



Comhshaol, Oidhreacht agus Rialtas Áitiúil
Environment, Heritage and Local Government



PHS 10/2009

27 November 2009



Housing (Miscellaneous Provisions) Act 2009: Commencement Order

Dear Director/ Town Clerk,

Housing (Miscellaneous Provisions) Act 2009: Commencement

I refer to Circular Letter PHS 09/2009 (dated 21 September 2009) and my further letter dated the 29th of October 2009 regarding the amendments made by the Housing (Miscellaneous Provisions) Act 2009 to the Housing (Miscellaneous Provisions) Act 1992, under which housing authorities currently carry out the majority of their functions in relation to private rented housing. The relevant amendments are made under section 8 of the 2009 Act and are set out in Part 4 of Schedule 2 of same.

I can now confirm that these provisions will come into operation by way of commencement order on the 1st of December 2009. Regulations, which will make minor amendments to the Housing (Standards for Rented Houses) Regulations 2008 for compatibility with the 2009 Act, will also come into operation on the 1st of December 2009. Copies of these amending regulations are enclosed. Electronic versions of these Regulations and the Housing (Miscellaneous Provisions) Act 2009 are available on the Department's website www.environ.ie.

Seminar

As notified in Circular Letter PHS 09/2009, a one day seminar for housing authority enforcement personnel will be held in Dublin Castle on the 15th of December next. Letters of invitation to this seminar issued to all housing authorities on the 20th October and I would like to emphasise again to all local authorities that, in view of the significant legislative and regulatory changes in the past year, it is important that as many enforcement personnel as possible attend at this very timely and informative event.

Yours sincerely,

Cian Ó Lionáin,

Principal Officer

Building Standards and Private Housing Section

To each Director of Services (Housing) and Town Clerk



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STATUTORY INSTRUMENTS.

S.I. No. 462 of 2009

HOUSING (STANDARDS FOR RENTED HOUSES)(AMENDMENT)
REGULATIONS 2009

(Prn. A9/1692)

S.I. No. 462 of 2009

HOUSING (STANDARDS FOR RENTED HOUSES)(AMENDMENT) REGULATIONS 2009

I, MICHAEL FINNERAN, Minister of State at the Department of the Environment, Heritage 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 and Local Government (Alteration of Name of Department and Title of Minister) Order 2003 (S.I. No. 233 of 2003)) and the Environment, Heritage and Local Government (Delegation of Ministerial Functions) (No. 2) Order 2009 (S.I. No. 407 of 2009), hereby make the following regulations:

1. (a) These Regulations may be cited as the Housing (Standards for Rented Houses)(Amendment) Regulations 2009.

(b) These Regulations come into operation on 1 December 2009.

2. The Housing (Standards for Rented Houses) Regulations 2008 (S.I. No. 534 of 2008) are amended-

(a) in Article 3(5), by inserting after "let" the words "or available for letting",

(b) in Article 4(1), after each occurrence of "let", by inserting "or available for letting",

(c) in Article 5, by substituting for sub-article (2) the following:

"(2) For the purposes of sub-article (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.",

(d) in Article 8 —

(i) in sub-article (1), by inserting after "let" the words "or available for letting", and

(ii) by substituting for sub-article (2)(h) the following:

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 1st December, 2009.*

“(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.”,

(e) by substituting for Article 11 the following:

“Fire Safety

11. (1) Subject to sub-article (2), the house shall contain a fire blanket and either a mains-wired smoke alarm or at least two 10-year self-contained battery-operated smoke alarms.

(2) Each self-contained house in a multi-unit building shall contain a mains-wired smoke alarm, a fire blanket and an emergency evacuation plan.

(3) Emergency lighting shall be provided in all common areas within a multi-unit building.”, and

(f) In Article 14(3), by inserting after “let” the words “or available for letting”.

L.S.

GIVEN under my hand,
27 November 2009.

MICHAEL FINNERAN.

Minister of State at the Department of the Environment,
Heritage and Local Government.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation)

These Regulations amend the Housing (Standards for Rented Houses) Regulations 2008 for compatibility with the Housing (Miscellaneous Provisions) Act 2009.

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