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Rialtais Áitiúil agus Oidhreachta  
Department of Housing,  
Local Government and Heritage

# Guidelines for Housing Authorities in Implementation of Standards in Rented Accommodation

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# Introduction

Housing for All - *a New Housing Plan for Ireland*, which was published in September 2021, is the government's housing plan to 2030. The government's overall objective is that every citizen in the State should have access to good quality homes.

Key to that objective is the target the plan sets for the inspection of rental properties for compliance with the minimum rental standards, which is the inspection of 25% of all private residential tenancies on an annual basis.

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

In this context, Housing Authorities have a critical public role and duty in ensuring compliance with the standards for rental accommodation through effective inspections and enforcement processes.

The 2016 report by the National Oversight and Audit Commission (NOAC), *A Review of Local Authority Performance of Private Rented Houses Regulations Functions*<sup>1</sup>, found that the inspection process as then administered was not having a sufficient impact on the standard of rented accommodation.

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

Substantially increased Exchequer funding has been made available to local authorities each year since 2018 to enable them to build inspection capacity incrementally. Significant progress was made across the sector with the number of inspections more than doubling from 19,645 in 2017 to 40,308 in 2019. However, given the need for inspectors to enter tenants'

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

homes pandemic restrictions reduced the number of inspections in 2020 and 2021 to circa 26,000 and 20,000 respectively. With restrictions lifted, inspections climbed to circa 49,000 in 2022 and an all-time high of over 63,000 in 2023.

## Regulatory Framework

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

Arising out of the *Strategy for the Private Rental Sector (December 2016)*, new consolidated regulations prescribing minimum standards for rented houses, the Housing (Standards for Rented Houses) Regulations 2017 (S.I. 17/2017) were published, with commencement on the 1<sup>st</sup> of July 2017. In order to encourage long term-lettings (minimum of 10 years), Regulation 7 was amended in the Housing (Standards for Rented Houses) Regulations 2019 (S.I. 137/2019) such that landlords providing these longer term leases, are no longer required to furnish such properties with white goods. These Regulations came into force on 1st of May 2019.

## Responsibilities of Landlords and Tenants

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

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

Housing Authorities are responsible, through inspection, for determining whether a property meets the standards for rental accommodation and, where the property does not, for ensuring compliance through the use of improvement and prohibition notices and legal

proceedings. Landlords and tenants are required to allow the Housing Authority access to the property to undertake inspections.

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

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

## Residential Tenancies Board

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

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

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<sup>2</sup> <https://www.rtb.ie/dispute-resolution>

# Chapter 1 - Outline

In this document, unless otherwise stated, a reference to “Regulations” refers to the Housing (Standards for Rented Houses) Regulations 2019 (S.I. No. 137 of 2019). This document should be read in conjunction with the Regulations.

## Application of the Guidelines

These Guidelines are issued by the Minister for Housing, Local Government and Heritage under section 5 of the Housing (Miscellaneous Provisions) Act 2009; housing authorities are required to have regard to guidelines issued under section 5 in performance of their functions under the Housing Acts 1966, as amended. These Guidelines replace the “*Guidelines for Housing Authorities in the implementation of Minimum Standards in Rented Accommodation*” issued in November 2021.

## Aim of Guidelines

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

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



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

## Legal Interpretation

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

## Application / Exemptions

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

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

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

Most approved bodies are voluntary or co-operative housing associations. If a housing authority is unsure as to whether or not a body is approved for the purposes of the Regulations, they may check the Approved Housing Bodies Regulatory Authority's register of approved housing bodies [here](#)<sup>3</sup> for confirmation. Similarly, they may check the Health Information and Quality Authority (HIQA) Chief Inspector's Register for Older People's services [here](#)<sup>4</sup> and the Chief Inspector's Register for Disability Services [here](#)<sup>5</sup>.

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<sup>3</sup> <https://www.ahbregulator.ie/registration/the-register/>

<sup>4</sup> <https://www.hiqa.ie/areas-we-work/older-peoples-services>

<sup>5</sup> <https://www.hiqa.ie/areas-we-work/disability-services>

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

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

- (a) under a private residential tenancy agreement for a minimum lease period of 10 years or by a housing authority under the Housing Acts 1966 to 2014 or by a housing body approved under section 6 of the Housing (Miscellaneous Provisions) Act 1992, or
- (b) under a private residential tenancy agreement for a lease period of less than 10 years.

# Chapter 2 – Standards Compliance

## Structural Condition

Regulation 4 of the Housing (Standards for Rented Houses) Regulations 2019 (S.I. 137/2019)

Regulation 4:

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

(2) For the purposes of Regulation 4(1) 'a proper state of structural repair' means sound, internally and externally, with roof, roofing tiles and slates, windows, floors, ceilings, walls, stairs, doors, skirting boards, fascia, tiles on any floor, ceiling and wall, gutters, down pipes, fittings, furnishings, gardens and common areas maintained in good condition and repair and not defective due to dampness or otherwise.

(3) Where a window has an opening section through which a person may fall, and the bottom of the opening section is more than 1400mm above external ground level, suitable safety restrictors shall be fitted. Safety restrictors shall restrain the window sufficiently to prevent such falls.

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

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

It is not intended that an inspection under Regulation 4 will provide a structural assessment of a house.

The following should not be considered as exhaustive, but will assist in showing compliance with the Regulations:

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

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

## Windows & Doors:

4. The windows are in a proper state of repair and are properly maintained.
5. The doors in any part of the house are not defective and are in good repair and condition.
6. There is no evidence of dampness or water penetration through the windows or doors.
7. There is no broken glass in either the windows or doors.
8. All windows that have an opening section through which a person may fall and the bottom of the opening section is more than 1400 mm above external ground level, require suitable safety restrictors. They shall be fitted as per the manufacturer's instructions, be in good working order and are required whether or not children reside in the dwelling.
9. Safety restrictors should operate so that they limit the initial movement of an opening section to not more than 100mm. Lockable restrictors, which can only be released by removable keys or other tools, should not be fitted to window opening sections required for escape or rescue purposes (*typically windows in bedrooms and inner rooms in dwelling houses - see [Technical Guidance Document B - Fire Safety](#)<sup>6</sup> for further information*).

**Please note:** Regulation 4 does not specify any requirements in respect of window handles – lockable with removable key or otherwise. The Building Regulations, which only apply to the construction of new buildings, material alterations and material changes of use, do specify requirements in respect of window handles, but those Regulations are not relevant in the context of minimum rental standards enforcement.

10. Safety restrictors should operate so that they:
  - a) Limit the initial movement of an opening section so that a clear opening of not more than 100mm is achieved at any point;
  - b) Are releasable only by manipulation not normally possible by a child under 5 years;
  - c) Are readily identifiable and capable of being released by an adult (*without prior instruction*) on windows suitable as a means of escape in case of fire;
  - d) Re-engage automatically when an opening section is returned to the initial restricted opening position, or to a closed position (whether latched or not);
  - e) Are not lockable by a removable key or other device on windows suitable as a means of escape or rescue in case of fire.

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<sup>6</sup> <https://www.gov.ie/en/publication/263ee-technical-guidance-document-b-fire-safety/>

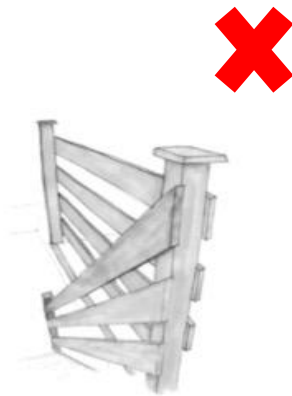
Safety restrictors should be designed specifically to operate on the types of window on which they are to be installed.

### Floors, Ceilings & Walls:

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

### Interior:

13. The stairs are in a good state of repair, safe and not defective and are fitted with a sound handrail and guarding to mitigate the risk of accidents occurring.



*An example of an unsound stair guarding*

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

## **Exterior:**

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

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

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

# Sanitary Facilities

Regulation 5 of the Housing (Standards for Rented Houses) Regulations 2019 (S.I. 137/2019)

## Regulation 5:

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

(a) A water closet, with dedicated wash hand basin adjacent thereto with a continuous supply of cold water and a facility for the piped supply of hot water, and

(b) A fixed bath or shower with continuous supply of cold water and a facility for the piped supply of hot water.

(2) The requirements of Regulation 5 (1) shall:

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

(ii) have safe and effective means of drainage,

(iii) be properly insulated,

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

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

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

The following will assist in showing compliance with the Regulations:

1. There is a water closet, with a dedicated wash hand basin adjacent thereto with continuous supply of cold water and a facility for the piped supply of hot water, all in good working order.
2. There is a bathroom containing either a fixed bath or shower with a continuous supply of cold water and a facility for the piped supply of hot water, all in good working order.

- 3.** The room(s) listed at 1 and 2 above are within the house.
- 4.** The room(s) listed at 1 and 2 above are separated from adjacent rooms or spaces by a wall with a door.
- 5.** The room(s) listed at 1 and 2 above have separate means of ventilation.
- 6.** There is adequate supply of hot and cold water and storage capacity where necessary.
- 7.** The drains serving the house including the wash hand basins, sinks, baths, showers and toilets allow waste to flow freely.
- 8.** The facilities at 1, 2 and 6 are properly secured and, where appropriate, insulated.



# Heating Facilities

Regulation 6 of the Housing (Standards for Rented Houses) Regulations 2019 (S.I. 137/2019)

## Regulation 6:

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

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

capable of providing effective heating.

(2) Every room referred to in Regulation 6(1) shall contain suitable and adequate facilities for the safe and effective removal of fumes and other products of combustion to the external air where a heat producing appliance is used.

