Changes to Legislation: as of 13 October 2026, this Act is up to date with all changes known to be in force.



Number 25 *of* 2021

AFFORDABLE HOUSING ACT 2021

Revised

Updated to 2 July 2025

This Revised Act is an administrative consolidation of the *Affordable Housing Act 2021*. 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 *Finance (Local Property Tax and Other Provisions)(Amendment) Act 2025* (6/2025), enacted 2 July 2025, and all statutory instruments up to and including the *Affordable Housing Act 2021 (Cost Rental Allocation Plan) Regulations 2025* (S.I. No. 306 of 2025), made 2 July 2025, 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 25 *of* 2021

AFFORDABLE HOUSING ACT 2021

REVISED

Updated to 2 July 2025

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Number 25 *of* 2021

AFFORDABLE HOUSING ACT 2021

REVISED

Updated to 2 July 2025

An Act to—

An Act to provide for the provision of dwellings for the purpose of sale under affordable dwelling purchase arrangements; to provide for the provision by housing authorities of financial assistance to purchase dwellings under affordable dwelling purchase arrangements; to provide for dwellings to be made available on a cost rental basis; to provide for funding to be made available for the purchase of dwellings in accordance with a scheme of shared equity; to enable housing authorities to notify the public and assess eligibility and priority in relation to dwellings provided by the Agency; to amend the Housing Finance Agency Act 1981, the Housing (Miscellaneous Provisions) Act 1997, the Planning and Development Act 2000, the Housing (Miscellaneous Provisions) Act 2009 and the Housing (Miscellaneous Provisions) Act 2014; and to provide for related matters.

[21*st July*, 2021]

Be it enacted by the Oireachtas as follows:

PART 1

Preliminary and General

Short title, collective citation and commencement

1. (1) This Act may be cited as the Affordable Housing Act 2021.

(2) The Housing Acts 1966 to 2019, sections 15, 85 and 87 of the Residential Tenancies (Amendment) Act 2015 and this Act may be cited together as the Housing Acts 1966 to 2021 and shall be construed together as one Act.

(3) This Act shall come into operation on such day or days as the Minister may by order or orders appoint either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.

Interpretation

2. In this Act—

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

"Act of 2000" means the Planning and Development Act 2000;

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

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

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

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

"Part V agreement" means an agreement under section 96(2) of Part V of the Act of 2000 for the provision of dwellings which constitute housing referred to in section 94(4)(a) of that Act;

"prescribe" means prescribe by regulations.

Regulations

3. (1) The Minister may make regulations in relation to any matter referred to in this Act (other than in *sections 6(4)(b)* and *19 (3) (c) (ii)*) as prescribed or to be prescribed or to be the subject of regulations, including those matters referred to in *section 23*, or for the purpose of enabling any of its provisions to have full effect.

(2) Regulations made under this Act may—

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

(b) may be expressed to apply either generally or to specified housing authorities or areas or to housing authorities, areas, dwellings, tenancies, persons, households, 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, dwellings, tenancies, persons, households or other matters.

(3) Every regulation or order (other than an order under *section 1(3)*) under this Act shall be laid before each House of the Oireachtas as soon as may be after it has been made and, if a resolution annulling the regulation is passed by either such House within the next 21 days on which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

PART 2

Affordable Dwelling Purchase Arrangements

Interpretation (*Part 2*)

4. In this Part—

"abandoned", in relation to an affordable dwelling, means that the affordable dwelling is no longer the normal residence of the homeowner or any member of the homeowner's household;

"affordable dwelling" has the meaning given to it by *section 5* ;

"affordable dwelling contribution" has the meaning given to it by *section 12(2)*;

"affordable dwelling equity" has the meaning given to it by *section 12(5)*;

"affordable dwelling purchase arrangement" has the meaning given to it by *section 12(6)*;

"applicant" means a person who applies to purchase an affordable dwelling on his or her own or 2 or more persons who apply to purchase an affordable dwelling together;

"Conveyancing Act" means the Land and Conveyancing Law Reform Act 2009;

"direct sales agreement" has the meaning given to it by *section 7*;

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

"eligible applicant" means an applicant assessed by a housing authority under *section 10* as being eligible for an affordable dwelling purchase arrangement;

"homeowner", in relation to an affordable dwelling, means an eligible applicant who has purchased an affordable dwelling under an affordable dwelling purchase arrangement and includes the successors and assigns of the homeowner;

"household" means a person who lives alone or 2 or more persons who, in the opinion of the housing authority concerned, have a reasonable requirement to live together;

"Housing Acts" means the Housing Acts 1966 to 2019;

"long stop date" has the meaning given to it by *section 12(7)(f)*;

"market value" has the meaning given to it by *section 14*;

"open market dwelling" has the meaning given to it by *section 8*;

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

"realisation event" has the meaning given to it by *section 18*;

"realisation notice" has the meaning given to it by *section 18*;

"redemption payment" has the meaning given to it by *section 16*;

"scheme of priority" has the meaning given to it by *section 11*;

"valuation mechanism" has the meaning given to it by *section 14*.

Application of *Part 2*

5. This Part applies to each of the following dwellings (in this Part referred to as an "affordable dwelling"):

(a) a dwelling made available by a housing authority under *section 6*;

(b) a dwelling to which a Part V agreement applies that is being made available for sale;

(c) an open market dwelling.

Provision of dwellings by housing authorities

6. (1) A housing authority may make dwellings available for the purpose of sale to eligible applicants under affordable dwelling purchase arrangements and may, in accordance with the Housing Acts and regulations made under any of those Acts, acquire, build or cause to be built, or otherwise provide or facilitate the provision of, dwellings for that purpose.

(2) A housing authority may, for the purposes of *subsection (1)*, enter into—

(a) arrangements with an approved housing body,

(b) arrangements with a community-led housing organisation, a housing co-operative or a community land trust,

(c) arrangements with the Land Development Agency, and

(d) public private partnership arrangements.

(3) The Minister may prescribe minimum requirements in relation to governance, previous experience, financial management and financial reporting to be met by a body or a class of bodies referred to in subsection *(2)(b)* before a housing authority may enter into an arrangement with such a body for the purposes of subsection *(1)*.

(4) The Minister may, with the consent of the Minister for Public Expenditure and Reform, pay, out of moneys provided by the Oireachtas, a grant towards the cost of making dwellings available under this section to the following:

(a) a housing authority, in respect of dwellings made available by the authority or provided by an approved housing body or other person on behalf of the authority;

(b) such other body, established by or under statute, as the Minister may prescribe by order for the purposes of this section whose functions include the provision of services to a housing authority in relation to the acquisition of dwellings.

(5) In performing its functions under *subsection (1)*, a housing authority shall have regard to the need to—

(a) counteract segregation in housing between persons of different social backgrounds, and support the long-term sustainability of diverse communities, including the inter-generational sustainability of urban communities, and

(b) ensure that a mixture of dwelling types and sizes is provided to reasonably match the requirements of eligible applicants.

(6) In performing its functions under *subsection (1)*, a housing authority shall have regard to its housing services plan.

(7) In this section, "housing services plan" has the same meaning as it has in the Act of 2009.

Direct sales agreement

7. (1) In this section, "direct sales developer" means each of the following:

(a) a person with whom a housing authority has a contract for the provision of dwellings for the purposes of *section 6* ;

(b) a person with whom a housing authority has entered into arrangements pursuant to *paragraph (a)* or *(c)* of *subsection (2)* of *section 6* for the purposes of that section;

(c) a public private partnership with whom a housing authority has entered into an arrangement under *paragraph (d)* of *subsection (2)* of *section 6* for the purposes of that section;

(d) a person with whom a planning authority has entered into a Part V agreement.

(2) A housing authority, pursuant to its functions under *section 6*, or a planning authority, pursuant to its functions under Part V of the Act of 2000, may enter into an agreement (in this section referred to as a "direct sales agreement") with a direct sales developer for the direct sale, in accordance with this Part, of the dwellings specified in the agreement to eligible applicants nominated by the housing authority in accordance with a scheme of priority.

(3) A direct sales agreement shall provide that the direct sales developer may carry out any necessary transactions in relation to the direct sale, in accordance with this Part, of the dwellings specified in the agreement to eligible applicants, subject to the terms and conditions specified in *subsection (4)*.

(4) The terms and conditions referred to in *subsection (3)* —

(a) shall—

(i) require that the dwellings specified in the agreement be sold directly to eligible applicants nominated by the housing authority in accordance with a scheme of priority,

(ii) specify, or make provision for, the terms and conditions (including as to price) on which the dwellings specified in the agreement shall be sold to eligible applicants nominated by the housing authority,

(iii) require that the direct sale not be completed until the eligible applicant has entered into an affordable dwelling purchase arrangement with the housing authority,

(iv) include terms and conditions relating to—

(I) arrangements for the completion of sales,

(II) notification of sales to the housing authority, and

(III) any other matters relating to the sale of the dwellings specified in the agreement to eligible applicants,

and

(b) may include such other terms and conditions relating to the transactions referred to in *subsection (3)* as may be prescribed for the purposes of affordable dwelling purchase arrangements.

(5) Where the total amount due to a person under a direct sales agreement is less than the amount due to such person under a contract or arrangement referred to in *paragraph (a)*, *(b)* or *(c)* of *subsection (1)*, the amount of any such difference shall be paid by the housing authority to that person.

(6) Where the total amount due to a person under a direct sales agreement is greater than the amount due to such person under a contract or arrangement referred to in *paragraph (a)*, *(b)* or *(c)* of *subsection (1)*, the amount of any such difference shall be paid by that person to the housing authority.

(7) Where the total amount due under a direct sales agreement to a person referred to in *subsection (1)(d)* is less than the amount payable to such person under the Part V agreement in respect of the dwellings specified in the direct sales agreement, the amount of any such difference shall be paid by the housing authority to that person.

(8) Where the total amount due under a direct sales agreement to a person referred to in *subsection (1)(d)* is greater than the amount payable to such person under the Part V agreement in respect of the dwellings specified in the direct sales agreement, the amount of any such difference shall be paid by that person to the housing authority.

Open market dwelling

8. A housing authority may, subject to the Housing Acts, and regulations made under any of those Acts, provide financial assistance to an eligible applicant to purchase a dwelling (in this Part referred to as an "open market dwelling") under an affordable dwelling purchase arrangement, subject to the dwelling being—

(a) available for purchase in the State, and

(b) of a class of dwelling prescribed for the purpose of this section.

Notification of and applications for affordable dwelling purchase arrangements

9. (1) A housing authority shall, before making dwellings available for the purpose of sale to eligible applicants under an affordable dwelling purchase arrangement, or providing financial assistance under *section 8*, notify the public in accordance with *subsection (2)*.

(2) Notification under this section shall be in such manner and form as the Minister may prescribe.

(3) Where a housing authority notifies the public under this section that it intends to make dwellings available for the purpose of sale to eligible applicants under an affordable dwelling purchase arrangement or to provide financial assistance under *section 8* an applicant may apply to the housing authority to purchase a dwelling under the arrangement or to receive such assistance.

(4) An application referred to in *subsection (3)* shall be in such manner and form as the Minister may prescribe.

(5) Where a person is—

(a) married,

(b) in a civil partnership, or

(c) in an intimate and committed relationship with a partner with whom he or she intends to reside in the affordable dwelling,

he or she may not apply to a housing authority under this section to purchase an affordable dwelling under an affordable dwelling purchase arrangement on his own or her own but shall make any such application

together with his or her spouse, civil partner or partner, as the case may be.

(6) Regulations under *subsection (4)* may in particular provide for—

(a) the time periods during which an application may be made,

(b) the information and any documents required to accompany an application.

Assessment of eligibility for affordable dwelling purchase arrangement

10. (1) Where an application is made to a housing authority under *section 9* to purchase an affordable dwelling under an affordable dwelling purchase arrangement (referred to in this section as an "application"), the housing authority shall carry out an assessment of the applicant's eligibility for the affordable dwelling purchase arrangement, in accordance with this section and any regulations made under this Part, by reference to the criteria set out in *subsection (2)*.

(2) An applicant shall only be eligible for an affordable dwelling purchase arrangement if—

(a) the combined financial means of all of the persons making the application, determined in accordance with regulations made by the Minister under *subsection (7)*, are within the parameters prescribed in such regulations,

(b) subject to *subsections (3)*, *(5)* and *(6)*, none of the persons making the application has previously purchased or built a dwelling in the State for his or her occupation,

(c) subject to *subsection (6)*, none of the persons making the application owns, or is beneficially entitled to an estate or interest in, any dwelling in the State or elsewhere, and

(d) each of the persons making the application has a right to reside in the State, to be demonstrated in such manner as the Minister may prescribe.

