



An Ghníomhaireacht
Tithíochta
The Housing Agency

IPAV Online Lettings and Residential Conference

OMCs and the MUD Act

David Rouse

20 November 2021

The Housing Agency



“To promote the building of sustainable communities”

Working with:

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

www.housingagency.ie

What's New?



- Numbers
- Regulation
- Climate Action
- Miscellaneous

Surfside, Florida – 24 June 2021



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Miami condo collapse

Miami condo collapse: reports reveal board's long debate over repairs

Documents obtained by media show concern and frustration after engineer warned of structural damage

Lauren Aratani

Sun 4 Jul 2021 07:00 BST



▲ A memorial site created by neighbors in Surfside, Florida. Photo by Lauren Aratani for The Guardian

New reports have detailed long debate among Champlain Towers South in Surfside, Florida, over repairs the building was expected to undergo.

On Saturday the death toll stood at 24, with



EXCLUSIVE

Majority of Florida condo board quit in 2019 as squabble for repairs



Rescue workers dig through debris at the collapsed Champlain Towers South condo building Saturday in Surfside, Fla. (Ricky Caruso/The Washington Post)

By Beth Reinhard, Tim Rook, Brady Dennis and Jon Swaine
June 30, 2021 at 9:57 a.m. GMT+1

4/4

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Live Updates: Miami-Area Condo Collapse



Months Before Florida Condo Collapsed, Residents And The Board Sparred Over Repairs

July 2, 2021 · 5:00 AM ET

RUSSELL LEWIS



Search and rescue teams look for possible survivors in the partially collapsed 12-story Champlain Towers South condo building on Wednesday in Surfside, Fla.

Giorgio Viterbo/AP Photo via Getty Images

Governance?



NEWS POLITICS U.S. NEWS OPINION COVID-19 WORLD BUSINESS PODCASTS WATCH NOW

U.S. NEWS

Condo board president warned of deterioration, need for repairs months before collapse

"The concrete deterioration is accelerating," the Champlain Towers South Board president wrote in April to residents. "New problems have been identified."



NO AUDIO

June 29, 2021, 2:58 PM IST / Updated June 30, 2021, 12:19 AM IST
By Elisha Fieldstadt and Doha Madani

Sponsored Stories by Taboola

METROPOLIS

Condos Are in Uncharted Territory

The first generation of American condominiums is reaching old age. Are homeowner boards up to the task?

BY HENRY GRABAR JULY 02, 2021 • 12:16 PM



Surfside, Florida, on Wednesday. Giorgio Viera/AFP via Getty Images

TWEET

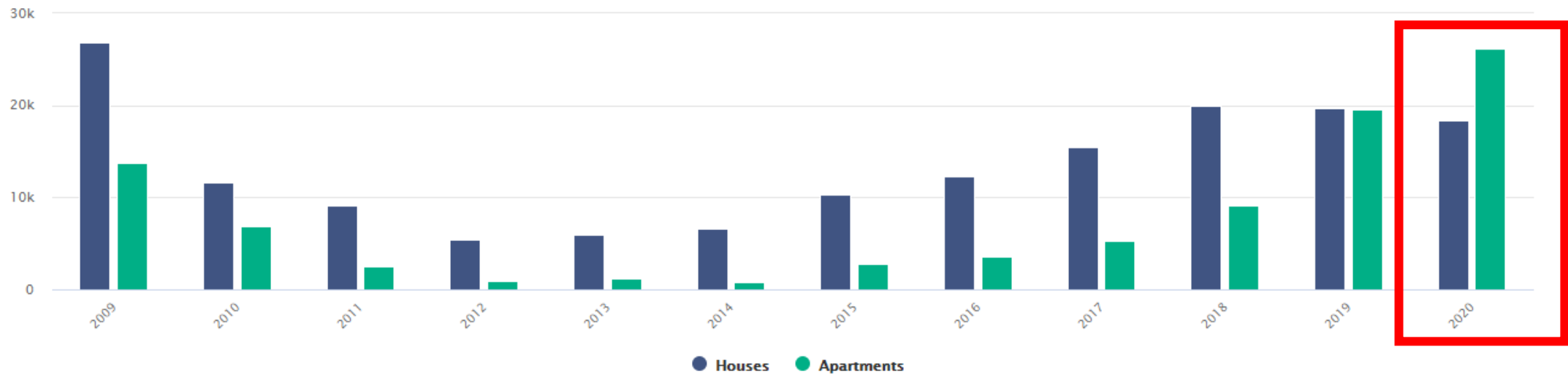
The cracks in the concrete suddenly feel like chasms. As South Florida reels from the tragedy in Surfside, condo owners across the region—and as far away as New York and California—are

Apartment Permissions



Planning Permissions

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

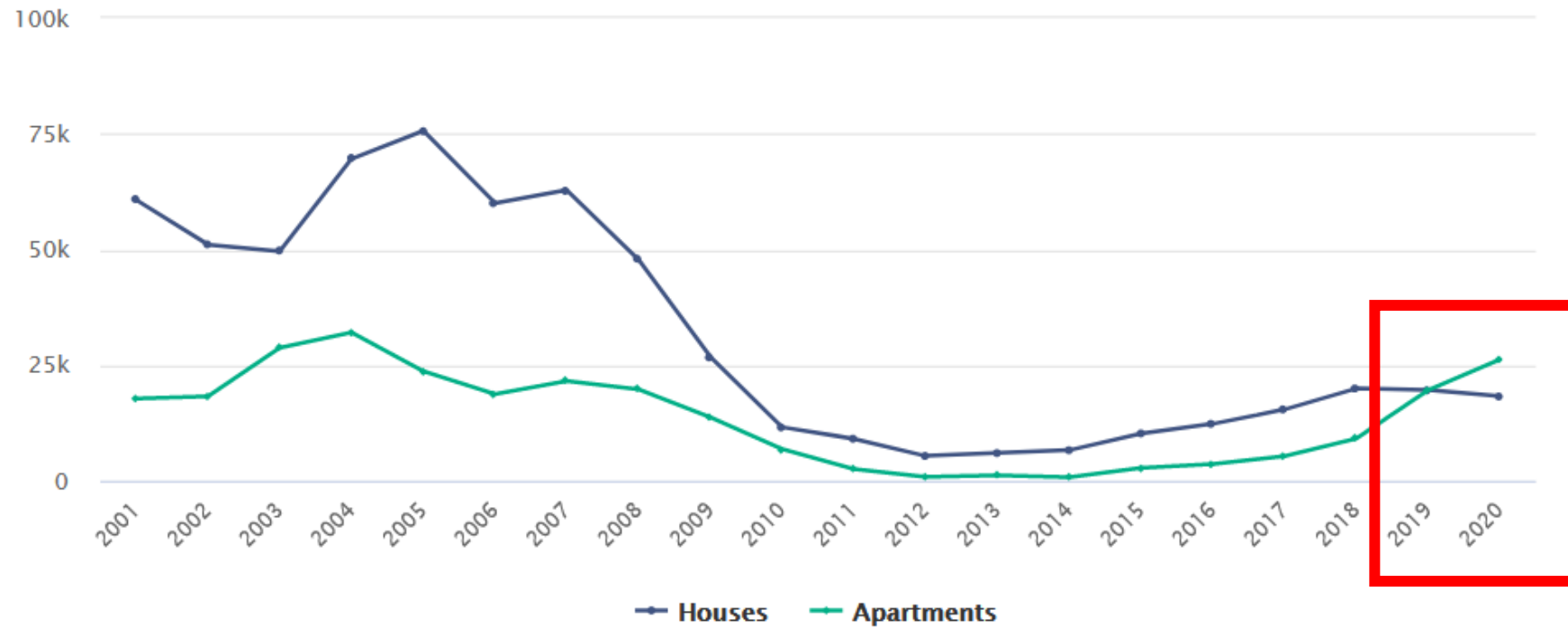


Source: CSO Ireland

Permissions 2001 to 2020



Figure 2: Number of units for which planning permissions granted, 2001 – 2020



Source: CSO Ireland

Permissions & OMCs?

