



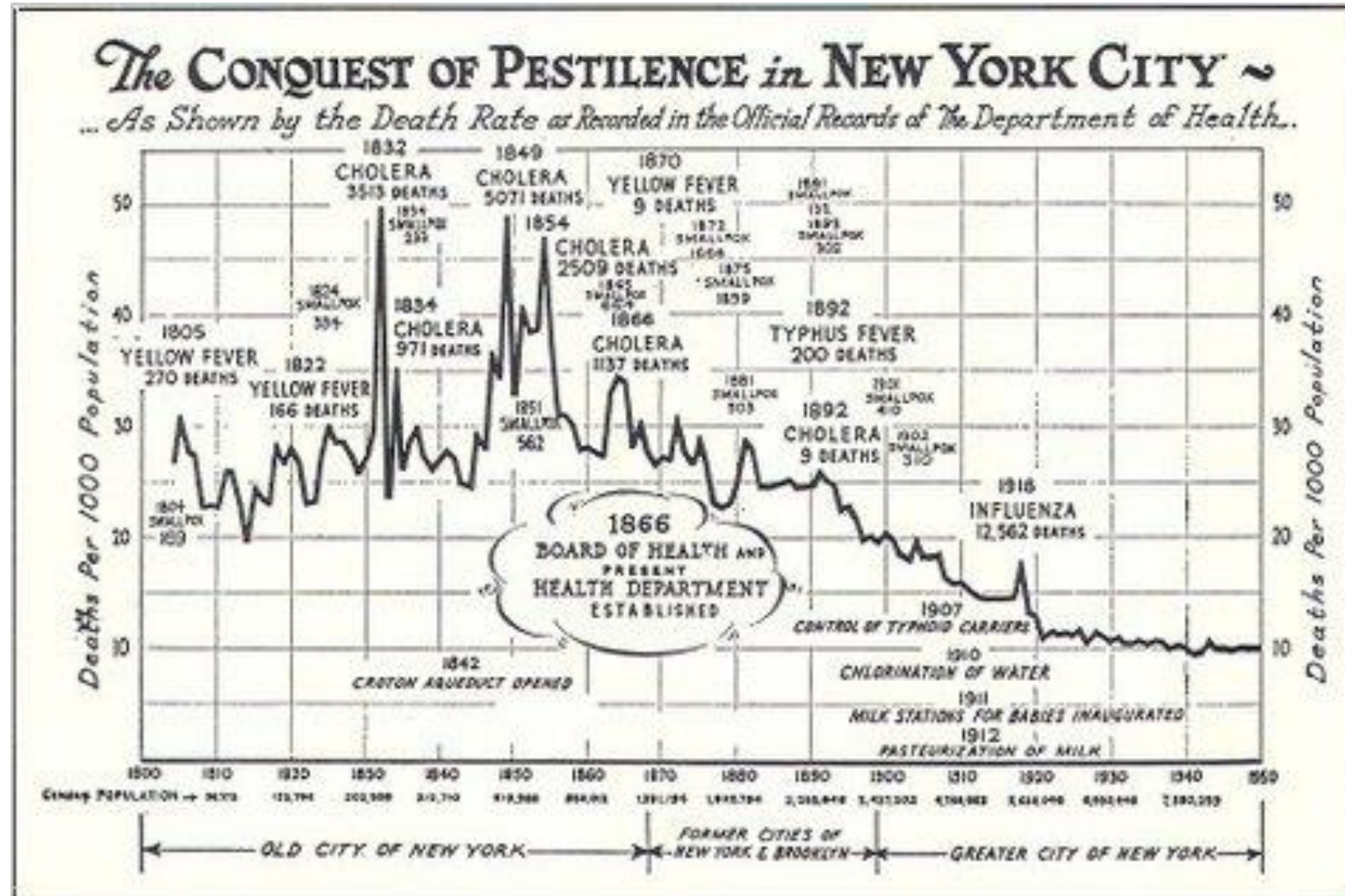
**An Ghníomhaireacht
Tithíochta**
The Housing Agency

OMCs and MUD Act

IPAV

14 November 2020

COVID? *The Triumph of the City*



3 Rs



- Respect
- Reality
- Resources

The Housing Agency



“To promote the building of sustainable communities”

Working with:

- Department HLG&H
- Local Authorities
- Approved Housing Bodies
- Stakeholders

www.housingagency.ie

Presenter



David Rouse, Advisor The Housing Agency



David is Multi-Unit Developments Advisor with The Housing Agency. He works with sector stakeholders including local authorities, State organisations, and the professional bodies. David is a volunteer director of an OMC of 1,300 homes in Dublin. He is a Fellow of Chartered Accountants Ireland, and a Business and Law graduate of UCD.

What's New for Apartments?



- New Stats
- PSRA Guide
- COVID-19 & Essential Services
- Companies Act 2020
- CRO Filing Extensions

Recent Stats from CSO

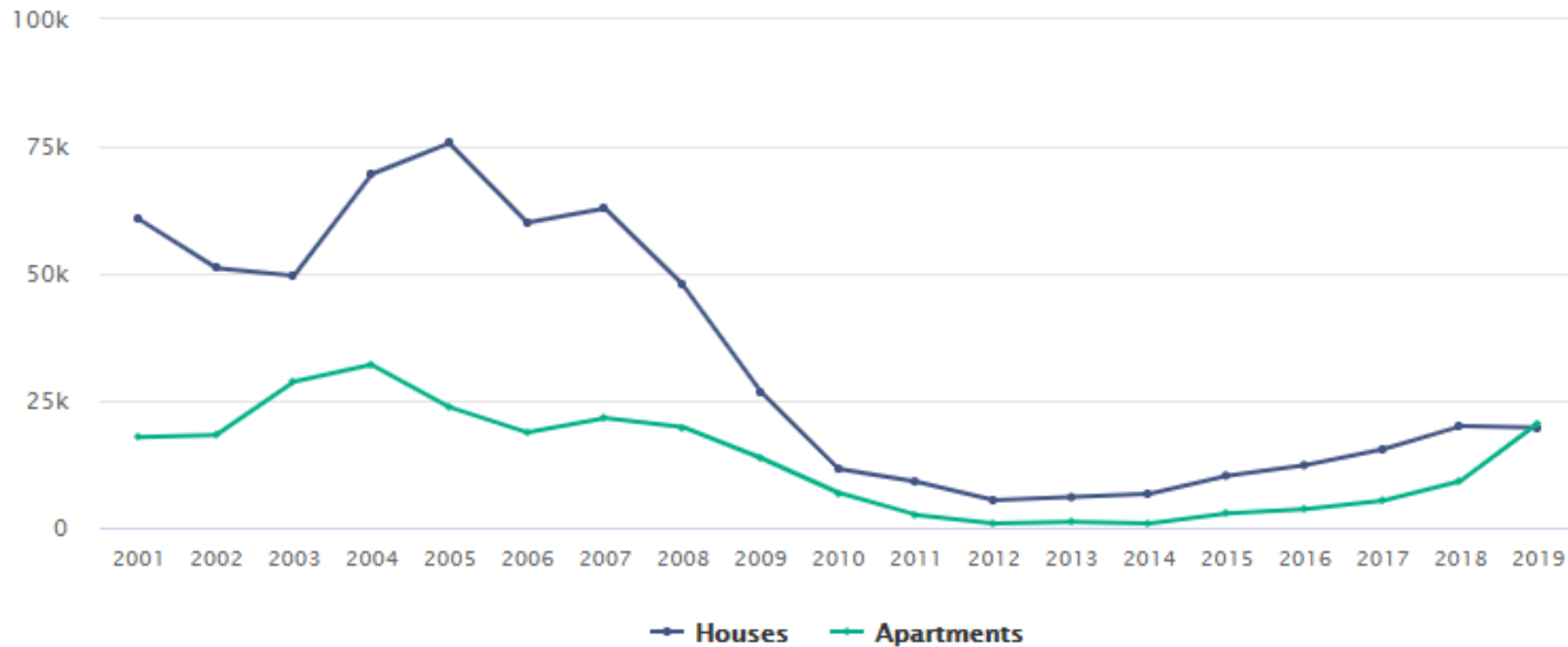


- 2019: for the first time, more apartments than houses granted permission
- Permissions for 20,582 apartments in 2019, 9,138 in 2018: 125% increase
- Number still lower than peak of 32,077 apartments granted in 2004
- 2010-2019 new apartments granted increased by almost 200%; houses by 70%
- 3,550 apartments completed in 2019, 2,280 in 2018: up 56%
- Of the 6,926 completions in Dublin:
 - 2,590 (37%) apartments
 - 4,032 (58%) scheme dwellings,
 - 304 (5%) single dwellings.
- Dublin apartments completed = 73% of apartments completed nationally in 2019

Apartment Planning Permissions



Figure 2 Number of units for which planning permissions granted, 2001 to 2019



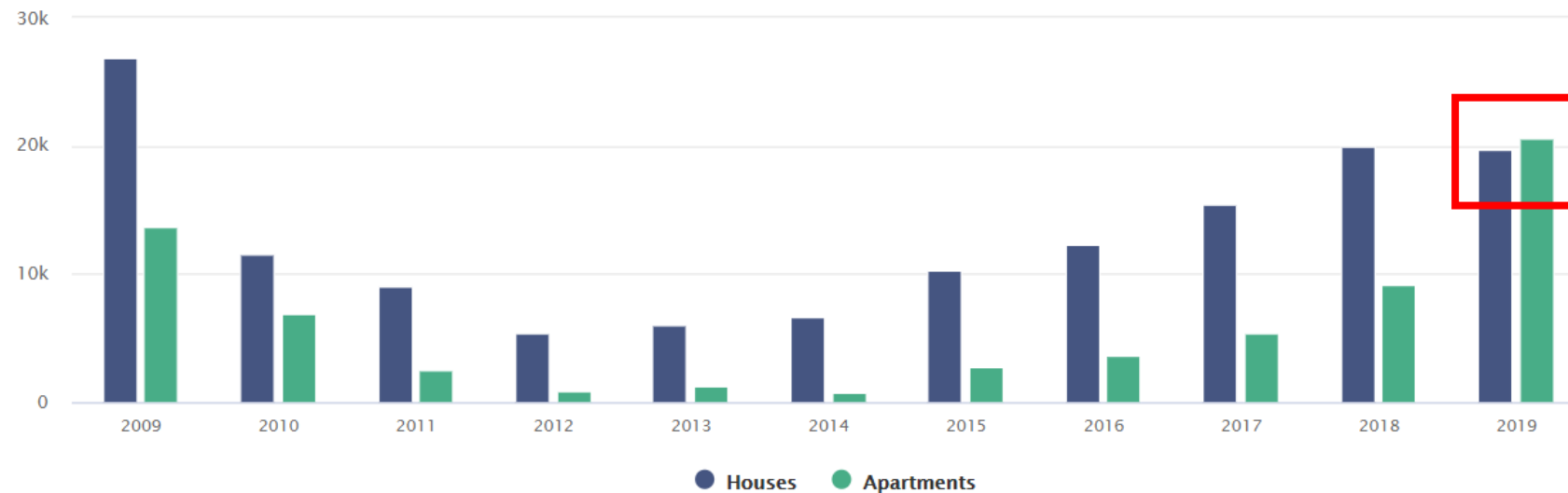
Source: CSO Ireland

Permissions 2009-2019



Planning Permissions

Figure 15.1 Number of houses & apartments for which planning permission was granted



