



Relate

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The journal of developments in social services, policy and legislation in Ireland

Housing

The April 2014 issue of *Relate* outlined the homelessness policies which were then in place and how they were implemented. The July 2014 issue dealt with aspects of renting accommodation including the various policies which were then in place and the plans for changes. Since then a number of policy developments have occurred in the general housing area. These include the publication of a new construction strategy and a new social housing strategy. Some aspects of these strategies have been implemented. Other developments involve more provision for homeless people, proposals to change the planning laws, consideration of regulation of rents and new rules on how much people may borrow for a mortgage. In this issue, we outline the main aspects of these new developments.

Social Housing Strategy 2020

The *Social Housing Strategy 2020: Support, Supply and Reform* was published in November 2014. It sets out plans for the delivery of more social housing and for a range of changes to various aspects of social housing assessment, delivery and financing. Its implementation involves a resumption of direct building by the State.

housing.ie/News/Current-News/Social-Housing-Strategy-2020-Support-Supply-and-Ref.pdf

Construction 2020 – A Strategy for a Renewed Construction Sector published in May 2014 also includes plans which are relevant to the social housing strategy.

Plans for supply of social housing

Over the six years 2015–2020, the social housing strategy aims to:

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- Provide 35,000 new housing units at a cost of €3.8 billion; 18,000 of these are to be provided by the end of 2017 and the other 17,000 by the end of 2020. The local authorities and approved housing bodies will provide them by building, buying or leasing. It is expected that over 22,000 will be built, 11,000 will be leased and about 2,000 existing dwellings will be refurbished or brought back into use.
- Support up to 75,000 households in the private rented sector through the Housing Assistance Payment (HAP) and the Rental Accommodation Scheme (RAS); 32,400 of these are to be provided in the period 2015–2017 and a further 43,000 by the end of 2020

This is expected to meet the assessed social housing need over the period.

In 2015, it is expected that about 7,400 new social housing units will be provided: 3,000 units through the Social Housing Leasing Initiative; 2,000 new Rental Accommodation Scheme (RAS) units; 1,000 vacant local authority units will be refurbished and brought back to use; with a further 1,400 units to be built or acquired by local authorities and approved housing bodies through the Social Housing Investment Programme and Capital Assistance Scheme. A further 8,400 households will be assisted through the Housing Assistance Payment (HAP).

Assessment of housing need

The most recent Assessment of Housing Need was undertaken in May 2013. This showed that there were 89,872 households who qualified for housing support. It also showed that:

- Single-person households made up the largest household type (44%) followed by single adults with a child or children (30%)
- Just under half (47%) of those who qualified for housing support were receiving Rent Supplement; 28% were living in the private rented sector but not receiving Rent Supplement
- 72% of the households were entirely dependent on social welfare; 11% had income from employment only and 6% had income from social welfare and employment
- There were 2,808 households which had a housing need due to living in an institution, emergency accommodation or hostel

environ.ie/en/Publications/DevelopmentandHousing/Housing/FileDownload,34857,en.pdf

The social housing strategy provides that, from 2016, an assessment of housing need will be carried out annually. The system of assessment and allocation of social housing support will be reviewed.

Delivery of the social housing strategy

The social housing strategy also sets out specific plans for the different housing sectors and these are summarised below.

There is a Social Housing Strategy Oversight Group which is chaired by the Minister for the Environment, Community and Local Government. It oversees the delivery of the strategy and monitors and reviews progress.

A project board has been established to agree targets for each local authority and with approved housing bodies for delivery of the housing supply targets.

A Dublin Social Housing Delivery Taskforce has been established to deal with the particular supply problems in Dublin. It is agreeing targets with each of the four Dublin local authorities. This is composed of the Chief Executives of the four local authorities, a representative of the Department of the Environment, Community and Local Government, the CEO of the Housing Agency and the CEO of the Irish Council for Social Housing.

Other local authorities are also drawing up targets for the delivery of social housing – this process is expected to be complete by early 2015.

Review

The social housing strategy will be reviewed in 2017. There will also be a review of all funding and delivery structures for social housing programmes, including how funding is provided to approved housing bodies.

