



An Ghníomhaireacht
Tithíochta
The Housing Agency

IPAV Lettings & Residential Conference 2022

OMCs and the MUD Act

David Rouse

23 November 2022

The Housing Agency 53 Mount Street Upper



Working with:

- Department HLGH
- Local Authorities
- Approved Housing Bodies
- Stakeholders

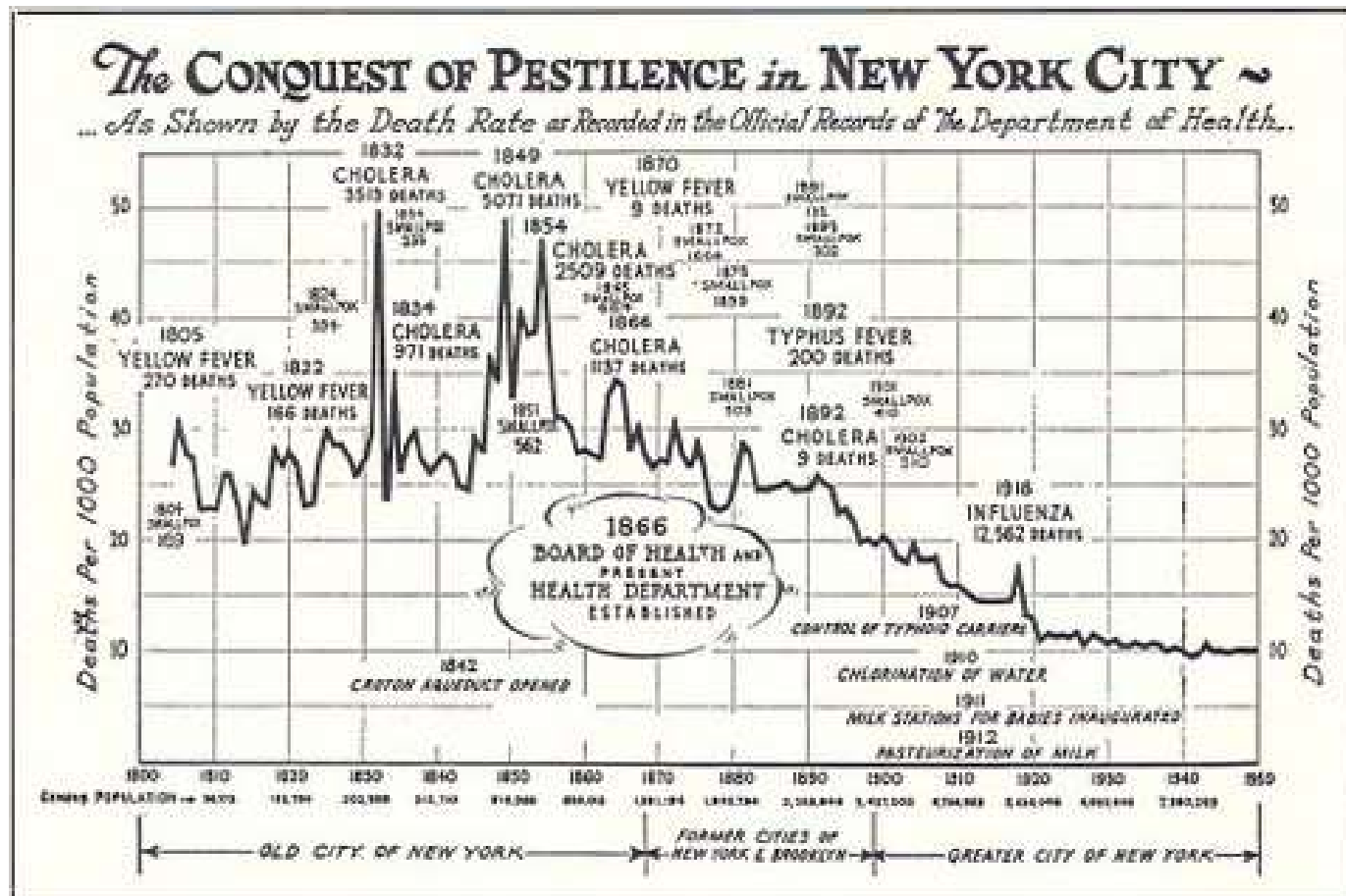
“To promote the building of sustainable communities”

What's New for OMCs / MUDs?



- Numbers
- Regulation
- Climate Action
- Resources

Triumph of the City

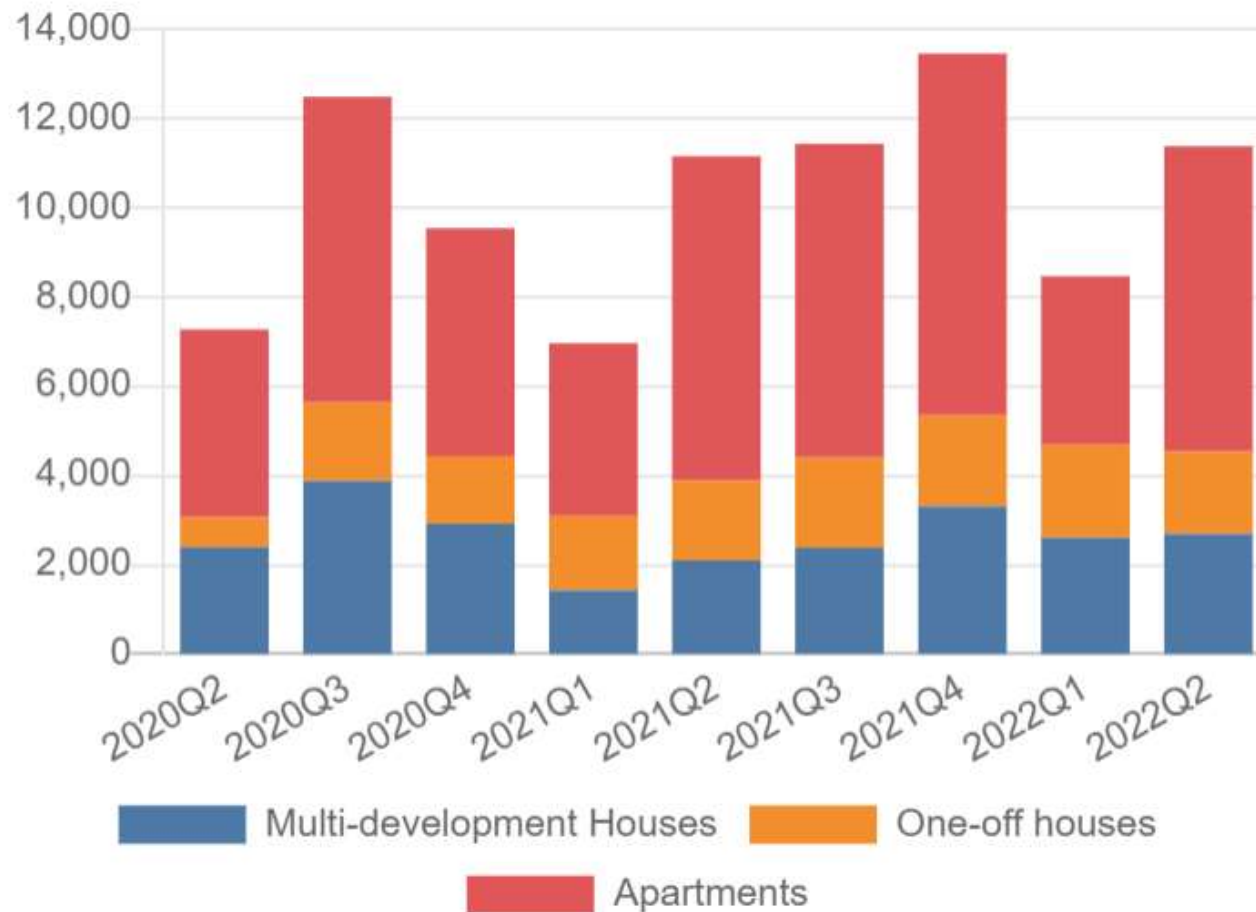


Permissions 2009 – 2020



Source: CSO Ireland

Permissions Q2 2020 – Q2 2022



Planning Policies – Compact Growth



- National Planning Framework
- Climate Action Plan
- Census 2022?