Source: CSO Ireland

Show Table: 15.1 Summary of planning permissions granted for dwellings

Local Authority vs SHDs



Office of the Planning Regulator
Annual Report 2019

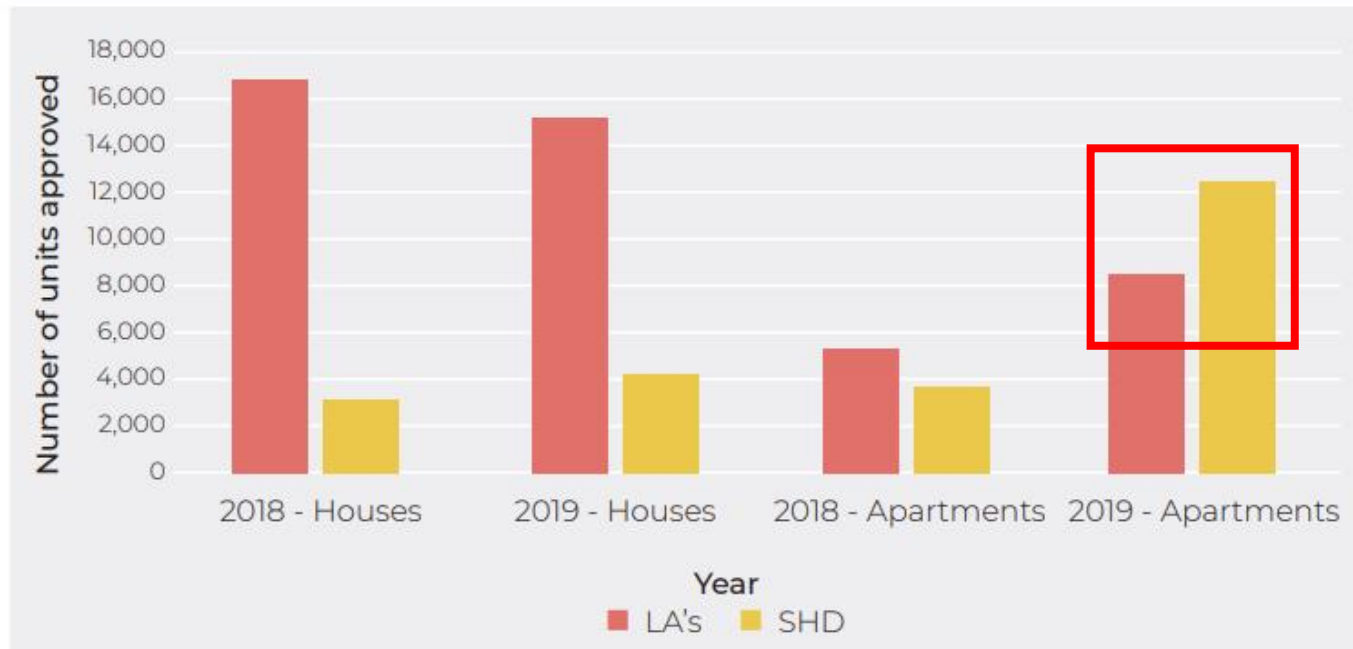
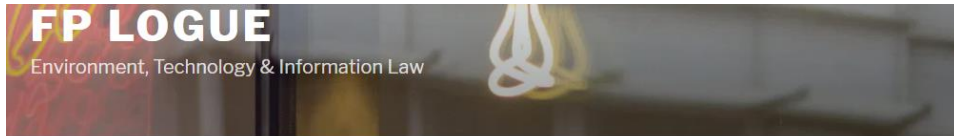


Figure 11: Residential units approved 2018-2019 (CSO 2020)

FP Logue – SHD Tracker



About Services Team Blog Contact Key Cases In the news SHD Tracker

SHD TRACKER

FP Logue maintains a tracker listing all the SHD applications to An Bord Pleanála for strategic housing development, it's licensed under CC-BY-SA



To access use this [link](#)

The Housing Agency

https://docs.google.com/spreadsheets/d/1o3ttUgRQMUN2XLgpY4tvn8FsfjKCLd0WqcxZNTemAQc/edit#gid=1035038380

FP Logue SHD Tracker

File Edit View Insert Format Data Tools Add-ons Help

100% View only

Case No.	Description of Development	Date Received	Last Day for Submission	Application Website	Decide By Date	Stud	Shared	houses	Amend	G/R/Q/W	NIS	EIS	JR									
Provided by FP Logue under CC-BY-SA 4.0 - FP Logue makes not warranty as to the accuracy of this information																						
larratais Phleanála a fuarthas faoi all 4 den Acht um Pleanála agus Forbairt (Tithíocht) agus um Thiontachtai Cónaithe, 2016											70.75%	36.83%	61.86%		Total							
Planning Applications received under section 4 of the P&D (Housing) and Residential Tenancies Act 2016											8568	1135	65870	0								
						6062	418	40744														
307508	426 no. residential units (237 no. houses, 189 no. apartments) creche and associated site works. Cornamagh, Clonbrusk and Coosan, Athlone, Co. Westmeath.	08/07/2020	11/08/2020	www.dunariathloneshd.com	27/10/2020			426														
307546	Modifications to previous permitted ABP. 304590-19 to provide an additional storey on each of the 4 no. permitted blocks to provide a total of 26 no. additional apartments and associated site works. Walled Garden, Cort Muire, Dundrum, Dublin 14.	13/07/2020	17/08/2020	www.walledgardenshd2.ie	02/11/2020			26	X													
307605	279 no. student bedspace accommodation and associated site works. 92-96 North Main Street, Cork.	16/07/2020	19/08/2020	www.nmsstudent.ie	04/11/2020	279																
307608	201 no. bedspace Build to Rent Shared Living units and associated site works. 348 Harold's Cross Road, Dublin 6W.	16/07/2020	19/08/2020	www.keniworthhallsd.com	04/11/2020			201														
307631	200 no. residential units (85 no. houses, 115 no. apartments), construction of 'Greenway' route and associated site works. Newcastle, Castletroy, Co. Limerick.	17/07/2020	20/08/2020	www.castletroyshd.ie	05/11/2020			200														
307656	725 no. apartments, creche and associated site works. Rathbourne Avenue, Pilleststown, Ashtown, Dublin 15.	22/07/2020	25/08/2020	www.rathborneshd.com	10/11/2020			725														
307683	Provision of 54 no. additional apartments on previously permitted development of 253 no. apartments under ABP-304469-19, increase in childcare facility and associated site works. Green Acres Convent, Drumahill House and the Long Acre, Upper Kilmacud Road, Dundrum, Dublin 14.	24/07/2020	27/08/2020	www.greenacreshd2.ie	12/11/2020			54	X													
307698	Demolition of buildings on site, construction of 204 no. residential units (151 no. houses, 53 no. apartments), childcare facility and associated site works. Site located to the east of Stoney Hill Road and comprising an existing undeveloped portion of the Peyton Residential Estate located to the west of the existing roundabout north of Stoney Hill Road, Rathcoole, Co. Dublin.	27/07/2020	31/08/2020	www.stoneyhillroadsd.ie	16/11/2020			204														
307832	358 no. residential units (172 no. houses, 186 no. apartments),	07/08/2020	10/09/2020	www.clonminchshd.ie	01/12/2020			358				Y	Y									

Applications Consultation Explore

Where? By Region

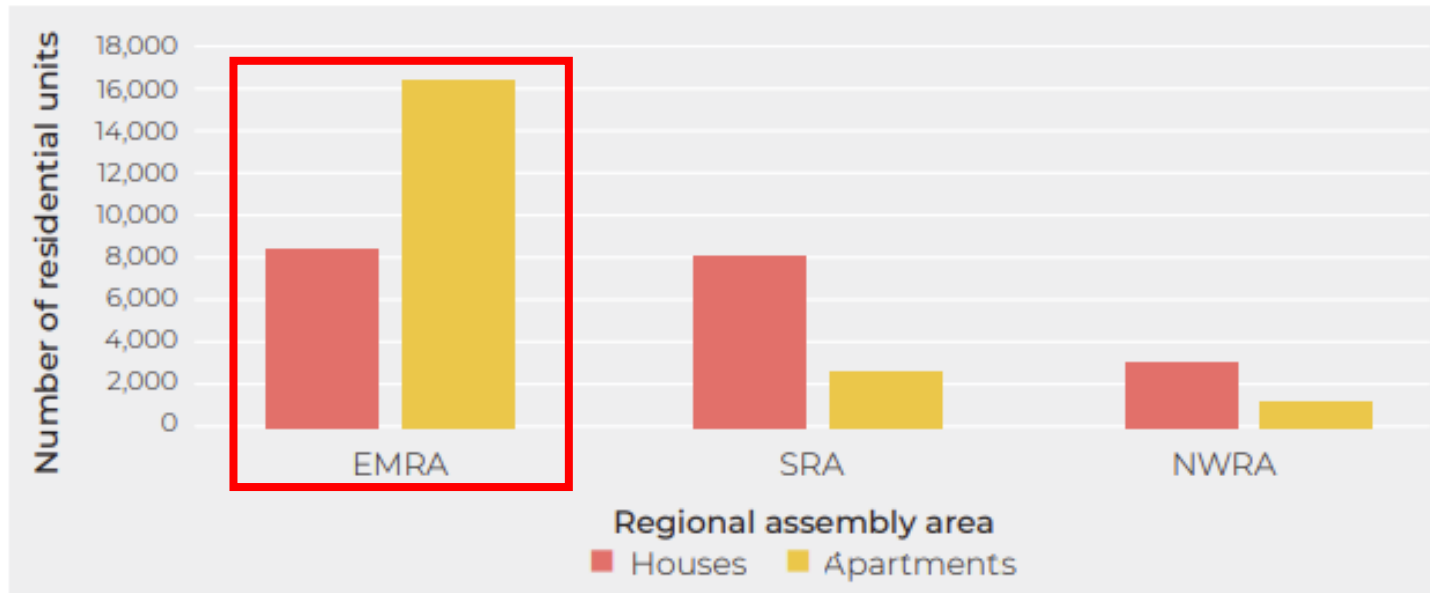


Figure 12: Houses and apartments permitted by regional assembly 2019 (CSO 2020)

