card under *subsection (5)*, his or her tax reference number, and

(b) subject to *subsection (3)*, a current tax clearance certificate issued to him or her under section 1095 of the Taxes Consolidation Act 1997.

(3) (a) Subject to *subsection (6)*, where the condition in *subsection (2) (b)* is not met and housing assistance is not being provided in respect of another dwelling owned by the landlord concerned, the housing authority may provide housing assistance in respect of the dwelling concerned by virtue of this subsection—

(i) pending the landlord supplying the certificate concerned to the authority,

(ii) until a further payment by the housing authority of housing assistance falls due which, if paid, would result in total payments by the authority to the landlord in any period of 12 months exceeding a prescribed amount, or

(iii) until the period prescribed for the purpose of this subparagraph expires,

whichever of those events first occurs.

(b) In the case where *paragraph (a)* applies, the housing authority shall notify the qualified household of the circumstances in which housing assistance is being provided and subsequently of the occurrence of the earlier of the events set out in that paragraph.

(4) Where an event referred to in *paragraph (ii)* or (iii) of *subsection (3)(a)* occurs, then, subject to *subsection (6)* —

(a) the dwelling concerned shall cease to be eligible for housing assistance but the housing authority may continue to provide housing assistance in respect of the dwelling under the scheme for a prescribed period for the purposes of enabling the qualified household to find another dwelling, and

(b) the housing authority shall notify the qualified household accordingly.

(5) A landlord of a dwelling in respect of which housing assistance is being paid or sought under this Part shall, on request by the housing authority concerned—

(a) where a public services card has been issued to the landlord, produce it to the authority,

(b) provide such information as the authority may require from time to time for the purposes of determining whether housing assistance is payable, or continues to be payable, in the case.

(6) The Minister may prescribe the circumstances in which housing assistance may, pending the supply of a relevant tax clearance certificate, continue to be paid or be paid where—

(a) there has been a transfer of any interest in the dwelling concerned resulting in a person becoming a landlord for the purposes of the payment of housing assistance in respect of that dwelling, and

(b) there is pending the supply of a tax clearance certificate by such person to any housing authority in respect of one or more other dwellings (whether as part of such transfer or otherwise) for which he or she is also a landlord, and, where the Minister has not prescribed for circumstances to which this subsection would relate then, where appropriate so to do in respect of those circumstances, regulations made for the purposes of this subsection or *subsection (4)* shall be applied by the housing authority concerned with any necessary modifications.

Annotations

Modifications (not altering text):

C14 Application of Part restricted (19.08.2021) by *Affordable Housing Act 2021* (25/2021), s. 34(1), S.I. No. 424 of 2021.

Housing assistance payment

34. (1) Notwithstanding the provisions of Part 4 of the Act of 2014 a household shall not be deemed to be qualified for housing assistance in respect of a cost rental dwelling, and for the avoidance of doubt—

(*a*) a housing authority shall not provide housing assistance in respect of a cost rental dwelling, and

(*b*) a landlord shall not receive the payment of housing assistance in respect of a cost rental dwelling,

unless at least one member of the household for which housing assistance is sought has been party to a current tenancy agreement in respect of that cost rental dwelling for a continuous period of more than 6 months.

...

Editorial Notes:

E36 Power pursuant to section exercised (1.07.2016) by *Housing Assistance Payment (Amendment) (No. 2) Regulations 2016* (S.I. No. 338 of 2016), in effect as per reg. 2.

E37 Power pursuant to section exercised (15.09.2014) by *Housing Assistance Payment Regulations 2014* (S.I. No. 407 of 2014), in effect as per reg. 2.

Housing assistance payments

43. (1) Housing assistance shall be provided in the form of monthly payments by the housing authority to the landlord or his or her agent by electronic means, except where the authority agrees to an alternative arrangement in a particular case.

(2) (a) The Minister may, with the consent of the Minister for Public Expenditure and Reform and having regard to the circumstances and the location of the dwelling the subject of housing assistance, prescribe the maximum amount of rent in respect of which housing assistance may be provided for specified classes of qualified households.

(b) The Minister may determine the maximum amount of rent in respect of which housing assistance may be provided for classes of qualified household, other than classes prescribed under *paragraph (a)*, having regard to the circumstances and the location of the dwelling the subject of housing assistance.

(c) Where, following the making of regulations under *paragraph (a)*, the maximum amount of rent in respect of which housing assistance is provided in a particular case is reduced to an amount less than the

amount of rent payable under a tenancy, the housing authority shall as soon as practicable inform the member of the qualified household concerned who is the tenant of the dwelling and advise him or her to request the landlord to reduce the amount of rent payable under the tenancy accordingly.

(d) In a case referred to in *paragraph (c)* where the rent payable under the tenancy is not reduced to, or below, the maximum rent in respect of which housing assistance will be provided in respect of the qualified household concerned, then—

(i) where it is economically advantageous to do so or for the purpose of avoiding undue hardship for the qualified household concerned, the housing authority concerned may, continue to provide housing assistance in respect of the maximum amount of rent applicable prior to the making of the regulations until the expiry of the tenancy,

(ii) in a case other than that set out in sub*paragraph (i)*, the housing authority may provide housing assistance in respect of the rent payable under the tenancy for a period prescribed under this subparagraph for the purposes of enabling the qualified household to find another dwelling, whereupon it shall cease to provide housing assistance in respect of the dwelling, and

(iii) in either case, the housing authority shall notify the qualified household of the circumstances in which housing assistance continues to be provided.

Annotations

C15 Application of Part restricted (19.08.2021) by *Affordable Housing Act 2021* (25/2021), s. 34(1), S.I. No. 424 of 2021.

Housing assistance payment

34. (1) Notwithstanding the provisions of Part 4 of the Act of 2014 a household shall not be deemed to be qualified for housing assistance in respect of a cost rental dwelling, and for the avoidance of doubt—

(*a*) a housing authority shall not provide housing assistance in respect of a cost rental dwelling, and

(*b*) a landlord shall not receive the payment of housing assistance in respect of a cost rental dwelling,

unless at least one member of the household for which housing assistance is sought has been party to a current tenancy agreement in respect of that cost rental dwelling for a continuous period of more than 6 months.

...

Editorial Notes:

E38 Power pursuant to section exercised (11.07.2022) by *Housing Assistance Payment (Amendment) Regulations 2022* (S.I. No. 342 of 2022), in effect as per reg. 2.

E39 Power pursuant to section exercised (1.03.2017) by Housing Assistance Payment (Amendment)Regulations 2017 (S.I. No. 56 of 2017), in effect as per reg. 2.

E40 Power pursuant to section exercised (1.12.2016) by *Housing Assistance Payment (Amendment) (No. 4) Regulations 2016* (S.I. No. 575 of 2016), in effect as per reg. 2.

E41 Power pursuant to section exercised (6.07.2016) by *Housing Assistance Payment (Amendment) (No. 3) Regulations 2016* (S.I. No. 354 of 2016).

