GENERAL SCHEME

OF

AFFORDABLE HOUSING BILL 2020[1]

[1] Department of Housing, Local Government and Heritage 17/12/2020

PART 1

Preliminary and General

PART 2

Amendment of the Housing (Miscellaneous Provisions) Act 2009

PART 3

Amendment of the Local Government Services (Corporate Bodies) Act, 1971

PART 1

Preliminary and General

Head 1: Short title, collective citation and commencement

Provides that:

(a) This Bill may be cited as the Affordable Housing Bill 2020.

(b) This Bill shall come into operation on such day or days as the Minister may by order or orders appoint either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.

(c) Other collective citations as appropriate shall be included.

Note:

This Head contains the standard provisions about short title and collective citation for a listing of acts included or previously included in the collective citation.

<u>Head 2</u>: Interpretation

Provides that:

In this Bill-

"the Act" means the Housing (Miscellaneous Provisions) Act 2009.

Note

Self explanatory**.**

<u>Head 3</u>: Amendment of section 78 of the Act (Interpretation)

Provides that section 78 is amended in subsection (1)-

(a) by the insertion of

" "affordable dwelling purchase agreement" has the meaning given to it by section 83;"

"affordable dwelling purchase agreement period" has the meaning given to it by section 83;"

after

"affordable dwelling purchase arrangement" has the meaning given to it by section 83;".

(b) by the substitution of

" "charging order period" means a period from the date the charge is registered until the date upon which all amounts payable pursuant to the charging order have been irrevocably paid and discharged in full;"

for

" "charged period" has the meaning given to it by section 86;"

(c) by the substitution of the following for the definition of "purchase money"

" "purchase money", in relation to an affordable dwelling, means the amount fixed by the housing authority as the price that is required to be paid by an eligible household to purchase the dwelling under an affordable dwelling purchase arrangement;".

Notes

1. Part 5 currently provides for the property to be charged for a specified period (not to be less than 25 years) at the end of which all amounts outstanding on the charge become repayable. However, if the purchaser does not repay at the end of that period, the housing authority would have to go to court and ultimately seek a judgment mortgage on the property, which lasts for a maximum of 12 years. Legal advice obtained indicates that the original charge no longer stands once the "charged period" has expired (or at least, it is very uncertain that it does). This is unsatisfactory. Accordingly it is proposed to replace this approach with the following: the "charging order period" will not have a finite duration and it is made clear that <u>the charge will remain on the property until the amount outstanding on the charge is paid</u>. Instead there will an "affordable dwelling purchase agreement period" (likely prescribed as 30 years) during which the charge will not be enforceable (except for breach of the agreement[2]): at the end of the period the charge will become enforceable if the amount outstanding is not paid. However, this will be at the discretion of the housing authority. The housing authority may decide not to enforce the charge during the lifetime of the purchasers and wait to recover the amount outstanding on the death of purchasers through probate/administration (or upon sale of the property). It is envisaged that housing authorities would not, save in the most exceptional circumstances, decide to enforce the charge during the lifetime of the purchaser(s) but will instead

[2] Or as per S 83 (3)(a)(i) the purchaser sells the dwelling during the affordable dwelling purchase agreement period and pays the housing authority an amount calculated in accordance with section 90.

wait to get the repayment on the disposal of the purchaser(s) estate after death – see further notes under Head 10. Accordingly, the amendments at (a) and (b) above introduce an "affordable dwelling purchase agreement" (to be in writing) and an "affordable dwelling purchase agreement period" (likely to be prescribed as 30 years) and provide that the "charging order period" will continue until the amount due under the charge is paid in full.

2. The current definition of "purchase money" is not considered sufficiently clear and is substituted by a clearer definition – simply, the amount which the housing authority has decided must be paid by the purchaser for the dwelling.

Head 4: Amendment of section 79 of the Act (Provision of dwellings)

Provides that section 79 is amended -

(a) by the substitution of the following for subsection (2)

"(2) A housing authority may, for the purposes of subsection (1), enter into—

(a) arrangements with an approved body,

` (b) public private partnership arrangements, or

(c) arrangements with the Land Development Agency, or

(d) arrangements with the Housing Agency.";

(b) in subsection (3) by the deletion of paragraph (b);

(c) in subsection (4) by substitution of "any housing services plan it has made" for "its housing services plan".

Notes

1. The purpose of replacing subsection (2) of section 79 is to add paragraph (c) to allow a housing authority to enter into an arrangement with the newly established Land Development Agency and/or the Housing Agency for the provision of affordable dwellings.

2. Paragraph (b) of subsection (3) of section 79 refers to the Affordable Homes Partnership which no longer exists, and therefore the paragraph is being deleted.

3. As regards the amendment to subsection (4), the relevant provisions of the Act (Part 2, Chapter 3) requiring housing authorities to make housing services plans have not been commenced, accordingly the requirement for a housing authority to have regard to "its housing services plan" is replaced with a requirement to have regard to "any housing services plan it has made". That is, should it be decided to commence the provisions re housing services plans, and such plans were made by housing authorities, it would be reasonable for housing authorities to have regard to them in the provision of dwellings under section 79; however the amended provision does not, as the current one does, assume that such plans currently exist.

Head 5: Amendment of section 80 of the Act (Direct Sales Agreement)

Provides that section 80 is amended by the substitution of the following subsections for subsection (5):-

"(5) Where the amount due to a person referred to in subsection (1) under the arrangement for the provision of dwellings is greater than the purchase money which the housing authority has fixed to be paid by the purchaser under the direct sales agreement, the amount of any such difference shall be paid by the housing authority to that person.

(6) Where the amount due to a person referred to in subsection (1) under the arrangement for the provision of dwellings is less than the purchase money which the housing authority has fixed to be paid by the purchaser under the direct sales agreement the amount of any such difference shall be paid by that person to the housing authority, save as may otherwise be provided in regulations made by the Minister."