Where? By City



Office of the Planning Regulator
Annual Report 2019

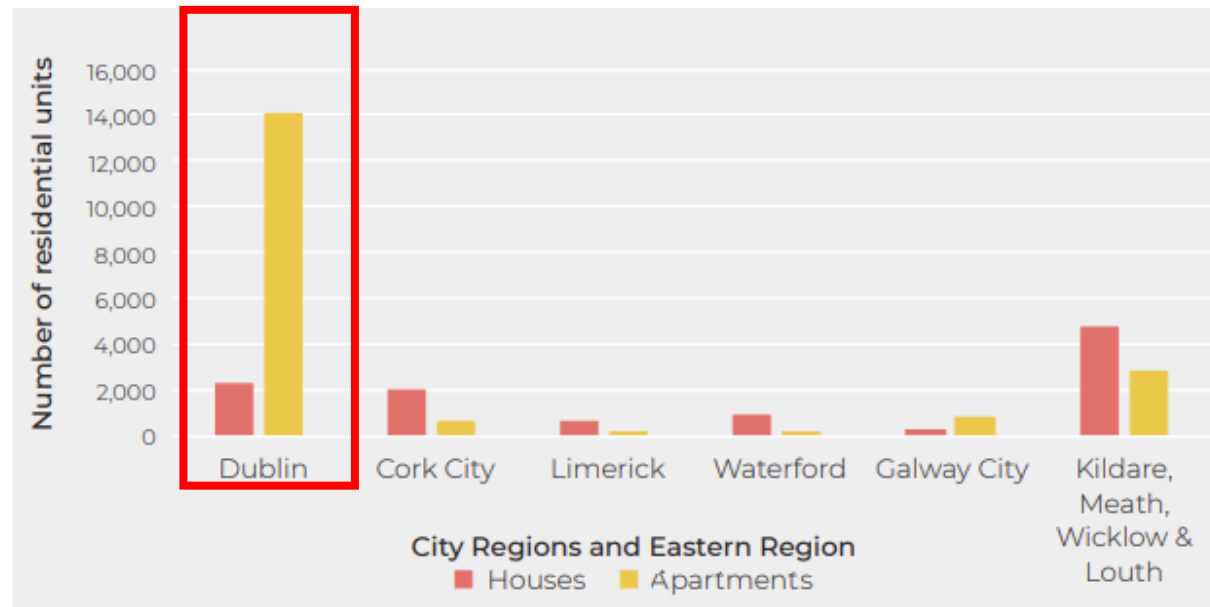


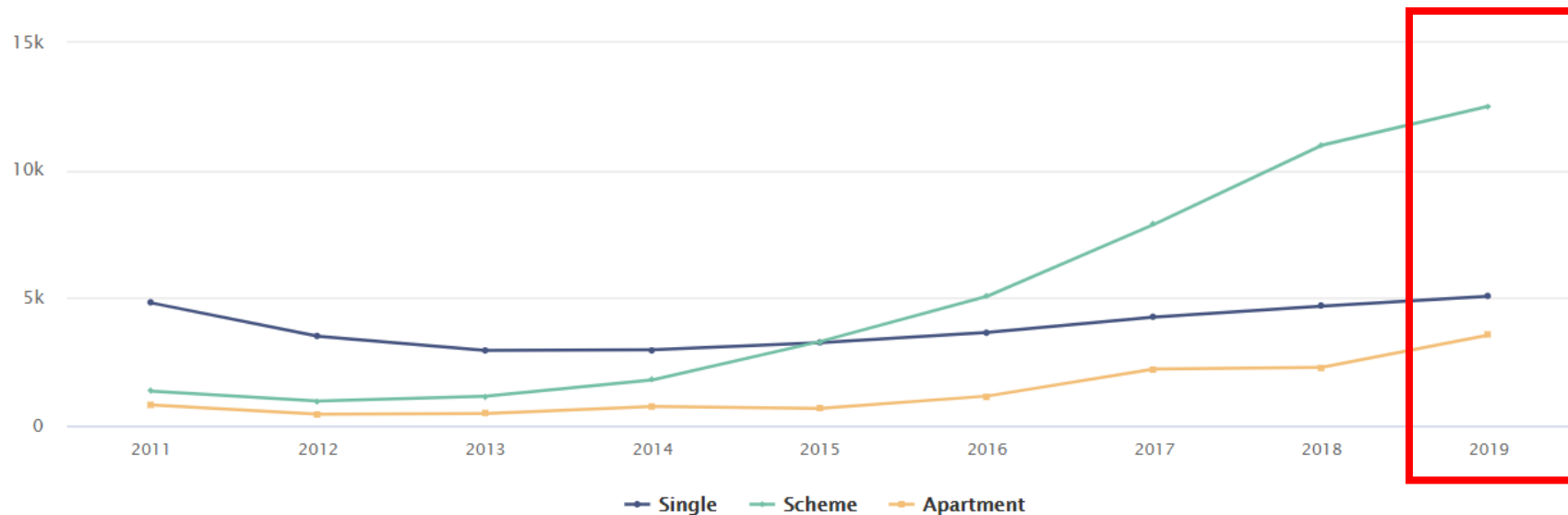
Figure 13: Houses and apartments permitted, by city region and Eastern region 2019 (CSO 2020)

Completions 2011-2019



New Dwelling Completions

Figure 15.2: New dwelling completions by type of dwelling, 2011 - 2019



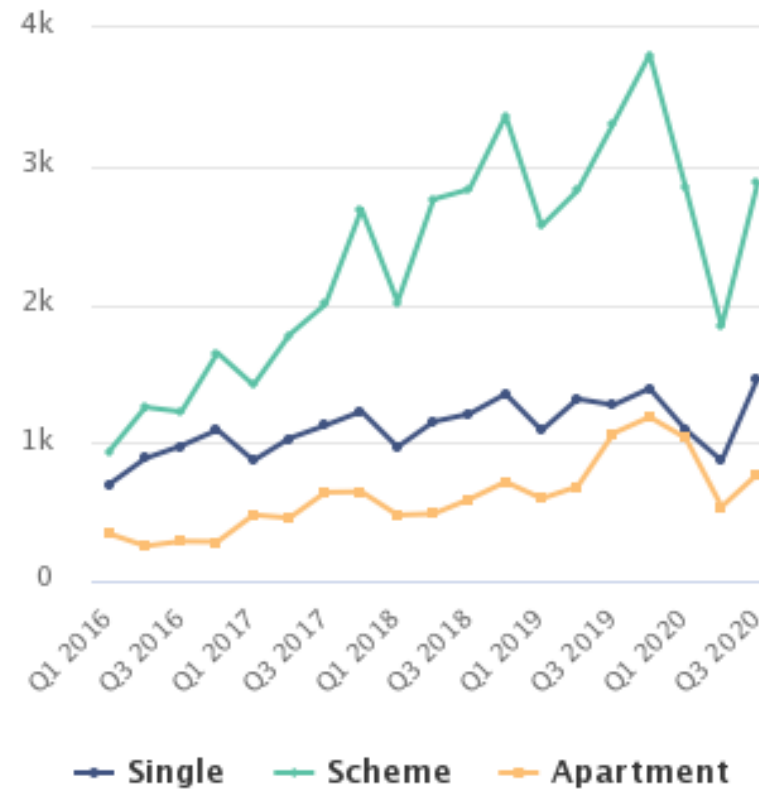
Source: CSO Ireland

Show Table: Table 15.2 Summary of new dwelling completions by type of dwelling, 2011 - 2019

Completions 2016 to 2020



Figure 1; Number of new dwelling completions by type of dwelling, Q2 2016 - Q3 2020

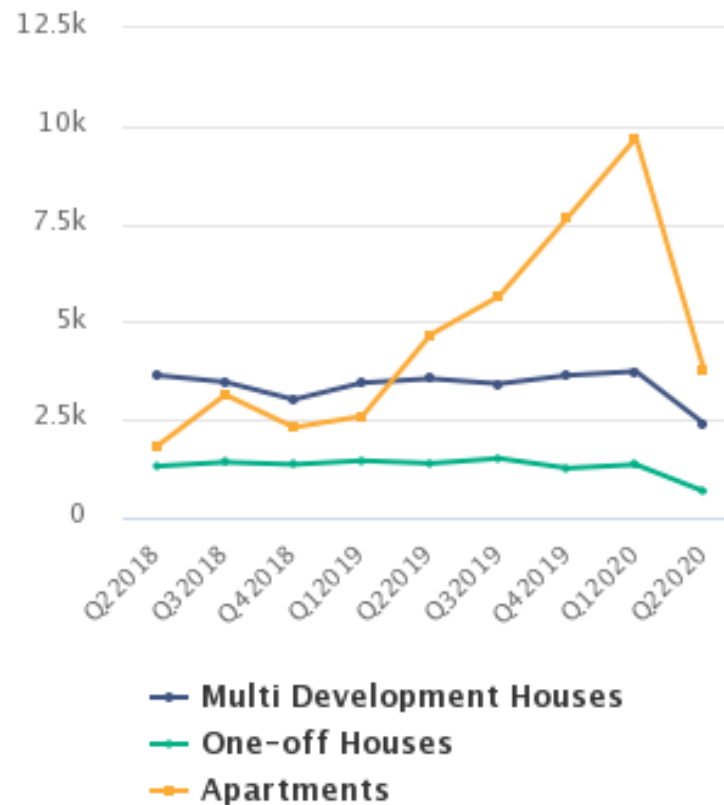


Source: CSO Ireland

News – Planning trends 2018-20



Figure 1: Dwelling units approved by type, Q2 2018 - Q2 2020



Source: CSO Ireland

News – Planning Q2 & Q1 2020



CSO statistical release, 11 September 2020, 11am

Planning Permissions

Quarter 2 2020

Number of dwelling units for Quarter 2 in 2019 and 2020

	Houses	Apartments	Total
Quarter 2 2019	4,936	4,675	9,611
Quarter 2 2020	3,063	3,744	6,807
% change	-37.9	-19.9	-29.2

CSO statistical release, 12 June 2020, 11am

Planning Permissions

Quarter 1 2020

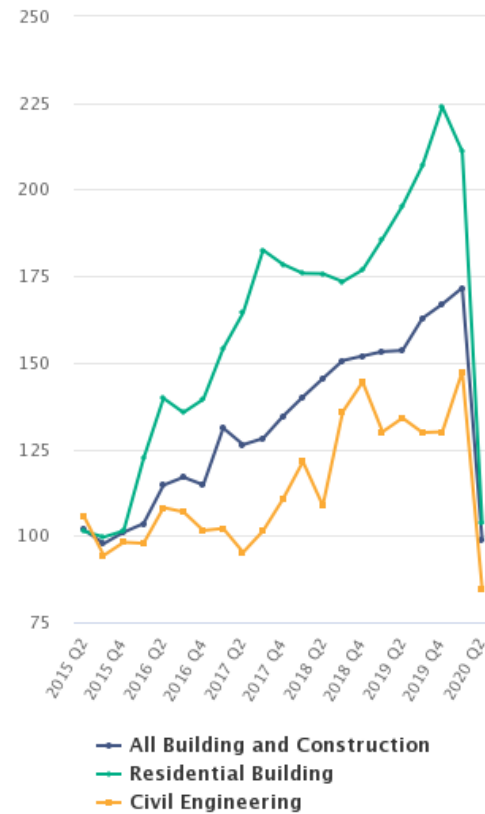
Number of dwelling units for Quarter 1 in 2019 and 2020

	Houses	Apartments	Total
Quarter 1 2019	4,901	2,592	7,493
Quarter 1 2020	5,091	9,698	14,789
% change	3.9%	274.2%	97.4%

COVID, Residential Construction Q2

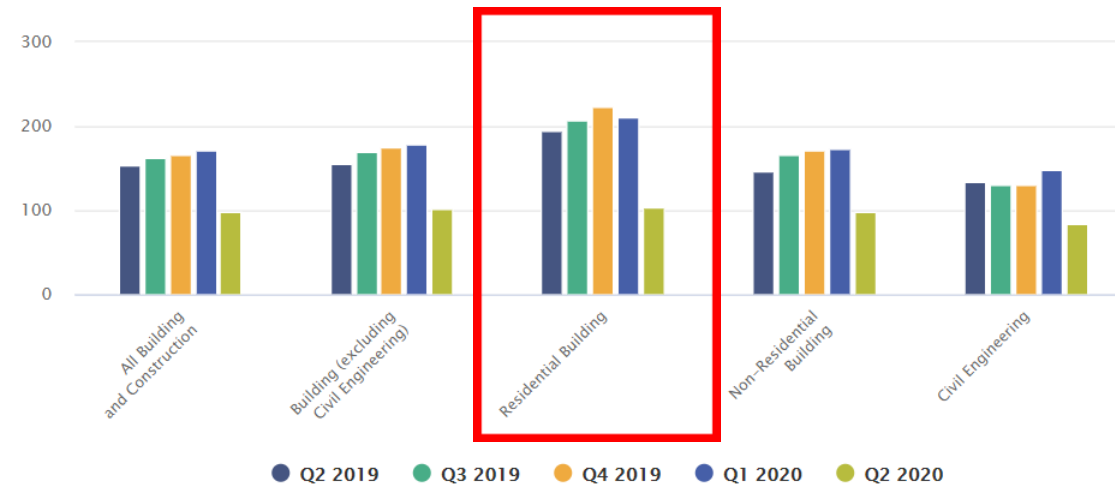


Figure 1: Seasonally Adjusted Volume of Production for Building and Construction Indices



Source: CSO Ireland

Figure 2: Volume of Production by Quarter and Type



Source: CSO Ireland

New OMCs – estimated



Year	Companies- Estimated No.	? Directors
2020 (to 11 Nov)	127	508
2019	174	696
2018	152	608
2017	177	708
2016	120	480
	750	?3,000

PSP Guide to COVID Plan



Údarás Rialála Seirbhísí Maoine
Property Services Regulatory Authority



Institute of Professional
Auctioneers & Valuers



23 October, 2020



PSP Guide



LICENCE C – THE LETTING OF LAND

Subject matter	Level 3	Level 4	Level 5
Office open to the public	Business As Usual (In line with Joint Sector Protocol for Property Services Providers)	Office closed to the public.	Office closed to the public
Attendance at the office	Business as usual (In line with Joint Sector Protocol for Property Services Providers)	Agents and staff should work remotely where possible. Where this is not possible, all relevant safety protocols to be adhered to.	Agents and staff should work remotely where possible. Attendance only where necessary to facilitate provision of services.
Estate Agent to view property on engagement by client	Business As usual (In line with Joint Sector Protocol for Property Services Providers)	Agents at commencement of engagement by their client, may view the property to be placed on the market for rent and arrange for BER certification and any other requirement on engagement.	Agents at commencement of engagement by their client, may view the property to be placed on the market for rent and arrange for BER certification and any other requirement on engagement.
Viewings by public of property for rent	Business As Usual (In line with Joint Sector Protocol for Property Services Providers)	Properties to be viewed online. No viewings in person permitted except <ul style="list-style-type: none"> Where the potential tenant has been offered the property. Viewing of the property takes place prior to signing of the lease and payment of a security deposit. In emergency circumstances. In these circumstances, viewings by one party of two people from the same household is only permitted.	Properties to be viewed online. No viewings in person permitted except <ul style="list-style-type: none"> Where the potential tenant has been offered the property. Viewing of the property takes place prior to signing of the lease and payment of a security deposit. In emergency circumstances. In these circumstances, viewings by one party of two people from the same household is only permitted.

