



**Guidelines**  
**on**  
**Residential Developments**  
**for**  
**3<sup>rd</sup> Level Students**

**Section 50 Finance Act 1999**

*Relief for Rented Residential Accommodation  
for Third Level Students (Section 50 Finance Act 1999)*

## **Guidelines on Student Residential Developments**

### **1. Introduction**

Section 50 of the Finance Act, 1999 provides for a scheme of tax relief for rented residential accommodation for third level students. The relief is along the lines of what is commonly referred to as section 23 relief. The Government attaches significance to this initiative, the purpose of which is the provision of additional rented accommodation to relieve current supply pressures in the private rented sector.

The legislation provides that 'relevant guidelines' may be issued by the Minister for Education and Science, in consultation with the Minister for the Environment and Local Government, with the consent of the Minister for Finance.

The following are the relevant guidelines. They are intended to assist developers and designers in formulating proposals for student residential development. They are not to be regarded as a substitute for appropriate professional advice on any project but should be of assistance in briefing professional advisers engaged on such projects.

The guidelines have been prepared with a view to ensuring that the overall standard of design and construction of accommodation being provided would promote the objectives of the Student Residential Accommodation tax incentives. The guidelines are issued without prejudice to the provisions of the Local Government (Planning and Development) Acts 1963-1998, the Building Regulations Act, 1998, any regulations made under those Acts, regulations under the Housing Acts relating to private rented housing accommodation and the relevant statutory local authority development plan. The design of student residential accommodation should also take into account the following Guides:- Fire Safety in Flats (1994), and Fire Safety in Hostels (1998), which have been published by the Minister for the Environment and Local Government pursuant to the Fire Services Act, 1981.

Planning authorities are asked to have regard to these guidelines in assessing applications received on or after 1<sup>st</sup> April 1999.

## **2. Definitions**

For the purpose of these Guidelines-

An "educational institution" means:

an institution in the State which provides courses to which a scheme approved by the Minister for Education and Science under the Local Authorities (Higher Education Grants ) Acts 1968 to 1992 applies; or

an institution which offers an approved course for the purposes of tax relief under section 474 of the Taxes Consolidation Act, 1997.

See appendix 1 for list of such educational institutions.

A "student" means a person who is a registered student of, and is pursuing a course of study on a full-time basis at an educational institution.

A "qualifying development" means a development of at least 20 bedspaces which complies with the requirements of these guidelines, and in respect of which a letter has been certified by an educational institution. Such a letter of certification will include:-

- a) the name of the individual/company which owns the development,
- b) the number of units and bedspaces to be provided for the use of students at the certifying educational institution.

This letter of certification will be requested where any claim for relief is subject to a Revenue audit.

"The scheme" means the scheme of tax relief for rented student accommodation introduced by section 50 of the Finance Act, 1999.

## **3. Qualifying Areas**

Properties qualifying for relief under the scheme should be located within qualifying areas. For the purposes the scheme qualifying areas are:

- (1) Campus areas of the educational institutions, or
- (2) Areas, within an 8 km radius of the main campus, which are approved by the certifying educational institution as being an area within which a qualifying

development may take place.

#### **4. Consultation**

In order to ensure orderly development there should be early consultation with, and approval by, an educational institution for any proposed development.

#### **5. Qualifying Leases**

A lease under the scheme shall comply with the following requirements:

Where the lease is for the whole of an academic year

(a) the lease, in writing, governed by the provisions of the Landlord and Tenant code, of a unit in a qualifying development shall be granted to students of the certifying educational institution,

or

(b) the lease shall be granted to the certifying educational institution which subsequently on-lets the units in the qualifying development to students in accordance with the institution's normal policy for letting residential accommodation.

The academic year means the academic year of a course, including any examinations in connection with a course being pursued by the student by whom the unit is occupied.

Owners of qualifying developments should be in a position to provide evidence of letting to students. This evidence will be requested where any claim for relief is subject to a Revenue audit.

Such owners may let the units to non-students for periods outside of the academic year of the certifying institution.

These requirements apply for ten years from the date the property is first let to students.

#### **6. Total Floor Areas of Qualifying Premises**

Accommodation under the scheme shall be provided by groupings of study

bedrooms in "house" units. Each unit shall consist of a minimum of 3 bed spaces and an overall minimum gross floor area of 55 sq. metres, up to a maximum of 8 bed spaces and a maximum of 160 sq. metres.