Notes

1. Section 80(5) currently caters for the situation where a housing authority has entered into a Part V agreement with a developer for the provision of affordable housing. The housing authority may enter into a direct sales agreement with the developer whereby the developer will sell the units directly to the purchasers. It might be the case that the amount due to be paid to the developer by the housing authority under the Part V arrangement is greater than the amount for which the housing authority wishes the unit to be sold to the purchaser (the "purchase money"). The current provision provides that in such cases the housing authority will pay the difference directly to the developer. This situation may arise under arrangements other than Part V however, i.e. it might happen that a housing authority commissions housing other than under Part V and wants the units to be sold to purchasers at a price lower than the housing authority has agreed to pay for them. It is possible that e.g. a housing authority would commission units from a developer at e.g. €230,000 each, but would be in a position to provide an additional subsidy of €50,000 per unit: that is, the housing authority would wish the developer to sell them to purchasers, under the direct sales agreement, for €170,000 each. Therefore the new subsection (5) allows the housing authority to pay the difference to the developer with whom it has entered an arrangement to provide housing in any such case (not only under Part V) i.e. any case where the "purchase money" will be lower than the amount that the housing authority has agreed to pay for the units. Without this provision the housing authority would have to first take the units into its ownership and sell them themselves to the purchasers – i.e. it could not avail of the direct sales agreement mechanism in such a case.

2. The reverse situation may also occur – e.g. the housing authority has commissioned units on its own land for €X each but wants to enter into a direct sales agreement with the developer which would include the sale of units to particular purchasers at a purchase price higher than €X: the new subsection (6) provides that in such a case the developer providing the units will pay the difference to the housing authority. The situation envisaged here is where a housing authority has commissioned units from a developer e.g. at €250,000 each and the market value of the units is €300,000: however not all the units will be sold for €250,000 as not all eligible purchasers will require the maximum discount and therefore some units will be sold for more than €250,000 i.e. more than the developer has agreed to provide them for. Accordingly it is provided that in such a case the developer will pay

the difference to the housing authority. An exception here “save as may otherwise be provided in regulations made by the Minister” has been added as it is not yet fully confirmed how any such arrangements made with the Land Development Agency (as opposed to developers in general) would work in practice: this is a matter which can be dealt with in regulations if necessary.

Head 6: Amendment of section 83 of the Act (Affordable Dwelling Purchase Arrangements)

Provides that section 83 is amended -

(a) by the insertion of the following subsection after subsection (1):

"(1A) –(a) When a housing authority enters into an affordable dwelling purchase arrangement with an eligible household that arrangement shall be expressed by an agreement in writing, in this Part referred to as "an affordable dwelling purchase agreement".

(b) An affordable dwelling purchase agreement shall be for a period to be specified by the housing authority in that agreement, such period in this Part referred to as the "affordable dwelling purchase agreement period".";

(b) in subsection (2)(b) by the substitution of "the form of which may be prescribed by the Minister" for "in the prescribed form";

(c) in subsection (3) by the substitution of "charging order period" for "charged period" in each place that it occurs.

Notes

1. The new subsection (1A) in section 83 provides for an affordable dwelling purchase arrangement to be expressed in a written agreement, the "affordable dwelling purchase agreement". This is considered important i.e. that the purchaser confirms in writing that he/she agrees to the conditions of the arrangement, in particular the placing of a charge on the property. See notes under Head 3 in relation to the creation of an "affordable dwelling purchase agreement period" during which the charge will not be enforceable (save for breach of agreement) but at the expiration of which it will become enforceable. It is intended to provide in regulations that the affordable dwelling purchase agreement period shall not be less than 30 years.

2. The amendment to subsection (2) provides that the Minister may prescribe the form of the charging order to be used by housing authorities: under current wording the Minister is required to prescribe the form. (It is, in fact, intended to prescribe the form but for the purpose of getting the necessary regulations in place quickly it is considered that it is better to leave this discretionary as opposed to mandatory).

3. The amendments to subsection (3) substitute "charging order period" for "charged period" – again, see notes under Head 3.

<u>Head 7</u>: Amendment of section 84 of the Act (Assessment of eligibility for affordable dwelling purchase arrangement)

Provides that section 84 is amended –

(a) in subsection (1) by the addition of "or who intends to live alone in the affordable dwelling" after "a person who lives alone";

(b) in subsection (2) by

(a) the insertion of ", pursuant to an advertisement by a housing authority inviting such applications," after "Where a household applies to a housing authority",

(b) the deletion of paragraph (a),

(c) by the substitution of the following for paragraph (b)

"(b) regulations in relation to eligibility on income grounds made by the Minister with the consent of the Minister for Public Expenditure and Reform;";

(c) by substituting the following for subsection (3)

"(3) Regulations made under subsection (2)(b) may provide that other assets of the household will be taken into account in determining eligibility";

(d) in subsection (5) by the deletion of "referred to in subsection (2)(a)";

(e) by the substitution of the following for subsection (7):

"(7) The Minister may make regulations providing for the means by which the eligibility of households for an affordable dwelling purchase arrangement shall be assessed including, but not necessarily limited to, the following:

(a) the procedures to be applied by a housing authority for the purposes of assessing a household's eligibility by reference to income and other financial circumstances, including the income that shall be assessable for such purposes;

(b) any affordable dwelling or other housing support previously provided by any housing authority to the household which may be taken account of by a housing authority in making an assessment of eligibility under this section.".

Notes

Section 84 deals with <u>eligibility</u> for affordable dwelling purchase arrangements and a number of changes have been made here.

1. Subsection (1), in defining a household, makes reference to a single person only as "a person who lives alone". This would appear to exclude a single person who currently lives with others but wishes to apply to buy his/her own dwelling from the definition of a "household" and hence from the ability

to be considered eligible for under these arrangements. Accordingly it is proposed to add the words "or who intends to live alone in the affordable dwelling" to "a person who lives alone".

2. The amendments to subsection (2) firstly provide that a person may apply for affordable housing to a housing authority only in response to an advertisement to apply for such. This is considered desirable as the current wording appears to allow a person to apply to a housing authority at any time, and have his/her application assessed for eligibility, even when there are no affordable housing schemes ongoing in the housing authority area. Unlike previous schemes, this scheme will see housing authorities make available homes in developments as and when they arise (rather than establishing a housing authority waiting list). When all of the homes in the development is question have been sold, the application list in question will be discontinued.

The amendments remove references to suitability of current accommodation, distances from schools, workplaces etc. from the eligibility criteria. Regulations made in 2019 addressed the provisions in terms of distances from schools, workplaces under schemes of priority, not eligibility: these Regulations will be amended).