LICENCE D – PROPERTY MANAGEMENT SERVICES

Subject matter	Level 3	Level 4	Level 5
Office open to the public	Business as usual (In line with Joint Sector Protocol for Property Services Providers)	Office closed to the public.	Office closed to the public.
Attendance at the office	Business as usual (In line with Joint Sector Protocol for Property Services Providers)	Agents and staff should work remotely where possible. Where this is not possible, all relevant safety protocols to be adhered to.	Staff should work remotely where possible. Attendance only where necessary to facilitate provision of services.
Management Agent to view property on engagement by client	Business as usual (In line with Joint Sector Protocol for Property Services Providers)	Agents at commencement of engagement by their client, may view the property and arrange any necessary requirements.	Agents at commencement of engagement by their client, may view the property and arrange any necessary requirements.
Supply, repair, installation and maintenance of machinery and equipment for essential services to businesses and private residences (including electrical, gas, plumbing, glazing and roofing services)	Business as usual (In line with Joint Sector Protocol for Property Services Providers)	Business as usual (In line with Joint Sector Protocol for Property Services Providers)	Business as usual (In line with Joint Sector Protocol for Property Services Providers)
Services relating to electricity, gas, water, sewage and waste management	Business as usual (In line with Joint Sector Protocol for Property Services Providers)	Business as usual (In line with Joint Sector Protocol for Property Services Providers)	Business as usual (In line with Joint Sector Protocol for Property Services Providers)
Services necessary to support any other essential service: (i) the cleaning of buildings; (ii) industrial cleaning activities;	Business as usual (In line with Joint Sector Protocol for Property Services Providers)	Business as usual (In line with Joint Sector Protocol for Property Services Providers)	Business as usual (In line with Joint Sector Protocol for Property Services Providers)

Essential services



Publication

View the list of essential services at Level 5

From [Department of the Taoiseach](#)
Published at 14 October 2020
Last updated 23 October 2020

1. Agriculture, horticulture, forestry, fishing, animal welfare and related services
2. Manufacturing
3. Supply, repair and installation of machinery and equipment
4. Electricity, gas, water, sewage and waste management
5. Construction and development
6. Wholesale and retail trade
7. Transport, storage and communications
8. Accommodation and food services
9. Information and communications
10. Financial and legal activities
11. Professional, scientific and technical activities
12. Rental and leasing activities
13. Administrative and support activities
14. Public administration, emergency services and defence
15. Human health and social work activities
16. Education
17. Community and voluntary services
18. Diplomatic missions and consular affairs

This list applies for Level 5 only.

Physical attendance at workplaces is only permitted for those providing the following services where such services can only be provided in person and cannot be delivered remotely. It does not include administrative and other support for such businesses and services unless specified in section 13 and the physical presence of a worker is required.

Part of

Campaigns
[Resilience and Recovery 2020-2021: Plan for Living with COVID-19](#)
[COVID-19 \(Coronavirus\)](#)
Policies
Health

Share

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Essential services



Electricity, gas, water, sewage and waste management

4. The following services relating to electricity, gas, water, sewage and waste management:

- the generation, transmission, supply and distribution of electric power
- the extraction and distribution of gas and decommissioning activities in relation to offshore gas filed facilities
- the collection, treatment and supply of water
- the collection, treatment and disposal of sewage or wastewater
- the collection of waste, remediation activities and other waste management treatment and disposal activities (including the operation of landfill sites, waste transfer stations, waste processing centres and recycling facilities or waste recovery)

Construction and development

5. The following services relating to construction and development:

- construction or development work and the provision of support services relating to construction and development work
- the repair, maintenance and construction of road, rail and utility infrastructure
- the supply and delivery of maintenance and repair services to businesses and places of residence (including electrical, gas, oil, plumbing, glazing and roofing services)

Rental and leasing activities

12. The following services relating to rental and leasing activities:

- property services (within the meaning of the Property Services (Regulation) Act 2011 (No. 40 of 2011)), property letting and management services
- the provision of a service for the rental or leasing of mechanically propelled vehicles or bicycles

Administrative and support activities

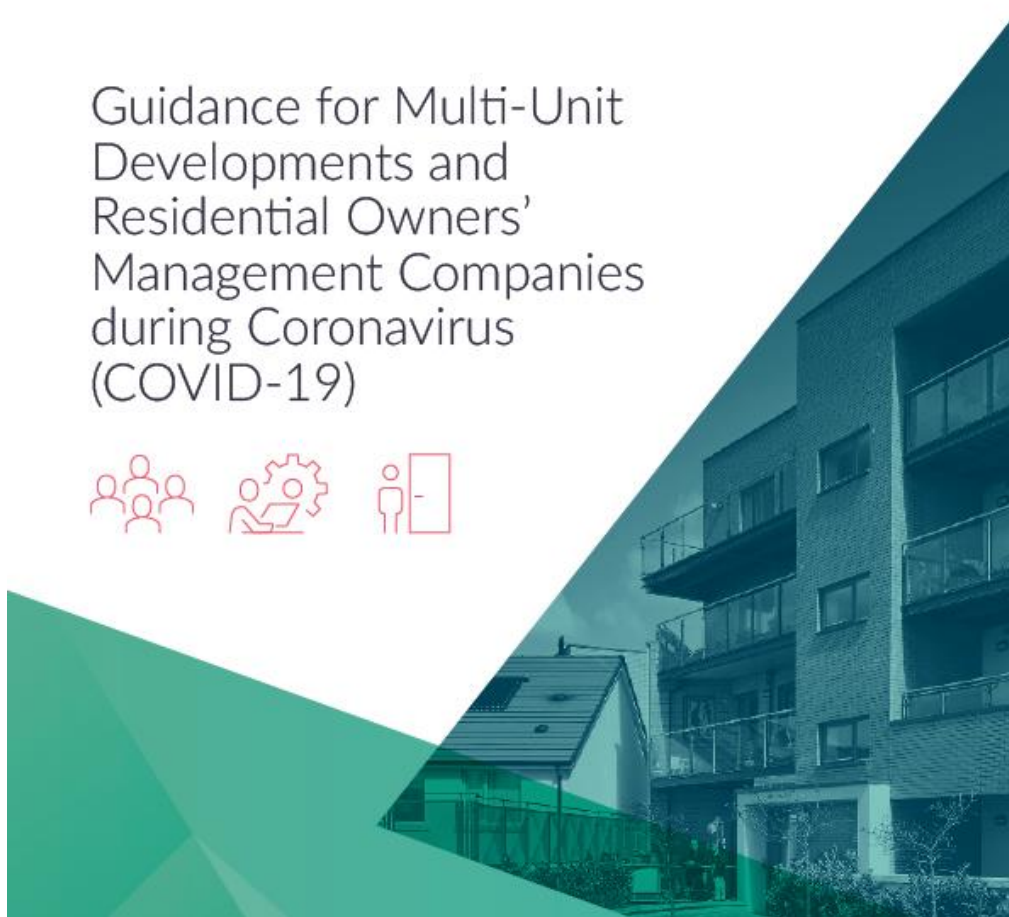
13. The following services relating to administrative and support activities:

- payroll and payment services necessary for the operation of undertakings and bodies
- employment placement and human resources services associated with the recruitment and deployment of workers engaged in the provision of essential services
- data processing, website hosting and related activities
- security activities to assist in either or both of the following:
 - (i) the delivery of essential services
 - (ii) the securing of premises closed to the public
- where such services are necessary to support any other essential service:
 - (i) the cleaning of buildings
 - (ii) industrial cleaning activities
 - (iii) the provision of key third party supports other than those referred to in paragraph (f) provided under contract to a person providing an essential service

COVID-19 Guidance for OMCs



Guidance for Multi-Unit Developments and Residential Owners' Management Companies during Coronavirus (COVID-19)



OMCs - Company Law Changes



The screenshot shows the Oireachtas website interface. At the top left is the logo and name 'Tithe an Oireachtais Houses of the Oireachtas'. To the right are links for 'Gaeilge', 'Reader view', 'Press centre', and 'Contact us'. Below this is a navigation bar with 'Bills & Acts' (highlighted), 'Debates', 'TDs & Senators', 'Committees', 'Visit & Learn', and 'More' with a search icon. The main content area has a dark background with the title 'Companies (Miscellaneous Provisions) (Covid-19) Act 2020' and subtitle '(Act 9 of 2020)'. Below that is 'Companies (Miscellaneous Provisions) (Covid-19) Bill 2020 (Bill 15 of 2020)'. A 'Share this page' link is visible. On the left side of the page content, there are three links: 'Bills & Acts', 'Find Bills & Acts', and 'Search tips'. The main text of the page describes the bill's purpose: 'Bill entitled an Act, having regard to the risk to human life and public health posed by the spread of the disease known as Covid-19 and, in response to the economic difficulties caused by that disease, to make exceptional provision in relation to the operation of certain provisions of the Companies Act 2014 and the Industrial and Provident Societies Act 1893 for a certain period and such further period (if any) as may be specified by order of the Government and, for that purpose, to amend the Companies Act 2014 and the Industrial and Provident Societies Act 1893; to further amend the Companies Act 2014; and to provide for related matters.'

Company Law changes



- Allows virtual/online AGMs
- Voting online
- Current deadline = 31 December 2020

CRO filing deadlines for OMCs



CRO COMPANIES REGISTRATION OFFICE
AN OIFIG UM CHLÁRÚ CUIDEACHTAÍ

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[CURRENT PROCESSING DATES](#)

October

CRO Update On Current Submission Processing Dates as of 27 October 2020

A PDF document outlining current processing dates for the most common submissions, as of 27 October 2020 can be viewed or downloaded below

[Processing Dates as of 27 October 2020](#)

Filing Update 23 October 2020

The Registrar is aware of pressures that a small number of Companies face in meeting the deadline of 31 October and has announced that all elements of the annual return will be accepted if delivered by the date on the signature page (available when Form B1 is submitted online).

If you are unsure about your annual return deadline contact eb1@dbei.gov.ie

Filing Update 22 October 2020

- CRO Services will Continue as Normal During Level 5
- **Entities are encouraged to file as normal during this period if in a position to do so.**
- Almost 70% of Annual Returns due by 31st October have been fully filed and complete
- Documents can be filed online and delivered by usual methods
- Documents can also be hand delivered to the post boxes in Carlow or Dublin
- Companies that were included in the extensions granted by the Registrar in March and June of this year are required to deliver all elements of their B1 Annual Return by 31st October
- Companies with ARD on or after 30 September 2020 are required to deliver all elements of their B1s by 26 February 2021
- Queries for annual returns for specific companies can be directed to eb1@dbei.gov.ie

Waste Action Plan & Apartments



FOOD WASTE



HALVE OUR FOOD WASTE BY 2030



WASTE SEGREGATION INFRASTRUCTURE FOR APARTMENT DWELLERS

SUSTAINABLE FOOD WASTE MANAGEMENT OPTIONS FOR ALL HOMES AND BUSINESSES



Waste Action Plan & Apartments



- “We will incorporate **municipal waste recycling targets as conditions of waste collection permits** (i.e. collectors will be required to achieve a 55% recycling rate of municipal waste by 2025, 60% by 2030 and 65% by 2035). The effect of this will be to incentivise the waste industry, in the context of the current market structure, to **drive enhanced segregation including for apartment complexes.**”
- “We will work with relevant stakeholders to **improve waste segregation in apartment complexes.**”

Waste Action Plan & Apartments



- “We will develop a **quality waste management assurance scheme** for businesses (**including apartments serviced by management companies**) to sign up to. This will verify that premises are **complying with best waste management practice** in terms of waste prevention and recycling (including organic waste).”
- “We will work with the Department of Housing, Planning and Local Government to make **regulatory changes in planning and tenancy laws** required to **ensure apartment dwellers are provided with infrastructure to support food waste segregation.**”

Apartment Living in Ireland 2019



An Ghníomhaireacht
Tithíochta
The Housing Agency

National Study of Irish Housing Experiences,
Attitudes and Aspirations in Ireland

APARTMENT LIVING IN IRELAND 2019



Management - survey findings



4.9 Apartment-specific experiences

Key insight

High satisfaction levels with the work of the OMCs overall were reported, but 66% had concerns about significant increases in management fees in the future.