Local authority housing

Local authorities owned 112,000 rented properties in 2014. They also had 4,800 leased under the Social Housing Leasing Initiative and were paying for approximately 20,200 properties under the Rental Accommodation Scheme. They were responsible for 137,000 dwellings in total. The average rent paid by tenants in 2012–13 was just under €53 a week.

The social housing strategy proposes a number of changes in the local authority housing arrangements including:

- The introduction of a new framework for rents and related charges for local authority housing and other forms of social housing; the Housing (Miscellaneous Provisions) Act 2009 already provides for this but the relevant provisions are not yet in effect. The social housing strategy states that the necessary regulations will be put in place by early 2015. The elected members of the local authorities will then be given a number

of months to put a rent scheme in place. These schemes are expected to be in place on 1 July 2015. Local authorities will then have a two-year transition period during which they will move towards the full implementation of the new scheme.

- A new tenant purchase scheme for existing local authority houses; this is provided for in the Housing (Miscellaneous Provisions) Act 2014 which was passed in late July 2014. The relevant provisions are not yet in effect but are expected to be brought into effect in the second quarter of 2015 (the Bill is described in the July 2014 issue of *Relate*).
- Providing more powers to local authorities to counter anti-social behaviour; this is also provided for in the 2014 Act but the provisions are not yet in effect. It is expected that they will be brought into effect during 2015.
- Providing more choice to tenants – it is proposed to extend the choice-based letting allocation process, developed and operated in South Dublin County Council, to other local authorities and to consider the introduction of a “housing passport”. A housing passport is designed to facilitate greater movement of individuals in receipt of housing support or assessed as having an identified housing need. It would enable those with a housing need assessed in one local authority to be housed in or transferred to another local authority if, for example, a job opportunity arose in another area.

Approved housing bodies

There are about 500 approved housing bodies. They manage about 27,000 dwellings.

The social housing strategy includes plans for changes to the funding of approved housing bodies including the introduction of multi-annual funding and facilitating them to get funding from non-State sources. The strategy also aims to improve the capacity of approved housing bodies to undertake large-scale developments.

It provides for statutory regulation of the approved housing bodies sector. Until a statutory regulator is put in place, the Housing Agency has been given responsibility for regulating the sector on a voluntary, non-statutory basis. It has established a Regulation Office which reports to an interim Regulatory Committee. This work is based on a voluntary regulation code: *Building for the Future, A Voluntary Regulation Code for Approved Housing Bodies in Ireland*, published in 2013. It is expected that the statutory system will be in place in 2016.

Private rented sector

Housing Assistance Payment

The Housing (Miscellaneous Provisions) Act 2014 provides for the Housing Assistance Payment (HAP). The statutory pilot phase of HAP came into effect in September 2014. It is now in full operation in seven local authority areas: Limerick City and County, Waterford City and County, Cork County, Louth, Kilkenny, South Dublin and Monaghan. In early March 2015, there were about 1,000 households receiving HAP in these seven local authority areas. Dublin City Council is also part of the statutory HAP pilot with a specific focus on accommodating homeless households, as provided for in the *Action Plan to Address Homelessness* published in December 2014. Dublin City Council is implementing the HAP pilot for homeless households in the Dublin region on behalf of all four Dublin local authorities.

In December 2014, the average Housing Assistance Payment being made to landlords under the pilot phase of the scheme was €462 across all classes of households. (The average monthly rent paid under the Rental Accommodation Scheme in 2013 ranged from €499 for a one-bedroom dwelling to €708 for a four-bedroom dwelling.)

At the end of 2014, there were 50,000 people in long-term receipt of Rent Supplement who it is planned will move to HAP. Over the lifetime of the social housing strategy, it is expected that a further 25,000 people will have similar long-term accommodation needs and that they will also move to HAP.

HAP is a recognised social housing support which means, in effect, that the housing needs of the recipients are considered to be met. Recipients are not entitled to remain on the local authority housing waiting list. However, recipients who wish to do so will still be able to access other social housing supports. This means that they may apply to transfer from HAP to other social housing supports such as local authority housing or housing provided by an approved housing body. The time spent on HAP will be taken into account by a local authority if a household applies for incremental purchase at any stage.