Completions 2016 to 2022



© Central Statistics Office, Ireland
<https://data.cso.ie/table/NDQ01>

Apartments in Q3 2022

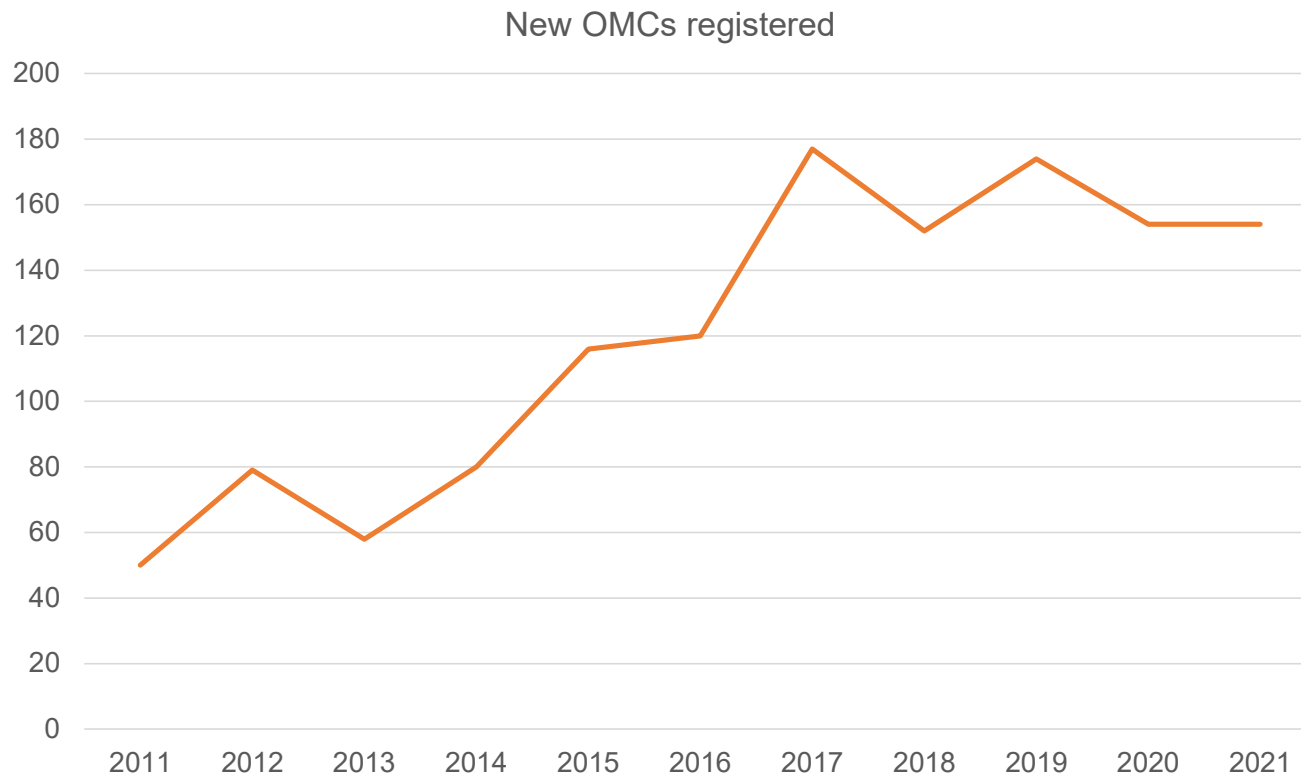


- Completions up 153% vs Q3 2021
- 32% of completions nationally
- 64% of all completions in Dublin
- 94% of completions in Dublin City

Average new dwelling size index 2011 - 2022 Q3



Estimate of OMCs registered by year



Access to shared amenities?



THE IRISH TIMES


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Social Affairs

Social tenants in Rathgar complex excluded from certain facilities

Gym, meeting rooms and roof terrace restricted to non-council residents

Expand



Terna Karam, a social housing tenant. "I was brought up with principles and dignity. This hurts my dignity." Photograph: Nick Bradshaw


Kitty Holland Social Affairs Correspondent
Sat Nov 21 2020 - 01:00

Headphones, Facebook, Twitter, Email, Print icons

Social tenants in a luxury apartment complex in Dublin say they are being "discriminated" against as they...

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Marianella resident 'truly shocked' at reaction to social housing restrictions

Jack Quann
21.50 26 NOV 2020

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A social housing tenant at a south Dublin apartment complex, who is restricted from using some services, says she is "truly shocked" at the response.

Social housing tenants at Marianella in Rathgar say they feel isolated.

They are restricted from using the same services as renters who are paying privately.

This includes use of a gym, a rooftop terrace, a cinema room and concierge service.

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RELATED

Social tenants excluded from certain facilities in luxury apartment complex

IRELAND



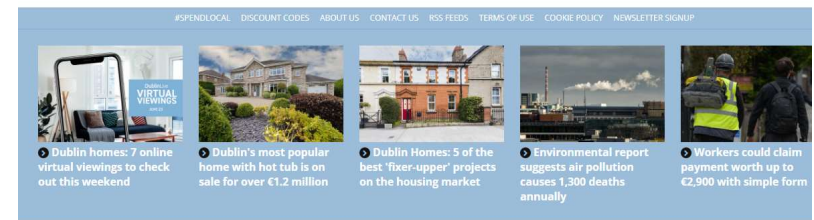
The tenants say they are not allowed to use the property's gym, meeting rooms or roof terrace.

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21/11/2020 | 21:00 PM
BY DIGITAL DESK STAFF

Social tenants nominated by Dublin City Council say they are being "discriminated" against as they are not permitted to use certain facilities in the complex where they live.

Renters & parking



News > Dublin News > Housing Crisis

Residents of north Dublin estate fear moving home due to new car clamping rules

The residents of Cedarview in Santry received a letter from their property management company telling them cars parked on the road, on kerbs, or on grass will be clamped when a new rule comes into force in the estate from September 1

By Dan Grennan
14:37, 23 AUG 2022 UPDATED 23:05, 23 AUG 2022



RECOMMENDED

Dublin homes: 7 or line virtual viewing to check out this weekend

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Housing & Planning

Dublin residents criticise 'anti-renter' clamping of cars parked outside driveways

North Dublin estate to introduce clamping for vehicles parked outside of driveways

Expand



Residents of Cedarview in Northwood, Santry were informed that due to a recent change in policy they could no longer park on the footpath or road outside their homes. Photograph: Alan Benson

Jack Power
Stephen Farrell
Tue Aug 23 2022 - 21:03

LATEST STORIES >

Energy price cap announced for homes in Northern Ireland

Royal queue claims: Holly Willoughby and Phillip Schofield deny skipping line to see queen lying in state

Fed set to raise rates by 0.75 points for third time in a row

Ireland to play a 'Test match' at Lord's in 2023

Keywords Studios profits jump in first half of 2022

Premium

Residents fear they will be made homeless by car clamping rule



From left to right are James Carr, Sheena Quigg, Eoin McCann, and Kelsey Sheedy who are renting in Cedarview, Santry in Dublin. Photo: Damien Eagers

Christie Russell
August 23 2022 02:30 AM



Defects



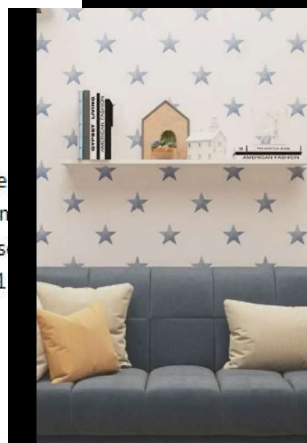
Minister O'Brien welcomes the report of the working group examining defects in purpose-built apartments and duplexes constructed between 1991 and 2013

From [Department of Housing, Local Government and Heritage](#)
Published on 28 July 2022
Last updated on 28 July 2022

The Minister for Housing, Local Government and Heritage, Darragh O'Brien has today published the report of the working group he established to examine defects relating to fire safety, structural safety and water ingress in purpose-built apartment and duplex buildings constructed in Ireland between 1991 and 2013.

The Housing Agency

Do you own or manage an apartment or duplex built between 1991 and 2013?

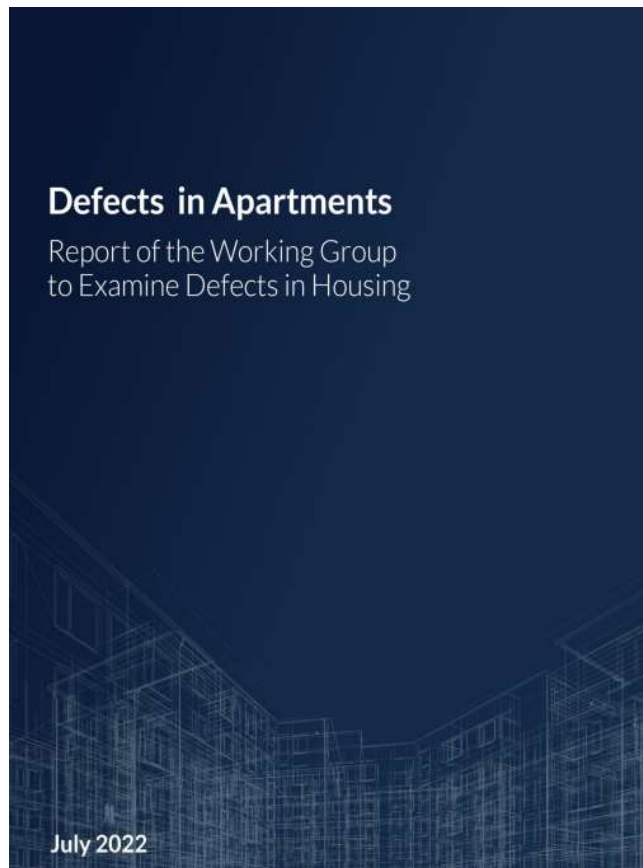


fire safety, structural safety and water ingress defects



A director of an Owners' Management Company (OMC)

Defects Working Group Report



<https://www.gov.ie/en/publication/97c19-working-group-to-examine-defects-in-housing/>

Inter-departmental Group



Minister for
Housing,
Local
Government
and Heritage



The Programme for Government sets out a commitment to examine defects in housing, having regard to the recommendations of the Joint Oireachtas Committee on Housing's report *Safe as Houses?*, and to assist owners of latent defect properties by identifying options for those impacted by defects, to access low-cost, long-term finance. In response, in February 2021, I established a Working Group to examine the matter.