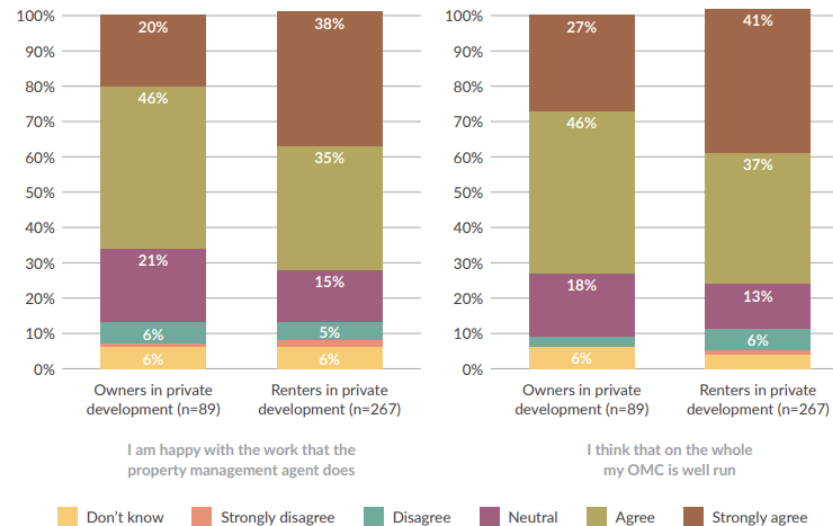
The 2019 iteration of this study included an extra module of questions

specific to apartment living. The analysis for the following section has divided apartment dwellers into three separate categories: owners living in a private development (owners), renters living in a private development (renters), and those renters living in local authority/approved housing body schemes or developments.

Overall, owners surveyed had positive opinions about their Owners' Management Companies (OMC)²⁸ and agreed that they were happy with the work the OMC does (66%) and

thought their OMC was well-run (73%). Renters in private developments were similarly positive about the work of the OMC in the development they were living in, with 73% agreeing they were happy with the work the OMC does, and 78% agreeing that the OMC was well-run. Understandably, renters were more likely to agree that they should be allowed to become involved in the running of the OMC, at 72% compared to 59% of owners.

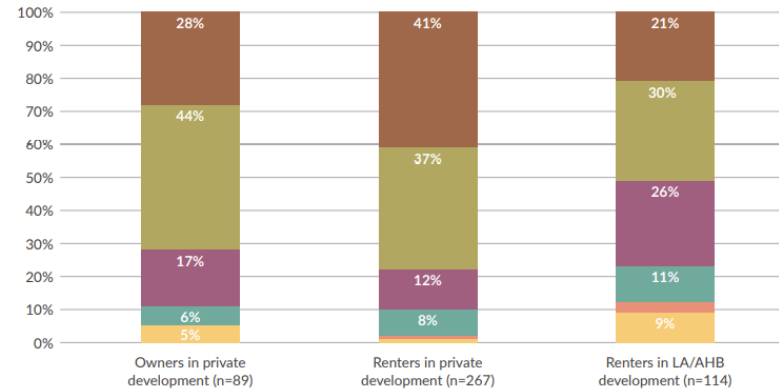
Figure 4.36: Attitudes and perceptions towards property management



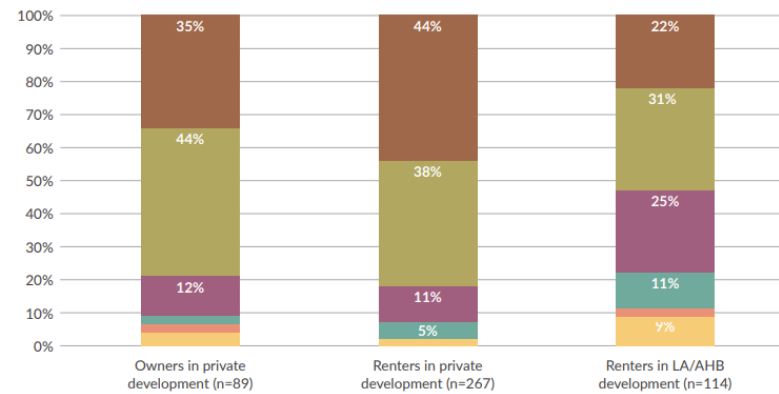
Facilities - survey findings



Figure 4.39: Attitudes and perceptions on apartment development facilities



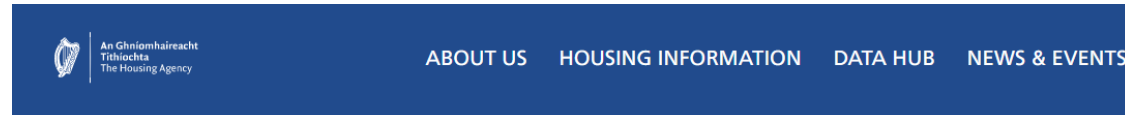
The communal areas are well maintained



I am happy with the structural condition of my home

■ Don't know
 ■ Strongly disagree
 ■ Disagree
 ■ Neutral
 ■ Agree
 ■ Strongly agree

Report – on our website



● YOU ARE HERE : [Home](#) > [Publications](#) > [Apartment Living in Ireland 2019](#)

Apartment Living in Ireland 2019

● POF

Test

Posted: Sep 10, 2020 By: [roslynmolloy](#), [ursulamcanulty](#), [seinhealy](#) and [annemurphy](#)

Research area: [Social Housing](#), [Private Rented Sector](#), [Owner Occupied](#), [Housing For Older People](#), [Demand](#), [Design](#)



Housing Agency National Study of Irish Housing Experiences, Attitudes and Aspirations in Ireland - Apartment Living in Ireland 2019. This study set out to find out how satisfied people living in apartments were with their homes.

The information in this research study was collected by: face-to-face Interviews with more than 500 people living in apartments, two focus groups with families with young children living in apartments and two focus groups with older renters, a literature review and a summary of recent policy changes, legislation and guidelines that impact on the development of

apartment living.

The report is available [here](#).

3 Rs



- Respect
- Reality
- Resources

Managed Estates



- Apartments
- Conventional housing
- Mixed use developments:
Residential
+
Commercial

Apartments?



- ‘Conventional’ - multi-owner
- PRS - conventional build/one owner
- BTR - purpose built

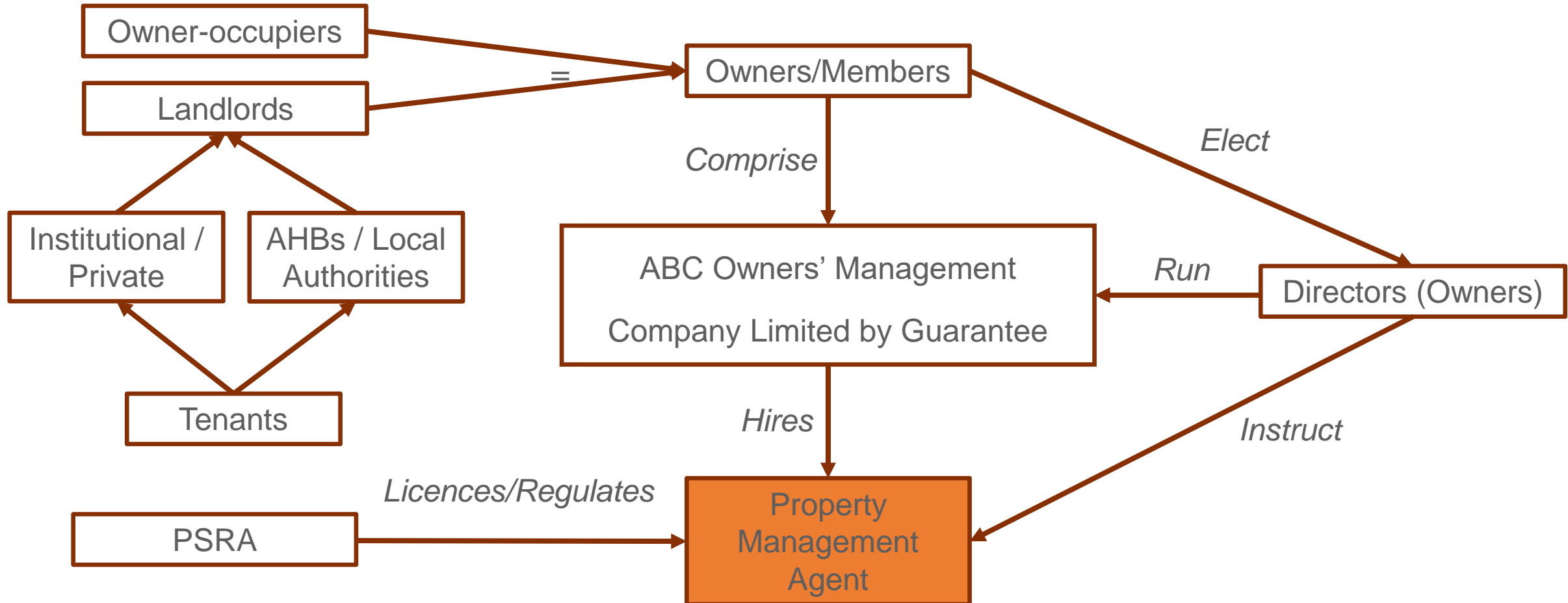
Professor Hazel Easthope



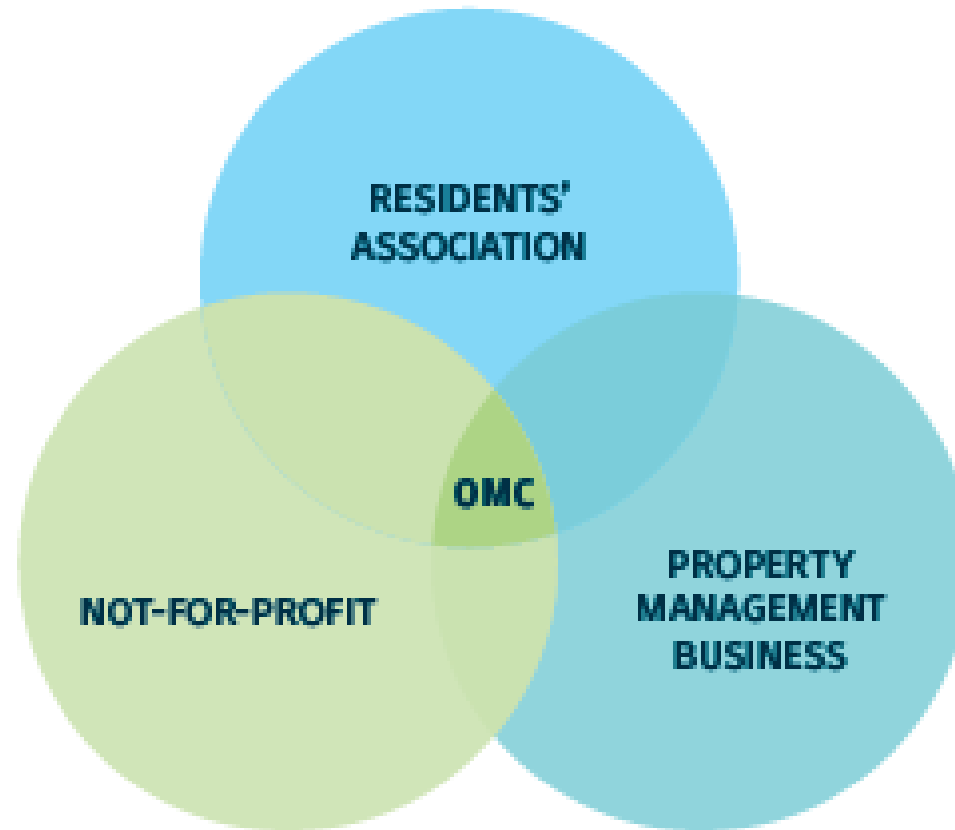
Collective vs Individual Rights

- Proximity
- Interdependence
- Joint-Decision Making

We're All In This Together



Managed Estate: OMC = Hybrid



Principles



- Collective structures
- Clear understanding of roles
- Volunteerism
- Sustainable communities require sustainable funding

Principles - Law



- Founded in
 - Land Law
 - Company Law
 - Other?
- Legislation specific
 - Multi-Unit Developments Act 2011
 - Property Services (Regulation) Act 2011
 - Companies Act 2014

MUD Act – positives



- Definitions / clarity
- Transfers of Common Areas?
- Developers' responsibilities
- Rights of OMC
- Voting
- OMC – Annual Report

MUD Act – gaps?