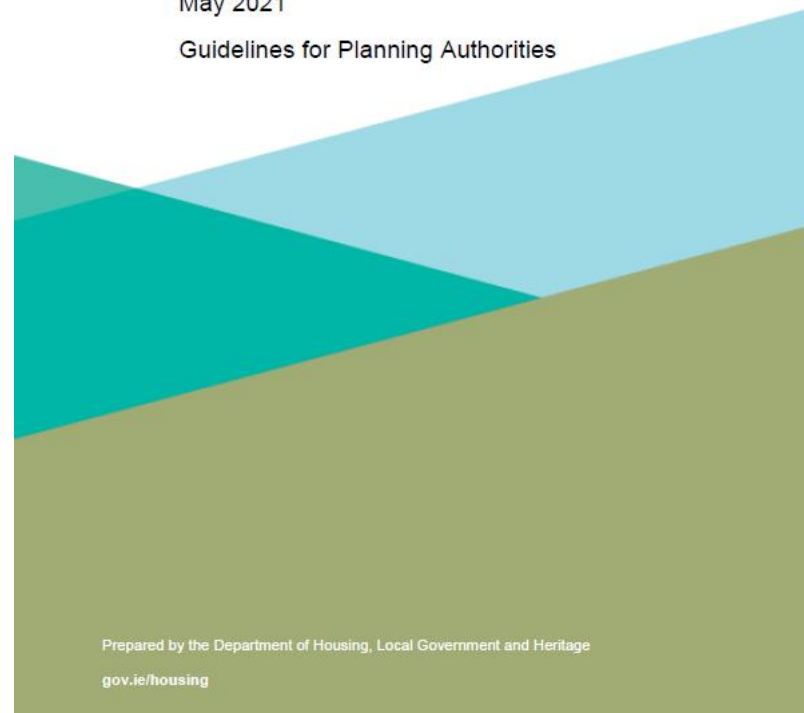


An Roinn Tithíochta,
Rialtais Áitiúil agus Oidhreacht
Department of Housing,
Local Government and Heritage

Regulation of Commercial Institutional Investment in Housing

May 2021

Guidelines for Planning Authorities



Prepared by the Department of Housing, Local Government and Heritage
gov.ie/housing

Permissions & OMCs?



Bord Pleanála blocks institutional investors purchasing houses in two new SHD schemes
[irishtimes.com/business/comme...](https://www.irishtimes.com/business/commercial-property/bord-pleanala-blocks-institutional-investors-purchasing-houses-in-two-new-shd-schemes-1.4644444) via @IrishTimesBiz



irishtimes.com
Bord Pleanála blocks investors buying house
All houses and duplex units in development reserved for individual purchasers

7:01 PM · Oct 13, 2021 · dlvr.it

THE IRISH TIMES

Thu, Nov 4, 2021

NEWS SPORT BUSINESS OPINION LIFE & STYLE CULTURE
Innovation | The Economy | Your Money | Companies | Technology | Work | Commercial

Appeals board blocks bulk buying of homes in Maynooth scheme

Houses can be sold only to individual buyers under fast-track planning permission terms

© Tue, Nov 2, 2021, 19:57

Gordon Deegan



Workers from snapping up housing units en masse at a proposed development in Maynooth, Co Kildare.

THE IRISH TIMES

Tue, Nov 9, 2021

NEWS SPORT BUSINESS OPINION LIFE & STYLE CULTURE

Politics > Shared Island | Election2020 | Oireachtas | Poll | Elections

Up to half of houses in new schemes to be reserved for owner-occupiers

Cabinet to decide on enabling local authorities to set aside homes for individual buyers

© about 9 hours ago

Cormac McQuinn

LISTEN NOW 2:32



3. Prior to the commencement of any house or duplex unit in the development as permitted, the developer or any person with an interest in the land shall enter into an agreement with the planning authority such agreement must specify the number and location of each house or duplex unit, pursuant to section 47 of the Planning and Development Act 2000, as amended, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and or affordable housing, including cost rental housing.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

Home Ownership Tenure



Press release

Government Approves Measure to Ensure Home Ownership as Tenure Type is Provided for in Local Authority Housing Strategies

From [Department of Housing, Local Government and Heritage](#)

Published on 9 November 2021

Last updated on 9 November 2021

The Minister for Housing, Local Government and Heritage, Darragh O'Brien, TD, has welcomed the Government's approval for the drafting of a legislative amendment that will require local authorities to ensure home ownership as a tenure type is provided for and estimated in their Housing Strategies. The amendment will give further legislative effect to the provisions of Section 28 Guidelines for Planning Authorities 'Regulation of Commercial Institutional Investment in Housing', issued in May 2021. The guidelines are aimed at ensuring new 'own-door' houses and duplex units in housing developments are not bulk-purchased by commercial institutional investors in a manner that causes the displacement of individual purchasers and/or social and affordable housing (including Cost Rental housing).

The proposed amendment is an action in Housing for All, the Government's national plan for housing, and is due to be implemented in Quarter 4 2021. Action 1.10 is: "Introduce a form of 'owner occupier guarantee', which will enable Local Authorities to designate a specified number of houses and duplexes in a development for owner occupiers."

Apartment Completions 2011 to 2020



New Dwelling Completions

Figure 15.2: New dwelling completions by type of dwelling, 2011 – 2020



Source: CSO Ireland

Numbers – the detail



Apartment planning permissions

- Increased by 281.5% over the period 2010 to 2020, versus 57.8% for houses
- In 2020 were up 33.9% on 2019
- In 2020, for the first time more apartments (26,224) than houses (18,314)

Completions

- 3,924 apartments completed in 2020, up 12.2% on 2019. (Single and scheme house completions decreased 2.4% and 6.7% respectively.)
- Apartments were 48.8% of all dwellings completed in Dublin in 2020
- Dublin apartments represent 75.1% of all apartments completed in the country.

CSO – Apartments & Rentals



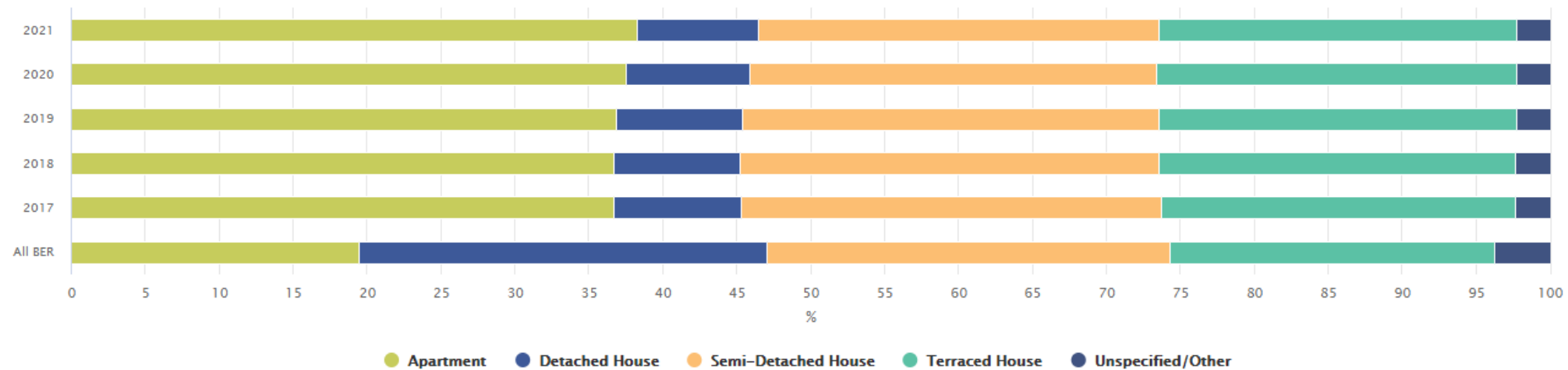
About one in three rental properties were apartments

About one in three rental properties were apartments between 2017 and the first half of 2021. The proportion of rental properties which were apartments rose slightly from 36.7% to 38.3% between 2017 and 2021. In contrast, only 19.5% of all properties with a BER were apartments. See Figure 2.3. The dwelling type for rental properties was obtained from the BER assessment.

Less than 10% of rental properties were detached properties compared with 27.6% of all properties with a BER.

The data within this graph can be found in the PxStat table [TRS03](#).

