



STATUTORY INSTRUMENTS.

S.I. No. 407 of 2014



HOUSING ASSISTANCE PAYMENT REGULATIONS 2014

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I, ALAN KELLY, Minister for the Environment, Community and Local Government, in exercise of the powers conferred on me by sections 3, 20 and 32 of the Housing (Miscellaneous Provisions) Act 2009 (No 22 of 2009), as adapted by the Environment, Heritage and Local Government (Alteration of Name of Department and Title of Ministers) Order 2011 (S.I. No. 193 of 2011), and sections 4, 38, 41, 42, 43, 45 and 46 of the Housing (Miscellaneous) Provisions Act 2014 (No. 21 of 2014), and, in so far as relates to the said section 43, with the consent of the Minister for Public Expenditure and Reform, hereby make the following regulations:

Citation

1. These Regulations may be cited as the Housing Assistance Payment Regulations 2014.

Commencement

2. These Regulations come into operation on 15 September 2014.

Interpretation

3. (1) In these Regulations—

“Act of 2005” means the Social Welfare Consolidation Act 2005 (No. 26 of 2005);

“Act of 2009” means the Housing (Miscellaneous Provisions) Act 2009 (No. 22 of 2009);

“Act of 2010” means the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 (No. 24 of 2010);

“Act of 2014” means the Housing (Miscellaneous Provisions) Act 2014 (No. 21 of 2014);

“adult” means a person of full age and a person who is not of full age but on whom a child is dependent for support as part of a household in receipt of housing assistance;

“child” means a person under the age of 18 years who is dependent for support, other than as one of a couple, on an adult member of a household in receipt of housing assistance;

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

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 16th September, 2014.*

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

“couple” means—

- (a) a married couple who are living together, where either of them is a tenant, or both of them are tenants, in the dwelling concerned,
- (b) both civil partners, where either of them is a tenant, or both of them are tenants, in the dwelling concerned, or
- (c) both cohabitants, where either of them is a tenant, or both of them are tenants, in the dwelling concerned;

“prohibition notice” has the meaning given to it by section 18B of the Act of 1992.

(2) In these regulations—

- (a) a reference to housing assistance commencing means the commencement date of the period in respect of which the housing authority makes or made the first payment of rent under this Part to the landlord of the dwelling, and
- (b) except in Regulations 5(1)(b) and 9, a reference to landlord includes where applicable, a reference to an agent operating on his or her behalf.

Review of determination under section 20(4A) of the Act of 2009

4. Six months is the prescribed interval for the purposes of section 20(4A)(b) of the Act of 2009.

Information to support request for housing assistance

5. (1) For the purposes of section 32(5A) of the Act of 2009, a qualified household shall provide the following information and particulars to the housing authority—

- (a) in respect of the dwelling for which housing assistance is sought:
 - (i) address;
 - (ii) description, e.g., apartment, maisonette, semi-detached house,
 - (ii) the number of bedrooms;
 - (vi) whether dwelling is furnished or unfurnished;
 - (v) start-date and, where available, end-date of the tenancy;
 - (vi) whether there is a written tenancy agreement or rent book (within the meaning of section 17 of the Act of 1992) for the dwelling;

(vii) the amount of rent payable under the tenancy (excluding any charges in addition to the rent for services provided), the frequency of rent payment and, where applicable, the date to which rent has been paid under the tenancy;

(viii) the amount of any deposit payable under the tenancy and whether the deposit has been paid,

(b) in respect of the landlord of the dwelling:

(i) his or her name and postal address;

(ii) his or her telephone number and e-mail address;

(ii) where the landlord has appointed an agent to act on his or her behalf, the name, postal address, telephone number and e-mail address of the agent, and

(c) in the case where the household proposes to reside in the dwelling with another person, the name of such person.

(2) For the purposes of section 32(5A) of the Act of 2009—

(a) a qualified household shall, within 4 weeks of being requested to do so by the housing authority concerned, provide to that authority additional information, including documents and other particulars, sought for the purpose of verifying information provided by the household in connection with a request for housing assistance, and

(b) where requested by the household for stated reasons, the authority may agree to an extension of the period of 4 weeks referred to in subparagraph (a) for providing the additional information requested under the said paragraph.

Provision of bank details by landlord

6. In accordance with section 4(1) of the Act of 2014, the landlord of a dwelling in respect of which housing assistance is being paid or sought shall, on request by the housing authority concerned, provide his or her bank account details to the authority in order to facilitate the payment of housing assistance by electronic means.