E42 Power pursuant to section exercised (1.07.2016) by *Housing Assistance Payment (Amendment) (No. 2) Regulations 2016* (S.I. No. 338 of 2016), in effect as per reg. 2.

E43 Power pursuant to section exercised (1.02.2016) by *Housing Assistance Payment (Amendment) Regulations 2016* (S.I. No. 40 of 2016), in effect as per reg. 2.

E44 Power pursuant to section exercised (2.11.2015, 16.11.2015) by *Housing Assistance Payment (Amendment) (No. 4) Regulations 2015* (S.I. No. 474 of 2015), in effect as per reg. 2.

E45 Power pursuant to section exercised (20.07.2015) by *Housing Assistance Payment (Amendment) (No. 3) Regulations 2015* (S.I. No. 304 of 2015), in effect as per reg. 2.

E46 Power pursuant to section exercised (15.06.2015, 29.06.2015) by *Housing Assistance Payment (Amendment) (No. 2) Regulations 2015* (S.I. No. 246 of 2015), in effect as per reg. 2.

E47 Power pursuant to section exercised (25.05.2015) by *Housing Assistance Payment (Amendment) Regulations 2015* (S.I. No. 200 of 2015), in effect as per reg. 2.

E48 Power pursuant to section exercised (18.12.2014) by Housing Assistance Payment (Amendment)(No. 2) Regulations 2014 (S.I. No. 576 of 2014), in effect as per reg. 2.

E49 Power pursuant to subs. (2) exercised (1.10.2014) by *Housing Assistance Payment (Amendment) Regulations 2014* (S.I. No. 428 of 2014), as per reg. 2.

E50 Power pursuant to section exercised (15.09.2014) by *Housing Assistance Payment Regulations 2014* (S.I. No. 407 of 2014), in effect as per reg. 2.

Payment of rent contribution by qualified household

44. (1) The member of a qualified household who is the tenant of the dwelling the subject of housing assistance shall pay a rent contribution to the housing authority concerned, determined in accordance with section 31 of the Act of 2009, in respect of the household's occupation of that dwelling.

(2) The Minister may, for the purposes of this section, prescribe the manner in which a tenant shall pay, or have paid on his or her behalf, a rent contribution to the housing authority.

Annotations

C16 Application of Part restricted (19.08.2021) by *Affordable Housing Act 2021* (25/2021), s. 34(1), S.I. No. 424 of 2021.

Housing assistance payment

34. (1) Notwithstanding the provisions of Part 4 of the Act of 2014 a household shall not be deemed to be qualified for housing assistance in respect of a cost rental dwelling, and for the avoidance of doubt—

(*a*) a housing authority shall not provide housing assistance in respect of a cost rental dwelling, and

(*b*) a landlord shall not receive the payment of housing assistance in respect of a cost rental dwelling,

unless at least one member of the household for which housing assistance is sought has been party to a current tenancy agreement in respect of that cost rental dwelling for a continuous period of more than 6 months.

...

Ineligibility for housing assistance, etc.

45. (1) In this section "a 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) of the Act of 2009.

(2) *Subsection (3)* applies to a qualified household in receipt of housing assistance that has applied to the housing authority to transfer to a specified form of social housing support.

(3) Where a household to which this subsection applies refuses a prescribed number of reasonable offers of a specified form of social housing support in any continuous period that is prescribed, then—

(a) the authority concerned shall not consider that household's request for a transfer for a prescribed period after the last refusal during the continuous period so prescribed, and

(b) that prescribed period shall not subsequently be reckonable in any way for the purposes of determining the relative priority of that household for transfer to a specified form of social housing support.

(4) In making an offer of social housing support to which *subsection (3)* relates, a housing authority may, unless it has been prescribed for the purpose of the subsection concerned, specify a period within which, or a date by 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.

(5) (a) A household in receipt of a form of social housing support other than housing assistance shall not be eligible for such assistance, except where a housing authority is satisfied that the household is unable to continue to live in the dwelling concerned due to exceptional circumstances, including displacement by fire, flood or any other emergency, that was not caused by an act, or a failure to act, by the household or a household member.

(b) A housing authority may, in respect of a household that receives housing assistance in circumstances to which *paragraph (a)* applies, provide such assistance in respect of an amount of rent that exceeds the maximum amount of rent prescribed or determined under *section 43(2)* for—

(i) the class of household to which the household belongs, and

(ii) the circumstances and location of the dwelling concerned,

where the housing authority is satisfied, having regard to all the circumstances of the case, that the household has a reasonable requirement to remain in the locality of the dwelling from which the household was required to move.

(c) A household that receives housing assistance in the circumstances set out in *paragraph (a)* shall cease to be eligible for such assistance when the housing authority—

(i) is satisfied that the dwelling referred to in *paragraph (a)* is suitable for occupation by the household, or

(ii) provides or allocates under the Housing Acts 1966 to 2014 (other than in respect of the exceptional circumstance to which *paragraph (a)* relates or any subsequent exceptional circumstance) an appropriate dwelling for the household in the locality of the said dwelling.

(6) Notwithstanding anything contained in this Part, a housing authority may—

(a) refuse to provide, or to continue providing, housing assistance to a qualified household where—

(i) the authority considers that any member of the household is or has been engaged in anti-social behaviour, or

(ii) the household fails to provide information, including information relating to—

(I) members residing together or proposing to reside together as part of the household, or

(II) other persons with whom the household is residing or proposes to reside,

which is requested by the authority and which the authority considers necessary for the purposes of this Part,

or

(b) refuse to permit a person who proposes to take up or resume residence or enter or be in a dwelling the subject of housing assistance where—

(i) the authority considers that the person is or has been engaged in anti-social behaviour, or

(ii) the qualified household or the person concerned fails to provide information that is requested by the authority and which the authority considers necessary in connection with deciding whether to give or refuse such permission.

Annotations

Modifications (not altering text):

C17 Application of Part restricted (19.08.2021) by *Affordable Housing Act 2021* (25/2021), s. 34(1), S.I. No. 424 of 2021.

Housing assistance payment

34. (1) Notwithstanding the provisions of Part 4 of the Act of 2014 a household shall not be deemed to be qualified for housing assistance in respect of a cost rental dwelling, and for the avoidance of doubt—

(*a*) a housing authority shall not provide housing assistance in respect of a cost rental dwelling, and

(*b*) a landlord shall not receive the payment of housing assistance in respect of a cost rental dwelling,

unless at least one member of the household for which housing assistance is sought has been party to a current tenancy agreement in respect of that cost rental dwelling for a continuous period of more than 6 months.

...

Editorial Notes:

E51 Power pursuant to section exercised (15.09.2014) by *Housing Assistance Payment Regulations 2014* (S.I. No. 407 of 2014), in effect as per reg. 2.

