



STATUTORY INSTRUMENTS.

S.I. No. 81 of 2019



HOUSING (MISCELLANEOUS PROVISIONS) ACT 2009 (PART 5)
REGULATIONS 2019

S.I. No. 81 of 2019

Housing (Miscellaneous Provisions) Act 2009 (Part 5) Regulations 2019

I, EOGHAN MURPHY, Minister for Housing, Planning and Local Government, in exercise of the powers conferred on me by subsection (7) of section 84, section 85 and subsection (1) of section 95 of the Housing (Miscellaneous Provisions) Act 2009 (No. 22 of 2009) (as adapted by the Housing, Planning, Community and Local Government (Alteration of Name of Department and Title of Minister) Order 2017 (S.I. No. 358 of 2017)), hereby make the following regulations:

1. These Regulations may be cited as the Housing (Miscellaneous Provisions) Act 2009 (Part 5) Regulations 2019.

2. (1) In these Regulations –

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

“class A household” means, in relation to an affordable dwelling or class of affordable dwelling, an eligible household whose accommodation needs are adequately catered for by that dwelling or a dwelling belonging to that class;

“class B household” means, in relation to an affordable dwelling or class of affordable dwelling, a class A household any of whose members was resident in the administrative area of the housing authority concerned for a period of not less than 12 months immediately before applying for an assessment for eligibility under section 84 of the Act of 2009;

“class C household” means, in relation to an affordable dwelling or class of affordable dwelling, a class B household any of whose members is registered as a full-time student with a school, university or other educational institution that is within such distance of that dwelling, or a dwelling belonging to that class, as is specified in the scheme of priority made by the housing authority concerned;

“class D household” means, in relation to an affordable dwelling or class of affordable dwelling, a class B household (other than a class C household) any of whose members is employed at a place that is within such distance of that dwelling, or a dwelling belonging to that class, as is specified in the scheme of priority made by the housing authority concerned;

“class E household” means, in relation to an affordable dwelling or class of affordable dwelling, a class C household any of whose members is employed at a place that is within such distance of that dwelling, or a dwelling belonging to that class, as is specified in the scheme of priority made by the housing authority concerned;

“closing date for applications” has the meaning assigned to it by paragraph (5) of Regulation 3.

(2) For the purposes of the definition of “class A household”, an eligible household’s accommodation needs are adequately catered for by an affordable

dwelling or a dwelling belonging to a class of affordable dwelling if the number of bedrooms in that dwelling is, in the opinion of the housing authority concerned expressed in the scheme of priority made by that housing authority, the minimum such number required to enable a household of that class to reside in relative comfort having regard to the number of members of the household.

3. (1) A housing authority that intends to sell affordable dwellings to eligible households shall advertise those affordable dwellings for sale –

- (a) in at least one newspaper circulating in its administrative area, and
- (b) on its internet website,

and may also advertise such dwellings for sale in such other manner as it considers appropriate.

(2) A housing authority that intends to provide financial assistance under section 81 of the Act of 2009 for the purchase of open market dwellings by eligible households shall advertise the availability of such financial assistance –

- (a) in at least one newspaper circulating in its administrative area, and
- (b) on its internet website,

and may advertise the availability of such financial assistance in such other manner as it considers appropriate.

(3) A housing authority shall publish on its internet website –

- (a) the criteria by which eligibility for an affordable dwelling purchase arrangement shall be assessed, and
- (b) the order of priorities established in accordance with these Regulations.

(4) A housing authority shall, upon the request of any person, provide that person with a copy in writing of the criteria and order of priorities referred to in paragraph (3).

(5) An advertisement to which this Regulation applies shall specify –

- (a) the manner in which an application for an assessment as to eligibility under section 84 of the Act of 2009 shall be made, and
- (b) the date by which such an application shall be made (in these Regulations referred to as the “closing date for applications”).

4. (1) A household within the meaning of section 84 of the Act of 2009 may, before the closing date for applications, apply to a housing authority for an assessment under that section in such manner as may be specified by the housing authority.