Certain prescribed periods

7. The prescribed period for the purposes of the provision of the Act of 2014 referred to in column (2) of the Table to this regulation is the period set out in column (3) of that Table opposite the provision concerned.

TABLE

Item (1)	Provision of the Act of 2014 (2)	Prescribed period (3)
1	Section 41(2)(a)	12 months.
2	Section 41(2)(b)(i)(I)	8 months.
3	Section 41(2)(d)(ii)	13 weeks from the date when housing assistance commences in respect of the dwelling concerned or the date when the prohibition notice comes into force, as appropriate.
4	Section 41(3)(b)	13 weeks from the date when housing assistance commences in respect of the dwelling concerned or the date when the housing authority determines that a dwelling which is the subject of housing assistance no longer meets the accommodation needs of a qualified household due to overcrowding, as appropriate.
5	Section 42(3)(a)(iii)	5 months from the date when housing assistance commences in respect of the dwelling concerned.
6	Section 42(4)(a)	13 weeks from the date when the event concerned occurs.
7	Section 43(2)(d)(ii)	13 weeks from the date when the housing authority concludes that the rent payable under the tenancy has not been reduced to, or below, the maximum rent in respect of which housing assistance is being provided in respect of the dwelling concerned.
8	Section 45(3)	12 months.
9	Section 45(3)(a)	12 months.

Sharing of dwelling by more than one household

8. The prescribed classes of household for the purposes of section 38 of the Act of 2014 are households comprising one adult and households comprising a couple.

Requirements in relation to landlord

9. (1) The prescribed amount for the purposes of section 42(3)(a)(ii) of the Act of 2014 is €10,000.

(2) A housing authority may pay, or continue to pay housing assistance in respect of a dwelling in accordance with section 42(6) of the Act of 2014 until—

- (i) the landlord supplies the relevant tax clearance certificate to the authority,

- (ii) a further payment by the authority of housing assistance falls due which, if paid, would result in total payments by the authority to the landlord in any period of 12 months exceeding €10,000, or
- (iii) five months have elapsed from the date when
 - (i) housing assistance commences, or
 - (ii) where housing assistance is being paid in respect of the dwelling concerned, the authority requested the landlord to supply the relevant tax clearance certificate,

whichever of those events first occurs.

Maximum rent limits

10. For the purposes of section 43(2)(a) of the Act of 2014, the maximum amount of rent in respect of which housing assistance is payable for a household class specified in columns (2) to (8) of the Table to this regulation is the monthly amount set out in the relevant column opposite the local authority administrative area specified in column (1) of that Table in which the dwelling concerned is located.

TABLE
MAXIMUM MONTHLY RENT LIMITS

Local authority administrative area (1)	Household class						
	One adult in shared accommodation (2)	A couple in shared accommodation (3)	One adult (4)	A couple (5)	One adult or a couple with 1 child (6)	One adult or a couple with 2 children (7)	One adult or a couple with 3 children (8)
Cork County Council	€ 250	€ 270	€ 485	€ 575	€ 700	€ 725	€ 750
Limerick City and County Council	200	240	375	400	500	550	600
Waterford City and County Council	220	240	375	390	475	500	525

Refusal of offers of transfer to other forms of social housing support

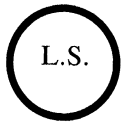
11. Two is the prescribed number of reasonable offers of a specified form of social housing support for the purposes of section 45(3) of the Act of 2014.

Change of dwelling

12. (1) The duration of the first-mentioned prescribed period referred to in section 46(1)(a) of the Act of 2014 is 1 year.

(2) The duration of the second-mentioned prescribed period referred to in section 46(1)(a) of the Act of 2014 is 2 years.

The Minister for Public Expenditure and Reform consents to the making of the foregoing Regulations.



GIVEN under the Official Seal of the Minister for Public Expenditure and Reform,
9 September 2014.

BRENDAN HOWLIN,
Minister for Public Expenditure and Reform.



GIVEN under my Official Seal,
10 September 2014.

ALAN KELLY,
Minister for the Environment, Community and
Local Government.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation)

These regulations, which come into force on 15 September 2014, prescribe matters of detail relating to the new scheme of housing assistance payments, including maximum rent limits, as provided for in Part 4 of the Housing (Miscellaneous Provisions) Act 2014. Separate regulations made under section 50 of the 2014 Act provide that Part 4 of the Act will, in the first instance, be applied by Cork County Council, Limerick City and County Council and Waterford City and County Council in respect of all classes of qualified household in their areas. The intention is that further Regulations will be made in due course providing for the application by other housing authorities of Part 4 of the 2014 Act.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)
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