Change of dwelling

46. (1) (a) Subject to *subsection (2)*, a qualified household in receipt of housing assistance shall cease to be eligible for social housing support for a

prescribed period that shall not exceed one year where the household moves from a dwelling the subject of such assistance and seeks housing assistance in respect of another dwelling within a prescribed period starting on the date that such assistance commences and does so for reasons other than in consequence of the operation of *section 41*, *42* or *43(2)(d)(ii)*.

(b) In *paragraph (a)* the reference to assistance commencing means the commencement date of the period in respect of which the housing authority made the first payment of rent under this Part to the landlord of the dwelling.

(2) *Subsection (1)* does not apply where—

(a) the landlord of the dwelling from which the qualified household moved—

(i) served a notice of termination on the tenant concerned prior to the tenancy becoming a Part 4 tenancy within the meaning of the Residential Tenancies Act 2004, or

(ii) terminated the tenancy on a ground specified in the Table to section 34 of that Act, in the case of a Part 4 tenancy within that meaning,

(b) the term of the household's tenancy in the dwelling expired, or

(c) the housing authority is satisfied that—

(i) due to overcrowding, the dwelling from which the household moved did not meet the accommodation needs of the qualified household, or

(ii) the household moved from the dwelling in order to take up or change employment or for educational purposes, or due to exceptional circumstances, including displacement by fire, flood or any other emergency or for exceptional medical or compassionate reasons.

Annotations

Modifications (not altering text):

C18 Application of Part restricted (19.08.2021) by *Affordable Housing Act 2021* (25/2021), s. 34(1), S.I. No. 424 of 2021.

Housing assistance payment

34. (1) Notwithstanding the provisions of Part 4 of the Act of 2014 a household shall not be deemed to be qualified for housing assistance in respect of a cost rental dwelling, and for the avoidance of doubt—

(*a*) a housing authority shall not provide housing assistance in respect of a cost rental dwelling, and

(*b*) a landlord shall not receive the payment of housing assistance in respect of a cost rental dwelling,

unless at least one member of the household for which housing assistance is sought has been party to a current tenancy agreement in respect of that cost rental dwelling for a continuous period of more than 6 months.

...

Editorial Notes:

E52 Power pursuant to section exercised (15.09.2014) by *Housing Assistance Payment Regulations 2014* (S.I. No. 407 of 2014), in effect as per reg. 2.

Housing assistance in respect of accommodation provided under scheme of capital assistance

47. (1) In this section "scheme of capital assistance" means the scheme of capital assistance for the provision of housing accommodation operated under section 6 of the Act of 1992 and section 12 of the Act of 2009.

(2) Notwithstanding anything in the other provisions of this Part, the Minister may, where he or she considers it just and equitable in the circumstances to do so, prescribe the manner in which a housing authority shall, subject to *subsection (6)* and having regard to the financial circumstances of the household concerned and their ability to pay rent, provide housing assistance in respect of the rent payable by the household member who is the tenant of an approved body for the occupation of a dwelling in receipt of assistance under the scheme of capital assistance.

(3) Without prejudice to the generality of *subsection (2)*, the Minister may prescribe any of the following:

(a) the manner in which a housing authority shall determine whether housing assistance should be provided in respect of a particular household;

(b) the manner in which an authority shall calculate the amount of housing assistance that shall be payable in a particular class of case;

(c) the maximum amount of housing assistance payable having regard to the composition of the household concerned;

(d) the manner in which housing assistance shall be provided;

(e) where *subsection (6)* applies, the procedures to be followed by a housing authority if it considers that any member of the household concerned is or has been engaged in anti-social behaviour;

(f) any conditions that shall be complied with in order for housing assistance to be payable.

(4) (a) The tenant of a dwelling in respect of which housing assistance is provided under this section shall pay rent to the approved body concerned in accordance with the terms of the scheme of capital assistance, reduced by the amount of housing assistance payable in respect of that rent.

(b) Where *paragraph (a)* applies, then the failure by the tenant to duly pay the amount of rent referred to in that paragraph shall, subject to the provisions of the Housing Acts 1966 to 2014, result in the household of which he or she is a member ceasing to be eligible for housing assistance.

(5) The payment by a housing authority of housing assistance to an approved body under this section does not imply any liability on the part of the housing authority for rent due to the approved body or in respect of any other tenant obligation under the tenancy concerned.

(6) A housing authority may, subject to any regulations to which *subsection (3)(e)* relates, refuse to provide, or to continue providing, housing assistance in respect of a household under this section where the authority considers that any member of the household is or has been engaged in anti-social behaviour.

Annotations

Modifications (not altering text):

C19 Application of Part restricted (19.08.2021) by *Affordable Housing Act 2021* (25/2021), s. 34(1), S.I. No. 424 of 2021.

Housing assistance payment

34. (1) Notwithstanding the provisions of Part 4 of the Act of 2014 a household shall not be deemed to be qualified for housing assistance in respect of a cost rental dwelling, and for the avoidance of doubt—

(*a*) a housing authority shall not provide housing assistance in respect of a cost rental dwelling, and

(*b*) a landlord shall not receive the payment of housing assistance in respect of a cost rental dwelling,

unless at least one member of the household for which housing assistance is sought has been party to a current tenancy agreement in respect of that cost rental dwelling for a continuous period of more than 6 months.

...

Review of certain decisions

48. (1) Other than in respect of decisions on a review under this section, the Minister may prescribe one or more than one class of decision made by a housing authority under this Part (in this section referred to as a "prescribed decision") to which this section applies.

(2) This section applies where a household does not agree with a prescribed decision made by a housing authority under this Part.

(3) A household that does not agree with a prescribed decision made by a housing authority under this Part may request a housing authority in writing (in this section referred to as a "review request") to review the decision.

(4) A review request shall—

(a) outline the grounds upon which the household disputes the prescribed decision and be accompanied by any relevant supporting documents, and

(b) state whether a member of the household wishes to make oral representations to the housing authority as part of the review.

(5) (a) Subject to *paragraph (b)*, a review request shall be received by the housing authority within 8 working days from the issuing of the prescribed decision to the household.

(b) The Minister may prescribe the types of extenuating circumstances as a consequence of which the period of 8 working days referred to in *paragraph (a)* may, at the discretion of the housing authority concerned and upon being satisfied that any such circumstance does apply, be extended upon application by or on behalf of the household for such period as decided by the housing authority, but any such further period so decided shall not, taken together with the 8 working days from the issuing of the prescribed decision concerned, exceed 16 working days from such issue.

(6) On receipt of a valid review request, the chief executive of the local authority concerned shall appoint as the reviewer of the prescribed decision concerned an officer or employee of a local authority who was not involved

in the making of the prescribed decision and who is senior in rank to the officer or employee who made that decision.

(7) The reviewer shall review the prescribed decision as if the matter were being decided for the first time and on the basis of the information available to him or her.

(8) A reviewer may make such enquiries and meet with any person, including the household requesting the review, that he or she considers appropriate to meet in the circumstances.

