



An Roinn Tithíochta, Pleanála  
agus Rialtais Áitiúil  
Department of Housing, Planning  
and Local Government



GUIDELINES  
FOR HOUSING AUTHORITIES  
IN IMPLEMENTATION  
OF  
MINIMUM STANDARDS  
IN  
RENTED ACCOMMODATION 2017

  
**Rebuilding  
Ireland**  
Action Plan for Housing and Homelessness

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# Introduction

The Government's Action Plan for Housing and Homelessness - *Rebuilding Ireland* identifies the rented sector as a key component of the Government's overall response to solving the housing crisis. The rental sector has a key role to play in ensuring that housing is provided to meet Ireland's changing demographic, social and economic needs. The demand for rented accommodation is growing.

The Strategy for the Rental Sector which was published in December 2016 contains a range of ambitious measures which the Government is pursuing in partnership with stakeholders and agencies in the housing arena to develop a viable and sustainable rental sector.

The quality of rental accommodation is critical to the success and sustainability of the residential rental sector and to its attractiveness as a long-term accommodation option for households. Residential rental properties must provide safe, efficient, durable, comfortable and environmentally sustainable homes for those who live in them. They must also be solid, stable and secure investments for those who own them. Updating and improving standards and regulating their application to the sector are essential to ensuring the quality of accommodation. As standards improve, changes need to be implemented in ways that both ensure higher levels of compliance with regulations, while minimising the cost implications on rental provision.

The high levels of demand for a limited supply of rented accommodation, which is driving high rates of rent price inflation in some parts of the country, also constitutes a threat to the quality of rented accommodation as tenants may feel obliged to accept substandard dwellings, due to the lack of affordable alternatives. In this context, the role of Housing Authorities have a critical public role and duty in ensuring compliance with the standards for rental accommodation through effective inspections and enforcement processes.

The report by the National Oversight and Audit Commission (NOAC), *A Review of Local Authority Performance of Private Rented Houses Regulations Functions*<sup>1</sup>, found that the inspection process as currently administered is not having a sufficient impact on the standard of rented accommodation. It indicated overall low rates of inspection, few enforcement processes and low rates of compliance. There was little consistency in approaches to implementation of the regulations across local authorities. Staff numbers

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<sup>1</sup> <http://noac.ie/wp-content/uploads/2016/11/NOAC-Private-Rented-Sector-Review.pdf>

working on inspection functions were inadequate and less than 10% of registered tenancies were being inspected each year, with rates in some local authority areas considerably lower.

These new guidelines aim to address the findings of the NOAC report and ensure standardised approaches and procedures for inspection and enforcement across all local authorities.

### **Regulatory Framework**

Regulations setting out minimum standards for rented accommodation generally were first set out in the Housing (Standards for Rented Houses) Regulations 1993. The Housing Acts 1966 to 2014 allocate responsibility to Housing Authorities for the enforcement in their areas of the regulations, prescribing minimum standards for rented accommodation.

In December 2016, the Minister for Housing, Planning and Local Government launched the *Strategy for the Private Rental Sector*. Arising out of this strategy, new consolidated regulations prescribing minimum standards for rented houses, the Housing (Standards for Rented Houses) Regulations 2017 (S.I. 17/2017), were published, with commencement on the 1<sup>st</sup> of July 2017.

The Strategy also commits to increase the resources allocated to the standards inspections and enforcements functions and to achieve an annual inspection rate of 25% of the rental stock by 2021. A national standardised approach to inspection and enforcement and to reporting on compliance will be developed. The objective is to rapidly improve poor quality accommodation so that it meets the required standards and to ensure that the quality across the rental sector is protected and improved so that tenants are provided with safe, healthy and comfortable dwellings and the sector's sustainable development into the future is secured.

### **Responsibilities of Landlords and Tenants**

Landlords are legally required to provide tenants with a property that provides a safe and healthy environment to live in. That means regularly reviewing the condition of the property and carrying out repairs when needed. Landlords are responsible for the maintenance and repair of the dwelling and the equipment provided with it, arising from the wear and tear associated with normal use

Tenants must also take responsibility for the property. They are required to exercise due care when using the dwelling and the equipment in it and to promptly inform the landlord when repairs are needed. Tenants are responsible for the repair of damage, either accidental or deliberate, that is not attributable to normal use.

Housing Authorities are responsible, through inspection, for determining whether a property meets the standards for rental accommodation and, where the property does not, for ensuring compliance through the use of improvement and prohibition notices and legal proceedings. Landlords and tenants are required to allow the Housing Authority access to the property to undertake inspections.

Where it is not clear from an inspection that a rental property is in compliance with the Regulations, the Housing Authority may require the landlord to provide such evidence as is necessary to establish that they have complied with the requirements of the Regulations.

Tenants may report suspected non-compliance with the standards to the Housing Authority, request that inspections be carried out and are entitled to be informed of the outcomes of inspection and enforcements processes.

### **Residential Tenancies Board**

The Residential Tenancies Board is the statutory body responsible for the operation of a national registration system for all residential tenancies and for all tenancies provided in the Approved Housing Body Sector. One of the core functions of the RTB is also to provide for tenants and landlords, a timely and cost effective dispute resolution service.

A tenant can take a case against their landlord regarding the standard and maintenance of a dwelling. The tenant must first write a letter to their landlord, outlining the issues, and giving them a reasonable period in which to rectify the situation. If the problem persists after the letter has been sent, they may take a case against the landlord through the RTB. Further information is available [here](#)<sup>2</sup>.

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<sup>2</sup> <https://www.rtb.ie/dispute-resolution/dispute-resolution/minimum-standards-for-rented-accommodation>

# Chapter 1 - Outline

In this document, unless otherwise stated, a reference to “Regulations” refers to the Housing (Standards for Rented Houses) Regulations 2017 (S.I. No. 17 of 2017)). This document should be read in conjunction with the Regulations.

## **Application of the Guidelines**

These Guidelines are issued by the Minister for Housing, Planning & Local Government under section 5 of the Housing (Miscellaneous Provisions) Act 2009; housing authorities are required to have regard to guidelines issued under section 5 in performance of their functions under the Housing Acts 1966 to 2014. These Guidelines replace the “*Guidelines for Housing Authorities in the implementation of Minimum Standards in Rented Accommodation*” issued in 2011.

## **Aim of Guidelines**

These Guidelines are intended to assist housing authorities, not only in the practical implementation and effective enforcement of the requirements of the Regulations, but also in providing a high quality of service to both landlords and tenants. The Guidelines should be used as a basis to facilitate authorities making decisions specific to their own particular local circumstances. Therefore, adoption by housing authorities of an approach other than that outlined in these Guidelines is not precluded, provided that the property is in compliance with the relevant requirements of the Regulations.

The Guidelines are intended to promote a standardised approach to inspections and enforcement across different housing authorities so that both landlords and tenants can expect similar inspection and enforcement practices, irrespective of their location. However, the contexts across and within housing authority areas vary widely, particularly between urban and rural areas, in terms of the type and density of rental accommodation and the profile of landlords. The Guidelines should, therefore, be used as a basis to facilitate authorities in implementing an inspections and enforcement approach that is appropriate to their contexts, is consistent with what others are doing and ensures that rental properties are in compliance with the Regulations.

These Guidelines aim to assist housing authorities and also inform landlords and tenants of the standards applicable to rented properties.



## Legal Interpretation

It should be noted that the Guidelines do not purport to be a statement or legal interpretation of the relevant sections of the Acts or of any of the Regulations made under the Acts. They are not intended as a substitute for professional legal advice.

## Application / Exemptions

Regulation 3 states that the Regulations apply to all houses which are let, or available for letting, for rent or other valuable consideration solely as a house.

However, the Regulations do not apply to the following types of property:

1. A house let or available for letting, to a person only for the purpose of conferring on that person the right to occupy the house for a holiday – i.e. holiday homes.
2. A house let or available for letting, by the Health Service Executive or an approved body as accommodation with sanitary, cooking or dining facilities provided for communal use within the building that contains the house. An approved body is defined in legislation as,
  - (a) A body standing approved of under section 6 of the Housing (Miscellaneous Provisions) Act, 1992, or
  - (b) A voluntary body standing approved of by the Minister for Health or by the Health Service Executive for the purposes of providing accommodation for elderly persons or persons with a mental health or intellectual disability.

If a housing authority is unsure as to whether or not a body is an approved body for the purposes of the Regulations, they may check the register of approved housing bodies [here](#)<sup>3</sup> for confirmation. Most approved bodies are voluntary or co-operative housing associations.

3. A house that is let, or available for letting, by a housing authority pursuant to any of their functions under the Housing Acts 1966 to 2014, and is a caravan, mobile home or a structure or a thing (whether on wheels or not) that is capable of being moved from one place to another (whether by towing, transport on a vehicle or trailer, or otherwise), for example a mobile home.

Regulation 7 sets out different requirements in relation to food preparation and storage and laundry, depending on whether the property is:

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<sup>3</sup> <http://www.housing.gov.ie/housing/social-housing/voluntary-and-cooperative-housing/register-housing-bodies-approved-status>

- (a)** A house let, or available for letting, by a housing authority under the Housing Acts 1966 to 2014 or by a housing body approved under section 6 of the Housing (Miscellaneous Provisions) Act 1992, or
- (b)** A house let or available for let by a private landlord.

# Chapter 2 – Standards Compliance

## Structural Condition

### Regulation 4 of the Housing (Standards for Rented Houses) Regulations 2017 (S.I. 17/2017): Structural Condition

#### Regulation 4:

4. (1) A house to which these Regulations apply (hereinafter referred to as “the house”) shall be maintained in a proper state of structural repair.

(2) For the purposes of Regulation 4(1) ‘a proper state of structural repair’ means sound, internally and externally, with roof, roofing tiles and slates, windows, floors, ceilings, walls, stairs, doors, skirting boards, fascia, tiles on any floor, ceiling and wall, 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 has an opening section through which a person may fall, and the bottom of the opening section is more than 1400mm above external ground level, suitable safety restrictors shall be fitted. Safety restrictors shall restrain the window sufficiently to prevent such falls.

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

The purpose of this Regulation is to ensure that the rented house is in a proper state of structural repair. Where an inspector carries out an inspection for the purpose of the Regulations and finds that the requirements set out below have all been met, this will assist in showing compliance with the Regulations.

The following will assist in showing compliance with the Regulations:

#### **Roof, Roofing Tiles & Slates:**

- 1) The roof is in a proper state of repair and not defective.
- 2) The roofing tiles or slates are properly fixed and there is no evidence of slipping.
- 3) There is no evidence of dampness or water penetration through the roof.

## Windows & Doors:

- 4) The windows are in a proper state of repair and are properly maintained.
- 5) The doors in any part of the house are not defective and are in good repair and condition.
- 6) There is no evidence of dampness or water penetration through the windows or doors.
- 7) There is no broken glass in either the windows or doors.
- 8) All windows that have an opening section through which a person may fall and the bottom of the opening section is more than 1400 mm above external ground level, suitable safety restrictors shall be fitted as per the manufacturer's instructions and be in good working order.
- 9) Safety restrictors should operate so that they limit the initial movement of an opening section to not more than 100mm. Lockable restrictors, which can only be released by removable keys or other tools, should not be fitted to window opening sections required for escape or rescue purposes (*typically windows in bedrooms and inner rooms in dwelling houses see Technical Guidance Document B - Fire Safety<sup>4</sup> for further information*).
- 10) Safety restrictors should operate so that they:
  - a) Limit the initial movement of an opening section so that a clear opening of not more than 100mm is achieved at any point;
  - b) Are releasable only by manipulation not normally possible by a child under 5 years;
  - c) Are readily identifiable and capable of being released by an adult (*without prior instruction*) on windows suitable as a means of escape in case of fire;
  - d) Re-engage automatically when an opening section is returned to the initial restricted opening position, or to a closed position (whether latched or not);
  - e) Are not lockable by a removable key or other device on windows suitable as a means of escape or rescue in case of fire.

Safety restrictors should be designed specifically to operate on the types of window on which they are to be installed (See BS 8213-1:2004 for further details).

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<sup>4</sup> <http://www.housing.gov.ie/housing/building-standards/tgd-part-b-fire-safety/technical-guidance-document-b-fire-safety>

### **Floors, Ceilings & Walls:**

- 11) The floors, ceilings or walls in any part of the house are not defective and in good repair and condition.
- 12) There is no evidence of dampness or water penetration through the floors, ceilings, or walls.

### **Interior:**

- 13) The stairs are in good repair, safe and not defective and are fitted with a handrail and guarding.
- 14) The skirting boards in any part of the house are not defective and are in good repair and condition.
- 15) The tiles on any walls, floors or ceilings in any part of the house are not defective and are in good repair and condition.
- 16) All fittings in the house are maintained in a proper state of repair and are not defective or broken.
- 17) All furnishings in the house are maintained in a proper state of repair and are not defective or broken.

### **Exterior:**

- 18) The fascia board and soffit are in a proper state of repair and not rotting or defective.
- 19) The gutters are in good repair and not defective or leaking or blocked.
- 20) The down pipes are in good repair and not defective or leaking or blocked.
- 21) The exterior of the house is maintained in good structural and decorative condition.
- 22) Prevention of ingress of vermin: Where necessary, it is a requirement that a registered competent professional pest control operative undertake any rodent or insect treatment in accordance with current legal requirements. The pest control operative shall maintain detailed records of the areas treated, the date and time of all treatments, the type and concentration of all rodenticide and insecticides used, material safety data sheets on all rodenticide and insecticides used and safety information provided to the tenant / landlord as required. Safety information should be provided to the tenant. All relevant pest management documents should be made available to the Housing Authority.

### **Gardens Yards, Paths, Driveways Fences & Common areas:**

- 23)** The common areas throughout the building are maintained in a clean and tidy condition and are not obstructed in any way.
- 24)** The gardens, yards, paths, driveways and fences are maintained in a clean and tidy condition with no accumulation of rubbish or obsolete materials abandoned vehicles, unsafe structures and the grass, tree, shrubs and other vegetation are maintained in a tidy condition.

\* It is not intended that an inspection under Regulation 4 will provide a structural assessment of a house. The only way to accurately assess the structural condition of a building is to commission a structural survey by a Chartered Structural Engineer / Building Surveyor by providing access to all areas of the building resulting in a condition report and survey of the building

The above list should not be considered as exhaustive but be used as a guide.