(3) A heat producing appliance referred to in Regulation 6(1)(c) shall be so installed that there is an adequate supply of air to it for combustion, to prevent overheating and for the efficient working of any flue pipe or chimney serving the appliance.

(4) The operation of any:

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

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

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

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

The purpose of this regulation is to ensure that each habitable room in the house has a fixed appliance or appliances, which are capable of providing effective heating. The operation of such appliances must be capable of being independently managed by the tenant. One of the main effects of this regulation is that central heating systems centrally controlled by a landlord are not permissible, unless there is an additional heating system, which is

independently managed by the tenant. The Regulations also provide that there must be provision for the safe and effective removal of fumes to the external air (*See also Regulation 8 for ventilation requirements*).

The following will assist in showing compliance with the Regulations:

1. The heat emitter, heat distribution system, or heat-producing appliance is capable of being independently managed by the tenant.
2. The heat emitter, heat distribution system, or heat-producing appliance is capable of providing effective heat.
3. The heat emitter, heat distribution system, or heat-producing appliance is in working order and is serviced and maintained in accordance with manufacturer's guidelines and current standards.
4. Where required, the heat-producing appliance has an adequate supply of air to it for combustion, to prevent over-heating and for the efficient working of any flue pipe or chimney. It has adequate provision for the discharge of the products of combustion to the outside air. The heat-producing appliance is properly installed and maintained and any flue pipes, chimneys or open fireplaces are properly constructed and maintained as to reduce to a reasonable level the risk of the building catching fire in consequence of their use.
5. Carbon monoxide alarms should be provided in accordance with [Technical Guidance Document J](#)<sup>7</sup>. Where open flued or flueless appliances (*i.e. where combustion air is taken from the room, for example an open fire, gas fire, wood burning stove, Gas or Oil boilers that are not balanced flued (this list is not exhaustive)*) it requires the provision of a carbon monoxide alarm in the room where the appliance is located and either inside each bedroom or within 5m (16ft) of the bedroom door. They should be installed as per the manufacturer's instructions and each alarm should be in working order and be within its 'end of life' indicator.
6. Carbon monoxide alarms should:
  - (a) Comply with I.S. EN 50291-1:2010 / A1:2012 or I.S. EN 50291-1:2018&AC:2021-01;

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<sup>7</sup> <https://www.gov.ie/en/publication/25ed9-technical-guidance-document-j-heat-producing-appliances/>

- (b)** Incorporate a visual and audible indicator to alert users when the working life of the alarm is due to pass; and
- (c)** The manufacturer should have third party certification confirming compliance with the standard.

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

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

# Food Preparation, Storage and Laundry

Regulation 7 of the Housing (Standards for Rented Houses) Regulations 2019 (S.I. 137/2019)

## Regulation 7:

7. (1) Notwithstanding paragraph (4), paragraphs (2) and (3) shall not apply where the house is let or available for letting -

- (i) by a housing authority under the Housing Acts 1966 to 2014,
- (ii) by a housing body approved under Section 6 of the Housing (Miscellaneous Provisions) Act 1992, or
- (iii) for a minimum lease period of 10 years under a tenancy agreement.

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

- (a) 4 ring hob with oven and grill,
- (b) Suitable facilities for the effective and safe removal of fumes to the external air by means of a cooker hood or extractor fan,
- (c) Fridge and freezer or fridge-freezer,
- (d) Microwave oven,
- (e) Sink, with a piped supply of potable cold water taken direct from the service pipe supplying water from the public main or other source to the building containing the house and a facility for the piped supply of hot water, and an adequate draining area,
- (f) Suitable and adequate number of kitchen presses for food storage purposes,
- (g) Washing machine, or access to a communal washing machine facility within the curtilage of the building, and
- (h) Where the house does not contain a garden or yard for the exclusive use of that house, a dryer (vented or recirculation type) or access to a communal dryer facility.

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

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

(5) Where a house is let or available for letting:

- (a) by a housing authority under the Housing Acts 1966 to 2014,
- (b) by a housing body approved under Section 6 of the Housing (Miscellaneous Provisions) Act 1992, or

(c) for a minimum lease period of 10 years under a tenancy agreement, there shall be provided, within the same habitable area of the house, for the exclusive use of the house:

(i) facilities for the installation of cooking equipment,

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

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

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

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

The following will assist in showing compliance with the Regulations:

### **Food preparation:**

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

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

### **Storage:**

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

### **Laundry:**

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

## **Alternative requirements for Local authority and Approved Housing Body tenancies and private residential 10-year leases:**

Alternative requirements apply where a house is let or available to let:

- by a local authority
- by an Approved Housing Body
- under a private residential tenancy agreement for a minimum lease period of 10 years

In such cases, Regulation 7 only requires that:

1. There are facilities for the installation of cooking equipment
2. There is a sink with a supply of cold water that is safe to drink, a facility for the supply of hot water, and an adequate draining area
3. There is a cooker hood or extractor fan to remove fumes to the outside air
4. There is a reasonable number of storage cabinets for food and separately for non-food items (e.g. cleaning product) for the number of people living in the house

# Ventilation

Regulation 8 of the Housing (Standards for Rented Houses) Regulations 2019 (S.I. 137/2019)

## Regulation 8:

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

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

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

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

There are three different types of ventilation strategies to provide adequate ventilation in a dwelling:

- **1. Natural ventilation with intermittent extract ventilation:** fresh outside air is supplied through wall background ventilators and the removal of moisture and harmful pollutants is carried out through intermittent mechanical extract ventilation in the wet rooms.
- **2. Continuous Mechanical Extract Ventilation (cMEV):** a cMEV system should continuously provide fresh outside air supply to each habitable room through background ventilators and mechanically extract stale air from wet rooms.
- **3. Mechanical Ventilation with Heat Recovery (MVHR):** a whole house mechanical ventilation system that both supplies fresh air to each habitable room and extracts stale air from wet rooms throughout the dwelling and recycles the heat generated within it.

The following will assist in showing compliance with the Regulations for each ventilation strategy:

# 1) Natural ventilation with intermittent extract ventilation

## Kitchens:

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

## Bathrooms:

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

## Habitable Rooms:

- e) In each habitable room, there must be an openable external window / door. (Please see the section on the following page in respect of the ventilation of habitable rooms through other rooms.\*)
- f) The openable section of the window/door must be a minimum of 1/20th of the floor area.
- g) In each habitable room, there should be a wall or window ventilation opening.
- h) In each habitable room, the wall / window ventilation opening must be unobstructed.
- i) The ventilation opening must provide a minimum sectional area of 6500mm<sup>2</sup> and opening to the external air.



## Chimneys:

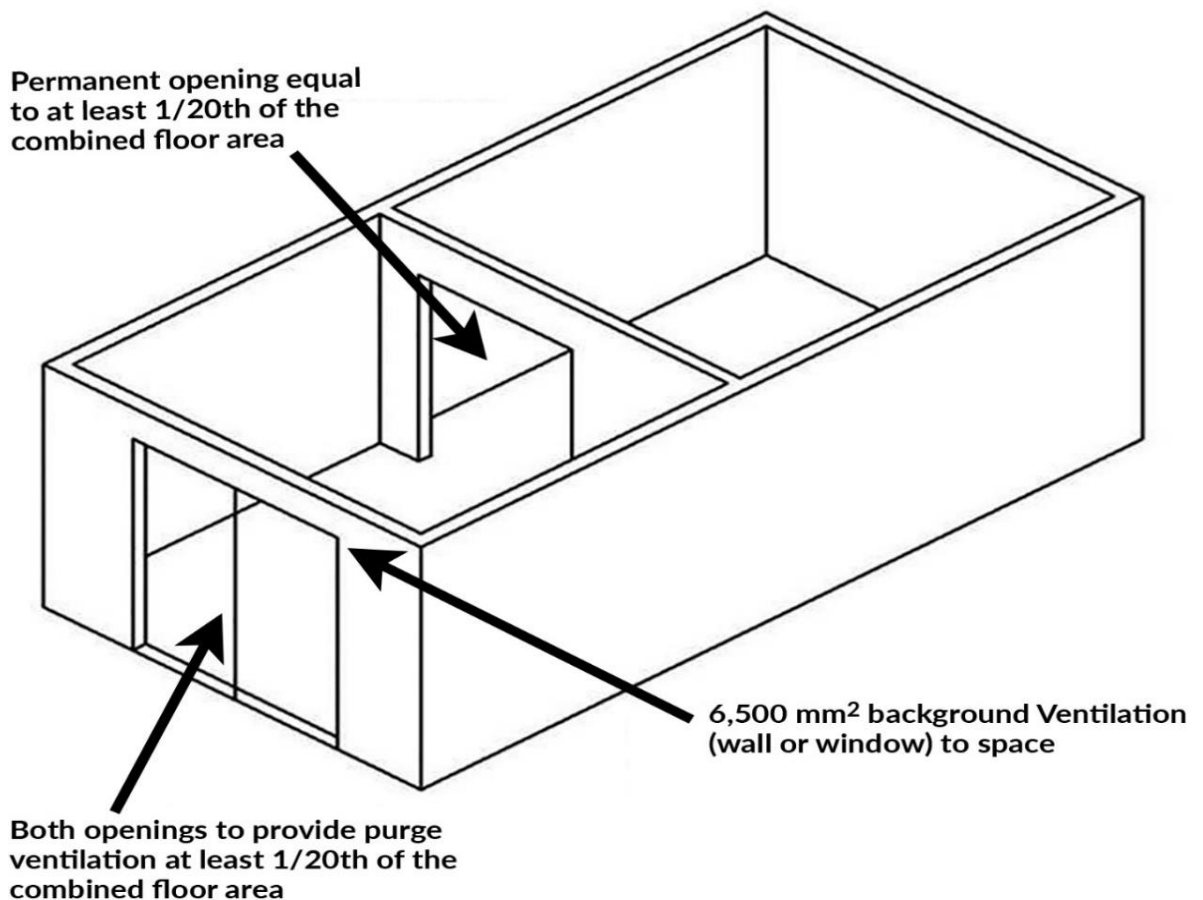
It should be noted that chimneys are provided for the removal of combustion gases and should not be considered as providing adequate ventilation in a room.