(9) Except where the reviewer and the household otherwise agree in writing, the reviewer shall make a decision on the review within 10 working days of his or her appointment or, where—

(a) the household wishes to make oral representations to the reviewer, or

(b) the reviewer wishes to meet the household or a household member as part of the review,

within 20 working days of his or her appointment.

(10) A decision on a review request by a household shall—

(a) confirm the prescribed decision in its original terms,

(b) where appropriate, vary the prescribed decision in specified terms, or

(c) annul the prescribed decision and, where appropriate, make an alternative decision,

and shall state the reasons for doing so and the housing authority shall send a copy in writing of the reviewer's decision and reasons to the household.

(11) Any variation to a prescribed decision proposed by the reviewer under *subsection (10)(b)*, other than to correct any clerical error of a non-material nature, shall not be made without first giving the household an opportunity to comment or make representations on such a variation.

(12) A household that has made a review request may, at any time before the review is completed, notify the housing authority in writing that they are withdrawing the review request but any such withdrawal is subject to *subsection (13)*.

(13) A reviewer may, notwithstanding the withdrawal of a review by the household and where the reviewer is satisfied that it is in order to do so, continue the review under this section as if the withdrawal had not been made and the housing authority shall notify the household in writing accordingly.

(14) Where, in a review under this section, a member of An Garda Síochána or an officer of a housing authority states that he or she believes that a person is or has been engaged in anti-social behaviour then, if the reviewer believes that there are reasonable grounds for such belief, the reviewer may accept that statement as evidence of such anti-social behaviour.

(15) In a review of a tenancy warning under this section, the housing authority concerned and the reviewer shall have due regard to protecting the identity of persons informing the authority or reviewer of anti-social behaviour in circumstances where, in the opinion of the authority or the reviewer, not to do so—

(a) could render those persons or persons associated with them liable to violence, threat or fear as a consequence of so informing, or

(b) might otherwise have prevented those persons from so informing because of such violence, threat or fear.

Annotations

Modifications (not altering text):

C20 Application of Part restricted (19.08.2021) by *Affordable Housing Act 2021* (25/2021), s. 34(1), S.I. No. 424 of 2021.

Housing assistance payment

34. (1) Notwithstanding the provisions of Part 4 of the Act of 2014 a household shall not be deemed to be qualified for housing assistance in respect of a cost rental dwelling, and for the avoidance of doubt—

(*a*) a housing authority shall not provide housing assistance in respect of a cost rental dwelling, and

(*b*) a landlord shall not receive the payment of housing assistance in respect of a cost rental dwelling,

unless at least one member of the household for which housing assistance is sought has been party to a current tenancy agreement in respect of that cost rental dwelling for a continuous period of more than 6 months.

...

***Part 4* and amendment of Act of 2009**

49. (1) Section 19 of the Act of 2009 is amended in subsection (2) by inserting the following after paragraph (b):

"(bb) providing housing assistance under *Part 4* of the *Housing (Miscellaneous Provisions) Act 2014*;".

(2) Section 20 of the Act of 2009 is amended—

(a) in subsection (2) by substituting the following for paragraph (b):

"(b) an appropriate form of such support for that household.",

(b) by substituting the following for subsection (3):

"(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.",

(c) in paragraph (f) of subsection (4) by substituting "an appropriate form" for "the most appropriate form",

(d) in paragraph (g) of subsection (4) by inserting "member" after "household",

(e) by inserting the following after subsection (4):

"(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.",

(f) by inserting the following after subsection (5):

"(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).",

and

(g) by substituting the following for subsection (10):

"(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."

(3) Section 31 of the Act of 2009 is amended by substituting the following for subsection (2):

"(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."

(4) Section 32 of the Act of 2009 is amended—

(a) in subsection (1) by deleting "and" where it last occurs in paragraph (b) and by inserting the following after paragraph (b):

"(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",

(b) in paragraph (b) of subsection (2), by substituting "paragraph (a), (b) or (ba) of subsection (1) " for "subsection (1)(a) or (b) ", and

(c) by inserting the following subsection after subsection (5):

"(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."

Application of *Part 4* to housing authorities

50. The Minister may, for the purpose of facilitating the introduction of housing assistance, prescribe the date on which this Part shall be applied by specified housing authorities in respect of specified classes of household and the Minister may specify different dates and different classes of household in respect of different housing authorities.

Annotations

Editorial Notes:

E53 Power pursuant to section exercised (27.02.2017) by *Housing Assistance Payment (Section 50) Regulations 2017* (S.I. No. 55 of 2017).

E54 Power pursuant to section exercised (27.02.2017) by *Housing Assistance Payment (Section 50) Regulations 2017* (S.I. No. 55 of 2017).

E55 Power pursuant to section exercised (30.11.2016) by *Housing Assistance Payment (Section 50) (No. 2) Regulations 2016* (S.I. No. 574 of 2016).

E56 Power pursuant to section exercised (26.01.2016) by *Housing Assistance Payment (Section 50) Regulations 2016* (S.I. No. 38 of 2016).

E57 Power pursuant to section exercised (2.11.2015, 16.11.2015) by *Housing Assistance Payment (Section 50) (No. 3) Regulations 2015* (S.I. No. 473 of 2015), in effect as per reg. 2.

E58 Power pursuant to section exercised (15.06.2015, 29.06.2015) by *Housing Assistance Payment (Section 50) (No. 2) Regulations 2015* (S.I. No. 245 of 2015), in effect as per reg. 2.

E59 Power pursuant to section exercised (25.05.2015) by *Housing Assistance Payment (Section 50) Regulations 2015* (S.I. No. 199 of 2015), in effect as per reg. 2.

E60 Power pursuant to section exercised (16.12.2014) by *Housing Assistance Payment (Section 50) (No. 3) Regulations 2014* (S.I. No. 575 of 2014).

E61 Power pursuant to section exercised (29.09.2014) by *Housing Assistance Payment (Section 50) (No. 2) Regulations 2014* (S.I. No. 427 of 2014).

E62 Power pursuant to section exercised (11.09.2014) by *Housing Assistance Payment (Section 50) Regulations 2014* (S.I. No. 406 of 2014).

Expenses incurred by housing authority under *Part 4*

51. The Minister may, with the prior consent of the Minister for Public Expenditure and Reform, make payments, out of money provided by the Oireachtas, to a housing authority in respect of some or all of the expenses, including administration expenses, incurred by the authority by virtue of this Part.

