

Minutes of Special Meeting held on 4th April, 2016 at 11.00a.m

Chair: Cllr. M.H. Cavanagh

Cllrs: M. Shortall, J. Brennan, P. Millea, P. Fitzpatrick, M. Doyle, M. Noonan, J. Malone, M. McCarthy, A. McGuinness, E. Aylward, T. Breathnach, P. Dunphy, M. O' Neill, G. Frisby, D. Kennedy, P. McKee, D. Fitzgerald, S. Tyrrell, F. Doherty and P. O' Neill.

Officials: C. Byrne, M. Melia, M. Mulholland, M. Prendiville, M. Mullally, E. Cody, J. Scully, A. M. Shortall, K. Hanley, M. Delahunty and A.M. Walsh.

Apologies: Cllr. M. Doran

Cllr. Fitzpatrick extended a vote of sympathy to Cllr. M. H. Cavanagh on the death of her sister Frances Molloy. Cllr. J. Malone, F. Doherty, D. Kennedy, M. Shortall and M. O' Neill were associated in the vote of sympathy.

Cllr. J. Malone proposed that the meeting be adjourned for 5 minutes as a mark of respect. All members agreed.

Meeting resumed at 11.15a.m.

Cllr. M. H. Cavanagh reminded members that in accordance with Standing Orders each member is allowed to speak once only for 4 minutes only.

Ms. Melia gave a powerpoint presentation on the Rent Review Scheme. In her presentation she outlined the following:-

- Background to Differential Rent Scheme
- Section on Rents in the Tenants Handbook
- How rent is assessed
- Current rent review process
- Statistics on rent re-assessment
- Example of rent calculation

Ms. Melia advised that an SPC meeting was held on 31st March, 2016, however discussion on Rent Review was deferred to today's meeting.

Contributions were received from Cllrs. A. McGuinness, M. Shortall, D. Kennedy, P. Fitzpatrick, M.H. Cavanagh, F. Doherty, M. O' Neill, P. McKee, E. Aylward, T. Breathnach, J. Malone, M. Noonan, M. Doyle, P. Dunphy, P. O' Neill, P. Millea, J. Brennan.

Members acknowledged that the Rent Scheme and implementation is an executive function. Issues raised by members relating to the following:-

- Income included for assessment – are all allowances paid included
- No input by members in Rent Scheme – members should have been informed of review
- Local Authority comply with requirements of Residential Tenancy Act 2015
- Clarify how rent is calculated

- Clarify appeals process
- Date of implementation
- Is there a minimum and maximum rent payable
- Increased rents should be phased in
- Are increases backdated
- How much will increase bring in and how will this extra money be spent
- Can Chief Executive amend scheme, has elected member any function in determining the scheme
- Local Authority should carry out annual review
- Tenants should be communicated better with more information on their responsibility to notify LA re change in their circumstances
- Rent should be related to the condition of their house – every house should be fit for purpose
- Deferral of next Rent Review until 2018
- Clarify status of National Rent Scheme
- Specific cases in household can affect families ability to pay rent
- Changes to the rent scheme should be discussed at SPC level
- Clarify position on outstanding rents, rates and development levies
- Number of tenants should apply to purchase house instead of paying rent.
- Fee of €20 for TPS application- Is it necessary?
- Issue for TPS – Non payment of Water Charges
- Rent Review creates huge workload for staff
- Energy retrofitting programme, reduce fuel bills for tenants to offset rent increases
- Members concerns voiced in relation to terms of TPS, Part 5 houses excluded.

Cllr. McGuinness proposed that the Rent increase be phased in, this was seconded by Cllr. Fitzpatrick. Ms. Melia and Mr. M. Mullally responded to all the queries raised.

Members were advised that the rent review process commenced in January. Rent have been assessed based on income submitted by tenants and in accordance with the scheme. The Rent Scheme has not changed since the last re-assessment. Details of how rent is calculated was outlined. There is an appeal procedure in place and each case is re-assessed. Hardship cases are seriously considered. Penalty only applies if tenant does not declare income.

Mr. Mullally advised that there is a budget of €1.6m provided for housing maintenance in 2016 which equates to €900 per house. It is intended to carry out a stock survey on the condition of each house commencing in 2016. In addition to routine maintenance, the Council have a major retro-fitting programme and extension programme ongoing.

Ms. Byrne noted the concerns of the members. She advised that the Rent Scheme and the implementation is an executive function. The Rent Review is a re-assessment of all tenants rent. As outlined, there has been continuous re-assessment of rent arising from notification by the tenants whose circumstances have changed. In order to be fair and equitable, full re-assessment is required periodically. Staff are extremely fair in dealing with people, and they are used to dealing with hardship cases on an ongoing basis.

Ms. Byrne reminded the members that 50% of the tenants rent is being reduced or remains the same.

Ms. Byrne stated that the increased rent cannot be phased in. She agreed that the scheme can be reviewed and compared with other local authority schemes. This can commence with discussion at SPC level.

Mr. Prendiville advised members that rent arrears have reduced from €628k to €587k during 2015. The collection rate is 92%. It is the policy of the Council not to write off outstanding rent arrears. The rent arrears do not impact on the Rent Review. He advised that any additional rent income will remain within the Housing Programme for maintenance or housing adaptation grants.

Ms. Byrne advised members that the outstanding balance of €7m on development levies is not due to be paid to the Council. Development levy is only due when development commenced. In a lot of cases planning permissions have been granted but developments have not started. A review of the outstanding levies is underway and a figure for actual outstanding levies will be assessed.

Mr. Mullally advised members that the application fee of €20 is payable on application of TPS. If the sale of the house is complete, the fee of €20 is refunded.

Ms. Melia informed the members that the Private Rented Tenancy Act does not apply to Local Authority Houses.

Cllr. T. Breathnach proposed that Kilkenny County Council agrees to complete its next rent review in 2018 and in the interim to examine the existing rent scheme with a view to developing a new framework for the introduction of a new rent scheme. This was seconded by Cllr. M. Shortall.

Ms. Byrne agreed to hold off the next rent review until 2018. Discussion to commence on a revised scheme and to consider the National Rent Framework.

The proposal by Cllr. Breathnach was agreed by all members.

Cllr. M. H. Cavanagh asked the members on the AILG to take the issues/concerns on the TPS up at National level.

Cllr. M.H. Cavanagh thanked all members for attending the special meeting and for all the contributions received.

Meeting then concluded.

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DATE