(3) Where—

(a) any of the persons making an application previously purchased or built a dwelling in the State, for his or her occupation, together with a spouse, a civil partner or a person with whom he or she was in an intimate and committed relationship,

(b) the marriage, civil partnership or relationship concerned has ended, and

(c) the person is now applying to purchase a dwelling on his or her own or with a different person,

F4**[**the previous purchase or building of the dwelling concerned, or the previous purchase or building of any other dwelling in the State,**]** shall not render the applicant ineligible for an affordable dwelling purchase arrangement.

(4) For the purposes of *subsection (3)* a marriage is deemed to have ended when it is the subject of a decree of judicial separation, divorce or nullity and a civil partnership is deemed to have ended when it is the subject of a decree of dissolution or nullity.

(5) Where any of the persons making an application previously purchased or built a dwelling in the State for his or her occupation but that person

demonstrates, in such manner as the Minister may prescribe, that he or she has sold, or has been divested of, that dwelling as part of a personal insolvency or bankruptcy arrangement or proceedings or other legal process consequent upon insolvency, then F4**[**the previous purchase or building of the dwelling concerned, or the previous purchase or building of any other dwelling in the State,**]** shall not render the applicant ineligible for an affordable dwelling purchase arrangement.

(6) Where any of the persons making an application previously owned, or was beneficially entitled to an estate or interest in, a dwelling in the State and such dwelling, because of its size, is not suited to the current accommodation needs of the applicant's household (as determined having regard to such matters as the Minister may prescribe or specify in guidelines), such ownership or beneficial entitlement, shall not, whether or not the person owns, or is beneficially entitled to an estate or interest in, the dwelling concerned at the time at which the application is made but subject to the powers of the Minister under *sections 11(2)(b)* and *12(8)(b)*, render the applicant ineligible for an affordable dwelling purchase arrangement.

(7) The Minister may, with the consent of the Minister for Public Expenditure and Reform, make regulations prescribing the method to be used, and the matters to be taken into account, in order to determine the financial means of an applicant and the ability of an applicant to purchase a dwelling or class of dwellings.

(8) Regulations under *subsection (7)* may, in particular, prescribe—

(a) the manner in which the income of the applicant is to be determined by a housing authority,

(b) which assets, if any, of the applicant are to be taken into account by a housing authority,

(c) the procedures to be applied by a housing authority for the purposes of assessing an applicant's eligibility by reference to income and other financial circumstances, including the income that shall be assessable for such purposes.

Scheme of priority for affordable dwelling purchase arrangements

11. (1) A housing authority shall, before notifying the public for the first time that it intends to facilitate the purchase of affordable dwellings under affordable dwelling purchase arrangements, make a scheme (in this Part referred to as a "scheme of priority") in accordance with regulations made under *subsection (2)* determining the order of priority to be accorded to eligible applicants in relation to—

(a) the sale of affordable dwellings referred to in *paragraphs (a)* and *(b)* of *section 5* where the demand for such dwellings exceeds the number of such dwellings available for the purposes of this Part, and

(b) the provision of financial assistance under *section 8* to eligible applicants to purchase open market dwellings where the demand for such financial assistance exceeds the financial resources available to the housing authority to provide such assistance.

(2) The Minister may make regulations providing for the matters to be included in a scheme of priority, including but not limited to the following:

(a) priority to be given to eligible applicants, or a class of eligible applicants, in relation to a particular dwelling, or class of dwelling, having regard to the size or composition of the eligible applicant's household;

(b) priority to be given to eligible applicants who do not own, or who are not beneficially entitled to an estate or interest in, a dwelling referred to in *section 10 (6)*;

(c) priority to be given to eligible applicants in relation to a dwelling based on the applicant (or where the applicant is 2 or more persons, any of such persons) being resident or having been resident in the administrative area of the housing authority or being or having been so resident for a particular length of time;

(d) priority to be given to eligible applicants based upon the date or time at which the applicant made an application under *section 9*.

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

(4) The making of a scheme of priority or the amendment of such a scheme are reserved functions.

(5) The sale of affordable dwellings to eligible applicants under this Part and, in the case of open market dwellings, the provision of financial assistance under *section 8* to eligible applicants are executive functions.

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

(7) Before making or amending a scheme of priority, a housing authority shall provide a draft of the scheme or amendment to the scheme, as the case may be, to the Minister, who may, as he or she considers necessary and appropriate, direct the housing authority to amend the draft scheme or draft amendment, and the housing authority shall comply with any such direction within such period as may be specified by the Minister.

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

(9) A scheme of priority made by a housing authority before the coming into operation of this section shall cease to have effect from the date of such coming into operation.

Affordable dwelling purchase arrangements

12. (1) A housing authority may, in accordance with this Part, facilitate the purchase of affordable dwellings, in the manner provided for in this section, by eligible applicants in accordance with a scheme of priority.

(2) The purchase of an affordable dwelling shall be facilitated by means of a contribution (in this Part referred to as the "affordable dwelling contribution") which shall be:

(a) in the case of an affordable dwelling referred to in *paragraph (a)* or *(b)* of *section 5*, the difference between the market value of the affordable dwelling on the date on which an enforceable agreement is made for its purchase by the eligible applicant and the price paid by the eligible applicant;

(b) in the case of an open market dwelling, the amount of the financial assistance provided by the housing authority towards the price paid by the eligible applicant.

(3) The Minister may make regulations providing for—

(a) the price to be paid by the eligible applicant referred to in *paragraph (a)* of *subsection (2)*, and

(b) the amount of the affordable dwelling contribution referred to in that subsection,

to be determined having regard to the financial means of the applicant determined in accordance with *section 10* .

(4) The affordable dwelling contribution shall not be less than such minimum amount or greater than such maximum amount, or less than such minimum percentage of market value or greater than such maximum percentage of market value, as the Minister may prescribe.

(5) In consideration of the provision of the affordable dwelling contribution, the housing authority shall be entitled to a beneficial interest in the affordable dwelling (in this Part referred to as the "affordable dwelling equity") which shall be the proportion that the affordable dwelling contribution bears to the market value of the affordable dwelling on the date on which an enforceable agreement is made for its purchase by the eligible applicant, expressed as a percentage in accordance with the following formula:

((€A x 100)/€B)%

where—

(a) €A is the affordable dwelling contribution, and

(b) €B is the market value of the dwelling on the date on which an enforceable agreement is made for its purchase by the eligible applicant.

(6) The affordable dwelling contribution shall be provided and the affordable dwelling equity shall be held in accordance with an agreement (in this Part referred to as an "affordable dwelling purchase arrangement") made between the housing authority and the eligible applicant, in such form as the Minister may prescribe.

(7) An affordable dwelling purchase arrangement shall—

(a) be made by deed,

(b) be made prior to or contemporaneously with the purchase of the affordable dwelling by the eligible applicant,

(c) record the affordable dwelling contribution (expressed as a sum) and the affordable dwelling equity (expressed as a percentage),

(d) make provision for redemption payments in accordance with *section 16*, sale of the affordable dwelling in accordance with *section 17* and realisation by the housing authority in accordance with *sections 18* and *19*,

(e) make provision for the valuation mechanism,

(f) set the the date after which the affordable dwelling equity may be realised by the housing authority if not previously redeemed in its entirety by the homeowner (in this Part referred to as the "long stop date"),

(g) make provision for the realisation of the affordable dwelling equity by the housing authority on the occurrence of a realisation event, and

(h) contain covenants—

(i) prohibiting the sale, mortgage or any other form of alienation of the affordable dwelling or any interest therein without the prior written consent of the housing authority, which shall not be unreasonably withheld, and subject to any conditions imposed in such prior written consent,

(ii) requiring that unless the housing authority gives its prior written consent, the affordable dwelling shall be occupied as the normal place of residence of the homeowner or of a member of the homeowner's household, and

(iii) making provision for the registration of the affordable dwelling purchase arrangement in the Registry of Deeds or the Land Registry, or both, as appropriate, in accordance with *section 13* F5**[**or otherwise**]**.

(8) The Minister may prescribe additional matters to be included in an affordable dwelling purchase arrangement, including but not limited to the following:

(a) additional covenants for the protection of the affordable dwelling equity as the Minister may prescribe, including but not limited to covenants—

(i) requiring the homeowner to keep the affordable dwelling in good and substantial repair,

(ii) prohibiting any structural alterations or additions to the affordable dwelling without the prior written consent of the housing authority, which shall not be unreasonably withheld, and subject to any conditions imposed in such prior written consent,

(iii) prohibiting the homeowner from allowing any third party to go into adverse possession of the affordable dwelling or exercise rights capable of giving rise to rights through prescription or long user,

(iv) permitting inspections of the affordable dwelling by the housing authority for the purposes of—

(I) confirming compliance with the terms of the affordable dwelling purchase arrangement, or

(II) determining market value for the purposes of this Part or the affordable dwelling purchase arrangement,

or both, having first given reasonable notice of such inspection, and

(v) making provision for the insurance of—

(I) any building, effects or other property of an insurable nature, whether affixed to the land or not, which forms part of the affordable dwelling, for the full reinstatement cost of repairing any loss or damage arising from fire, flood, storm, tempest or other perils commonly covered by a policy of comprehensive insurance, or

(II) the life of the homeowner,

or both, and for the assignment of any policy of insurance to the housing authority as security for the affordable dwelling equity;

(b) a condition that a homeowner sell or otherwise dispose of any estate or interest that he or she has, or any interest to which he or she is beneficially entitled, in a dwelling referred to in *section 10(6)*;

(c) terms and other conditions including in relation to securing the interest of the housing authority in the affordable dwelling as the Minister may prescribe;

(d) provision for the giving or service of notices, deemed dates of delivery of notices and such other incidental matters as may facilitate the efficient operation of the affordable dwelling purchase arrangement.

(9) For the purposes of *subsection (7)(f)*, the Minister may prescribe minimum and maximum periods between the date of an affordable dwelling purchase arrangement and the long stop date, which minimum period shall not in any case be less than 25 years.

(10) A housing authority may insure and keep insured any building, effects or other property of an insurable nature, whether affixed to the land or not, which forms part of an affordable dwelling, for the full reinstatement cost of repairing any loss or damage arising from fire, flood, storm, tempest or other perils commonly covered by a policy of comprehensive insurance.

(11) For the avoidance of doubt, an affordable dwelling purchase arrangement is not a conveyance for the purposes of section 3 of the Family Home Protection Act 1976.

(12) Nothing in this Part shall preclude a housing authority from making a loan under section 11 of the Act of 1992 to an eligible applicant for any of the purposes of this Part.

(13) A housing authority shall be entitled to assign its interest in any affordable dwelling equity and upon notice thereof being furnished to the homeowner, the assignee of the affordable dwelling equity shall hold the same subject to and with the benefit of the terms of the affordable dwelling purchase arrangement.

Registration of affordable dwelling purchase arrangements and agreements with financial institutions

F6**[13.** (1) An affordable dwelling purchase arrangement shall be registrable in the Registry of Deeds as an act of the homeowner affecting the dwelling.**]**

F7**[**(2) For the avoidance of doubt, the court or, subject to an appeal to the court, the Property Registration Authority may on an application to it under section 98 of the Registration of Title Act 1964 make an order or, in the case of an application to the Authority, an entry, under that section inhibiting any registration, on any folio in which an affordable dwelling or any part thereof is registered, under a disposition by, or transmission, from, the registered owner without the consent of the housing authority.**]**

(3) A housing authority may, subject to *subsection (4)*, enter into an agreement (either generally or in relation to a particular affordable dwelling purchase arrangement) with a holder of a licence under the Central Bank Act 1971, a building society or other financial institution regulating the order of priority as between either or both of an affordable dwelling equity and any terms of an affordable dwelling purchase arrangement and a mortgage or charge proposed to be created in favour of that holder, building society or financial institution.

(4) A housing authority may enter into an agreement referred to in *subsection (3)* only if it considers that the agreement will—

(a) enable an eligible applicant to obtain an advance of moneys from the holder of a licence, building society or financial institution referred to in *subsection (3)* for the purposes of purchasing the dwelling, or

(b) enable an eligible applicant—

(i) to refinance an existing advance of moneys from the same or any other holder of a licence, building society or financial institution referred to in *subsection (3)*, or

(ii) to obtain a further advance of moneys from the same or any other holder of a licence, building society or financial institution referred to in *subsection (3)*, for any purpose, where the priority of any security for such further advance of moneys will not impair the capacity of the housing authority to realise the affordable dwelling equity.