PART 5

Miscellaneous

Definition (*Part 5*)

52. In this Part "Act of 2005" means the Social Welfare Consolidation Act 2005.

Deduction of local authority rent, etc., by Minister for Social Protection

53. (1) In this section—

"net scheme payments" means the amount payable weekly under a scheme to a relevant recipient by the Minister for Social Protection after—

(a) any deductions for the purposes referred to in section 341(7) of the Act of 2005, and

(b) the deduction of any amounts required to be deducted by an order of a court,

and, in the case of deductions in respect of—

(i) rent, includes any amount specified in columns (2) to (8) of Part 1 of Schedule 2 to the Act of 2005 or columns (2) to (8) of Part 1 of Schedule 4 to that Act, or

(ii) rent arrears, excludes any amount specified in columns (3) to (8) of Part 1 of Schedule 2 to the Act of 2005 or columns (3) to (8) of Part 1 of Schedule 4 to that Act;

"PPS Number", in relation to a person, means the person's personal public service number within the meaning of section 262 of the Act of 2005;

"relevant recipient" means a person entitled to a payment under the scheme from which a deduction may be made by the Minister for Social Protection in accordance with this section;

"rent" means—

(a) rent payable by a tenant to a housing authority under section 31 of the Act of 2009, or

(b) rent contribution payable by a person to a housing authority under section 25 of the Act of 2009 or under *section 44*,

and references to rent arrears shall be construed accordingly;

"requested amount of rent arrears" has the meaning given in *subsection (4)(b)*(iii);

"requested amount of rent" has the meaning given in *subsection (2)(b)*(iii);

"scheme" means the provisions of the Social Welfare Acts providing for such benefits or such assistance or supplements, as the case may be, as are by order under *subsection (14)* specified for the purposes of this section by the Minister, with the consent of the Minister for Social Protection;

"scheme payments" means the amount payable under the scheme to or on behalf of a relevant recipient by the Minister for Social Protection.

(2) (a) A housing authority may make a request to the Minister for Social Protection to deduct from net scheme payments the amount of rent payable to the authority by the relevant recipient concerned and to transmit the amount deducted to the authority.

(b) A request by a housing authority under *paragraph (a)* shall specify—

(i) the PPS Number of the relevant recipient concerned,

(ii) the start date for the deduction of rent, and

(iii) the amount of rent that the Minister for Social Protection is requested (in this section referred to as the "requested amount of rent") to deduct from that recipient's net scheme payments.

(3) (a) When a request is made by a housing authority under *subsection (2)*, the Minister for Social Protection shall, from the start date referred to in *subsection (2)(b)(ii)* and in accordance with this section, deduct the requested amount of rent from the net scheme payments of the relevant recipient concernedand that Minister shall, as soon as practicable, notify the housing authority concerned accordingly.

(b) Where, at any time there is an insufficient amount available in the relevant recipient's net scheme payments to enable the whole of the requested amount of rent to be deducted, the Minister for Social Protection shall deduct for that purpose the whole of the amount that can be deducted under this section from that recipient's net scheme paymentsand that Minister shall, as soon as practicable, notify the housing authority concerned of the amount so deducted.

(c) Where, at any time there is no amount available in the relevant recipient's net scheme payments to enable any of the requested amount of rent to be deducted, the Minister for Social Protection shall, as soon as practicable, notify the housing authority concerned that the requested deduction has not been made.

(d) Where a housing authority makes requests in respect of a relevant recipient under *subsections (2)* and *(4)* that relate to scheme payments due on the same date, the Minister for Social Protection shall make deductions in respect of the request under *subsection (2)* before making deductions in respect of the request under *subsection (4)*.

(4) (a) A housing authority may make a request to the Minister for Social Protection to deduct from a relevant recipient's net scheme payments an amount in respect of rent arrears due to the authority by that recipient and to transmit the amount deducted to the authority.

(b) A request by a housing authority under *paragraph (a)* shall specify—

(i) the PPS Number of the relevant recipient concerned,

(ii) the start date for the deduction of rent arrears, and

(iii) the amount of rent arrears that the Minister for Social Protection is requested (in this section referred to as the "requested amount of rent arrears") to deduct from that recipient's net scheme payments.

(5) (a) When a request is made by a housing authority under *subsection (4)*, the Minister for Social Protection shall, from the start date referred to in *subsection (4)(b)(ii)* and in accordance with this section, deduct the requested amount of rent arrears from the relevant recipient's net scheme payments, but any such deduction in respect of rent arrears is subject to the condition that, if necessary, it shall be reduced so that the sum of the deductions made in accordance with section 341(7) of the Act of 2005 and in respect of rent arrears does not exceed 15 per cent of the weekly rate (within the meaning provided for by section 341(7B) of the Act of 2005) of benefit or assistance to which the relevant recipient is or becomes entitled.

(b) The Minister for Social Protection shall, as soon as practicable, notify the housing authority concerned of the amount of rent arrears deducted under *paragraph (a)*.

(c) Where, at any time there is an insufficient amount available in the relevant recipient's net scheme payments to enable the whole of the

requested amount of rent arrears to be deducted, the Minister for Social Protection shall deduct for that purpose the whole of the amount that can be deducted under this section from that recipient's net scheme payments.

(d) Where, due to any deductions made in accordance with section 341(7) of the Act of 2005 or in respect of rent, there is at any time no amount available in the balance of the relevant recipient's net scheme payments to enable any of the requested amount of rent arrears to be deducted, the Minister for Social Protection shall, as soon as practicable, notify the housing authority concerned that the requested deduction has not been made.

(6) A request by a housing authority under *subsection (2) or (4)* shall cease to have effect on whichever of the following events first occurs:

(a) receipt by the Minister for Social Protection of notice from the authority terminating the request;

(b) receipt by the Minister for Social Protection of a new request from the authority under the same subsection relating to the same relevant recipient;

(c) the second anniversary of the start date specified in the request.

(7) (a) The Minister for Social Protection shall be accountable to a housing authority for the amount of rent and rent arrears deducted from net scheme payments as a consequence of a request by that authority under *subsection (2) or (4)*.

(b) Rent and rent arrears deducted by the Minister for Social Protection under this section shall be transmitted to the housing authority concerned in the form and manner agreed between the Minister and the Minister for Social Protection.

(c) Subject to any other arrangement that may be agreed between the Minister and the Minister for Social Protection, the Minister for Social Protection shall transmit rent and rent arrears deducted under this section to the housing authority concerned within 5 working days after such deduction.

(8) (a) Where the Minister for Social Protection is required under this section to notify a housing authority of the amount of a deduction in respect of rent or rent arrears or that a requested deduction has not been made, that requirement shall be satisfied if that Minister has, in respect of the authority to be notified, enabled the authority to have access to the information concerned in a manner that is agreed by the Minister and the Minister for Social Protection.

(b) An agreement between the Minister and the Minister for Social Protection for the purposes of *paragraph (a)* —

(i) shall include the period within which such information will be made accessible to the local authority concerned, after the deduction was made or after the date the deduction due has not been made, and

(ii) may include a time limit or a reference to the occurrence of one or more than one event after which the Minister for Social Protection is not required to make that information available to the local authority concerned in accordance with this subsection.

(9) Where a relevant recipient, in respect of whom the housing authority concerned has made a request under this section, ceases to be entitled to receive scheme payments at any time when the request is a subsisting

request, then the Minister for Social Protection shall, as soon as practicable, notify the housing authority accordingly.

