



Rialtas na hÉireann
Government of Ireland

Enhanced Grant Scheme for the Remediation of Dwellings Damaged by the Use of Defective Concrete Blocks in their Construction

Ministerial Guidelines for Designated Local Authorities and the Housing Agency

- issued under Section 50 of the *Remediation of Dwellings
Damaged by the Use of Defective Concrete Blocks Act 2022*

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Table of Contents

Minister’s Foreword	1
1 Introduction	4
1.1 What is the Enhanced Defective Concrete Blocks Grant Scheme?	4
1.2 To whom will the Enhanced Grant Scheme apply?	5
1.3 Works which do not qualify for grant assistance under the Enhanced Scheme.....	6
1.4 ‘Your Questions Answered’ briefing document.....	7
1.5 Purpose of the Guidelines	7
1.6 Separate SEAI Energy Efficiency Grant Schemes	8
1.7 Ongoing technical research work	9
1.8 Enhanced Defective Concrete Blocks Grant Scheme Workflow	10
2 Roles and Responsibilities.....	12
2.1 Overview	12
2.2 Local Authority	12
2.3 The Housing Agency.....	13
2.4 Appeals Panel & Appeal Board	13
2.5 Competent Building Professional	14
2.6 The Homeowner/Relevant Owner	15
3 Outline of stages involved in the process	16
3.1 Overview	16
4 Stage 1: Application is made (& validation of application by designated local authority)	19
4.1 Overview: What is Stage 1: Application is made.....	19
4.2 Relevant Owner/Relevant Dwelling.....	19
4.3 Application Process.....	21

4.4	Validation of application by the designated local authority	30
4.5	Appeal by applicant.....	31
4.6	Assessment of Damage Threshold by the Housing Agency	32
4.7	Appeal by applicant.....	32
4.8	Prioritisation of applications by the Housing Agency	32
5	Stage 2: Home is assessed, and remediation option decided	34
5.1	Overview: What is Stage 2: Home is assessed, and remediation option decided?	34
5.2	Testing and assessment of dwelling	34
5.3	Remediation Options.....	35
5.4	Notification of Housing Agency decision	36
5.5	Designated local authority procedure upon notification.....	36
5.6	Appeal by Homeowner.....	38
6	Stage 3: Work is carried out; grant is paid, and certificate is issued.....	39
6.1	Overview: What is Stage 3: Work is carried out; grant is paid, and certificate is issued.....	39
6.2	Remedial Works Plan.....	40
6.3	Declaration of authorised floor area (Existing Applications under original scheme)	41
6.4	Exact position.....	41
6.5	Reuse of existing house components	41
6.6	Application for payment of a remediation grant.....	42
6.7	Time Limits.....	43
6.8	Refund of compensation	43
6.9	Letter of Assurance	44
6.10	Appeal by Homeowner.....	45

7	Ancillary Grant	46
7.1	Overview: What is an Ancillary Grant?	46
7.2	Immediate Repairs	47
7.3	Storage	47
7.4	Alternative Accommodation.....	48
8	Notice of commencement of the remedial works	49
8.1	Overview	49
8.2	Notification	49
9	Request for extension of time	50
9.1	Overview	50
9.2	The request.....	50
9.3	Time Limit.....	51
10	Change of Relevant Owner	54
10.1	Overview.....	54
10.2	Notification to designated local authority.....	54
11	Appeals Process	55
11.1	Overview.....	55
11.2	Decisions that can be appealed.....	55
11.3	The appeal.....	55
12	Transitional Arrangements	59
12.1	Overview.....	59
12.2	The arrangements and potential scenarios.....	59
13	Other regulatory matters that may also apply to DCB affected houses	65
13.1	Overview.....	65
13.2	Possible implications for the remedial works	65

14	Process for undesignated local authorities to join the enhanced scheme	68
15	Glossary of terms	69
15.1	Overview	69
15.2	Glossary	69
	Appendix A – List of Schedules in the 2023 Regulations	72

Minister's Foreword



As Minister for Housing, Local Government and Heritage, I am pleased to announce the commencement of the Enhanced Defective Concrete Blocks Grant Scheme and that the scheme is now available to assist homeowners in the designated local authority areas of Donegal, Mayo, Clare and Limerick.

Building on the work of the previous Defective Concrete Blocks Grant Scheme, the Enhanced Defective Concrete Blocks Grant Scheme includes an unprecedented suite of improvements to the current remediation scheme and represents the largest state intervention in addressing defective buildings anywhere in the world, with the enhanced scheme estimated to cost approximately €2.2Bn.

We are making a number of significant enhancements to the previous scheme, removing the 10% contribution from homeowners for all remediation options 1-5 and have increased the maximum grant cap to €420,000. Alternative accommodation costs of up to €15,000, essential immediate repair works recommended by a building professional of up to €5,000 and storage costs of up to €5,000 are all being provided for through the introduction of ancillary grants. We have removed prohibitive upfront costs and now homeowners will benefit from a revised application process which only requires the homeowner to submit an initial 'Building Condition Assessment' at minimal cost recoupable on entry to the Scheme. We are allowing for planning exemptions for like-for-like homes, and introducing a strengthened certification process for remediated homes.

