



STATUTORY INSTRUMENTS.

S.I. No. 377 of 2022

CIVIL LAW (MISCELLANEOUS PROVISIONS) ACT 2022 (PART 2)
(ELIGIBLE DWELLING STANDARDS) REGULATIONS 2022

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I, RODERIC O'GORMAN, Minister for Children, Equality, Disability, Integration and Youth, in exercise of the powers conferred on me by section 21(1) of the Civil Law (Miscellaneous Provisions) Act 2022 (No. 19 of 2022), for the purpose of prescribing the matters to ensure the suitability of an eligible dwelling, referred to in section 7(3)(f) of that Act, following consultation with the Minister for Social Protection, hereby make the following regulations:

PART 1

PRELIMINARY AND GENERAL

Citation and commencement

1. These Regulations may be cited as the Civil Law (Miscellaneous Provisions) Act 2022 (Part 2) (Eligible Dwelling Standards) Regulations 2022.

Interpretation

2. (1) In these Regulations—

“habitable room” means a room used for living or sleeping purposes but does not include a kitchen having a floor area of less than 6.5 square metres;

“Principal Act” means the Civil Law (Miscellaneous Provisions) Act 2022 (No. 19 of 2022).

“Regulations of 2019” means the Housing (Standards for Rented Houses) Regulations 2019 (S.I. No. 137 of 2019);

(2) Nothing in these Regulations shall be taken as—

- (a) requiring or authorising anything to be done in connection with a water supply, drainage system or the supply of gas or electricity, other than in accordance with the enactments relating thereto, or
- (b) creating an obligation to—
 - (i) take any action which is the responsibility of a local authority or statutory undertaker, other than such action as may be necessary to bring the matter to the attention of the local authority or statutory undertaker concerned, or

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 29th July, 2022.*

- (ii) repair or maintain in good repair, working order or in a clean condition anything which a tenant is entitled to remove from an eligible dwelling.

(3) Paragraph (2) shall not be construed as exempting a landlord, from their duties under the Regulations of 2019 in respect of a house let or available for letting by them that is also the subject of these Regulations.

(4) In this Regulation—

“local authority” has the meaning assigned to it by the Local Government Act 2001 (No. 37 of 2001);

“statutory undertaker” means a person authorised by or under statute to construct, work, or carry on a railway, canal, inland navigation, dock, harbour, gas, electricity, telephone, postal, water, wastewater or other public undertaking.

Application

3. These Regulations shall apply to every eligible dwelling where -
- (a) an appointed officer is satisfied, following an application made under section 7 of the Principal Act, that the applicant satisfies the conditions specified in section 6(1) of that Act in respect of an eligible dwelling for a calendar month, or
 - (b) where it is determined on appeal under section 13(3) of the Principal Act that the applicant satisfies the conditions specified in section 6(1) of that Act in respect of an eligible dwelling for a calendar month,

and a financial contribution in respect of the eligible dwelling concerned for the calendar month is payable by the Minister for Social Protection to the applicant.

PART 2

DWELLING REQUIREMENTS

Structural Condition

4. (1) An eligible dwelling to which these Regulations apply (in this Part, referred to as a dwelling) shall be maintained in a proper state of structural repair.

(2) For the purposes of paragraph (1), ‘a proper state of structural repair’ means a dwelling that is sound, internally and externally, with roof, windows, floors, ceilings, walls, stairs, doors, fascia, tiles, gutters, down pipes, fittings, furnishings, gardens and common areas maintained in good condition and repair and not defective due to dampness or otherwise.

- (3) Where a window in a dwelling –
 - (a) has an opening section through which a person may fall, and
 - (b) the bottom of the opening section is more than 1400mm above external ground level,

suitable safety restrictors shall be fitted that shall restrain the window sufficiently to prevent such falls.

(4) Where necessary, adequate provision shall be made in a dwelling to prevent harbourage or ingress of pests or vermin.

Sanitary Facilities

5. (1) There shall be provided within the same habitable area of a dwelling, for the exclusive use of that dwelling -

- (a) a water closet, with dedicated wash hand basin adjacent thereto with a continuous supply of cold water and a facility for the piped supply of hot water, and
- (b) a fixed bath or shower with continuous supply of cold water and a facility for the piped supply of hot water.