(2) For the purpose of this Regulation, a household shall complete such form as may be specified by the housing authority concerned and the housing authority shall, upon receiving the completed form from the household, conduct an assessment of that household under and in accordance with section 84 of the Act of 2009.

(3) The housing authority shall, upon consideration of the completed form referred to in paragraph (2), make a decision as to whether or not the information contained in that form discloses that the household concerned would be eligible for an affordable dwelling purchase arrangement.

(4) (a) If a housing authority decides under paragraph (3) that the information contained in the form referred to in that paragraph discloses that the household concerned would be eligible for an affordable dwelling purchase arrangement, and the number of households in respect of which it has made such a decision exceeds the number of affordable dwellings available for sale to eligible households, the housing authority shall identify those households with whom it would be in a position to enter into an affordable dwelling purchase arrangement in accordance with Regulation 5.

(b) If a housing authority decides under paragraph (3) that the information contained in the form referred to in that paragraph discloses that the household concerned would be eligible for an affordable dwelling purchase arrangement, and the aggregate of all financial assistance sought (but not yet granted) for the purpose of purchasing open market dwellings exceeds the funds for the time being available to the housing authority for such purpose, the housing authority shall identify those households with whom it would be in a position to enter into an affordable dwelling purchase arrangement in accordance with Regulation 6.

(5) A housing authority shall, before entering into an affordable dwelling purchase arrangement, request a household that it has identified under subparagraph (a) or (b) of paragraph (4) to provide it with such information and documentation as the housing authority may reasonably require to enable it to confirm the veracity of the information contained in the form referred to in paragraph (3) completed by that household.

(6) Where a housing authority, upon examination of information and documentation provided to it pursuant to a request under paragraph (5), decides, in accordance with section 84 of the Act of 2009, that the household concerned is eligible for an affordable dwelling purchase arrangement, it shall so inform the household forthwith.

(7) Where a housing authority, upon examination of information and documentation provided to it pursuant to a request under paragraph (5), decides, in accordance with section 84 of the Act of 2009, that the household concerned is not eligible for an affordable dwelling purchase arrangement, it shall so inform the household forthwith.

5. (1) (a) Where the number of eligible households exceeds the number of affordable dwellings available for sale, a housing authority shall give priority to class A households.

(b) Where the number of eligible households exceeds the number of affordable dwellings available for sale but the number of class A households is less than the number of such affordable dwellings, the housing authority shall, after complying with subparagraph (a) and as between two eligible households (other than class A

households), give priority to the household that first applied for an assessment of eligibility under section 84 of the Act of 2009.

(2) (a) Where the number of class A households exceeds the number of affordable dwellings available for sale, a housing authority shall give priority to class B households.

(b) Where the number of class A households exceeds the number of affordable dwellings available for sale but the number of class B households is less than the number of such affordable dwellings, the housing authority shall, after complying with subparagraph (a) and as between two class A households (that are not class B households), give priority to the household that first applied for an assessment of eligibility under section 84 of the Act of 2009.

(3) (a) Where the number of class B households exceeds the number of affordable dwellings available for sale, a housing authority shall give priority to class C households.

(b) Where the number of class B households exceeds the number of affordable dwellings available for sale but the number of class C households is less than the number of such affordable dwellings, the housing authority shall, after complying with subparagraph (a), give priority to class D households.

(c) Where the number of class B households exceeds the number of affordable dwellings available for sale but the number of class C households and class D households is less than the number of such affordable dwellings, the housing authority shall, after complying with subparagraphs (a) and (b) and as between two class B households (that are neither class C households nor class D households), give priority to the household that first applied for an assessment of eligibility under section 84 of the Act of 2009.

(4) (a) Where the number of class C households exceeds the number of affordable dwellings available for sale, a housing authority shall give priority to class E households.

(b) Where the number of class C households exceeds the number of affordable dwellings available for sale but the number of class E households is less than the number of such affordable dwellings, the housing authority shall, after complying with subparagraph (a) and as between two class C households (that are not class E households), give priority to the household that first applied for an assessment of eligibility under section 84 of the Act of 2009.