I received the comprehensive report of the Working Group on 28 July titled *Defects in Apartments - Report of the Working Group to Examine Defects in Housing*, and I published it straight away. I fully acknowledge the difficulties that homeowners and residents of many apartments and duplexes are facing, and the stress that is caused when defects arise in relation to their buildings.

In that context, on 27 September, I brought a Memorandum to Government to inform Government of the content of the report and of the next steps that I will be taking. I am currently, in consultation with Government colleagues, in the process of developing options with a view to providing support to homeowners who find themselves in a difficult financial situation through no fault of their own.

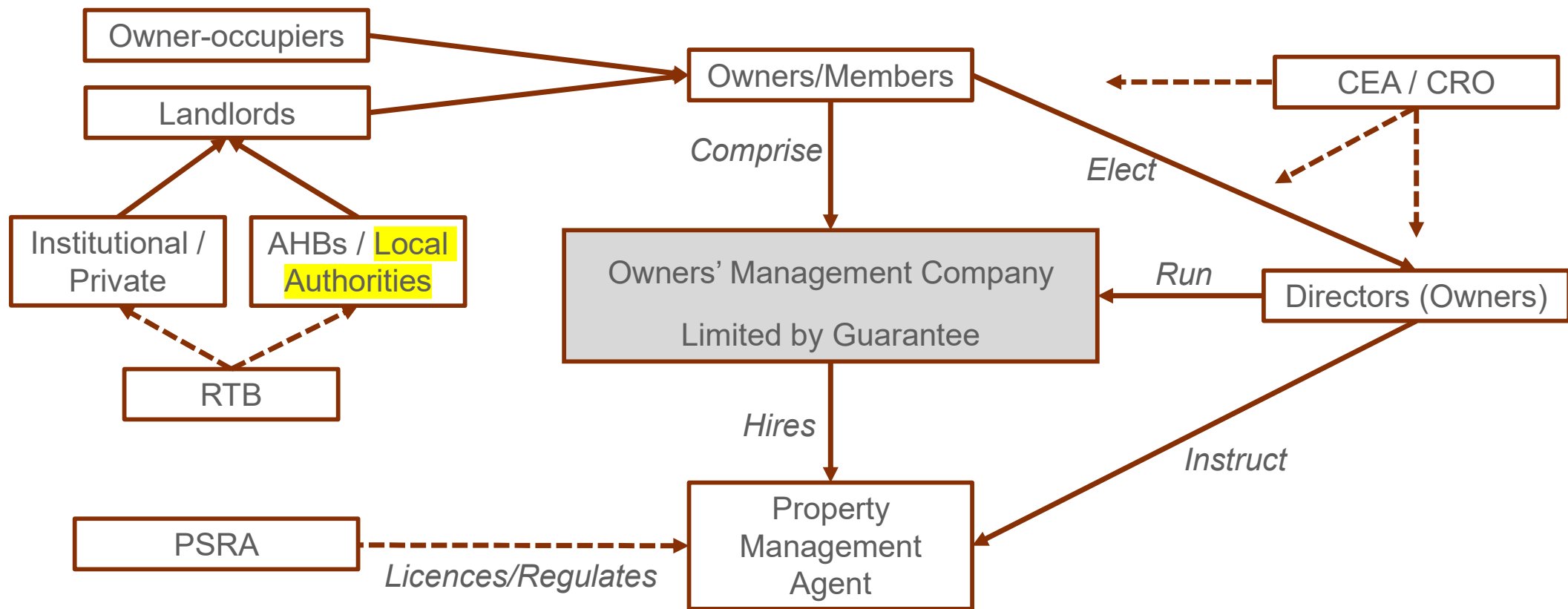
In this regard, I have established an inter-departmental/agency group to bring forward specific proposals to Government by the end of the year.

In addition, an advisory group is being established to develop a Code of Practice in the context of the Fire Services Acts, to provide guidance to building professionals and local authority building control/fire services, including guidance on interim safety measures.

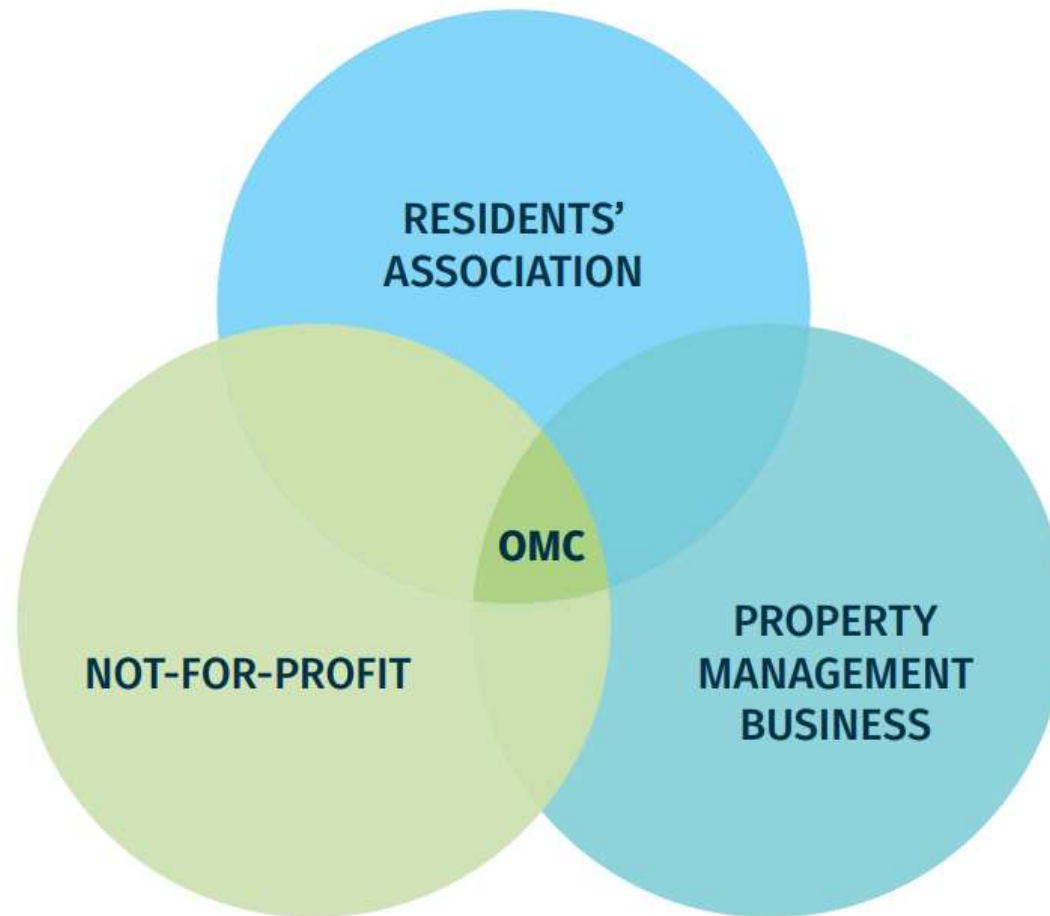
As this work progresses, I am committed to continuing to liaise with key stakeholders such as homeowner representatives and the insurance sector. My Department is also engaging with the Housing Agency for the provision of advice in relation to implementation of the recommendations of the Report.

https://www.oireachtas.ie/en/debates/question/2022-11-15/277/#pq_277

Governance – Who Does What?



OMCs at the Heart of MUDs



Legislation



- Multi-Unit Developments Act 2011
- Companies Act 2014
- Property Services (Regulation) Act 2011
- Fire Services Act 1981 and 2003
- Building Control Act 1990
- Planning and Development Act 2000
- Housing (Standards For Rented Houses) Regulations 2019

MUDs Governing Documents



- Head or Main Lease
- OMC Constitution
- Contract with Agent (LOE)
- House Rules

Key Documents



- Development Agreement
- Management Company Agreement
- Deed of Transfer of Common Areas
- Taking in Charge Agreement
- Debt Collection Policy