- Service charges
- Sinking funds
- OMC governance
- Circuit Court applications – Section 24
- Directors' knowledge

Rights & Duties – Head Lease



8. Not use or permit to be used the Demised Premises for any purpose other than a single private residence nor to use the same for any dangerous, noisy, noxious or offensive trade, business, manufacturer or occupation whatsoever or for any illegal or immoral purpose;

9. Not play or allow to be played any musical instrument television radio loudspeaker or mechanical or other noise making instrument of any kind or permit any singing to be practised on the Demised Premises so as to cause annoyance to the owners and occupiers of any other part of the First Phase Development Property or so as to be audible outside the Demised Premises between the hours of 12 midnight and 9 a.m.;

Key Documents – OMC Constitution



Companies Act 2014 and Multi-Unit Developments Act 2011: s. 14(3)

Constitution

of

[●] [● Owners' Management Company] / [● OMC]¹ Limited by Guarantee

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¹ Complete the name of the Company. The words 'Owners' Management Company' or 'OMC' must be used in the Company's name: *Multi-Unit Developments Act 2011, s. 14(3)*. The name of the Company must end in 'Company Limited by Guarantee (*Companies Act 2014, s. 1178(1)*) but these words may be abbreviated to 'CLG' by the Company or any other person in any usage after the Company's registration (*Companies Act 2014, s. 1178(2)*).

OMC Constitution – vote / GDPR



Votes of Members

28. Subject as hereinafter provided on a show of hands or on a poll every Member shall have one vote of equal value for each Unit which he owns and no persons other than the Unit owners shall have a vote.
29. A Member of unsound mind, or in respect of whom an order has been made by any court having jurisdiction in cases of unsound mind or pursuant to *section 8* of the *Powers of Attorney Act, 1996*, may vote, whether on a show of hands or on a poll, by his committee, receiver, guardian, attorney or other person appointed by that court, and any such committee, receiver, guardian, attorney or other person may vote by proxy, on a show of hands or on a poll.
30. No Member shall be entitled to exercise a vote in respect of a Unit at any general meeting (or by signing a resolution in writing pursuant to **Article 27**) unless all moneys payable to the Company including any service charge or sinking fund contributions in respect of that Unit have been paid in full.

- (1) To process personal data and sensitive personal data relating to any Unit Owner and/or any tenants and/or licensees of the Unit Owners including but not limited to (i) disclosing information relating to the payment or non-payment of service charges and sinking fund contributions to some or all of the Unit Owners; and (ii) disclosing information relating to any breach of any rules, house rules, regulations, restrictions and byelaws relating to the multi-unit development to some or all of the Unit Owners;

MUD Act & Tenants



- Information to be provided to OMC
- Service charges
- House Rules

MUD Act – Tenants’ Details



(b) be obliged to perform all the obligations (including the payment of service charges) pertaining to the membership of such company concerned.

(2) Notwithstanding *subsection (1)* an owners’ management company shall take all steps necessary to ensure—

(a) that the share certificate or membership certificate, as appropriate, is issued to the member concerned as soon as practicable following notification of the change of ownership of the residential unit,

(b) that the register of members of the company is altered accordingly, and

(c) that there is compliance with all other relevant requirements under the Companies Acts.

(3) A unit owner (whether the owner of a residential unit or a commercial unit) shall be under an obligation to furnish to the relevant owners’ management company—

(a) particulars of his or her name,

(b) particulars of his or her address,

(c) particulars of the names of the tenants in the unit,

(d) particulars of any habitual occupiers of the unit other than tenants, and

(e) such other contact particulars as the owners’ management company may reasonably request,

and shall promptly notify the owners’ management company of any change in such particulars.

Tenant & service charges?



(9) Where expenditure is incurred following an approval under *subsection (6)* the owners' management company may recover such expenditure from any person (including the developer) who had responsibility for incurring such expenditure or carrying out the works concerned.

(10) The owner of each unit in a multi-unit development (including a person who is the developer or building contractor of the development) shall be under an obligation to pay all service charges levied under this section.

(11) For the purposes of this section a developer or building contractor, as the case may be, shall be regarded to be the owner of a unit in a multi-unit development the first sale of which unit has not been completed, as and from the day on which the first sale of a residential unit in the relevant part of the development is closed.

(12) Nothing in this section shall operate to prevent a unit owner from seeking and recovering reimbursement of service charges levied under this section from a tenant of that owner where so provided by agreement.

House Rules – application



House
rules.

23.— (1) An owners' management company may, as respects the multi-unit development for which that company has responsibility, make house rules as respects the development or part of the development relating to the effective operation and maintenance of the development and with the objective of enhancing the quiet and peaceable occupation of units generally in the development, and such house rules shall be binding on—

- (a) unit owners,
- (b) tenants of unit owners, and
- (c) servants, agents and licensees of persons referred to in *paragraphs (a) and (b)*.

(2) House rules made pursuant to *subsection (1)* shall be consistent with the covenants and conditions contained in—

- (a) the documents of title under which unit owners in the multi-unit development concerned have title to the units concerned, and
- (b) the documents of title under which the owners' management company concerned has title to the multi-unit development concerned.

(3) House rules made under *subsection (1)* shall be made in a manner consistent with—

- (a) the objective of advancing the quiet and peaceful enjoyment of the property by the unit owners and the occupiers, and
- (b) the objective of the fair and equitable balancing of the rights and obligations of the occupiers and the unit owners,

in the development or part of the development concerned.

House Rules & Renters/Tenants



(9) House rules made pursuant to this section may be amended from time to time in the same manner as house rules may be made.

(10) It shall be a term of every letting of a unit in a multi-unit development that the letting is subject to the observance by all those occupying the property (including their licensees, servants or agents), in whatever capacity, of—

(a) the conditions and covenants in the title documents relating to the use and enjoyment of the property, and

(b) house rules made under this section,

and a summary of such relevant conditions and covenants together with a copy of any house rules shall be incorporated into the letting agreement relating to the unit concerned.

(11) Where a person, who by reason of *subsection (1)* is obliged to comply with house rules, commits a material breach of such rules, the owners' management company of the development concerned may recover the reasonable costs of remedying such breach from such person which costs may be recovered as a simple contract debt in a court of competent jurisdiction.

House Rules – template



An Ghníomhaireacht Tithíochta
The Housing Agency

WHAT WE DO HOUSING INFORMATION DATA HUB ABOUT US NEWS & EVENTS PUBLICATIONS NAMA AHB REGULATION

What are House Rules?

- The House Rules of the estate is a further set of regulations, issued in line with the terms of the lease. Essentially, these are policies for day-to-day conduct in the estate. They are drawn up by the owners collectively, and approved at an Annual General Meeting (AGM). They are designed with the objective of enhancing the quiet and peaceable occupation of homes generally in the estate.
- Most House Rules are common sense- keep corridors and stairwells clear of obstructions, barbeques prohibited on balconies, no noise from homes after a certain time, etc. However, common sense is not always that common.
- The rules may be amended for changes in circumstances, by agreement at an AGM. A copy of the rules should be provided to every owner, and tenant in the estate.
- For a sample set of House Rules [click here](#)

> I want to understand voting rights in my OMC. Where do I find out?

> Where may I find out more about Company Law?

> How do we recruit and retain directors for our Owners' Management Company?

Breaking the Rules?



Please ensure that you are parked in your allocated parking space only. Your car space number may not correspond with your property number. Please check with your landlord/agent, or the management agent, for your space number. Unauthorised or illegal parking may result in non-refundable clamping charges. The management company reserves the right to arrange for the removal of vehicles parked otherwise than in keeping with these House Rules, or vehicles that appear to be abandoned in the estate.


Residents should be mindful of tailgating in car parks, and suspicious activity should be reported to the management agent.

13. Costs Arising from a Breach of House Rules:

In accordance with Section 23(11) of the Multi-Unit Developments Act 2011, the owners' management company reserves the right to recover all costs incurred (including administrative costs) from the owner of a residence involved in a breach, or a resident breaching any House Rule.

MUD Act & Tenants / Renters




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JUDGMENTS & DETERMINATIONS - Homepage

Judgments by year	Judgments by court
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[Judgment](#)
Title: Kennedy -v- Sweepstakes Owners Management Company clg
Neutral Citation: [2019] IEHC 552
High Court Record Number: 2019 106 CA
Date of Delivery: 07/22/2019
Court: High Court
Judgment by: Barrett J.
Status: Approved

BETWEEN:

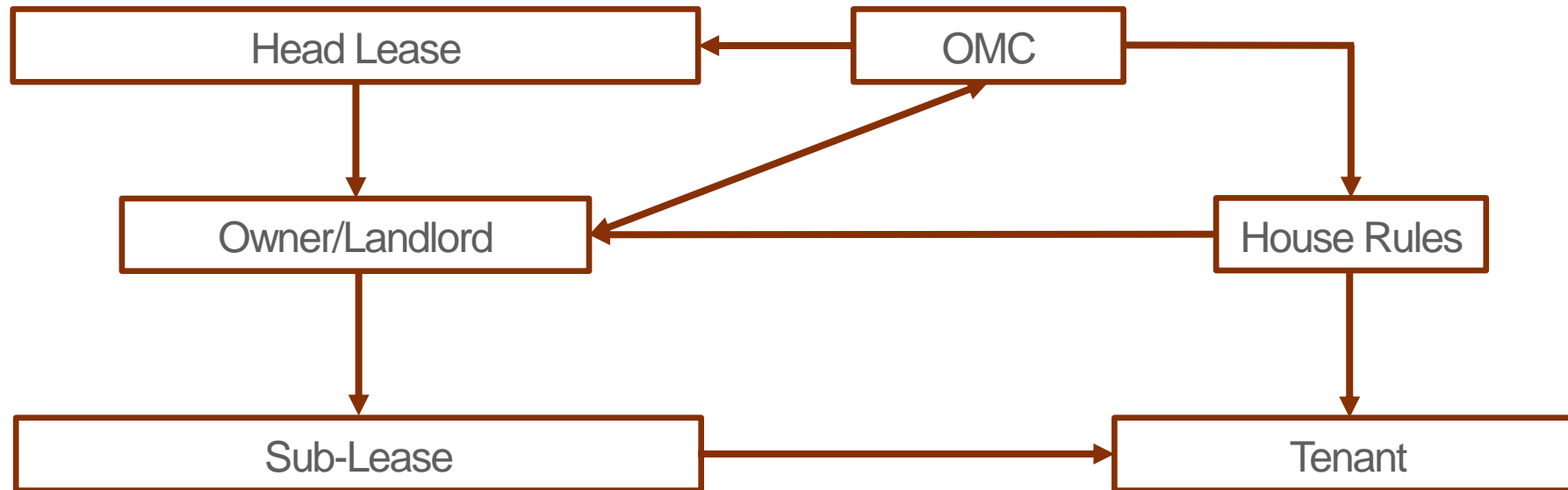
THE HIGH COURT	[2019] IEHC 552
	2019 No. 106 CA
JOSEPH KENNEDY	PLAINTIFF/APPELLANT
- AND -	
SWEEPSTAKES OWNERS MANAGEMENT COMPANY CLG	DEFENDANT

MUD Act & Tenants / Renters



- Mr. Kennedy = Tenant in a MUD
- He claimed OMC was seeking to implement House Rules which were in breach of law
- Tenants not listed in section 25 of Act as persons who may apply for relief
- But “*with the permission of the court, such other person as the court sees fit*” may apply- section 25(1)(f)
- Could Mr. Kennedy, the tenant, bring an action under the MUD Act?
- Yes, Court would not refuse tenant the right to bring an action
- MUD Act actions = Circuit Court...?