The Department of the Environment, Community and Local Government intends to review the transfer option with the seven pilot authorities before the scheme is extended to other local authorities. This review will feed into the overall review of the housing allocation system which is provided for in the social housing strategy.

Rent Supplement

There are approximately 71,500 Rent Supplement recipients at present. The cost is expected to be over €298 million in 2015.

More than half of all the rent received by private landlords comes from State payments such as Rent Supplement and the Rental Accommodation Scheme (RAS). The number of landlords receiving Rent Supplement increased from just under 60,000 in 2007 to a high of 96,800 in 2011.

While long-term Rent Supplement recipients will gradually be transferred to the HAP scheme, Rent Supplement will remain available to support those facing a short-term need arising from loss of employment or other contingencies. It will be a short-term support as was originally intended.

Help with deposit

It is possible to get help with the payment of a deposit on a rental property through the Exceptional Needs Payment (ENP) element of the Supplementary Welfare Allowance Scheme. In 2014, the Department of Social Protection made almost 3,000 payments of rent deposits/rent in advance at a cost of €1.48 million; 850 of these were to people under the age of 25.

Rent controls

On 27 March 2015, the Department of Social Protection published a review of maximum rent limits for the purposes of Rent Supplement. The review concluded that there would be no changes to the rent limits for Rent Supplement.

welfare.ie/en/Pages/Maximum-Rent-Limit-Analysis-and-Findings-Report-February-2015.aspx

Maximum rent limits for a family with two children range from €975 in the Dublin local authorities (other than Fingal) to €340 in Longford.

The Private Residential Tenancies Board (PRTB) published two reports on the private rented sector in 2014:

- *Future of the Private Rented Sector*
prtb.ie/docs/default-source/pdf-manuals/future-of-the-private-rented-sector.pdf?sfvrsn=0
- *Rent Stability in the Private Rented Sector*
prtb.ie/docs/default-source/pdf-manuals/rent-stability-in-the-private-rented-sector.pdf?sfvrsn=0

The rent stability report includes an examination of rent regulation regimes in other countries and puts forward a number of policy options in relation to rent stability. These include options in relation to rent control and measures

aimed at increasing awareness of tenant rights under the existing legislation.

Development of private rented sector

The social housing strategy includes a number of proposals for further development of the private rented sector.

These include:

- Developing a national policy on the private rented sector aimed at increasing investment in and supporting the supply of good quality, secure and affordable accommodation in the sector
- Exploring with landlord representative groups the potential that fixed-term tenancy agreements offer in terms of stability and security for tenants and landlords
- Exploring the development of a "cost rental" segment in the housing system. This means that a housing provider raises the finance to provide accommodation and charges rents that are sufficient to cover both capital costs and on-going maintenance and management. In effect, there is no profit involved. This should mean that rents would rise more slowly than market rents. It is proposed to have a pilot programme involving local authorities and approved housing bodies.

Construction 2020 includes a commitment to develop a national policy towards professionalising the private rented sector, to include issues such as investment, standards and regulation.

In June 2014, the National Economic and Social Council published *Social Housing at the Crossroads – Possibilities for Investment, Provision and Cost Rental*, which looked at the actions needed to support the development and financing of social housing in Ireland. In December 2014, it published *Homeownership and Rental: What Road is Ireland On?*, which looked at the evolving balance between homeownership and rental accommodation. It is continuing work on a report about the future development of the private rented sector and its role in providing affordable and secure accommodation.

Discrimination against tenants who are receiving Rent Supplement

At present, the refusal to grant a tenancy to a person who is receiving Rent Supplement is not regarded as unfair discrimination under the Equal Status Acts 2000–2012. These Acts provide that it is unlawful to discriminate in the letting of accommodation on grounds of gender, civil status, family status, sexual orientation, religion, age, disability, race or membership of the Traveller community. They do not make it

unlawful to discriminate on the grounds of income source. The Government has decided to make it unlawful to discriminate on the grounds of income source. It proposes to amend the Equal Status Acts to prohibit discrimination in relation to a tenant or prospective tenant on the basis that:

- The person is or is not in receipt of a Housing Assistance Payment or Rent Supplement, or
- The person's income or part of it is or is not provided by the State as a social welfare payment

It is intended that the amendments will be made to a Private Member's Bill, the Employment Equality (Amendment) (No. 2) Bill 2013, which is currently before the Seanad.