Figure 2.3 Distribution of Active RTB Rental Properties by Dwelling Type 2017–2021



Source: CSO Ireland

CSO – Apartments & Rentals

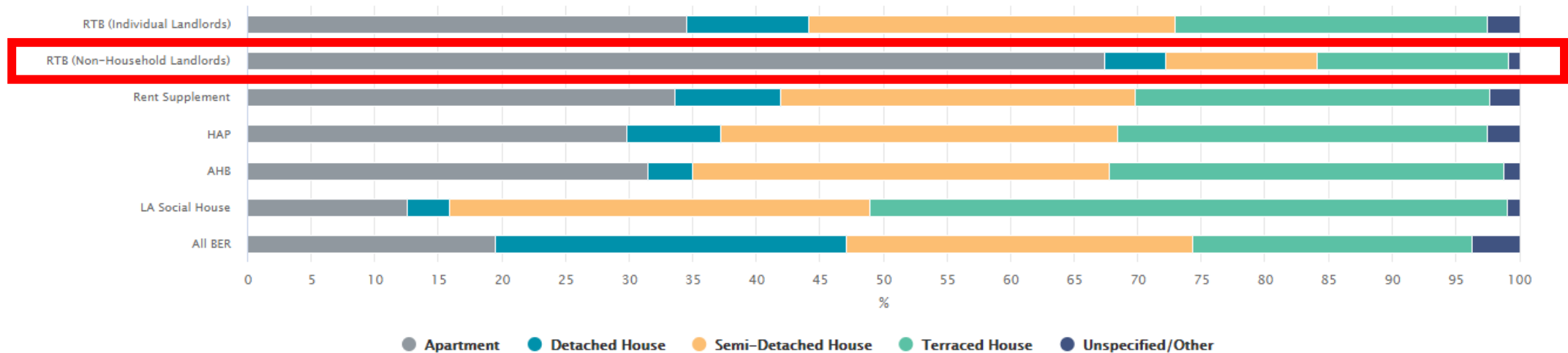


Over two-thirds of rental properties with Non-Household landlords are apartments

About one in three (34.5%) Individual Landlord properties were apartments. The proportion of apartments varied widely by tenure type, from 67.4% with Non-Household Landlords to just 12.6% for local authority social housing. See Figure 2.7.

The data within this graph can be found in the PxStat table [TRS09](#).

Figure 2.7 Distribution of Dwelling Type by Tenure Type 2020



Source: CSO Ireland

Regulation – Housing for All



Housing for All | 5. Supporting the Four Pathways: Enabling a Sustainable Housing System

5.5.5 Reform Owners' Management Companies

Well-functioning Owners' Management Companies (OMCs) are key to maintaining and sustaining higher-density residential developments, such as apartments.

Housing for All will support effective management and oversight of multi-unit developments by legislating for necessary changes. This work will be led by the Department of Justice, supported by the DHLGH.

To ensure that OMCs are financially sustainable, the Department of Justice, in collaboration with the DHLGH, will make regulations under subsection 17 of section 18 of the Multi-Unit Developments Act 2011 (MUD Act), prescribing the class or classes of items of expenditure which may be the subject of annual service charges; the

procedures to be followed in setting such charges; matters to be taken into account in the setting of such charges; and arrangements for the levying and payment of such charges.

Regulations will also be made under subsection 9 of section 19 of the MUD Act to ensure that OMCs provide for expenditure of a non-recurring nature (i.e. sinking fund expenditure) and it will also examine the introduction of a non-statutory dispute resolution process. This process would determine disputes in relation to provisions of the MUD Act and in relation to covenants of head/main leases to which OMCs are party.

The Department of Justice will also examine measures to accelerate conveyancing as part of the sale and land transfer process.

Regulation – Housing for All



Housing Policy Objective 25:

Drive compliance and standards through regulatory reform

No.		Timeline	Lead
25.10	Regulate under subsection 17 of section 18 of the Multi-Unit Developments Act 2011 ('MUD Act') to ensure that OMCs are financially sustainable	Q4 2022	DoJ
25.11	Regulate under subsection 9 of section 19 of the MUD Act to ensure that OMCs provide for expenditure of a non-recurring nature (i.e. sinking fund expenditure)	Q4 2022	DoJ
25.12	Examine the introduction of a non-statutory dispute resolution process	Q4 2022	DoJ
25.13	Examine measures to accelerate conveyancing as part of the sale and land transfer process	Q4 2022	DoJ

Courts Service – Debt Collection



Courts Service
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As part of the Courts Service Modernisation Programme, the Civil Reform team are currently focusing on the debt recovery process. With this in mind, we are inviting you, if working or interested in the area of debt recovery, to participate in our interviews / workshops in the coming weeks and months ahead.

Please register your interest or provide feedback on the current processes and/or what future changes to civil debt recovery services you would like to see by emailing:

 civilreform@courts.ie

 by the 31st October 2021



Sustainable Apartment Living



Report Recommendations



Recommendations

The 14 recommendations from this research refer to:



1. Improving sinking funds provision and reporting



2. Fire safety reporting and certification



3. Establishment of Housing Regulatory Authority



4. Dispute resolution and Regulatory Authority Tribunal



5. Regulatory Authority Building Inspectors



6. OMC annual return filing



7. Lease covenant and House Rules enforcement



8. OMC director mandatory training



9. Enhancing OMC communications with owners



10. Enabling OMC borrowing



11. Regulatory Authority and mixed use schemes



12. OMCs engaging licensed management agents

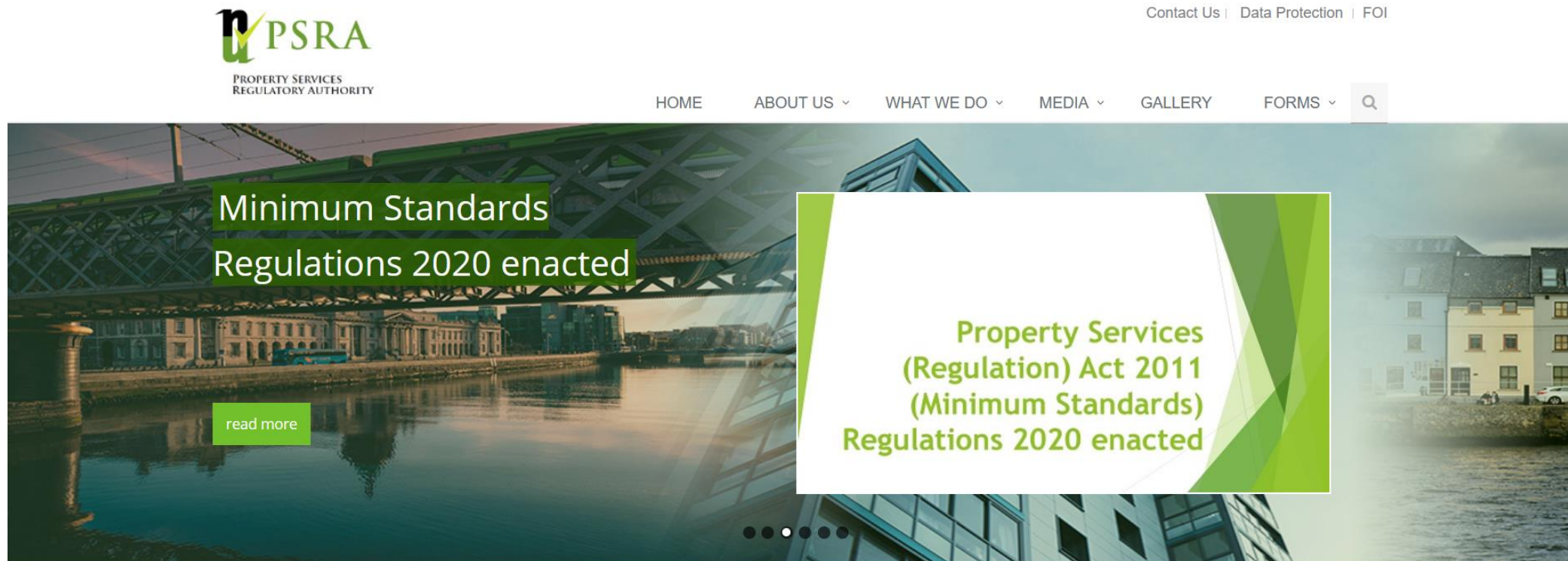


13. Enhanced insurance cover and reporting



14. Removal of OMC audit exemption, and financial reporting standardisation

PSRA – Consumer Protections

A screenshot of the PSRA website banner. The background is a scenic view of a bridge over a river in Dublin. The PSRA logo is in the top left, and navigation links are in the top right. A large green box on the left contains the text 'Minimum Standards Regulations 2020 enacted' and a 'read more' button. A white box on the right contains the text 'Property Services (Regulation) Act 2011 (Minimum Standards) Regulations 2020 enacted'. A series of dots at the bottom indicates a carousel of images.