(2) The facilities mentioned in paragraph (1) shall -

- (a) be maintained in a safe condition and good working order,
- (b) have safe and effective means of drainage,
- (c) have adequate capacity for hot and cold water storage facilities, and
- (d) be provided in a room separated from other rooms by a wall and a door and containing separate ventilation.

Heating Facilities

6. (1) Every room in a dwelling used, or intended for use, by a temporary protection beneficiary as a habitable room, shall be provided with effective heating.

(2) Every room referred to in paragraph (1) shall, where necessary, contain suitable and adequate facilities for the safe and effective removal of fumes and other products of combustion to the external air where a heat producing appliance is used.

(3) A heat producing appliance under paragraph (2) shall be so installed that there is an adequate supply of air to it for combustion, to prevent overheating and for the efficient working of any flue pipe or chimney serving the appliance.

(4) All appliances provided under paragraph (1) shall be maintained in a safe condition and in good working order and good repair.

(5) Each dwelling shall contain, where necessary, suitably located devices for the detection and alarm of carbon monoxide.

Food Preparation, Storage and Laundry

7. (1) There shall be provided, within the same habitable area of a dwelling, the following:

- (a) adequate cooking facilities, including an oven;
- (b) suitable facilities for the effective and safe removal of fumes;
- (c) a fridge or fridge-freezer;
- (d) a sink, with a piped supply of potable cold water taken direct from the service pipe supplying water from the public main or other source to the building containing the dwelling and a facility for the piped supply of hot water, and an adequate draining area;
- (e) a washing machine, or access to a communal washing machine facility within the curtilage of the building;
- (f) where the dwelling does not contain a garden or yard for the exclusive use of that dwelling, a dryer (vented or recirculation type) or access to a communal dryer facility.

(2) All facilities under paragraph (1) shall be maintained in a safe condition and in good working order and good repair.

(3) Responsibility for maintenance of facilities under paragraph (1) shall rest with the owner of the dwelling.

Ventilation

8. (1) Every room in a dwelling used, or intended for use, by a temporary protection beneficiary as a habitable room shall have adequate ventilation.

(2) All means of ventilation in a dwelling shall be maintained in good repair and working order.

(3) Adequate ventilation shall be provided in a dwelling for the removal of water vapour from every kitchen and bathroom.

Lighting

9. Every room in a dwelling used, or intended for use, by the temporary protection beneficiary, shall have adequate lighting.

Fire Safety

10. (1) Each dwelling shall contain a suitable self-contained fire detection and alarm system.

(2) Each dwelling shall contain a suitably located fire blanket.

(3) Each self-contained dwelling in a multi-unit building shall contain a suitable fire detection and alarm system and an emergency evacuation plan.

(4) A suitable fire detection and alarm system shall be provided in common areas within a multi-unit building.

(5) Emergency lighting shall be provided in all common areas within a multi-unit building.

(6) Fire detection and alarm systems and emergency lighting systems required under paragraphs (4) and (5) shall be maintained in accordance with current standards.

(7) In this Regulation -

“current standards” means standards produced by the National Standards Authority of Ireland for Fire Detection and Fire Alarm Systems in Buildings and for Emergency Lighting;

“multi-unit building” means a building that contains two or more dwellings that share a common access.

Refuse Facilities

11. A dwelling shall have access to suitable and adequate pest and vermin-proof refuse storage facilities.

Gas, Oil and Electricity Installations

12. Installations for the supply of gas, oil and electricity including pipework, storage facilities and electrical distribution boxes in a dwelling shall be maintained in good repair and safe working order.



GIVEN under my Official Seal,
26 July, 2022.

RODERIC O'GORMAN,
Minister for Children, Equality, Disability, Integration and
Youth.

EXPLANATORY NOTE

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

These Regulations apply to every dwelling where the owner or, where the dwelling is the subject of a tenancy, the tenant, is in receipt of a financial contribution for granting to one or more temporary protection beneficiaries the right to enter the dwelling and to occupy all or part of the dwelling. The Regulations require such dwellings to meet certain minimum standards and relate to, inter alia, structural condition, provision of sanitary facilities, food preparation, storage and laundry, availability of adequate heating, lighting and ventilation, safety of oil, electricity and gas installations, fire safety and refuse facilities. The Regulations come into operation on signature by the Minister for Children, Equality, Disability, Integration and Youth.

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