The previous income eligibility criterion of being unable to afford a unit suited to one's needs by virtue of the fact that the repayments on such a (90%) mortgage would exceed 35% of net household income is removed. Instead a requirement is placed on the housing authority to assess income eligibility on the basis of regulations on the matter to be made by the Minister with the consent of the Minister for Public Expenditure and Reform. It is intended to provide, in the regulations, that the income criterion for eligibility to purchase a particular dwelling will be that the applicant cannot secure a bank/financial institution mortgage for 90% of the market value of the unit. It is intended that the applicant will be required to take out their maximum bank mortgage (but not necessarily maximum Rebuilding Ireland Home Loan), and the % equity charge will be based on the difference between the purchase price the individual can afford to pay with their full bank mortgage, or the lowest price the housing authority agrees the unit can be sold for, whichever is the lower, and the market value of the unit.

It should be noted that Part 5 does not in any case allow a unit to be sold under Part 5 at a greater discount from market value than 40%.

3. There is a current requirement to take "other assets" of the household into account in determining eligibility, presumably intended to cover savings, capital assets, etc. It is proposed to replace with a provision that the Minister may make regulations requiring such means to be taken into account. It is considered unlikely that applicants would leave large sums on deposit and take larger loans out in consequence, so this is not considered an urgent matter. It might be noted that an eligibility criterion remains in subsection (2) that the household or any household member not own, or be beneficially entitled to "an interest in any dwelling or land in the State or elsewhere".

4. The amendment to subsection (5), the removal of reference to paragraph (a) of subsection (2) is consequent on the deletion of that paragraph.

5. Subsection (7) deals with regulations that may be made by the Minister in relation to the means by which eligibility may be assessed. The current provisions refer to regulations being made prescribing a methodology for assessing eligibility of households based on the average price being paid by first-time buyers in the housing authority area for a unit suited to the households needs. It is not possible to robustly establish the average price paid by first-time buyers for particular units (1-bed, 2-bed, 3 bed, etc.) in a housing authority area (CSO produce statistics on prices paid by first-time buyers, but these do not distinguish between types of units). More importantly it is not considered an appropriate measure in that it is not consistent with the home that the applicant household may be seeking to

purchase. It is considered more appropriate to measure a household's capacity to buy against the actual unit being sold by the housing authority, not against some notional average for the housing authority area (even if this could be established). Accordingly these provisions are being removed. What remains are provisions allowing the Minister to make regulations in relation to the manner of assessment, including assessable income. It is intended to provide by regulation that assessable income will be the same as that set out for eligibility for social housing in the Household Means Policy i.e. to exclude such payments as Child Benefit.

<u>Head 8</u>: Amendment of section 85 of the Act (Schemes of priority for affordable dwelling purchase arrangements)

Provides that section 85 is amended –

(a) in subsection (1) by the substitution of "The Minister may make regulations regarding the priority" for "A housing authority shall, not later than one year after the coming into operation of this Part, in accordance with this section and regulations made thereunder, make a scheme (in this Part referred to as a "scheme of priority") determining the order of priority:";

(b) by the substitution of the following for subsection (2):

"(2) The matters which may be included in regulations made pursuant to subjection (1) include but are not limited to the following:

(a) the priority to be given to households of particular sizes for particular dwellings;

(b) any priority to be given to eligible households that are resident in the administrative area of the housing authority or have been so resident for a particular length of time;

(c) the priority to be given to applicants in accordance with the date or time of their application pursuant to section 84;

(d) such other matters as the Minister considers necessary and appropriate for the purposes of making a scheme of priority.";

(c) by the deletion of subsection (3);

(d) in subsection (4) by the insertion of the words "shall make a scheme of priority pursuant to the provisions of this section and" after "A housing authority";

(e) by the deletion of subsection (7);

(f) by the deletion of subsection (9)

(g) by the insertion of the following subsection after subsection (10):

"(11) Schemes of priority made by housing authorities prior to the coming into operation of this subsection shall be null and void.".

Notes

Section 85 deals with a scheme of priority which must be put in place by each housing authority i.e. the priority to be applied by housing authorities to eligible applicants when there are more eligible applicants than there are affordable homes available. It is considered that both section 84 (eligibility) and section 85 (schemes of priority) as currently worded are unsatisfactory and somewhat confused. For example, matters which might be better considered under priority – "the current housing circumstances of the household", the distance between "the preferred location" and "the place of employment of any member of the household" – were placed in section 84, which deals with eligibility

rather than priority. The income/financial circumstances of the household was referred to both as an eligibility criterion and as a criterion on which priority might be given.

Part 5 was commenced in June 2018 and housing authorities were required to make schemes of priority within a year and the Minister was required to make regulations effectively prescribing what should go into those schemes of priority. These Regulations were made under time constraints in early 2019 (S.I. No. 81/2019 - Housing (Miscellaneous Provisions) Act 2009 (Part 5) Regulations 2019). While the Department would have preferred to regulate for something considered more transparent and workable along the lines of "first come first served" it was constrained by the wording of the Act. Accordingly a scheme of priority which would give preference to eligible households was devised as follows:

1. Households whose housing needs would be adequately met by the affordable home in question (Class A) e.g. a single person would not be prioritised for a 3 -bed unit;

2. Where the number of Class A eligible households is greater than the number of relevant units, Class A applicants will be filtered down into households where at least one member has been resident in the housing authority area for the 12 months immediately preceding application (Class B);

3. Where the number of Class B eligible households is greater than the number of relevant units, Class B applicants will be filtered down into households with a household member attending an education facility within a certain distance of the units concerned (Class C). It will be a matter for the housing authority concerned to decide on the distance to use in its scheme;

4. Where the number of Class C eligible households is still greater than the number of relevant units, Class C applicants will be filtered down into households with a household member working within a certain distance of the units concerned (Class E. Again, it will be a matter for the housing authority concerned to decide on the distance to use in its scheme;

5. Where the number of Class E eligible households is still greater than the number of relevant units available, Class E applicants will be prioritised according to the date/time they applied.

It was left to housing authorities to decide on appropriate distances for the purposes of 3. and 4. Many housing authorities were unhappy with these Regulations and some adopted such long distances as to effectively negate what it is assumed was the intention of the provisions.