# Sanitary Facilities

## Regulation 5 of the Housing (Standards for Rented Houses) Regulations 2017 (S.I. 17/2017)

### Regulation 5:

5. (1) There shall be provided within the same habitable area of the house, for the exclusive use of the house:

(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 requirements of Regulation 5 (1) shall:

(i) be maintained in a safe condition and good working order,

(ii) have safe and effective means of drainage,

(iii) be properly insulated,

(iv) have minimum capacity requirements for hot and cold water storage facilities, and

(v) be provided in a room separated from other rooms by a wall and a door and containing separate ventilation.

The purpose of this Regulation relating to Sanitary Facilities is to ensure that each house has exclusive access to its own sanitary facilities and that those facilities are contained within the same habitable area of the house. This regulation also provides for a continuous supply of cold water and a facility for the piped supply of hot water to wash-hand basins, showers and baths. The room(s) containing the water closet and / or fixed bath or shower must be in a room separated from the other rooms in the house by a wall and door, and must contain adequate ventilation (*See also Regulation 6 for heating in bathrooms and shower rooms and Regulation 8 for ventilation requirements for bathrooms*).

The following will assist in showing compliance with the Regulations:

1. There is a water closet, with a dedicated wash hand basin adjacent thereto with continuous supply of cold water and a facility for the piped supply of hot water, all in good working order.

2. There is a bathroom containing either a fixed bath or shower with a continuous supply of cold water and a facility for the piped supply of hot water, all in good working order.
3. The room(s) listed at 1 and 2 above are within the house.
4. The room(s) listed at 1 and 2 above are separated from adjacent rooms or spaces by a wall with a door.
5. The room(s) listed at 1 and 2 above have separate means of ventilation.
6. There is adequate supply of hot and cold water and storage capacity where necessary.
7. The drains serving the house including the wash hand basins, sinks, baths, showers and toilets allow waste to flow freely.
8. The facilities at 1 and 2 are properly insulated and secured.



# Heating Facilities

## Regulation 6 of the Housing (Standards for Rented Houses) Regulations 2017 (S.I. 17/2017)

### Regulation 6:

6. (1) Every room used, or intended for use, by the tenant of the house as a habitable room, and any bathroom, or shower-room shall contain a permanently fixed:

- (a) heat emitter,
- (b) heat distribution system, or
- (c) heat producing appliance,

capable of providing effective heating.

(2) Every room referred to in Regulation 6(1) shall 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 referred to in Regulation 6(1)(c) 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) The operation of any:

- (a) heat emitter,
- (b) heat distribution system, or
- (c) heat producing appliance

as referred to in Regulation 6(1) shall be capable of being independently manageable by the tenant.

(5) All appliances under Regulation 6(1) shall be maintained in a safe condition and in good working order and good repair.

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

The purpose of this regulation is to ensure that each habitable room in the house has a fixed appliance or appliances, which are capable of providing effective heating. The operation of such appliances must be capable of being independently manageable by the tenant.

One of the main effects of this regulation is that central heating systems centrally controlled by a landlord are not permissible. The Regulations also provide that there must be provision for the safe and effective removal of fumes to the external air (*See also Regulation 8 for ventilation requirements*).

The following will assist in showing compliance with the Regulations:

1. The heat emitter, heat distribution system, or heat producing appliance is capable of being independently managed by the tenant.
2. The heat emitter, heat distribution system, or heat producing appliance is capable of providing effective heat.
3. The heat emitter, heat distribution system, or heat producing appliance is in working order and is serviced and maintained in accordance with manufacturer's guidelines and current standards.
4. The heat producing appliance has an adequate supply of air to it for combustion and for the efficient working of any flue pipe or chimney. The heat producing appliance has adequate provision for the discharge of the products of combustion to the outside air.
5. Carbon monoxide alarms should be provided in accordance with [Technical Guidance Document J](#)<sup>5</sup>. Where open flued or flueless appliances (*i.e. where combustion air is taken from the room, for example an open fire, gas fire, wood burning stove, Gas or Oil boilers that are not balanced flued (this list is not exhaustive)*) it requires the provision of a carbon monoxide alarm in the room where the appliance is located and either inside each bedroom or within 5m (16ft) of the bedroom door. They should be installed as per the manufacturer's instructions and each alarm should be in working order and be within its 'end of life' indicator.
6. Carbon monoxide alarms should:
  - (a) Comply with I.S. EN 50291- 1:2010 / A1:2012;
  - (b) Incorporate a visual and audible indicator to alert users when the working life of the alarm is due to pass; and
  - (c) The manufacturer should have third party certification confirming compliance with the standard.

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<sup>5</sup> <http://www.housing.gov.ie/housing/building-standards/tgd-part-j-heat-producing-appliances/technical-guidance-document-j-heat-0>

The carbon monoxide alarm may give an end of life indication in accordance with the following criteria:

1. Powered by a non-replaceable (sealed) battery unit where the battery life does not exceed the life of the sensor;
2. Powered by mains electricity (not plug in type) where a timer is included to indicate the end-of-life of the unit;
3. Powered by a replaceable battery where a timer is included to indicate the end-of-life of the unit.

# Food Preparation and Storage and Laundry

## Regulation 7 of the Housing (Standards for Rented Houses) Regulations 2017 (S.I. 17/2017)

### Regulation 7:

7. (1) Notwithstanding paragraph (4), paragraphs (2) and (3) shall not apply where the house is let or available for letting by a housing authority under the Housing Acts 1966 to 2014 or by a housing body approved under Section 6 of the Housing (Miscellaneous Provisions) Act 1992.

(2) Subject to paragraph (1), there shall be provided, within the same habitable area of the house, for the exclusive use of the house:

(a) 4 ring hob with oven and grill,

(b) Suitable facilities for the effective and safe removal of fumes to the external air by means of a cooker hood or extractor fan,

(c) Fridge and freezer or fridge-freezer,

(d) Microwave oven,

(e) 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 house and a facility for the piped supply of hot water, and an adequate draining area,

(f) Suitable and adequate number of kitchen presses for food storage purposes,

(g) Washing machine, or access to a communal washing machine facility within the curtilage of the building, and

(h) Where the house does not contain a garden or yard for the exclusive use of that house, a dryer (vented or recirculation type) or access to a communal dryer facility.

(3) All facilities under Regulation 7(2) shall be maintained in a safe condition and in good working order and good repair.

(4) Responsibility for maintenance of facilities under Regulation 7(2) shall rest with the landlord.

(5) Where a house is let or available for letting by a housing authority under the Housing Acts 1966 to 2014 or by a housing body approved under Section 6 of the Housing (Miscellaneous Provisions) Act 1992, there shall be provided, within the same habitable area of the house, for the exclusive use of the house:

(a) facilities for the installation of cooking equipment,

(b) Sink, with a piped supply of potable cold water taken directly from the service pipe supplying water from the public main or other source to the building containing the house and a facility for the piped supply of hot water, and an adequate draining area,

(c) Suitable facilities for the effective and safe removal of fumes to the external air by means of a cooker hood or extractor fan, and

(d) Suitable and adequate number of kitchen presses for food storage purposes.

This regulation requires that each house be provided with adequate facilities for the hygienic storage, preparation and cooking of food. Each house shall have sole and exclusive access to these facilities within the same habitable area of the house and with the exception of laundry facilities, sharing of these facilities between different lettings (houses) is not permitted. The purpose of the regulation is to ensure that modern cooking, cleaning and storage facilities are available to all tenants. Houses must have access to a laundry washing machine or to a communal facility for washing laundry. Where the house does not have the exclusive use of a garden or yard, a laundry dryer (vented or circulation type) or access to a communal laundry drying facility, must be provided.

The following will assist in showing compliance with the Regulations:

**Food preparation:**

1. There is a four ring hob, an oven and a grill.
2. There is a suitable facility for the removal of fumes to the external air by means of a cooker hood or extractor fan.
3. A fridge and freezer or fridge-freezer is supplied. An icebox in a fridge will not suffice as a freezer for the purpose of the Regulations.
4. A microwave oven is supplied.

5. There is a potable cold water supply to the kitchen sink taken direct from the service pipe supplying water from the public main or other potable source to the building containing the house and a facility for piped supply of hot water, and an adequate draining area.

**Storage:**

6. There is a reasonable amount of storage cabinets for food and separately for non-food items (e.g. cleaning products) for the number of people living in the house.

**Laundry:**

7. There is a laundry washing machine or access to a communal laundry washing machine facility within the curtilage of the building.
8. Where the house does not have a garden or yard for the exclusive use of that house, a laundry dryer or access to a communal laundry drying facility must be provided.
9. All of the above requirements must be in good working order and repair and be maintained by the landlord.

# Ventilation

## Regulation 8 of the Housing (Standards for Rented Houses) Regulations 2017 (S.I. 17/2017)

### Regulation 8:

8. (1) Every room used, or intended for use, by the tenant of the house as a habitable room shall have adequate ventilation.

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

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

The purpose of Regulation 8 is to ensure that all houses are adequately ventilated and that all means of ventilation is maintained in good repair and working order.

The following will assist in showing compliance with the Regulations:

### Kitchens:

1. The room containing a kitchen (of more than 6.5m<sup>2</sup> in floor area) has a wall or window ventilation opening.
2. The ventilation opening must have a minimum sectional area of 6500mm<sup>2</sup> and opening directly to the external air.
3. The room containing a kitchen (of more than 6.5m<sup>2</sup> in floor area) must have an openable window section or door directly to external air. In a kitchen of less than 6.5 m<sup>2</sup> in area, which does not contain an openable window to the external air, the mechanical extract ventilation should include an automatic 15 minutes over-run and provision should be made for air supply via a 10mm gap under the door or equivalent. \*
4. The area of the openable section of the window must be a minimum of 1/20th of floor area.

### Bathrooms:

5. In each bathroom / water closet cubicle, where there is an openable window or door to the external air, the opening section must be a minimum 1/20th of floor area.

6. In each bathroom / water closet cubicle, where there is no openable window there must be a mechanical extraction vent unobstructed or passive stack vent with humidity control, in working order. The mechanical extraction vent must have 15 minutes overrun and include provision for air supply by means of a 10 mm gap under the door or equivalent.

#### **Habitable Rooms:**

7. In each habitable room there must be an openable external window / door.
8. The openable section of the window/door must be a minimum of 1/20th of the floor area.
9. In each habitable room there should be a wall or window ventilation opening.
10. In each habitable room the wall / window ventilation opening must be unobstructed.
11. The ventilation opening must provide a minimum sectional area of 6500mm<sup>2</sup> and opening to the external air.

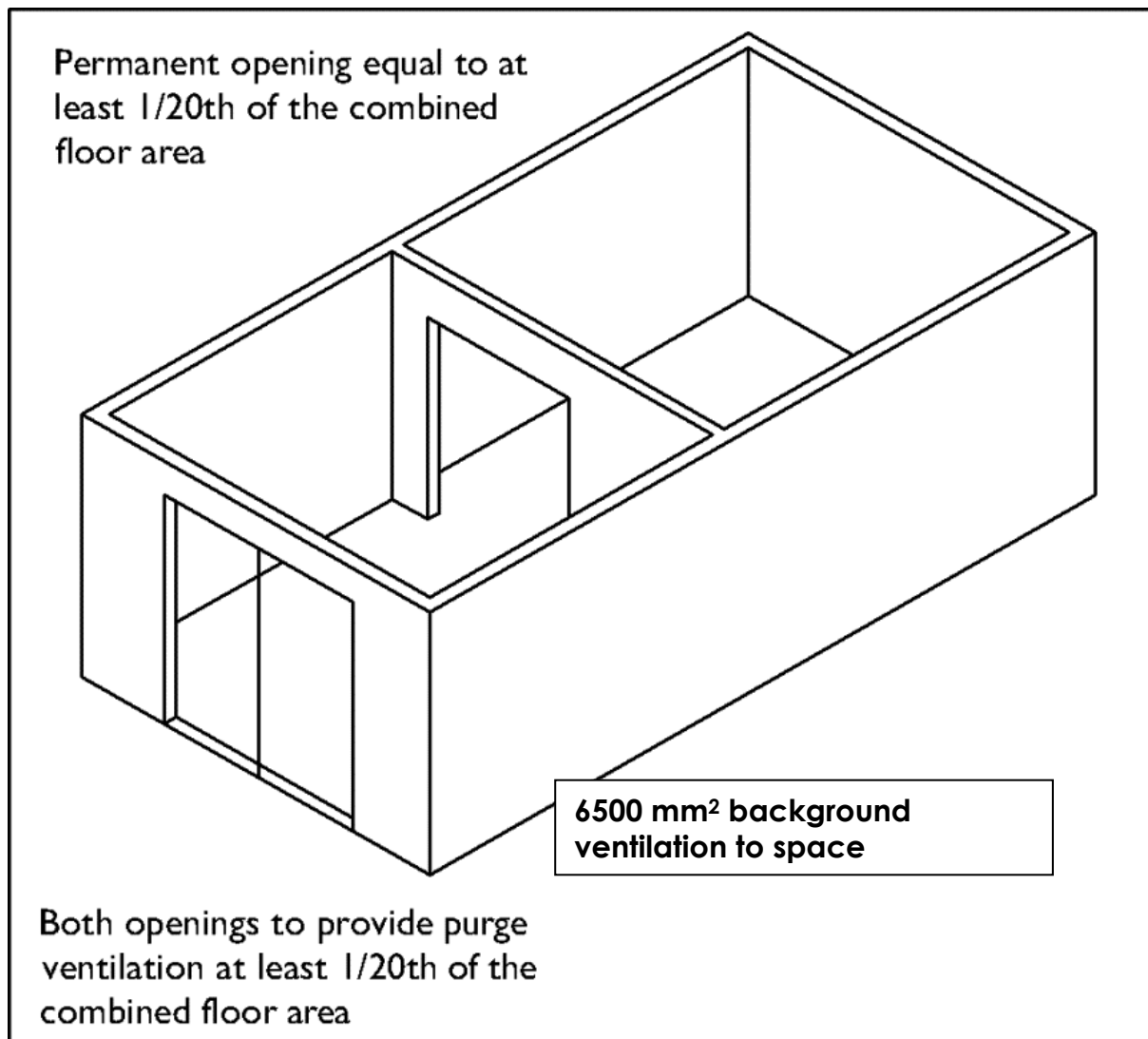
#### **\* Ventilation of Habitable Rooms through other rooms and spaces:**

Two habitable rooms may be treated as a single room for ventilation purposes if there is an area of permanent opening between them equal to at least 1/20th of the combined floor areas (see Diagram).