PSRA
PROPERTY SERVICES
REGULATORY AUTHORITY

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Minimum Standards
Regulations 2020 enacted

read more

Property Services
(Regulation) Act 2011
(Minimum Standards)
Regulations 2020 enacted

PSRA – S.I. 564/2020



- Property Services (Regulation) Act 2011 (Minimum Standards) Regulations 2020
- Supplemented by Code of Practice



Standards



- Breaches = improper conduct
- Complaints from public
- Formal investigation by PSRA Inspectors
- Sanctions

Regulation 17 – Funds



Service Charges and Sinking Fund Contributions

17. (1) A licensee who is administering the collection of service charges or sinking fund contributions, on behalf of a management body of a multi-unit development, shall take all reasonable steps to collect the service charges and sinking fund contributions, as provided for in the letter of engagement or, if not specified, as instructed in writing by the client.

(2) A licensee who administers the collection of service charges or sinking fund contributions, on behalf of a management body of a multi-unit development, shall transfer all such monies to the relevant account of the management body, within the timeframe provided for in the letter of engagement or, if not specified, not later than 30 days after receipt of the monies.

Regulation 18 – Directorships



Director of a Management Body of a Multi-Unit Development

18. (1) A licensee or a principal officer or employee of a licensee, shall not be a director of a management body of a multi-unit development, where property management services are provided to that management body by—

- (a) the licensee,
- (b) an employee of the licensee,
- (c) the employer of the licensee,
- (d) an employee of the licensee's employer, or
- (e) a licensee who is a beneficial owner of a company which is providing the property service.

(2) Where a licensee, or a principal officer or employee of a licensee is, on the making of these Regulations, a director of a management body of a multi-unit development, and is in a position which would place him or her in breach of paragraph (1), the licensee shall resign as director at the earliest opportunity, but no later than the next annual general meeting of the body.

(3) Nothing in paragraph (1) or (2) shall prevent a licensee or a principal officer or employee of a licensee who is a unit owner in a multi-unit development from becoming a director of, or providing a property service to, the management body of that development.

Regulation 20 – Representation



Engagement of Legal Advisors

20. A licensee shall not make the provision of any of the following—

- (a) the auction of property other than land,
- (b) the purchase or sale, by whatever means, of land,
- (c) the letting of land, or
- (d) the provision of property management services,

conditional on the vendor, purchaser, lessor, lessee, tenant or directors of a management body of a multi-unit development, being represented by any particular legal advisor or firm of legal advisors.

PSRA AR2020 – Improper Conduct?



Case Study No.2

The Authority received a complaint from an apartment owner against the property management agent of his housing estate. The complainant alleged that the licensed PSP did not look after the maintenance and upkeep of the housing estate and also alleged that the licensed PSP was unpleasant and that he had been reporting the same issues to the licensed PSP for years. The complaint was assessed by an Inspector who declined it for investigation as the allegations in the complaint were the responsibility of the Owners Management Company (OMC) and not the licensed PSP. This could not amount to improper conduct under the provisions of the Act. Both the complainant and the licensed PSP were notified of this decision including reasons why the complaint was declined for investigation and provided with a right of appeal to the PSAB.

Virtual AGMs



[Home](#) > [Statutory Instruments](#) > [2021](#) > [S.I. No. 254/2021 - Companies Act 2014 \(Section 12A\(1\)\) \(Covid-19\) Order 2021](#)

S.I. No. 254/2021 - Companies Act 2014 (Section 12A(1)) (Covid-19) Order 2021

[View SI](#)

[Amendments](#) ?

[Open PDF](#) 

Notice of the making of this Statutory Instrument was published in

"Iris Oifigiúil" of 21st May, 2021.

2. In this Order "Act of 2020" means the [Companies \(Miscellaneous Provisions\) \(Covid-19\) Act 2020](#) (No. 9 of 2020).

3. The period beginning on 10 June 2021 and ending on 31 December 2021 is hereby specified as the period to which the interim period as defined in section 2 (amended by section 3 of the Act of 2020) of the [Companies Act 2014](#) (No. 38 of 2014) shall be extended in respect of the amendments effected by the following sections of the Act of 2020:

- (a) sections 3 to 9;
- (b) section 11;
- (c) sections 13 to 16;
- (d) sections 18 to 25.

(L.S.)

GIVEN under the Official Seal of the Government,

18 May, 2021.

Virtual AGMs – TBC



Seanad Éireann debate - Monday, 12 Jul 2021

Vol. 278 No. 1

Companies (Rescue Process for Small and Micro Companies) Bill 2021: Second Stage



Minister of
State at the
Department
of Enterprise,
Trade and
Employment
(Deputy
Robert Troy)



If I miss any specific questions that were raised, I will come back to them. I took note of them all.


I thank everybody for their good wishes. I will pass them on to Aideen later. I am not sure she would have expected her name to be bandied about in the Seanad today but that is the price one pays for being married to a politician. She will welcome the good wishes, but I am not sure she will welcome her name being mentioned in the Seanad. I thank all for their good wishes, which I appreciate.

I also thank Senators for the positive commentary on the Bill before us today. Many speakers rightly pointed to the significance of the SME sector to the economy. Depending on the report one reads, the number of people directly employed in the sector ranges from 800,000 to 1 million people. It is crucially important to the


Senator Currie mentioned virtual AGMs. These are a temporary measure brought in as part of the Covid Bill in 2021, which has been extended to the end of this year. SCARP will also benefit from that Bill until the end of this year. At this time, a decision has not been taken to make virtual AGMs permanent because there are questions about whether shareholders are afforded the same adequate scrutiny they receive at a physical shareholders' AGM. Virtual AGMs have been extended on a temporary basis until the end of the year while further analysis is conducted. They are there until the end of the year, but we will have to make a decision on whether to further extend them before the end of this year.

MUDs Training Webinars







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Engaging Agents – Guidance



Engaging a Property Management
Agent: Guidance for Owners'
Management Companies



Governance – Guidance



OWNERS' MANAGEMENT COMPANIES

A CONCISE GUIDE
FOR DIRECTORS



Governance Guidance



10 Considerations for directors of owners' management companies

- 1 Directors' duties
- 2 Board effectiveness
- 3 Performance versus conformance
- 4 The company constitution and register of members
- 5 Finances, cash and debtors
- 6 Company accounts and statutory audit
- 7 The role of the company secretary
- 8 Outsourcing
- 9 Annual general meetings
- 10 Dispute resolution

Source: Owners' Management Companies – A concise guide for directors (May 2021)

Company Formation – CRO A1



The screenshot shows the CORE CRO A1 form interface. On the left is a sidebar with navigation links: Dashboard, Search, New Filing (highlighted in blue), My Filings, Watchlist, Messages, Orders, Transacti..., and Help. The main content area has a dark blue header with the CORE logo and a harp icon. Below the header, there are radio button options for company types: Public Limited Company (PLC), Public Unlimited Company (PUC) (with shares), Public Unlimited Company (PULC) (without shares), IC - Investment company - Part 24 Companies Act 2014, UCIT - Undertaking for Collective Investment in Transferable Securities, and Designated Activity Company (DAC) (limited by guarantee) (licenced company). A text instruction states: "Please upload the signed Constitution here, if it is not signed yet it can be uploaded with the signatures as one pdf document." Below this is a section titled "Constitution" with an "Upload File" button. Further down are checkboxes for "Section 137 Bond" and "Tick the box for more information on Section 137 Bond". A red rectangular box highlights the "Owners Management Company" section, which contains a checkbox and the text: "Please tick the box if the company is an Owners Management Company (as defined in section 1 of the Multi-Unit Developments Act 2011)". At the bottom of the form, the "Name Details" section is partially visible.

☐ Public Limited Company (PLC)

☐ Public Unlimited Company (PUC) (with shares)

☐ Public Unlimited Company (PULC) (without shares)

☐ IC - Investment company - Part 24 Companies Act 2014

☐ UCIT - Undertaking for Collective Investment in Transferable Securities

☐ Designated Activity Company (DAC) (limited by guarantee) (licenced company)

Please upload the signed Constitution here, if it is not signed yet it can be uploaded with the signatures as one pdf document.