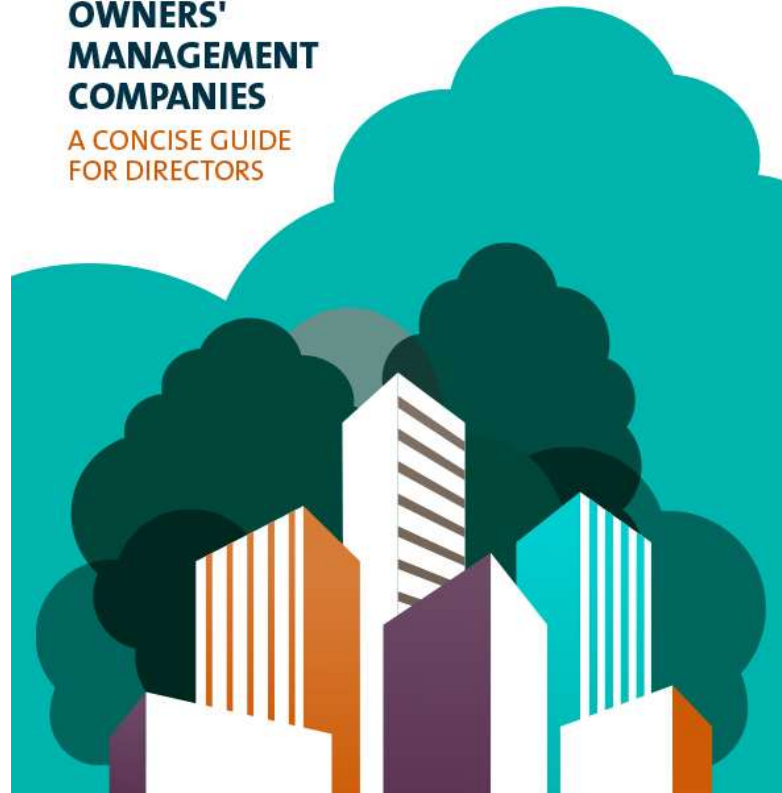
OMC – Governance Guidance



An Ghníomhaireacht
Tithíochta
The Housing Agency



**OWNERS'
MANAGEMENT
COMPANIES**
A CONCISE GUIDE
FOR DIRECTORS



OMC – 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

Virtual AGMs









An Roinn Fiontar,
Trádála agus Fostaíochta
Department of Enterprise,
Trade and Employment

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Companies (Miscellaneous Provisions) (Covid-19) Act 2020 extended to 31 December 2022

28th April 2022

- Continuation of virtual general meetings
- Threshold at which a company is deemed unable to pay its debts remains at €50,000
- Extension of examinership to 150 days remains in place

The interim period of the Companies (Miscellaneous Provisions) (Covid-19) Act 2020 has been further extended to 31 December 2022 following Government approval this week. The Act makes temporary amendments to the Companies Act 2014 and the Industrial and Provident Societies Act 1893 to address issues arising as a result of Covid-19.

< 2022

October

September

August

July

June

May

< April

<https://enterprise.gov.ie/en/news-and-events/department-news/2022/april/202204282.html>

Directors' PPSN to CRO – soon



Cases in which director must supply certain data

35. The Principal Act is amended by the insertion of the following section after section 888:

“888A. (1) On and after the commencement of *section 35* of the *Companies (Corporate Enforcement Authority) Act 2021* and notwithstanding [section 262](#) (9) of the *Social Welfare Consolidation Act 2005*, a director shall include his or her personal public service number (or, in any case where the director does not have a personal public service number, such other information concerning the identity of the director as stands determined by the Registrar for the purposes of this section) in—

- (a) an application made under this Act by him or her to incorporate a company,
- (b) an annual return made under this Act by a company of which he or she is a director, and
- (c) a notice of change of directors or secretaries made under this Act by a company of which he or she is a director.

(2) Any person who, without just cause, fails to comply with subsection (1) shall be guilty of a category 4 offence.

(3) In this section, ‘personal public service number’, in relation to a director, means the number that has been issued to the director in accordance with [section 262](#) (2) of the *Social Welfare Consolidation Act 2005* .”.

MUDs Finances



- Directors' Report and Financial Statements
- Section 17 Annual Report

OMC Financial Statements



- Detail – abridged or unabridged accounts?
- What is in the Directors' Report?
- Are the accounts audited?

Financial Statements – Income & Expenditure Account



- Trends year-on-year / movements
- Insurance costs
- Repairs
- Exceptional items

Financial Statements – Balance Sheet



- Cash
- Debtors scale and movement
- Sinking fund provision
- Creditors scale and movement
- Trends

Accounts – Notes/Disclosures



- Insurance disclosures?
- Common areas transferred?
- Sinking fund details?
- Related party transactions?
- Conflicts of interest?
- Defects?

MUD Act – S.17 Annual Report



- NOT the statutory financial statements

17.—(1) An owners' management company shall—

- (a) prepare and furnish to each member an annual report which complies with *subsection (2)*,
- (b) hold a meeting at least once in each year for purposes which include the consideration of the annual report referred to in *paragraph (a)*.

Annual meetings
and reports of
owners'
management
companies.

OMC Annual Report



(2) An annual report of an owners' management company shall include:

- (a) a statement of income and expenditure relating to the period covered by the report;
- (b) a statement of the assets and liabilities of the company;
- (c) where the owners' management company is required to establish and maintain a sinking fund—
 - (i) a statement of the funds standing to the credit of the sinking fund, and
 - (ii) details of the amount of the annual contribution to the fund and the basis on which such contribution is calculated;

OMC Annual Report









- (d) a statement of the amount of the annual service charge and the basis of such charge in respect of the period covered by the report;
- (e) a statement of the projected or agreed annual service charge relating to the current period;
- (f) a statement of any planned expenditure on the refurbishment, improvement or maintenance of a non-recurring nature which it is intended to carry out in the current period;
- (g) a statement of the insured value of the multi-unit development, the amount of the premium charged, the name of the insurance company with which the policy of insurance is held and a summary of the principal risks covered;
- (h) a statement setting out, in general terms, the fire safety equipment installed in the development and the arrangements in place for the maintenance of such equipment; and
- (i) a statement fully disclosing any contracts entered into or in force between the owners' management company and a director or shadow director of the company or a person who is a connected person as respects that director or shadow director.

Sinking Funds – ICSH work




Publications and Resources

Browse publications and resources by category from the Irish Council of Social Housing.

 AHB Business Continuity Policy 07/10/2022 Click here to download the AHB business continuity policy (updated September 2022) →	 AHB Board Renewal Policy 07/10/2022 Click here to download the AHB board renewal policy (updated September 2022) →	 AHB Board Director Duties 07/10/2022 Click here to download the AHB board director duties guidance (updated September 2022) →
 AHB Bad Debts Policy 07/10/2022 Click here to download the AHB bad debts policy (updated September 2022) →	 AHB Asset Management Guidance 07/10/2022 Click here to download the AHB asset management guidance (updated September 2022) →	 AHB Asset Management and Sinking Fund Guidance 07/10/2022 Click here to download the AHB asset management and sinking fund guidance (updated September 2022). →

Property Management Agents




 **ÚDARÁS RIALÁLA SEIRBHÍSE MAOINE**
PROPERTY SERVICES REGULATORY AUTHORITY

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Welcome to the Property Services Regulatory Authority


The Property Services Regulatory Authority (PSRA) is the statutory body with responsibility for licensing and regulating the property services sector (Auctioneers, Estate Agents, Letting Agents and Property Management Agents) in Ireland.



Údarás Rialála Seirbhíse Maoine
Property Services Regulatory Authority
Property Services Provider's Licence


Licensee Information

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Press Releases and Latest News

The Property Services Regulatory Authority (PSRA) publishes Annual Report for 2021

The Property Services Regulatory Authority has today announced the publication of its Annual Report for 2021. The report presents an overview of the activities [...]

September 9th, 2022 [Read More >](#)



Sanctions, Prosecutions & Injunctions


The Property Services (Regulation) Act 2011 (the Act) provides for a wide range of measures designed to ensure that licensees operate in a fashion that is fair to their clients.

New Letter of Engagement



Property Management

PSRA / S43 Form D - 07 October 2022



Údarás Rialála
Seirbhísí Maoine
Property Services
Regulatory Authority

Property Services Agreement

For

The Provision of Property Management Services

The Headings which are **bold, underlined and marked with an asterisk (*)** are items which must be completed in this Agreement.

DELETE OPTIONS PROVIDED AS REQUIRED

<https://www.psr.ie/licensees/letters-of-engagement/property-management-services/>

PSRA – S.I. 564/2020



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



PSRA – Guidance



Property Services (Regulation) Act 2011
(Minimum Standards) Regulations 2020
Explanatory Note

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

Explanatory Guide

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<https://www.psr.ie/wp-content/uploads/2022/03/SI-Minimum-Standards-Regulation-Plain-English-Guide.pdf>

PSRA – Agent Conduct



An tÚdarás Rialála Seirbhísi Maoine
Property Services Regulatory Authority

Case Study 2

Complaint Details: The Authority received a complaint from an Owners Management Company (OMC) concerning a licensed Property Services Provider that had been engaged for property management services for a number of years. The OMC informed the Authority that they had recently terminated their contract with the Property Services Provider and alleged that they had since become aware of concerning financial irregularities in their accounts and records. The concerns of the OMC included:

1. Payments made from the OMC relevant bank account which were not authorised by any Directors of the OMC.
2. The appointment of an employee of the licensed Property Services Provider as accountant to prepare accounts for the OMC, without the knowledge of the Directors of the OMC.
3. Lack of clarity over the level of insurance that was in place for the OMC.

Inspection Details: The Inspectors contacted the Property Services Provider who claimed that all payments from the OMC's bank account had been approved by a Director of the OMC. The Inspectors queried this with the Director of the OMC and the Director claimed the OMC had moved to online banking a number of years previously and the Director had not been asked to approve any payments since the change to online banking.

The inspection revealed;

- That the Property Services Provider-Management Agent had been appointed as an 'administrator' to the online bank account

where transfer authorisation required only one administrator and also revealed a number of payments were made from the OMC to a personal account owned by the Property Services Provider.

- That the insurance policy had been allowed to lapse prior to the investigation. Payments allegedly for insurance identified on the OMC's account as payments for 'insurance' were actually transferred by the Property Services Provider to the personal account of the Property Services Provider.
- That the Property Services Provider had created a fraudulent invoice in an attempt to hide the misappropriation.