(This Bill proposes to change the law in relation to permissible discrimination on the basis of religious ethos.)

Homelessness

The *Implementation Plan on the State's Response to Homelessness* was published in May 2014 (the April 2014 issue of *Relate* summarises the homelessness policies). The implementation plan sets out a number of measures which are aimed at ensuring that a ring-fenced supply of 2,700 units of accommodation is available to homeless households by the end of 2016 and that the necessary health and social supports are in place.

The number of homeless people is difficult to establish with complete accuracy. Monthly reports from local authorities on the use of emergency accommodation are available at: environ.ie/en/DevelopmentHousing/Housing/SpecialNeeds/HomelessPeople

The social housing strategy states that there were 2,574 people in emergency accommodation nationally during the week of 21 to 27 September 2014 and 1,633 of these were in the Dublin region. Among this group were 387 families (490 adults and 828 dependants) of which 309 families (410 adults and 668 dependants) were in Dublin. On a given day in September 2014, 164 families were occupying commercial hotels in the Dublin region. Dublin City Council reported in September 2014 that an average of 5 households per day were presenting as homeless and an average of 32 new families were presenting as homeless each month. A Dublin Action Plan has been developed due to the particular concentration of homelessness in the Dublin region – this is being led by Dublin City Council.

The Dublin Region Homeless Executive recorded 168 individuals sleeping rough on the night of 11 November 2014.

The Minister for the Environment, Community and Local Government hosted a Summit on Homelessness in December 2014. Subsequently an Action Plan to Address Homelessness was developed.

environ.ie/en/PublicationsDocuments/FileDownload,39779,en.docx

The implementation of this plan is being overseen by the Cabinet Committee on Social Policy and Public Service Reform.

In January 2015, the Minister for the Environment, Community and Local Government issued a directive to the four Dublin local authorities and to the Galway, Cork, Limerick and Waterford housing authorities to prioritise homeless households and other vulnerable groups for housing in their areas. This means that, in Dublin, 50% of the dwellings available for allocation in the period from 27 January to 26 July 2015 will be allocated to such households that had qualified for social housing support on or before 1 December 2014. In the case of the other authorities, at least 30% of available dwellings must be allocated to these households. This is expected to result in 500 dwellings being allocated to these households in Dublin and another 500 in the other areas.

In 2014, over €49 million was provided to local authorities for the provision of homeless services. A significant part of this goes towards funding homeless services provided by voluntary organisations such as Focus Ireland, Simon Communities of Ireland, Peter McVerry Trust, Crosscare, DePaul Trust and the Salvation Army. As part of the Action Plan to Address Homelessness it is intended to examine the structures, service delivery and coordination arrangements in the homelessness sector.

After the Summit on Homelessness an additional 271 emergency bed spaces were provided in the Dublin region. The numbers sleeping rough were then estimated to be between 22 and 32.

Some homeless people do not want to be placed in emergency accommodation. There is now a Nite Café service in Dublin that provides accommodation and services for them.

Avoiding homelessness

In June 2014, the Department of Social Protection has measures in place to try to ensure that the housing needs of Rent Supplement recipients who are in danger of becoming homeless are being addressed. Departmental staff have been reminded that they have a statutory discretion to award a supplement when dealing with applicants who are at risk of losing their tenancy.

The Department has agreed a "tenancy sustainment protocol" with the Dublin Region Homeless Executive, the Dublin local authorities and voluntary organisations to protect families on Rent Supplement who are at risk of losing their accommodation and to prevent them from becoming homeless. Payments in excess of the rent limits are being made to about 375 families in the Dublin region. The protocol was extended to Cork city in January 2015 and is available to all households in this area. The Dublin service available to families was also extended to cover single persons and couples from February 2015. People wishing to avail of the protocol should contact Threshold's Tenancy Protection Service at 1800 454 454.