Valuation of affordable dwelling for certain purposes

14. (1) For the purposes of this Part, and subject to *sections 17(7)* and *19(15)*, "market value", in relation to an affordable dwelling, means the price for which the affordable dwelling might reasonably be expected to be sold on the open market for the estate purchased by the homeowner, freed and discharged of any mortgage or incumbrance (including the affordable dwelling purchase arrangement)—

(a) disregarding any increase in the value of the affordable dwelling attributable to any material improvements carried out by the homeowner, and

(b) disregarding any reduction in the value of the affordable dwelling attributable to any want of repair or other breach by the homeowner of any covenant in the affordable dwelling purchase arrangement.

(2) In *subsection (1)(a)*, "material improvement" means any addition or alteration to the dwelling but does not include repairing, painting or decorating.

(3) For the purposes of *section 12(7)(c)*, the market value shall be calculated and determined by the housing authority prior to the making of the affordable dwelling purchase arrangement.

(4) Subject to the terms of the affordable dwelling purchase arrangement, "valuation mechanism", for the purposes of this Part, means the following procedure:

(a) the housing authority, having been given such information and afforded such inspection facilities as it reasonably requires in order to do so, shall serve a notice on the homeowner setting out the housing authority's estimate of the market value of the affordable dwelling and any value or sum calculable by reference to the market value, and shall include in that notice any facts relevant to that estimate or calculation in accordance with *paragraphs (a)* and *(b)* of *subsection (1)*;

(b) where the homeowner confirms, in writing, agreement with the notice referred to in *paragraph (a)* or does not respond in writing within a period of 21 days beginning on the date on which the notice is served or such extended period as may be agreed, the matters contained in the notice shall be deemed to constitute the market value of the affordable dwelling, values or sums calculated by reference to the market value and facts relevant to that calculation, as the case may be;

(c) if the homeowner confirms, in writing, disagreement with any matter stated in the notice within a period of 21 days beginning on the date on

which the notice is served or such extended period as may be agreed, the homeowner shall nominate an independent valuer from a panel of suitably qualified persons established by the housing authority to whom the matter in disagreement shall be referred by the housing authority, and the determination of the said valuer shall be final and binding;

(d) notwithstanding that the housing authority shall discharge the reasonable fees of the independent valuer, one half of such fees shall be recoverable by the housing authority from the homeowner as a simple contract debt.

(5) The notice to be served by the housing authority on the homeowner in accordance with *subsection (4)(a)* shall contain such further information as the Minister may prescribe.

(6) Save as provided for in *subsection (3)*, whenever it is necessary to determine—

(a) the market value of any affordable dwelling at any relevant time,

(b) any fact relevant to that determination in accordance with *paragraphs (a)* and *(b)* of *subsection (1)*, or

(c) the affordable dwelling equity or any other value or sum calculable by reference to the market value,

those matters shall be determined in accordance with the valuation mechanism.

(7) The Minister may prescribe classes of person to be suitably qualified for the purposes of *subsection (4)(c)*.

Redemption and realisation of affordable dwelling equity

15. The affordable dwelling equity shall be redeemed by the homeowner and realised by the housing authority by means of one or more of the following:

(a) making of redemption payments by the homeowner in accordance with *section 16*;

(b) payment by the homeowner following a sale of the affordable dwelling in accordance with *section 17*;

(c) realisation of the affordable dwelling equity by the housing authority in accordance with *sections 18* and *19*.

Redemption payments

16. (1) At any time prior to a sale in accordance with *section 17* or *19*, and subject to the payment of any minimum amount that may be prescribed, the homeowner may redeem in whole or in part the affordable dwelling equity by means of one or more than one payment (in this Part referred to as a "redemption payment") made in accordance with this section and the terms of the affordable dwelling purchase arrangement.

(2) The affordable dwelling purchase arrangement shall set out the following procedure for making a redemption payment:

(a) the homeowner shall give notice in writing, in such form and manner as may be prescribed, to the housing authority of his or her intention to make a redemption payment, including details of the sum intended to be paid;

(b) the market value of the affordable dwelling at the date of the notice, and the reduction in the affordable dwelling equity consequent upon the sum referred to in the notice being paid, calculated in accordance with *subsection (3)*, shall be determined in accordance with the valuation mechanism;

(c) a redemption payment may be made not later than 3 months from the date on which the matters referred to in *paragraph (b)* are determined;

(d) a redemption payment made in accordance with *paragraph (c)* shall be accepted by the housing authority and in the event of any variation between the sum notified under *paragraph (a)* and the sum actually paid (including where any contribution to the cost of an independent valuer due to the housing authority in accordance with the valuation mechanism is deducted from the sum paid by way of set off), the reduction in the affordable dwelling equity consequent upon the actual sum paid shall be varied pro rata;

(e) following the making of a redemption payment, the housing authority shall give notice in writing of the revised affordable dwelling equity to the homeowner;

(f) the housing authority shall maintain and keep a record of payments made by a homeowner under this section and the revised affordable dwelling equity.

(3) The reduction in the affordable dwelling equity consequent upon a redemption payment shall be that percentage of the market value of the affordable dwelling at the date on which notice of intention to make the redemption payment is given to the housing authority that is represented by the redemption payment, and the affordable dwelling equity shall be recalculated after the making of the redemption payment as a percentage in accordance with the following formula:

X% - ((€Y x 100)/€Z)%

where—

(a) X% is the affordable dwelling equity as stated in the affordable dwelling purchase arrangement unless redemption payments have previously been made, in which case it shall be the affordable dwelling equity as revised pursuant to the last previous redemption payment made,

(b) €Y is the sum paid to the housing authority as the redemption payment, and

(c) €Z is the market value of the dwelling determined under *subsection (2)(b)*.

(4) If the homeowner redeems the entirety of the subsisting affordable dwelling equity by means of one or more than one redemption payment, the housing authority shall, upon written request and at the expense of the homeowner, execute all documents and take all steps reasonably necessary to F8**[**confirm such redemption and effect the discharge or cancellation of any order or entry referred to in *section 13(2)*]**.

(5) Where a homeowner exercises his or her entitlement to redeem the affordable dwelling equity under this section after the housing authority has incurred reasonable costs in the exercise of a power or right under *section 19*, the homeowner shall, as a precondition to the discharge of the affordable dwelling equity, be responsible for the discharge of those reasonable costs.

Sale of affordable dwelling prior to redemption of affordable dwelling equity

17. (1) An affordable dwelling shall not be sold by a homeowner prior to the redemption of the affordable dwelling equity without the prior written consent of the housing authority following a request in that behalf by the homeowner concerned.

(2) A housing authority shall not unreasonably withhold its consent under *subsection (1)* having regard to the objective of realising the affordable dwelling equity from the proceeds of any such sale after discharge of prior incumbrances.

(3) A request by a homeowner for consent to sell prior to the redemption of the affordable dwelling equity shall include the proposed minimum selling price and all information reasonably necessary to enable the housing authority to consider the request for consent.

(4) A homeowner who has made a request to sell under this section shall allow the housing authority to inspect the affordable dwelling prior to the housing authority making a decision under *subsection (5)*.

(5) As soon as reasonably practicable after consideration of the request for consent to sell, the housing authority shall notify the homeowner in writing of its decision which shall be a decision—

(a) to refuse to grant its consent and, where it so refuses, the notification shall state the reasons for the refusal, or

(b) to grant consent subject to a stated minimum selling price and subject to such conditions (if any) as the housing authority may impose for the purposes of securing the payment of the affordable dwelling equity out of the proceeds of any such sale.

(6) Any sale shall be conducted in accordance with any conditions included in the written consent of the housing authority.

(7) After the homeowner enters into an enforceable contract for any sale in respect of which consent has been granted under this section but prior to the completion of that sale, the homeowner shall notify the housing authority of the actual sale price, and the monetary value of the affordable dwelling equity shall be determined by the housing authority in accordance with the valuation mechanism in accordance with the following formula and shall be notified to the homeowner:

X% x (€Y - €Z)

where—

(a) X% is the affordable dwelling equity as stated in the affordable dwelling purchase arrangement unless redemption payments have previously been made, in which case it shall be the affordable dwelling equity as revised pursuant to the last previous redemption payment made,

(b) €Y is the market value of the affordable dwelling provided that for the purpose of such determination, the price referred to in *section 14(1)*, to be adjusted (if relevant) by reference to the matters referred to in *paragraphs (a)* and *(b)* of *section 14(1)*, shall be the actual sale price, and

(c) €Z is the amount of the vouched charges, costs and expenses properly incurred by the homeowner as incident to the sale.

(8) Unless permitted in writing by the housing authority and subject to any conditions of such permission, the sale shall not be completed until the

monetary value of the affordable dwelling equity is determined and notified to the homeowner by the housing authority.

(9) Upon the payment by the homeowner to the housing authority of the sum representing the monetary value of the affordable dwelling equity, the housing authority shall execute all documents and take all steps reasonably necessary to F9**[**confirm such payment and effect the discharge or cancellation of any order or entry referred to in *section 13(2)*]**.

(10) If the proceeds of sale remaining, after discharge of prior incumbrances and the vouched charges, costs and expenses properly incurred by the homeowner as incident to the sale, are insufficient to discharge the affordable dwelling equity, the housing authority shall comply with *subsection (9)* upon payment of the remaining proceeds of the sale, and the remaining balance due to the housing authority shall be recoverable by the housing authority from the homeowner as a simple contract debt.

(11) Subject to any agreement referred to in *section 13(3)*, in the case of a sale of the affordable dwelling by a mortgagee having rights in priority to the rights of the housing authority in the affordable dwelling purchase arrangement—

(a) the mortgagee shall be entitled to sell the affordable dwelling without the consent of the housing authority,

(b) the housing authority shall be deemed the person entitled, pursuant to section 107(2) of the Conveyancing Act, to receive the residue of the proceeds of such resale after discharge of the mortgage moneys due to such lender upon the trusts provided for in section 107(3) of the Conveyancing Act, and

(c) upon receipt of the residue of the proceeds of such sale, the housing authority shall retain the proceeds pending agreement or determination of the monetary value of the affordable dwelling equity, and shall apply such proceeds towards the discharge of the affordable dwelling equity, and—

(i) any residue of the proceeds held after discharge of the affordable dwelling equity shall be held by the housing authority upon the trusts provided for in section 107(3) of the Conveyancing Act and distributed accordingly, and

(ii) if the proceeds held are insufficient to discharge the affordable dwelling equity, the balance due to the housing authority shall be recoverable by the housing authority from the homeowner as a simple contract debt.

Realisation event and realisation notice

18. (1) The housing authority shall be entitled to demand the redemption of the affordable dwelling equity by serving a notice (in this Part referred to as a "realisation notice") on the homeowner on the occurrence of such event (in this Part referred to as a "realisation event") as is specified in the affordable dwelling purchase arrangement.

(2) Without prejudice to the generality of *subsection (1)*, each of the following shall be a realisation event:

(a) the affordable dwelling equity is not redeemed in its entirety by the homeowner by the later of the following dates:

(i) the long stop date;

(ii) the date 3 months from the date on which written notice of the expiration of the long stop date is given by the housing authority to the homeowner, which notice is to be given at any time within the period of 6 months ending on the long stop date or after the long stop date;

(b) the person who purchased the affordable dwelling under an affordable dwelling purchase arrangement, or, where pursuant to the arrangement the dwelling was purchased by more than one person, each such person, dies, commits an act of bankruptcy, or is adjudicated a bankrupt;

(c) any mortgagee, incumbrancer or receiver enters into possession of all or part of the affordable dwelling or the rents and profits thereof;

(d) the affordable dwelling becomes subject to an order or process for compulsory purchase;

(e) the affordable dwelling is demolished or destroyed, whether by fire or otherwise, or is damaged so as to materially affect its market value;

(f) the affordable dwelling is abandoned by the homeowner;

(g) following the giving of notice by the housing authority to the homeowner to remedy a material breach of a covenant in the affordable dwelling purchase arrangement within such reasonable period as may be specified in the notice, the breach is not remedied in the period specified;

(h) the housing authority is satisfied that the homeowner wilfully misled it in respect of any material fact having regard to which the eligibility or priority of the homeowner was determined in accordance with *section 10* or *11* .