Constitution

[Upload File](#)

☐ Section 137 Bond

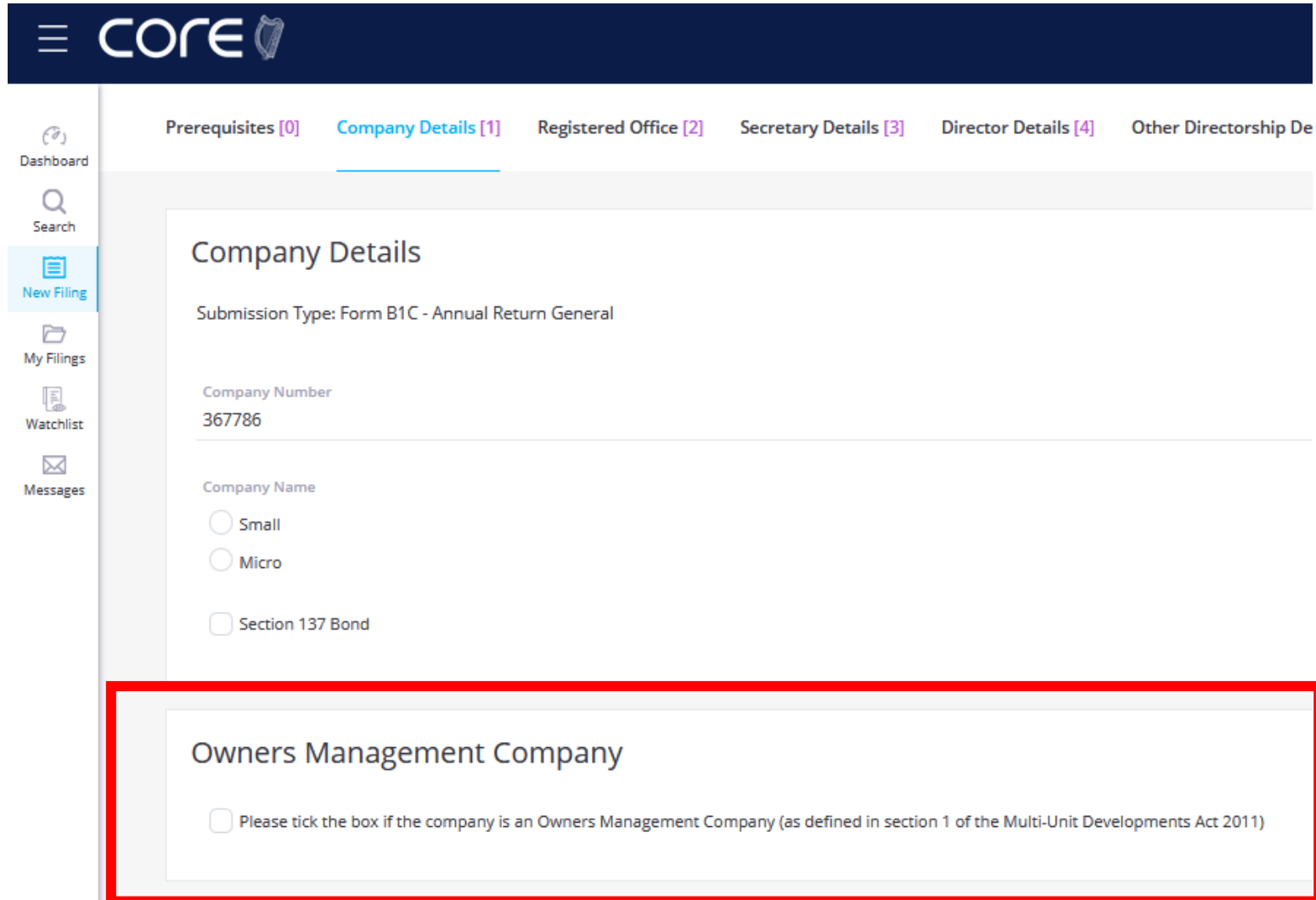
☐ Tick the box for more information on Section 137 Bond

Owners Management Company

☐ Please tick the box if the company is an Owners Management Company (as defined in section 1 of the Multi-Unit Developments Act 2011)

Name Details

Annual Returns – CRO B1

A screenshot of the CORE system interface. The top navigation bar is dark blue with the CORE logo and a harp icon. Below it, a horizontal menu shows tabs for Prerequisites [0], Company Details [1] (which is selected), Registered Office [2], Secretary Details [3], Director Details [4], and Other Directorship De. On the left, a vertical sidebar contains icons and labels for Dashboard, Search, New Filing (highlighted in light blue), My Filings, Watchlist, and Messages. The main content area is titled 'Company Details' and shows 'Submission Type: Form B1C - Annual Return General'. It includes a 'Company Number' field with the value '367786'. Below this, the 'Company Name' section has three radio button options: 'Small', 'Micro', and 'Section 137 Bond'. At the bottom, a section titled 'Owners Management Company' contains a checkbox and the text: 'Please tick the box if the company is an Owners Management Company (as defined in section 1 of the Multi-Unit Developments Act 2011)'. This entire bottom section is enclosed in a red rectangular border.

Office of the Planning Regulator

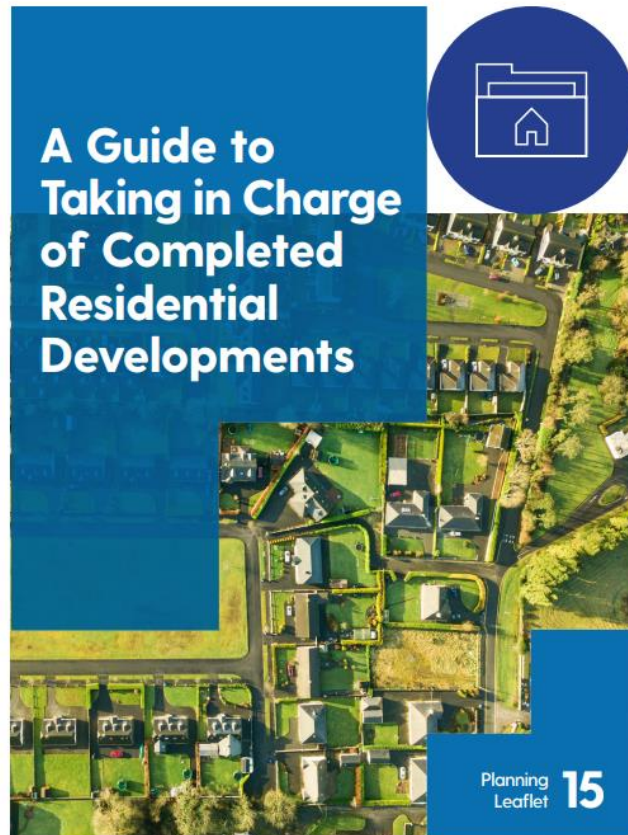


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Planning Leaflets



Taking in Charge – New Guidance



A Guide to Taking in Charge of Completed Residential Developments - 6

10. Do Irish Water or other utility companies have a role?

A local authority will engage with Irish Water in relation to the taking in charge of water services.

11. Are there costs involved with the taking in charge process?

The costs of completing public areas to the satisfaction of the local authority and in accordance with the planning permission are a matter for the developer.

12. How does taking in charge work in apartments and other multi-unit developments?

Taking in charge does not usually apply to private areas of an estate owned by an owners' management company (OMC) on behalf of the residents.

A planning permission and any conditions attached to the construction of a multi-unit

development (MUD) will define the parts of an estate to be transferred by the developer to the OMC. It will usually set out the parts of the estate, if any, to be taken in charge by the local authority. For example, it could be that the roads in a MUD comprise a mix of public and private roads, where public roads are subject to taking in charge, and private roads are owned and managed by an OMC.

13. What role in taking in charge has an OMC and its agent?

An OMC owns and controls the common areas of a MUD. Under the Multi-Unit Developments Act 2011 (MUD Act), the transfer of common areas does not relieve a developer of its obligation to complete an estate in compliance with the requirements and conditions of a planning permission.

A developer must provide an OMC with confirmation that an estate has been completed in accordance with all relevant planning permissions except for a condition relating to the payment of a financial contribution.

14. How do I understand property ownership in a MUD?

Questions about property rights and services in a MUD are, in the first instance, best raised with an estate property management agent who is usually appointed by an OMC for the day-to-day running of an estate. It is recommended that OMCs and individual owners in MUDs seek independent legal advice. Under the MUD Act, an OMC must have independent legal representation in



Defects Working Group



gov.ie

Departments

Consultations

Publicatio

Press release

Minister O'Brien establishes Independent Working Group to examine defective housing

From [Department of Housing, Local Government and Heritage](#)

Published on 16 February 2021

Last updated on 16 February 2021

The Minister for Housing, Local Government and Heritage, Darragh O'Brien TD has today (16 February 2021) announced the establishment of an Independent Working Group to examine the issue of defective housing.