Following engagement with housing authorities, who flagged very significant dissatisfaction with the Regulations, and having regard to the inconsistency between housing authorities in their approach to the contents of their schemes of priority, it is proposed now to simplify this entire matter. It is proposed to provide, as previously, that the Minister may make regulations regarding housing authority schemes of priority. However the matters specified on which regulations can be made are now reduced to: the suitability of the unit for the eligible household, length of time living in the administrative area and the date/time of application. In these regulations it is intended simply to provide that (new) housing authority schemes of priority must provide that 70% of dwellings in a scheme will be allocated on the basis of (1) suitability of unit for the household and (2) the date/time of application and that the remainder of dwellings may be allocated on a basis to be decided by the housing authority and included in their scheme of priority. (The 2019 Regulations will be repealed). The making of a scheme of priority will remain a reserved function but the requirement to submit schemes of priority to the Minister for approval prior to being made is removed (subsection (10) which allows the Minister to direct a housing authority to amend their scheme of priority remains, however, and the Department will examine housing authority schemes of priority as they are made). It is

provided that previous schemes of priority will be null and void on the commencement of the relevant subsection. Housing authorities will accordingly be required to make new schemes of priority but no time limit has been put on this: housing authorities will be monitored by the Department to ensure that any housing authority that has an affordable dwelling scheme coming up makes its new scheme of priority in time. It is expected that housing authorities will strongly welcome this simplification of the process.

<u>Head 9</u>: Insertion of section 85A into the Act ("Arrangements with the Land Development Agency pursuant to section 84 and section 85")

Provides that the following section is inserted after section 85:

"85A - A housing authority may enter into an arrangement with the Land Development Agency whereby the housing authority will

(a) advertise affordable dwellings to be sold by the Agency;

(b) assess applicants for eligibility for an affordable dwelling purchase arrangement pursuant to section 84;

(c) prioritise eligible applicants pursuant to section 85

and such dwellings will be sold by the Agency to eligible purchasers in accordance with an agreement between such purchasers and the Agency, with any charges on such properties being made in favour of the Agency."

Note

The purpose of this new section is to allow housing authorities to effectively select and prioritise eligible purchasers for homes being sold by the newly established Land Development Agency (LDA) in accordance with the Scheme of Priority applicable to the local authority area within which the LDA has developed affordable homes for sale under this scheme. The LDA would sell the units directly to the purchasers, and all other matters, including charges on the property, would be arranged between the LDA and the purchasers: the housing authority's role here would be limited to nominating purchasers and consequently no amendments are being proposed to sections 86, 87, 88, 89, etc. (in relation to the charging order, repayment of the charge, payments against the charge from time to time, etc.) in order to make the LDA subject to these provisions. The management of these issues is left to the LDA.

It might be noted that the LDA has also been included in section 79 (see Head 4): a somewhat different scenario is being catered for there: i.e. that the LDA would be in the position of a developer or contractor providing units for the housing authority, to be sold to purchasers, probably through a direct sales agreement. In such a case the charge on the property would be in favour of the housing authority and the homes would usually be on local authority owned lands.

<u>Head 10</u>: Amendment of section 86 of the Act (Charging Order)

Provides that section 86 is amended

(a) in subsection (1) by the substitution of "charging order period" for "period specified in the order (in this Part referred to as the "charged period")";

(b) by the insertion of the following subsection under subsection (2):

"(2A) A charging order under this section shall become enforceable upon a breach of the affordable dwelling purchase agreement or upon failure to repay the amounts outstanding under the charging order at the end of the affordable dwelling purchase agreement period and the charge may, at the discretion of the housing authority, be enforced during the lifetime of the purchaser(s).";

(c) by the substitution of the following for subsection (3):

"(3) A charge under subsection (1) shall be discharged by the housing authority on the earlier of

(a) subject to section 90, the first resale of the dwelling, or

(b) subject to section 87, the repayment in full of the amount of the charge outstanding under the charging order.".

Notes

1. The amendment to subsection (1) is to replace "charged period" with "charging order period" which has been defined in section 78 – see notes under Head 3.

2. A new subsection 2A is being inserted stating that the charging order becomes enforceable by the housing authority on a breach of the agreement or at the end of the affordable dwelling purchase agreement period if the amounts outstanding pursuant to the charge are not repaid. It also states that the charge (after it becomes enforceable) may be enforced at the discretion of the housing authority during the lifetime of the purchaser(s). The intention is that housing authority <u>*could*</u> at its discretion, if the purchaser does not repay the amount outstanding under the charge at the end of the affordable dwelling purchase agreement period, apply to court to force the sale of the unit in order to recover the amount outstanding. However, given that Head 3 is now providing/clarifying that the charge remains in place until the amount outstanding has been repaid, it is expected that housing authorities will not in fact do this. It will recover the amount anyway upon the disposal of the dwelling on the death of the purchaser(s), under probate/administration. See also substituted section 89. It is intended to issue statutory guidelines to housing authorities on this matter saying that <u>in the ordinary course of events the charge should not be enforced by the housing authority during the lifetime of the purchaser(s). However, it is considered desirable to retain an ability for the housing authority to enforce the charge in unforeseen or exceptional circumstances.</u>

3. The substitution of subsection (3) is to remove paragraph (c) which related to the "charged period".

<u>Head 11</u>: Amendment of section 87 of the Act (Payments by purchaser during the charged period)

Provides that section 87 is amended-

(a) in subsection (1) by the deletion of "but" after "sale of the dwelling to the purchaser" and by the substitution of "affordable dwelling purchase agreement period, or, with the consent of the housing authority, after the expiration of the affordable dwelling purchase agreement period" for "charged period";

(b) in subsection (4) by the substitution of ", in such form as may be prescribed by the Minister," for "in the prescribed form".

Notes

1. The first amendment here relates to the replacement of the "charged period" by the "affordable dwelling purchase agreement period" as the period during which the charge is not enforceable (see Head 3).

2. The second amendment refers to the prescribing of the form on which the purchasers notifies the housing authority that he/she intends to make a payment against the charged amount. While it is intended to prescribe this form, the section is being amended to allow the Minister discretion as to whether to prescribe it or not.

<u>Head 12</u>: Amendment of section 88 (Registration of charging orders and agreements with financial institutions)

Provides that section 88 is amended:

(a) by the substitution of "Land and Conveyancing Reform Act 2009" for "Conveyancing Acts 1881 to 1911" in each place that it occurs;

(b) in subsection (2)(b) by the substitution of "that Act" for "those Acts".

Note

The Conveyancing Acts 1881 to 1911 were repealed in 2009 (after the enactment of the Housing (Miscellaneous Provisions) Act 2009) and replaced by the Land and Conveyancing Reform Act 2009.