(3) The housing authority may communicate with the homeowner for the purposes of advising, consulting or negotiating with the homeowner in relation to any actual or anticipated realisation event provided that the occurrence of a realisation event shall not oblige the housing authority to serve a realisation notice and neither its failure to serve a realisation notice nor any advice, consultation or negotiations with the homeowner shall constitute any waiver of its entitlement to serve a realisation notice.

(4) A realisation notice shall specify a period, not shorter than 3 months commencing on the date of its service (save in exceptional circumstances where the housing authority's ability to realise the affordable dwelling equity would be compromised), after which the housing authority shall be entitled to realise the affordable dwelling equity in accordance with *section 19*, unless the homeowner has first redeemed in its entirety the affordable dwelling equity.

Realisation of affordable dwelling equity by housing authority

19. (1) Where, following the service of a realisation notice, in the reasonable opinion of the housing authority, the affordable dwelling has been abandoned by the homeowner and is at risk of destruction or damage or its use or condition constitutes a risk to the health or safety of any person, the housing authority shall be entitled to enter upon, secure and take possession of the affordable dwelling pending the realisation or redemption in its entirety of the affordable dwelling equity and in such case the housing authority shall not be liable to the homeowner for any loss save for any damage caused to the affordable dwelling by the housing authority in the course of effecting such entry or during such possession.

(2) Where a housing authority takes possession of an affordable dwelling under *subsection (1)* it may return possession of the dwelling to the homeowner if it is satisfied that the risks have abated.

(3) Upon the expiration of the period specified in the realisation notice, or such further period as may be specified in writing by the housing authority—

(a) subject to the provisions of this subsection, the housing authority shall be entitled to sell, or concur with any other person in selling, the affordable dwelling and shall have all powers reasonably necessary to effect such sale, including the powers set out in *subsection (4)*,

(b) for the purpose of effecting such sale, the housing authority shall be entitled to demand and take possession of the affordable dwelling, giving not less than one month's notice (save in exceptional circumstances where delay would prejudice the housing authority's ability to realise the affordable dwelling equity),

(c) unless possession has been yielded up by the homeowner, the housing authority may—

(i) peaceably enter and take possession of the affordable dwelling, or

(ii) apply to the Circuit Court for the county in which the affordable dwelling is situate in a summary manner to be prescribed by rules of court for an order for possession of the affordable dwelling,

(d) on the hearing of an application for possession, the Circuit Court shall, on proof that a valid realisation notice has been served and that the affordable dwelling equity has not been redeemed in its entirety, order that possession be granted to the housing authority subject to such stay on execution, not exceeding 6 months, as it thinks fit,

(e) upon taking possession of the affordable dwelling, the housing authority shall, within a reasonable period, take steps to exercise the power of sale and to sell the dwelling at the best price reasonably obtainable within that period,

(f) the housing authority may demand and recover from any person, other than a person having in the affordable dwelling an estate or interest in priority to the affordable dwelling equity, all deeds and documents relating to the affordable dwelling, or its title, which a purchaser under the power of sale would be entitled to demand and recover, and

(g) the housing authority shall not be answerable for any involuntary loss resulting from the exercise or execution of the power of sale, of any trust connected with it, or of any power or provision contained in the affordable dwelling purchase arrangement.

(4) Incidental to the power of sale in *subsection (3)(a)* are the powers to—

(a) sell the affordable dwelling—

(i) subject to prior charges or not,

(ii) by public auction, tender or private contract,

(iii) subject to such conditions respecting title, evidence of title, or other matter as the housing authority or other person selling thinks fit,

(b) rescind any contract for sale and resell the affordable dwelling.

(5) Subject to the terms of any agreement referred to in *section 13(3)* nothing in this section shall prejudice the rights of any mortgagee of the affordable dwelling and, for the avoidance of doubt, a housing authority that has taken

possession of an affordable dwelling pursuant to this section may hand over the possession of the affordable dwelling to any such mortgagee having an entitlement to such possession on demand therefor by the mortgagee, and, without prejudice to the right of the housing authority to resume such possession by agreement with such mortgagee, such mortgagee may proceed to sell the affordable dwelling and where it does so *section 17(11)* will apply.

(6) At any time after the service of a realisation notice, the housing authority may—

(a) demand and obtain from any mortgagee whose mortgage ranks in priority to the affordable dwelling equity particulars of the moneys secured on such mortgage and any ancillary information reasonably necessary to exercising its powers under this section, and

(b) exercise the powers referred to in *subsection (3)(f)* notwithstanding any priority of such mortgage.

(7) Neither the power of sale nor the right to possession nor any other right or power of the housing authority shall be postponed by the service of any notice to make a redemption payment or for consent to sell the affordable dwelling or any procedures arising therefrom, provided that the housing authority shall be entitled to grant such extensions of time as it considers appropriate to facilitate any such notices or procedures.

(8) If, upon entry by the housing authority into possession of the affordable dwelling, there is any furniture or there are any other goods of the homeowner in or about the affordable dwelling, the housing authority shall be entitled to serve notice on the homeowner to remove the same and any furniture or goods not removed within a period of 21 days beginning on the date on which the notice is served may be removed and stored, sold, destroyed or otherwise disposed of as the housing authority deems appropriate, by the housing authority as agent for the homeowner, and at the expense of the homeowner, and any moneys realised on any sale of the furniture or goods shall be held as part of the residue of the proceeds of sale referred to in *subsection (17)*.

(9) A housing authority exercising the power of sale conferred by this section, or an express power of sale in the affordable dwelling purchase arrangement, shall have the power to convey the affordable dwelling—

(a) freed from all estates, interests and rights in respect of which the affordable dwelling purchase arrangement has priority,

(b) unless discharged by the housing authority, subject to all estates, interests and rights which have priority over the affordable dwelling purchase arrangement.

(10) Subject to *subsection (11)*, a conveyance by the housing authority—

(a) vests the entire estate or interest of the homeowner and the housing authority in the affordable dwelling in the purchaser freed and discharged from the affordable dwelling equity,

(b) vests any fixtures included in the affordable dwelling and the sale in the purchaser.

(11) Where the affordable dwelling comprises registered land, the conveyance is subject to section 51 of the Registration of Title Act 1964.

(12) Where a conveyance is made in professed exercise of the power of sale conferred by this section, the title of the purchaser is not impeachable on the ground—

(a) that no realisation event had occurred to authorise service of the realisation notice,

(b) of any actual or alleged irregularity in the realisation notice or in the service thereof, or

(c) that the power of sale was otherwise improperly exercised,

and a purchaser is not, either before or on conveyance, required to see or inquire whether the power of sale was properly exercised.

(13) Any person who suffers loss as a consequence of an unauthorised or improper exercise of the power of sale has a remedy in damages against the housing authority exercising the power.

(14) The receipt in writing of a housing authority exercising the power of sale conferred by this section is a conclusive discharge for any money arising under the said power of sale and a person paying or transferring the same to the housing authority is not required to inquire whether any money remains due to the housing authority pursuant to this Part.

(15) Following the completion of the sale, the monetary value of the affordable dwelling equity shall be determined in accordance with the valuation mechanism in accordance with the following formula:

X% x (€Y - €Z)

where—

(a) X% is the affordable dwelling equity as stated in the affordable dwelling purchase arrangement unless redemption payments have previously been made, in which case it shall be the affordable dwelling equity as revised pursuant to the last previous redemption payment made,

(b) €Y is the market value of the affordable dwelling provided that for the purpose of such determination, the price referred to in *section 14(1)*, to be adjusted (if relevant) by reference to the matters referred to in *paragraphs (a)* and *(b)* of *section 14(1)*, shall be the actual sale price, and

(c) €Z is the amount of the vouched charges, costs and expenses properly incurred by the housing authority as incident to the sale.

(16) Money received by the housing authority that arises from the sale of the affordable dwelling shall be applied in the following order—

(a) in discharge of prior incumbrances, if any, to which the sale was not made subject or payment into court of a sum to meet any such prior incumbrances,

(b) in payment of all charges, costs and expenses properly incurred by the housing authority as incident to the sale or any attempted sale or otherwise,

(c) in discharge of the affordable housing equity and any costs and expenses properly incurred by the housing authority in any proceedings necessary to recover possession of the affordable dwelling.

(17) Any residue of the money received by the housing authority after the discharge of the amount due under *subsection (16)(c)* shall be held by the housing authority upon the trusts provided for in section 107(3) of the Conveyancing Act and distributed accordingly.

(18) If the proceeds held are insufficient to discharge the amount due to the housing authority under *subsection (16)(c)*, the balance due to the housing

authority shall be recoverable by the housing authority from the homeowner as a simple contract debt.

Accounting for certain moneys received by housing authority

20. (1) The following moneys received by a housing authority shall be accounted for by the housing authority in a separate account which identifies the moneys as having been so received:

(a) redemption payments under *section 16(1)*;

(b) payments to the housing authority of sums representing the monetary value of the affordable dwelling equity under *section 17(9)*;

(c) the remaining balance of the affordable dwelling equity recovered by the housing authority from the homeowner as a simple contract debt under *section 17(10)*;

(d) moneys applied by the housing authority towards the discharge of the affordable dwelling equity, and the balance of the affordable dwelling equity recovered by the housing authority from the homeowner as a simple contract debt, under *section 17(11)(c)*;

(e) moneys applied by the housing authority in discharge of the affordable dwelling equity under *section 19(16)(c)*;

(f) the balance of the affordable dwelling equity recovered by the housing authority from the homeowner as a simple contract debt under *section 19(18)*.

(2) Moneys referred to in *subsection (1)* shall be used by a housing authority for all or any of the following purposes:

(a) the provision of dwellings under *section 6* ;

(b) the provision of financial assistance under *section 8* ;

(c) the provision of or facilitating the provision by it of cost rental dwellings within the meaning of *Part 3* under and in accordance with that Part.

Discharge for money payable under policy of insurance

21. Subject to any rights of prior incumbrancers in relation thereto, the housing authority may give a good discharge for any money payable under any policy of insurance on the affordable dwelling whether created by it or assigned to it, and—

(a) subject to *paragraph (b)*, so much of such money as exceeds the affordable dwelling equity shall be dealt with by the housing authority as if it were the proceeds of a sale of the affordable dwelling, and

(b) the housing authority may require any money received under such or other insurance of the affordable dwelling to be applied—

(i) by the homeowner in making good loss or damage covered by the insurance, or

(ii) in or towards the redemption of the affordable dwelling equity.

Relationship with other enactments

22. (1) Save as provided for by or under any other enactment, neither the purchase of a dwelling under an affordable dwelling purchase arrangement nor any consent to any structural alterations nor any consent to any resale of an affordable dwelling shall imply the giving of a warranty on the part of the housing authority concerned in relation to the state of repair or condition of the affordable dwelling or its fitness for human habitation.

(2) Section 211(2) of the Act of 2000 and section 183 of the Local Government Act 2001 shall not apply to the sale of a dwelling to an eligible applicant under an affordable dwelling purchase arrangement.

(3) Section 9 of the Civil Liability Act 1961 shall not apply to any action by the housing authority for the realisation of the affordable dwelling equity.

(4) For the purposes of the Statute of Limitations 1957 —

(a) no possession of an affordable dwelling by a homeowner or any third party shall be adverse to the title of the housing authority within the meaning of section 18 of that Act until the date on which possession is taken by the housing authority under *section 19* or the date of any sale under *section 17*, whichever is earlier, and

(b) no claim for an order for possession of an affordable dwelling shall be deemed to have accrued until the date of expiration of a realisation notice under *section 18* in relation to the dwelling.

(5) Section 31 of the Conveyancing Act shall not apply in respect of the affordable dwelling equity.

(6) In this section, "enactment" means—

(a) an Act of the Oireachtas,

(b) a statute that was in force in Saorstát Éireann immediately before the date of the coming into operation of the Constitution and that continued in force by virtue of Article 50 of the Constitution, or

(c) any instrument made under an Act of the Oireachtas or a statute referred to in *paragraph (b)*.

Regulations (*Part 2*)

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

(a) the form of any notices, deeds and other documents arising under affordable dwelling purchase arrangements;

(b) such other matters as the Minister considers necessary and appropriate relating to the provision of affordable dwellings or relating to affordable dwelling purchase arrangements, for the purpose of enabling this Part to have full effect.