However, in certain circumstances, such as a habitable room in a protected structure, where there is no existing wall or window background ventilation, an unused chimney and fireplace, which have been sealed with a vent in the fireplace, can be used to provide adequate ventilation.

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

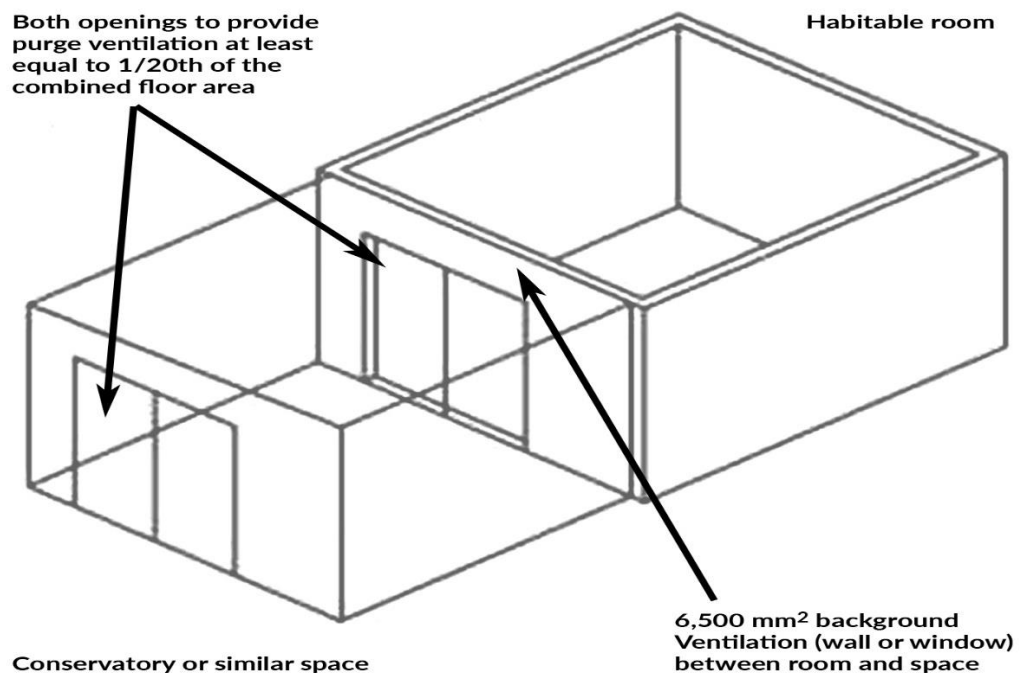
- 1) Two habitable rooms may be treated as a single room for ventilation purposes if there is an area of permanent opening between them equal to at least  $1/20$ th of the combined floor areas (see Diagram A) and a wall or window ventilator having an equivalent area not less than  $6,500 \text{ mm}^2$  and located so as to avoid undue drafts.

Diagram A



- 2) A habitable room may be ventilated through an adjoining space (see Diagram B if:
- (a) the adjoining space is a conservatory or similar space, and
  - (b) there is an opening (which may be closable) between the room and the space, with an area not less than 1/20<sup>th</sup> of the combined floor area of the room and space, and
  - (c) provision is made for:
    - (i) background ventilation to the space, and
    - (ii) one or more permanent openings for ventilation purposes between the room and the space consisting of a wall or window ventilator, each having an equivalent area not less than 6,500mm<sup>2</sup> and located so as to avoid undue drafts, and
  - (d) provision is made for purge ventilation to the space with a total area not less than 1/20<sup>th</sup> of the combined floor area of the room and space, and
  - (e) the space is not connected to another room which has no alternative means of natural ventilation other than through the space, and
  - (f) provision is made for mechanical extract or passive stack ventilation if the room contains a kitchen.

Diagram B



## 2) Continuous Mechanical Extract Ventilation (cMEV)

A cMEV system should continuously provide fresh outside air supply to each habitable room through background ventilators and mechanically extract stale air from wet rooms.

Supply air inlets should be capable of meeting the designed airflow rate at all times.

Controllable background ventilators having a minimum equivalent area of 2,500 mm<sup>2</sup> (or a minimum sectional area of 3,125 mm<sup>2</sup>) should be fitted in each habitable room, except wet rooms from which air is extracted.

The minimum boost extract rate<sup>1</sup> to be provided for each wet room and sanitary accommodation is specified below:

Wet rooms	Minimum extract rate (l/s)
Kitchen	13 <sup>2</sup>
Utility room	8
Bathroom	8
Sanitary accommodation (no bath or shower)	6 <sup>3</sup>

Notes:

1. The above are minimum boost extract rates and may need to be increased to achieve the general ventilation rate.
2. Excludes cooker hood extract.
3. As an alternative to mechanical extract, an opening window provided for purge ventilation may be relied on for extract in sanitary accommodation (no bath or shower) in a property with cMEV. In all other wet rooms (kitchen, utility room, bathroom) the cMEV system should provide mechanical extraction.

It is not recommended to connect cooker hoods to a cMEV system.

### Controls:

Controls should be suitable for continuous operation. Control indicators should indicate to the occupant that the system is operating correctly, if a fault has occurred on the system and if maintenance is required. Control indicators should be in a visible location to the occupant and not in a remote location such as in the attic or above the ceiling.

### **Kitchens:**

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

### **Bathrooms:**

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

### **Habitable Rooms:**

- d) In each habitable room, there must be an openable external window / door.
- e) The openable section of the window/door must be a minimum of 1/20th of the floor area.
- f) In each habitable room, there should be a wall or window ventilation opening.
- g) In each habitable room, the wall / window ventilation opening must be unobstructed.

### **Certification:**

For dwellings where Part F-Ventilation of the Building Regulations 2019 applies<sup>8</sup>, an inspecting official may request the production of the following to assist in assessing a cMEV system's compliance with this Regulation:

- A Ventilation Validation Certificate issued by an independent competent person certified to carry out this work, e.g. certified by the Irish National Accreditation Board (INAB), National Standards Authority of Ireland (NSAI) or equivalent, to ensure that the minimum boost extract rates to be provided for each wet room and sanitary accommodation are achieved.

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<sup>8</sup> Part F 2019 applies where the works or the change of use commence or takes place, as the case may be, on or after 1st November 2019 subject to transition arrangements of S.I. No. 263 of 2019

The NSAI's Registered Ventilation Validator register is here:

<https://www.n Sai.ie/certification/agreement-certification/ventilation-validation-registration-scheme/>

### 3) Mechanical Ventilation with Heat Recovery (MVHR)

An MVHR system should normally provide air supply to each habitable room through supply grids/inlets with extract from wet rooms through extract grids/outlets.

The total supply airflow should usually be distributed in proportion to the habitable room volumes.

The system should be capable of a minimum boost extract rate from each wet room at least equal to that specified below:

Wet rooms	Minimum extract rate (l/s)
Kitchen	13
Utility room	8
Bathroom	8
Sanitary accommodation (no bath or shower)	6 <sup>1</sup>

Notes:

1. As an alternative to mechanical extract, an opening window provided for purge ventilation may be relied on for extract in sanitary accommodation (no bath or shower) in a property with MVHR. In all other wet rooms (kitchen, utility room, bathroom) the MVHR system should provide mechanical extraction.

It is not recommended to connect cooker hoods to Mechanical Ventilation with Heat Recovery systems.

#### Controls:

Controls should be suitable for continuous operation. Control indicators should indicate to the occupant that the system is operating correctly, if a fault has occurred on the system and if maintenance is required. Control indicators should be in a visible location to the occupant and not in a remote location such as in the attic or above the ceiling.

### **Kitchens:**

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

### **Bathrooms:**

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

### **Habitable Rooms:**

- c) In each habitable room, there must be an openable external window / door.
- d) The openable section of the window/door must be a minimum of 1/20th of the floor area.

### **Certification:**

For dwellings where Part F-Ventilation of the Building Regulations 2019 applies<sup>9</sup>, an inspecting official may request the production of the following to assist in assessing an MVHR system's compliance with this Regulation:

- A Ventilation Validation Certificate issued by an independent competent person certified to carry out this work, e.g. certified by the Irish National Accreditation Board (INAB), National Standards Authority of Ireland (NSAI) or equivalent, to ensure that the minimum boost and extract rates and supply rates to be provided for each room are achieved.