There must be a permanent opening between the two rooms equal to 1/20th of the combined floor area for the two rooms to be considered as one. The "other" room must have provision for rapid ventilation equal to at least 1/20th of the combined floor area and 6500 mm<sup>2</sup> background ventilation.



## Two rooms treated as a single room for ventilation purposes



# Lighting

## Regulation 9 of the Housing (Standards for Rented Houses) Regulations 2017 (S.I. 17/2017)

### Regulation 9:

9. (1) Every room used, or intended for use, by the tenant of the house as a habitable room, shall have adequate natural lighting.

(2) Every hall, stairs and landing within the house, and every room used, or intended for use, by the tenant of the house shall have a suitable and adequate means of artificial lighting.

(3) The windows of every room containing a bath or shower and a water closet shall be suitably and adequately screened to ensure privacy.

Regulation 9 ensures that all habitable rooms have natural lighting and that all rooms have an adequate means of artificial lighting. It is not necessary under the Regulations that halls, stairs and landings have natural lighting but they should have adequate artificial lighting. For safety reasons, all multi-unit buildings must be provided with emergency lighting in all common areas (see *Regulation 10 - Fire Safety*). The windows of bathrooms / shower rooms must be screened to ensure privacy.

The following will assist in showing compliance with the Regulations:

1. There is adequate natural lighting in all habitable rooms.
2. There is adequate artificial lighting for the circulation routes and all rooms used or intended for use by the tenant.
3. There is adequate artificial lighting in all common areas.
4. Any window in the room containing a bath and / or shower and a water closet is adequately screened, e.g. by a blind or by means of frosted glass.

# Fire Safety

## Regulation 10 of the Housing (Standards for Rented Houses) Regulations 2017 (S.I. 17/2017)

### Regulation 10:

10. (1) Each house shall contain a suitable self-contained fire detection and alarm system.
- (2) Each house shall contain a suitably located fire blanket.
- (3) Each self-contained house 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 Regulation 10(4) and 10(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 2 or more houses that share a common access.

Regulation 10 provides for improved fire safety measures in rented accommodation. It distinguishes between houses in multi-unit buildings and houses not forming part of a multi-unit building.

The following will assist in showing compliance with the Regulations:

### **Single Houses:**

1. There is a suitably located smoke alarm in the ground floor hallway (or room in open plan design) and each upper floor landing of the stairway.
2. Smoke alarms are either mains-wired with battery back-up or 10-year self-contained battery operated.

3. Each smoke alarm must carry the CE mark and comply with I.S. EN 14604:2005 Smoke Alarm Devices and should be installed as per the manufacturer's instructions.
4. Each smoke alarm should be in working order and be within its 'end of life' indicator.
5. There is a fire blanket in the house located in the kitchen. The fire blanket must be securely wall mounted in a prominent location and provided with clear instructions on its use. The fire blanket should be a light duty blanket, complying with IS 415:1988. Preferably, the fire blanket should be 1.2m by 1.8m in size.

### **Multi-Unit Buildings:**

6. Each house in a multi-unit building has a smoke alarm located as per the guidance for a single house above.
7. There is an emergency evacuation plan displayed in each house.
8. A notice containing the following information, should be displayed in each house:
  - a) The action to be taken in the event of fire, discovering a fire or hearing the fire alarm.
  - b) The procedure for calling the fire brigade.
  - c) A floor plan of the building providing the following information:
    - The location of all relevant escape routes from the building.
    - The location of fire alarm call points (break glass units) and fire alarm control panel.
    - The location of fire fighting equipment in the building.
9. In each multi-unit building there is a suitable common fire detection and alarm system in the building. The common fire detection and alarm system in the building should consist of a control panel with suitably located smoke detectors and sounders at each level of the stairway and in each circulation space and a heat detector and sounder inside each unit within the building, located in the entrance hallway, where provided.
10. There is a manual fire alarm call point (break glass unit) at each floor level and at each final exit from the building.
11. The fire detection and alarm system should meet the requirements of a Type L3X system installed and maintained in accordance with I.S. 3218:2013.
12. The common areas in a multi-unit building are provided with an emergency lighting system installed and maintained in accordance with I.S 3217:2013. Emergency lighting should be provided throughout all common escape routes, i.e. corridors, lobbies and stairways.

**13.** There is a fire blanket located in the kitchen in each house in a multi-unit building. The fire blanket must be securely wall mounted in a prominent location and provided with clear instructions on its use. The fire blanket should be a light duty blanket, complying with IS 415:1988. Preferably, the fire blanket should be 1.2m by 1.8m in size.

\* Certain wireless or radio controlled fire alarm systems may be found to comply with the Regulations where they comply with I.S. 3218:2013 Fire Detection and Fire Alarm Systems for Buildings - System Design, Installation, Servicing and Maintenance. The landlord may be required to provide such evidence as is necessary to establish that any fire alarm system is in compliance with I.S. 3218:2013.

# Refuse

## Regulation 11 of the Housing (Standards for Rented Houses) Regulations 2017(S.I. 17/2017)

### Regulation 11:

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

The “Sustainable Urban Housing: Design Standards for New Apartments” document published by the Department in September 2007 addressed the issue of refuse storage, recommending that adequate provision be made for the storage and collection of waste materials. This Regulation requires that each house must have access to suitable pest and vermin-proof refuse storage facilities.

### The following will assist in showing compliance with the Regulations:

1. There is suitable and adequate, pest and vermin proof refuse storage facilities available for each house.
2. Where there is more than one house in the building, these facilities can be provided individually for each house or a communal facility can be provided for the building, provided it is suitable and adequate to collect and store the refuse in an appropriate manner between collections.
3. This Regulation does not place an obligation on landlords to pay a tenant's refuse charges. The disposal of refuse remains the responsibility of the tenant unless otherwise provided for in a tenancy agreement. However, the landlord should ensure that the regulation in relation to refuse storage is complied with, either through providing the facilities or through ensuring, contractually if necessary, that the tenant, or management company where applicable, provides them.

# Gas, Oil and Electricity Installations

## Regulation 12 of the Housing (Standards for Rented Houses) Regulations 2017(S.I. 17/2017)

### Regulation 12:

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

Regulation 12 provides that all gas, oil and electricity installations be maintained in good repair and safe working order. It also provides that there must be, where necessary, provision for the safe and effective removal of fumes to the external air (See *Regulation 8 - Ventilation*).

The presence of one or more of the following may assist in assessing compliance with this Regulation:

1. A current Periodic Inspection Report by a Safe Electric registered electrical contractor for the electrical installation in the house. The result of the tenancy inspection report shall show a standard which requires that “no remedial work is required”.
2. A current Declaration of Conformance with IS 813:2014<sup>6</sup> Annex E Safety Check inspection by a Registered Gas installer for the gas installation in the house.
3. A current Periodic Inspection Report<sup>7</sup> from a suitably competent person (e.g. OFTEC registered technician) that the oil installation in the house is safe and in proper working order.

The presence of such reports is neither a requirement for compliance nor a demonstration of compliance. It is the responsibility of the inspecting official, on the basis of their inspection, to form an opinion on whether the installation being inspected meets the standard outlined in Regulation 12.

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<sup>6</sup> Irish Standard for Domestic Gas Installation 813:2014 is issued by the National Standards Authority of Ireland (NSAI)

<sup>7</sup> A CD/11 and TI/133D report from an OFTEC registered technician.

# Information

## Regulation 13 of the Housing (Standards for Rented Houses) Regulations 2017 (S.I. 17/2017)

### Regulation 13:

13. Sufficient information shall be provided to the tenant about the rented property, the fixed building services, appliances and their routine maintenance requirements so that the occupant can operate them correctly.

The following will assist in showing compliance with this Regulation:

The tenant is provided with documentation detailing:

1. Location of all fixed services control points in the property:
  - a) Mains water stop valve.
  - b) Electrical distribution board.
  - c) Gas and Oil shut-off / isolation valves.
2. Instruction manuals or an electronic link to instruction manuals for all appliances that are provided in the house as part of the tenancy, including:
  - a) Electrical appliances.
  - b) Alarm system & code.
  - c) Fire detection and alarm system (where necessary).
3. Emergency contact numbers for landlord and / or letting agent.
4. Operation of heating system.
5. Residential Tenancies Board contact details.
6. Housing Authority contact details.



# Definitions

- Common Areas: Common areas, such as access stairs, landings and corridors serving more than one dwelling, works and services, such as laundry, parking or refuse storage facilities that pertain to houses and available for use by the tenants and that are in the ownership or under the control of the landlord.
- Emergency Lighting: Lighting provided for use when the power supply to normal lighting fails.
- Fridge-Freezer: An upright unit comprising of a separate refrigerator and freezer.
- Habitable Room: Room used for living or sleeping purposes but does not include a kitchen having a floor area of less than 6.5 square metres, a bathroom, toilet or shower-room.
- House: Any building or part of a building used or suitable for use as a dwelling and any out office (shed), yard, garden or other land belonging to the building and usually used by the occupants.
- Landlord: The person for the time being entitled to receive (otherwise than as agent for another person) the rent paid in respect of a house by the tenant thereof.
- Multi-Unit Building: A building containing 2 or more dwellings and using a common entrance.
- Passive Stack Ventilation: A ventilation system using ducts from high level locations within rooms to terminals on or above the roof, which provides a flow of air as a result of the natural stack effect, i.e. the movement of air due to the difference in temperature between inside and outside, and the effect of wind passing over the roof of the dwelling.
- Tenant: The person for the time being entitled to the occupation of a house under a tenancy.
- Tenancy: The contract established by letting and renting a dwelling, including a periodic tenancy and a tenancy for a fixed term, whether oral or in writing or implied.
- Circulation Space: A space (including a stairway) mainly used as a means of access between a room and an exit from the building.

- Inner Room: A room from which escape is possible only by passing through an access room.
- Smoke Alarm: A smoke alarm is a stand-alone device with built in power supply (typically battery or mains electric with battery backup), a smoke detector, and alarm sounder.
- Smoke Detector: An automatic fire detector sensitive to particulate products of combustion and /or pyrolysis suspended in the atmosphere (aerosols).
- Heat Detector: An automatic fire detector which responds to an increase in temperature.
- Sounder: An electrical, electronic or mechanical device which generates an audible output.

# Chapter 3 - Good Practice and Implementation

## Strategic Vision

The first step in developing a programme of activity is to develop a strategic plan which should outline the housing authority's approach, identify inspection requirements, and outline how the authority will respond to complaints, plan inspections and set targets.

### Good Practice Recommendation No.1

#### Develop a Housing Management Policy Statement

Local Authorities should develop and produce a Housing Management Policy Statement which should address the following issues:

- A statement that the local authority is committed to fulfilling its responsibilities with regard to rented accommodation.
- Customer Service:
  - Procedures for tenants in both the social and rented sectors to make a complaint pursuant to the standards' regulations.
  - Procedures for receiving, recording and investigating these complaints; which should also address follow-up inspections and enforcement.
  - Procedures for monitoring and evaluating performance of this service.
- An inspection plan should be prepared for pre-determined periods (quarterly and annual), aligned with timeframe for statistical returns and reporting on inspection and enforcement activity and rates of compliance, which should set out:
  - Aims and objectives of activity to be undertaken,
  - Human and financial resources available,
  - Sources of information to be used,
  - Number and type of inspections to be conducted, and
  - Particular priorities to be pursued in the period.

## **Good Practice Recommendation No.2**

### **Identify Inspection Requirements**

Local authorities should engage with both internal and external stakeholders to identify inspection requirements and to formulate the aforementioned plans, which should include but not be limited to, the following:

- Staff in RAS and HAP units should request inspections as part of the process of transferring tenants into these schemes.
- The RTB may request inspections as part of their dispute resolution processes.
- Tenants or management companies may make complaints regarding standards and request inspections.

It should be noted that planned inspections can be disaggregated into three types:

- Inspections requested by the above stakeholders,
- Inspections of properties deemed by the local authority to be 'at risk' on the basis of critical assessment of the available data, and
- Inspections planned to ensure all rental properties are periodically inspected

Each local authority should attempt to work through the stock of rented properties on a systematic basis and also target specific concentrations of rented properties (e.g. older, 'at risk' properties in dilapidated areas) during each reporting period.

## **Good Practice Recommendation No.3**

### **Ensure Responsiveness to Complaints**

Local authorities should have in place:

- A clear, simple and easy-to-use system for receiving and recording complaints from tenants in the private and social rented sectors.
- A dedicated email address for making complaints to the local authority.

The complaints process should be supported by mechanisms for ensuring timely inspections on foot of complaints and for keeping the complainant apprised of both the outcome and action(s) to be taken at each stage of the process.

Local authorities should set maximum response times, formally acknowledge complaints and notify complainants of inspections and outcomes

## **Good Practice Recommendation No.4**

### **Balance Planned Inspections with Response-Based Activity**

As has been seen, there are broadly speaking three forms of inspections, as follows:

- Planned periodic inspections,
- Planned and periodic inspections to address the risk profile of each locality.
- Response-based inspections undertaken on foot of complaints received from tenants or requests from other stakeholders.

As the programme of inspections is rolled out, local authorities should endeavour to combine both planned and response-based activity. This requires a degree of flexibility with regard to the use of resources and a readiness to monitor and update plans on an ongoing basis.

## **Good Practice Recommendation No.5**

### **Identify and Prioritise Targets for Each Reporting Period**

The DHPCLG requires each local authority to set an annual target for inspection activity. It is recommended that the annual total be broken down on a quarterly basis with targets set, and adjusted as appropriate.

### **Take Steps to Target Inspection Resources**

In the first instance, accessing comprehensive information will allow a local authority to quantify the full extent of the rented sector within its operational area. By endeavouring to collect and collate information from a variety of sources, a local authority can ensure that, insofar as is possible, resources are targeted at those tenancies with the highest probability of being 'at risk' (e.g. older properties) due to sub-standard accommodation.

In doing so, the extent to which lower priority inspections are undertaken can be minimised (e.g. inspecting newer units).

Under the Residential Tenancies Acts, a local authority can request information from the Residential Tenancies Board to assist with its inspection activities.

## **Good Practice Recommendation No.6**

### **Pursue Targeted Inspection Activities**

The effective use of information is integral to the strategic management of the work undertaken and will underpin the capacity of any local authority to target inspections on the basis of need.