Amendments to Housing Finance Agency Act 1981

24. The Housing Finance Agency Act 1981 is amended—

(a) in section 4(2)—

(i) by the insertion of "and" after paragraph (c), and

(ii) by the deletion of paragraphs (ca) and (cb),

and

(b) in section (5)—

(i) in paragraph (c), by the substitution of "Act, or" for "Act,",

(ii) in paragraph (d), by the substitution of "body." for "body, or", and

(iii) by the deletion of paragraph (e).

Amendments to Housing (Miscellaneous Provisions) Act 1997

25. The Housing (Miscellaneous Provisions) Act 1997 is amended—

(a) in section 1, in the definition of "affordable house", by the substitution of "purchased under an affordable dwelling purchase arrangement under *Part 2* of the *Affordable Housing Act 2021* " for "purchased under affordable dwelling purchase arrangements under Part 5 of the Housing (Miscellaneous Provisions) Act 2009 ", and

(b) in section 14(2)—

(i) by the substitution of the following paragraph for paragraph (c):

"(c) *Part 2* of the *Affordable Housing Act 2021*,",

(ii) by the substitution of the following paragraph for paragraph (iii):

"(iii) in the case of an affordable dwelling purchase arrangement under *Part 2* of the *Affordable Housing Act 2021*, an eligible applicant within the meaning of *section 4* of that Act,",

(iii) by the substitution of "eligible applicant or any member of the eligible applicant's household" for "eligible household or any member of the eligible household", and

(iv) by the substitution of "that eligible applicant's household" for "that eligible household".

Amendments to Act of 2009

26. The Act of 2009 is amended—

(a) in section 2—

(i) in the definition of "affordable housing", by the substitution of "affordable dwellings within the meaning of *section 4* of the *Affordable Housing Act 2021* purchased under *Part 2* of that Act" for "affordable dwellings purchased under affordable dwelling purchase arrangements under Part 5", and

(ii) in the definition of "material improvements", by the substitution of "means improvements made to a dwelling sold under an incremental purchase arrangement under Part 3" for "means improvements made to - (a) a dwelling sold under an incremental purchase arrangement under Part 3, or (b) subject to section 78(3), a dwelling sold under an affordable dwelling purchase arrangement under Part 5",

(b) in section 10—

(i) in paragraph (c), by the substitution of "management and control," for "management and control, and",

(ii) in paragraph (d), by the substitution of "housing authorities, and" for "housing authorities.", and

(iii) by the insertion of the following paragraph after paragraph (d):

"(e) cost rental dwellings within the meaning of *Part 3* of the *Affordable Housing Act 2021*.",

and

(c) in section 32(6), in paragraph (a), by the substitution of the following subparagraph for subparagraph (iii):

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

Amendments to Housing (Miscellaneous Provisions) Act 2014

27. The Housing (Miscellaneous Provisions) Act 2014 is amended—

(a) in section 6(1), in paragraph (b) of the definition of "affordable housing", by the substitution of "purchased under an affordable dwelling purchase arrangement under *Part 2* of the *Affordable Housing Act 2021* " for "purchased under affordable dwelling purchase arrangements provided for by Part 5 of the Act of 2009", and

(b) in section 21, in the definition of "affordable house", by the substitution of "purchased under an affordable dwelling purchase arrangement under *Part 2* of the *Affordable Housing Act 2021*" for "purchased under affordable dwelling purchase arrangements provided for by Part 5 of the Act of 2009".

PART 3

Cost Rental Dwellings

Interpretation (*Part 3*)

28. In this Part—

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

"Act of 2014" means the Housing (Miscellaneous Provisions) Act 2014;

"cost calculation period" has the meaning given to it by *section 29(3)(d)*;

"cost rental designation" means a designation of a dwelling as a cost rental dwelling under the seal of the Minister in accordance with *section 30*;

"cost rental dwelling" means a dwelling specified in a cost rental designation;

"cost rental period", in relation to a cost rental dwelling, means the period beginning on the date on which the cost rental designation specifying the dwelling is sealed by the Minister and ending on the date specified in the cost rental revocation;

"cost rental rent" has the meaning given to it by *section 33(4)*;

"cost rental revocation" means a revocation of a cost rental designation under the seal of the Minister in accordance with *section 38*;

"cost rental tenancy" means a residential tenancy of a cost rental dwelling;

"housing assistance" has the same meaning as it has in Part 4 of the Act of 2014;

"initial maximum rent", in relation to a cost rental dwelling, means the initial maximum rent specified in the cost rental designation;

"minimum cost rental period extension" means a confirmation under the seal of the Minister in accordance with *section 37* that the minimum period has been extended;

"minimum period" has the meaning given to it by *section 29(3)(e)*.

Application for designation as cost rental dwelling

29. (1) The owner of a dwelling may apply to the Minister to designate the dwelling as a cost rental dwelling.

(2) An application under this section shall be made in such manner and form, and contain such information, including information regarding the proposed cost rental period and information as to how proposed rents will cover estimated costs, as the Minister may prescribe.

(3) Without prejudice to the generality of *subsection (2)* an application pursuant to this section shall include the following:

(a) particulars identifying the dwelling to which the application relates;

(b) particulars of the owner's title to, and any incumbrances on, the dwelling;

(c) the written consent of the holder of any estate or interest in the dwelling or any incumbrancer who, in the opinion of the owner of the dwelling or of the Minister, will be affected by designation of the dwelling as a cost rental dwelling;

(d) a statement of the proposed initial maximum rent in respect of the dwelling calculated in such manner as would over the duration of a stated period of not less than 40 years (in this Part referred to as the "cost calculation period") amortise a sum not greater than the estimated total cost to the owner (duly apportioned where the application relates to more than one dwelling) of acquiring, developing and otherwise making available the dwelling and of letting the dwelling to tenants under cost rental tenancies for the duration of the cost calculation period in accordance with regulations made by the Minister;

(e) a statement of the proposed minimum cost rental period in respect of the dwelling (in this Part referred to as the "minimum period");

(f) details of the estimated total cost referred to in *paragraph (d)* including—

(i) costs associated with making the dwelling available for rent including any capital development or acquisition costs involved,

(ii) financing costs associated with making the dwelling available for rent including debt finance costs, interest charges and limited equity returns,

(iii) necessary and appropriate management costs associated with the dwelling, including costs of letting the dwelling,

(iv) costs associated with necessary and appropriate maintenance of the dwelling during the cost calculation period,

(v) costs of maintaining a prudent contingency surplus in addition to a sinking fund created to meet projected maintenance costs associated with the dwelling during the cost calculation period;

(g) a declaration that all factual statements contained in the application are true and correct to the best of the applicant's knowledge, information and belief;

(h) a declaration that the owner and the owner's successors in title will comply with the obligations of an owner if the dwelling is designated as a cost rental dwelling.

(4) The proposed minimum period referred to in *subsection (3)(e)* shall be a period not less than the cost calculation period.

(5) The Minister may request such additional and supplementary information as he or she requires to determine an application under this section.

(6) Where the owner of a dwelling amends an application under this section the owner shall provide a revised declaration referred to in *subsection (3)(g)*.

Designation as cost rental dwelling

30. (1) Where following an application under *section 29* the Minister intends to designate a dwelling as a cost rental dwelling he or she shall provide the owner with a document in the prescribed form setting out the basis on which the Minister proposes to designate the dwelling and including the following information:

(a) particulars identifying the dwelling;

(b) a statement of the minimum period;

(c) a statement of the initial maximum rent;

(d) an assent to the registration of the cost rental designation as a burden on or act affecting the dwelling on behalf of the owner;

(e) such further particulars as may be prescribed.

(2) Where the owner is satisfied to proceed with the designation, the owner shall execute the document in such manner as may be prescribed and return it to the Minister within such period as may be prescribed, whereupon the Minister shall complete the designation by applying his or her seal to the document.

(3) The dwelling specified in the cost rental designation shall stand designated as a cost rental dwelling from the date on which it is sealed by the Minister.

(4) As soon as practicable after it is sealed by the Minister, a copy of the cost rental designation shall be furnished to the owner of the dwelling concerned and to any person who gave consent to the application under *section 29(3)(c)*.

(5) A cost rental designation shall be registrable in the Registry of Deeds as an act of the owner affecting the cost rental dwelling and, as the case may be, in the Land Registry as a burden on any folio in which the cost rental dwelling or any part thereof is registered and where the Minister seals a cost rental designation under *subsection (2)*, the Minister shall, as soon as practicable thereafter, cause it to be so registered in the Registry of Deeds or the Land Registry, or both, as appropriate.

(6) The Minister shall keep a record of all cost rental designations.

Lettings of cost rental dwelling

31. (1) The landlord of a cost rental dwelling shall—

(a) lease it—

(i) in a transparent manner,

(ii) on terms in accordance with the cost rental designation,

(iii) to a tenant whose household falls within prescribed eligibility requirements, and

(iv) having due regard to the accommodation needs of proposed tenants and to the size and type of dwelling concerned,

and

(b) F11**[**subject to *section 31A(8)*, comply with regulations**]** made by the Minister under *subsection (3)*.

(2) The landlord of a cost rental dwelling may only enter into a tenancy agreement in respect of that dwelling that complies with regulations under this section and includes such mandatory terms as the Minister may prescribe.

(3) The Minister may prescribe the following matters for the purposes of this section:

(a) the process by which vacancies which may arise in cost rental dwellings are to be notified to the public, applied for and allocated;

(b) eligibility requirements in respect of tenants, F11**[**including the composition of a household and maximum and minimum income levels**]** for tenants and the households of tenants, having regard to the type, size, and location of the dwelling, and the size and composition of the household;

(c) the process by which tenants are to be selected;

(d) the placing of tenants into particular dwellings appropriate to their needs;

(e) in specified circumstances, the selection of tenants by lottery;

(f) the form and content of a cost rental tenancy agreement, including mandatory terms of the agreement, which may include, but shall not be limited to, covenants on the part of the landlord and the tenant, agreements and provisos with regard to the cost rental tenancy, provision for the giving or service of notices, deemed dates of receipt of notices and other incidental and consequential matters.

(4) Regulations under this section shall not affect the discretion of the owner of a cost rental dwelling to proceed or not to proceed with any particular letting notwithstanding that a prospective tenant is eligible under such regulations.

F12**[**(5) This section shall not apply to a letting of a cost rental dwelling in accordance with *section 31B(4)*.**]**

F13**[Allocation plan**

31A. (1) A landlord of a cost rental dwelling may prepare a plan (in this section referred to as an "allocation plan") for the letting of a proposed selected dwelling specifying—

(a) the selection criteria applicable to a tenant referred to in *section 31(1)(a)(iii)*,

(b) whether the selection criteria are to be satisfied by one or more members of the household,

(c) the manner and sequence in which the selection criteria are to be applied, and

(d) the process by which vacancies are to be allocated, including by lottery or based upon the date or time at which the application is made by the prospective tenant.

(2) The allocation plan may establish the selection criteria by reference to any one or any combination of one or more of the following:

(a) the size and composition of the household;

(b) the proximity of the selected dwelling to the current residence of the prospective tenant or to a child of the prospective tenant;

(c) the proximity of the selected dwelling to the place of employment of the prospective tenant;

(d) the proximity of the selected dwelling to a school or other educational establishment attended by the prospective tenant or a child of the prospective tenant;

(e) the prospective tenant being resident or having been resident in an administrative area of a local authority or in a specified local electoral area or electoral division or being or having been so resident for a particular length of time;

(f) such other criteria as may be prescribed by the Minister.

(3) The landlord shall apply to the Minister for approval of an allocation plan.

(4) An application under *subsection (3)* shall be made in such manner and form, and contain such information, including details of the proposed selected dwelling, as the Minister may prescribe.

(5) The Minister shall give notice in writing to the landlord of his or her decision to—

(a) approve the allocation plan, or

(b) refuse to approve the allocation plan.

(6) Where the Minister approves an allocation plan under *subsection (5)(a)*, the notice shall specify the date on which the plan shall come into operation.

(7) A landlord who receives a notice referred to in *subsection (5)(a)* shall—

(a) lease the selected dwelling in accordance with the allocation plan, and

(b) comply with regulations under *subsection (12)*.

(8) Where an allocation plan is approved by the Minister under *subsection (5)(a)* and the landlord complies with *subsection (7)*, regulations under

section 31(3) shall apply to the letting of a selected dwelling referred to in the plan except insofar as those regulations concern—

(a) the process by which vacancies are allocated, and

(b) the process by which tenants are to be selected.