The NSAI's Registered Ventilation Validator register is here:

<https://www.nsai.ie/certification/agreement-certification/ventilation-validation-registration-scheme/>

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<sup>9</sup> Part F 2019 applies where the works or the change of use commence or takes place, as the case may be, on or after 1st November 2019 subject to transition arrangements of S.I. No. 263 of 2019

**Further guidance on ventilation is available from:**

Sustainable Energy Authority of Ireland , document **A Homeowner's Guide to Ventilation** available at: <https://www.seai.ie/publications/>

National House-Building Council, document **Home comforts: guidance on using ventilation, heating and renewable energy systems** available at:<https://www.nhbc.co.uk/foundation/guidance-on-using-ventilation-heating-and-renewable-energy-systems>

Why You Need Proper Ventilation in Your Home available at: <https://www.gov.ie/en/publication/938bf-home-ventilation/>

# Lighting

Regulation 9 of the Housing (Standards for Rented Houses) Regulations 2019 (S.I. 137/2019)

## Regulation 9:

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

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

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

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

The following will assist in showing compliance with the Regulations:

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



# Fire Safety

Regulation 10 of the Housing (Standards for Rented Houses) Regulations 2019 (S.I. 137/2019)

## Regulation 10:

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

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

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

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

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

(6) Fire detection and alarm systems and emergency lighting systems required under Regulation 10(4) and 10(5) shall be maintained in accordance with current standards.

(7) In this Regulation:

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

“multi-unit building” means a building that contains 2 or more houses that share a common access.

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

The following will assist in showing compliance with the Regulations:

## **All Houses (including single houses, flats and apartments):**

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

3. Each smoke alarm must carry the CE mark and comply with I.S. EN 14604:2005 or I.S. EN 14604:2005/AC:2008 and should be installed as per the manufacturer's instructions.
4. Each smoke alarm must be in working order and be within its 'end of life' indicator.
5. There is a fire blanket in the house located in the kitchen. The fire blanket must be securely wall-mounted in a prominent location and provided with clear instructions on its use. The fire blanket should be manufactured in compliance with I.S. 415:1988, I.S. EN 1869:1997 or I.S. EN 1869:2019.

## Additional Requirements in Multi-Unit Buildings:

6. There is an emergency evacuation plan displayed in each unit, showing the various escape routes and the following information:
  - a) The action to be taken in the event of fire, discovering a fire or hearing the fire alarm.
  - b) The procedure for calling the fire brigade.
  - c) A floor plan of the building providing the following information:
    - The location of all relevant escape routes from the building.
    - The location of fire alarm call points (break glass units) and fire alarm control panel.
    - The location of firefighting equipment in the building.
7. In each multi-unit building, there is a suitable common fire detection and alarm system in the building. The common fire detection and alarm system in the building should consist of a control panel with suitably located smoke detectors and sounders at each level of the stairway and in each circulation space and a heat detector and sounder inside each unit within the building, located adjacent to the entrance door to the unit, not more than 5m from any bedroom door.
8. There is a manual fire alarm call point (break glass unit) at each floor level and at each final exit from the building.
9. The fire detection and alarm system\* should meet the requirements of [Technical Guidance Document B - Fire Safety](#).<sup>10</sup>

\* Certain wireless or radio controlled fire alarm systems may be found to comply with the Regulations where they comply with I.S. 3218:2013 or I.S. 3218:2013+A1:2019 Fire Detection and Fire Alarm Systems for Buildings - System design, installation, commissioning, servicing and maintenance. The landlord may be required to provide such evidence as is necessary to establish that any fire alarm system is in compliance with I.S. 3218:2013 or I.S. 3218:2013+A1:2019.

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<sup>10</sup> <https://www.gov.ie/en/publication/263ee-technical-guidance-document-b-fire-safety/>

**10.** The common areas in a multi-unit building are provided with an emergency lighting system installed and maintained in accordance with I.S. 3217:2013, I.S. 3217:2013 +A1:2017 or I.S. 3217:2023. Emergency lighting must be provided throughout all common escape routes, i.e. corridors, lobbies and stairways.

## **Department circular 33/2022 - Multi-Unit Developments and Fire Safety**

Please note Department circular 33/2022, which issued to all local authorities in September 2022, in relation to Multi-Unit Developments and Fire Safety. This circular strongly recommends that where units in multi-unit dwellings are found to be non-compliant with the fire safety requirements of the Regulations, due to there being no suitable working fire detection and alarm system or emergency lighting in the building, including common areas, that the Fire Services of that local authority should be informed of the non-compliance issues as a matter of urgency.

# Refuse

Regulation 11 of the Housing (Standards for Rented Houses) Regulations 2019 (S.I. 137/2019)

## Regulation 11:

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

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

The following will assist in showing compliance with the Regulations:

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

# Gas, Oil and Electricity Installations

Regulation 12 of the Housing (Standards for Rented Houses) Regulations 2019 (S.I. 137/2019)

## Regulation 12:

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

Regulation 12 provides that all gas, oil and electricity installations be maintained in good repair and safe working order.

An inspecting official may request the production of one or more of the following to assist in assessing compliance with this Regulation:

- 1. Electrical:** A current Periodic Inspection Report (PIR) by a Safe Electric Registered Electrical Contractor (REC) for the electrical installation in the house. The result of the PIR should show a standard which requires that “no remedial work is required”. However, if the PIR highlights safety issues, then it must be apparent that these have been addressed and that the appropriate electrical completion certificate for the remedial work is available, unless the works were minor in nature (e.g. the replacement of a socket) and it is obvious that they have been completed.

A full list of RECs can be found at <https://safeelectric.ie/find-an-electrician/>.

It is illegal for an unregistered contractor to carry out electrical works within a domestic property. If an inspecting official suspects illegal electrical works have taken place, they are asked to report to the Commission for Regulation of Utilities (CRU) through the Safe Electric website at <https://safeelectric.ie/help/report/>.

Please refer to the Commission for Regulation of Utilities ‘*What to look out for*’ guide on *Domestic Electrical Visual Inspections* at Appendix D in these Guidelines.

- 2. Gas:** A Declaration of Conformance certificate for an I.S. 813<sup>11</sup> Annex E Safety Check inspection issued within the previous 12 months by a Registered Gas installer (RGI) for the gas installation in the house.

A full list of RGIs can be found at [www.rgi.ie/registered-installers](http://www.rgi.ie/registered-installers).

It is illegal for an unregistered person to work on a domestic gas installation. If an inspecting official suspects illegal gas works have taken place, they are asked to report to the Commission for Regulation of Utilities (CRU) through the RGI website at [www.rgi.ie/support/report-an-illegal-gas-installer](http://www.rgi.ie/support/report-an-illegal-gas-installer).

- 3. Oil:** An Inspection Report issued within the previous 12 months by a suitably competent person<sup>12</sup> that the oil installation in the house is safe and in proper working order.

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<sup>11</sup> Irish Standard for Domestic Gas Installation I.S. 813 is issued by the National Standards Authority of Ireland (NSAI)

<sup>12</sup> OFTEC registration is an example of suitable competence. OFTEC is not a statutory registration body and membership is voluntary. Inspection reports from other technicians with sufficient training, experience and knowledge are also acceptable.

# Information

Regulation 13 of the Housing (Standards for Rented Houses) Regulations 2019 (S.I. 137/2019)

## Regulation 13:

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

The following will assist in showing compliance with this Regulation:

The tenant is provided with documentation detailing:

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

# Definitions

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



# Chapter 3 – Good Practice and Implementation

## Strategic Vision

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

## Good Practice Recommendations

### No. 1 - Develop a Housing Management Policy Statement

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

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

- Particular priorities to be pursued in the period.

## **No. 2 - Identify Inspection Requirements**

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

- Staff in RAS and HAP units should request inspections as part of the process of transferring tenants into these schemes.
- Tenants may make complaints regarding standards and request inspections.

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

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

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

## **No. 3 - Ensure Responsiveness to Complaint**

Local authorities should have in place:

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

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

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

## No. 4 - Balance Planned Inspections with Response-Based Activity

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

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

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

## No. 5 - Identify and Prioritise Targets for Each Reporting Period

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

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

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

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

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

## No. 6 - Pursue Targeted Inspection Activities

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

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

**Table 1 - Suggested National and Local Sources of Information to inform the planning of inspections.**

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

*Note: The Social Welfare Consolidation Act 2005 allows for the exchange of data with local authorities in relation to rented accommodation. Housing Authorities should ensure that transparency requirements under data protection legislation are addressed and that relevant data sharing agreements are in place.*

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

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

- Monitoring property to let advertisements in the local media and online,
- Monitoring [dispute outcomes](#)<sup>13</sup> [from the Residential Tenancies Board](#)
- Monitoring the incidence of residential developments with unusually high vacancy rates in both the private and social rented sectors,
- Monitoring sales and lettings of properties at less than the market rate in both social and private residential developments, and
- Liaising with staff in relevant local organisations including, but not limited to, voluntary and co-operative housing associations, Threshold, integrated local development companies and urban-based partnerships, regeneration boards, Public Health Nurses (PHNs), Juvenile Liaison Officers (JLO) and Home-School-Community Liaison (HSCL) and School Completion Programme (SCP) Co-ordinators. In all instances where personal data may be shared, Housing Authorities should ensure that they have identified an applicable legal basis for the data processed and that data sharing agreements are in place if required.

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

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

## **No. 7 - Develop Communication Strategies for All Stakeholders**

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

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

The Residential Tenancies Board provides information leaflets to both [landlords and tenants](#)<sup>14</sup> in relation to their respective rights and responsibilities.

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<sup>13</sup> <https://www.rtb.ie/dispute-case-outcomes>

<sup>14</sup> <https://www.rtb.ie/beginning-a-tenancy/rights-and-responsibilities>

## No. 8 - Develop Procedures to Ensure Follow-up Inspections and Enforcement

When an inspection has been conducted, this should be followed with correspondence to the landlord informing him / her of the outcome of the inspection. Where an improvement letter has been issued to the landlord, the tenant should receive a copy. In cases where an improvement notice or prohibition notice has been served on the landlord, the tenant must also receive a copy.