Much of the information required will be provided by internal and external stakeholders whose inspection requirements each local authority should endeavour to fulfil.

**Table 1**

**Suggested National and Local Sources of Information to Inform the Planning Process**

<b>National</b>	<b>RTB database on registered tenancies.</b> <b>Statistical information provided by the Central Statistics Office (CSO) which identifies concentrations of older properties.</b> <b>DSP database of short and long-term Rent Supplement claimants.</b> <b>(as made available by the DHPCLG under RAS).</b> <b>Housing Assistance Payment scheme</b> <b>Housing condition surveys published by central government agencies.</b>
<b>Local</b>	<b>Complaints received from tenants.</b> <b>Local authority housing applications.</b> <b>Rent Supplement cases referred by local CWOs.</b> <b>Local knowledge including the views of Council staff and CWOs.</b> <b>Internal records regarding outcomes of previous inspections.</b>

Note: The Social Welfare Consolidation Act 2005 allows for the exchange of data with local authorities in relation to rented accommodation. It may be necessary to include a declaration on the local authority housing application forms, stating that the information provided can be used for the enforcement of the standards.

These information sources should be used to inform the conduct of response-based activity, in addition to planned inspections. The latter includes both targeting those deemed to be 'at risk' (e.g. a high probability of sub-standard accommodation) and inspections required to fulfil the other housing service responsibilities (e.g. HAP and RAS).

As roll-out of inspection activity proceeds, consideration should be given to moving beyond these conventional sources and developing more innovative methods of gathering information on the presence of rented and / or sub-standard rented properties in each locality which should include the following:

- Monitoring property to let advertisements in the local media and online,
- Monitoring dispute outcomes from the Residential Tenancies Board [here](#)<sup>8</sup>,
- Monitoring the incidence of residential developments with unusually high vacancy rates in both the private and social rented sectors,
- Monitoring sales and lettings of properties at less than the market rate in both social and private residential developments, and
- Liaising with staff in relevant local organisations including, but not limited to, voluntary and co-operative housing associations, Threshold, integrated local development companies and urban-based partnerships, regeneration boards, Public Health Nurses (PHNs), Juvenile Liaison Officers (JLO) and Home-School-Community Liaison (HSCL) and School Completion Programme (SCP) Co-ordinators.

### **Deliver Added-Value to Stakeholders**

Each local authority should endeavour to develop a strategy for promoting its work so as to raise public awareness.

### **Good Practice Recommendation No.7**

#### **Develop Communication Strategies for All Stakeholders**

It is an important element that inspection activity is promoted and that related information is available in order to:

- Create public awareness that the local authority is conducting inspections in the locality,
- Inform both landlords and tenants of their rights and responsibilities, and
- Inform tenants of the procedure(s) in place for making a complaint to the local authority and to the Residential Tenancies Board.

The Residential Tenancies Board provides information leaflets to both [landlords](#)<sup>9</sup> and [tenants](#)<sup>10</sup> in relation to their respective rights and responsibilities.

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<sup>8</sup> <https://www.rtb.ie/dispute-resolution/prtb-dispute-outcomes>

<sup>9</sup> <https://www.rtb.ie/landlords/rights-responsibilities-obligations>

<sup>10</sup> <https://www.rtb.ie/tenants/rights-responsibilities-obligations>

## **Good Practice Recommendation No.8**

### **Develop Procedures to Ensure Follow-up Inspections and Enforcement**

When an inspection has been conducted, this should be followed with correspondence to both the tenant and landlord informing him / her of the outcome of the inspection.

Where the property has been found to be non-compliant with the standards, this correspondence should clearly state the following:

- Those article(s) of the Regulations that have been breached,
- A description of the problems identified and instructions regarding necessary remedial works,
- A timeframe for completion of these works and a time / date for follow-up inspection,
- Information on tax relief available for expenditure incurred in upgrading the property, and
- A description of the applicable penalties for any failure to comply with the above.

Where a property has been found to be in breach of the Regulations, inspection staff must ensure that, insofar as is possible, follow-up inspections are conducted within a reasonable timeframe. Given that most landlords can be expected to be co-operative, officials should endeavour to work with property owners in pursuit of improving the accommodation in question. However, where unco-operative landlords are encountered, officials should be consistent in pursuing follow-up inspections and enforcement.

As a last resort, a local authority must be prepared to pursue consistent offenders through enforcement in the courts. In order to successfully prosecute, it is essential that each case file is fully and accurately maintained and that comprehensive records of all inspection reports and correspondence is kept up to date. If necessary, inspection staff should consult with their Law Agent to determine his / her information requirements and ensure that these are fulfilled in every case.

Where an inspection has been conducted, inspectors should check for registration with RTB and refer cases to the Board where they suspect non-registration of the tenancy.

### **Manage Resources Effectively**

Each local authority should ensure that it has sufficient resources, human and financial, to deliver the planned service effectively.



## **Good Practice Recommendation No.9**

### **Identify Resource and Training Requirements**

Broadly speaking, there are three sources of financial funding available to support inspections. These include funds provided by the RTB, funds provided by the local RAS unit and funds provided by the local authority itself from internal receipts. It is essential that the inspection staff explore the availability of funds under all categories as a part of the planning and implementation processes.

There are a number of possible models to follow for staffing the inspections team. The decision on which model to adopt is a matter for each local authority. Some local authorities outsource this service to HSE Environmental Health Inspectors (EHIs) in their region, whilst others use local authority personnel (e.g. Building Regulations Inspectors). In terms of the former, it is advisable that the local authorities enter into a standard service level agreement that will address certain factors, including the number of staff to be deployed, the number of inspections to be conducted and the reporting and supervisory arrangements to be instituted.

Once staff are appointed, each local authority should put in place appropriate structures, including the following:

- Relevant training in the conduct of inspections and related considerations, e.g. relevant legislative factors, customer service, reform programmes and interagency working.
- Opportunities for networking and professional advancement and peer learning with other local authorities.
- Measures to support the health and safety of staff, including training on how to address intimidation and manage stress.

## **Good Practice Recommendation No.10**

### **Develop Data Capture and Management Systems**

Data management is an important feature in the management of deployed resources. Information on all aspects of the inspection processes must be recorded on standardised forms and consistently applied by all staff. This must be supported by a management.

Information and Communication Technology (ICT) solutions should be developed and embedded to ensure that this information can be collected, collated and maintained. The use of mobile technologies should be advanced to replace paper based inspection

recording and reporting to streamline data management, communication with other services and initiation of enforcement measures.

### **Good Practice Recommendation No.11**

#### **Use Data to Improve Evaluation and Learning Outcomes**

As part of the strategic management of any activity, the collection and analysis of data plays a key role. As a first step, performance monitoring should be implemented by measuring actual activity levels (e.g. volume and type of inspections). These should be compared to the targets set for each period to assess the extent to which expected levels of performance were attained.

Local authorities should also consider evaluating:

- Its own performance with regard to the number of complaints received versus the number of complaints addressed,
- The average length of time taken to respond to the complainant in any given period, and
- The time elapsed between initial and follow-up inspections.

Management should endeavour to 'learn' from these assessment outcomes, for example:

- Where targets are not being achieved: Why has this occurred? Have unforeseen obstacles emerged? Have sufficient resources been deployed? Are realistic targets being used?
- Where targets are being surpassed: Why has this occurred? Is the targeted level of activity too low? Are excessive resources being made available vis-à-vis expected outputs?
- Applying the learning: How can these lessons be applied to the formulation of future plans? Should targets be revised? Should more resources be deployed? etc.

# Chapter 4 - Conducting Effective Inspections

## Introduction

This section focuses on the steps that should be taken to ensure that inspection activity – i.e. actual implementation of the plan – is conducted effectively. It emphasises the need for staff to be clear on their respective roles and responsibilities and the value of working with the tenant, where appropriate. It also identifies the importance of using checklists and standardised forms to maximise effectiveness of the defect diagnosis process. Finally, it recommends that well-developed internal lines of communication are instituted so that information is shared with other local authority housing management services.

The first step in implementation of the inspection plan is to ensure inspection staff are used to best effect. Local authorities must seek to ensure that sufficient expertise is available to enable inspections to be conducted effectively and pursuant to the current Regulations. Once staff are in place, the methodology used to diagnose defects in a property must be reviewed. Each local authority should endeavour to develop an easy-to-use, step-by-step approach for staff to follow. This involves making arrangements for staff to use standardised forms and for results of inspections to be shared internally.

## Good Practice Recommendation No.12

### **Staffing Considerations and the Role of Technical and Non-Technical Staff**

When implementing the inspection plan, it will be necessary for each local authority to decide on the number of staff to be allocated to this work. It is important that management work with staff to develop the skills and competencies necessary to ensure the following:

- Define lines of supervision and ensure all staff are clear about their roles and responsibilities.
- Monitor levels of staff turn-over in order to assess whether personnel or human resource difficulties arise and put procedures in place to ensure such turn-over does not create difficulties (for example, process mapping, standard operating procedures, etc.).
- Consider the merits of multi-disciplinary working where inspection staff co-ordinate their work with other local authority housing officials in addition to reporting of sub-standard accommodation to CWOs, (for example, planning inspectors, fire officer etc.).

Technical expertise is required for undertaking inspections. Without this, landlords and tenants will lack confidence in the inspections process and enforcement measures may be undermined. The roles and competency requirements for inspection staff should be explicitly stated and measures put in place to ensure that they are met.

### **Good Practice Recommendation No.13**

#### **Support Tenant Participation**

Inspectors are advised to have an initial discussion with the tenant where possible, affording them the opportunity to outline any defects they are aware of. Similarly, inspections should close with a final discussion with the tenant where the inspector can clarify any points on which he / she is unsure.

However, inspection staff must not record tenants' statements as their own. Where the tenant refers to a defect, the inspector must seek to identify it for him/herself before it is recorded.

#### **Establish a Framework for the Conduct of Inspections**

As part of the inspection process, a framework for the conduct of the inspection should be instituted. This should facilitate staff in the consistent application of inspections, with features such as the use of checklists and standardised forms.

Working relationships should also be formed with relevant sections within the local authority to enable information on the outcome of inspections to be communicated internally (for example, with RAS and HAP teams, planning, fire etc.).

### **Good Practice Recommendation No.14**

#### **Take Steps to Ensure Effective Defect Diagnosis**

A number of key principles to follow when undertaking an inspection include:

- Be accurate and precise.
- Be truthful.
- Listen to the tenant.
- Work methodically.
- Take your time.
- Don't get distracted.
- Don't damage the property or contents.
- Everything does not necessarily need to be inspected.
- Don't worry if you can't diagnose the cause of defects.

It is important inspection staff have access to appropriate equipment during an inspection. These range from the basics (e.g. torches) to more sophisticated items (e.g. damp meters and cameras).

During an actual inspection, it is important staff are methodical, careful and systematic. Every room and space should be considered for inspection.

Where a series of inspections are being conducted in an apartment complex, it may be necessary for inspection staff to make contact with a representative of the Management Company, if one is in place.

In a small number of cases, local authority officials will be required to inspect properties that are deemed to be protected structures. Under the terms of the Planning and Development Act 2000, each local authority is obliged to maintain a record of structures which form '*part of the architectural heritage and which are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest*'. Where there is concern that a given property is a protected structure, this record should be consulted in order to verify the position. The fact that a building is a protected structure does not mean that it is exempt, but should be borne in mind when making recommendations with regard to any improvement works required.

### **Good Practice Recommendation No.16**

#### **Maximise Consistency through Use of Standardised Forms and Reporting**

At present, most local authorities have developed inspection forms and reports based around the current Regulations. This lack of uniformity allows for differing application of the standards across local authorities and between the individual staff within a given local authority.

It is recommended that each local authority adopt a broadly standardised inspection form. An example is included in Appendix A. It is important that this form is used nationwide to ensure consistency.

Finally, when designing and using an inspection form, local authority staff should attempt to capture useful additional information, including:

- Tenant and landlord / agent contact details,
- Property type,

- Number of occupants,
- Registration of the property with the RTB,
- Provision of a rent book or an alternative record of rent amounts and payments, and
- Number of bedrooms.

### **Good Practice Recommendation No.17**

#### **Develop an Integrated System of Internal Communications**

It is important that the value of each inspection to the local authority, the tenant and the community in general is maximised through the communication of inspection outcomes to other housing management services. This will ensure that each section has access to all relevant information held by the local authority and will enable each section to take appropriate corrective action.

Where staff conduct an inspection of a social rented tenancy and examples of non-compliance with the standards are noted, these should be communicated to the relevant officials within the local authority in a timely manner.

# Chapter 5 - Developing Inter-Agency Relationships

## **Introduction**

The first step in the process of sharing information is to consult with all stakeholders to identify their information requirements.

Following on from this, procedures must be put in place to ensure that other agencies are informed of the outcomes of inspections and the follow-up required.

## **Good Practice Recommendation No.18**

### **Ensure Effective Information Sharing Across Agencies**

Local authorities should consult with all stakeholders – from central government to local agencies – to identify their information requirements and should endeavour to meet these, insofar as possible. For example, where inspection staff identify tenancies that are not registered, these should be notified to the RTB, and a record of these cases held on file.

Any move towards information sharing and inter-agency working may give rise to potential data protection considerations and these should be examined on an ongoing basis.

An agreed protocol on information sharing is useful. This would stipulate what information is available from Government Departments and State Agencies and when and how information is shared.

## **Good Practice Recommendation No.19**

### **Communicate Inspection Outcomes to External Stakeholders**

The RTB can be expected to request inspections periodically and the outcome of these inspections should be communicated to these officials. However, under data protection legislation, the full inspection report should not be circulated.

It is important that the tenant is kept informed of each inspection. Where inspection staff identify a problem (e.g. emergency lighting) which may fall under the responsibility of the Management Company, representatives of the latter should be notified.

# Chapter 6 - Evaluation and Reporting

## **Introduction**

This chapter focuses on the role of evaluating performance on an ongoing basis. It recommends that indicators be developed for the purpose of assessing performance. It also recommends that actual activity levels be compared to expected performance on a regular basis and that this be used to identify any obstacles to the implementation of the inspection plan. The need to report this performance to central government and the manner in which this should be done is also identified.