(10) Where the Minister for Social Protection has received a request from a housing authority under this section but has not deducted the whole or part of the amount of rent or rent arrears referred to in the request from a relevant recipient's net scheme payments, then—

(a) the amount of rent or rent arrears not deducted may be included in any subsequent request made by the housing authority concerned to that Minister in respect of the relevant recipient concerned, or

(b) the housing authority may, without prejudice to any other power of a housing authority in the matter, agree with the relevant recipient an alternative method of payment of the amount concerned of rent or rent arrears due and owing to the authority.

(11) Where—

(a) the amount of rent or rent arrears deducted by the Minister for Social Protection from a relevant recipient's net scheme payments exceeds the amount which the housing authority concerned requested that Minister to deduct under this section, and

(b) the Minister for Social Protection has transmitted to that housing authority the amount of rent or rent arrears deducted, then that authority shall, subject to any other arrangement that may be agreed between the Minister and the Minister for Social Protection, repay the amount of the excess to the Minister for Social Protection within 5 working days after receiving notification from that Minister of the excess amount so transmitted or otherwise becoming aware of the excess amount so transmitted.

(12) Where the Minister for Social Protection has—

(a) deducted the amount of rent or rent arrears requested by a housing authority under this section or a lesser amount from a relevant recipient's net scheme payments, and

(b) transmitted that amount to the housing authority, but the balance of net scheme payments concerned payable to the relevant recipient is not, for whatever reason, duly paid to that recipient, then that Minister shall notify the housing authority accordingly and the authority shall, subject to any other arrangement that may be agreed between the Minister and the Minister for Social Protection, repay to the Minister for Social Protection the amount of the excess within 5 working days after receiving the notification.

(13) (a) Where a housing authority has made a request under this section, the Minister for Social Protection shall keep a record in relation to each such request of such information as may be prescribed by the Minister, with the consent of the Minister for Social Protection.

(b) The Minister for Social Protection—

(i) shall keep the records referred to in *paragraph (a)* for such period as may, with the consent of that Minister, be prescribed by the Minster, and

(ii) shall produce those records so kept to the housing authority concerned upon its request.

(14) The Minister may, with the consent of the Minister for Social Protection, by order provide that such benefits or such assistance or supplements

under the Social Welfare Acts as are specified in the order shall be the scheme for the purposes of this section.

(15) Where an amount of rent or rent arrears is, in accordance with this section, deducted by the Minister for Social Protection from a relevant recipient's net scheme payments, that Minister shall, except in the case of any excess deduction transmitted to a housing authority under *subsection (11)* that has been notified by that Minister to the authority, be acquitted and discharged of such amount as is represented by the deduction, as if the amount had actually been paid to the relevant recipient.

Amendments to Act of 2005

54. (1) The Act of 2005 is amended in section 196 by inserting the following after subsection (2):

"(3) A person who is in receipt of any benefit, assistance or supplement under this Act from which a deduction is being made in respect of payment of rent or rent arrears under *section 53* of the *Housing (Miscellaneous Provisions) Act 2014* shall not be entitled to claim for supplementary welfare allowance under this section in respect of the monies so deducted.",

(2) The Act of 2005 is amended in section 198—

(a) in subsection (3F), by substituting "Subject to subsection (3FB), a person shall not be entitled to a payment" for "A person shall not be entitled to a payment", and

(b) by inserting the following after subsection (3F):

"(3FA) Subject to subsection (3FB), a person shall not be entitled to a payment referred to in subsection (3) unless, and subject to subsection (3H), on the making of the application, a designated person is satisfied that the person is a bona fide tenant, and—

(a) subject to subsection (3G) where applicable, was in receipt of a payment referred to in subsection (3) in respect of another tenancy immediately before the making of the application or was in receipt of the payment within a specified period as prescribed,

(b) has been residing, for the period that is prescribed, in rented accommodation in respect of which—

(i) there was at the commencement of the tenancy, an expectation that, in so far as was reasonable in all the circumstances, the person could pay the rent into the future, and

(ii) the person was in a position to pay the rent at the commencement of the tenancy,

and subsequent to the commencement of the tenancy the person has experienced a substantial change in his or her circumstances and is unable to pay the rent and such change in circumstances has not been caused by that person, or

(c) has been residing, for the period that is prescribed—

(i) in accommodation for homeless persons as provided under section 10 of the Housing Act 1988, or

(ii) in an institution,

except where the household of which the person is a member is determined to be qualified for social housing support by a housing authority under a social housing assessment pursuant to section 20 of the Housing (Miscellaneous Provisions) Act 2009.

(3FB) (a) Subsection (3F) shall apply, where appropriate, except in respect of a case to which paragraph (b) relates.

(b) Subsection (3FA) shall apply to a person where—

(i) regulations made under *section 50* of the *Housing (Miscellaneous Provisions) Act 2014* provide that a specified housing authority shall apply *Part 4* of that Act in respect of a specified class of household, and

(ii) he or she is a member of a household within such a class of household and the specified authority is the housing authority for the household for the purposes of *Part 4* of that Act."

(3) The Act of 2005 is amended in section 198 by inserting the following after subsection (3F):

"(3G) (a) (i) A person in receipt of a payment under subsection (3) in respect of a continuous period that is not shorter than a prescribed period shall—

(I) on being requested to do so in writing by a designated person, apply to the housing authority concerned for social housing support for his or her household and, as a consequence, for a social housing assessment to be carried out under section 20 of the Housing (Miscellaneous Provisions) Act 2009, and

(II) subject to subparagraph (ii), within 6 weeks of that request by a designated person, provide to the designated person confirmation that the household has forwarded a duly completed application form for social housing support to that authority for the purpose of a social housing assessment being so carried out.

(ii) The designated person may, where he or she is satisfied that an extension of time is justified in a particular case, extend the period referred to in subparagraph (i)(II) for a further period that shall not, in any case, exceed 6 weeks.

(iii) Where a person to whom subparagraph (i) applies fails to duly provide the confirmation in accordance with subparagraph (i)(II) or with that subparagraph and subparagraph (ii), then he or she shall cease to be entitled to a payment under subsection (3) when the period referred to in subparagraph (i)(II) or subparagraph (ii), as the case may be, has expired.

(b) A person in receipt of a payment under subsection (3) shall cease to be entitled to such a payment where a housing authority notifies the Minister that the household of which the person is a member has failed to duly supply to the authority additional information that the authority requested for the purposes of verifying information, for the purposes of a social housing assessment under section 20 of the Housing (Miscellaneous Provisions) Act 2009, that relates to the household's application for social housing support.

(3H) A person in receipt of a payment under subsection (3) shall cease to be entitled to such a payment where a housing authority determines that the household of which the person is a member is qualified for social housing support and the authority notifies the Minister that—

(a) social housing support is being provided to that household,

(b) housing assistance under *Part 4* of the *Housing (Miscellaneous Provisions) Act 2014* is an appropriate form of support for that household and the household has done or failed to do anything in consequence of which the household has not taken up that form of social housing support, or

(c) by virtue of the operation of section 20(5B) of the Housing (Miscellaneous Provisions) Act 2009, the household is ineligible for social housing support for a period prescribed under that enactment.".