Findings: The Inspectors prepared a report on the investigation which found that the licensed employee had committed improper conduct under limb (a) of the definition improper conduct as defined by the Property Services (Regulation) Act 2011 - no longer fit and proper to provide property services.

Sanctions Imposed: The Board imposed a Major Sanction on the Property Services Provider to revoke the Property Services Provider's licence, prohibit the licensee from ever applying for a new licence in the future and imposed the following financial penalties:

1. a payment of €25,000 to the Authority by way of financial penalty,
2. a payment of €50,000 into the Property Services Compensation Fund,
3. a direction that the Property Services Provider pay a sum of €20,552 to the PSRA, being the cost to the PSRA of the investigation.

<https://www.psr.ie/wp-content/uploads/2022/09/PSRA-Annual-Report-2021.pdf>

PSRA – New Guidance



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PROPERTY SERVICES REGULATORY AUTHORITY

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- Up to €50,000 to the Authority towards the cost of the investigation
- Up to €250,000 to the Authority by way of a financial penalty, or
- Any combination of the foregoing.

Any such decision can be appealed.

Statutory Contraventions

The Act provides for a range of offences such as providing a property service without a licence, obstructing an investigation, mismanagement of client funds, etc. Any person found guilty of such an offence is liable, on summary conviction, to a fine of up to €5,000 or 12 months imprisonment or both or, on conviction on indictment, to a fine of up to €50,000 or 5 years imprisonment or both.

Further Information on Complaints

- [FAQ about Complaints](#)
- [Improper Conduct under the Act](#)
- [PSRA Complaint Process Map](#)
- [Common Issues which do not fall under the remit of the PSRA](#)
- [Guide to making a Complaint to the PSRA](#)

This page was last updated on August 2, 2022

<https://www.psr.ie/consumers-information/investigation-of-complaints/>

Role of PSRA



Common Issues which do not fall under the remit of the **Property Services Regulatory Authority (PSRA)**:

<u>Subject Matter:</u>	<u>Type of Allegations/Issues:</u>	<u>Recourse:</u>
Complaint against an Owner Management Company (OMC)	- Complaint against OMC/ property service provider acting on their behalf on issues including service charges, AGM'S, Maintenance of Common areas etc.	OMCs are governed by the Multi-Unit Development Act 2011 (MUD) and are subject to company law. Any member of an OMC has recourse to the circuit court.
Complaint that an OMC is providing Property Services without a licence	- Complaint against OMC alleging they are carrying out property services in a multi-unit development without a licence.	An OMC is entitled to self-manage and are not obliged to appoint a management agent to manage the multi-unit development on the OMC's behalf. The OMC is the management body.
Complaint against Landlord	- Complaint by tenant against landlord/letting agent regarding tenancy agreement, inspections, rent increases, issues with neighbouring tenants etc.	The Residential Tenancies Board (RTB) - www.rtb.ie
Complaint against a licensed Property Services Provider regarding a property In Receivership	- Complaint by previous owner against estate agent regarding the sale of property in receivership.	Agent must act on instruction of their client (the receiver), contact bank/receiver and seek legal advice.
Complaint against a licensed Property Services Provider regarding a Valuation	- Complaint against agent regarding a valuation or the conduct of a property service provider while carrying out a valuation.	Valuation is not defined as a 'property service' within the Act. You may wish to seek legal advice or seek advice from a reputable firm.

Role of PSRA



Any potential future involvement for you in the investigation of this complaint would arise solely where it is deemed necessary to the investigation by the Inspector and/or to be required as a witness in court.

10. Can I make a complaint against an Owner Management Company?

The Authority has no role in the regulation of Owner Management Companies (OMC). OMCs are governed by the Multi-Unit Development Act 2011 (MUD) and are subject to company law.

Under the MUD Act, any member of an OMC has recourse to the circuit court.

11. Can I complain about breaches of company law by a licensee?

The enforcement of company law is outside the remit of the Authority.

Guidance – Engaging an Agent



An Ghníomhaireacht
Títhíochta
The Housing Agency

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



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Appendix



PSRA – Customer Charter





ÚDARAS RIALALA SEIRBHISI MAOINE
PROPERTY SERVICES REGULATORY AUTHORITY

Customer Charter 2022

Our Mission

The Authority's mission through regulation is to licence, supervise and regulate Property Services Providers (Auctioneers, Estate Agents, Letting Agents and Management Agents) and to protect the interests of the public in their interaction with property services providers by ensuring that high standards are maintained and delivered.

Our Commitment to you

The Customer Charter sets out the standards of service that our customers can expect to receive. The charter is built around the Twelve Guiding Principles of Quality Customer Service. We will provide all customers with quality services at all times. We will strive to deliver services that are easily accessible, of high quality and meet your needs.

Equality/Diversity

We will deal with you in a fair and open manner irrespective of gender, marital status, family status, age, race, religion, disability, sexual orientation, membership of the Traveller or other minority Community.


Physical Access

Our offices will be safe and accessible with physical access to persons with disabilities. We will ensure there are no barriers to services for people experiencing social exclusion and poverty and for those facing geographic barriers to services.

Information

We will promptly provide information in a clear and concise manner. In cases where we cannot release information, we will explain why. We aim to have an easy to read

1



Property Services Regulatory Authority

CUSTOMER SERVICE ACTION PLAN

March, 2022

Data Protection & MUDs/OMCs



 An Coimisiún um Chosaint Sonraí
Data Protection Commission

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Data Protection Considerations Relating to Multi-Unit Developments and Owners' Management Companies

An increasing proportion of Ireland's population lives in apartments and houses situated in multi-unit developments (MUDs) and estates having shared spaces and services. In most cases these common areas and shared facilities are owned and controlled by an owners' management company (OMC) which is typically a not-for-profit legal structure established for the management of multi-unit developments under the Multi-Unit Developments Act 2011 (the MUDs Act). The OMC must operate in accordance with the Companies Act 2014 (the Companies Act).

An OMC sits at the centre of relationships between residents (owner-occupiers and tenants), landlords, and property management agents. OMCs engage with estate stakeholders including social and public housing bodies, professional advisors, and service providers.

OMCs process and transmit data in the exercise of their functions in relation to, for example, property title, financial management, and compliance with various legal obligations.

<https://www.dataprotection.ie/en/dpc-guidance/data-protection-considerations-relating-multi-unit-developments-and-owners-management-companies>

~~ODCE~~ Corporate Enforcement Authority



Údarás Forfheidhmithe Corparáideach
Corporate Enforcement Authority

Information Note 2022/2

Rights of access to the Register of Members
and

companies' obligations under section 216 of the Companies Act 2014

<https://cea.gov.ie/en-ie/Media/Latest-News/cea-publishes-information-note-on-rights-of-access-to-the-register-of-members>

Access to Register of Members



Therefore, it is the view of the CEA that providing access to a company's Register of Members is not a breach of data protection law and, as such, is not a legitimate basis upon which to refuse access to the Register of Members or to provide copies of the Register, as is required by company law.

As detailed above, failure to comply with the company law requirements relating to the Register of Members can expose both a company and any officer in default to the risk of criminal prosecution.

Corporate Enforcement Authority



What is a “management company”?

A so called “management company” is a company registered with the Companies Registration Office - usually as a company limited by guarantee (CLG) or a designated activity company (DAC), with an object clause (i.e., a central purpose of the company being) to manage a multi-unit development.

The management company typically owns the common areas of the development such as car parks, green spaces, stairwells, lifts, and communal hallways and maintains them for the benefit of all property owners and typically provides for insurance cover etc.

On acquiring a unit within a 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 obliges 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 company law or any other particular Act of the Oireachtas. Following on from this, it is important to understand 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 which is applied differently insofar as management companies are concerned. The requirements of company law generally apply in relation to “management companies” as they do to other companies in Ireland.

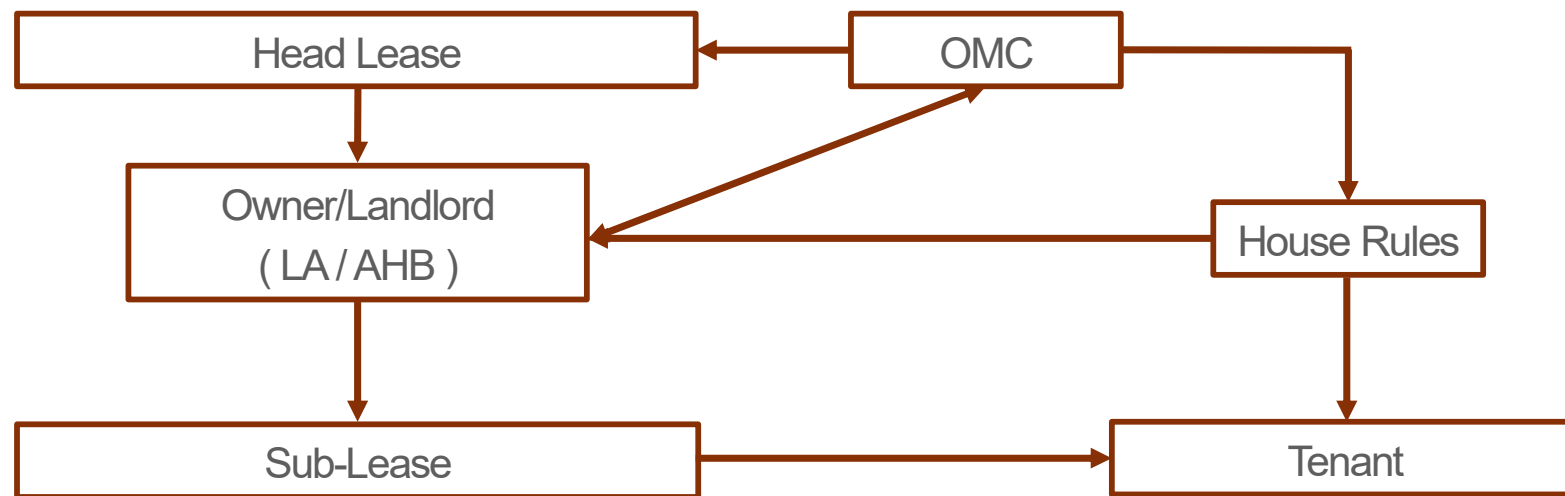
Most of the issues arising in the so-called management companies are not in fact company law issues (but, rather, relate to contract law etc.). Further, non-company law-related, information relating to management companies can be obtained from the [Citizens’ Information website](#).