## **Good Practice Recommendation No.22**

### **Develop Performance Indicators**

As a first step in evaluating performance, each local authority should develop a series of performance indicators to measure actual output. These can range from basic information such as the volume and type of inspections to more advanced measures. The latter could include the unit cost of each inspection, the number of complaints received versus the number of complaints addressed, average length of time taken to respond to the complainant and time elapsed between initial and follow-up inspections.

## **Good Practice Recommendation No.23**

### **Benchmark Expected Activity Levels**

As part of the target-setting process, local authorities may find it useful to disaggregate the annual total into a number of reporting periods (e.g. a quarter) and to set targets for each period. These targets will include the headline figure for each period (i.e. the number of inspections conducted) in addition to a range of other measures such as recommended time elapsed in responding to complaints. For evaluative purposes, this expected level of activity will be compared to actual output in order to inform management as to the extent to which targets are being achieved.



# Chapter 7 – Enforcement

## Introduction

This section deals with the steps and actions involved in enforcing compliance with the standards regulations and provides guidance on responding to complaints by tenants and the issuing of Improvement Letters and Improvement and Prohibition Notices. Sample notices are provided in these Guidelines.

## Investigation of a Complaint

On receipt of a complaint from a tenant, an appointment to inspect the house should be made with the complainant and an inspection of the complainant's accommodation carried out. The inspector's notes should be signed and dated and kept on the property file.

If the tenant cannot facilitate the inspection, the landlord / owner should be given a minimum of three weeks' notice in writing of the inspector's intention to carry out an inspection of all rented houses in the building by sending an appointment letter.

If the inspector fails to gain access to the house due to the landlord not keeping the appointment, a second appointment letter should be sent to the landlord within 5 working days. If the second appointment is not kept, the approach outlined under the section below on obstruction is recommended.

## Obstruction

Obstruction occurs when an inspector is satisfied that he / she has given adequate notice of an inspection to the landlord and the landlord has failed to allow access.

If the inspector has failed to gain entry within a reasonable number of attempts, legal action may be commenced, which will involve the following:

- Issuing of a letter to the landlord, notifying them that legal action is commencing for obstruction, and
- Preparation of Chief Executive's Order to authorise legal action.

## **Improvement Letter**

An Improvement Letter may be an appropriate response, where minor contraventions of the Regulations were noted. Where there are substantial contraventions however, serious consideration should be given to serving an Improvement Notice.

The Improvement Letter should be addressed to the landlord, should specify the house to which it relates and refer to the date on which the inspection took place. It should identify the standards that are not being met and the specific failures or problems identified during the inspection and indicate that remedial action needs to be taken. The letter may specify measures to be taken to remedy the failures. A copy of the improvement letter should also be sent to the tenant.

The Improvement Letter should set a time limit for the remedial action to be undertaken, commencing two calendar weeks after the date of the letter. The length of time depends on the amount of work required. The maximum time period on any Improvement Letter should be 12 weeks. The letter should state the Regulation name and number along with details of specific breaches of the Regulations. A separate Improvement Letter should be issued for each house and common area.

On the expiry date specified in the Improvement Letter, an appointment letter should be sent to the landlord, giving a minimum of 21 days' notice of intention to inspect the rented house(s) to ascertain that the remedial works have been completed and that the rented house(s) are in compliance with the Regulations.

## **The Preparation and Serving of an Improvement Notice**

An Improvement Notice can be served if one or more of the following criteria apply:

- (a) The conditions of the rented house are unacceptable and there are significant contraventions of legislation,
- (b) Where action needs to be taken in order to remedy conditions that are serious or deteriorating, or,
- (c) There is a history of non-compliance with other measures such as Improvement Letters.

An Improvement Notice can be served after an initial inspection or after a subsequent inspection has been carried out of the rented house. It is not necessary for correspondence to have been sent to the landlord, such as an Improvement Letter, prior to an Improvement

Notice being served. A separate Improvement Notice should be served for each house and for the common areas in a multi-unit building.

When preparing the Notice, the inspector must ensure that the following information has been provided:

- (a) the address of the house, the landlord's name and address and the date of the inspection.
- (b) Identification of the relevant statutory provision(s) that have been contravened.
- (c) Requirement that remedial action needs to be taken and, if appropriate, the Notice can specify the measures to be taken to remedy the contraventions.
- (d) Specification of a time limit by which the remedial action needs to be completed by the landlord.

A Chief Executive's Order should be made for issuing of an Improvement Notice. The Notice should be signed and dated by the inspector and be sent to the landlord by registered post. When an Improvement Notice has been served on a landlord, a copy of the Notice should be sent to the tenant by the inspector after the expiry of the objection period and / or appeal period.

### **Objection and Appeal**

If the landlord wishes to contest the Improvement Notice, they may, within 14 days, beginning on the day on which the notice was given to them, submit an objection to the Notice. This objection must be in writing and detail the specific grounds on which the Notice is being objected to.

Where an objection is submitted, the housing authority should consider the objection and may vary, withdraw, cancel or confirm the Notice. The landlord should be notified in writing of the decision and the reasons for the decision within 14 days after the Council has received the objection.

Where no objection is submitted, the local authority should treat the Notice as not disputed and the landlord will be deemed to have accepted the Notice and to have agreed to comply with the direction within the period specified in the Notice. A copy of the Notice can now be sent to the tenant.

The landlord may appeal the objection decision to a judge of the District Court, no later than 14 days after the decision by the local authority has been notified to the landlord.

The landlord is required to notify the local authority in writing of the appeal and the grounds for the appeal. This notification must be sent with details of the grounds of appeal, the Court date and venue.

### **Re-inspection and Serving an Improvement Notice – Time Extension**

An additional period of time may be granted to enable the landlord to complete all outstanding works as detailed in the Improvement Notice, where the inspector observes that remedial works are in progress. The Improvement Notice – Time Extension should specify the date and time for the subsequent inspection of the rented house(s).

### **Lifting of an Improvement Notice**

Where the landlord has confirmed in writing that the remedial works referred to in the Improvement Notice have been complied with, the inspector should arrange to carry out an inspection.

When the subsequent inspection has been carried out and the inspector is satisfied that the remedial works have been rectified, a Chief Executive's Order should be prepared to withdraw the Improvement Notice.

The landlord, and the tenant, should be notified in writing that the Notice has been withdrawn within 28 days of being satisfied that the matters referred to in the Improvement Notice have been remedied.

### **Preparation and Serving of a Prohibition Notice**

Where a landlord fails to comply with an Improvement Notice, the inspector may serve a Prohibition Notice and may consider instituting legal proceedings. Separate Prohibition Notices should be served for each house and the common areas in a multi-unit building.

When preparing the Notice, the inspector must ensure that all the relevant documentation is available including the case file, ownership details and photographs. A Chief Executive's Order should be prepared authorising the Prohibition Notice.

The Prohibition Notice should be signed and dated. The Notice takes effect in the absence of any appeal, on the day after 14 days after the date on which the Notice is given to the landlord or on expiry of the existing tenancy, whichever is the later. The Notice will direct the landlord not to re-let the house until the contravention(s) to which the Improvement Notice relates have been remedied.

When a Prohibition Notice has been given to the landlord by registered post, a copy of the Notice should be sent to the tenant in the case where no appeal is made, after the expiry of the appeal period or after the determination of any appeal by a Judge of the District Court.

### **Appeal**

If the landlord wishes to contest a Prohibition Notice, they may within 14 days, beginning on the day on which the Notice was given, appeal the Notice to a judge of the District Court. This appeal must be in writing and detail the specific grounds on which the Notice is being appealed.

At the same time, the landlord is required to notify the local authority in writing of the appeal and the grounds for the appeal. This notification must be sent with details of the grounds of appeal, the Court date and venue.

Where no appeal is submitted, the local authority should treat the Notice as not disputed and the landlord will be deemed to have accepted the Notice and to have agreed to comply with the direction of the Notice.

### **Withdrawal of a Prohibition Notice**

Where the landlord has confirmed in writing that the remedial works referred to in the Prohibition Notice have been complied with, the inspector should arrange to carry out an inspection. This arrangement can be made by telephone as it is not necessary to send a written appointment.

When the subsequent inspection has been carried out and the inspector is satisfied that the remedial works have been rectified and the Notice complied with, a Chief Executive's Order should be prepared recommending withdrawal of the Prohibition Notice. The landlord should be notified in writing that the Notice has been withdrawn. Please note that the local authority must give written notice to the landlord, as well as the tenant, of compliance with the Notice within 28 days of receipt of confirmation of compliance from the landlord.

A Prohibition Notice may be withdrawn at any time by the local authority and the landlord must be notified in writing. Withdrawal of a Prohibition Notice does not prevent the serving of another Notice. The tenant should also be notified in writing that the Notice has been withdrawn by the local authority.

# Sample Improvement Notice

**Housing Acts 1966 – 2014**

**Housing (Standards for Rented Houses) Regulations 2017**

## IMPROVEMENT NOTICE

**Section 18A Housing (Miscellaneous Provisions) Act 1992 as inserted by the Housing (Miscellaneous Provisions) Act 2009**

To: **(insert name)**, landlord(s) of the rented house situated at **insert address**.

\_\_\_\_\_ Council, being the housing authority, is of the opinion that as landlord you have contravened or are contravening a requirement of a regulation made under Section 18 of the Housing (Miscellaneous Provisions) Act 1992, as amended.

\_\_\_\_\_ Council is of this opinion following an inspection of the rented house situated at **insert address** on **(insert date)** by **insert name**, Authorised Person.

\_\_\_\_\_ Council is of the opinion that the following provisions of the regulations have been contravened and in the following manner:

*(Insert contraventions first by Article and then room e.g. below)*

### **Sitting Room:**

**1. The ceiling in the corner above the single bed was in a very poor state of repair. The plasterboard was breaking away and falling from the ceiling and there is evidence of water damage. The source of the problem must be investigated and the necessary repair works carried out.**

*This contravenes Article 5(1) of the Housing (Standards for Rented Houses) Regulations 2008.*

### **Front Bedroom**

**2. There was evidence of dampness in the front corner of the bedroom at the wall to ceiling junction. The source of the dampness must be investigated and the necessary repair works carried out.**

*This contravenes Article 5(1) of the Housing (Standards for Rented Houses) Regulations 2008.*

\_\_\_\_\_ Council directs you, as landlord(s), to remedy the above contraventions within a period of 70 days commencing on **(insert date)** which is a minimum of one calendar month from the date of service of this notice. A copy of this notice will be delivered to the tenant.

This Notice takes effect on **(insert commencement date again)** (unless extended by a decision notified to you in writing).

Should you be of the opinion that the notice has been complied with you shall, before the expiration of the period specified above, confirm in writing to the housing authority that the matters referred to in the notice have been so remedied and you shall give a copy of the confirmation to the tenant.

The confirmation must be sent by registered post to **(insert address of local authority)**.

If you are aggrieved by this Improvement Notice you may, within 14 days, beginning on the day on which the notice was given to you, submit an objection to the notice. This objection must be in writing and detail the specific grounds on which the notice is being objected.

The objection must be sent by registered post to the **(insert address of local authority)**.

Where an objection is submitted, \_\_\_\_\_ Council will consider the objection and may vary, withdraw, cancel or confirm the Notice. You will be notified in writing of the decision and the reasons for the decision within 14 days after receipt of the objection.

Where no objection is submitted, \_\_\_\_\_ Council will treat the notice as not disputed and you will be deemed to have accepted the notice and to have agreed to comply with the direction within the period specified in the notice.

You may appeal the objection decision to a judge of the District Court, no later than 14 days after the decision by \_\_\_\_\_ Council has been notified to you. You should contact your own legal advisor or the District Court Office, **(insert contact details for District Court)**, in relation to filing any appeal. You shall at the same time notify \_\_\_\_\_ Council



in writing of the appeal and the grounds for the appeal. This notification must be sent with details of the grounds of appeal, the Court date and venue by registered post to **(insert address of local authority)**.

You are advised that a person who fails to comply with an improvement notice may be prosecuted and on conviction may face the penalties (together with orders for the costs and expenses of the investigation, detection and prosecution of the offence, which may be considerable) set out in the attached extract from the Act as amended.

Dated the                      of    20

**Signature of Officer of the Housing Authority for \_\_\_\_\_ Council**

Compliance with this improvement notice does not confirm or imply nor can it be construed to confirm or imply that the rented house is in compliance with the regulations, nor does it relieve you of any obligation or requirement applicable under any other legislation in relation to the premises. This improvement notice, which may be referred to in any further proceedings, is not intended to waive or prejudice any enforcement proceedings taken or to be taken by the Council as a Statutory Authority or in carrying out its statutory functions or to create by statement or implication any duty, legal liability or relationship on the part of the Council in relation to the property referred to.

## **Planning and Development Act 2000 (as amended in 2010)**

**57.**—(1) Notwithstanding [section 4](#) (1) (h), the carrying out of works to a protected structure, or a proposed protected structure, shall be exempted development only if those works would not materially affect the character of—

- (a) the structure, or
- (b) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

All works should be carried out in line with Best Conservation Practice as outline in the Advice Series publications issued by the department of Arts, Heritage and the Gaeltacht available to view at the following link;

## **Housing (Miscellaneous Provision) Act 1992 as amended by the Housing (Miscellaneous Provision) Act 2009**

(34)(1) Any person who—

- (a) by act or omission, obstructs an authorised person in the lawful exercise of the powers conferred by, or contravenes a provision of, or a regulation made under, section 17, 18 or 20, or
- (b) fails to comply with an improvement notice, or
- (c) re-lets a house in breach of a prohibition notice,

shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding €5,000 or imprisonment for a term not exceeding 6 months or both and if the obstruction, contravention, failure to comply or re-letting is continued after conviction the person shall be guilty of a further offence on every day on which the obstruction, contravention, failure to comply or re-letting continues and for each such offence shall be liable, on summary conviction, to a fine not exceeding €400.

(2) Notwithstanding section 10(4) of the Petty Sessions (Ireland) Act 1851, proceedings for an offence under this section may be instituted at any time within two years after the date of the offence.

(3) Where a person is convicted of an offence under this Act, the court shall, unless it is satisfied that there are special and substantial reasons for not doing so, order the person to pay to the housing authority, the costs and expenses, measured by the court, incurred by the housing authority in relation to the investigation, detection and prosecution of the offence.

# Sample Prohibition Notice

**Housing Acts 1966 – 2014**

**Housing (Standards for Rented Houses) Regulations 2017**

## **PROHIBITION NOTICE**

**Section 18B Housing (Miscellaneous Provisions) Act 1992 as inserted by the Housing (Miscellaneous Provisions) Act 2009**

To: **Name(s)**, landlord(s), of the rented house situated at **insert flat number & address of rented house**.