<u>Head 13</u>: Substitution of section 89 (Repayment on expiration of the charged period)

Provides that the following section is substituted for section 89:

"89.— (1) Subject to subsection (2), within 3 months of the expiration of the affordable dwelling purchase agreement period, the housing authority shall, where there is an amount outstanding pursuant to the charging order, write to the purchaser(s)–

(a) informing the purchaser(s) of the amount equal to the amount of the charge outstanding under the charging order,

(b) stating that the charge will not be discharged until all amounts outstanding have been paid to the housing authority, and

(c) requesting the purchaser(s) to confirm to the housing authority whether it is intended to pay the amount outstanding.

(1A) Where the purchaser(s) does not, within 3 months of the communication under subsection (1), pay to the housing authority the amount outstanding pursuant to the charge or indicate that they intend to do so within a specified period, and the housing authority, having considered any response by the purchaser(s) to the communication, decides to enforce the charge during the lifetime of the purchaser(s) it shall

(a) inform the purchaser(s) of that fact and

(b) allow a further 6 months for the purchaser(s) to repay the amount outstanding before taking steps to enforce the charge.

(2) Where material improvements have been made to the dwelling, the amount owed by the purchaser to the housing authority shall be an amount equal to that proportion of the net market value of the dwelling as corresponds to the amount of the charge outstanding under the charging order on the date of expiration of the affordable dwelling purchase agreement period."

Note

Section 89 as it stands provides that the amount of the outstanding charge become repayable by the purchaser at the end of the charged period. As explained under Head 3 and under Head 10, what is proposed now is that the charge will become enforceable by the housing authority at the end of the affordable dwelling purchase agreement period, and *<u>may</u>* be enforced by the housing authority during the lifetime of the purchaser(s), but we do not envisage that they will do so in the ordinary course of events (and will cover this in Guidelines). However, from a consumer protection prospective, it is considered important that a vehicle is in place to require that the purchaser remains fully aware of obligations in relation to the charge outstanding. Accordingly, the proposed new section 89 provides that the housing authority will write to the purchaser(s) at the end of this period, reminding them of the amount outstanding and that the charge will remain on the property until the amount is paid, and inquiring whether they intend to pay it. The new subsection 2A allows the housing authority to decide to enforce the charge, having considered any response from the purchasers (e.g. the purchasers might undertake to repay it over a couple of years) although, as stated above, it is not envisaged they would generally do this. If the housing authority decide to enforce the charge they must inform the purchaser of this and allow a further 6 months to pay the outstanding amount.

<u>Head 14</u>: Amendment of section 90 of the Act (Control on resale of dwelling purchased under affordable dwelling purchase arrangement)

Provides that section 90 is amended –

(a) in subsection (1) by the substitution of "before or after the expiration of the affordable dwelling purchase agreement period" for "before the expiration of the charged period";

(b) by the deletion of subsection (3).

Note

The amendment in subsection (1) is consequent on previous amendments – substitution of "affordable dwelling purchase agreement period" for "charged period". The deletion of subsection (3) is consequent on the deletion of section 91 – see Head 11.

<u>Head 15</u>: Deletion of section 91 of the Act (Recovery of amounts due to housing authority)

Provides that section 91 is deleted.

Note

Section 91 as currently worded provides that where a purchaser does not repay the amount outstanding on the charge at the end of the charged period, the amount may be recovered by the housing authority as a contract debt in a court of competent jurisdiction. In view of the previous amendments in relation to the charge, and the system now envisaged whereby effectively the purchaser will be able to choose whether to repay the amount during his/her lifetime or allow it to be collected from his/her estate, this provision is no longer required.

<u>Head 16</u>: Amendment of section 92 of the Act (Valuation of dwelling for certain purposes)

Provides that section 92 is amended in subsection 1 by the deletion of ", who are of a class or description prescribed under section 95".

Note

Section 92 as currently worded compels the Minister to prescribe the class of "suitably qualified persons" to be placed on a panel of valuation professionals established by the housing authority to carry out valuations of properties in connection with repayment of amounts under the charge, in cases where the purchaser is not satisfied with the valuation carried out by the housing authority. Section 95 allows the Minister to prescribe such class of persons and it is considered desirable to leave it to the Minister's discretion whether to prescribe such class of persons, and thus the requirement to so prescribe is being removed.

<u>Head 17:</u> Amendment of section 93 of the Act (Discharge of charging order)

Provides that section 93 is amended in subsection (1) by the substitution of "Subject to sections 86 to 90 and the terms and conditions of the affordable dwelling purchase agreement" for "Subject to sections 86 to 91 and the terms and conditions of the affordable dwelling purchase arrangement".

Note

Amendment consequent on previous amendments, i.e. deletion of section 91 and insertion of "affordable dwelling purchase agreement".

Head 18: Amendment of section 94 of the Act (Affordable Dwellings Fund)

Provides that section 94 is amended-

(a) by the substitution of the following for subsection (2)

"(2) Housing authorities shall pay into the Fund—

(a) any moneys paid by purchasers pursuant to section 87, 89, or 90.

(b) in the case of dwellings purchased under section 3 of the Act of 1992 before the coming into operation of this Part and section 7 (in so far as it applies to the said Act and the Act of 2002), any moneys paid in accordance with section 10 of the Act of 2002 after the coming into operation of this subsection,

(c) any moneys paid in accordance with section 99(4) of the Planning and Development Act 2000 after the coming into operation of this subsection, and

(d) in the case of dwellings purchased under Part 2 of the Act of 2002 before the coming into operation of this Part and section 7 (in so far as it applies to the said Act), any moneys paid in accordance with section 9 of that Act after the coming into operation of this subsection.";

(b) in subsection (5) by the substitution of the following for paragraph (c):

"(c) the Housing Finance Agency plc shall allocate moneys from the Fund to housing authorities for expending on housing purposes in accordance with directions issued by the Minister.";

(c) by the substitution of the following subsection for subsection (8):

"(8) In issuing directions to the Housing Finance Agency plc under subsection (5)(c), the Minister shall take account of the amount required to be maintained in the Fund to meet the costs to the Housing Finance Agency plc of any borrowing incurred by it for the purposes specified in subsection (5)(c).".

Notes

1. In addition to providing that charge monies received by housing authorities pursuant to Part 5 be put in an Affordable Dwellings Fund managed by the HFA, section 94(2) currently provides, confusingly, that "clawback" monies received by housing authorities under previous affordable housing provisions, including Part V, prior to the coming into operation of Part 5 (which was in June 2018) would be paid into the Affordable Dwellings Fund, but makes no reference to what would be done with such clawback monies paid to housing authorities after the coming into operation of Part 5. The effect of the proposed new subsection (2) is to reverse this position: i.e. provide that clawback monies under the previous schemes received by housing authorities after the coming into operation of the new subsection will be paid into the Affordable Dwellings Fund but to make no reference to such monies received before the coming into operation of the new subsection: such monies may well be committed housing authorities.