(4) The Act of 2005 is amended in section 290A—

(a) by substituting the following for subsection (1):

"290A. (1) This section applies to a beneficiary who is—

(a) a tenant of a housing body, or

(b) a tenant of a dwelling that is the subject of housing assistance under *section 39* of the *Housing (Miscellaneous Provisions) Act 2014*,

and who is entitled to a benefit prescribed under this section.",

(b) by substituting the following for subsection (4):

"(4) A deduction and payment made pursuant to this section shall cease—

(a) where the beneficiary—

(i) ceases, upon his or her death or otherwise, to be a tenant of a housing body,

(ii) ceases, upon his or her death or otherwise, to be a tenant of a dwelling that is the subject of housing assistance under *section 39* of the *Housing (Miscellaneous Provisions) Act 2014*, or

(iii) otherwise ceases to be entitled to a benefit prescribed under this section,

or

(b) where such deduction and payment are discontinued in accordance with this section.",

and

(c) in subsection (7), by substituting "as amended by the Local Government Reform Act 2014" for "amended by section 8 of the Housing (Miscellaneous Provisions) Act 2009".

Data sharing and exchange

55. (1) Notwithstanding any enactment or rule of law—

(a) a relevant person shall, upon a request from a housing authority, provide the housing authority with such information in the possession or control of the relevant person or, where the relevant person is a body corporate, any subsidiary (within the meaning of section 155 of the Companies Act 1963) of the relevant person as the housing authority may reasonably require for the purpose of enabling the housing authority to perform its functions under the Housing Acts 1966 to 2014, and

(b) a housing authority shall, at such intervals as a relevant person may specify, provide the relevant person with such information obtained by the housing authority pursuant the Housing Acts 1966 to 2014, including tax reference numbers, as the relevant person may reasonably require for the purpose of enabling such person to perform functions under a specified enactment.

(2) In this section—

"relevant person" means, as the context may require—

(a) the Minister for Social Protection,

(b) the Private Residential Tenancies Board established under section 150 of the Residential Tenancies Act 2004, or

(c) the Revenue Commissioners;

"specified enactment" means—

(a) in relation to the Minister for Social Protection, the Social Welfare Acts,

(b) in relation to the Private Residential Tenancies Board, the Residential Tenancies Acts 2004 and 2009 ;

(c) in relation to the Revenue Commissioners—

(i) the Tax Acts,

(ii) the Capital Gains Tax Acts,

(iii) the Value-Added Tax Acts,

(iv) the F3**[**Stamp Duties Consolidation Act 1999,**]**

(v) the F3**[**Capital Acquisitions Tax Consolidation Act 2003, or**]**

F4**[**(vi) the Finance (Local Property Tax) Act 2012;**]**

"tax reference number" means—

(a) in relation to an individual, that individual's personal public service number (within the meaning of section 262 of the Act of 2005), or

(b) in relation to a body corporate—

(i) the reference number stated on any return of income form or notice of assessment issued to that person by an officer of the Revenue Commissioners, or

(ii) the registration number of the body corporate for the purposes of the Value-Added Tax Acts.

Annotations

Amendments:

F3 Substituted (22.07.2021) by *Finance (Local Property Tax) (Amendment) Act 2021* (31/2021), s. 46(a), (b), commenced on enactment.

F4 Inserted (22.07.2021) by *Finance (Local Property Tax) (Amendment) Act 2021* (31/2021), s. 46(c), commenced on enactment.

Modifications (not altering text):

C21 Reference to Private Residential Tenancies Board construed (7.04.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 13(3), S.I. No. 151 of 2016.

13. ...

(3) In any enactment or any instrument under an enactment, references to the Private Residential Tenancies Board shall be construed as references to the Residential Tenancies Board.

...

Amendment of section 31 (rent schemes and charges) of Act of 2009

56. Section 31 of the Act of 2009 is amended—

(a) by inserting the following after subsection (2):

"(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.",

(b) by inserting the following after subsection (5):

"(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).",

and

(c) by substituting the following for paragraph (g) of subsection (6):

"(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.",

and

(d) by inserting the following after subsection (6):

"(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)."

Amendment of Local Government Reform Act 2014

57. Schedule 4 to the Local Government Reform Act 2014 is amended in paragraph 14(4) by substituting "30 June 2015" for "31 December 2014".

Amendment of Housing Finance Agency Act 1981

58. The Housing Finance Agency Act 1981 is amended—

(a) in section 4(2)(c) by inserting the following subparagraph after subparagraph (ii):

"(iii) to the Local Government Management Agency, to be used by it for the purpose of the performance of its functions,",

and

(b) in section 5 by inserting the following paragraph after paragraph (c):

"(ca) the Local Government Management Agency, to be used by it for the purpose of the performance of its functions,".

Number 21 *of* 2014

HOUSING (MISCELLANEOUS PROVISIONS) ACT 2014

REVISED

Updated to 16 May 2024

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 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 Act 1969* (16/1969)
- *Housing Act 1970* (18/1970)
- *Housing (Miscellaneous Provisions) Act 1979* (27/1979)
- *Housing Act 1984* (1/1984)
- *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 s. 24(3)
- *Housing (Traveller Accommodation) Act 1998* (33/1998), other than ss. 26 and 27
- *Housing (Miscellaneous Provisions) Act 2002* (9/2002), apart from ss. 17-20, 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 14 and Sch. 4, para. 16 in so far as they relate to the *Housing Act 1966* (21/1966)
- *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), s. 67
- *Affordable Housing Act 2021* (25/2021)
- *Local Government (Mayor of Limerick) and Miscellaneous Provisions Act 2024* (7/2024), s. 65

Local Government Acts 1925 to 2024: this Act, s. 57, 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)(a)). The Acts in this group are:

- *Local Government Act 1925* (5/1925)
- *Local Government Act 1927* (3/1927)
- *Local Government (Amendment) Act 1930* (26/1930)
- *Local Government Act 1931* (19/1931)
- *Local Government Act 1933* (5/1933)
- *Local Government (Amendment) Act 1934* (5/1934)
- *Local Government (Amendment) (No. 2) Act 1934* (44/1934)
- *Local Government Act 1936* (46/1936)
- *Local Government (Amendment) Act 1939* (9/1939)
- *Local Government Act 1941* (23/1941)
- *Local Government Act 1946* (24/1946)
- *Local Government Act 1953* (12/1953)
- *Local Government Act 1955* (9/1955)
- *Local Government Act 1958* (9/1958)
- *Local Government Act 1959* (10/1959)
- *Local Government Act 1960* (23/1960)
- *Local Government (No. 2) Act 1960* (40/1960)
- *Local Government (Buncrana) Act 1968* (2/1968)
- *Local Government (Rateability of Rents) (Abolition) Act 1971* (15/1971), in so far as it amends the Local Government Acts 1925 to 1967
- *Local Government (Roads and Motorways) Act 1974* (6/1974)
- *Local Government (Financial Provisions) Act 1978* (35/1978)
- *Local Government (Toll Roads) Act 1979* (34/1979)
- *Local Government (Financial Provisions) Act 1983* (10/1983)
- *Local Government (Financial Provisions) (No. 2) Act 1983* (21/1983)
- *Local Government (Reorganisation) Act 1985* (7/1985)
- *Local Government Act 1991* (11/1991)
- *Local Government Act 1994* (8/1994)
- *Local Government (Financial Provisions) Act 1997* (29/1997)
- *Local Government Act 1998* (16/1998)
- *Local Government (Financial Provisions) Act 2000* (6/2000)
- *Local Government Act 2000* (25/2000)
- *Local Government Act 2001* (37/2001), other than ss. 163, 164 and 211 and pts. 23 (ss. 238-234) and 24 (ss. 243-247)
- *Local Government Act 2003* (8/2003)
- *Local Government (No. 2) Act 2003* (17/2003)
- *Electoral (Amendment) Act 2004* (15/2004), s. 34
- *Local Government (Business Improvement Districts) Act 2006* (42/2006), ss. 2-7
- *Water Services Act 2007* (30/2007), ss. 1(7), 13 and 115
- *Copyright and Related Rights (Amendment) Act 2007* (39/2007), s. 14
- *Local Government (Miscellaneous Provisions) Act 2012* (17/2012), pt. 4
- *Electoral, Local Government and Planning and Development Act 2013* (27/2013), Part 9
- *Local Government Reform Act 2014* (1/2014), other than ss. 1(3)-(8), 5(3)-(5) and sch. 2
- *Housing (Miscellaneous Provisions) Act 2014* (21/2014), s. 57
- *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016), ss. 1(2)(c), 52
- *Local Government Act 2019* (1/2019), s. 1(2)
- *Local Government Rates and other Matters Act 2019* (24/2019), other than ss. 23, 24, 25, 26
- *Local Government (Maternity Protection and Other Measures for Members of Local Authorities) Act 2022* (52/2022), s. 2
- *Historic and Archaeological Heritage and Miscellaneous Provisions Act 2023* (26/2023), Part 13 chapters 6 (s. 261), 7 (s. 262-274)
- *Local Government (Mayor of Limerick) and Miscellaneous Provisions Act 2024* (7/2024), other than Part 5 (ss. 36-45) and ss. 65, 66, 67, 69

Annotations

This Revised Act is annotated and includes textual and non-textual amendments, statutory instruments made pursuant to the Act and previous affecting provisions.

An explanation of how to read annotations is available at www.lawreform.ie/annotations.

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.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to 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.

Acts which affect or previously affected this revision

- *Local Government (Mayor of Limerick) and Miscellaneous Provisions Act 2024* (7/2024)
- *Finance (Local Property Tax) (Amendment) Act 2021* (31/2021)
- *Affordable Housing Act 2021* (25/2021)
- *Residential Tenancies (Amendment) Act 2015* (42/2015)

All Acts up to and including *Employment (Collective Redundancies and Miscellaneous Provisions) and Companies (Amendment) Act 2024* (14/2024), enacted 9 May 2024, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *Housing (Sale of Local Authority Houses) (Amendment) Regulations 2023* (S.I. No. 619 of 2023)
- *Housing Assistance Payment (Amendment) Regulations 2022* (S.I. No. 342 of 2022)
- *Housing (Sale of Local Authority Houses) (Amendment) Regulations 2021* (S.I. No. 776 of 2021)
- *Housing Assistance Payment (Amendment) Regulations 2017* (S.I. No. 56 of 2017)
- *Housing Assistance Payment (Section 50) Regulations 2017* (S.I. No. 55 of 2017)
- *Housing Assistance Payment (Amendment) (No. 4) Regulations 2016* (S.I. No. 575 of 2016)
- *Housing Assistance Payment (Section 50) (No. 2) Regulations 2016* (S.I. No. 574 of 2016)
- *Housing Assistance Payment (Amendment) (No. 3) Regulations 2016* (S.I. No. 354 of 2016)
- *Housing Assistance Payment (Amendment) (No. 2) Regulations 2016* (S.I. No. 338 of 2016)
- *Housing Assistance Payment (Amendment) Regulations 2016* (S.I. No. 40 of 2016)
- *Housing Assistance Payment (Section 50) Regulations 2016* (S.I. No. 38 of 2016)
- *Housing (Sale of Local Authority Houses) Regulations 2015* (S.I. No. 484 of 2015)
- *Housing (Miscellaneous Provisions) Act 2014 (Commencement of Certain Provisions) (No. 2) Order 2015* (S.I. No. 482 of 2015)
- *Housing Assistance Payment (Amendment) (No. 4) Regulations 2015* (S.I. No. 474 of 2015)
- *Housing Assistance Payment (Section 50) (No. 3) Regulations 2015* (S.I. No. 473 of 2015)
- *Housing Assistance Payment (Amendment) (No. 3) Regulations 2015* (S.I. No. 304 of 2015)
- *Housing Assistance Payment (Amendment) (No. 2) Regulations 2015* (S.I. No. 246 of 2015)
- *Housing Assistance Payment (Section 50) (No. 2) Regulations 2015* (S.I. No. 245 of 2015)
- *Housing Assistance Payment (Amendment) Regulations 2015* (S.I. No. 200 of 2015)
- *Housing Assistance Payment (Section 50) Regulations 2015* (S.I. No. 199 of 2015)

- *Housing (Local Authority Tenancy Warnings) Regulations 2015* (S.I. No. 122 of 2015)
- *Housing (Miscellaneous Provisions) Act 2014 (Commencement of Certain Provisions) Order 2015* (S.I. No. 121 of 2015)
- *Housing Assistance Payment (Amendment) (No. 2) Regulations 2014* (S.I. No. 576 of 2014)
- *Housing Assistance Payment (Section 50) (No. 3) Regulations 2014* (S.I. No. 575 of 2014)
- *Housing Assistance Payment (Amendment) Regulations 2014* (S.I. No. 428 of 2014)
- *Housing Assistance Payment (Section 50) (No. 2) Regulations 2014* (S.I. No. 427 of 2014)
- *Housing Assistance Payment Regulations 2014* (S.I. No. 407 of 2014)
- *Housing Assistance Payment (Section 50) Regulations 2014* (S.I. No. 406 of 2014)
- *Housing (Miscellaneous Provisions) Act 2014 (Commencement of Certain Provisions) Order 2014* (S.I. No. 404 of 2014)

All statutory instruments up to and including *Local Government (Mayor of Limerick) and Miscellaneous Provisions Act 2024 (Commencement) (No. 2) Order 2024* (S.I. No. 207 of 2024), made 14 May 2024, were considered in the preparation of this revision.