



STATUTORY INSTRUMENTS.

**S.I. No. 264 of 2012**



HOUSING AND SUSTAINABLE COMMUNITIES AGENCY  
(ESTABLISHMENT) ORDER 2012

HOUSING AND SUSTAINABLE COMMUNITIES AGENCY  
(ESTABLISHMENT) ORDER 2012

I, PHIL HOGAN, Minister for the Environment, Community and Local Government, having regard to the matters referred to in subsection (1A) of section 3 of the Local Government Services (Corporate Bodies) Act 1971 (No. 6 of 1971), as amended by the Local Government Services (Corporate Bodies) (Confirmation of Orders) Act 2008 (No. 9 of 2008) and the Local Government (Miscellaneous Provisions) Act 2012 (No. 17 of 2012), and as adapted by the Environment, Heritage and Local Government (Alteration of Name of Department and Title of Minister) Order 2011 (S.I. No. 193 of 2011), and in exercise of the powers conferred on me by the said section 3, and with the consent of the Minister for Public Expenditure and Reform pursuant to the Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011 (S.I. No. 418 of 2011), hereby order as follows:

*Citation*

1. This Order may be cited as the Housing and Sustainable Communities Agency (Establishment) Order 2012.

*Commencement*

2. This Order shall come into effect on 1 August 2012 and that day shall be the establishment day.

*Definitions*

3. In this Order—

“Act” means the Local Government Services (Corporate Bodies) Act 1971 (No. 6 of 1971);

“Board” means the Board established under Article 6;

“Chairperson” means the Chairperson of the Board appointed by the Minister under Article 6(3)(a);

“designated body” means a body designated for the time being under section 3(2) of the Act; and

“Minister” means the Minister for the Environment, Community and Local Government.

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 27th July, 2012.*

*Establishment of the Housing and Sustainable Communities Agency*

4. A body to be called and known as An Gníomhaireacht Tithíocht agus Comhphobail Inbhuanaithe or, in the English language, the Housing and Sustainable Communities Agency, hereinafter referred to as the Housing Agency, is established to provide the services specified in Article 5—

- (a) for, and on behalf of, the Minister and each authority to which the Act applies, in the performance of their functions under the Housing Acts, and
  - (b) for a designated body.
5. The services to be provided by the Housing Agency shall be:
- (a) shared and central services;
  - (b) research, advisory, information and training services;
  - (c) consultancy, technical and strategic planning services;
  - (d) procurement services;
  - (e) agency services;
  - (f) at the request of the Minister, the preparation, holding, management and publication of indices of residential property, including indices in relation to residential housing sales and residential property rents;
  - (g) the arrangement, co-ordination and provision of social and economic regeneration, including the development and improvement of land and infrastructure; and
  - (h) the coordination of, and contribution to, the resolution of issues relating to unfinished housing developments.

*Membership of the Housing Agency and constitution of the Board*

6. (1) The members of the Housing Agency shall be appointed by the Minister and the number of members so appointed at any time shall be not less than seven and not more than nine.

(2) The members of the Housing Agency shall constitute a Board which shall conduct the Agency's business and a reference in this Order to a Board member shall be construed as a reference to a member of the Agency.

- (3) The membership of the Board shall comprise the following:
- (a) a Chairperson appointed by the Minister;
  - (b) one serving officer from the Department of the Environment, Community and Local Government, as nominated by the Minister;

- (c) one serving officer from the Department of Public Expenditure and Reform, as nominated by the Minister of that Department;
- (d) two members nominated by the County and City Managers Association, one of whom shall be a serving County or City Manager, and one of whom shall be a serving Finance Officer;
- (e) a person nominated by the Irish Council for Social Housing;
- (f) the Chief Executive Officer of the Housing Agency; and
- (g) such other persons, not being more than two, as the Minister may from time to time consider appropriate.

(4) The term of office of a Board member shall be such period not exceeding five years as may be specified by the Minister upon such appointment and such member shall hold office for that period unless sooner dying, resigning or otherwise ceasing to be a qualified person.

(5) A Board member, including the Chairperson, whose term of office expires by effluxion of time shall be eligible for re-appointment to serve a second term, subject to a limit of serving no more than ten years on the Board.

(6) The Board may act notwithstanding a vacancy among its members.

(7) The quorum for meetings of the Board shall be three members.

(8) A Board member may at any time resign his or her membership by letter addressed to the Minister and the resignation shall take effect from the date specified in the letter or upon receipt of the letter by the Minister, whichever is the later.

