



17/08/2021

**To the Chairperson and Members of  
the South East Committee**

**Meeting: 13<sup>th</sup> September 2021**

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**With reference to the proposed grant of a lease of 133 Upper Rathmines Road to HAIL Housing Association.**

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As part of National Housing Policy, Dublin City Council is required to establish a Housing and Disability Steering Group. The task of this group is to implement the National Housing Strategy for People with a Disability (NHSPWD) at local level including the preparation of strategic plans for this purpose. The overall objective of the Strategic Plans is to facilitate easier access for people with a disability to a wide range of housing appropriate to their needs and in doing so, assisting people to live independently with the appropriate services and service provider to enhance their quality of life.

A key component of the Strategy, is the implementation of a property transfer project. This would allow properties owned by a Local Authority but, currently managed by an Approved Housing Body (AHB) and occupied by persons with a long term mental health issue, to transfer to the AHB in order to provide residents housed in these units with security around their tenancy. The aim of the project is to lease the property to HAIL Housing an Approved Housing Body, who will provide tenancy sustainment support to the tenants who have enduring mental health difficulties. The support HAIL provides moves the tenants away from a more institutional environment to independence with structured support.

Dublin City Council in line with the Strategy, propose to grant a lease of a 4 bed shared independent living property at 133 Upper Rathmines Road, Dublin 6 to HAIL Housing Association who currently manage the tenancy of this property. In granting the lease, the following should be noted:

1. Approved Housing Bodies are not for profit bodies that provide and manage social housing.
2. Approved Housing Bodies are subject to a number of regulatory regimes, including the Companies office, the Charity Regulator, the Housing Regulator and are accountable to their stakeholders. In this regard, a Regulation Office was established within the Housing Agency in 2014 with responsibility for regulating Approved Housing Bodies. The Regulation Office oversees the assessment of Approved Housing Bodies in respect of their financial viability, governance and management along with the compliance with the Regulatory Framework. The majority of Approved Housing Bodies are Companies Limited by Guarantee and are required to comply with legal obligations set out in the Companies Acts, 2014 making their annual accounts freely available for public inspection.
3. In addition to being registered charities, they are regulated by the Charities Regulator and details of an AHB's activities are available for inspection on the Charities Regulator's public register.
4. They are not free to manage their assets in any way they wish. They must use their assets in accordance with their charitable status and any surpluses generated must be applied back to benefit their charitable aims.
5. A restriction on title will be applied to ensure the continued use of the units as social housing.

6. There are financial implications if they fail to comply with their loan obligations to use their properties for social housing.
7. Should they cease to exist, in the first instance, they will seek to transfer their assets to another organisation with similar charitable aims or their assets will be transferred free of charge to Dublin City Council.

The Housing Department has reported that agreement has now been reached with HAIL Housing Association (the Lessee) subject to the following terms and conditions:

1. The subject property at 133 Upper Rathmines Road, Dublin 6, is shown outlined in red on the attached map Index No. SM-2020-0434.
2. The lease shall have a term of 31 years and be disposed of under the terms of the mental health property transfer scheme.
3. The subject property will be disposed in its current condition, any refurbishment works required to the property, will be the responsibility of the Approved Housing Body, after completion of disposal.
4. The consideration shall be the sum of €200 plus VAT (if applicable).
5. The proposed Lessee shall satisfy the Council that it has adequate public liability and employer's liability insurance and shall indemnify the Council against any claims for compensation that may be made arising from its usage of the site. The current levels of insurance are €6.5 million public liability insurance and €13 million employer's liability insurance.
6. There is an inhibition on the title that the subject property can only be used for social housing purposes.
7. The Council shall have 100% nomination rights to all future nominations in partnership with HAIL. All current and future residents will be eligible for social housing.
8. Should the subject property cease to be used for social housing purposes at any stage, then the property will revert free of charge to Dublin City Council.
9. The Approved Housing Body shall be liable for the payment of VAT and/or Stamp Duty should any such payments arise from this lease.
10. Each party shall be responsible for their own legal fees and professional fees.
11. The Approved Housing Body shall not assign, sublet or part with possession of the property or part thereof without obtaining the written consent of the City Council, with the exception of tenancy and licence agreements with tenants or licensees for supported housing.

The agreement shall contain such other covenants and conditions as deemed appropriate by Dublin City Council's Law Agent.

No agreement enforceable at law is created or intended to be created until an exchange of contracts has taken place.

Paul Clegg

17/08/2021

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**Executive Manager**

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**Date**