2. Section 94(5)(c) as currently worded simply provides that the HFA may "advance monies from the Fund to housing authorities for the purpose of providing housing support under this Act" which appears to leave it to the discretion of the HFA as to how the Fund should be spent, or at least, having regard to subsection (8), to leave this somewhat unclear. Accordingly it is proposed to replace this paragraph with a clear provision providing that the HFA will advance moneys to housing authorities for housing purposes in accordance with directions issued by the Minister. The reference to "housing support" is replaced with "housing purposes" because "housing support" has a particular meaning under the Act, section 19, which does not appear to include affordable housing, nor does it appear to include e.g. maintenance of social housing, renovation of voids. Accordingly the use of the words "for housing purposes" is intended to give the Minister the broadest discretion as regards expenditure from this fund. If it is considered necessary it could be added that such directions by Minister would be made "with the consent of the Minister for Public Expenditure and Reform".

3. The substitution of subsection (8) is consequent on the amendment to subsection (5)(c).

<u>Head 19</u>: Amendment of section 95 of the Act (Regulations Part 5)

Provides that section 95 is amended in subsection (1) by

(a) in paragraph (c) by substitution of "the amount which may be charged under a charging order, having regard to the income of purchasers, including the minimum and maximum amount which may be charged," for "the maximum and the minimum of the amount which may be charged under a charging order";

(b) in paragraph (h) by the substitution of "affordable dwelling purchase agreement period" for "charged period" in each place that it occurs;

(c) in paragraph (l) by the insertion of ", including the manner in which the availability of such units for purchase will be advertised by a housing authority" after "affordable dwelling purchase arrangements".

Notes

1. The amendment to paragraph (a) is intended to ensure that the Minister may make regulations not only on the maximum or minimum amount that may be charged under a charging order but on the amount in each case, having regard to the purchasers' income. See notes under Head 7, amendment of section 84 above: it is intended to provide in regulations that the amount of the charge will be based on the difference between what the purchaser can afford to pay, with a maximum bank loan, and market value.

2. The amendment to paragraph (h) is consequential on other amendments – replacement of "charged period" with "affordable dwelling purchase agreement period" – see Head 3.

3. The amendment to paragraph (l) is to put beyond doubt that the Minister make regulations in relation to the manner in which units for sale will be advertised by the housing authority. Such provisions were in fact included in the Regulations already made under Part 5, S.I. of 2019. As stated above these Regulations will be repealed and replaced in view of the amendments now being made to the primary legislation.

<u>Head 20</u>: Amendment of section 96 of the Act (Transitional arrangements and savings provisions)

Provides that section 96 is amended by deletion of subsections (1) – (4).

Note

Section 96(1) provides that where a person had applied for affordable housing under Part 2 of the Housing (Miscellaneous Provisions) Act 2002 or Part V of the Planning and Development Act 2000, before the coming into operation of Part 5, and a decision had not yet been made on the application at time of the coming into operation of Part 5, that person should be deemed to be applicant for an affordable dwelling purchase arrangement under Part 5. Section 96(2) provides that on the coming into operation of Part 5, the housing authority will write to each such applicant asking them to let the authority know if they do not wish to be considered for an affordable dwelling purchase arrangement under Part 5. Subsections (3) and (4) provide similarly in relation to applications for shared ownership leases under section 3 of the Housing (Miscellaneous Provisions) Act 2002.

Basically these subsections provide that applications for affordable housing or shared ownership made to housing authorities many years ago but not progressed will be deemed to be applications for affordable housing under the new arrangements, unless the household in question specifies that they are not interested. At the time these provisions were enacted (or at least at the time they were drafted in 2007-2009) it was likely envisaged that they would be commenced quickly and that the new affordable housing arrangements would seamlessly replace the old. However the sale of affordable housing collapsed around 2008/2009 and was officially stood down by the Government in 2011 and Part 5 was not commenced. The concept of affordable housing, as in housing discounted from market value, was not revived until 2017/2018, effectively: Part 5 was commenced in June 2018 (and the relevant older provisions repealed shortly afterwards).

Housing authorities would generally not be in a position to retrieve these applications from over 10 years ago. In any case, many applicants would no longer be living at the same address and would very likely have purchased properties in the meantime. Although the risk may be limited, as the provisions stand there is a possibility that after the homes in a future scheme are allocated, a person who was an applicant to the relevant housing authority for affordable housing many years ago, whose application was not decided, could raise a case that they had been denied an opportunity to be considered for such a unit.

Accordingly it is proposed to delete these subsections.

<u>Head 21</u>: Insertion of sections 96A and section 96B into the Act

Provides that the following sections are inserted after section 96 of the Act:

"96A(1) The Minister may, out of moneys provided by the Oireachtas contribute funds towards a special purpose vehicle established to make funds available to purchase an equity stake in dwellings for the purpose of assisting persons to purchase such dwellings in accordance with the terms of a memorandum of agreement made by the Minister with such special purpose vehicle.

(2) Without prejudice to the generality of subsection (1), the terms of the memorandum referred to in that subsection may provide for:

(a) the classes of applicant who will be eligible for the arrangements referred to in subsection (1), having regard to the means of such applicants and their existing ability to secure finance to purchase dwellings suitable for their needs;

(b) the classes of dwellings in relation to which the arrangements referred to in subsection (1) may be approved;

(c) the respective contributions to be made by the Minister or any other party to the special purpose vehicle referred to in subsection (1);

(d) the forms or types of security to be required for the arrangements referred to in subsection (1) and the ranking of such security against other securities;

(e) conditions in relation to purchaser buy-out of the equity share, including the manner of, and period for, such repayment;

(f) conditions in relation to the rate of interest to be charged in relation to the arrangements referred to in subsection (1);

(g) conditions relating to the recovery of any outstanding monies from the purchaser, including where the property is sold or transferred;

(h) conditions in relation to fees or charges that may be applied by the special purpose vehicle referred to in subsection (1);

(i) conditions in relation to developer participation in the scheme.