(9) A Board member shall cease to be a member of the Board on his or her being requested by the Minister to resign.

(10) A person shall cease to be, and shall be disqualified from being, a Board member where he or she—

- (a) is adjudicated bankrupt,
- (b) makes a composition or arrangement with creditors,
- (c) is sentenced by a court of competent jurisdiction to a term of imprisonment, or
- (d) is disqualified or restricted from being a director of any company.

(11) Where a Board member or an employee of the Housing Agency—

- (a) accepts a nomination as a member of Seanad Éireann,

- (b) is elected to either House of the Oireachtas or to the European Parliament,
- (c) is regarded, pursuant to Part XIII of the Second Schedule to the European Parliament Elections Act 1997, as having been elected to that Parliament, or
- (d) becomes a member of a local authority,

he or she shall thereupon-

- (i) in the case of a Board member, cease to be a Board member, or
- (ii) in the case of an employee of the Housing Agency, stand seconded from employment by the Housing Agency for the period specified in paragraph (12).

(12) A person who stands seconded under sub-paragraph (11)(d)(ii) shall not be paid by, or entitled to receive from, the Housing Agency any remuneration in respect of the period commencing on such nomination or election or his or her membership of the local authority or the date on which he or she is so regarded as having been elected, as the case may be, and ending on the date on which he or she ceases to be a member of either such House or such Parliament or such local authority.

(13) A person who is for the time being entitled under the Standing Orders of either House of the Oireachtas to sit therein or who is a representative in the European Parliament or a member of a local authority shall, while he or she is so entitled or is such a representative or member, be disqualified from becoming a Board member.

(14) If a Board member dies, resigns, becomes disqualified or is removed from membership, the Minister may appoint a person to be a Board member and fill the vacancy so caused and the person so appointed shall hold office for the unexpired term of office of the said member.

- (15) (a) The Board shall hold such and so many meetings as may be necessary for the performance of its functions.
- (b) The Chairperson may, at any time, call a meeting of the Board.
- (c) If the Chairperson refuses to call a meeting of the Board having been presented with a requisition for that purpose, signed by three Board members, any two Board members may forthwith, on that refusal, call a meeting of the Board and, if the Board Chairperson (without so refusing) does not, within seven days after the presentation of the requisition, call a meeting of the Board, any three Board members may, on the expiration of those seven days, call a meeting of the Board.

(16) The Board may from time to time appoint such and so many committees as it thinks proper for the performance of its functions.

(17) A committee appointed under paragraph (16) shall consist of such number of members as the Board thinks proper and may, at the discretion of the Board, consist of Board members, employees of the Housing Agency or other persons with appropriate knowledge or experience.

(18) The Board members (including the Chairperson) may be paid such remuneration and allowances for expenses as the Minister, with the consent of the Minister for Public Expenditure and Reform, may determine.

(19) Subject to the provisions of this Order, the Board shall regulate, by standing orders or otherwise, its procedures or business.

*Staffing of the Housing Agency*

7. (1) The Minister may appoint a person to be the Chief Executive Officer, to carry on and manage and control generally, subject to the supervision of the Board, the administration and business of the Housing Agency and to perform such other functions as the Minister may determine from time to time.

(2) The Chief Executive Officer shall hold office for such period and upon such terms and conditions (including terms and conditions relating to remuneration and allowances for expenses) as the Minister, with the consent of the Minister for Public Expenditure and Reform, may determine from time to time.

(3) The Housing Agency may appoint such persons to be employees of the Agency as it may determine, subject to the consent of the Minister and the Minister for Public Expenditure and Reform as to numbers and grading.

(4) An employee of the Housing Agency shall be paid, out of moneys at the Agency's disposal, such remuneration and allowances for expenses as the Agency, with the consent of the Minister and the Minister for Public Expenditure and Reform, may determine.

(5) An employee of the Housing Agency shall hold his or her employment on such other terms (including terms specifying the duration of such employment) and conditions as the Agency, with the consent of the Minister and the Minister for Public Expenditure and Reform, may determine.

(6) For the purposes of enabling the Housing Agency to perform its functions as and from the establishment day, one or more than one of the Minister, an authority to which the Act applies and a designated body may, for such period as he or she or it thinks appropriate, supply to the Agency any services, including services of staff, required by the Agency and the Agency may avail of services provided to it under this paragraph.

(7) The supply of services of staff under paragraph (6) may include the supply of the services of a person to perform the functions of the Chief Executive Officer.