\_\_\_\_\_ Council, being the housing authority, is of the opinion that as landlord you have failed to comply with an Improvement Notice served on you and dated **(insert date of Improvement Notice) in respect of** (insert flat number & address of rented house).

\_\_\_\_\_ Council directs that you shall not re-let the house for rent or other valuable consideration until the contraventions to which the Improvement Notice relates have been remedied.

This Notice takes effect, in the absence of any appeal, on the day after 14 days after the date on which this notice is given to you or on the expiry of the existing tenancy, whichever is the later.

The contravention(s) referred to in the Improvement Notice that you have failed to comply with are:

***(copy & paste as required following the inspection)***

If you are aggrieved by this prohibition notice you may, within 14 days, beginning on the day on which the notice was given to you, appeal the notice to a judge of the District Court. You should contact your own legal advisor or the District Court **(insert contact details of District Court here)**, in relation to filing any appeal. You shall at the same time notify \_\_\_\_\_ Council in writing of the appeal and the grounds for the appeal. This notification

must be sent with details of the grounds of appeal, the Court date and venue by registered post to the **(insert Local authority)**.

Should you be of the opinion that the matters to which the notice relates have been remedied, you shall confirm in writing to the housing authority that the matters have been so remedied and you shall give a copy of the confirmation to the tenant. The confirmation must be sent by registered post to the **(insert Local authority)**.

\_\_\_\_\_ Council, being the housing authority, shall in the interest of public health and safety make such arrangements as considered necessary to bring the contents of this prohibition notice to the attention of the public. A copy of this notice will be delivered to the tenant(s).

You are advised that a person who re-lets a house in breach of a prohibition notice may be prosecuted and on conviction may face the penalties (together with orders for the costs and expenses of the investigation, detection and prosecution of the offence, which may be considerable) set out in the attached extract from the Act as amended.

Dated the \_\_\_\_\_ of \_\_\_\_\_ 20\_\_\_\_\_

**Signature of Officer of the Housing Authority for \_\_\_\_\_ Council:**

Compliance with this prohibition notice does not confirm or imply nor can it be construed to confirm or imply that the rented house is in compliance with the regulations, nor does it relieve you of any obligation or requirement applicable under any other legislation in relation to the premises. This prohibition notice, which may be referred to in any further proceedings, is not intended to waive or prejudice any enforcement proceedings taken or to be taken by the City Council as a Statutory Authority or in carrying out its statutory functions or to create by statement or implication any duty, legal liability or relationship on the part of the City Council in relation to the property referred to.

## **Planning and Development Act 2000 (as amended 2010)**

**57.**—(1) Notwithstanding [section 4](#) (1) (h), the carrying out of works to a protected structure, or a proposed protected structure, shall be exempted development only if those works would not materially affect the character of—

- (a) the structure, or
- (b) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

All works should be carried out in line with Best Conservation Practice as outline in the Advice Series publications issued by the department of Arts, Heritage and the Gaeltacht available to view at the following link;

## **Housing (Miscellaneous Provision) Act 1992 as amended by the Housing (Miscellaneous Provision) Act 2009**

(34)(1) Any person who—

- (a) by act or omission, obstructs an authorised person in the lawful exercise of the powers conferred by, or contravenes a provision of, or a regulation made under, section 17, 18 or 20, or
- (b) fails to comply with an improvement notice, or
- (c) re-lets a house in breach of a prohibition notice,

shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding €5,000 or imprisonment for a term not exceeding 6 months or both and if the obstruction, contravention, failure to comply or re-letting is continued after conviction the person shall be guilty of a further offence on every day on which the obstruction, contravention, failure to comply or re-letting continues and for each such offence shall be liable, on summary conviction, to a fine not exceeding €400.

(2) Notwithstanding section 10(4) of the Petty Sessions (Ireland) Act 1851, proceedings for an offence under this section may be instituted at any time within two years after the date of the offence.

(3) Where a person is convicted of an offence under this Act, the court shall, unless it is satisfied that there are special and substantial reasons for not doing so, order the person to pay to the housing authority, the costs and expenses, measured by the court, incurred by the housing authority in relation to the investigation, detection and prosecution of the offence.

## **Contact Details**

### **Residential Tenancies Board**

[www.rtb.ie](http://www.rtb.ie)

telephone: 01-702 8100 or 0818 30 30 37 (8:00am to 6.00pm Monday to Friday)

### **Property Services Regulatory Authority**

[www.psr.ie](http://www.psr.ie)

Telephone: 046-903 3800

Lo-Call: 1890-25 27 12

### **Threshold**

[www.threshold.ie](http://www.threshold.ie)

FREEPHONE 1800 454 454 (9am-9pm Monday to Friday)

### **Irish Property Owners Association**

[www.ipoa.ie](http://www.ipoa.ie)

Telephone: 01-827 6000

### **Residential Landlords Association of Ireland**

[www.rlai.ie](http://www.rlai.ie)

Telephone: 085 866 2743

### **Irish Landlord -online information resource**

[www.irishlandlord.com](http://www.irishlandlord.com)

Email: [john@irishlandlord.com](mailto:john@irishlandlord.com)

# Appendix A

## RENTED HOUSING STANDARDS

<b>Address of Rented Property</b>	
<b>Eircode of Rented Property</b>	
<b>Landlord Name(s)</b>	
<b>Landlord Address(es)</b>	
<b>Landlord Contact Telephone Number(s)</b>	
<b>Agent's Address &amp; Contact Telephone Number</b> (if applicable)	
<b>Type of Property: Single House</b>	Detached House <input type="checkbox"/> Semi Detached House <input type="checkbox"/> Terraced House <input type="checkbox"/>  No. of Bedrooms <input type="checkbox"/>
<b>Type of Property: Multi-Unit Building</b>	An Apartment <input type="checkbox"/> A Flat within a Traditional <input type="checkbox"/> Multi-Unit House Other ( <b>specify</b> ) _____  No. of Bedrooms <input type="checkbox"/>
<b>When was the house constructed?</b>	
<b>Is the House Currently Let?</b>	Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>Tenants Name</b> (if occupied)	
<b>Tenants(s) Contact Telephone Number(s)</b>	
<b>Total Number of Occupants</b>	
<b>Rent book / Written Lease provided to tenant(s)</b>	Yes: _____ No: _____
<b>RTB Tenancy Registration Number</b>	



**Guidelines for self-assessing compliance with:**  
**Housing (Miscellaneous Provisions) Act 1992**  
**Housing (Standards for Rented Houses) Regulations 2017**

Minimum standards are set out in the Housing (Standards for Rented Houses) Regulations 2017. The regulations specify requirements in relation to a range of matters such as structural repair, absence of damp and rot, sanitary facilities, heating, ventilation, light and safety of gas and electrical supply. Full details are available on the Department of the Housing Planning & Local Government's website [www.housing.gov.ie](http://www.housing.gov.ie). These standards apply to all properties that are let or available for letting.

All landlords have a legal obligation to ensure that their rented properties comply with these regulations and Local Authorities are responsible for the enforcement of the regulations.

The regulations apply to any building or part of a building that forms part of the rented property including any out-buildings, sheds, garages, yard, garden or any other land appurtenant thereto or usually enjoyed therewith.

The checklist is to assist in demonstrating that the property being rented or being made available for rent is in substantial compliance with the current standards for rented houses as prescribed in the Housing (Standards for Rented Houses) Regulations 2017.



SANITARY FACILITIES	Yes / No
Are the sanitary facilities shared?	_____
Are the sanitary facilities provided in room separated from other rooms?	_____
Does the sanitary accommodation contain separate ventilation?	_____
Does the sanitary accommodation consist of:	_____
• A toilet with a dedicated wash hand basin, supplied with hot and cold water?	_____
• A fixed bath or shower, supplied with hot and cold water?	_____
Are the sanitary facilities maintained in good condition & repair?	_____
Is a safe and effective means of drainage provided to the sanitary facilities?	_____
Are the sanitary facilities fixtures securely fixed?	_____
Is there adequate hot & cold water storage facilities provided?	_____

HEATING FACILITIES	Yes / No
Does each habitable room have a permanently fixed heating appliance(s) capable of providing effective heat?	_____
Are there suitable and adequate facilities for the safe & effective removal of fumes and other products of combustion to the external air?	_____
Is each heating appliance capable of being independently managed by the tenant?	_____
Are the heating facilities maintained in good condition & repair?	_____
Are there suitably located devices for the detection and alarm of carbon monoxide? (where necessary)	_____

FOOD PREPARATION & STORAGE & LAUNDRY	Yes / No
<b>Food Preparation</b>	
Is a 4 ring hob with oven and grill provided in habitable area of the house?	_____
Has a cooker hood or extractor being provided for the safe & effective removal of fumes?	_____
Is a fridge & freezer or a fridge-freezer provided in habitable area of the house?	_____
Is a microwave oven provided in habitable area of the house?	_____

Is a sink with hot and cold water & an adequate drainage area provided in habitable area of the house?	_____
Is the cold water supply to the sink taken directly from the rising main?	_____
Are an adequate number of kitchen presses & storage facilities provided?	_____
Are all facilities, fixtures & fittings maintained in good condition & repair?	_____
<b>Laundry</b>	
Is a laundry washing machine provided within the habitable area of the house?	_____
Are communal clothes washing facilities provided within the building?	_____
Is a laundry drying machine provided within the habitable area of the house?	_____
Are communal clothes drying facilities provided within the building?	_____
Is there sole access to garden with a clothes line?	_____
Are all facilities, fixtures & fittings maintained in good condition & repair?	_____

<b>VENTILATION</b>	<b>Yes / No</b>
<b>Habitable Rooms</b>	
Has each habitable room an openable external window?	_____
Is the openable part of the window at least 1/20 <sup>th</sup> of the floor area of the room?	_____
Does each habitable room have a wall or window vent of at least 6500sq mm to the external air?	_____
Is the wall / window vent clear & unobstructed?	_____
Are the openable parts of the windows maintained in good condition & repair?	_____
<b>Kitchens (greater than 6.5sq m)</b>	
Does the room containing the kitchen have a wall or window vent of at least 6500sq mm to the external air?	_____
Does the room containing the kitchen have an openable window or door direct to the external air?	_____
Is the openable part of the window at least 1/20 <sup>th</sup> of the floor area of the room?	_____
<b>Kitchen (less than 6.5sq m)</b>	
Where no openable external window is provide, is mechanical extract ventilation provided to the room containing the kitchen where no window is provided?	_____

<p><b>Bathrooms &amp; Water Closets</b></p> <p>Where there is no openable window, is there adequate mechanical extract ventilation provided to the bathroom capable of removing water vapour?</p> <p>Where an openable window is provided, is the openable part of the window 1/20<sup>th</sup> of the floor area?</p> <p>Are all facilities, fixtures &amp; fittings maintained in good condition &amp; repair?</p>	
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LIGHTING	Yes / No
Is adequate natural lighting provided in all habitable rooms?	_____
Is adequate artificial lighting provided in all rooms including common areas such as the halls, stairs and landings?	_____
Are all windows of rooms containing a bath and / or shower & a water closet adequately screened to ensure privacy?	_____

FIRE SAFETY	Yes / No
<p><b>For a Single House:</b></p> <p>Is a mains-wired smoke alarm provided? <b>or</b></p> <p>Are 10-year self-contained battery operated smoke alarms provided on each floor landing?</p> <p>Is a fire blanket provided in the kitchen and complying with EN1869:1997?</p> <p>Does the smoke alarms carry the CE mark and comply with I.S EN14604:2005</p> <p><b>For a housing unit within a Multi-Unit Building:</b></p> <p>Is a mains-wired smoke alarm provided in each unit?</p> <p>Is there a fire detection and alarm system in the building?</p> <p>Is a fire blanket located in the kitchen of each house and complying with EN1869:1997?</p> <p>Is an emergency evacuation plan displayed in each house?</p> <p>Does the emergency evacuation plan show:</p> <p>-Action to be taken in the event of discovering a fire or hearing the fire alarm</p> <p>-Procedure for calling the fire brigade</p> <p>- A floor plan of the building showing:</p> <ul style="list-style-type: none"> <li>• All escape routes.</li> <li>• Fire alarm call points and control panel</li> <li>• Location of fire fighting equipment.</li> </ul> <p>Is emergency lighting provided in all common areas?</p>	

REFUSE FACILITIES	Yes / No
Are suitable and adequate pest and vermin proof refuse storage facilities provided?	_____

GAS, OIL and ELECTRICITY	Yes / No
Are the installations for the supply of gas, oil and electricity including pipework, storage facilities and electrical distribution boxes maintained in good repair and safe working order?	_____
There is a current (within 1 year) Declaration of Conformance with IS 813 Annex E inspection report by an RGII <b>registered gas installer</b> ?	_____
Is there a current Electro Technical Council of Ireland (ETCI) Periodic Inspection report by a Safe Electric <b>registered electrical contractor</b> ? <i>This report must show that no remedial or advisory works are required.</i>	_____
Is there a current Standard for Domestic Gas Installation 813 issued by NSAI	_____

INFORMATION	Yes / No
Has sufficient information been provided to the tenant about the rented property, the fixed building services, appliances and their routine maintenance, so that the tenant can operate them correctly?	_____

**Address of Property:**

**Completed by:**

**Date:**

## HOUSING (STANDARDS FOR RENTED HOUSES) REGULATIONS 2017

I, SIMON COVENEY, Minister for Housing, Planning and Local Government, in exercise of the powers conferred on me by section 5 (as amended by section 24 of the Housing (Miscellaneous Provisions) Act 1992 (No. 18 of 1992)) of the Housing Act 1966 (No. 21 of 1966) and by section 18 (as amended by section 8 of the Housing (Miscellaneous Provisions) Act 2009 (No. 22 of 2009)) of the Housing (Miscellaneous Provisions) Act 1992 (No. 18 of 1992) (as adapted by the Environment, Community and Local Government (Alteration of Name of Department and Title of Minister) Order 2016 (S.I. No. 394 of 2016)), hereby make the following regulations:

### Citation and commencement

1. (1) These Regulations may be cited as the Housing (Standards for Rented Houses) Regulations 2017.

(2) These Regulations come into operation on 1 July 2017.