96B - In the case of affordable housing sold under Part 2 of the Housing (Miscellaneous Provisions) Act 2002 or Part V of the Planning and Development Act 2000, a housing authority may enter into an agreement with a holder of a licence under the Central Bank Act 1971, a building society or other financial institution that a charge created by the housing authority by an order under Part 2 of the Housing (Miscellaneous Provisions) Act 2002 or Part V of the Planning and Development Act 2000, respectively, shall have a priority, as against a mortgage or charge proposed to be created in favour of that holder, society or institution, that is different from the priority the charge would otherwise have if this section had not been enacted, where it considers that such an agreement will enable the person who has purchased the affordable house -

(a) to refinance an existing advance of moneys from the holder, society or institution referred to in subsection (5), or

(b) to obtain a further advance of moneys from the holder, society or institution referred to in subsection (5), for any purpose.".

Notes

1. The new section 96A is intended to give a statutory basis for the Minister to contribute funds to a special purpose vehicle for the purpose of operating the national Affordable Purchase Shared Equity Scheme.

Subsection (2) sets out the matters that may be included in the memorandum of agreement to be made between the Minister and the special purpose vehicle.

In relation to classes of eligible applicant, it is intended to target the scheme at first time buyers who have demonstrated a lack of capacity to secure the required mortgage to purchase the dwelling in question at open market value.

In relation to classes of dwellings, it is intended to target the scheme at new build homes and the scheme may set other conditionality linked to price, geography and minimum/maximum levels of equity support.

Paragraph (c) refers to respective contributions by the Minister and other parties to the special purpose vehicle, making clear that parties other than the Exchequer/Minister may provide support to the scheme.

Paragraph (d) refers to conditions in relation to security: it is intended that the memorandum of understanding will provide that the equity charge will rank second to the Senior Mortgage.

Paragraph (e) refers to conditions in relation to buy out of the equity share by purchasers.

Paragraph (f) refers to the interest rate to be charged for the equity loan: this will be agreed between the Minister and the special purpose vehicle. Similarly in relation to any fees to be charged by the special purpose vehicle, which are covered in paragraph (i).

A number of these matters remain under active consideration.

2. In relation to the proposed section 96B: under the previous affordable housing arrangements, the claw back charge was originally enforced by attaching it to the local authority loan (i.e. the mortgage deed) or included as a condition in the lease where the affordable house was sold by way of shared ownership. This allowed local authorities, as lender or leaseholder, to readily enforce the clawback. After the introduction of affordable housing mortgages through private financial institutions around 2004/2005 a new scenario arose under which local authorities would no longer hold the mortgage deed and, consequently, would not be in a position to apply the clawback. Accordingly, provision was made in the Housing (Miscellaneous Provisions) Act 2004 to allow the local authority to place the clawback as a charge on the individual affordable property itself (rather than on the mortgage/lease as previously). However, as a rule lending institutions would be unwilling to advance finance where any charge had priority over the institution's mortgage loan charge and therefore the amending

legislation provided that a local authority could enter into an arrangement with a bank or building society that, essentially, the housing authority charge would have a lesser priority than the bank's/financial institution's charge. This was in order to allow the person buying the affordable dwelling to obtain a mortgage from the institution concerned.

The issue arose subsequently that while these provisions facilitated a person getting a loan to purchase an affordable house, they did not allow a housing authority to enter an agreement with a lending institution as regards priority of charges in the case of any subsequent equity release "top-up" mortgage (for example to finance an extension). It is understood that it was intended in the Housing (Miscellaneous Provisions) Act 2009 to provide for this and provisions were drafted to provide that a housing authority could also enter such an agreement to enable a purchaser to refinance an existing advance of moneys from a bank, building society etc. or to obtain a further advance of moneys. Unfortunately, these provisions were omitted in error from the 2009 Act, and due to the prioritizing of other urgent matters in the housing area, this legislative correction was not made since.

(The provisions in Part 5 relating to the new arrangements for affordable housing provide for such a facility – i.e. housing authority can enter into agreement with bank, etc. to allow purchaser to get a top-up mortgage – see section 88(5) and (6)).

<u>Head 22</u>: Insertion of Part 5A into the Act (Cost Rental)

Provides that the following Part is inserted after Part 5

"Part 5A

COST RENTAL

Definition of Cost Rental tenancy
96C - 'Cost Rental tenancy" is defined as a tenancy:

(a) where the rent is set by the landlord or provider at a cost-covering level, as may be prescribed in regulations, but in any case so as to include:

(i) delivery/capital development costs;

(ii) financing costs, including debt finance costs, interest charges and equity returns;

(iii) management costs of the properties; and

(iv) maintenance costs, including cyclical maintenance, life-cycling and sinking fund costs;

(b) that meets any additional requirements as may be prescribed in regulations, and

(c) is designated by the Minister by order under this section as a Cost Rental tenancy.

Rent reviews in Cost Rental tenancies
96D - Rents for Cost Rental tenancies may be reviewed on an annual basis and may be increased only in line with changes in consumer inflation indices published by the Central Statistics Office or as otherwise prescribed by the Minister in regulations.

Eligibility for Cost Rental tenancy
96E (1) **-** An applicant household will not be eligible to obtain a Cost Rental tenancy unless the entire household meets such criteria as shall be prescribed in regulations, including in relation to maximum and/or minimum annual household income, which may vary by housing authority, household size, household composition, specific housing development, and/or specific unit.

(2) Notwithstanding the provisions of the Equal Status Acts 2000-2015, an applicant household that proposes to avail of Housing Assistance Payment, in accordance with Part 4 of the Housing (Miscellaneous Provisions) Act 2014, to meet the rent of a Cost Rental tenancy will not be eligible to enter into such a tenancy.

(3) Notwithstanding subsection (2), a tenant who becomes eligible for Housing Assistance Payment in the course of a Cost Rental tenancy may apply in the usual manner for support, provided that a period of six months has elapsed from the commencement of the tenancy, and the grant of Housing Assistance Payment to such tenant shall not affect the status of the tenancy.

(4) Regulations made by the Minister may prescribe the means by which income shall be assessed for the purpose of income eligibility thresholds for Cost Rental tenancies, including in relation to assessable income, and the Minister may revise prescribed income eligibility thresholds from time to time, but such revisions shall not affect any existing Cost Rental tenants.

Cost Rental tenancies and the Residential Tenancies Acts

96F- (1) For the avoidance of doubt, a Cost Rental tenancy is not a social housing support as defined in section 19 of this Act and therefore is not subject to the provisions of the Housing Acts 1966 to 2015.

