



Number 39 of 2024

Housing (Miscellaneous Provisions) Act 2024



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HOUSING (MISCELLANEOUS PROVISIONS) ACT 2024

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ACTS REFERRED TO

Affordable Housing Act 2021 (No. 25)

Housing (Miscellaneous Provisions) Act 1992 (No. 18)

Housing (Regulation of Approved Housing Bodies) Act 2019 (No. 47)

Local Government Act 2001 (No. 37)

National Treasury Management Agency (Amendment) Act 2014 (No. 23)



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HOUSING (MISCELLANEOUS PROVISIONS) ACT 2024

An Act to amend the Housing (Regulation of Approved Housing Bodies) Act 2019 to provide for the continued regulation of persons deemed to be approved housing bodies under that Act; to amend the Affordable Housing Act 2021 to provide for different mechanisms for the allocation of, and the selection of tenants for, cost rental dwellings; to amend the National Treasury Management Agency (Amendment) Act 2014 to provide for increased funding for the Land Development Agency in certain circumstances; and to provide for related matters. [29th October, 2024]

Be it enacted by the Oireachtas as follows:

PART 1

PRELIMINARY AND GENERAL

Short title and commencement

1. (1) This Act may be cited as the Housing (Miscellaneous Provisions) Act 2024.
- (2) This Act shall come into operation on such day or days as the Minister for Housing, Local Government and Heritage 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.

PART 2

AMENDMENT OF HOUSING (REGULATION OF APPROVED HOUSING BODIES) ACT 2019

Interpretation

2. In this Part, “Act of 2019” means Housing (Regulation of Approved Housing Bodies) Act 2019.

Amendment of section 2 of Act of 2019

3. Section 2 of the Act of 2019 is amended—
 - (a) by the substitution of the following definition for the definition of “approved housing body”:

“ ‘approved housing body’ means a person registered in the register in accordance with section 28(2)(a) as an approved housing body;”,

- (b) in the definition of “common areas, structures, works and services”, by the substitution of “in relation to dwellings provided for the purpose of alleviating a housing need” for “in relation to dwellings provided for the purpose specified in section 25(2)(b)(i)”,
- (c) in the definition of “communal facilities and amenities”, by the substitution of “in relation to dwellings provided for the purpose of alleviating a housing need” for “in relation to dwellings provided for the purpose specified in section 25(2)(b)(i)”, and
- (d) by the insertion of the following definition:

“ ‘purpose of alleviating a housing need’ shall be construed in accordance with section 2A;”.

Dwellings provided or managed by approved housing body for purpose of alleviating housing need

4. The Act of 2019 is amended by the insertion of the following section after section 2:

“2A. In this Act—

- (a) a dwelling designated as a cost rental dwelling under Part 3 of the Affordable Housing Act 2021 provided or managed by an AHB, and
- (b) a dwelling provided or managed by an AHB in relation to which the AHB received or is receiving assistance from a housing authority under section 6 of the Housing (Miscellaneous Provisions) Act 1992,

shall each be deemed to be a dwelling provided or, as the case may be, managed by an AHB for the purpose of alleviating a housing need.”.

Amendment of section 25 of Act of 2019

5. Section 25 of the Act of 2019 is amended by the deletion of subsection (3).

Regulator to ensure certain persons are entered on register in accordance with section 28(2)(a)

6. The Act of 2019 is amended by the insertion of the following section after section 26:

“26A. (1) The Regulator shall, on the date of the coming into operation of this section, register as an AHB in accordance with section 28(2)(a) each of the persons that was, immediately before that date, deemed to be registered as an AHB by virtue of section 34(1) and give to each such person notice of confirmation of registration and a registration number.

- (2) The Regulator may require a person referred to in subsection (1) to provide the Regulator with the information that the person would be required to so provide if it were an applicant for registration under section 27 and the person shall comply with the requirement.”.

Amendment of section 34 of Act of 2019

7. Section 34 of the Act of 2019 is amended by the deletion of subsection (1) and subsections (4) to (10).

Amendment of section 53 of Act of 2019

8. Section 53 of the Act of 2019 is amended—

- (a) in subsection (1), by the deletion of paragraphs (a) and (b), and
- (b) in subsection (2), by the substitution of “dwellings provided for the purpose of alleviating a housing need by a person to whom this section applies” for “dwellings provided for the purpose specified in section 25(2)(b)(i) by a person to whom this section applies”.