Minister O'Brien, who brought a memo to Cabinet today asking Government to note the establishment of the working group, said this was an important step in assisting owners of latent defect properties.

Defects Group – Terms of Reference



1. Examine defects in housing having regard to the recommendations in Item 4 “Addressing the legacy of bad building and poor regulation” in Chapter 4 of the Joint Oireachtas Committee on Housing, Planning and Local Government report - ‘Safe as Houses? A Report on Building Standards, Building Controls and Consumer Protection’.
2. Establish the nature of significant, wide-spread fire safety, structural safety and water ingress defects in purpose built apartment buildings, including duplexes, constructed between 1991 – 2013 in Ireland through consultation with affected homeowners, homeowner representative organisations, owners’ management companies, relevant managing agents, public representatives, local authorities, product manufacturers, building professionals, industry stakeholders, insurance providers, mortgage providers and other relevant parties. Including such matters as;
 - Identification and description of defect,
 - Nature of defect – design, product, workmanship,
 - Non-compliance with building regulations or actual damage,
 - Severity/risk to life or serviceability of dwelling,
 - Period of construction affected,
 - Type of dwelling affected,
 - Location of dwellings affected.
3. Establish the scale of the issue – estimate number of dwellings affected by the defects identified including those already remediated.

Defects Group – Terms of Reference



4. Consider a methodology for the categorisation of defects and the prioritisation of remedial action.

In the case of defects with fire safety implications, consider how the framework for enhancing fire safety in dwellings can be applied to mitigate the risks arising from fire safety defects pending the remediation of defects and the Code of Practice for Fire Safety Assessment of Premises and Buildings, which is currently being developed by National Directorate of Fire and Emergency Management.
5. Suggest mechanisms for resolving defects, in the context of the legal rights, duties and obligations of developers, builders, building professionals, insurers, mortgage providers, building control authorities, fire authorities, owners' management companies, owner occupiers, renters and landlords, including:
 - Technical options for the remediation of dwellings,
 - Efficient means of carrying out work,
 - individual dwellings or whole building approach
 - routine maintenance/refurbishment or remediation
 - Structures or delivery channels needed to facilitate resolution – advice and support.
6. Evaluate the potential cost of technical remediation options.
7. Pursue options on possible financial solutions to effect a resolution, in line with the Programme for Government commitment to identify options for those impacted by defects to access low-cost, long-term finance.
8. To report to the Minister for Housing, Local Government and Heritage on the Examination of Defects in Housing.

Departmental Guidance

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Consultation

Public Consultation on the Draft Code of Practice for Fire Safety Assessment of Premises and Buildings

From [Department of Housing, Local Government and Heritage](#)

Published on 3 March 2021

Open for submissions from 3 March 2021

Submissions closed 30 March 2021

Last updated on 26 March 2021

Consultation is being reviewed

- [1. Why we are launching a Public Consultation](#)
- [2. How to get involved](#)
- [3. Documents](#)
- [4. Terms and conditions](#)
- [5. What we will do with your response](#)

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Why we are launching a Public Consultation

This draft code of practice has been developed as a result of the recommendations contained in Fire Safety in Ireland (2018) – the report of the Fire Safety Task Force, which was set up by the then Minister following the tragic Grenfell Tower fire in London in 2017.

Fire Safety – Draft Code



Departmental Guidance



Appendix A

Fire Safety Assessment – Report Summary	
Name of premises or building (including any aliases)	
Address, including Eircode	
Person for whom the report is provided – may be the person having control of premises, owner or occupier of building.	
Approximate floor area of premises or building(s) (m2)	
Description of type of premises or building (including map/photograph as appropriate) – for example, single-storey, two-storey, concrete block construction, timber frame construction, timber floor, etc.	
Use(s) of premises or buildings – for example, sleeping accommodation, assembly use, residential (flats), hotel, etc.	

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B6 Priority Ratings for Individual Action Items

The recommended remedial actions are assigned a priority rating, taking account of the overall risk rating as follows:

Table B2 – Priority Ratings

Red rating (15 – 25):	High risk	Intervention rating A	Immediate or as soon as possible
Amber rating (6 – 12):	Medium risk	Intervention rating B	Early or short term
Green rating (1 – 5):	Low risk	Intervention rating C	Within a limited time frame

The application of professional judgement may be required when considering the risk ratings, and certain remedial improvements may be accorded a higher priority than indicated by the risk rating alone. For instance, certain fire safety management improvements may not have a very high risk rating, but may be recommended for immediate implementation, due to being of low cost and practicable to achieve.

When scheduling works, it may be convenient to complete some rating C works at the same time as rating A works, to avoid creating disruption to operation of premises on two separate occasions.

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Table B3 Risk Rating Findings and Recommendations

Risk item number	Risk item description	Photo	Recommended intervention	Impact rating	Likelihood rating	Overall risk rating	Intervention Priority – see
Building [-----]							
Floor level [-]							
	Description in words of the unacceptable Risk Item	Photograph illustrating the Risk Item	Description of remedial action or actions required. See note (1)	X	Y	XY	A Or B or C
1							
2							
FLOOR LEVEL [-]							
1							
EXTERNAL ISSUES							
E.1							
FIRE SAFETY MANAGEMENT ISSUES							
M.1							

Notes:

- 1) In some instances, there may be a short term and a longer term recommendation. In those cases, the competent professional should set out the basis for the two-stage approach.
- 2) Column 8 to be colour coded red, amber or green, according to the risk rating and as per Table B1 above.

18

Apartments & Climate Action



- EV infrastructure – supports
- Solar – exemptions
- CRU consultations
- Waste/recycling

EV charging – SEAI supports



EV Apartment Charger Grant Support Scheme Consultation Event



Graham Brennan & Robert Cazaciuc
5th August 2021

seai SUSTAINABLE
ENERGY AUTHORITY
OF IRELAND

<https://www.seai.ie/consultations/EV-Apartment-Consultation-5.8.21-Webinar-Slides.pdf>

EV charging – SEAI supports



**EV Apartment Charging Grants
Programme Overview
Public Consultation Document v1.0**

Version	Date	Author	Comments
2.0	10.08.2021	SEAI	Minor updates following review

<https://www.seai.ie/consultations/EV-Apartment-Charging-Programme-Overview-%28Consultation%29.pdf>


EV charging – retrofits



Electric Vehicles

Dáil Éireann Debate, Thursday - 4 November 2021

Written answers (Question to Transport)



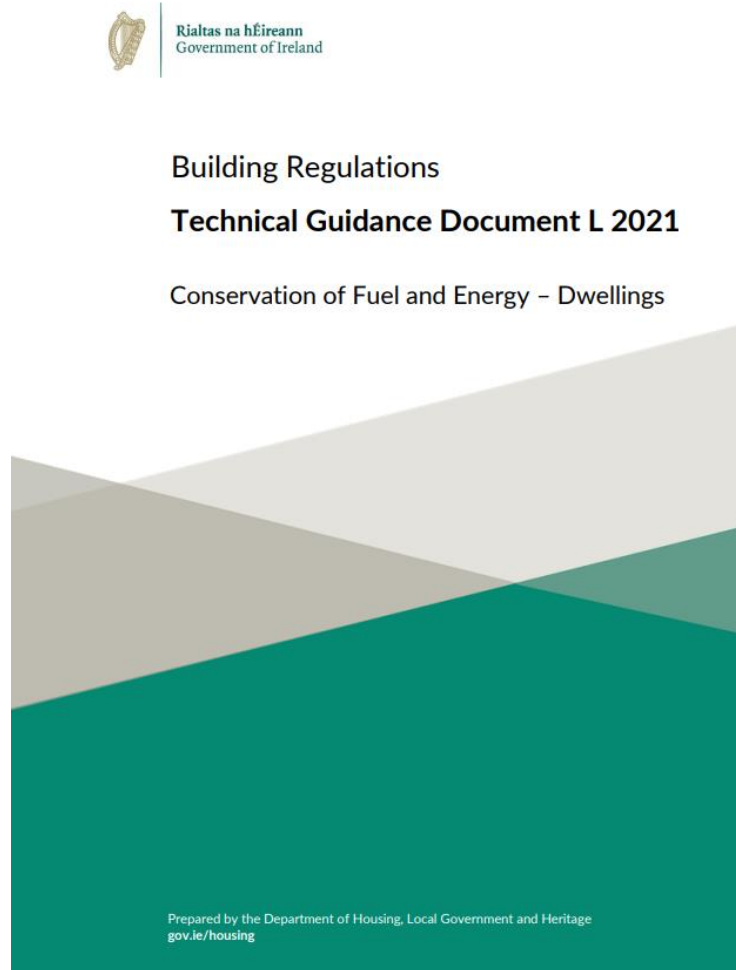
Minister for Transport

I propose to take Questions Nos. 127, 226 and 227 together.