### 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.

(2) Any requirement of these Regulations with respect to repair shall be construed as requiring a standard of repair that is reasonable in all the circumstances and, in determining the appropriate standard of repair, regard shall be had to the age, character and prospective life of the house.

(3) Nothing in these Regulations shall be taken—

(a) as requiring or authorising anything to be done in connection with a water supply, drainage system or the supply of gas or electricity otherwise than in accordance with the enactments relating thereto,

(b) as 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

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

(4) Regulation 2(3) shall not be construed as exempting a housing authority from their duties under these Regulations as respects a house let or available for letting by them.

(5) 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. (1) Subject to paragraph 2, these Regulations shall apply to every house let, or available for letting, for rent or other valuable consideration solely as a house unless the house is let or available for letting—

(a) to a person only for the purpose of conferring on that person the right to occupy the house for a holiday,

(b) by the Health Service Executive or by an approved body, as accommodation with sanitary, cooking or dining facilities provided for communal use within the building which contains the house, or

(c) by a housing authority pursuant to any of their functions under the Housing Acts 1966 to 2014, and is a caravan, mobile home or a structure or a thing (whether on wheels or not) that is capable of being moved from one place to another (whether by towing, transport on a vehicle or trailer, or otherwise).

(2) In Regulation 3(1)(b) “approved body” means—

(a) a body standing approved of under section 6 of the Housing (Miscellaneous Provisions) Act 1992, or

(b) a voluntary body standing approved of by the Minister for Health or by the Health Service Executive for the purposes of providing accommodation for elderly persons or persons with a mental handicap or psychiatric disorder.



## Structural Condition

4. (1) A house to which these Regulations apply (hereinafter referred to as "the house") shall be maintained in a proper state of structural repair.

(2) For the purposes of Regulation 4(1) 'a proper state of structural repair' means sound, internally and externally, with roof, roofing tiles and slates, windows, floors, ceilings, walls, stairs, doors, skirting boards, fascia, tiles on any floor, ceiling and wall, 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 has an opening section through which a person may fall, and the bottom of the opening section is more than 1400mm above external ground level, suitable safety restrictors shall be fitted. Safety restrictors shall restrain the window sufficiently to prevent such falls.

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

## Sanitary Facilities

5. (1) There shall be provided within the same habitable area of the house, for the exclusive use of the house:

(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 requirements of Regulation 5(1) shall:

(i) be maintained in a safe condition and good working order,

(ii) have safe and effective means of drainage,

(iii) be properly insulated,

(iv) have minimum capacity requirements for hot and cold water storage facilities, and

(v) 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 used, or intended for use, by the tenant of the house as a habitable room, and any bathroom, or shower-room shall contain a permanently fixed:

- (a) heat emitter,
- (b) heat distribution system, or
- (c) heat producing appliance,

capable of providing effective heating.

(2) Every room referred to in Regulation 6(1) shall 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 referred to in Regulation 6(1)(c) 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) The operation of any:

- (a) heat emitter,
- (b) heat distribution system, or
- (c) heat producing appliance

as referred to in Regulation 6(1) shall be capable of being independently manageable by the tenant.

(5) All appliances under Regulation 6(1) shall be maintained in a safe condition and in good working order and good repair.

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

## Food Preparation and Storage and Laundry

7. (1) Notwithstanding paragraph (4), paragraphs (2) and (3) shall not apply where the house is let or available for letting by a housing authority under the Housing Acts 1966 to 2014 or by a housing body approved under Section 6 of the Housing (Miscellaneous Provisions) Act 1992.

(2) Subject to paragraph (1), there shall be provided, within the same habitable area of the house, for the exclusive use of the house:

(a) 4 ring hob with oven and grill,

(b) Suitable facilities for the effective and safe removal of fumes to the external air by means of a cooker hood or extractor fan,

(c) Fridge and freezer or fridge-freezer,

(d) Microwave oven,

(e) 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 house and a facility for the piped supply of hot water, and an adequate draining area,

(f) Suitable and adequate number of kitchen presses for food storage purposes,

(g) Washing machine, or access to a communal washing machine facility within the curtilage of the building, and

(h) Where the house does not contain a garden or yard for the exclusive use of that house, a dryer (vented or recirculation type) or access to a communal dryer facility.

(3) All facilities under Regulation 7(2) shall be maintained in a safe condition and in good working order and good repair.

(4) Responsibility for maintenance of facilities under Regulation 7(2) shall rest with the landlord.

(5) Where a house is let or available for letting by a housing authority under the Housing Acts 1966 to 2014 or by a housing body approved under Section 6 of the Housing (Miscellaneous Provisions) Act 1992, there shall be provided, within the same habitable area of the house, for the exclusive use of the house:

(a) facilities for the installation of cooking equipment,

(b) Sink, with a piped supply of potable cold water taken directly from the service pipe supplying water from the public main or other source to the building containing the house and a facility for the piped supply of hot water, and an adequate draining area,

(c) Suitable facilities for the effective and safe removal of fumes to the external air by means of a cooker hood or extractor fan, and

(d) Suitable and adequate number of kitchen presses for food storage purposes.

### Ventilation

8. (1) Every room used, or intended for use, by the tenant of the house as a habitable room shall have adequate ventilation.

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

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

### Lighting

9. (1) Every room used, or intended for use, by the tenant of the house as a habitable room, shall have adequate natural lighting.

(2) Every hall, stairs, and landing within the house and every room used, or intended for use, by the tenant of the house shall have a suitable and adequate means of artificial lighting.

(3) The windows of every room containing a bath or shower and a water closet shall be suitably and adequately screened to ensure privacy.

### Fire Safety

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

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

(3) Each self-contained house 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 multiunit building.

(6) Fire detection and alarm systems and emergency lighting systems required under Regulation 10(4) and 10(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 2 or more houses that share a common access.

#### Refuse Facilities

11. The house 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 shall be maintained in good repair and safe working order.

#### Information

13. Sufficient information shall be provided to the tenant about the rented property, the fixed building services, appliances and their routine maintenance requirements so that the occupant can operate them correctly.

#### Revocation

14. The Housing (Standards for Rented Houses) Regulations 2008 (S.I. No. 534 of 2008) and the Housing (Standards for Rented Houses) (Amendment) Regulations 2009 (S.I. No. 462 of 2009) are revoked.

# Appendix B

## Powers under the Housing Acts

**Please note the following is for information purposes only. It is not a legal interpretation of or a substitute for the legislation.**

HOUSING (MISCELLENEOUS PROVISIONS) ACT, 1992 as amended by the HOUSING (MISCELLENEOUS PROVISIONS) ACT 2009

### Interpretation

1. (1) In this Act, unless the context otherwise requires -

"house" includes any building or part of a building used or suitable for use as a dwelling and any outoffice, yard, garden or other land appurtenant thereto or usually enjoyed therewith and "housing" shall be construed accordingly;

'improvement notice' has the meaning given to it by section 18A.

'prohibition notice' has the meaning given to it by section 18B.

### Standards for rented houses.

18. — (1) The Minister may make regulations prescribing standards for houses (including any common areas) let or available for letting for rent or other valuable consideration and it shall be the duty of the landlord of such a house to ensure that the house complies with the requirements of such regulations.

(2) A person authorised by a housing authority for the purposes of this section may at all reasonable times enter and inspect a house to which regulations under this section apply.

(3) to (6) deleted by the Housing (Miscellaneous Provisions) Act 2009

(7) Regulations under this section may, in particular, but without prejudice to the generality of subsection (1), make provision in relation to all or any one or more of the following:

(a) the class or classes of houses or tenancies in respect of which the prescribed standards shall apply;

(b) the maintenance of the house and any common areas in a proper state of structural repair and in good general repair;

(c) the quality and condition of the accommodation, any common areas, furnishings and appliances;

(d) ventilation and lighting;

(e) water supplies, sanitary facilities and drainage;

(f) facilities for heating and cooking;

(g) facilities for the storage and the preparation of food;

(h) fire safety.

(8) “For the purposes of subsection (7)(b) ‘a proper state of structural repair’ means sound, internally and externally, with roof, roofing tiles and slates, windows, floors, ceilings, walls, stairs, doors, skirting boards, fascia, tiles on any floor, ceiling and wall, gutters, down pipes, fittings, furnishings, gardens and common areas maintained in good condition and repair and not defective due to dampness or otherwise.

(9) In this section and sections 18A and 18B—

‘common areas’ means common areas, works and services that are appurtenant to houses and enjoyed therewith and that are in the ownership or under the control of the landlord;

‘landlord’ means the person for the time being entitled to receive (otherwise than as agent for another person) the rent paid in respect of a house by the tenant thereof;

‘tenancy’ includes a periodic tenancy and a tenancy for a fixed term, whether oral or in writing or implied;

‘tenant’ means the person for the time being entitled to the occupation of a house under a tenancy.

### **Improvement notice**

18A.—(1) Where, in the opinion of a housing authority, a landlord is contravening or has contravened a requirement of a regulation made under section 18, the authority may give notice in writing (in this Act referred to as an “improvement notice”) to the landlord of the house concerned.

(2) An improvement notice shall—

(a) state that the housing authority is of the opinion referred to in subsection (1),

(b) state the reasons for that opinion,

(c) identify the provision of the regulation concerned in respect of which that opinion is held,

(d) direct the landlord to remedy the contravention within the period specified in the notice commencing on the date specified therein, which date shall not be earlier than the end of the period within which an objection may be submitted under subsection (6),

(e) include information regarding the submission of an objection and the making of an appeal in relation to the notice, specifying—

(i) the form and manner of an objection,

(ii) the form and manner of an appeal, and

(iii) the address of the housing authority for the purpose of submitting an objection under subsection (6) or notifying the authority of an appeal under subsection (7), as the case may be,

(f) contain a statement that if an objection is not submitted in accordance with subsection (6) and within the period specified in that subsection then—

(i) the notice will be treated as not disputed, and

(ii) the landlord will be deemed to have accepted the notice and to have agreed to comply with the direction within the period specified therein,

and

(g) be signed and dated by the housing authority.

(3) An improvement notice may include directions as to the measures to be taken to remedy the contravention to which the notice relates or to otherwise comply with the notice.

(4) Where an improvement notice is given under subsection (1), the housing authority shall give a copy to the tenant of the house concerned.

(5) (a) A landlord to whom an improvement notice has been given who is of the opinion that the improvement notice has been complied with shall, before the expiration of the period specified in the notice for the purpose of subsection (2)(d), confirm in writing to the housing authority that the matters referred to in the notice have been so remedied and shall give a copy of the confirmation to the tenant.



(b) Where a landlord confirms to the housing authority in accordance with paragraph (a) that the matters referred to in the improvement notice have been remedied, the housing authority, on being satisfied that the matters have been so remedied, shall, within 28 days of receiving such confirmation, give notice in writing to the landlord of compliance with the improvement notice and shall give a copy of the notice to the tenant.

(c) The notice under paragraph (b) does not preclude any inspection which the housing authority considers necessary in relation to the house concerned or the service of a further improvement notice which the authority may consider necessary.

(6) A landlord aggrieved by an improvement notice may, within 14 days beginning on the day on which the notice is given to him or her, submit an objection to the notice in the form and manner specified in the notice, and the housing authority shall consider the objection and, as it sees fit, vary, withdraw, cancel or confirm the notice and shall notify the landlord in writing of the decision and the reasons for the decision within 14 days after receipt of the objection.

(7) (a) The landlord may, no later than 14 days after the decision under subsection (6) is notified by the housing authority to him or her, appeal the decision to a judge of the District Court in the district court district in which the notice was served.

(b) A landlord who appeals under paragraph (a) shall at the same time notify the housing authority in writing of the appeal and the grounds for the appeal.

(c) The housing authority shall be entitled to appear, be heard and adduce evidence on the hearing of the appeal.

(d) In determining an appeal under paragraph (a), the judge of the District Court may confirm, vary or cancel the improvement notice if he or she considers it reasonable to do so.

(8) Where an objection is submitted under subsection (6) and no appeal is made under subsection (7) against the decision of the housing authority and the improvement notice is neither withdrawn nor cancelled, the notice takes effect on the later of the following:

(a) the day after the day on which the notice is confirmed or varied;

(b) the day after the objection is withdrawn by the landlord;

(c) the date specified in the notice.

(9) Where an appeal is made under subsection (7) and the improvement notice is neither withdrawn nor cancelled, the notice takes effect on the later of the following:

(a) the day after the day on which the notice is confirmed or varied on appeal;

(b) the day after the appeal is withdrawn by the landlord;

(c) the date specified in the notice.

(10) Where no objection is submitted under subsection (6) the improvement notice takes effect on the date specified in the notice.

(11) The housing authority may—

(a) withdraw an improvement notice at any time, or

(b) where no objection is submitted or appeal made or pending, extend the date specified in the notice for the purposes of subsection (2)(d).

(12) Withdrawal of an improvement notice under subsection (11) does not prevent the giving of another improvement notice, whether in respect of the same matter or a different matter.

### **Prohibition notice**

18B.—(1) Where a landlord fails to comply with an improvement notice in accordance with section 18A, the housing authority may give notice in writing (in this Act referred to as a “prohibition notice”) to the landlord of the house concerned.

(2) A prohibition notice shall—

(a) state that the housing authority is of the opinion that the landlord has failed to comply with an improvement notice,

(b) direct that the landlord shall not re-let the house for rent or other valuable consideration until the landlord has remedied the contravention to which the improvement notice relates,

(c) include information regarding the making of an appeal in relation to the notice, specifying—

(i) the form and manner of an appeal, and

(ii) the address of the housing authority for the purpose of notifying the authority of an appeal under subsection (4),

and

(d) be signed and dated by the housing authority.

(3) Where a prohibition notice is given under subsection (1), the housing authority shall give a copy to the tenant of the house concerned.

(4) (a) A landlord aggrieved by a prohibition notice may, within 14 days beginning on the day on which the notice is given to him or her, appeal the notice to a judge of the District Court in the district court district in which the notice was served.

(b) A landlord who appeals under paragraph (a) shall at the same time notify the housing authority in writing of the appeal and the grounds for the appeal.

(c) The housing authority shall be entitled to appear, be heard and adduce evidence on the hearing of the appeal.

(d) In determining an appeal under paragraph (a), the judge of the District Court may confirm, vary or cancel the prohibition notice if he or she considers it reasonable to do so.