(2) Cost Rental tenancies will be subject to the provisions of the Residential Tenancies Acts 2004-2020, excepting the following particular provisions of the Residential Tenancies Act 2004:

(a) Table to Section 34, paragraph 3 – That the landlord is selling the unit;

(b) Table to Section 34, paragraph 4 – That relatives of the landlord will be occupying the unit;

(c) Table to Section 34, paragraph 5 – That the unit is being substantially refurbished;

(d) Table to Section 34, paragraph 6 – That the landlord intends to change the use of the dwelling.

(3) Cost Rental tenants shall be prohibited from formally or informally subletting their property."

Notes

1. The proposed new **section 96C** sets out the definition of a Cost Rental tenancy. It is intended that Cost Rental will act as a specific category of long-term rental housing, targeted at moderate income households, and will be a form of tenure which will develop over the coming years.

It defines a Cost Rental tenancy as one where the rent is based on the cost of provision, meets such other conditions as the Minister may prescribe, and has subsequently been formally designated as a Cost Rental tenancy by the Minister.

2. The proposed new **section 96D** defines how the rents for Cost Rental tenancies may be reviewed and increased. The policy intention is that at the initial point at which each Cost Rental development is first tenanted, the provider of the accommodation would charge a cost-covering rent, where specific costs allowable for inclusion in establishing the given rent were those set out by the Minister by means of Regulation. The provider would be permitted to increase this rent on an annual basis in line with inflation, using either the Consumer Price Index (CPI) or the Harmonised Index of Consumer Prices (HICP) or in another form as prescribed by the Minister. This approach aims to ensure that the rents charged will continue to cover the cost of on-going management and maintenance costs, which would increase over time**.**

3. The proposed new **section 96E** sets out how the Minister will prescribe income eligibility thresholds for Cost Rental tenancies, which must be used when admitting a new tenant into a Cost Rental tenancy. These limits will be set by means of Ministerial Regulation, which may be revised periodically to take account of factors including changing income patterns, and/or changes to other relevant income limits State housing schemes, such as those for social housing or affordable purchase.

Regulations will prescribe that assessments of eligibility are to be carried out by the respective Cost Rental provider in the manner proscribed. These criteria must be used when admitting all tenants into Cost Rental tenancies, including in cases where a dwelling has been vacated by the tenant(s) and is being let again to a new tenant or tenants.

As Cost Rental is targeted at moderate-income households who are ineligible for or who otherwise choose not to avail of social housing supports, it is provided that those in receipt of Housing Assistance Payment (HAP) or proposing to use HAP to meet the rent may not enter into a Cost Rental tenancy, without infringing the terms of the Equal Status Acts. It is also intended to inform housing authorities that they should not seek to settle tenants in Cost Rental tenancies under the Rental Accommodation Scheme (this is not specifically referred to in the section because the provisions in the 2009 Act regarding RAS were never commenced, and RAS has been operating on a non-statutory basis). This provision is designed to meet the policy aim of Cost Rental in targeting moderate-income households. It will also facilitate sustainable mixed-tenure communities in developments where units may include social housing, Cost Rental tenancies and private homes.

In acknowledgement of the potential change in circumstances that can occur during a tenancy, HAP shall be available to eligible tenants in the usual manner, once a period of six months has elapsed.

4. The proposed **new section 96F** clarifies in subsection (1) that Cost Rental tenancies as defined in the new section 96C are not 'social housing' for the purposes of the Housing Acts. Cost Rental tenancies are covered by the standard terms of the Residential Tenancies Act 2004 - 2020, excepting the particular provisions of this legislation. This means that Cost Rental tenants are treated the same as tenants in the private rental sector, with all the legal protections and obligations that this involves.

Subsection (2) specifies, for the avoidance of doubt, that tenancies granted under Cost Rental will be subject to the provisions of the Residential Tenancies Acts. However, specific exemptions from this Act are listed that aim to provide certainty and security of tenure to tenants into the longer term. These include a range of means by which the landlord may end a tenancy, but do not impinge on the obligations of tenants to abide by the terms and conditions of the lease, as per paragraph 1 of Table to Section 34 of the Residential Tenancies Act 2004.

Subsection (3) aims to forbid the subletting of Cost Rental units outside of the formal assessment process by the landlord/provider. This is due to the desire to retain these units for the target cohort and ensure that all tenants must be assessed and found to meet the eligibility criteria as specified.

PART 3

Amendment of the Local Government Services (Corporate Bodies) Act, 1971

Head 23: Amendment of section 3 of the Local Government Services (Corporate Bodies) Act, 1971

Provides that section 3 of the Local Government Services (Corporate Bodies) Act, 1971 is amended in subsection (9) by the substitution of the following paragraphs for paragraphs (j) and (k):

"(j) the provision of agency services, including the collection of charges and late payment fees,

(k) the supply of goods and related services, and

(l) the making of loans to bodies standing approved of for the purposes of section 6 of the Housing (Miscellaneous Provision) Act 1992, to be used by such bodies in respect of the provision or management of housing accommodation or in respect of other matters in relation to housing that may be determined by the Minister with the consent of the Minister for Public Expenditure and Reform, including the acquisition of land and or financing the construction on such land of housing accommodation by such a body."

Note

The Cost Rental Equity Loan (CREL) scheme, announced in Budget 2021, will see the Department make €35 million in loan funding available to Approved Housing Bodies for the purpose of providing Cost Rental housing. It is intended that the administration of the CREL funding and the making of loans to Approved Housing Bodies will be managed by the Housing Agency.

It is intended that the administration of the CREL funding and the making of loans to Approved Housing Bodies will be managed by the Housing Agency. The Agency operates under the terms of the Housing and Sustainable Communities Agency (Establishment) Order 2012, an Order made by the Minister using his powers under the Local Government Services (Corporate Bodies) Act 1971.

An express provision is proposed to the Local Government Services (Corporate Bodies) Act of 1971 to confirm that this is a service which a body established under the Act may do. The amendment proposed inserts a new paragraph (l) into section 3(9) of the Act which identifies the making of loans to Approved Housing Bodies as an additional 'service' which bodies established under that legislation may be tasked to perform. It is specified that such loans will be for the provision or management of housing accommodation or in respect of other matters in relation to housing that may be determined by the Minister with the consent of the Minister for Public Expenditure and Reform. The intention is that, once this legislative provision is made, the Minister will then amend the Housing and Sustainable Communities Agency (Establishment) Order 2012 accordingly.