Study bedrooms shall be arranged in units sharing a common entrance hall and kitchen/living room. Rooms shall have reasonable shapes and proportions and have adequate space for normal living purposes. Accurate adult sized furniture shall be indicated on layout plans.

Units shall in turn share common entrances, access stairs and corridors, and ancillary facilities.

### **6.1 Kitchen/Living room**

The provision of shared kitchen/dining/living room space shall be based on a minimum of 4 sq. m per bedspace in the unit. This shall be in addition to any shared circulation. At a minimum, basic kitchen units, with sink, cooker and fridge shall be installed.

### **6.2 Bedrooms**

These will be used as study bedrooms requiring desk space, and storage. Therefore, one of the following minimum areas shall apply depending on provision of bathroom facilities:-

Single study bedroom **8** sq. metres

Single study bedroom with ensuite shower, toilet and basin **12** sq. metres

Twin study bedroom **15** sq. metres

Twin study bedroom with ensuite shower, toilet and basin **18** sq. metres

Single Disabled study bedroom,

with ensuite disabled shower, toilet and basin **15** sq. metres

### **6.3 Bathrooms**

These shall be either ensuite with the study bedrooms or separately provided to serve a maximum of 3 bedspaces. Bathrooms shall have adult sized sanitary fittings, consisting of wash hand basin, water closet, and shower/bath, with sufficient room to ensure ergonomically adequate spacing in the layout.

### **6.4 Circulation and Storage**

In addition to the above minimum requirements an adequate entrance hallway

and circulation space shall be provided within each unit. A hot press/store should also be provided to facilitate use of the unit.

## **7. Site Planning**

The planning and design of developments should take account of the nature and character of the area in which they are located. The completed development should make a positive contribution to the built environment and develop the integration of students into the wider community where located off campus. Necessary security arrangements should be planned in a way which avoids isolating developments from the surrounding community.

The disposition of blocks of residential accommodation on the site and the layout of accommodation within each block should be designed to give optimum orientation in terms of daylight and sunlight to habitable rooms. Regard should be had to the likely level of noise from adjoining sources in determining the optimum location and detailed design of, in particular, study bedrooms within units.

Where not located on campus, adequate open space should be provided within developments for the amenity of students. Where the limitations of sites do not allow for small parks or gardens, alternative provisions should be incorporated in developments through a combination of terraced open space/roof gardens, and/or balconies with good landscaping where appropriate.

Densities should be in line with the draft residential density guidelines with due regard to type of location and to the safeguards set out in the guidelines.

## **8. Communal Facilities and Amenities**

Communal facilities to service the needs of student residents should be provided for. The definition of qualifying developments includes "house" units and ancillary spaces including:- caretaker/security office and apartment; centralised storage; laundry facilities; drying rooms and utility rooms; and a seminar room. The floor area of these facilities shall not exceed 12% of the total area of the development, and their cost shall not exceed 12% of the total qualifying expenditure.

Due consideration should be given to the needs of disabled students in the location, layout and design of any communal facilities.

Developments should include reasonable provision for secure bicycle storage

within the site.

Facilities for the handling, storage and collection of refuse should be provided with access for frequent collection. Such facilities should be conveniently located, well ventilated and comply with all fire safety and public health requirements. As a general guide in determining storage capacity required, an output of 0.1 cubic metres of refuse per unit per week may be assumed.

## **9. Internal Design and Layout**

Entrance hallways and corridors in developments should be well designed with good lighting and ventilation. Vertical and horizontal circulation should be arranged so that corridors do not extend more than 15 metres from a widened "landing" area which should include natural lighting where possible. Corridors should be widened at entrances to apartments.

Service ducts serving two or more apartments should as far as practicable be accessible from common circulation areas for maintenance purposes.

The number of apartment units per lift/core in a development should not exceed a maximum of 30.

## **10. Disabled Access and Provision of Accessible Bedrooms**

Developments should provide a minimum of one out of every fifty, or part thereof, of the total number of bedspaces in a development designed for students with disabilities. These study bedrooms shall be fully wheelchair accessible complete with ensuite bathroom facilities.

Part M of the Building Regulations, 1997, sets out the legal requirements in relation to access to and use of building facilities by disabled persons. Part M of the regulations applies to public buildings and the common areas of apartment blocks. It is proposed to extend Part M to require new dwellings commencing on or after the 1 July 2000 to be visitable by the disabled. The design of residential accommodation for students should take this pending development of Part M into account.