Where can I find the legal source from which management companies operate?

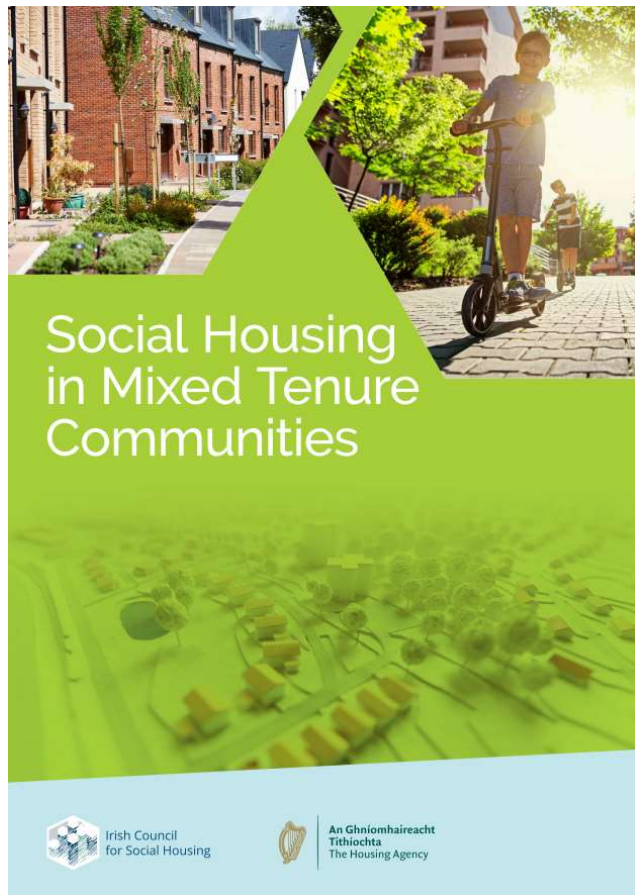
The legal source from which management companies derive their operational and functional role is set out in the title deeds of the property as well as the contract of purchase of the property. The fact that the intended functions of a management company have their roots in the title deeds is one from which important legal consequences flow. They do not flow from the company law relationship that exists between the management company and its members.

<https://cea.gov.ie/FAQs#1461>

Leasing in MUDs



Affordable / Social Mix



Managing Mixed Tenure Estates

Owner Management Companies

The higher density estates examined as part of the case study research all had owners' management companies in place to manage the communal areas in the apartment blocks and many of the AHB staff and local authority officials interviewed had experience of dealing with OMCs in other estates they managed. While accepting that OMCs were a necessary arrangement in high density estates, these interviewees argued that they create several management challenges for both social landlords and tenants in mixed tenure developments, in addition to the financial challenges outlined in the preceding chapter.

Underfunding of 'sinking funds' – which are effectively savings set aside to fund the refurbishment of buildings over the long term and the repair and replacement of major shared components such as roofs and lifts – was a significant concern among many social landlords interviewed who claimed that this is a widespread problem. They linked to non-payment of management fees by private owners according to interviewees and also to setting management fees at too low a rate. In this vein an AHB senior manager argued:

we've been in mixed tenure schemes and the OMC hasn't had funds to do works and you'd have a lot of complaints around that. And actually, you'll find that the arrears are from the private owners who haven't paid and actually the social tenants have paid because it's incorporated into their rent, you know! (Birch View KI 5).

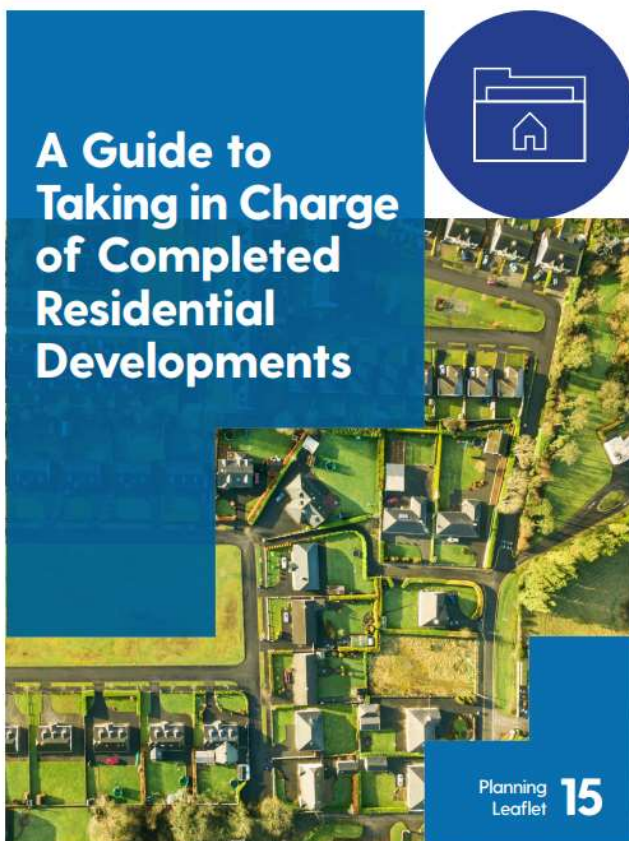
Mixed Tenure Report & OMCs



The social landlords interviewed did not think that mixed tenure estates were necessarily more difficult to manage than single tenure social housing estates and AHB CEOs and staff were confident that the sector has the skills and knowledge required. However, implementing the vetting of applicants for social housing in mixed tenure estates which was requested by some private owners was not always feasible or desirable according to some social housing managers. Owners' Management Companies which managed communal and shared facilities in high density developments such as apartment blocks are also challenging to deal with for social landlords. AHB managers raised concerns that the sinking funds to pay for long term maintenance and upgrading of communal areas in apartment blocks are commonly underfunded and that on occasions OMCs apply unfair or overly intrusive rules to social housing tenants.

In high density mixed tenure estates, social housing landlords are not the sole managers however – owners' management companies funded by service charges managed communal areas and shared facilities such as roofs and car parks. Designing for easy maintenance to ensure that the development is easy to manage, and upkeep can be minimised in the future ensures more manageable service charges. The AHB and local authority social housing managers interviewed also reported they prefer to cluster social housing in high density developments to control service charges and for management purposes. They also raised concerns about OMCs underfunding of sinking funds which pay for upgrading and large-scale maintenance in high density estates. To address these issues the Department of Housing, Local Government and Heritage should implement the recommendations of Mooney's (2019) research. The issue of service charges in low rise suburban and rural developments and how they are handled should be addressed through Departmental guidance. The issue of service charges in apartment developments could be addressed through amendments to the Multi Unit Development Act, 2011.

Taking in Charge – OPR Guidance



An Roinn Tithíochta,
Riailtús Áiteil agus Odlathachais
Department of Housing,
Local Government and Heritage

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?

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



Housing Agency Resources



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Multi-Unit Developments / Managed Estates



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These and others factors mean that apartments and managed estates are playing an increasingly important role in meeting the country's housing needs. Not everyone understands the collective structures and shared services that go with managed estates, or multi-unit developments.

Here we provide a resource for people living in multi-unit developments. This includes some useful links, FAQs, complaints procedures, and the legal system in place for owners' management companies and multi-unit developments.