(5) Where the number of class E households exceeds the number of affordable dwellings available for sale, a housing authority shall, as between two such households, give priority to the household that first applied for an assessment of eligibility under section 84 of the Act of 2009.

6. (1) (a) Where the aggregate of all financial assistance sought (but not yet granted) for the purpose of purchasing open market dwellings exceeds the funds for the time being available to a housing

authority for such purpose, the housing authority shall give priority to class A households.

- (b) Where the aggregate of all financial assistance sought (but not yet granted) for the purpose specified in subparagraph (a) exceeds the funds for the time being available to a housing authority for such purpose but the aggregate of all financial assistance sought (but not yet granted) for such purpose by class A households is less than the funds so available, the housing authority shall, after complying with that subparagraph and as between two eligible households (that are not class A households), give priority to the household that first applied for an assessment of eligibility under section 84 of the Act of 2009.
- (2) (a) Where the aggregate of all financial assistance sought (but not yet granted) by class A households for the purpose of purchasing open market dwellings exceeds the funds for the time being available to a housing authority for such purpose, the housing authority shall give priority to class B households.

(b) Where the aggregate of all financial assistance sought (but not yet granted) by class A households for the purpose specified in subparagraph (a) exceeds the funds for the time being available to a housing authority for such purpose but the aggregate of all financial assistance sought (but not yet granted) for such purpose by class B households is less than the funds so available, the housing authority shall, after complying with that subparagraph and as between two class A households (that are not class B households), give priority to the household that first applied for an assessment of eligibility under section 84 of the Act of 2009.
- (3) (a) Where the aggregate of all financial assistance sought (but not yet granted) by class B households for the purpose of purchasing open market dwellings exceeds the funds for the time being available to a housing authority for such purpose, the housing authority shall give priority to class C households.

(b) Where the aggregate of all financial assistance sought (but not yet granted) by class B households for the purpose specified in subparagraph (a) exceeds the funds for the time being available to a housing authority for such purpose but the aggregate of all financial assistance sought (but not yet granted) for such purpose by class C households is less than the funds so available, the housing authority shall, after complying with subparagraph (a), give priority to class D households.

(c) Where the aggregate of all financial assistance sought (but not yet granted) by class B households for the purpose specified in subparagraph (a) exceeds the funds for the time being available to a housing authority for such purpose but the aggregate of all financial assistance sought (but not yet granted) for such purpose by class C households and class D households is less than the funds so available, the housing authority shall, after complying with that

subparagraph and subparagraph (b) and as between two class B households (that are neither class C households nor class D households), give priority to the household that first applied for an assessment of eligibility under section 84 of the Act of 2009.

(4) (a) Where the aggregate of all financial assistance sought (but not yet granted) by class C households for the purpose of purchasing open market dwellings exceeds the funds for the time being available to a housing authority for such purpose, the housing authority shall give priority to class E households.

(b) Where the aggregate of all financial assistance sought (but not yet granted) by class C households for the purpose specified in subparagraph (a) exceeds the funds for the time being available to a housing authority for such purpose but the aggregate of all financial assistance sought (but not yet granted) for such purpose by class E households is less than the funds so available, the housing authority shall, after complying with that subparagraph and as between two class C households (that are not class E households), give priority to the household that first applied for an assessment of eligibility under section 84 of the Act of 2009.

(5) Where the aggregate of all financial assistance sought (but not yet granted) by class E households for the purpose of purchasing open market dwellings exceeds the funds for the time being available to a housing authority for such purpose, a housing authority shall, as between two such households, give priority to the household that first applied for an assessment of eligibility under section 84 of the Act of 2009.



GIVEN under my Official Seal,
12 March, 2019.

EOGHAN MURPHY,
Minister for Housing, Planning and Local Government.

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

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
52 ST. STEPHEN'S GREEN, DUBLIN 2.
(Tel: 01 - 6476834 or 1890 213434)

€3.00