Limits on residential mortgage lending

The Central Bank has issued new rules on residential mortgage lending, setting limits on how much you may borrow to buy a residential property. The main aspects of the limits on borrowing relate to your income and to the value of the property. The rules are contained in the Central Bank (Supervision and Enforcement) Act 2013 (Section 48) (Housing Loan Requirements) Regulations 2015 (SI 47/2015). The financial institution providing the loan may decide to apply stricter conditions.

centralbank.ie/press-area/press-releases/Pages/CentralBankannouncesnewregulationonresidentialmortgagelending.aspx

General exemptions from the limits

The limits do not apply to:

- Switcher mortgages or refinancing of an existing housing loan; a switcher mortgage means that you already have a housing loan and you switch to another financial institution and borrow the same amount
- Housing loans entered into for the purposes of addressing pre-arrears or arrears (for example, as part of the Mortgage Arrears Resolution Process). Pre-arrears means a housing loan in respect of which there is a reasonable prospect that the borrower will go into arrears.
- Borrowers in negative equity applying for a mortgage for a new property. If more than one person is borrowing and if one of them is in negative equity, then all borrowers are considered to be in negative equity. Fewer than 300 mortgages were issued by the main banks to borrowers in negative equity in 2014.

Income limit

In general, the maximum mortgage you can take out in order to buy a principal dwelling is three and a half times your annual gross income (income before tax and other deductions). So, if you earn €50,000 a year, the maximum mortgage you can get is €175,000.

There are some exceptions to the general rule on income limits:

- The limit may be exceeded in some cases but these cannot be more than 20% of the value of all loans advanced by the lender for principal dwellings
- The limit does not apply to buy-to-let mortgages

Value limit

In general, you may not borrow more than 80% of the value of the property – this is called the Loan-to-Value (LTV) limit.

There are some exceptions to this rule:

- First-time buyers may borrow up to 90% of the value of a property that costs up to €220,000. If it costs more than this, they may borrow 90% of €220,000 plus 80% of the rest of the cost. If more than one person is borrowing, they are not considered first-time buyers if either had previously had a housing loan.
- The limit may be exceeded in some cases but these cannot be more than 15% of the value of all loans advanced by the lender for principal dwellings in a calendar year

Buy to let

A limit of 70% LTV applies to properties which are being bought to let, that is, they are not principal dwellings. This limit may be exceeded in some cases but they may not constitute more than 10% of all housing loans advanced by the lender for non-principal dwellings.

Mortgage arrears and repossessions

The Central Bank publishes information about mortgage arrears on residential properties and repossessions every quarter. The latest available is for the last quarter in 2014.

At the end of December 2014, there were 758,988 private residential mortgage accounts for principal dwellings in Ireland. These had a total value of almost €105 billion. Of these, 14.5% (110,366) were in arrears and 78,699 accounts (10.4%) were in arrears of more than 90 days. There were 114,674 accounts classified as restructured; almost 85% of

these were meeting the terms of the restructuring agreement. In general, the number in arrears is falling but the number of very long-term arrears is increasing.

Repossessions

During the fourth quarter of 2014, legal proceedings were issued to enforce the debt/security on principal dwelling mortgages in 2,543 cases. A total of 721 cases were concluded and orders for possession or sale were made in 314 of these cases. There were 1,393 properties in the banks' possession at the beginning of the quarter. A total of 429 properties were taken into possession by lenders during the quarter, of which 123 were repossessed on foot of a court order, while the remaining 306 were voluntarily surrendered or abandoned.

centralbank.ie/press-area/press-releases/Pages/ResidentialMortgageArrearsandRepossessionsStatisticsQ42014.aspx

In 2013, there were 2,498 new applications to the Circuit Court for possession of land. There were 343 orders for possession granted; 310 of these were for residential property. Between January and June 2014, there were 4,315 new applications for possession; 313 orders for possession were made, of which 267 were residential properties. In the High Court, there were 332 applications in 2013 and 107 orders for possession made. There were 82 new applications in the period January to June 2014 and 52 orders for possession were made. The High Court statistics do not distinguish between residential and non-residential property.

It is not known how many of these orders for possession were actually executed.

Other mortgage issues

Transfer of mortgages to unregulated financial institutions

The Consumer Protection (Regulation of Credit Servicing Firms) Bill 2015 aims to protect consumers (including mortgage holders) whose loans are sold by regulated financial service providers to unregulated firms. The Bill provides that borrowers will continue to be covered by the Central Bank's codes of conduct and will continue to have access to the Financial Services Ombudsman. This means that mortgage holders will continue to be covered by the Code of Conduct on Mortgage Arrears (CCMA).