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

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

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

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

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

## **Manage Resources Effectively**

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

# **No. 9 - Identify Resource and Training Requirements**

Broadly speaking, there are two sources of financial funding available to support inspections – an Exchequer subvention provided by the Department of Housing, Local Government and Heritage and funds provided by the local authority itself from internal receipts. It is essential that the inspection staff explore the availability of funds under all categories as a part of the planning and implementation processes.

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

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

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

# **No. 10 - Develop Data Capture and Management Systems**

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

Information and Communication Technology (ICT) solutions should be developed and embedded to ensure that this information can be collected, collated and maintained. The use of mobile technologies should be advanced to replace paper based inspection recording and reporting to streamline data management, communication with other services and initiation of enforcement measures. Any new projects of this sort should only be undertaken after consultation with the Housing Authority's Data Protection Officer to ensure all personal data processing considerations have been taken into account, including the requirement to carry out a data protection impact assessment in certain circumstances.

## **No. 11 - Use Data to Improve Evaluation and Learning Outcomes**

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

Local authorities should also consider evaluating:

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

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

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



# Chapter 4 - Conducting Effective Inspections

## Introduction

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

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

## Good Practice Recommendations

### No. 12 - Staffing Considerations and the Role of Technical and Non-Technical Staff

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

- Define lines of supervision and ensure all staff are clear about their roles and responsibilities.
- Monitor levels of staff turnover in order to assess whether personnel or human resource difficulties arise and put procedures in place to ensure such turn-over does not create difficulties (for example, process mapping, standard operating procedures, etc.).

- Consider the merits of multi-disciplinary working where inspection staff co-ordinate their work with other local authority officials (planning inspectors, fire officers, etc.) in addition to engaging with Community Welfare Officers, where deemed appropriate.

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

## **No. 13 - Support Tenant Participation**

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

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

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

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

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

## **No. 14 - Take Steps to Ensure Effective Defect Diagnosis**

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

- Be accurate and precise.
- Be truthful.
- Listen to the tenant.
- Work methodically.
- Take your time.

- Don't get distracted.
- Don't damage the property or contents.
- Everything does not necessarily need to be inspected.
- Don't worry if you cannot diagnose the cause of defects.

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

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

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

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

Please note, in the case of a property that is a protected structure under Part IV of the Planning and Development Act 2000, all works should be carried out in accordance with best conservation practice standards as outlined in the Department's Architectural Heritage Protection Guidelines for Planning Authorities (2011)

<https://www.buildingsofireland.ie/app/uploads/2019/10/Architectural-Heritage-Protection-Guidelines-for-Planning-Authorities-2011.pdf>, and Advice Series publications

<https://www.buildingsofireland.ie/resources/>.

## No. 15 - Maximise Consistency through Use of Standardised Forms and Reporting

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

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

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

- Tenant and landlord / agent contact details,
- Property type,
- Number of occupants,
- Registration of the property with the RTB,
- Provision of a rent book or an alternative record of rent amounts and payments, and
- Number of bedrooms.

## No. 16 - Develop an Integrated System of Internal Communications

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

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

Please note Department circular 33/2022, which was issued to all local authorities in September 2022, in relation to Multi-Unit Developments and Fire Safety. This circular strongly recommends that where units in multi-unit dwellings are found to be non-compliant with the fire safety requirements of the Regulations, due to there being no suitable working fire detection and alarm system or emergency lighting in the building, including common areas, that the Fire Services of that local authority should be informed of the non-compliance issues as a matter of urgency.

# Chapter 5 - Developing Inter-Agency Relationships

## Introduction

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

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

## Good Practice Recommendations

### No. 17 - Ensure Effective Information Sharing Across Agencies

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

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

Any move towards information sharing and inter-agency working may give rise to potential data protection considerations and these should be examined on an ongoing basis. The relevant legal basis must be identified in all instances of data sharing, and data sharing agreements should be in place where any personal data is shared between public service bodies. Housing Authorities should consult with the Data Protection Officer in relation to these matters.

## **No. 18 - Communicate Inspection Outcomes to External Stakeholders**

It is important that the tenant is kept informed of the outcome of each inspection.

Where inspection staff identify a problem (e.g. emergency lighting) which may fall under the responsibility of the Management Company, representatives of the latter should be notified.

# Chapter 6 - Evaluation and Reporting

## Introduction

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

## Good Practice Recommendations

### No. 19 - Develop Performance Indicators

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

### No. 20 - Benchmark Expected Activity Levels

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



# Chapter 7 – Enforcement

## Introduction

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

## Investigation of a Complaint

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

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

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

## Obstruction

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

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

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

# Improvement Letter

An Improvement Letter may be an appropriate initial response, where minor contraventions of the Regulations were noted during an inspection. It is not used as an alternative to housing authorities exercising their powers under Section 18A of the Housing (Miscellaneous Provisions) Act 1992 to serve an Improvement Notice. It is given to bring it to the attention of the landlord that in the opinion of the housing authority, the landlord is contravening or has contravened a requirement of a regulation under the Regulations and that the housing authority may take legal action under the Housing (Miscellaneous Provisions) Act 2009 if the contravention is not remedied within a specified time. Where there is a failure to comply with an Improvement Letter an Improvement Notice should be served. Where there are substantial contraventions however, serious consideration should be given to serving an Improvement Notice as a first response.

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

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

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

# The Preparation and Serving of an Improvement Notice

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

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

An Improvement Notice can be served after an initial inspection or after a subsequent re-inspection has been carried out of the rented house. It is not necessary for correspondence to have been sent to the landlord, such as an Improvement Letter, prior to an Improvement Notice being served. A separate Improvement Notice should be served for each house and for the common areas in a multi-unit building.

When preparing the Notice, the inspector must in accordance with section 18A of the Housing (Miscellaneous Provisions) Act 1992 ensure that the following information has been provided:

- (a) The address of the house, the landlord's name and address and the date of the inspection.
- (b) Identification of the relevant statutory provision(s) that have been contravened.
- (c) Requirement that remedial action needs to be taken and, if appropriate, the Notice can specify the measures to be taken to remedy the contraventions.
- (d) Specification of a time limit by which the remedial action needs to be completed by the landlord.
- (e) Details on how an objection and the making of an appeal can be made, the timeframe required and the address of the housing authority to which an objection can be made.
- (f) A statement that if an objection is not appropriately submitted then
  - I. the notice will be treated as not disputed
  - II. the landlord will be deemed to have accepted the notice and to have agreed to comply with the direction within the period specified therein.

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

## Objection and Appeal

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

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

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

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

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

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

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

# Lifting of an Improvement Notice

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

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

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

# Preparation and Serving of a Prohibition Notice

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

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

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

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

## Appeal

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

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

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

## Withdrawal of a Prohibition Notice

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

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

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

## Publishing a Prohibition Notice

Section 18B(10) of the Housing (Miscellaneous Provisions) Act 1992 (as amended) provides that housing authorities must, in the interests of public health and safety, bring the contents of a Prohibition Notice to the attention of the public. Housing authorities have a discretion about how they do this, but publishing on the authorities' websites is recommended. Details of Prohibition Notices should only be published when the 14-day appeal period has expired and no appeal has been made.

**It is important to note that when a Prohibition Notice has been withdrawn, it should be removed from the Council's website as soon as possible.**

# Sample Improvement Letter

**Housing Acts 1966 - 2014**

**Housing (Standards for Rented Houses) Regulations 2019**

## **IMPROVEMENT LETTER**

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

An inspection was carried out at the rented house at **(property address)** on **(date of inspection)** in order to check compliance with the above legislation and the following contraventions were observed:

**(Insert contraventions first by Regulation and then by room)**

The Regulation(s) referred to are **(insert Regulation numbers(s) here)** of the Housing (Standards for Rented Houses) Regulations 2019 (S.I. No 137 of 2019), as made by the Minister of Housing, Planning and Local Government in exercise of powers conferred on him by Section 5 of the Housing Act 1966, as amended by Section 24 of the Housing (Miscellaneous Provisions) Act 1992, and by Section 18 of the Housing (Miscellaneous Provisions) Act 1992, as amended, which are enforced by **(local authority name)**.

You are advised that if you make a default in complying with the said Regulations, legal action may be instigated against you and on conviction, you may become liable to a fine not exceeding €5,000 or imprisonment for a term not exceeding 6 months or both and if the obstruction, contravention, failure to comply or re-letting is continued after conviction the person shall be guilty of a further offence on every day on which the obstruction, contravention, failure to comply or re-letting continues and for each such offence shall be liable, on summary conviction, to a fine not exceeding €400.

If the said contraventions are not remedied within a period of **(insert time period)** from the **(insert date: two calendar weeks from letter date)**, a criminal prosecution may be commenced, the consequences of which are set out above.

The Regulations can be viewed in full on the electronic Irish Statute Book at <https://www.irishstatutebook.ie/eli/2019/si/137/made/en/print>.

If you have any queries relating to this letter, please contact the undersigned.



Yours sincerely,

**(relevant local authority officer)**

**(date)**

# Sample Improvement Notice

Housing Acts 1966 – 2014

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

Housing (Standards for Rented Houses) Regulations 2019

## IMPROVEMENT NOTICE

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

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

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

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

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

Sitting Room:

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

*This contravenes Regulation (4)2 of the Housing (Standards for Rented Houses) Regulations 2019.*

Front Bedroom

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

This contravenes Regulation 4(2) of the Housing (Standards for Rented Houses) Regulations 2019.

The Regulations can be viewed in full on the electronic Irish Statute Book at <https://www.irishstatutebook.ie/eli/2019/si/137/made/en/print>.