USEFUL LINKS



FAQS

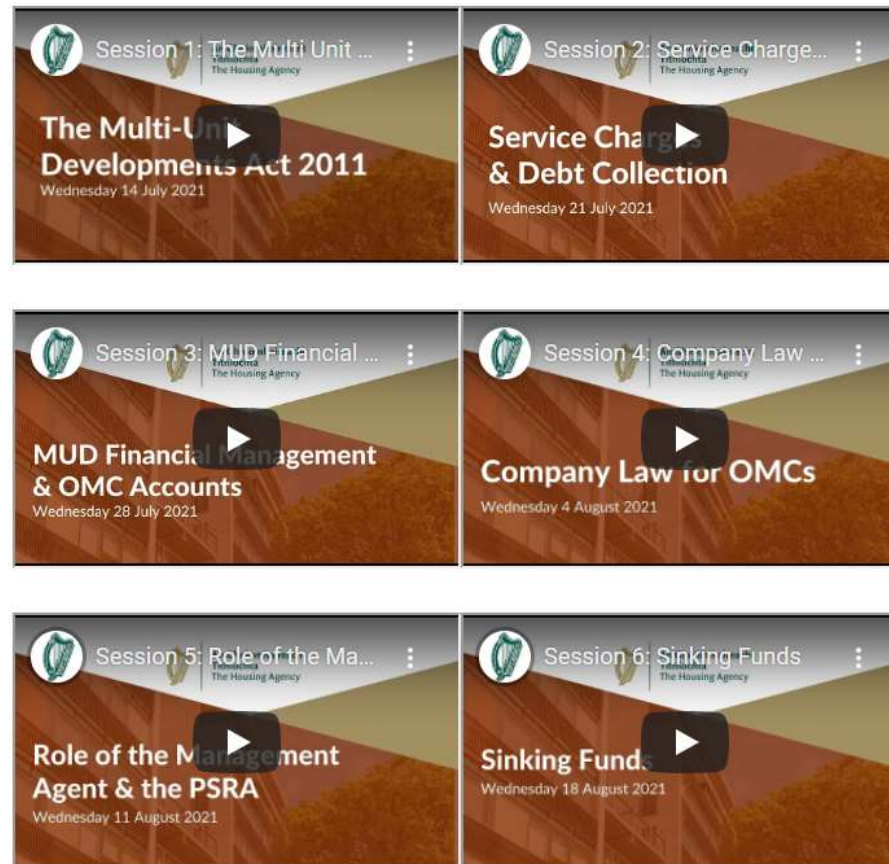


COMPLAINTS



LAW FOR OMCS & MUDS


MUDs Training Sessions – 6



<https://www.youtube.com/c/HousingAgencyIE/videos>

Apartments/MUDs Webinars – 15






An Introduction to SEAI Apartment Charger Grant Scheme








PLAY ALL

Information and Guidance Webinars for Multi-Unit Developments / Apartments

15 videos • 89 views • Last updated on Oct 4, 2022

⋮ ↺ ↻ ⌂ ...

 The Housing Agency **SUBSCRIBE**

Standards for New 2026 Planning Guide	1:05:39	The Housing Agency
9	 Owners' Management Companies Corporate Governance for Company Secretaries & Stakeholders	The Housing Agency
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11	 Multi-Unit Developments: Signposts for Practitioners and Stakeholders	The Housing Agency
12	 Managing Apartments and Multi-Unit Developments through COVID 19	The Housing Agency
13	 Owners' Management Company Finances & COVID-19	The Housing Agency
14	 Webinar: Owners' Management Companies and Multi-Unit Developments	The Housing Agency
15	 Multi Unit Developments, Apartment Living, and COVID-19	The Housing Agency

Change – 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

Department of Justice

Justice Plan 2022



OBJECTIVES & 2022 ACTIONS		DELIVERY DATE	ACTION OWNER
81	Review and reform role of Peace Commissioners 81.1 Submit reform proposals with implementation plan to Minister for approval	Q4	Criminal Justice Service Delivery
82	Progress and implement Housing for All actions 82.1 Regulate under subsection (17) of section 18 of the MultiUnit Developments Act 2011 ('MUD Act') to ensure that OMCs are financially sustainable 82.2 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), and examine the introduction of a non-statutory dispute resolution process 82.3 Examine measures to accelerate conveyancing as part of the sale and land transfer process 82.4 Examine the potential extension of the role of estate agents to include an initial inspection of rental property to the extent possible 82.5 Establish a new Division of the High Court dealing with planning and environmental issues	Q4	Civil Justice Legislation Civil Justice Legislation Civil Justice Policy Civil Justice Policy Civil Justice Governance Civil Justice Legislation
Objective - Support the Dublin Coroner to conclude the Stardust Inquests and all coroners to do their jobs			
83	Provide all appropriate legal, administrative, financial and functional supports to the Dublin Coroner to enable the delivery of the new Stardust inquest.	Q2	Civil Justice Governance Civil Justice Policy
84	Progress reform of the coronial service 84.1 Make proposals following the Governance and Financial review of the Dublin District Coroner's office 84.2 Bring forward nationwide review proposals to deliver a service improvement plan to address identified issues; driving innovative change; enhancing customer service and improve the interaction with pathology services.	Q2 Q4	Civil Justice Governance Civil Justice Policy

Policy – Programme for Government



Programme for Government – **Our Shared Future**

Management Companies

We will conduct a review of the existing management company legislation, to ensure that it is fit for purpose and that it acts in the best interests of residents.

sector, by increasing training places for apprentices, reviewing the funding model, and expanding shared apprenticeship initiatives.

- Strengthen enforcement of the Vacant Site Levy and the keep the legislation under review.

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MUDs & Climate Action



gov.ie

Departments

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Publications

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Languages ▾



Press release

New planning permission exemptions for rooftop solar panels on homes and other buildings

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

Published on 7 October 2022

Last updated on 7 October 2022

- houses, regardless of location, may now install unlimited solar panels on their rooftops without any requirement for planning permission (subject to certain conditions)
- exemptions also apply to rooftops of industrial buildings, business premises, community and educational buildings, places of worship, health buildings, libraries, certain public utility sites and farms
- certain restrictions continue to apply, including developments near certain aviation sites, protected structures and Architectural Conservation Areas

Part of

Policies

Planning

<https://www.gov.ie/en/press-release/9ba0e-new-planning-permission-exemptions-for-rooftop-solar-panels-on-homes-and-other-buildings/>

MUDs – supports



seai SUSTAINABLE ENERGY AUTHORITY OF IRELAND

Home Energy Community Energy Grants Business & Public Sector Technologies Data & Insights

Home / Grants / Electric Vehicle Grants / Apartment Charging Grant

Apartment Charging Grant

ON THIS PAGE

- Grant overview
- Grant levels
- How to apply
- Application guidelines with T&Cs
- Apply Now
- FAQs

zevi

The SEAI apartment charger grant assists residents and owners of apartments and other multi-unit developments who want to install a home charger for their Electric Vehicle (EV).

About the Electric Vehicle Apartment Charger Grant

The SEAI apartment charger grant assists residents and owners of apartments and other multi-unit developments who want to install a home charger for their Electric Vehicle (EV) and which are not covered by the pre-existing grants. The grant is designed for bulk installation of chargers at a single location, and supports cabling, infrastructure, labour, and construction costs. Owners' management companies, housing bodies, local authorities, commercial and private landlords can apply.

The video thumbnail shows a stylized illustration of two overlapping circles labeled 'Route 1' and 'Route 2' on a city street background. A play button icon is centered between the circles. The SEAI logo is in the top left corner, and a 'Share' icon is in the top right corner. At the bottom left, it says 'Watch on YouTube', and at the bottom right, it says 'Route 2'.

MUDs – supports



An Gníomhaireacht
Tithíochta
The Housing Agency



An Introduction to the SEAI's Apartment Charger Grant Scheme

22 September 2022

New Developments – New Regs



Press release

New regulations will require electric vehicle recharging infrastructure at new homes

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

Published on 11 November 2022

Last updated on 14 November 2022

- new Electric Vehicles (EVs) regulations will support action on climate change, improved air quality and reduced dependence on fossil fuels
- Minister O'Brien also announces new regulations to facilitate the roll-out of district heating

Part of

[Policies](#)

[Energy](#)

The Minister for Housing, Local Government and Heritage, Darragh O'Brien, has announced new building regulations that will require Electric Vehicle (EV) recharging infrastructure be installed in new homes to enable future installation of EV recharging points.

The regulations will apply to:

- new dwelling houses with a parking space located within the boundary of the dwelling
- new multi-unit residential buildings
- multi-unit residential buildings undergoing major renovation where the car park is located inside or adjacent to the building, and where renovations include the car park or the electrical infrastructure of the building or car park

<https://www.gov.ie/en/press-release/2cf9c-new-regulations-will-require-electric-vehicle-recharging-infrastructure-at-new-homes/>

Apartments – insulation grants



Grant name	Description	Types of home	Value
Attic insulation	Often the most cost effective upgrade made to a house.	Apartment (any)	€800
		Mid-Terrace	€1,200
		Semi-detached or end of terrace	€1,300
		Detached house	€1,500
Cavity wall insulation	Cavity walls are injected from the outside with insulation.	Apartment (any)	€700
		Mid-Terrace	€800
		Semi-detached or end of terrace	€1,200
		Detached house	€1,700
Internal Insulation (Dry Lining)	Insulation boards are fixed to the inside of external walls.	Apartment (any)	€1,500
		Mid-Terrace	€2,000
		Semi-detached or end of terrace	€3,500
		Detached house	€4,500
External Wall Insulation (The Wrap)	Insulating materials are fixed to the outer surface of external walls.	Apartment (any)	€3,000
		Mid-Terrace	€3,500

SEAI Community Energy Grants



The SEAI Community Grant supports energy efficiency community projects through capital funding, partnerships, and technical support.

Energy Supports?



Temporary Business Energy Support Scheme

Example 2

Oak Co is an owner management company that was established to maintain common areas in a residential apartment complex. Oak Co is a not for profit organisation and is not considered to be carrying on a trade or profession.