The Deputy will be aware that the Government is fully committed to supporting a significant expansion and modernisation of the electric vehicle charging network over the coming years. A national charging infrastructure strategy is due for publication early next year which will set out a pathway to stay ahead of demand over the critical period out to 2030.

Having an effective and reliable recharging network is essential to enabling drivers to choose electric. Charging at home is the most convenient and cheapest way to recharge. Targeting the installation of smart home chargers is a priority as we look to moving towards more energy efficient and sustainable ways to charge. A grant is available from the SEAI for those individuals seeking to install a home charger. Work is currently being progressed to expand the EV home charger grant to include shared parking in apartment blocks and similar developments. My Department is working closely with the SEAI and expects a scheme for apartments to open in the near future.

EV Charging in New Builds



Renewables in MUDs




- Clean Energy Package:
 - Directive (EU) 2018/2001 – Renewables
 - Directive (EU) 2019/944 – Electricity
- Commission for Regulation of Utilities (CRU)
Consultations:
 - 26 August 2020: Call for Evidence
Jointly Acting Active Consumers under the Clean Energy
Package (CRU-20098)
 - 5 March 2021: Consultation Paper
Energy Communities and Active Consumers (CRU-21028)

Renewables in MUDs



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Commission for
Regulation of Utilities


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Home / Document Group / Energy Communities and Active Consumers

Published Date: 03 Nov 2021

Sectors:  Electricity & Gas

Energy Communities and Active Consumers

The CRU is today, 2 November 2021 publishing a Conclusions Paper on the topics of energy communities and active consumers. This paper summarises the responses received for the Consultation on Energy Communities and Active Consumers (CRU/21028) published earlier this year. It also discusses the feedback received during the CRU's webinars on these topics, which were held at the end of June.

The document outlines several conclusions, rather than decisions, which will help form the basis for the upcoming work related to the inclusion of new market actors, such as energy communities and active consumers in the energy sector.


The CRU is also publishing a summary note alongside the main Conclusions Paper which specifically contains the conclusions and next steps the CRU is planning to take to implement the enabling regulatory framework for energy communities and active consumers.

This paper is being published primarily for information purposes; however, the CRU welcomes feedback from interested market actors and stakeholders. Any comments on the publication can be sent to CEPinfo@cru.ie.

Contact Name: Clean Energy Package Team


Contact Email: CEPinfopapers@cru.ie

2021

 CRU_211126_Conclusions on EC-AC_0111

view latest document >

2021

 CRU_211126a_Conclusions on EC-AC_Summary_0111

view latest document >

The Housing Agency


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Renewables in MUDs – Solar



Planning Issues

Dáil Éireann Debate, Tuesday - 2 November 2021



Minister of State at the Department of Housing, Local Government and Heritage (Deputy Peter Burke)

I propose to take Questions Nos. 345, 368, 369, 387 and 391 together.

Under the Planning and Development Act, 2000, as amended (the Act), all development, unless specifically exempted under the Act or associated Regulations, requires planning permission. Section 4 of the Act and Schedule 2 of the Planning and Development Regulations 2001, as amended (the Regulations), set out various exemptions from the requirement to obtain planning permission. Any such exemptions are subject to compliance with any general restrictions on exemptions set out in the Act or the Regulations and to the specific conditions set out in each class of exempted development in Schedule 2 of the Regulations. Included in the planning exemptions set out in the Regulations are those applying to the installation of solar infrastructure on a variety of building types, including houses, businesses, industrial and agricultural to which specific conditions are attached.

My Department, in the context of the Climate Action Plan and in consultation with the Department of Environment, Climate and Communications, has undertaken a review of the solar panel planning exemptions set out in the Regulations, with a particular focus on facilitating increased self-generation of electricity.

This review is now complete. Substantial changes to the current planning exemption thresholds for solar panels are proposed, as well as the introduction of new classes of solar panel planning exemptions relating to their use in apartments and in educational/community/religious buildings.

Environmental – Local Govt.



- Waste segregation bye-laws
- Section 35 Waste Management Act 1996
- Part 19 Local Government Act 2001

SDCC Bye-laws



2.9. Provisions affecting Multi-user Buildings, Apartment Blocks, etc.

A management company, or another person if there is no such company, who exercises control and supervision of residential and/or commercial activities in multi-unit developments, mixed-use developments, flats or apartment blocks, combined living/working spaces or other similar complexes shall ensure that:

- (a) separate receptacles of adequate size and number are provided for the proper segregation, storage and collection of recyclable household kerbside waste and residual household kerbside waste
- (b) additional receptacles are provided for the segregation, storage and collection of food waste where this practice is a requirement of the national legislation on food waste,
- (c) the receptacles referred to in paragraphs (a) and (b) are located both within any individual apartment and at the place where waste is stored prior to its collection,
- (d) any place where waste is to be stored prior to collection is secure, accessible at all times by tenants and other occupiers and is not accessible by any other person other than an authorised waste collector,
- (e) written information is provided to each tenant or other occupier about the arrangements for waste separation, segregation, storage and presentation prior to collection,
- (f) an authorised waste collector is engaged to service the receptacles referred to in this section of these bye-laws, with documentary evidence, such as receipts, statements or other proof of payment, demonstrating the existence of this engagement being retained for a period of no less than two years. Such evidence shall be presented to an authorised person within a time specified in a written request from either that person or from another authorised person employed by South Dublin County Council,
- (g) receptacles for kerbside waste are presented for collection on the designated waste collection day,
- (h) adequate access and egress onto and from the premises by waste collection vehicles is maintained.

Bye-laws Enforcement



2.12. Enforcement Provisions/Fixed Payment Notices.

- (a) Subject to paragraph (b), a person found guilty of the contravention of these bye-laws shall be liable to the penalty of no more than €2,500.
- (b) Paragraph (a) shall not apply where a fixed payment notice has been issued in accordance with the Local Government Act 2001 (Bye-Laws) Regulations and where a full payment has been made by the person subject to that notice.
- (c) Where the contravention of any provision of these bye-laws continues after a person has been subject to the fine referred to in paragraph (a), a person found guilty of an offence relating to this continued contravention shall be liable to a penalty of no more than €500 per day for each day the contravention continues after that conviction.
- (c) A fixed payment notice may be issued requiring a person found to have contravened or be contravening these bye-laws to make a payment of €75. Payment of this notice shall be made within 21 days of the date of the notice in order to avoid the person subject to this notice being prosecuted for the contravention of these bye-laws.

Waste Action Plan



A Waste Action Plan for a Circular Economy | Ireland's National Waste Policy 2020-2025

Food Waste Management

- We will use National Waste Collection Permit Office and other 'brown bin' data to develop strategies and investigate how new technology can support greater usage.
- We will analyse the impact of the landfill levy exemption for bio-waste and whether it should be removed.
- Through changes to waste collection permits, and working with the Local Authority sector, we will ensure that every householder and business has access to a reliable, clean and sustainable way of managing food 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.

Climate Action Plan



Better spatial planning will reduce the carbon emissions of new developments, and deliver a better quality of life, including shorter commute times, better connections between our places of work and homes, and more vibrant, people-focused environments. Changing the pattern of development will be buttressed by new policy tools in the planning system, including those planned as part of the government's Housing for All strategy. Implementation of the approach set out in our planning and housing policies will support our climate ambition through:

- Reduced travel distances between home, work and services, which will enable a greater proportion of journeys by bicycle or on foot (zero emissions)
- Greater urban density will ensure more viable public transport leading to reduced transport emissions
- Higher density residential development, which tends to comprise smaller units and, therefore, require less energy to heat – NPF targets require the proportion of apartments to treble, from 13% in 2019, to 39% by 2030
- Closer proximity of multi-storey and terraced buildings, which will require less energy and make renewables-based systems of energy distribution, such as district heating, or area-wide technology upgrades, more feasible

14.3 Pillar 2 – Financing and Funding Models

Evidence shows that a key barrier to scaling up the number of home energy upgrades is the financial constraints of households. These are exacerbated by high upfront costs of home energy upgrades and long payback periods associated with such investments. Lack of funds also curtails the number of retrofit measures homeowners choose to implement at the same time.