## **11. Data Connection**

Internet services shall be made available to each student study bedspace, as a standard Ethernet connection (10 BASET). A minimum bandwidth of 64kb/s shall be provided by an Internet Service Provider (ISP) per each 30 student bedspaces.

## **12. Certificate of Reasonable Cost**

Anybody, other than in the case of a new unit purchased from a builder, wishing to claim tax relief under the scheme will require a Certificate of Reasonable Cost in relation to the particular development. The claimant may be required to provide this certificate to the Revenue Commissioners in support of a claim.

A Certificate of Reasonable Cost certifies that the cost of providing the accommodation is reasonable, that the accommodation is within the specified floor area limits (55 to 160 square metres per unit), and that it complies with the standards set out in these guidelines. In the case of refurbishment projects it also certifies that the work was necessary to ensure the suitability as dwellings of the accommodation.

In the case of refurbishment, to obtain tax relief it is necessary that the Department of the Environment and Local Government certifies that the work was necessary to ensure the suitability as dwellings of the accommodation.

Accordingly, application in respect of a refurbishment project should be made before commencement of work so that a prior inspection of the building can be carried out.

### **12.1. Application**

To apply for a Certificate of Reasonable Cost a completed form HPF/1 must be returned, together with the appropriate documentation and fee, to the Department of the Environment and Local Government, Housing Grants Section, Room F9/10, Government Offices, Ballina, Co. Mayo.

Each application for a Certificate of Reasonable Cost must be accompanied by the following:-

a) Drawings of student residential accommodation to scale 1:50 showing floor plans, sections and elevations (fully dimensioned)



b) Site plan showing location of site, layout of site numbers and north point, with accommodation units delineated

c) Detailed specification of construction

d) Copy of planning permission and fire safety certificate

e) Breakdown of costs:

1. Where works are executed by the applicant, details of materials and labour cost plus any other expenses incurred.

2. Where work is carried out under contract, details of tender, design fees, etc., and copy of final account.

The Department of the Environment and Local Government, at all times, reserves the right to request a Bill of Quantities.

## **12.2 Fees**

A fee of £50 for unit 1 plus £20 for each additional unit is payable in respect of an application for a Certificate of Reasonable Cost. A separate application is requested for each different construction cost claimed and for each different dwelling type (i.e. to which different plans and specifications apply).

## Appendix 1

### List of Educational Institutions

University College Cork - National University of Ireland Cork

University College Dublin, National University of Ireland Dublin

National University of Ireland, Galway

National University of Ireland, Maynooth

Trinity College Dublin

Dublin City University

University of Limerick

Pontifical University of Maynooth

National College of Art & Design, Dublin

National College of Ireland

Athlone Institute of Technology

Institute of Technology, Carlow

Cork Institute of Technology

Dundalk Institute of Technology

Galway-Mayo Institute of Technology

Letterkenny Institute of Technology

Limerick Institute of Technology

Institute of Technology, Sligo

Institute of Technology, Tallaght

Institute of Technology, Tralee

Waterford Institute of Technology

Dublin Institute of Technology

Dún Laoghaire Institute of Art, Design & Technology

Church of Ireland College of Education, Dublin

Coláiste Mhuire, Marino, Dublin

Mary Immaculate College, Limerick

St. Angela's College, Lough Gill, Sligo

St. Catherine's College, Sion Hill, Dublin

*\* Dublin Business School and LSB have amalgamated and is now DBS/LSB.*

St. Patrick's College of Education, Drumcondra, Dublin.

Froebel College of Education, Sion Hill, Dublin.

Mater Dei Institute of Education

Milltown Institute of Theology and Philosophy, Dublin

All Hallows College, Drumcondra

St. Patrick's College, Carlow

Royal College of Surgeons in Ireland

The Law Society of Ireland, Blackhall Place

The Honourable Society of Kings Inns

Montessori College, (A.M.I.) Mount St. Mary's, Dundrum Road, Milltown, Dublin 14

Burren College of Art, Co. Clare

TRBDI, Co. Tipperary

Institute of Technology, Blanchardstown

\* Dublin Business School, Dublin 2

The American College, Dublin

Griffith College Dublin, Dublin 8

Clonliffe College, Dublin

Holy Ghost College, Kimmage Manor

HSI College, Limerick

Portobello College, Dublin 2

\* LSB College

Mid West Business Institute, Limerick

Montessori Education Centre (North Great George's Street)

Shannon College of Hotel Management

Skerrys Business College, Cork

Lee Business Institute

St. Nicholas Montessori College, Dun Laoghaire

St. Patrick's College, Thurles