(9) Where the landlord referred to in this section is a housing authority, the Minister may, at any time, direct the housing authority to prepare or amend an allocation plan and the housing authority shall comply with any such direction within such period as may be specified by the Minister.

(10) The preparation of an allocation plan by a housing authority and the amendment of such a plan are reserved functions.

(11) The Minister may by notice in writing, as he or she considers necessary and appropriate, withdraw his or her approval of an approved allocation plan.

(12) The Minister may prescribe the following matters for the purposes of this section:

(a) the form and content of an allocation plan;

(b) the conditions that may be attached by the Minister to an approved allocation plan;

(c) the procedure and circumstances in which a landlord may apply to amend an approved allocation plan;

(d) the procedure and circumstances in which a landlord may apply to terminate an approved allocation plan;

(e) the procedure for the withdrawal of approval of an approved allocation plan under *subsection (11)*;

(f) the publication of an approved allocation plan;

(g) the inclusion of more than one allocation plan for the letting of different selected dwellings in an application under *subsection (3)*;

(h) provision for the giving or service of notices, deemed dates of receipt of notices and other incidental and consequential matters.

(13) The approval of an allocation plan under this section shall not affect the discretion of the owner of a cost rental dwelling to proceed or not to proceed with any particular letting of a selected dwelling referred to in the plan notwithstanding that a prospective tenant is eligible under the allocation plan.

(14) In this section—

"Act of 2001" means the Local Government Act 2001;

"electoral division" shall be construed in accordance with section 223 of the Act of 2001;

"local electoral area" has the same meaning as it has in the Act of 2001;

"selected dwelling" means a cost rental dwelling that is subject to an allocation plan.**]**

F14**[Letting of occupied dwelling**

31B. (1) This section shall apply to a dwelling purchased by a landlord where the tenant of the dwelling—

(a) is or was a tenant referred to in *section 31(1)(a)(iii)* on the date that the dwelling is or was purchased by the landlord, and

(b) has received from his or her previous landlord, prior to the date referred to in *paragraph (a)*, a notice of termination in respect of the dwelling on the ground specified in paragraph 3 of the Table to section 34 of the Act of 2004,

in this section referred to as an "occupied dwelling".

(2) Without prejudice to the generality of *subsection (1)*, this section shall apply to an occupied dwelling purchased by the Housing Agency prior to the date of the coming into operation of this section.

(3) *Sections 29* and *30* shall apply to an occupied dwelling as they apply to a dwelling subject to—

(a) the modification that the written consent of the tenant shall not be required pursuant to *section 29(3)(c)*, and

(b) any other necessary modifications.

(4) Where an occupied dwelling is designated as a cost rental dwelling under *section 30*, the landlord shall—

(a) lease it to the tenant who occupied the dwelling prior to the cost rental designation,

(b) lease it on terms in accordance with the cost rental designation, and

(c) enter into a cost rental tenancy agreement in respect of that dwelling in accordance with regulations made by the Minister under *subsection (5)*.

(5) The Minister may, for the purposes of this section, prescribe the form and content of a cost rental tenancy agreement, including mandatory terms of the agreement, which may include, but shall not be limited to, covenants on the part of the landlord and the tenant, agreements and provisos with regard to the cost rental tenancy, provision for the giving or service of notices, deemed dates of receipt of notices and other incidental and consequential matters.

(6) Following the termination of the cost rental tenancy agreement referred to in *subsection (4)(c)*, the landlord shall lease the cost rental dwelling in accordance with *section 31*.**]**

Application of Act of 2004

32. (1) Save insofar as it is excluded by this section or *section 33*, or otherwise inconsistent with this Part, the Act of 2004 shall—

(a) subject to subsection (2) of section 3 of the Act of 2004, apply to every cost rental dwelling, the subject of a tenancy, and

(b) notwithstanding *paragraph (a)*, apply to a dwelling of a type referred to in subsection (2)(c) of section 3 of the Act of 2004.

(2) A cost rental dwelling is not a dwelling referred to in section 3(4) of the Act of 2004.

(3) The grounds for termination of a residential tenancy in paragraphs 3, 4, 5 and 6 of the Table to section 34 of the Act of 2004 shall not apply where the tenancy is a cost rental tenancy.

(4) Subject to *subsection (5)*, a tenant of a cost rental dwelling shall not assign or sub-let the cost rental tenancy and—

(a) any such purported assignment or sub-letting shall be void, and

(b) section 16(k) of the Act of 2004 shall not apply to a cost rental tenancy.

(5) *Subsection (4)* shall not apply to the removal, replacement or addition of one or more tenants (other than the removal or replacement of all the tenants in the cost rental dwelling, by whatever means effected) where it is provided for in regulations under *subsection (6)* and is with the written consent of the landlord.

(6) The Minister may, for the purposes of giving effect to eligibility requirements, prescribe the circumstances in which and the process by which a landlord of a cost rental dwelling may give his or her consent to the removal, replacement or addition of tenants referred to in *subsection (5)*.

(7) A landlord of a cost rental dwelling shall in the removal, replacement or addition of a tenant of a cost rental dwelling comply with matters prescribed by the Minister under *subsection (6)*.

(8) Sections 50(8) and 76(4) of the Act of 2004 shall not apply to a person who is lawfully in occupation of a cost rental dwelling as a licensee of the tenant during the subsistence of a tenancy protected under Part 4 of that Act and who requests the landlord of the dwelling to allow him or her to become a tenant of the dwelling.

Setting and review of rent in cost rental tenancy

33. (1) Part 3 of the Act of 2004 shall not apply to the payment or setting of rent under a cost rental tenancy.

(2) In setting, at any particular time, the rent under a cost rental tenancy, a rent shall not be provided for that is greater than the cost rental rent for that dwelling specified in *subsection (4)*.

(3) The reference in this section to the setting of the rent under a cost rental tenancy is a reference to—

(a) the initial setting of the rent under the tenancy, and

(b) any subsequent setting of the rent under the tenancy by way of a review of that rent (in this section referred to as "setting of the rent by way of a review").

(4) In this section the "cost rental rent" means—

(a) in the case of the initial setting of the rent under a cost rental tenancy—

(i) the initial maximum rent, plus,

(ii) an amount, calculated in such manner as the Minister may prescribe, to take account of any change in the Harmonised Index of Consumer Prices as published by the Central Statistics Office, or such other index as the Minister may prescribe, since the dwelling was designated as a cost rental dwelling,

(b) in the case of the first setting of the rent by way of a review—

(i) the rent set by the initial setting of the rent, plus,

(ii) an amount, calculated in such manner as the Minister may prescribe, to take account of any change in the Harmonised Index of Consumer Prices as published by the Central Statistics Office, or such other index as the Minister may prescribe, since the initial setting of the rent,

(c) in the case of a subsequent setting of the rent by way of a review—

(i) the rent set by the previous setting of the rent by way of a review, plus,

(ii) an amount, calculated in such manner as the Minister may prescribe, to take account of any change in the Harmonised Index of Consumer Prices as published by the Central Statistics Office, or such other index as the Minister may prescribe, since the previous setting of the rent by way of a review.

(5) Subject to this section, the setting of the rent by way of a review shall be carried out in accordance with the cost rental tenancy agreement concerned including any mandatory terms prescribed by the Minister under *section 31*.

(6) A setting of the rent by way of a review may not occur—

(a) in the period of 12 months beginning on the commencement of the cost rental tenancy,

(b) more frequently than once in each period of 12 months.

(7) Where a cost rental tenancy agreement does not include provision for a review of rent the landlord may initiate a review of the rent in accordance with this section.

(8) Where the cost rental tenancy agreement does not include provision for the frequency of rent reviews the date on which the setting of the rent by way of a review is to take effect shall be the anniversary of the commencement of the cost rental tenancy.

(9) A setting of the rent by way of a review shall be initiated by the service of notice thereof (in this Part referred to as a "rent review notice") by the landlord or his or her authorised agent in the prescribed form and in accordance with *subsection (10)*.

(10) A rent review notice shall—

(a) be served not earlier than two weeks before, and not later than four weeks after, the date on which the setting of the rent by way of a review is to take effect,

(b) state the amount of the rent (in this Part referred to as the "new rent") set by way of the review,

(c) state the date from which the new rent is to take effect,

(d) state that a dispute in relation to the setting of the new rent must be referred to the Residential Tenancies Board under Part 6 of the Act of 2004 before the expiry of 28 days from the receipt by the tenant of that notice,

(e) confirm that the new rent is not greater than the cost rental rent for that dwelling on the earlier of—

(i) the date on which the rent review notice is signed, or

(ii) the date from which the new rent is to take effect,

(f) state the date on which the rent review notice is signed, and

(g) be signed by the landlord or his or her authorised agent.

(11) Subject to *subsection (12)*, notwithstanding that the new rent may take effect from the date specified in the rent review notice, the new rent shall not become payable until the later of—

(a) the next gale day after the expiration of 28 days from the date of receipt of the rent review notice, where no dispute in relation to the new rent is referred to the Residential Tenancies Board under Part 6 of the Act of 2004, and

(b) the next gale day after the expiration of 28 days from the determination by the Residential Tenancies Board where a dispute in relation to the new rent is referred to it under Part 6 of the Act of 2004.

(12) Any difference that accrues between the rent prior to the rent review and the new rent by virtue of the provisions of *subsection (11)* shall be paid within 12 weeks of the date upon which the new rent becomes payable under *subsection (11)*.

(13) Every person entitled to any rent in arrears or to be paid other charges under a cost rental tenancy (whether in his or her own right or as personal representative of a deceased landlord) shall be entitled to recover, under Part 6 of the Act of 2004, such arrears or charges from any person who occupied the cost rental dwelling as a tenant in the period in which the arrears accrued or the charges arose or, as appropriate, from the personal representative of that person.

(14) The provisions of the Act of 2004 specified in *column (2)* of the Table to this section at each reference number shall apply to cost rental tenancies as if the provisions of the Act of 2004 specified at the same reference number in *column (3)* of the Table were references to the provisions of this section specified at the same reference number in *column (4)* of the Table, subject, where relevant, to any proviso specified at the same reference number in *column (5)*.

Table

Ref No.	Section of Act of 2004	Provisions of Act of 2004 referenced	Substituted provisions of this section	Proviso
(1)	(2)	(3)	(4)	(5)
1.	section 75(4)(b)	section 23	subsection (13)	
2.	section 78(1)(b)	sections 19 or as the case may be 19A	subsections (2), (3)(a) and (4)(a)	A referral of any such dispute or complaint must be made before— (a) the date on which the tenancy is to begin, or (b) the expiry of 28 days from the date of the cost rental tenancy agreement

Ref No.	Section of Act of 2004	Provisions of Act of 2004 referenced	Substituted provisions of this section	Proviso
(1)	(2)	(3)	(4)	(5)
3.	section 78(1)(c)	Part 3	subsections (2), (3)(b), (4)(b) and (5) to (12)	A referral of any such dispute or complaint must be made before the expiry of 28 days from the receipt by the tenant of the rent review notice
4.	section 115(2)(b)	subsection (1) or (4) of section 19	subsection (2)	
5.	section 120(2)	section 19(2)	subsection (3)	
6.	section 135(4)(e)(i)(I)	sections 19, 20 and 22	subsections (2) to (12)	
7.	section 135(4)(e)(ii)(I)	section 19	subsection (2), (3)(a) and (4)(a)	

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.

(2) The payment or receipt of housing assistance contrary to *subsection (1)* shall not of itself affect the validity the cost rental tenancy concerned.

(3) Compliance with *subsection (1)* shall not constitute discrimination in the provision of accommodation within the meaning of section 6 of the Equal Status Act 2000.

Cost rental tenancy not social housing support

35. (1) For the avoidance of doubt, a tenancy in respect of a cost rental dwelling is not social housing support within the meaning of section 19 of the Act of 2009, notwithstanding that the dwelling may be provided or let by a housing authority, or by an approved housing body.

(2) Where housing assistance in respect of a cost rental dwelling is provided to a household specified in *section 34* such assistance shall be deemed to be an appropriate form of social housing support for a household that is determined by a housing authority under section 20 of the Act of 2009 to be qualified for such support.

Obligation of owner to provide information to Minister regarding cost rental dwelling

36. For the purpose of monitoring compliance with the requirements of this Part and for the compilation of statistical data with regard to the operation of this Part, the Minister may make regulations requiring owners and, by reference to a prescribed period, former owners, of cost rental dwellings to—

(a) maintain records of such information as may be prescribed in relation to the cost rental dwelling concerned, including:

(i) information regarding the letting of that dwelling during such period as may be prescribed;

(ii) information regarding the setting or review of the cost rental rent during such period as may be prescribed;

(iii) information regarding any application for, or payment of, housing assistance in respect of the dwelling during such period as may be prescribed,

and

(b) make such records available to the Minister upon request in accordance with such procedure as may be prescribed.