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

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

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

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

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

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

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

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

You may appeal the objection decision to a judge of the District Court, no later than 14 days after the decision by \_\_\_\_\_ Council has been notified to you. You should contact your own legal advisor or the District Court Office, **(insert contact details for District Court)**, in relation to filing any appeal. You shall at the same time notify \_\_\_\_\_ Council in writing of the appeal and the grounds for the appeal. This notification must be sent with details of the grounds of appeal, the Court date and venue by registered post to **(insert address of local authority)**.

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

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

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

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

## Additional information when serving Improvement Notices

### Protected Structures

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

Works affecting character of protected structures or proposed protected structures.

**57.**—(1) F479[Notwithstanding section 4(1)(a), (h), (i), F480[(ia)] (j), (k), or (l) and any regulations made under section 4(2),] the carrying out of works to a protected structure, or a proposed protected structure, shall be exempted development only if those works would not materially affect the character of—

(a) the structure, or

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

Please note, in the case of a property that is a protected structure under Part IV of the Planning and Development Act 2000, all works to protected structures should be carried out in accordance with best practice standards as outlined in the Department's Architectural Heritage Protection Guidelines for Planning Authorities (2011)

<https://www.buildingsofireland.ie/app/uploads/2019/10/Architectural-Heritage-Protection-Guidelines-for-Planning-Authorities-2011.pdf>, and Advice Series publications <https://www.buildingsofireland.ie/resources/>.

### Offences - Sanctions

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

Offences.

(34)(1) Any person who—

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

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

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

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

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

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

If a property has been found to be non-compliant with the regulations, the local authority determines what action is necessary and appropriate. Under sections 18A and 18B of the Housing (Miscellaneous Provisions) Act 1992, a housing authority may serve an Improvement Notice or Prohibition Notice, respectively, where a property is found to be non-compliant.

Under Section 34 of that Act, any person who by act or omission contravenes the Regulations, fails to comply with an improvement notice, or re-lets a house in breach of a prohibition notice, will be guilty of an offence and will be liable, on summary conviction, to a fine not exceeding €5,000 or imprisonment for a term not exceeding 6 months or both. If the contravention, failure to comply or re-letting is continued after conviction, the person will be guilty of a further offence on every day on which the contravention, failure to comply or re-letting continues and for each such offence will be liable, on summary conviction, to a fine not exceeding €400 per day.

# Sample Prohibition Notice

Housing Acts 1966 – 2014

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

Housing (Standards for Rented Houses) Regulations 2019

## PROHIBITION NOTICE

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

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

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

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

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

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

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

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

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

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

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

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

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

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



## Additional information when serving Prohibition Notices

### Protected Structures

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

Works affecting character of protected structures or proposed protected structures.

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

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

Please note, in the case of a property that is a protected structure under Part IV of the Planning and Development Act 2000, all works to protected structures should be carried out in accordance with best conservation practice standards as outlined in the Department's Architectural Heritage Protection Guidelines for Planning Authorities (2011)

<https://www.buildingsofireland.ie/app/uploads/2019/10/Architectural-Heritage-Protection-Guidelines-for-Planning-Authorities-2011.pdf>, and Advice Series publications <https://www.buildingsofireland.ie/resources/>.

### Offences - Sanctions

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

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(34)(1) Any person who—

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

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

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

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

If a property has been found to be non-compliant with the regulations, the local authority determines what action is necessary and appropriate. Under sections 18A and 18B of the Housing (Miscellaneous Provisions) Act 1992, a housing authority may serve an Improvement Notice or Prohibition Notice, respectively, where a property is found to be non-compliant.

Under Section 34 of that Act, any person who by act or omission contravenes the Regulations, fails to comply with an improvement notice, or re-lets a house in breach of a prohibition notice, will be guilty of an offence and will be liable, on summary conviction, to a fine not exceeding €5,000 or imprisonment for a term not exceeding 6 months or both. If the contravention, failure to comply or re-letting is continued after conviction, the person will be guilty of a further offence on every day on which the contravention, failure to comply or re-letting continues and for each such offence will be liable, on summary conviction, to a fine not exceeding €400 per day.

# Contact Details

## **Residential Tenancies Board**

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

telephone: 01-702 8100 or 0818 30 30 37 (9:00am to 5.00pm Monday to Friday)

## **Property Services Regulatory Authority**

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

Telephone: 046-903 3800

Freephone: 1800-25 27 12

email: info@psr.ie

## **Threshold**

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

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

## **Irish Property Owners Association**

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

Telephone: 01-827 6000

# Appendices

## Appendix A

### Rented Housing Standards – Sample Checklist

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

## **Guidelines for assessing compliance with:**

### **Housing (Miscellaneous Provisions) Act 1992**

### **Housing (Standards for Rented Houses) Regulations 2019**

Minimum standards are set out in the Housing (Standards for Rented Houses) Regulations 2019. The regulations specify requirements in relation to a range of matters such as structural repair, absence of damp and rot, sanitary facilities, heating, ventilation, light and safety of gas and electrical supply. Full details are available on the Department of Housing, Local Government and Heritage website [www.housing.gov.ie](http://www.housing.gov.ie). These standards apply to all properties that are let or available for letting.

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

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

The checklist is to assist in demonstrating that the property being rented or being made available for rent is in substantial compliance with the current standards for rented houses as prescribed in the Housing (Standards for Rented Houses) Regulations 2019.

STRUCTURAL CONDITION	Yes / No
<b>Exterior</b>	
Is the property maintained in a good state of structural repair?	_____
Is the roof in a proper state of repair and not defective?	_____
Are the roofing tiles or slates properly fixed?	_____
Is there water penetration through the roof?	_____
Are the fascias and soffits maintained in good condition & repair?	_____
Are the gutters & downpipes maintained in good condition & repair?	_____
Are the windows (frames & glass) maintained in good condition & repair?	_____
Are safety restrictors fitted to windows where it has an opening section and the bottom of the opening section is more than 1400mm above external ground	_____
Is there water penetration through the walls?	_____
Are the doors maintained in good condition & repair?	_____
Are the common areas maintained in good condition & repair?	_____
Is the garden maintained in a tidy condition?	_____
Is there adequate provision to prevent harbourage or ingress of pests or vermin	_____
<b>Interior</b>	
Is the property free from dampness and condensation?	_____
Is there evidence of mould?	_____
Is the property in good decorative condition throughout?	_____
Are the floors in each room maintained in good condition & repair?	_____
Are the walls in each room maintained in good condition & repair?	_____
Are the ceilings in each room maintained in good condition & repair?	_____
Is the stairs maintained in good condition & repair?	_____
Is the stairs fitted with a sound handrail and guarding which is not defective?	_____
Are the skirting boards and architraves maintained in good condition & repair?	_____
Are tiles on any wall, floor or ceiling maintained in good condition & repair?	_____
Are all fittings in the house maintained in good condition & repair?	_____
Are all furnishings in the house maintained in good condition & repair?	_____
Are all presses in the house maintained in good condition & repair?	_____

SANITARY FACILITIES	Yes / No
<p>Are the sanitary facilities shared?</p> <p>Are the sanitary facilities provided in room separated from other rooms?</p> <p>Does the sanitary accommodation contain separate ventilation?</p> <p>Does the sanitary accommodation consist of:</p> <ul style="list-style-type: none"> <li>• A toilet with a dedicated wash hand basin, supplied with hot and cold water?</li> <li>• A fixed bath or shower, supplied with hot and cold water?</li> </ul> <p>Are the sanitary facilities maintained in good condition &amp; repair?</p> <p>Is a safe and effective means of drainage provided to the sanitary facilities?</p> <p>Are the sanitary facilities fixtures securely fixed?</p> <p>Is there adequate hot &amp; cold water storage facilities provided?</p>	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>

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

FOOD PREPARATION & STORAGE & LAUNDRY	Yes / No
<p><b><u>Leases of less than 10 years</u></b></p> <p><b>Food Preparation</b></p> <p>Is a 4 ring hob with oven and grill provided in a habitable area of the house?</p> <p>Has a cooker hood or extractor being provided for the safe &amp; effective removal of fumes?</p> <p>Is a fridge &amp; freezer or a fridge-freezer provided in habitable area of the house?</p> <p>Is a microwave oven provided in habitable area of the house?</p> <p>Is a sink with hot and cold water &amp; an adequate drainage area provided in habitable area of the house?</p>	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/>

Is the cold water supply to the sink taken directly from the rising main?	_____
Are an adequate number of kitchen presses & storage facilities provided?	_____
Are all facilities, fixtures & fittings maintained in good condition & repair?	_____
<b>Laundry</b>	_____
Is a laundry washing machine provided within the habitable area of the house?	_____
Are communal clothes washing facilities provided within the building?	_____
Is a laundry drying machine provided within the habitable area of the house?	_____
Are communal clothes drying facilities provided within the building?	_____
Is there sole access to garden with a clothes line?	_____
Are all facilities, fixtures & fittings maintained in good condition & repair?	_____
<b><u>AHBs or Leases of 10 years and more</u></b>	_____
Are their facilities for the installation of cooking equipment provided in a habitable area of the house?	_____
Is a sink with hot and cold water & an adequate drainage area provided in habitable area of the house?	_____
Is the cold water supply to the sink taken directly from the rising main?	_____
Has a cooker hood or extractor being provided for the safe & effective removal of fumes?	_____
Are an adequate number of kitchen presses & storage facilities provided?	_____