The work required and associated cost of bringing a home to a BER B2 is determined by a number of factors including: the size and type of home (apartment, terrace, semi-detached, detached, bungalow); walls type (solid or cavity); as well as the age and starting condition of the home (when built and any works carried out subsequently). For instance, the average cost of upgrading a B3-rated house will be less than the cost of upgrading a similarly sized G-rated house. In the same way, the cost of installing a heat pump is dependent on variables including building type and size as well as the extent of re-plumbing required.

Action Number	Action
268	Establish an Office for Low Emitting Vehicles to co-ordinate the implementation of existing and future EV measures and infrastructure
269	Develop and launch an extensive communication and engagement campaign, whole of Government in coverage, to drive the availability and understanding of key information regarding EVs, tailored to household, business and public sector consumers
270	Enable greater EV infrastructure roll-out for passenger cars and vans
271	Develop a national infrastructure strategy to address on-street, location and fast charging infrastructure needs to stay ahead of demand, having particular regard to non-urban needs
272	Launch a Destination Charger Scheme to install publicly accessible EV charging infrastructure
273	Amend the Home Charger Grant Scheme to include apartments

2021 – Writing



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27th January 2021 Ireland Housing and planning

Local government and multi-unit developments in Ireland

By David Rouse, The Housing Agency



Photo by [Ellen Kelly](#), on Unsplash

24 January 2021 marked the tenth anniversary of the signing into law of the Multi-Unit Developments Act 2011, or "MUD Act", as it quickly became known. The majority of the Act's provisions came into force on 1 April 2011. In the intervening 10 years, the profile of the multi-unit

IPAV NEWS | Quarter 1 2021



OWNERS' MANAGEMENT COMPANIES

BY DAVID ROUSE

- Holding of AGMs
- Financial Statements
- Directors' and secretaries' duties
- Company Registers, e.g. Register of Members

Owners' management companies ("OMCs") are a feature of apartment developments and high-density housing. During 2020, in collaboration with IPAV and other professional bodies, The Housing Agency hosted a series of webinars dealing with issues affecting OMCs and apartments.

David Rouse of The Housing Agency delivers an update on some of the topics covered in the webinars, and what changes might be coming down the track for OMCs. Challenges posed by COVID-19 and resources available are considered.

Unusual Companies

It is estimated that there are between 7,000 and 9,000 OMCs in Ireland. An OMC can be thought of as a hybrid company. In most cases it is not-for-profit. It is a property asset manager, however it shares characteristics with a residents' association, because the company directors are almost always volunteers, usually residents or owners in the estate.

"Volunteer" company directors trying to keep up to date with changes in laws and regulations rely on guidance from professional advisors. The regulatory framework within which OMCs operate involves company law, land law, fire safety regulations, health and safety rules, insurance and employment law. Independent advice from professionals, including the property management agent, is key to a well-run OMC. This then makes for a successful estate, and a sustainable community. The Housing Agency has recently published 'Engaging a Property Management Agent: Guidance for Owners' Management Companies'. Prepared for stakeholders including OMC directors, the material consists of questions and points for consideration when selecting an agent.

Company Law

OMC directors are bound by the same duties in law as directors who are paid for their services. Section 228 of Companies Act 2014 sets out a director's fiduciary duties. Directors must avoid conflicts of interest, and must act in the interests of the company and its members. Where OMC directors are connected with the estate developer, or the management agent there is the potential for conflicts of interest. The consequences of a breach of duties, including the potential for personal liability for a company's debts, should be understood by OMC directors.

New law, the Companies (Miscellaneous Provisions) (COVID-19) Act 2020, facilitates online AGMs and electronic voting irrespective of the rules in a company's constitution. These provisions apply until at least June 2021.

Management Company Finances

The Multi-Unit Developments Act 2011 was 10 years old on 24 January 2021. Despite the obligations imposed by the legislation on developers, owners, and OMCs, research evidence indicates that the sector continues to face financial challenges. A common problem for OMCs is under-funded or non-existent building maintenance or sinking funds. Poor service charge collection rates, inadequate budgets, or a combination of both factors are seen to cause difficulties.



In 2019 The Housing Agency and Clóid Housing published 'Owners' Management Companies, Sustainable apartment living for Ireland'. The independently authored report compared Irish apartment management structures with those of four other countries and made recommendations for reform here. One

10Commercial

MUD Act: bringing homeowners together for the common good

BY DAVID ROUSE

April 1, 2021 marked ten years since most sections of the Multi-Unit Developments Act 2011 came into force. The MUD Act, as it has become known, was intended to "amend the law relating to the ownership and management of the common areas of multi-unit developments and to facilitate the fair, efficient and effective management of bodies responsible for the management of such common areas, and to provide for related matters".

One of the main purposes of the MUD Act is to ensure that the common areas of a multi-unit development are managed in a fair, efficient and effective manner.

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Are owners' management companies managed as fairly, efficiently and effectively as the MUD Act intends?

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Business Post
Property Plus
April 11, 2021



An aerial shot of the M2 Airport site in north Co Dublin, which is guiding at €18 million

Large zoned land site beside M2 Cherryhound Interchange on market

BY TINA-MARIE O'NEILL

A construction firm has been awarded a contract to build a large portion of the business and retail space at the M2 Airport site in north Co Dublin, which is guiding at €18 million.

The M2 Airport site is a large land site located adjacent to the M2 Cherryhound Interchange. The site is currently zoned for business and retail use.

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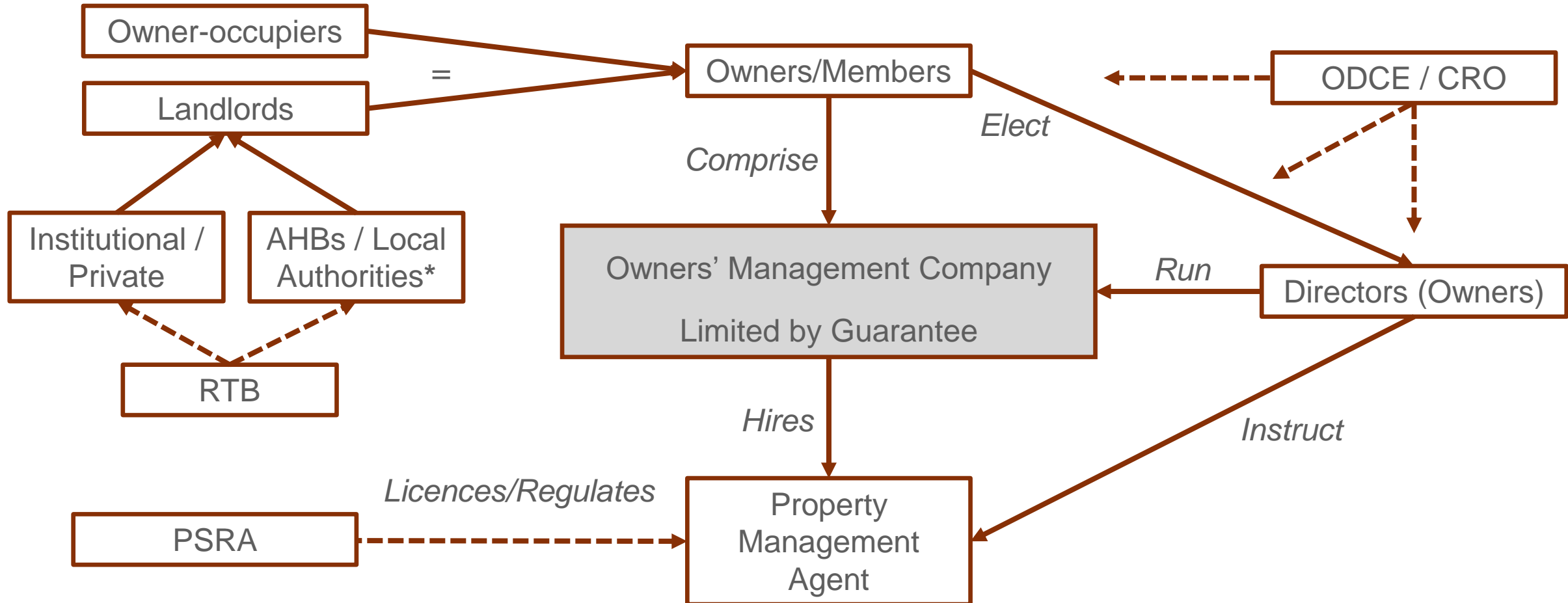
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We're All In This Together



Contact



MUD@housingagency.ie

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