**Private Rented Inspections**

**Strategic Plan 2018 - 2020**

**Legislation:**

Housing Acts 1966 – 2009, Strategy for the Private Rental Sector

Housing (Standards for Rented Houses) Regulations 2008,

Housing (Standards for Rented Houses)(Amendment) Regulations 2009,

Guidelines for Housing Authorities in the Implementation of Minimum Standards in Rented Accommodation 2017

Housing (Miscellaneous Provisions) Act 1992

Housing (Standards for Rented Houses) Regulations 1993

Housing (Rent Books) Regulations 1993

Housing (Rent Books) Regulations 1993 (Amendment) Regulations 2004

Housing (Rent Books) (Amendment) Regulations 2010

Circulars: Housing 30/2012, 13/2013, 24/2013

Housing (Standards for Rented Houses) Regulations 2017 (S.I. 17/2017)

**Background:**

Kilkenny County Council is dedicated to improving the living standards of tenants in private rented housing. We do this through the inspection of private rented properties. These inspections are carried out on a proactive basis and in response to complaints from members of the public.

Designated Officers are legally empowered to inspect a private rented house made under the current legislation. The main objective of Housing Standards Regulations are to establish minimum standards in order to protect the health and well being of tenants and which makes private rented houses safe and fit for habitation.

Landlords are legally obliged to ensure that their private rented houses (which include a house, flat or an apartment) are maintained in good condition and repair and comply with the Regulations while let and while available for letting. Landlords failing to comply with their legal obligations in private rented houses are liable to be prosecuted, and on conviction, may be subject to a fine or imprisonment or both.

The following are covered in detail under the [housing standards](http://www.dublincity.ie/sites/default/files/content/HousingAndCommunity/Homeowner/Housing%20(Standards%20for%20Rented%20Houses)%20Regulations%202017.pdf) legislation and the [technical guide document:](http://www.dublincity.ie/sites/default/files/content/Housing/EnvironmentalHealth/EnvironmentalHealth/Documents/TechnicalGuidanceDocument.pdf)

* Structural Condition
* Heating Facilities
* Food Preparation and Storage and Laundry
* Ventilation
* Lighting, Fire Safety, Refuse
* Electricity and Gas & Sanitary Facilities
* Dealing with Complaints

As a tenant, please contact your landlord in the first instance concerning any problems within your rented accommodation.

If the problem has been highlighted to your landlord and has not been rectified, you can then refer the matter to the Housing Section for further investigation.

Note: Kilkenny County Council does not mediate in disputes between landlords and tenants. Please contact [www.rtb.ie](http://www.rtb.ie) for dispute resolution supports.

Where a property does not comply with Minimum Rented Standards, the Local Authority can engage a series of sanctions against a landlord.

* An **Improvement Notice** sets out the works a landlord must carry out, within a set timeframe, to remedy any breach of the regulations. Where an Improvement Notice is not complied with, a housing authority may issue a **Prohibition Notice**, which directs a landlord not to re-let a property until the breach of the regulations has been rectified.
* A person who obstructs an authorised person in the lawful exercise of their powers or who contravenes the regulations is guilty of an offence under the Housing (Miscellaneous Provisions) Act 1992. Failure to comply with an Improvement Notice or a Prohibition Notice is also an offence.
* The maximum fine for an offence is €5,000 and €400 for each day of a continuing offence. Where a person is guilty of an offence under this Act, the court shall, unless there are particular reasons for not doing so, order that person to pay the costs and expenses incurred by the housing authority in relation to the prosecution of the offence

**Eligibility and Exceptions:**

The revised regulations will apply to all rental accommodation with the exception of the following:

* holiday homes
* accommodation provided by the HSE or an approved housing body containing communal sanitary, cooking and dining facilities.
* demountable (e.g. mobile homes) housing provided by a housing authority
* accommodation let by a housing authority or an approved housing body will be exempt from the requirements for food preparation, storage and laundry purposes. In this kind of accommodation the tenant usually provides these goods, retaining ownership of them when they move to new accommodation (all other articles of the Regulations apply to both housing authorities and to approved housing bodies.)

**Funding**

Funding provided from part of each registration fee collected by the Residential Tenancies Board (RTB) is paid to local authorities to finance the inspections of rented accommodation to ensure compliance with the regulations. The allocation of funding is reviewed annually by the Department of Environment focusing on targeted programmes of inspection activity.

**Strategic Work Plan 2018 – Kilkenny County Council**

As outlined in Department letter dated 5th February 2018 a total of €2.5ml is available to local authorities in 2018 towards the costs of inspections. A schedule of **targets** is also set out up to 2021 as follows;

**Targets**

|  |  |  |  |
| --- | --- | --- | --- |
| **2018 (10%)** | 2019 (15%) | 2020 (20%) | 2021 (25%) |
| **465** | 698 | 930 | 1,1163 |

**Private Rented Inspections 2017**

There were **4,296** private rental housing stock in Kilkenny City & County (September 2017). The Table below outlines the inspections completed up to 31st December 2017 with a comparison with previous years’ outcomes.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Private Rented**  **Inspections** | **2017**  **12 months** | **2016**  **12 months** | **2015**  **12 months** | **2014**  **12 months** | **2013**  **12 months** |
| RAS | 49 | 100 | 115 | 116 | 233 |
| HAP | 440 | 279 | 211 | 0 | 0 |
| Private | 7 | 35 | 11 | 228 | 2 |
| Follow Up | 405 | 0 | 35 | 37 | 0 |
| **Total** | **901** | **414** | **372** | **381** | **235** |

The target for 2017 was 790 and 114% inspections were achieved

To meet the targets set out by the Department for 2018 and to meet our obligations to tackle backlogs in RAS/HAP inspections the following Workplan is proposed;

|  |  |  |
| --- | --- | --- |
| **Type of Rented Accommodation** | **Number** | **Geographic Area** |
| RAS | 100 | Kilkenny City & Environs mainly and the main towns of Thomastown, Graiguenamanagh, Callan, Castlecomer. |
| Leasing | 40 | Moneenroe, Urlingford, Rosbercon, Gowran, Ferrybank |
| HAP Tenancies | 271 | County Wide |
| Targeted Areas by LA | 50 | LA- targeted inspections in Kilkenny City and Ferrybank |
| Referrals: CWO/LA or Complaints | 10 | County Wide |
| Follow Up Calls | 381 | County Wide |
| **Total** | **852** |  |

The Council will use the PRTB register for Kilkenny as the basis for our stock of properties to be inspected i.e. **4,296.**

The number of inspections as a percentage of registered tenancies is **11%** i.e. 471 inspections of 4,296 tenancies (does not include follow up inspections)

**Breakdown of Inspections:**

1. Targeted Inspections 50
2. Follow Up Inspections 381
3. Response to Complaints 10
4. RAS 100
5. Leasing 40
6. HAP 271
7. **TOTAL 852**