(8) The Housing Agency may make such provision for the superannuation of its staff as may be approved by the Minister, with the consent of the Minister for Public Expenditure and Reform.

#### *Engagement of consultants*

8. The Housing Agency may from time to time engage such consultants, advisers or other persons as it considers necessary for the discharge of its functions, and any fees due to a consultant or adviser or other person under this Article shall be paid by the Agency out of moneys at its disposal.

#### *Seal*

9. (1) As soon as may be after its establishment, the Housing Agency shall provide itself with a seal.

(2) The seal of the Housing Agency shall be authenticated by the signature of the Chief Executive Officer or by the signature of a person employed by the Agency who is authorised by the Board to act in that behalf.

#### *Reporting*

10. (1) The Housing Agency shall furnish to the Minister such information regarding the performance or proposals for the performance of its functions as the Minister may from time to time require.

(2) The Housing Agency shall, in accordance with any direction given by the Minister from time to time, submit in each year a programme of activities for the following year and an estimate of expenditure to be incurred on such activities.

#### *Accounts*

11. (1) The Housing Agency shall keep, in such form as may be approved of by the Minister, with the consent of the Minister for Public Expenditure and Reform, all proper and usual accounts of all moneys received or expended by it and, in particular, shall keep in such form as aforesaid all such special accounts as the Minister, with the consent of the Minister for Public Expenditure and Reform, may from time to time direct.

(2) The financial year of the Housing Agency shall be the period of twelve months ending on 31 December in any year, except in the period following the Agency's establishment, in which case the financial year shall be the period from the date of establishment to 31 December in the following year.

(3) Accounts kept under paragraph (1) shall, on or before such date as the Minister shall direct, be submitted annually by the Housing Agency to the Comptroller and Auditor General for audit and, immediately after such audit, a copy of the accounts and a copy of the auditor's report on the accounts shall be presented to the Minister, who shall cause copies of such accounts and report to be laid before each House of the Oireachtas.

*Grants to the Housing Agency*

12. The Minister may pay grants of such amounts as may be sanctioned by the Minister for Public Expenditure and Reform, out of monies to be provided by the Oireachtas, towards the operating costs and expenses of the Housing Agency.

*Discharge of functions*

13. The Housing Agency may do all such things as may be necessary for the effective discharge of its functions and, for this purpose, the Agency may—

- (a) make arrangements with another person or body for the use, by the Agency, of premises or equipment belonging to that person or body or for the use by the Agency of employees of that person or body,
- (b) acquire, purchase or take on lease any land or buildings and may sell, exchange, let or otherwise dispose of any land or buildings vested in the Agency, and
- (c) accept gifts of money, land, buildings and other property upon such trusts and conditions, if any, as may be specified by the donor, save that the Agency may not accept a gift if, in the Agency's opinion, the conditions attached by the donor to its acceptance are not consistent with the Agency's functions.

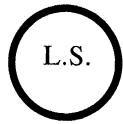
*Fees*

14. The Housing Agency may:

- (a) in accordance with section 3(4) of the Act and the terms agreed between the Agency and the body concerned, charge fees for the provision of services for a designated body;
- (b) in accordance with section 4(2)(i) of the Act, charge fees for the provision of services for each authority to which the Act applies; and
- (c) in accordance with section 3(9)(j) of the Act, collect charges and late payment fees as part of the provision of agency services for, and, as the case may be, on behalf of, the Minister, an authority to which this Act applies and a designated body.

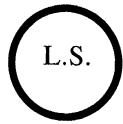


I, BRENDAN HOWLIN, Minister for Public Expenditure and Reform, in exercise of the powers conferred on me by the Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011 (S.I. No. 418 of 2011), consent to the making of the foregoing Order, and to the inclusion in the Order of the provisions set out in Articles 6, 7 and 12.



GIVEN under the Official Seal of the Minister for  
Public Expenditure and Reform,  
19 July 2012.

BRENDAN HOWLIN,  
Minister for Public Expenditure and Reform.



GIVEN under my Official Seal,  
20 July 2012.

PHIL HOGAN,  
Minister for the Environment, Community and  
Local Government.

EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation.)*

This Order is made under the Local Government Services (Corporate Bodies) Act 1971, to establish the Housing and Sustainable Communities Agency (the Housing Agency). The Agency will provide specified services for and on behalf of the Minister and local authorities in the performance of their functions under the Housing Acts. The Agency may also provide services for bodies designated under the 1971 Act.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ón  
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,  
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,  
nó tríd an bpost ó  
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,  
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