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



Does the room containing the kitchen have an openable window or door direct to the external air?	_____
Is the openable part of the window at least 1/20 <sup>th</sup> of the floor area of the room?	_____
<b>Kitchen (less than 6.5sq m)</b>	
Where no openable external window is provided, is mechanical extract ventilation provided to the room containing the kitchen where no window is provided?	_____
<b>Bathrooms &amp; Water Closets</b>	
Where there is no openable window, is there adequate mechanical extract ventilation provided to the bathroom capable of removing water vapour?	_____
Where an openable window is provided, is the openable part of the window 1/20 <sup>th</sup> of the floor area?	_____
Are all facilities, fixtures & fittings maintained in good condition & repair?	_____
<b>Mechanical Ventilation Systems (where installed):</b>	
Are all mechanical ventilation supply and extract grills clear and unblocked?	_____
Are all fans running with appropriate indicators?	_____
Are filters installed in MVHR units and accessible for cleaning or an appropriate management system in place?	_____
Is a maintenance and operational manual available for mechanical ventilation systems?	_____

<b>LIGHTING</b>	<b>Yes / No</b>
Is adequate natural lighting provided in all habitable rooms?	_____
Is adequate artificial lighting provided in all rooms including common areas such as the halls, stairs and landings?	_____
Are all windows of rooms containing a bath and / or shower & a water closet adequately screened to ensure privacy?	_____

<b>FIRE SAFETY</b>	<b>Yes / No</b>
<b>For All Houses (including single houses, flats and apartments):</b>	
Is a mains-wired smoke alarm provided?	_____
<b>or</b>	
Are 10-year self-contained battery operated smoke alarms provided on each floor landing?	_____

<p>Do the smoke alarms carry the CE mark and comply with I.S. EN 14604:2005 or I.S. EN 14604:2005/AC:2008?</p> <p>Is a fire blanket provided in the kitchen and complying with I.S. 415:1988, EN 1869:1997 or I.S. EN 1869:2019?</p> <p><b><u>Additional Requirements in Multi-Unit Buildings:</u></b></p> <p>Is there a suitable common fire detection and alarm system in the building?</p> <p>Are there break glass units on each floor and at the final exits?</p> <p>Is an emergency evacuation plan displayed in each unit, showing the various escape routes and the following information?:</p> <ul style="list-style-type: none"> <li>– Action to be taken in the event of discovering a fire or hearing the fire alarm</li> <li>– Procedure for calling the fire brigade</li> <li>– A floor plan of the building showing: <ul style="list-style-type: none"> <li>• All escape routes.</li> <li>• Fire alarm call points and control panel</li> <li>• Location of firefighting equipment.</li> </ul> </li> </ul> <p>Is emergency lighting provided in all common areas?</p>	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
<b>REFUSE FACILITIES</b>	<b>Yes / No</b>
<p>Are suitable and adequate pest and vermin proof refuse storage facilities provided?</p>	<hr/>

<b>GAS, OIL and ELECTRICITY</b>	<b>Yes / No</b>
<p>Are the installations for the supply of gas, oil and electricity including pipework, storage facilities and electrical distribution boxes maintained in good repair and safe working order</p> <p><i>The presence of one or more of the following may assist in assessing compliance.</i></p> <p>Is there a Declaration of Conformance certificate, for an I.S. 813 Annex E Safety Check inspection, issued within the previous 12 months by an RGII <b>registered gas installer</b>?</p> <p>Is there an Inspection Report issued within the previous 12 months from a suitably competent person that the <b>oil installation</b> in the house is safe and in proper working order?</p>	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>

<p>Is there a current Periodic Inspection Report (PIR) by a Safe Electric <b>registered electrical contractor?</b> <i>(This report should show that no remedial or advisory works are required. If the PIR highlights safety issues, an appropriate electrical completion certificate must show they have been addressed, unless the works were minor in nature and it is obvious that they have been completed.)</i></p>	<hr/>
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INFORMATION	Yes / No
<p>Has sufficient information been provided to the tenant about the rented property, the fixed building services, appliances and their routine maintenance, so that the tenant can operate them correctly?</p>	<hr/>

**Address of Property:**

**Completed by:**

**Date:**

# Appendix B

## HOUSING (STANDARDS FOR RENTED HOUSES) REGULATIONS 2019

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

### Citation and commencement

1. (1) These Regulations may be cited as the Housing (Standards for Rented Houses) Regulations 2019.

(2) These Regulations come into operation on 1 May 2019.

### Interpretation

2. (1) In these Regulations—

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

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

(3) Nothing in these Regulations shall be taken—

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

(b) as creating an obligation to—

(i) take any action which is the responsibility of a local authority or statutory undertaker, other than such action as may be necessary to bring the matter to the attention of the local authority or statutory undertaker concerned, or

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

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

(5) In this Regulation:

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

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

### **Application**

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

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

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

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

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

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

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

### **Structural Condition**

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

(2) For the purposes of Regulation 4(1) 'a proper state of structural repair' means sound, internally and externally, with roof, roofing tiles and slates, windows, floors, ceilings, walls, stairs, doors, skirting boards, fascia, tiles on any floor, ceiling and wall, gutters, down pipes, fittings, furnishings, gardens and common areas maintained in good condition and repair and not defective due to dampness or otherwise.

(3) Where a window has an opening section through which a person may fall, and the bottom of the opening section is more than 1400mm above external ground level, suitable safety restrictors shall be fitted. Safety restrictors shall restrain the window sufficiently to prevent such falls.

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

### **Sanitary Facilities**

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

(a) A water closet, with dedicated wash hand basin adjacent thereto with a continuous supply of cold water and a facility for the piped supply of hot water, and

(b) A fixed bath or shower with continuous supply of cold water and a facility for the piped supply of hot water.

(2) The requirements of Regulation 5(1) shall:

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

(ii) have safe and effective means of drainage,

(iii) be properly insulated,

- (iv) have minimum capacity requirements for hot and cold water storage facilities, and
- (v) be provided in a room separated from other rooms by a wall and a door and containing separate ventilation.

### **Heating Facilities**

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

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

capable of providing effective heating.

(2) Every room referred to in Regulation 6(1) shall contain suitable and adequate facilities for the safe and effective removal of fumes and other products of combustion to the external air where a heat-producing appliance is used.

(3) A heat-producing appliance referred to in Regulation 6(1)(c) shall be so installed that there is an adequate supply of air to it for combustion, to prevent overheating and for the efficient working of any flue pipe or chimney serving the appliance.

(4) The operation of any:

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

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

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

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

## Food Preparation, Storage and Laundry

7. (1) Notwithstanding paragraph (4), paragraphs (2) and (3) shall not apply where the house is let or available for letting –

(i) by a housing authority under the Housing Acts 1966 to 2014,

(ii) by a housing body approved under Section 6 of the Housing (Miscellaneous Provisions) Act 1992, or

(iii) for a minimum lease period of 10 years under a tenancy agreement.

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

(a) 4 ring hob with oven and grill,

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

(c) Fridge and freezer or fridge-freezer,

(d) Microwave oven,

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

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

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

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

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

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

(5) Where a house is let or available for letting:

(a) by a housing authority under the Housing Acts 1966 to 2014,



(b) by a housing body approved under Section 6 of the Housing (Miscellaneous Provisions) Act 1992, or

(c) for a minimum lease period of 10 years under a tenancy agreement,

there shall be provided, within the same habitable area of the house, for the exclusive use of the house:

(i) Facilities for the installation of cooking equipment,

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

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

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

### **Ventilation**

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

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

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

### **Lighting**

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

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

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

### **Fire Safety**

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

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

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

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

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

(6) Fire detection and alarm systems and emergency lighting systems required under Regulation 10(4) and 10(5) shall be maintained in accordance with current standards.

(7) In this Regulation:

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

“multi-unit building” means a building that contains 2 or more houses that share a common access.

### **Refuse Facilities**

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

### **Gas, Oil and Electricity Installations**

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

### **Information**

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

### **Revocation**

14. The Housing (Standards for Rented Houses) Regulations 2017 (S.I. No. 17 of 2017) are revoked.

# Appendix C – Summary of Powers under the Housing Acts

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

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

## **Interpretation**

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

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

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

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

## **Standards for rented houses. (Provision for Regulations in legislation)**

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

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

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

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

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

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

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

(d) ventilation and lighting;

(e) water supplies, sanitary facilities and drainage;

(f) facilities for heating and cooking;

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

(h) fire safety.

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

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

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

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

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

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

## Improvement Notices

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

(2) An improvement notice shall—

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

- (b) state the reasons for that opinion,
  - (c) identify the provision of the regulation concerned in respect of which that opinion is held,
  - (d) direct the landlord to remedy the contravention within the period specified in the notice commencing on the date specified therein, which date shall not be earlier than the end of the period within which an objection may be submitted under subsection (6),
  - (e) include information regarding the submission of an objection and the making of an appeal in relation to the notice, specifying—
    - (i) the form and manner of an objection,
    - (ii) the form and manner of an appeal, and
    - (iii) the address of the housing authority for the purpose of submitting an objection under subsection (6) or notifying the authority of an appeal under subsection (7), as the case may be,
  - (f) contain a statement that if an objection is not submitted in accordance with subsection (6) and within the period specified in that subsection then—
    - (i) the notice will be treated as not disputed, and
    - (ii) the landlord will be deemed to have accepted the notice and to have agreed to comply with the direction within the period specified therein,
- and
- (g) be signed and dated by the housing authority.
- (3) An improvement notice may include directions as to the measures to be taken to remedy the contravention to which the notice relates or to otherwise comply with the notice.
- (4) Where an improvement notice is given under subsection (1), the housing authority shall give a copy to the tenant of the house concerned.
- (5) (a) A landlord to whom an improvement notice has been given who is of the opinion that the improvement notice has been complied with shall, before the expiration of the period specified in the notice for the purpose of subsection (2)(d), confirm in writing to the housing authority that the matters referred to in the notice have been so remedied and shall give a copy of the confirmation to the tenant.