Most unregulated purchasers of loan books have already agreed to be voluntarily subject to the CCMA.

Mortgage to rent schemes

There are two mortgage to rent schemes in existence. In one scheme, a local authority may get ownership of properties with unsustainable local authority mortgages. The household then remains in the property as social housing tenants. By

March 2015, 81 households in distress with local authority mortgage arrears had used the scheme.

In the other scheme, an approved housing body may get ownership of a property with an unsustainable private mortgage. Again, the household will remain in the property as social housing tenants. In order to be eligible for this scheme, the household must have had their mortgage position deemed unsustainable under the Mortgage Arrears Resolution Process, agree to the voluntary surrender of their home, be in negative equity, and be deemed eligible for social housing. The property must be bought by the approved housing body for less than €220,000 in the Greater Dublin Area or €180,000 in the rest of the State.

By March 2015, a total of 2,748 households had applied for the scheme. Of these 1,866 were considered ineligible or ended during the process. Agreement on the sale could not be agreed in 42 cases. Of the remaining 840 cases, 85 had been completed, 176 were currently with the lenders and the remaining 579 were being actively progressed.

Planning and development

Supply of housing

Construction 2020 – A Strategy for a Renewed Construction Sector deals with a range of issues related to private and social housing, commercial property and planning.

taoiseach.gov.ie/eng/Publications/Publications_2014/Construction_Strategy_-_14_May_2014.pdf

It provides that a National Framework for Housing Supply is to be established to ensure that the supply of housing is matched with projected demand. To support this, the identification of need will be improved on a local, regional, and national basis by the Housing Agency in coordination with local authorities. A Housing Supply Coordination Task Force for Dublin was

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established as part of the implementation of the construction strategy. Its membership includes the Department of the Environment, Community and Local Government, the four Dublin local authorities, NAMA and other agencies. Its main aim is to address the supply problem in Dublin. In its first report, issued in June 2014, it reported that:

- There was planning permission in place for the immediate development of 12,785 houses and 7,925 apartments across the four Dublin local authorities
- A further 25,507 new dwellings could be built on lands which are currently zoned and available for development but do not have planning permission
- This would be enough to meet Dublin's housing needs for the next six years

environ.ie/en/Publications/DevelopmentandHousing/Planning/FileDownload,40631,en.pdf

The Task Force has compiled a second *Report on Critical Infrastructure Deficits in Residential Priority Areas in the Dublin Region* but this has not yet been published.

environ.ie/en/DevelopmentHousing/PlanningDevelopment/DublinHousingSupplyCoordinationTaskForce/

The Department of the Environment, Community and Local Government has estimated that there is sufficient zoned land in the State to build 500,000 new homes – enough for the next 10 years.

New planning rules

Part V of the Planning and Development Act 2000 requires private developers to ensure that 20% of land zoned for residential and other uses is reserved for social and affordable housing. In practice, many developers availed of the option of making a cash payment to the local authority instead of actually building social and affordable housing. Following a review of this legislation (available at housing.ie), the General Scheme of the Planning and Development (No. 1) Bill 2014 was published.

The General Scheme provides that, in future, the focus of Part V will be on social housing. There will be a requirement for up to 10% social housing in developments in excess of nine units. The priority will be to secure social housing units on site. The option of a cash payment will be abolished.

These new requirements may be applied retrospectively to existing planning permissions. It is expected that the Bill will be enacted during 2015.

It is expected that up to 4,000 social housing units will be provided in this way by 2020.

The Bill will also provide mechanisms such as a vacant site levy to encourage the development of land zoned for housing and a "use it or lose it" mechanism in relation to planning permissions. This would mean that local authorities could reduce the duration of permissions for housing developments in cases where insufficient progress was being made in the delivery of the housing.

environ.ie/en/PublicationsDocuments/FileDownload,39512,en.pdf

NAMA supply

NAMA has made 5,753 houses and apartments available to local authorities and approved housing bodies for social housing and has invested over €20 million in delivering social housing in those cases where local authorities have confirmed demand. Of these, 2,214 were considered to be suitable and have been or are being allocated.

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