(5) A prohibition notice shall take effect—

(a) in the case of an appeal under subsection (4), on the later of the following:

(i) the day after the day on which the notice is confirmed or varied on appeal;

(ii) the day after the appeal is withdrawn by the landlord;

(iii) the expiry, whether by termination or otherwise, of the tenancy existing on the day on which the prohibition notice is given to the landlord,

(b) in any other case on the later of the following:

(i) the day after the expiry of the period allowed by subsection (4)(a) for making an appeal;

(ii) the expiry, whether by termination or otherwise, of the tenancy existing on the day on which the prohibition notice is given to the landlord.

(6) A landlord to whom a prohibition notice has been given who is of the opinion that the matters to which the notice relates have been remedied shall confirm in writing to the housing authority that those matters have been so remedied and shall give a copy of the confirmation to the tenant.

(7) Where a landlord on whom a prohibition notice has been served confirms in writing to the housing authority in accordance with subsection (6) that the matters to which the notice relates have been remedied, the housing authority, on being satisfied that the matters have been so remedied, shall, within 28 days of such confirmation, give written notice to the

landlord of compliance with the prohibition notice and shall give a copy of the notice to the tenant of the house concerned.

(8) A housing authority may at any time withdraw a prohibition notice by notice in writing to the landlord to whom it was given.

(9) Withdrawal of a prohibition notice under subsection (8) does not prevent the giving of another prohibition notice.

(10) A housing authority shall, in the interests of public health and safety, make such arrangements as they consider appropriate or necessary to bring the contents of a prohibition notice to the attention of the public.".

## **Offences**

(34) (1) Any person who—

(a) by act or omission, obstructs an authorised person in the lawful exercise of the powers conferred by, or contravenes a provision of, or a regulation made under, section 17, 18 or 20, or

(b) fails to comply with an improvement notice, or

(c) re-lets a house in breach of a prohibition notice,

shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding €5,000 or imprisonment for a term not exceeding 6 months or both and if the obstruction, contravention, failure to comply or re-letting is continued after conviction the person shall be guilty of a further offence on every day on which the obstruction, contravention, failure to comply or re-letting continues and for each such offence shall be liable, on summary conviction, to a fine not exceeding €400.

(2) Notwithstanding section 10(4) of the Petty Sessions (Ireland) Act 1851, proceedings for an offence under this section may be instituted at any time within two years after the date of the offence.

(3) Where a person is convicted of an offence under this Act, the court shall, unless it is satisfied that there are special and substantial reasons for not doing so, order the person to pay to the housing authority, the costs and expenses, measured by the court, incurred by the housing authority in relation to the investigation, detection and prosecution of the offence.

## HOUSING ACT 1966

### Service of notices, etc.

3. —(1) Where a notice, copy of an order, or demand is required or authorised by this Act or any order or regulation made thereunder to be served on, given to or made of a person, it shall be addressed to him and shall be served on, given to or made of him in someone of the following ways:

(a) where it is addressed to him by name, by delivering it to him;

(b) by leaving it at the address at which he ordinarily resides or, in a case in which an address for service has been furnished, at that address;

(c) by sending it by post in a prepaid registered letter addressed to him at the address at which he ordinarily resides or, in a case in which an address for service has been furnished, at that address, or where such registered letter is returned undelivered to the sender, by ordinary prepaid post. [Housing (Miscellaneous Provisions) Act 1997]

(d) where the address at which he ordinarily resides cannot be ascertained by reasonable inquiry and the notice, copy or demand is so required or authorised to be served, given or made in respect of any land or premises or works thereon, by delivering it to some person over sixteen years of age resident or employed on such land or premises or by affixing it in a conspicuous position on or near such land or premises.

(3) For the purposes of this section, a company within the meaning of the Companies Act, 1963, shall be deemed to be ordinarily resident at its registered office, and every other body corporate and every unincorporated body shall be deemed to be ordinarily resident at its principal office or place of business.

(4) Where a repairs notice, a notice mentioned in subsection (4) of section 66 of this Act, a notice to treat within the meaning of Part V of this Act or a notice mentioned in subsection (4) of section 117 of this Act is served on or given to a person by affixing it under paragraph (d) of subsection (1) of this section, a copy of the notice shall, within two weeks thereafter, be published in at least one newspaper circulating in the area in which the person is last known to have resided.

(5) A person who, at any time during the period of three months after a document is affixed under paragraph (d) of subsection (1) of this section, removes, damages or defaces the document without lawful authority shall be guilty of an offence and shall be liable on summary conviction thereof to a fine not exceeding ten pounds.

(6) Where the Minister is satisfied that reasonable grounds exist for dispensing with the publication, serving or giving under this Act or under any order or regulation made thereunder, of a notice, copy of an order, or demand and that dispensing with the publication, serving, giving or making of the notice, copy or demand will not cause injury or wrong, he may dispense with the publication, serving or giving of the notice or copy and every such dispensation shall have effect according to the tenor thereof.

(7) A dispensation under the foregoing subsection may be given either before or after the time when the notice or copy would but for the dispensation, be required to be published, served or given and either before or after the doing of any act to which the notice or copy would, but for the dispensation, be a condition precedent.

#### **Obligation to give information to housing authority.**

4. —(1) A housing authority may for any purposes connected with this Act, by notice in writing require the occupier of any land or any person receiving, whether for himself or for another, rent out of any land to state in writing to the authority within a specified period ending not less than twenty-one days after being so required, particulars of the estate, interest or right by virtue of which he occupies such land or receives such rent, as the case may be, and the name and address (so far as they are known to him) of every person who to his knowledge has any estate or interest in or right over or in respect of such land.

(2) Any person who is required under this section to state any matter or thing and either fails to state the matter or thing within the period specified under this section, or when stating such matter or thing makes a statement in writing which to his knowledge is false or misleading in a material respect shall be guilty of an offence under the section and shall be liable on summary conviction thereof to a fine not exceeding twenty-five pounds.

#### **Prosecutions and offences.**

116. —(1) An offence under this Act may be prosecuted by the housing authority in whose functional area the offence is committed and in case the offence relates to a function being performed by or on behalf of the Minister under section 111 of this Act, or by a housing authority outside their functional area, the offence may be prosecuted by:

- (a) in case the function is being performed by or on behalf of the Minister—the Minister,
- (b) in case the function is being performed by a housing authority—that authority, or
- (c) in case the function is being performed by a person—that person.

(2) Where an offence under this Act is committed by a body corporate and is proved to have been so committed with the consent or connivance of or to be attributable to any neglect on the part of any director, manager, secretary or other officer of such body corporate, such director, manager, secretary or other officer or any person purporting to act in such capacity shall also be deemed to have committed the said offence and he as well as the body corporate shall be deemed to be guilty of the offence.

#### **Power of authorised person to enter on land.**

117. —(1) An authorised person may, subject to the provisions of this section, enter on any land at all reasonable times for any purpose connected with this Act.

(2) Without prejudice to the generality of subsection (1) of this section, an authorised person may enter on land in accordance with the said subsection (1) for the purpose of—

(a) survey or valuation, in the case of any house, building or other land which the housing authority by whom the authorised person was appointed may be authorised to acquire for the purposes of this Act,

(b) survey or valuation, in the case of any house, building or other land which the housing authority by whom the authorised person was appointed may be authorised to acquire for the purposes of this Act,

(c) survey and examination where it appears to the housing authority by whom the authorised person was appointed that survey or examination is necessary in order to determine whether any function under this Act ought to be performed in respect of any house, building or other land.

(3) An authorised person entering on land under this section may do thereon all things reasonably necessary for the purpose for which the entry is made.

(4) Before an authorised person enters, under this section on any land, the housing authority shall either obtain the consent, in the case of occupied land, of the occupier, or, in the case of unoccupied land, the owner or shall give to the owner or occupier, as the case may be, not less than fourteen days' notice in writing of the intention to make the entry.

(5) A person to whom a notice of intention to enter on land has been given under this section by the housing authority may not later than fourteen days after the giving of such notice, apply, on notice to such authority, to the justice of the District Court having jurisdiction in the district court district in which the land is situate for an order prohibiting the entry, and, upon the hearing of the application, the justice may, if he so thinks proper, either

wholly prohibit the entry or specify conditions to be observed by the person making the entry.

(6) Where a justice of the District Court prohibits under this section a proposed entry on land, it shall not be lawful for any person to enter under this section on the land, and where a justice of the District Court specifies under this section conditions to be observed by persons entering on land, every person who enters under this section on the land shall observe the conditions so specified.

(7) Every person who, by act or omission, obstructs an authorised person in the lawful exercise of the powers conferred by this section shall be guilty of an offence and be liable on summary conviction to a fine not exceeding twenty-five pounds; and, if in the case of a continuing offence the obstruction is continued after conviction, he shall be guilty of a further offence and liable on summary conviction to a fine not exceeding five pounds for each day on which the obstruction is so continued.

(8) In this section, "authorised person" means a person who is appointed by the housing authority to be an authorised person for the purposes of this section.

### **LOCAL GOVERNMENT ACT 2001 (as amended by Local Government Reform Act 2014)** **chief executive acting by signed order**

151.—(1) The chief executive shall in carrying out the executive functions for each local authority for which he or she is chief executive act by a written order signed and dated by him or her in respect of the functions to which this section applies.

(2) This section applies to every executive function which—

(a) is required by this or any other enactment to be done by order of a chief executive,

(b) is mentioned in Schedule 15,

(c) is designated by order made by the Minister under subsection (9), or

(d) is considered by the chief executive to be of sufficient importance to be done by order.

(3) Every chief executive shall keep, in respect of each local authority for which he or she is chief executive, a register in which is entered a copy of every order made by him or her in accordance with this section for such local authority.



(4) At every meeting of a local authority, there shall be available for inspection by the elected council so much of the register referred to in subsection (3) as contains any orders made by the chief executive since the last previous meeting of the local authority.

(5) Any member of a local authority is entitled on request to be furnished by the chief executive for the local authority with a copy of a particular order made by the chief executive.

(6) Every document claiming to be an order made and signed by a chief executive shall—

(a) be received in evidence without proof of the signature of the person claiming

to sign such document or that such person was such chief executive, and

(b) until the contrary is proved, be deemed to be an order duly made and signed by such chief executive in accordance with this section and to have been so signed on the date stated in that document.

(7) Every document claiming to be certified in writing—

(a) by a chief executive to be a true copy of an order made by a chief executive in accordance with this section, or

(b) by a delegated employee in accordance with section 154 to be a true copy of an order made by a delegated employee in accordance with that section, shall—

(i) be received in evidence without proof of the signature of the person claiming so to certify or that such person was such chief executive or such delegated employee, as the case may be, and

(ii) until the contrary is proved, be deemed to be evidence of the contents of the order of which it claims to be a copy and of the fact that such order was duly made and signed by such chief executive in accordance with this section or by such delegated employee in accordance with section 154, as the case may be, on the date stated in the certified copy.

(8) The failure or omission to act by signed order in accordance with this section does not of itself operate to invalidate any action or decision taken by a chief executive or a local authority.

(9) The Minister may by order designate an executive function to be a function to which this section applies.

(10) Subject to the provisions of any other enactment, nothing in this section shall be read as precluding the revocation or amendment of an order made by a chief executive by a subsequent such order.

(11) Nothing in Schedule 15 shall be read as prejudicing the functions conferred on an elected council by this Act.

## **SCHEDULE 15**

### **FUNCTIONS TO BE DONE BY CHIEF EXECUTIVES'S ORDER**

1. A decision on an application under any enactment for the grant of a permission, approval, permit, consent, certificate, licence or other form of statutory authorisation.
2. A statutory notice served under the provisions of any enactment requiring compliance with such enactment.
3. A decision to take legal proceedings.
4. The acquisition or disposal of land or an agreement regarding the use of land.
5. The letting of a dwelling.
6. The acceptance of a tender.
7. The award of grants, loans or other financial assistance.
8. The appointment of staff.

## **RESIDENTIAL TENANCIES ACT 2004 (as amended)**

### **Chapter 4**

#### **Data exchange — residential tenancies.**

146. —(1) A local authority shall, at such intervals as are specified by the Board, supply to the Board such information in its possession as falls within any class of information specified by the Board for the purpose of this subsection, being a class of information the supply of which to the Board is reasonably necessary for the performance by the Board of its functions.

(2) The Minister for Social Protection shall, at such intervals as are specified by the Board, supply to the Board such information in his or her possession as falls within any class of information specified by the Board for the purpose of this subsection, being a class of

information the supply of which to the Board is reasonably necessary for the performance by the Board of its functions.

(3) The Board shall, at such intervals as are specified by a local authority, supply to the local authority such information in the possession of the Board as falls within any class of information specified by the local authority for the purpose of this subsection, being a class of information the supply of which to the authority is reasonably necessary for the performance by the authority of its functions relating to houses, dwellings or other structures (either generally or those which have been provided by it).

(3) The Board shall, at such intervals as are specified by a local authority, supply to the local authority such information in the possession of the Board as falls within any class of information specified by the local authority for the purpose of this subsection, being a class of information the supply of which to the authority is reasonably necessary for the performance by the authority of its functions relating to houses, dwellings or other structures (either generally or those which have been provided by it).

(4) The Board shall, at such intervals as are specified by the Minister for Social Protection, supply to that Minister of the Government such information in the possession of the Board as is reasonably necessary for the performance by that Minister of his or her functions under Chapter 11 of Part III of the Social Welfare (Consolidation) Act 1993

### **Exchange of public service data**

147. —(1) A local authority shall, at such intervals as are specified by the Minister for Social Protection, supply to that Minister of the Government such information in its possession as falls within any class of information specified by that Minister for the purpose of this subsection, being a class of information the supply of which to that Minister is reasonably necessary for the performance by that Minister of his or her functions under Chapter 11 of Part III of the Social Welfare (Consolidation) Act 1993 .

(2) The Minister for Social Protection shall, at such intervals as are specified by a local authority, supply to the local authority such information in his or her possession as falls within any class of information specified by the local authority for the purpose of this subsection, being a class of information the supply of which to the authority is reasonably necessary for the performance by the authority of its functions relating to houses, dwellings or other structures (either generally or those which have been provided by it).

## **Disclosure of certain information to Revenue Commissioners**

147A.— The Board shall, at such intervals as are specified by the Revenue Commissioners, disclose to the Revenue Commissioners information contained in the register the disclosure of which to the Revenue Commissioners is reasonably necessary for the performance by the Revenue Commissioners of their functions.

# Notes