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

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

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

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

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

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

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

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

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

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

(c) the date specified in the notice.

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

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

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

(c) the date specified in the notice.

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

(11) The housing authority may—

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

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

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

## Prohibition Notices

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

(2) A prohibition notice shall—

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

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

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

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

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

and

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

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

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

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

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

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

(5) A prohibition notice shall take effect—

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

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

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

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

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

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

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

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

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



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

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

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

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

## Offences

(34) (1) Any person who—

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

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

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

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

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

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

## HOUSING ACT 1966 - Service of notices, etc.

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

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

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

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

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

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

(4) Where a repairs notice, a notice mentioned in subsection (4) of section 66 of this Act, a notice mentioned in subsection (4) of section 117 of this Act or a notice mentioned in section 15 of the Housing (Miscellaneous Provisions) Act 2014, is served on or given to a person by affixing it under paragraph (d) of subsection (1) of this section, a copy of the notice shall, within two weeks thereafter, be published in at least one newspaper circulating in the area in which the person is last known to have resided.

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

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

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

(8) In this section "notice" includes a tenancy warning under section 7, 8 or 9 of the Housing (Miscellaneous Provisions) Act 2014 and—

(i) references (however expressed) in this section to the serving of a notice on a person includes the serving of any such tenancy warning to a person under the said section 7, 8 or 9, as the case may be, and

(ii) subsection (5) shall apply to a tenancy warning affixed on or near the dwelling concerned in a manner prescribed under the said section 7(4), 8(3) or 9(3), as the case may be

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

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

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

### **Prosecutions and offences.**

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

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

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

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

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

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

- (a) survey or valuation, in the case of any house, building or other land which the housing authority by whom the authorised person was appointed may be authorised to acquire for the purposes of this Act,
- (b) survey and examination where it appears to the housing authority by whom the authorised person was appointed that survey or examination is necessary in order to determine whether any function under this Act ought to be performed in respect of any house, building or other land.

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

(4) Before an authorised person enters, under this section on any land, the housing authority shall either obtain the consent, in the case of occupied land, of the occupier, or, in the case

of unoccupied land, the owner or shall give to the owner or occupier, as the case may be, not less than fourteen days' notice in writing of the intention to make the entry.

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

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

(7) Any person who, by act or omission, obstructs an authorised person in the lawful exercise of the powers conferred by this section shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding £1,000 and if the obstruction is continued after conviction the person shall be guilty of a further offence on every day on which the obstruction continues and for each such offence shall be liable, on summary conviction, to a fine not exceeding £100.

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

## **LOCAL GOVERNMENT ACT 2001**

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

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

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

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

(b) is mentioned in Schedule 15,

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

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

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

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

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

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

(a) be received in evidence without proof of the signature of the person claiming to sign such document or that such person was such chief executive, and

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

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

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

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

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

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

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

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

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

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

## **SCHEDULE 15**

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

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

# RESIDENTIAL TENANCIES ACT 2004 - 2022

## Chapter 4

### Data exchange — residential tenancies.

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

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

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

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

### Exchange of public service data

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



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

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

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

## Appendix D

### Commission for Regulation of Utilities guide on Domestic Electrical Visual Inspections - What to look out for

# Domestic Electrical Visual Inspections

What to look out for



An Coimisiún  
um Rialáil Fóntais  
Commission for  
Regulation of Utilities

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

# Electrical Domestic Installations

## What to look out for

- **Signs of Burning**
- Potential fire risk.
- Burn discolouration on;
- sockets,
- any part of distribution board,
- any electrical terminations.



# Electrical Domestic Installations

## What to look out for

- **Exposed cables or terminations**
- Potential electrocution risk
- Cables in open air with copper exposed
- Cables terminated but exposed and accessible



# Electrical Domestic Installations

## What to look out for

- **Withdrawn main 63A fuses**
- The following fuses were withdrawn in 1999 and should be replaced in all situations where they are found
- They are a Neozed push-in slide-up & screw-in type fuse unit
- 5 specific product codes which were withdrawn;



**Product codes (should be printed on fuse holder):**

- EEC DO2 63A AC 22 B
- GOULD 5861.063 DO 63A AC 22
- LINDER 5861.063 DO63A AC 22
- NES Ue 440V 63A
- OSLF 63 1P

Separately, **DZ III** screw-in fuses have not been permitted in new installations since 1991. These fuse types have not been withdrawn but consideration should be given to upgrading where found



# Electrical Domestic Installations

## What to look out for

- **RCD/RCBO not tripping**
- Test button recommended to be pressed twice a year by occupant
- If RCD/RCBO fails to trip it is faulty and must be replaced
- Note: RCD must be energised for test button to function



# Electrical Domestic Installations


## What to look out for

- **New or recent electrical work carried out but no certificate available**
- May indicate electrical work was carried out illegally by an unregistered contractor
- All Registered Electrical Contractors (RECs) must certify all and any restricted electrical work carried out in a domestic premises ([See S.I. No. 264 of 2013](#))
- Certificate #3 used for electrical work that does not require connection or reconnection of the ESB meter
- This includes the replacement of an electric shower

# Electrical Domestic Installations

## What to look out for


### Sample Certificate #3



#### National Rules for Electrical Installations

#### Completion Certificate for Existing Installations

THIS CERTIFICATE CANNOT BE USED TO OBTAIN A CONNECTION / RE-CONNECTION FROM THE DSO.



This certificate must be returned to your ESSB and accompanied by a completed Test Record Sheet

MPRN No:                                 

Serial Number: 000000

CUSTOMER NAME (Block Capitals): .....

ADDRESS OF INSTALLATION (Block Capitals): .....

Installation Type:    Controlled Works     Minor Works     Test (only) of the existing installation

Please tick (-) as appropriate, see Chapter 63 & Annex 62B

Premises Description (e.g. Commercial, Domestic, Agricultural, etc.): .....

Details of what this cert covers: .....

Specify Controlled Works Number either 2, 3, 4 or 5. New work to existing installation, alteration, replacement of accessories, Minor Works and Sub-systems.

Date of Installation: .....

Number of:    Lighting Points

                  Socket Outlets

                  Fixed Appliance Outlets

**TEST RESULTS**    POLARITY AND EARTHING OF ALL OUTLETS

OUTLETS VERIFIED (a tick indicates yes)   

MAIN ECP POTENTIAL BONDING VERIFIED FOR:

Tick if 2 boxes	YES	N/A
GAS	<input type="checkbox"/>	<input type="checkbox"/>
WATER	<input type="checkbox"/>	<input type="checkbox"/>
OTHER (Specify)	<input type="checkbox"/>	<input type="checkbox"/>

Record the value obtained in either 1 or 2	1 - MAXIMUM RESISTANCE OF PHASE AND PROTECTIVE CONDUCTOR (Rp + Rn) <input type="text"/> $\Omega$
	2 - MAXIMUM RESISTANCE OF PROTECTIVE CONDUCTOR Rn <input type="text"/> $\Omega$

MINIMUM INSULATION RESISTANCE        M $\Omega$

MAX FAULT LOOP IMPEDANCE <input type="text"/> $\Omega$	RATING & TYPE OF THE ASSOCIATED PROTECTIVE DEVICE <input type="text"/>
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OPERATION OF ALL RCDs VERIFIED (tick) <input type="checkbox"/>	Insert the In value of the RCD (mA) <input type="text"/> mA	Max Trip Time of RCD 1 x In <input type="text"/> ms	Max Trip Time of RCD 5 x In <input type="text"/> ms	RCD Circuit Description
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DETAILS OF TESTS ARE GIVEN IN TEST RECORD SHEET No:

**COMMENTS** (include any defects to existing installation observed)

.....

.....

.....

**CERTIFICATION**

I certify that the installation work detailed at the above address has been constructed, and/or pre-energisation and post-energisation tests have been carried out, in accordance with the National Rules for Electrical Installations (current issue at date of contract) published by the Electro-Technical Council of Ireland, and has been found to be satisfactory. Additional circuits do not impair the safety of the existing installation, the certificate and the test record sheets associated with it shall be submitted to the ESSB.

**PRE & POST-ENERGISATION TESTS**

Signed .....    Constructor     Tester

Qualification .....    Qualified Certifier's No. ....

Date .....

**REGISTERED ELECTRICAL CONTRACTOR (Block Capitals)**

Name .....

Address .....

Tel ..... / .....

Registration Number

NOTE: This certificate is issued and signed by the person responsible for the new/additional/modification of electrical work or a person duly authorised. This Document is a certificate for the purpose of the Energy (Miscellaneous Provisions) Act 2008. CER, the Electro-Technical Council of Ireland or the Regulatory Body are not responsible for the electrical installation or for the accuracy of the information given on this certificate. Electrical Installations should be inspected periodically.



# Electrical Domestic Installations

## What to look out for

- **Other potential items to look out for**
- Occupant reporting unexplained intermittent nuisance tripping of breakers in board
- Tenant reporting mild shocks when touching exposed metallic parts (e.g. cooker frame, chrome light switch, sink, copper pipes etc.)
- Flammable material around a distribution board or sub-distribution board (e.g. where shelves have since been built around it)
- PIR not carried out for 5+ years ([See HSA guidance](#))
- Report any potential illegal works at [safeelectric.ie/help/report/](https://safeelectric.ie/help/report/)
- All electrical items listed in this report may warrant a full periodic inspection to be carried out of the installation (with the exception of the RCD test button showing a faulty RCD. In this case a replacement RCD should suffice).

# Notes

[gov.ie/housing](https://gov.ie/housing)