Amendment of section 54 of Act of 2019

9. Section 54(1) of the Act of 2019 is amended by the substitution of the following paragraph for paragraph (g):

“(g) it is necessary for the purpose of the protection of the tenants of dwellings provided or, as the case may be, managed by an AHB for the purpose of alleviating a housing need.”.

Amendment of section 56 of Act of 2019

10. Section 56(2) of the Act of 2019 is amended in paragraph (f), by the substitution of “dwellings provided or, as the case may be, managed for the purpose of alleviating a housing need,” for “dwellings provided or managed in furtherance of the primary object or primary objects of the company as specified in section 25(2)(b)(i) of the Housing (Regulation of Approved Housing Bodies) Act 2019,”.

Amendment of section 57 of Act of 2019

11. Section 57 of the Act of 2019 is amended—

- (a) in subsection (3)—

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

“(a) information on its proposals relating to dwellings provided or managed by it”,

and

- (ii) by the insertion of the following paragraph after paragraph (a):

- “(aa) without prejudice to paragraph (a), information on its proposals, having regard to the terms and conditions of any assistance given to the AHB under section 6 of the Act of 1992, or under Part 3 of the Affordable Housing Act 2021, relating to dwellings provided or managed by it for the purpose of alleviating a housing need, and”,
- (b) in subsection (4), by the substitution of “subsection (3)(aa)” for “subsection (3)(a)”,
- (c) by the substitution of the following subsection for subsection (5):
- “(5) A housing authority to whom a copy of a notice under subsection (1) is given under subsection (4) may make representations, in writing, to the Regulator concerning the information referred to in subsection (3)(aa) contained in the notice.”,
- and
- (d) in subsection (6)(a), by the substitution of “(3)(aa)” for “(3)(a)” in both places where it occurs.

Amendment of section 58 of Act of 2019**12.** Section 58 of the Act of 2019 is amended—

- (a) in subsection (2)—
- (i) by the substitution of the following paragraph for paragraph (c):
- “(c) in the case of an AHB other than an AHB referred to in section 26A, that the AHB no longer satisfies the eligibility criteria or any of them;”,
- (ii) in paragraph (d), by the substitution of “.” for “;”, and
- (iii) by the deletion of paragraph (e),
- (b) by the substitution of the following subsection for subsection (3):
- “(3) If the Regulator proposes to cancel the registration of an AHB under subsection (1), the Regulator shall give notice of the proposal and of the reasons for it to the AHB and, in so far as it is practicable, to each housing authority in whose functional area any dwellings provided or managed by the AHB for the purpose of alleviating a housing need are situated.”,
- and
- (c) in subsection (4)(a), by the substitution of the following subparagraph for subparagraph (i):
- “(i) information on its proposals relating to dwellings provided or managed by it for the purpose of alleviating a housing need, and”.

Amendment of section 60 of Act of 2019

13. Section 60(1)(c) of the Act of 2019 is amended, in subparagraph (ii), by the substitution of “dwellings provided or, as the case may be, managed by the AHB concerned for the purpose of alleviating a housing need” for “dwellings provided or managed by the AHB concerned in furtherance of its primary object or primary objects specified in section 25(2)(b)(i)”.

PART 3**AMENDMENT OF THE AFFORDABLE HOUSING ACT 2021****Interpretation**

14. In this Part, “Act of 2021” means the Affordable Housing Act 2021.

Amendment of section 31 of Act of 2021

15. Section 31 of the Act of 2021 is amended—
- (a) in subsection (1)(b), by the substitution of “subject to section 31A(8), comply with regulations” for “comply with regulations”,
 - (b) in subsection (3)(b), by the substitution of “including the composition of a household and maximum and minimum income levels” for “including maximum and minimum income levels”, and
 - (c) by the insertion of the following subsection after subsection (4):
 - “(5) This section shall not apply to a letting of a cost rental dwelling in accordance with section 31B(4).”.

Insertion of sections 31A and 31B in Act of 2021

16. The Act of 2021 is amended by the insertion of the following sections after section 31:

“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.

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.

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- (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.”.

PART 4

AMENDMENT OF NATIONAL TREASURY MANAGEMENT AGENCY (AMENDMENT) ACT 2014

Amendment of section 42B of National Treasury Management Agency (Amendment) Act 2014

17. Section 42B of the National Treasury Management Agency (Amendment) Act 2014 is amended, in subsection (3A), by the substitution of “€2,500,000,000” for “€1,250,000,000”.