Extension of minimum period

37. (1) The owner of a cost rental dwelling may, with the consent of any person who gave consent to the application under *section 29(3)(c)*, apply to the Minister for an extension of no less than 5 years to the minimum period—

(a) prior to the end of the minimum period, or

(b) after the end of the minimum period (provided that the relevant cost rental designation has not been revoked).

(2) Where the Minister receives an application under *subsection (1)*, he or she shall give consent in writing under his or her seal (in this Part referred to as a "minimum cost rental period extension"), in such form as the Minister may prescribe, to the minimum period specified in the cost rental designation relating to the dwelling being—

(a) in the case of an application referred to in *subsection (1)(a)*, extended by the period specified in the minimum cost rental period extension, and

(b) in the case of an application referred to in *subsection (1)(b)*, such new period as is specified in the minimum cost rental period extension.

(3) As soon as practicable after it is sealed by the Minister, a copy of the minimum cost rental period extension shall be furnished to the owner of the dwelling concerned and to any person who gave consent to the application under *section 29(3)(c)*.

(4) The minimum cost rental period extension shall be registrable in the Registry of Deeds as an act of the owner affecting the cost rental dwelling and, as the case may be, in the Land Registry as a burden on any folio in which the cost rental dwelling or any part thereof is registered and where the Minister seals a minimum cost rental period extension under *subsection (2)*, he or she shall, as soon as practicable thereafter, cause it to be so registered in the Registry of Deeds or the Land Registry, or both, as appropriate.

Termination of cost rental period

38. (1) The owner of a cost rental dwelling may, following the expiration of the minimum period, with the consent of any person who gave consent to the application under *section 29(3)(c)*, apply to the Minister for the revocation of a cost rental designation.

(2) Where the Minister receives an application referred to in *subsection (1)*, the Minister shall revoke the cost rental designation in writing under his or her seal (in this Part referred to as a "cost rental revocation") within a period of 28 days, in accordance with regulations made under this Part.

(3) The owner of the cost rental dwelling may, with the consent of any person who gave consent to the application under *section 29(3)(c)*, apply to the Minister for the revocation of a cost rental designation during the minimum period.

(4) Where the Minister receives an application referred to in *subsection (3)*, the Minister may, following such inquiries as he or she deems appropriate and if satisfied on exceptional grounds that it is in the public interest that the cost rental designation be revoked, issue a cost rental revocation.

(5) For the purposes of *subsection (4)*, "exceptional grounds" means facts and circumstances not reasonably foreseeable by the owner or the Minister at the time of the cost rental designation which in the opinion of the Minister render the operation of this Part unachievable in respect of the cost rental dwelling concerned.

(6) A cost rental revocation referred to in *subsection (4)* may contain such conditions as the Minister deems appropriate having regard to the circumstances in which it is issued.

(7) Subject to *subsection (6)*, a cost rental designation shall stand revoked from the date on which the cost rental revocation is sealed by the Minister.

(8) A cost rental revocation shall be in such form as the Minister may prescribe.

(9) As soon as practicable after it is sealed by the Minister, a copy of the cost rental revocation shall be furnished to the owner of the dwelling concerned and to any person who gave consent to the application under *section 29(3)(c)*.

(10) Any cost rental designation or minimum cost rental period extension registered as a burden on any folio in which the relevant cost rental dwelling or any part thereof is registered in the Land Registry shall be cancelled on making an application in such manner as may be prescribed in Land Registry rules following the sealing of a cost rental revocation.

(11) Any cost rental designation or minimum cost rental period extension registered as an act of the owner affecting a cost rental dwelling in the Registry of Deeds shall be recorded as satisfied or otherwise discharged on making an application in such manner as may be prescribed in Registry of Deeds rules following the sealing of a cost rental revocation.

Cost rental tenancies subsisting on termination of cost rental period

39. Where a tenancy that is a Part 4 tenancy or a further Part 4 tenancy within the meaning of the Act of 2004 is subsisting in relation to a cost rental dwelling on the date on which the cost rental designation in respect of the dwelling is revoked, the provisions of this Part shall continue to apply to that tenancy until the tenancy is validly terminated.

Loans to approved housing bodies in support of cost rental dwellings

40. (1) The Minister may, from time to time, out of moneys provided by the Oireachtas for that purpose, make grants to the Housing Agency for the purpose of making loans to approved housing bodies for the development or provision of dwellings to be designated as cost rental dwellings under *section 30*.

(2) Where the Minister makes grants under *subsection (1)*, he or she shall direct the Housing Agency to apply the funds received by it pursuant to the grants for the purposes specified in that subsection in accordance with such regulations as may from time to time be made by the Minister under *subsection (13)*.

(3) The Housing Agency shall not make a loan under this section without the prior written consent of the Minister.

(4) The Housing Agency shall, where requested to do so by the Minister and in accordance with the terms of any such request, invite and receive proposals from approved housing bodies, to be made in accordance with the procedures and requirements of the Housing Agency in that behalf, for the making of loans under this section.

(5) The Housing Agency shall consider any proposals from approved housing bodies under *subsection (4)* made in accordance with the procedures and requirements of the Housing Agency.

(6) The Housing Agency shall, after it has considered proposals received by it under *subsection (4)*, provide a report to the Minister which shall contain the Agency's assessment of the merits of each proposal together with its opinion as to whether a loan should be made in respect of each proposal.

(7) The Minister shall consider the assessment and opinion of the Housing Agency and shall decide whether to consent to the making of a loan under this section.

(8) The Housing Agency may engage such competent persons (including consultants and advisers) as it considers necessary for the purposes of performing its functions under this section.

(9) The Housing Agency shall have all such powers as are necessary or expedient for the performance of its functions under this section.

(10) The Housing Agency may perform any of its functions under this section through or by any member of the staff of the Housing Agency duly authorised in that behalf by the Housing Agency.

(11) The Housing Agency shall furnish to the Minister such information regarding the performance or proposals for the performance of its functions under this section as the Minister may from time to time require.

(12) The Housing Agency shall keep, in such form as may be approved by the Minister, with the consent of the Minister for Public Expenditure and Reform, all proper and usual accounts of all moneys received or expended by it under this section and, in particular, shall keep in such form as aforesaid all such special accounts as the Minister, with the consent of the Minister for Public Expenditure and Reform, may from time to time direct.

(13) The Minister may make regulations in relation to the making of loans under this section including regulations prescribing—

(a) the duration of such loans,

(b) the percentage of, and the manner of calculation of, the capital costs of the dwellings in respect of which such loans may be made,

(c) any conditions to be attached to the loans, including any requirements in respect of the security arrangements to be put in place in respect of such loans,

(d) the manner in which the Housing Agency is to deal with moneys received by it from approved housing bodies in repaying loans made under this section including as to whether such moneys are to be—

(i) paid into, or disposed of for the benefit of the Exchequer, in such manner as the Minister for Public Expenditure and Reform thinks fit,

(ii) with the consent of the Minister for Public Expenditure and Reform, used by the Housing Agency to make further loans in accordance with this section, or

(iii) with the consent of the Minister for Public Expenditure and Reform, paid to the Minister for Housing, Local Government and Heritage.

(14) In this section, "Housing Agency" means the Housing and Sustainable Communities Agency.

PART 4

Provision of funding to purchase equity share in dwellings

Minister may provide funding to undertaking to enable purchase of dwellings

41. (1) The Minister may, out of moneys provided by the Oireachtas, contribute funds towards a special purpose vehicle established to make funds available to purchase an equity share in dwellings for the purpose of assisting persons to purchase such dwellings in accordance with the terms of a memorandum of agreement to be made between the Minister and such special purpose vehicle.

(2) Without prejudice to the generality of *subsection (1)*, the memorandum of agreement to be made between the Minister and such special purpose vehicle may provide for—

(a) the persons or classes of persons who are to be eligible to purchase a dwelling in which an equity share is to be purchased with funds made available by the special purpose vehicle, in particular having regard to the financial means of such persons and their existing ability to obtain a mortgage that would enable the purchase of a dwelling suitable for their needs,

(b) the dwellings or classes of dwellings for the purchase of which funds may be made available by the special purpose vehicle,

(c) the amount of funding to be contributed by the Minister and any other person to the special purpose vehicle,

(d) the forms or types of security to be required in respect of the equity share acquired in respect of funds made available by the special purpose vehicle and the priority to be given to the repayment of funds contributed by the Minister and funds contributed by any other person to the special purpose vehicle,

(e) conditions in relation to purchaser redemption of the equity share acquired in respect of funds made available by the special purpose vehicle, including the manner of, and period for, such redemption,

(f) conditions in relation to the rate of interest to be charged in respect of funds made available by the special purpose vehicle,

(g) conditions in relation to the recovery of funds associated with a dwelling in which an equity share has been purchased with funds made available by the special purpose vehicle, including where a property purchased with the benefit of such funds is sold or transferred,

(h) conditions in relation to fees or charges that may be applied by the special purpose vehicle, or persons acting on its behalf, in relation to funds made, or to be made, available by it,

(i) conditions for contractors to qualify to provide dwellings for the purchase of which funds may be made available by the special purpose vehicle,

(j) such other conditions as the Minister considers appropriate in order to achieve the purposes of this Act including measures to ensure the effectiveness and efficiency of the arrangement, the protection of the State's financial interests, the attractiveness of the arrangement to the persons contributing funds to the special purpose vehicle, the terms on which such contributions may be made and the control and operation of the special purpose vehicle, and

(k) such other matters as the Minister may prescribe.

(3) Without prejudice to the generality of *subsection (2)*, the Minister may make regulations for the purposes of enabling this section to have full effect and to achieve the purposes of this Act and such regulations may, in particular, provide for the joint funding or management, or both, of the special purpose vehicle by the State and the other parties contributing funds to the special purpose vehicle, including the control and operation of the special purpose vehicle, and may also make provision for any of the matters referred to in *subsection (2)*.

F15**[Provision supplemental to section 41 of Act of 2021**

41A. (1) Any deed or agreement between the special purpose vehicle and the homeowner which secures the equity share of the special purpose vehicle in a dwelling shall be registrable in the Registry of Deeds as an act of the homeowner affecting the dwelling.

(2) For the avoidance of doubt, the court or, subject to an appeal to the court, the Authority may on an application to it under section 98 of the Act of 1964 make an order or, in the case of an application to the Authority, an entry, under that section inhibiting any registration, on any folio in which a dwelling or any part thereof is registered, under a disposition by, or transmission from, the registered owner without the consent of the special purpose vehicle.

(3) Where, in accordance with the memorandum of agreement referred to in *section 41*, any deed or agreement between the special purpose vehicle and the homeowner confers a power of sale of the dwelling on the special purpose vehicle (referred to in this section as a "power of sale"), the following provisions shall apply:

(a) a sale by the special purpose vehicle professed to be in exercise of the power of sale shall operate to convey the dwelling concerned to the purchaser thereof—

(i) freed from all estates, interests and rights in respect of which the equity share has priority,

(ii) unless discharged by the special purpose vehicle, subject to all estates, interests and rights which have priority over the equity share;

(b) subject to section 51 of the Act of 1964, a conveyance by the special purpose vehicle to a purchaser vests—

(i) the entire estate or interest of the homeowner and the special purpose vehicle in the dwelling in the purchaser freed and discharged from the equity share,

(ii) any fixtures included in the dwelling and the sale in the purchaser.

(4) At any time after the power of sale becomes exercisable, the special purpose vehicle may—

(a) demand and obtain from any mortgagee whose mortgage ranks in priority to the equity share particulars of the moneys secured on such mortgage and any ancillary information reasonably necessary to exercise the power of sale, and

(b) exercise the power of sale notwithstanding any priority of such mortgage.

(5) Where a conveyance is made in professed exercise of the power of sale, the title of the purchaser is not impeachable on the ground that the power of sale was not exercisable or was improperly exercised, and a purchaser thereof is not, either before or on conveyance, required to see or inquire whether the power of sale was properly exercised.

(6) Any person who suffers loss as a consequence of an unauthorised or improper exercise of the power of sale has a remedy in damages against the special purpose vehicle exercising the power.