Leases in a Managed Estate



Service Charges – reality check



2019 SERVICE CHARGE BUDGET FOR OWNERS MANAGEMENT COMPANY

5. ELECTRICITY

5.1 Public & Common Area Electrical Costs	€	9,250.00	€	65.14
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6. OTHER

6.1 Bank charges	€	296.00	€	2.08
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6.2 Postage, stationery, etc	€	426.00	€	3.00
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6.3 Data Storage	€	281.00	€	1.98
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7. DEVELOPMENT IMPROVEMENTS - LONG TERM PLANS

7.1 Sinking fund	€	26,340.00	€	185.49
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GRAND TOTAL

€	141,999.75	€	1,000.00
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Service Charges



2019 SERVICE CHARGE BUDGET FOR OWNERS MANAGEMENT COMPANY

Cost category	All Apartments	Per apartment
		142
1. MANAGEMENT COSTS		
1.1 Management Fee	€ 21,300.00	€ 150.00
1.2 Audit Fees	€ 1,845.00	€ 12.99
1.2.1 Company Secretarial Services	€ 345.00	€ 2.43
2. INSURANCE		
2.1 Block Insurance	€ 9,000.00	€ 63.38

Sinking Feeling?



Sinking Fund



Replacement Cost

÷

Remaining Expected Life

Of course, parts of a building have differing lifespans!

Sinking Funds



Appendix A

ITEMS TO BE INCLUDED IN A TYPICAL BIF

A BIF table will be included in the planning submission. It will include for the calculation of a Sinking Fund. It is based on Block 1 in the development which consists of 40 apartments over 4 floors.

BUILDING INVESTMENT FUND (SINKING FUND) CALCULATIONS			
Ref	Elements	Life Expectancy	Amount
1.00	Roofs		
1.01	Replacement felt roof covering incl. insulation to main roofs/ overhaul to green roofs.	18	€121,000
1.02	Replacement parapet details	18	€26,000
1.03	Replacement/ repairs to facias	18	€18,000
1.04	Replace roof access hatches	25	€12,000
1.05	Specialist Roof Systems - Fall arrest	25	€8,000
1.06	Overhaul waterproofing details to paved areas	12	€10,000
2.00	Elevations		
2.01	Decorate rendered panels to apartments	25	€32,000
2.02	Minor repairs and preparation for decorations of rendered areas	18	€5,000
2.03	Replace exit/ entrance doors	25	€8,000
2.04	Replace Rainwater goods	20	€15,000
2.05	Recoat powder coated Finishes to balconies	5	€7,000
2.06	Periodic replacement and overhauling of external fixings	25	€5,000
2.07	Replace Balcony floor finishes	25	€30,000

MUD Act - Section 19(5)



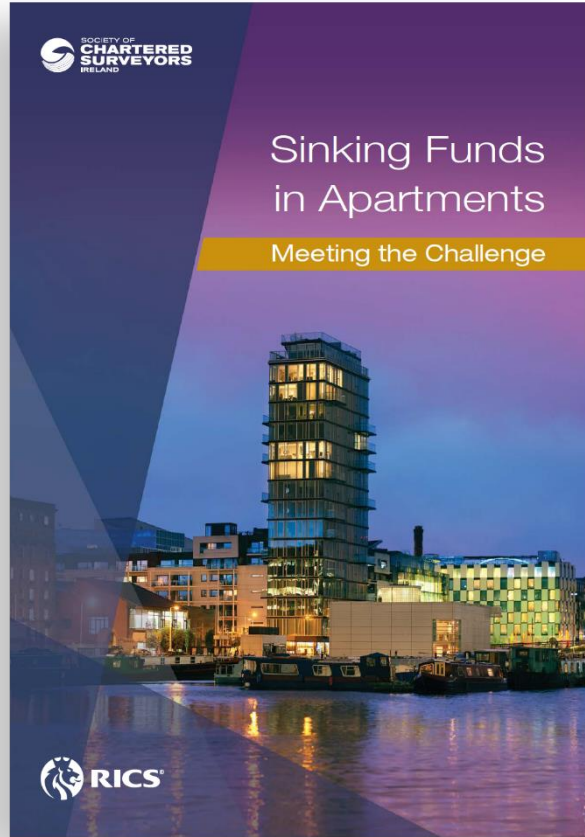
“Subject to subsection (6) the amount of the contribution to be paid as respects a unit by each unit owner of such a unit to the sinking fund in respect of a particular year shall be the amount of €200 or such other amount as may be agreed by a meeting of the members as the contribution in respect of the year concerned.”

Sinking Funds



- Total sinking fund needed = €585,000
- Block of 40 apartments
- Life span, say 25 years
- €585 contribution per apartment, per annum

Sinking Funds – SCSl work



Company Law compliance



Oifig an Stúirthóra um Fhorfheidmiú Corparáideach
Office of the Director of Corporate Enforcement



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ODCE/Office of the Director of Corporate Enforcement » FAQ » Management Companies

FAQ

- ▶ The Role & Activities of the ODCE
- ▶ Complaints
- ▶ Companies
- ▶ Management Companies
- ▶ Membership of a Company
- ▶ Directorship of a Company
- ▶ Company Secretary
- ▶ Meetings
- ▶ Minutes of Meetings
- ▶ Accounting Records
- ▶ Annual Financial Statements
- ▶ Audits, Audit Exemption & Auditors
- ▶ Audit Committees
- ▶ Winding Up/ Liquidations
- ▶ Dispute Resolution
- ▶ Freedom of Information (F.O.I.)

Management Companies

01 What is a Management Company?

A so called "management company" is a company registered in the CRO usually as a Company limited by Guarantee (CLG) or a Designated Activity Company (DAC), with an object clause to manage a multi-unit development. The "management company" owns the common areas of the development such as: car parks, green space, stairwells, lifts and communal hallways and maintains them for the benefit of all property owners and typically provides for insurance cover.

On acquiring a unit within the development, in addition to the apartment or house such person also shares ownership of the common areas. Stemming from this, it is usually a condition of the purchaser's contract that they sign a co-ownership agreement which obliged them to become a member of the management company. These co-ownership agreements are essentially rooted in the laws of contract and private property, rather than in any particular Act of the Oireachtas. Following on from this, it should be clear that the requirement to become a member of a management company is not a requirement under company law.

There is no special body of company law which applies only to so called "management companies" or is applied differently so far as management companies are concerned. The "FAQ" (Frequently Asked Questions) section of this website answers most general company law type questions in relation to all companies. Most of the issues arising in the so called "management companies" **are not company law issues and the ODCE cannot assist. The attached document lists the breaches of company law where ODCE can assist with.**

Court Rulings

06 March 2020

[Director of Public Prosecutions v Patricia Kelly »](#)

29 November 2019

[Director of Public Prosecutions v Sean O'Neill »](#)

Feature

Frequently Asked Questions

ODCE encourages the public to visit the extended [FAQs](#) section of website for information [before contacting the Office](#) Covid-19 Arrangement for [AGMs](#).

What's New

COVID-19 NOTICES

Temporary [contact details](#)
[Insolvency](#) related issues
[Data Protection](#) issues
[Statement on the performance of our functions](#)

Company Law compliance



The ODCE and Residential Management Companies

The ODCE's remit is company law and as such it deals with complaints in relation to the following, where breaches of company law may occur:

- ✓ Register of Members
- ✓ Register of Director and Secretaries
- ✓ Directors' duties under company law (i.e. statutory duties)
- ✓ Company Secretaries duties
- ✓ Financial Statements
- ✓ Holding of AGMs
- ✓ Access to the Registered Office
- ✓ Requirements for Company Letterheads/websites
- ✓ Insolvent Liquidations

Contact ODCE at 01 8585800 Press Option – 2 - Complaints

Queries in relation to Filing of Company Accounts, and to involuntary strike-off are dealt with by the Companies Registration Office – 01 8045200

The ODCE does not deal with complaints in relation to the following:

- | | |
|--|--|
| <ul style="list-style-type: none">✗ Chairing of Meetings✗ Holding of EGMs✗ Minute taking✗ Maintenance of Common Areas✗ Repairs✗ Service Charges✗ Insurance✗ Waste Management✗ Taxation✗ Litter✗ Local Government Issues✗ Planning Issues✗ Contractual Issues✗ Employment Issues✗ Health & Safety Issues✗ Property Law | <ul style="list-style-type: none">✗ Memo and Articles of Association (including procedures relating to the election/resignation of directors)✗ Management Company's Bank Account✗ Depreciation/Dilapidation and Capital Expenditure✗ Access to Accounting Records by members/others (i.e. invoices, individual expenses, bank records etc.)✗ Delays in transfer of common areas from a developer to a management company✗ 'Ad Hoc' and other Committees |
|--|--|

Management Agent Regulation - PSRA



Údarás Rialála Seirbhísí Maoine



Property Services Regulatory Authority



**A Guide for Users
of
PROPERTY SERVICES PROVIDERS
In
Ireland**

April 2017

PSRA ≠ OMC regulation



complaint submitted, the Authority is obliged for the foregoing reasons to provide the PSP with a copy of any such complaint made.

Can I complain about a PSP not being licensed

A complaint can only be made against a licensee holder for improper conduct under the terms of the Act. The Authority has no powers to investigate complaints of improper conduct against unlicensed companies or individuals. A complaint against an unlicensed PSP is treated by the Authority as a report of unlicensed trading. As with complaints, persons submitting such a report should provide any and all information that will provide evidence, if not proof, of the allegations made. Persons selling or letting out their own properties do not require a licence.

Can I complain about Owner Management Companies?

The Authority has no role in the regulation of Owner Management Companies.

Housing Agency resources



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Tithíochta
The Housing Agency

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Multi-Unit Developments / Managed Estates



March/April - Information Notes



10 Tips for Owners' Management Companies During COVID-19

All decisions should reflect the advice and guidance of the HSE and Department of Health. Up to date information is available on the HSE's website: [hse.ie/coronavirus](https://www.hse.ie/coronavirus).

1. Display HSE COVID-19 Posters

Consider putting up HSE posters in common areas with advice on preventing the spread of COVID-19. These posters are available from the HSE website: <https://www.hse.ie/eng/services/news/newsfeatures/covid19-updates/partner-resources/>.

2. Get Guidance and Advice from the Estate Management Agent

OMC directors should seek advice from the management agent and be guided by their experience and expertise. The agent is a trained property professional and should be licensed by the PSRA.

3. Consider Prioritising the Cleaning of High-Contact Common Areas

Identify ways to prioritise the cleaning of common areas, particularly sanitising door handles, push plates, keypads, lift buttons, and handrails. Consider if resources could be diverted from non-essential works, e.g. gardening or litter-picking, to facilitate these measures.

4. Communication with OMC Members

Clear, consistent communication is recommended with a balance between sufficient communication and too much. Ascertain whether formal online channels, such as Blockman or alternative online tools, are available for communications. Consider other options available through social media channels operated by residents' groups.

5. Communication with Residents

Remember that about 80% of apartment residents are renters/tenants, and therefore not members of the OMC. Communication by notices posted to letterboxes, or posters erected in lobbies, halls, lift cars, and carparks may be most effective.

6. Contact Other Stakeholders

Engagement with local authorities, Housing Bodies, or commercial organisations owning homes in the estate may be beneficial in achieving communication with all residents.

7. Curtailment of Access to Non-Essential Common Areas

Consider curtailment of access to or the closure of high contact but low priority parts of the estate, such as playgrounds, gyms, halls, or other amenities.

8. Hold Board Meetings by Telephone or Online

It would be best for OMC directors to meet and take decisions by way of virtual means, or written resolution over email. Check that your OMC Constitution allows for these arrangements.