Oak Co is not an eligible business for the purpose of the TBESS and cannot make a claim for any increase in electricity or gas bills relating to the apartment complex common areas.



Guidelines on the operation of the Temporary Business Energy Support Scheme (TBESS)

Version 1, published 26 October 2022

<https://www.revenue.ie/en/starting-a-business/documents/tbess-guidelines.pdf>

Electricity Costs Emergency Benefit Scheme II



Publication

Electricity Costs Emergency Benefit Scheme II

From [Department of the Environment, Climate and Communications](#)

Published on 17 December 2021

Last updated on 18 October 2022

On 27 September the Government approved the Electricity Costs Emergency Benefit Scheme II, paving the way for three payments of €183.49 (excl. VAT) to be credited to all domestic electricity accounts. This is in recognition of pressures on households due to the exceptional rise in energy prices. Three payments of the Electricity Costs Emergency Benefit Payment will be made, in the November/December 2022, January/February and March/April 2023 billing cycles.

The credit will be applied automatically. Households do not need to apply for it. They do not need to contact their electricity supplier.

The Commission for the Regulation of Utilities (CRU) will be charged with oversight of the scheme. The scheme will be operated by the Distribution System Operator (ESB Networks) because of its existing interface with all electricity suppliers. ESB Networks will make payments to energy suppliers, who in turn will credit each of their domestic electricity accounts.

Part of

Policies
Energy

Customer Professional

CRU An Coimisiún um Rialáil Fóntais Commission for Regulation of Utilities

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Home / Government Electricity Costs Emergency Benefit Scheme FAQs

Overview

Energy customer protection measures

Customer Protection

About my Bill

Your Meter

Connections and Disconnections

Energy Saving Advice

List of Energy Suppliers

Smart Meters

National Smart Metering Programme

Government Electricity Costs

Government Electricity Costs Emergency Benefit Scheme FAQs

How do I sign up?

Why did I not receive the credit?

Who is eligible?

I have a prepay meter, will I still receive the credit?

I have a prepay meter and did not receive the credit.

When will I receive the payment?

How will the credit be applied to my account?

My electricity bill is included in my rent, will I still get the credit?

Will people with multiple residences, for example holiday homes, be eligible?

Is the scheme means tested?

Can the credit be used to re-connect electricity supply?

Can the credit be used to pay off debt?

Can the credit be used to pay off my gas debt?

My account is currently paid up to date or in credit – how can I access the government credit?

What if I switch electricity supplier, will I still get the credit?

If there is a change in account holder (i.e. if I move out), will I still get the credit?

I have a prepay meter, how will I know when I have received the credit?

If I switch supplier, will I receive the credit twice?

Who should I contact if I don't receive the credit?

<https://www.gov.ie/en/publication/4ae14-electricity-costs-emergency-benefit-scheme/>

<https://www.cru.ie/government-electricity-costs-emergency-benefit-scheme-faqs/>

Climate – 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.

IT Recycling



[Awards](#) / [COVID 19 Collection Guidelines](#) / [Mattress Recycling Initiative](#) / [Our Annual Report 2021](#) / [Sustainability](#) / [Testimonials](#) / [WEEE Ireland Reports](#)

A white van with 'Recycle IT' and 'Community Electrical Recycling' branding. The side of the van features a green graphic of a network of electronic devices (laptop, monitor, printer, etc.) connected by lines.

Dublin Apartments Recycling Initiative

ON JUNE 28, 2022 / BY JMCE
/ IN AWARDS, DUBLIN, ELECTRONIC AND ELECTRICAL RECYCLING, FAMILY, NEWS, SOCIAL ENTERPRISE, WE RECYCLE IT

Electrical Recycling from Apartments

Over our years in operation, Recycle IT has predominantly engaged with householders, residents' groups, schools, businesses, and community organisations to collect and safely recycle waste electrical and electronic equipment (WEEE).

Apartments dwellers have been harder to reach. There is no one way to describe apartment buildings. Apartment development and types of apartments differ widely, from high-rise developments to smaller individually owned properties.



TELEPHONE AND EMAIL

Tel: 01 4578321
Email: info@recycleit.ie

ELECTRICAL RECYCLING DUBLIN

Free Electrical Recycling Collections for Apartment Complexes

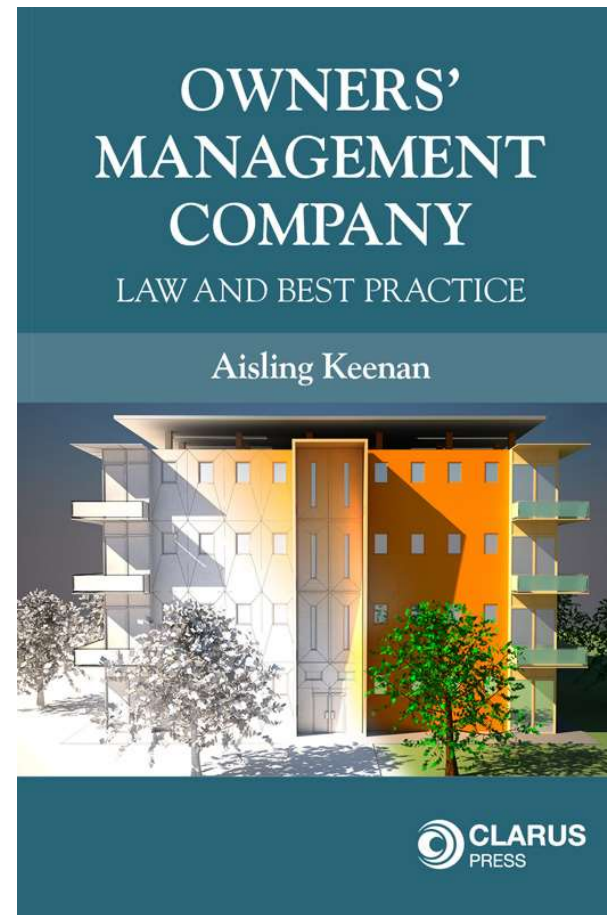
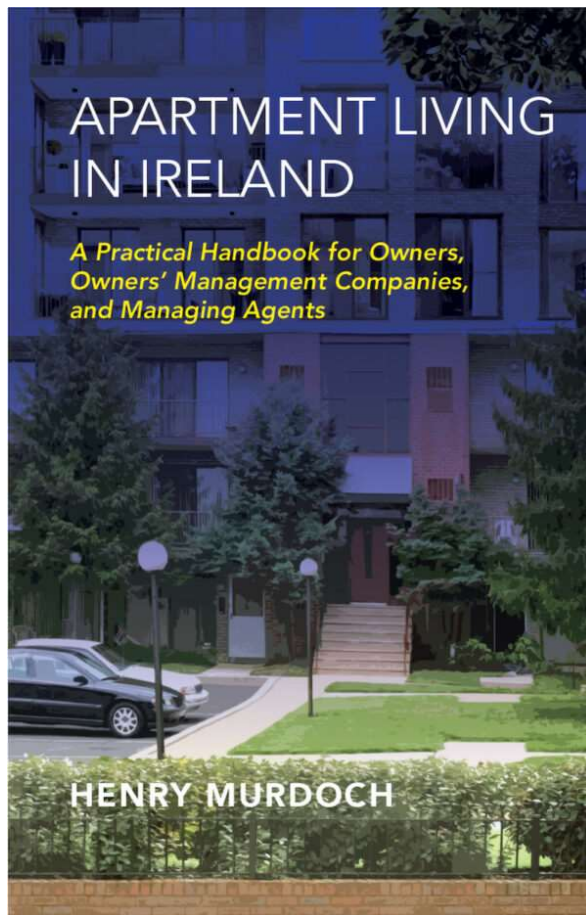
Call 01 4578321 today
August 30, 2022

4
days to go.

FOLLOW RECYCLE IT VIA EMAIL

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Further Reading



Outreach Events



Outreach Events for Stakeholders in Multi-Unit Developments

Tuesday 25th October	Clayton Hotel, Sligo
Tuesday 8th November	Chartered Accountants House, Pearse Street, Dublin 2
Tuesday 15th November	Boyne Valley Hotel & Country Club, Drogheda
Tuesday 22nd November	Glenroyal Hotel & Leisure Club, Maynooth
Monday 28th November	Hodson Bay Hotel, Athlone

Events are free to attend and start at 6.45pm.
To register and for more information please see housingagency.ie/news-and-events



An Ghníomhaireacht
Tithíochta
The Housing Agency

Contact



MUD@housingagency.ie

What works...



R.E.S.P.E.C.T.

TO CREATE VIBRANT, SUSTAINABLE AND COMPASSIONATE CITIES, WE NEED WELL-DESIGNED, COMPLIANT AND WELL-RUN APARTMENT BUILDINGS TO CATER FOR OUR GROWING POPULATION AND SHRINKING FAMILY SIZES.

Our population is growing and is now at the highest level since the 1840s. We know that an integral part of our National Planning Framework is to provide 50% of new

Disclaimer



Information provided is general in nature and shared in order to be helpful. It should not be considered to amount to legal advice, and no reliance should be placed on it. The Housing Agency and IPAV cannot be held responsible for action or failure to act on foot of the information provided. Professional advice might be necessary on individual circumstances.

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