(7) Moneys received by the special purpose vehicle that arises from the sale of the dwelling concerned shall be applied in the following order:

(a) in discharge of prior incumbrances, if any, to which the sale was not made subject or payment into court of a sum to meet any such prior incumbrances;

(b) in payment of all charges, costs and expenses properly incurred by the special purpose vehicle as incidental to the sale or any attempted sale or otherwise;

(c) in discharge of the equity share and any costs and expenses properly incurred by the special purpose vehicle in any proceedings necessary to recover possession of the dwelling.

(8) Any residue of the money received by the special purpose vehicle after the discharge of the amount due under *subsection (7)(c)* shall be held by the special purpose vehicle upon the trusts provided for in section 107 (3) of the Land and Conveyancing Law Reform Act 2009 and distributed accordingly.

(9) In this section—

"Act of 1964" means the Registration of Title Act 1964;

"Authority" means the Property Registration Authority;

"dwelling" means a dwelling in which a special purpose vehicle purchases an equity share;

"equity share" means an equity share referred to in *section 41(1)*;

"homeowner" means the owner of a dwelling;

"special purpose vehicle" means a special purpose vehicle referred to in *section 41(1)* and, in relation to any equity share, includes a successor in title of the special purpose vehicle to such equity share.**]**

PART 5

Arrangements between housing authority and the Agency in relation to eligibility and priority for certain dwellings

Arrangements between housing authority and the Agency

42. (1) A housing authority may enter into an arrangement with the Land Development Agency(in this section referred to as the "Agency") whereby the housing authority shall—

(a) notify the public in accordance with *section 9* before the Agency makes dwellings available for sale, and

(b) assess and determine—

(i) in accordance with *section 10* , the eligibility of applicants for dwellings to be sold by the Agency, and

(ii) in accordance with *section 11* , the relative priority to be afforded to applicants for dwellings to be sold by the Agency,

as if the houses to be provided by the Agency were to be sold under an affordable dwelling purchase arrangement within the meaning of *Part 2* .

(2) Where the Agency sells dwellings that are the subject of an arrangement referred to in *subsection (1)* such dwellings shall be sold to eligible purchasers in accordance with the relative priority determined by the housing authority subject to agreement being reached between the Agency and such purchasers regarding such sale.

PART 6

Amendments to Part V of Act of 2000

Amendment of section 93(1) of Act of 2000

43. Section 93(1) of the Act of 2000 is amended—

(a) by the insertion of the following definition:

" 'cost rental housing' means housing comprising cost rental dwellings within the meaning of *Part 3* of the *Affordable Housing Act 2021*;",

and

(b) by the substitution of the following definition for the definition of 'market value':

" 'market value' —

(a) in relation to a house, means the price which the unencumbered fee simple of the house would fetch if sold on the open market, and

(b) in relation to land in respect of which planning permission is granted, means the price which the unencumbered fee simple of the land would have fetched if it had been sold on the open market on the date of the grant of planning permission;".

Amendment of section 94 of Act of 2000

44. Section 94 of the Act of 2000 is amended—

(a) in subsection (4)—

(i) in paragraph (a)—

(I) in subparagraph (i), by the deletion of "and",

(II) by the substitution of the following subparagraph for subparagraph (ii):

"(ii) housing for eligible applicants within the meaning of *Part 2* of the *Affordable Housing Act 2021*, and",

and

(III) by the insertion of the following subparagraph after subparagraph (ii):

"(iii) cost rental housing,",

(ii) by the substitution of the following paragraph for paragraph (c):

"(c) Subject to paragraph (d), a housing strategy shall provide that as a general policy a specified percentage, not being more than 20 per cent, of—

(i) the land zoned for residential use, or for a mixture of residential and other uses, and

(ii) any land which is not zoned for residential use, or for a mixture of residential and other uses, but in respect of which permission for the development of houses is granted,

shall be reserved under this Part for the provision of housing for the purposes of one or more of subparagraphs (i), (ii) and (iii) of paragraph (a).",

and

(iii) by the substitution of the following paragraph for paragraph (d)—

"(d) Paragraph (c) shall not operate to prevent any person (including a local authority) from using more than 20 per cent of land in respect of which permission for the development of houses is granted for the provision of housing to which paragraph (a) applies.",

(b) in subsection (5), by the deletion of subparagraph (va) of paragraph (a), and

(c) by the insertion of the following subsections after subsection (5):

"(6) (a) When making an estimate under subsection (4)(a)(iii), the planning authority shall have regard to the following:

(i) the supply of and demand for houses for rent in the whole or part of the area of the development plan;

(ii) the cost of rents applicable to houses generally, or to houses of a particular class or classes, in the whole or part of the area of the development plan;

(iii) the income of persons generally, or of a particular class or classes of person, who require houses for rent in the area of the development plan;

(iv) the relationship between the cost of rents referred to in subparagraph (ii) and incomes referred to in subparagraph (iii) for the purpose of establishing the affordability of housing for rent in the area of the development plan;

(v) such other matters as the planning authority considers appropriate or as may be prescribed for the purposes of this subsection.

(b) Regulations made for the purposes of this subsection shall not affect any housing strategy or the objectives of any development plan made before those regulations come into operation.

(7) Where on the date on which this subsection comes into operation a development plan includes a housing strategy—

(a) the chief executive of the planning authority shall, for the purpose of the performance by a planning authority of its functions under this Part, make an estimate of the amount of housing referred to in subparagraphs (ii) and (iii) of subsection (4)(a) required in the area of the development plan during the period of the development plan,

(b) such estimate may state the different requirements for housing for different areas within the area of the development plan, and

(c) such estimate shall be deemed to be included in the housing strategy concerned.".

Amendment of section 95 of Act of 2000

45. Section 95 of the Act of 2000 is amended by the substitution of the following subsection for subsection (2):

"(2) Nothing in subsection (1) or section 96 shall prevent any land being developed exclusively for housing referred to in section 94(4)(a)(i), (ii) or (iii).".

Amendment of section 96 of Act of 2000

46. Section 96 of the Act of 2000 is amended—

(a) in subsection (1), by the substitution of "the provisions of this section shall apply to an application for permission for the development of houses on land" for "where a development plan objective requires that a specified percentage of any land zoned solely for residential use, or for a mixture of residential and other uses, be made available for housing referred to in section 94(4)(a), the provisions of this section shall apply

to an application for permission for the development of houses on land to which such an objective applies",

(b) in subsection (3)—

(i) by the substitution of the following paragraph for paragraph (a):

"(a) Subject to paragraphs (b) and (j), an agreement under this section shall provide for the transfer to the planning authority of the ownership of 20 per cent of the land that is subject to the application for permission for the provision of housing referred to in section 94(4)(a).",

(ii) in paragraph (b)(iva), by the insertion of ", or persons nominated by the authority in accordance with this Part," after "to the planning authority",

(iii) in paragraph (b), by the substitution of "subparagraph (iva)" for "paragraph (iva)",

(iv) by the insertion of the following paragraph after paragraph (b):

"(bb) Where property is transferred to a planning authority under paragraph (a) or (b) or there is a reduction in rent payable over the term of a lease referred to in paragraph (b)(iva) (excluding any reduction for maintenance, management and void periods specified in such lease), the planning authority shall use at least half of the aggregate of the net monetary value of that property and of any reduction in rent calculated in accordance with paragraph (b) for the provision of housing referred to in section 94(4)(a)(i).",

(v) in paragraph (d), by the insertion of "or persons nominated by the authority" after "to the planning authority", and

(vi) by the insertion of the following subsection after subsection (i)—

"(j) Where—

(i) the permission is granted before 1 August 2021, or

(ii) the permission is granted during the period beginning on 1 August 2021 and ending on 31 July 2026 and the land to which the application for permission relates was purchased by the applicant, or the person on whose behalf the application is made, during the period beginning on 1 September 2015 and ending on 31 July 2021,

the reference to "20 per cent of the land" in paragraph (a) shall be read as "10 per cent of the land" and the reference in paragraph (bb) to "at least half of the aggregate of the net monetary value" shall be read as "all of the aggregate of the net monetary value.",

(c) in subsection (8), by the substitution of "parties are unable to reach an agreement" for "agreement is not entered into before the expiration of 8 weeks from the date of the grant of permission",

(d) in subsection (9)(a)—

(i) in subparagraph (i), by the substitution of "the provision on the land of, housing of the type" for "the provision of, houses on the land for persons",

(ii) in subparagraph (ii), by the substitution of "persons eligible for social housing support within the meaning of the Housing (Miscellaneous Provisions) Act 2009 or eligible applicants within the meaning of *Part 2* of the *Affordable Housing Act 2021* " for "those persons", and

(iii) in subparagraph (iii), by the substitution of "provision on the land of housing of the type" for "provision of houses on the land for persons",

(e) in subsection (10)—

(i) in paragraph (a), by the substitution of "persons eligible under regulations under *section 31(3)* of the *Affordable Housing Act 2021* to be tenants of cost rental dwellings, persons eligible for social housing support within the meaning of the Housing (Miscellaneous Provisions) Act 2009 or eligible applicants within the meaning of *Part 2* of the *Affordable Housing Act 2021* " for "persons to whom section 94(4)(a) applies", and

(ii) by the substitution of the following paragraph for paragraph (b):

"(b) A nominee of a planning authority may be a person eligible for social housing support within the meaning of the Housing (Miscellaneous Provisions) Act 2009, an eligible applicant within the meaning of *Part 2* of the *Affordable Housing Act 2021* or a body approved for the purposes of section 6 of the Housing (Miscellaneous Provisions) Act 1992 for the provision of housing of the type referred to in section 94(4)(a).",

(f) in subsection (12), by the deletion of "including the making of payments under section 94 of the Housing (Miscellaneous Provisions) Act 2009 into the Affordable Dwellings Fund established under Part 5 of that Act", and

(g) in subsection (13)(a), by the insertion of "cost rental housing or" after "development consisting of the provision of".

Amendment of section 97 of Act of 2000

47. Section 97 of the Act of 2000 is amended—

(a) in subsection (3)(a), by the substitution of "4 or fewer" for "9 or fewer", and

(b) in subsection (12)(a), by the insertion of "on the land on which it is proposed to carry out the first-mentioned development or land in its immediate vicinity" after "a development".

PART 7

Miscellaneous

Agreements with financial institutions in respect of affordable housing under Act of 2000 or Act of 2002

48. A housing authority may 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 created by the housing authority in relation to a dwelling sold as affordable housing under Part V of the Act of 2000 or under Part 2 of the Act of 2002 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 section had not been enacted, where it considers that such an agreement will enable the person who has purchased the affordable dwelling—

(a) to refinance an existing advance of moneys from the same or any other holder, society or institution, or

(b) to obtain a further advance of moneys from the same or any other holder, society or institution for any purpose.

PART 8

Repeals

Repeals

49. Part 5 of the Act of 2009 (other than subsections (5) to (7) of section 96) is repealed.

Number 25 *of* 2021

AFFORDABLE HOUSING ACT 2021

Revised

Updated to 2 July 2025

About this Revised Act

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

Housing Acts 1966 to 2024: this Act is one of a group of Acts included in this collective citation (*Local Government (Mayor of Limerick) and Miscellaneous Provisions Act 2024* (7/2024), s. 1(2)(b)). The Acts in the group are:

- *Housing Act 1966* (21/1966)
- *Housing Act 1969* (16/1969) *(Repealed)*
- *Housing Act 1970* (18/1970) *(Repealed)*
- *Housing (Miscellaneous Provisions) Act 1979* (27/1979)
- *Housing Act 1984* (1/1984) *(Repealed)*
- *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), (4)
- *Housing (Miscellaneous Provisions) Act 1997* (21/1997), other than ss. 16, 17, 24(3)
- *Housing (Traveller Accommodation) Act 1998* (33/1998), other than ss. 26, 27
- *Housing (Miscellaneous Provisions) Act 2002* (9/2002), other than ss. 17 to 20, 22, 23, 24 and schs. 2, 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, 14m and sch. 4 para. 16, in so far as they relate to the Housing Act 1966
- *Housing (Miscellaneous Provisions) Act 2014* (21/2014)
- *Residential Tenancies (Amendment) Act 2015*(42/2015), ss. 15, 85, 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

Annotations

This Revised Act is not annotated and only shows textual amendments. An annotated version of this revision is also available which shows textual and non-textual amendments and their sources. It also shows editorial notes including statutory instruments made pursuant to the Act and previous affecting provisions.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this

revision but will be reflected in a revision of the amended legislation if one is available.
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