9. Postponing the Annual General Meeting

AGMs may be held up to 15 months apart. The MUD Act requires a meeting in each year. The date of the 2019 AGM will determine whether the 2020 AGM can be delayed. The implications of this for the OMC's finances should be carefully considered. Directors should be mindful of their duties and responsibilities under company law.

10. Consider Employees

Does the OMC have direct employees? Consider the health and safety of all staff members.

Information provided above is general in nature. It should not be considered to amount to legal advice, and no reliance should be placed on it. The Housing Agency cannot be held responsible for actions or failure to act on foot of the information provided. Professional legal advice may be necessary in relation to the individual circumstances or facts of a particular case.

For further information email
MUD@housingagency.ie



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OMC Finances & Governance during COVID-19

All decisions should reflect the advice and guidance of the HSE and Department of Health. Up to date information is available on the HSE's website: [hse.ie/coronavirus](https://www.hse.ie/coronavirus).

1. Consider Immediate Steps to Manage Cashflows

- o Delay discretionary spend, such as decoration works, and cash movements to the sinking fund account.
- o Reduce variable costs, e.g. ensure common area lighting is synchronised with extended daylight.
- o Extend payables, for example seek extended payment terms on block insurance, or defer PAYE in respect of direct employees. More details are available from www.revenue.ie.
- o Expedite receivables – non-private owners may have capacity to pay management charges early.
- o Contact the bank – overdraft or other short-term facilities may be available.

2. Discuss Budgets and Cash-flows with the Management Agent

Where the OMC has engaged the services of a property management agent, the OMC directors should be guided by their agent's experience and expertise. A management agent is a trained property professional, and should be licensed by the PSRA.

3. Communicate with Other Advisors

It may be helpful to link in with the OMC's auditor, accountant, or solicitor, who may offer advice on more challenging financial and legal queries.

4. Consider Other Business Continuity Planning Measures

A checklist of preparatory actions in responding to COVID-19 is available from the Department of Business, Enterprise and Innovation at www.dbel.gov.ie. While the material is directed at trading companies, many of the actions apply equally as well to OMCs.

5. AGM Arrangements

Options to facilitate an AGM that is due under company law may include:

- o A 'hybrid' AGM, involving:
 - A physical meeting complying with the quorum requirement, usually the presence of at least two members.
 - Electronic participation by other members, by means such as Skype, Zoom, MS Teams, or other web and conferencing platforms available.
- o Members physically present abide by HSE social distancing guidelines.
- o Members not physically present appoint proxies to vote on their behalf.

The OMC Constitution should be reviewed to ensure these measures are permissible.

6. Delay the Annual Return filed with the CRO

Annual returns due to be filed with the CRO up to 30 June 2020 will be deemed filed on time once all elements of the return are completed and filed by that date. This frees up OMCs to focus on immediate challenges. Further information and FAQs are available from www.cro.ie.

7. Remind Residents of House Rules

Residents will be at home for the most of the day. In following the House Rules, respect and consideration for neighbours will help communities to manage through the period ahead.

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For further information email
MUD@housingagency.ie



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15 webinar recordings



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Updates in the Apartment and Multi-Unit Development Sector

Posted: Jul 06, 2020 / By: michaelmchale Categories:



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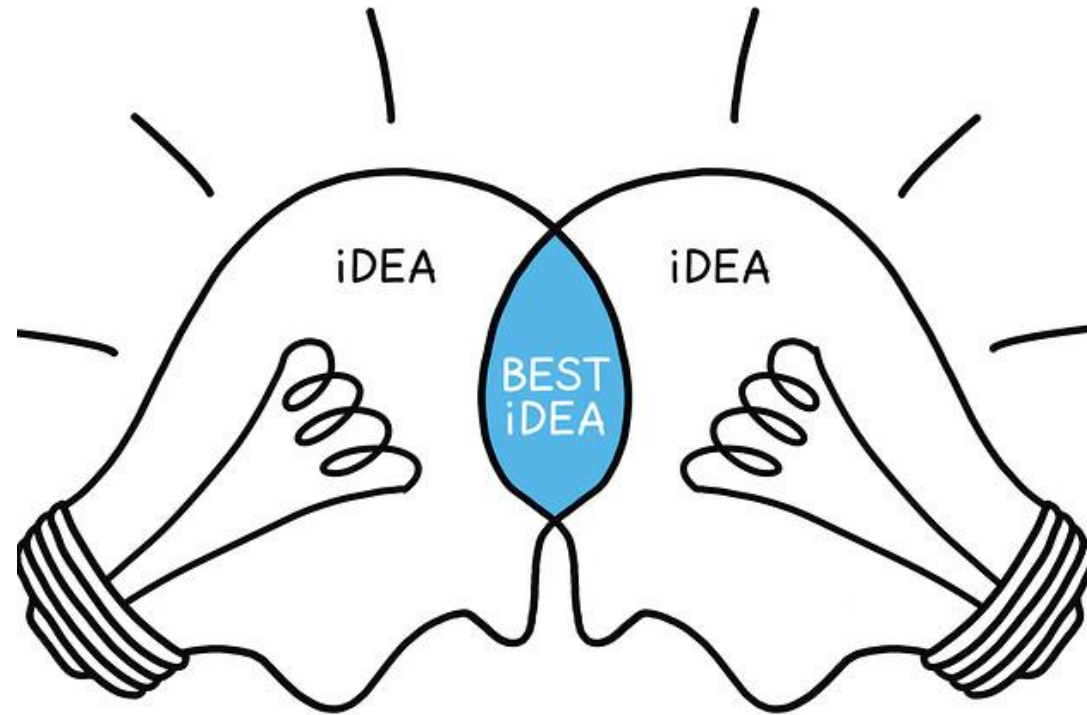
-  Guidance for Multi-Unit Developments and Residential Owners' Management Companies during Coronavirus (COVID-19)
June 16, 2020
-  A Guide to the Mortgage to Rent Scheme
December 18, 2019
-  Summary of Social Housing Assessments 2019
December 11, 2019
-  Housing Agency Annual Report 2018
October 25, 2019
-  Designing Housing to Meet the Needs of All
June 25, 2019

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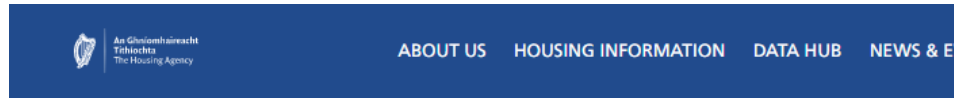


In recent months The Housing Agency has been busy providing guidance and support for
The Housing Agency

Collaboration!



Collaboration with IPAV



YOU ARE HERE: Home > Watch: Managing Apartments and Multi-Unit Developments through COVID-19

Watch: Managing Apartments and Multi-Unit Developments through COVID-19

Posted: May 14, 2020 / By: michaelmchale Categories:



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**Managing Apartments and
Multi-Unit Developments
through COVID-19**



COVID-19 – gov.ie



COVID-19 (Coronavirus)

Ireland is at Level 5


[See all of the measures that are in place at Level 5 here.](#)



Latest statistics and updates



Plan for Living with COVID-19



Download the COVID Tracker app



Supports available to businesses

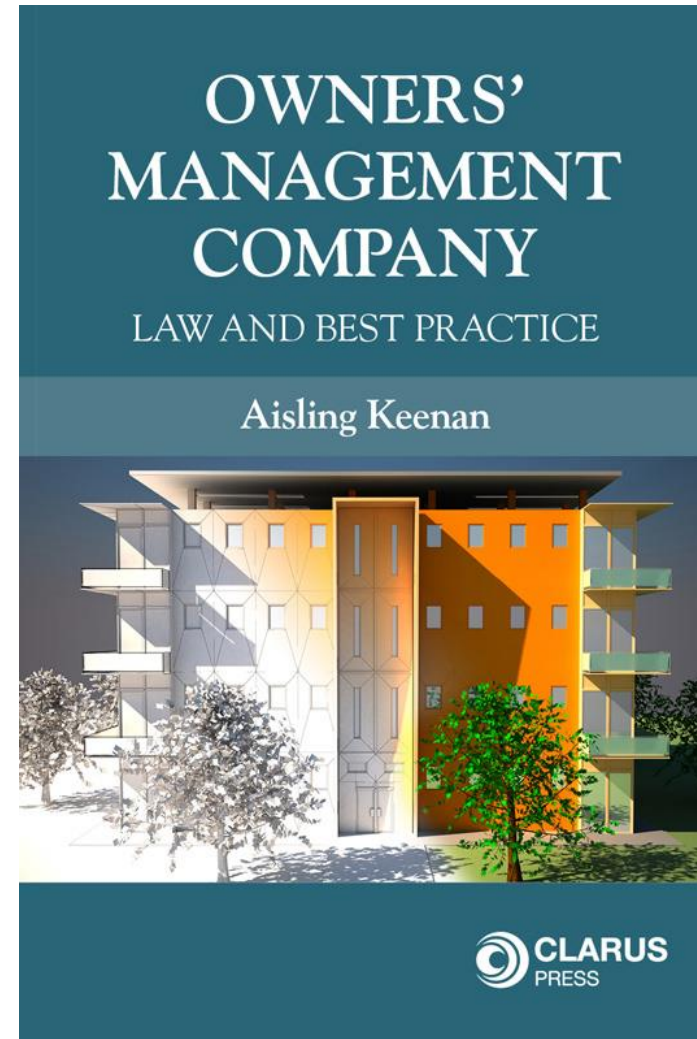
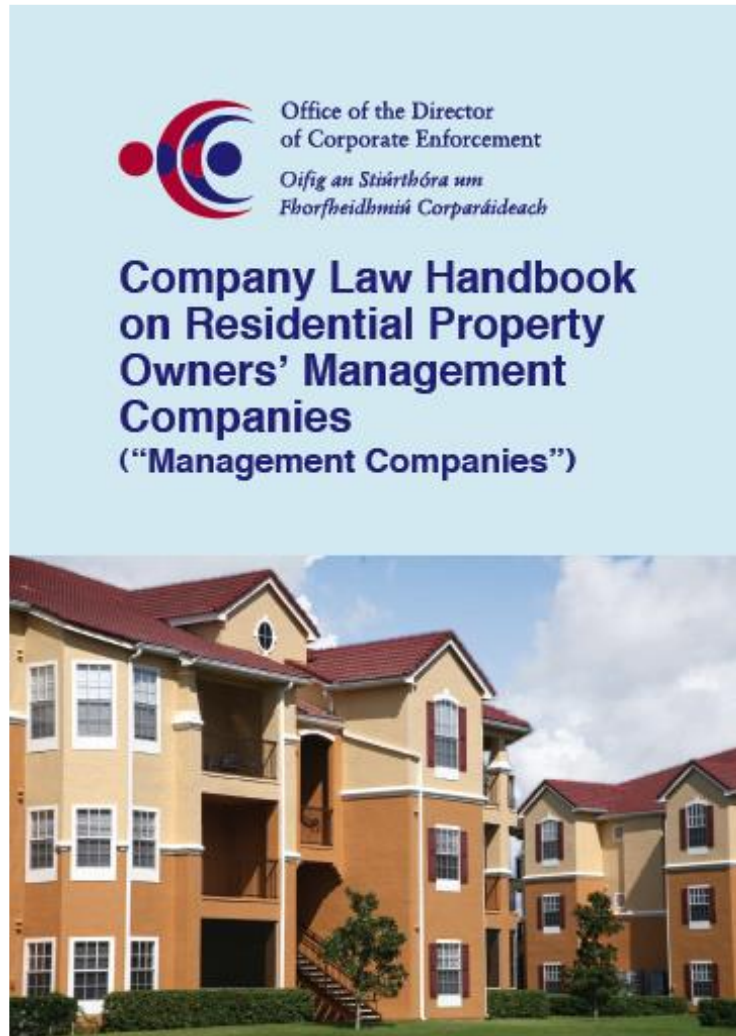


Symptoms of COVID-19 and how to protect yourself



Social welfare advice

Publications



3 Rs



- Respect
- Reality
- Resources

Contact



MUD@housingagency.ie

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