The grant calculation methodology for remediation Option 1 is now based on a cost per square metre rate with grant costings set by my Department following receipt of recommendations from the Expert Group on the Enhanced Defective Concrete Blocks (DCB) Grant Scheme. The Expert Group operationalised updated regional

rebuild cost figures for 2023 which I had sought from, and had been provided by, the Society of Chartered Surveyors Ireland (SCSI). In the case of remediation Options 2-5 a similar but necessarily different approach has been taken to inform the appropriate grant rate for blockwork removal and replacement. With potentially more than 7,500 affected homes, including social homes, and in recognition of the mammoth task which local authorities face, we have engaged the Housing Agency to act as agents for each local authority in assessment, testing and categorisation of the homes and they will thereafter recommend the appropriate remediation option and grant amount for each home.

We want the affected homeowners to have confidence in this scheme and to know they are being supported by Government. To further emphasise this, in relation to works carried out under remediation options 2-5, a second grant option is available for such a home for a period of 40 years, if within that period, blockwork which was not removed as part of the initial remediation work subsequently proves defective in accordance with the IS:465:2018 standard. A new, independent appeals process is being put in place, and we are extending the scheme beyond the current scope of Principal Private Residences, to also cover one Residential Tenancies Board registered rental properties, subject to the introduction of a clawback mechanism upon re-sale within a set time period depending on the remediation option used.

Existing applicants under the previous grant scheme are also being included. They will not be disadvantaged from being early movers and will benefit retrospectively from the increased grant amounts and allowances which are available under the enhanced scheme.

Where additional local authorities determine through the established mechanisms that homes within their functional area have been damaged by defective concrete blocks, they can seek to have the scheme extended to include any such county or part of such county.

From my original announcement of 30 November 2021 of the enhancements, to the signing into law of The Remediation of Dwellings Damaged by the Use of Defective Concrete Blocks Act 2022 by the President in July 2022, right up to the current day, there has been a tremendous amount of work put into bringing the enhanced scheme into effect. Affected homeowners have put a significant amount of time and effort into working with my Department, through the homeowner liaison officer and I thank them sincerely for this work. The Expert Group and the Housing Agency have been working hard with, and alongside, the Department and with the level of co-operation displayed between all parties involved, and the subsequent work put into developing the scheme to completion, I am satisfied that the enhanced scheme will represent a significant step forward in having a fit for purpose grant scheme which will help homeowners rebuild their homes and their lives which have been so badly impacted by defective concrete blocks.

These Guidelines will greatly assist and inform the local authorities and the Housing Agency as they perform their functions under the Act. They may also be a useful reference source for homeowners and others interested in how the scheme should work in practice. They will of course augment rather than replace, the advice and guidance of competent building professionals that homeowners are recommended to seek.

It is intended that these Guidelines will be reviewed and updated as the rollout of the enhanced scheme progresses.

I have consistently said the State has a moral obligation to assist affected homeowners and that is what we are doing through this enhanced scheme. I look forward to working with our colleagues in the local authorities and the Housing Agency to advance this agenda.

Darragh O'Brien TD

Minister for Housing, Local Government and Heritage

1 Introduction

1.1 What is the Enhanced Defective Concrete Blocks Grant Scheme?

The Defective Concrete Blocks Grant Scheme, first introduced in June 2020, as a grant scheme of financial assistance to support affected homeowner(s) in counties Donegal and Mayo to remediate their dwelling, where their dwelling had been damaged by the use of defective concrete blocks in its construction.

This 2020 scheme is known as the 'previous scheme', for the purposes of these Guidelines. On 30 November 2021 the Government introduced a significant number of improvements to the previous scheme namely-

- 100% grants subject to an overall maximum grant of €420,000 per dwelling;
- a Government guarantee in the form of a second grant option if required for a period of 40 years;
- a revised application process which removes the financial barrier to scheme entry;
- an independent appeals process for applicants;
- alternative accommodation and storage costs and immediate repair works to a maximum value of €25,000;
- the expertise of the Housing Agency in assessing applications;
- the inclusion of Residential Tenancies Board (RTB) registered rental properties;
- the extension, by Government Order, of the scheme to additional counties where needed;
- exempt development status for like for like remediation works completed under the scheme;
- a review as required of the overall grant cap and grant rates, and adjustment if necessary, by Government Order; and

- a review of the operation of the Act three years after commencement.

The Government approved the Remediation of Dwellings Damaged by the Use of Defective Concrete Blocks Bill 2022 on 21 June 2022, which underpins the enhanced scheme. The Bill passed through both Houses of the Oireachtas and was subsequently signed into law by the President, becoming an Act, on the 23 July, 2022.

The purpose of this Act is to implement and give legislative underpinning to the series of measures to improve and enhance the scheme as agreed by Government on 30 November 2021.

Statutory Instrument (S.I.) No. 347 of 2023 and commencement order (S.I. No. 321 of 2023) published on 22 June 2023 serves to commence the Remediation of Dwellings Damaged by the Use of Defective Concrete Blocks Act of 2022 ('the Act'), in addition to the provision of template forms for the operational aspect of the scheme.

The Act is the primary document and specifies areas where the Minister may make Regulations. The Regulations supplement the Act, in other words, Regulations cover all sections of the Act which require Regulations in one document. The Act and Regulations work together and should be read as one document, with the Act being the primary source of the Scheme.

1.2 To whom will the Enhanced Grant Scheme apply?

The Enhanced Grant Scheme will apply to the owners of dwellings located in Clare, Donegal, Limerick and Mayo, whose dwellings are damaged due to the use of defective concrete blocks containing excessive amounts of mica or pyrite or such

other deleterious materials or combination of deleterious materials as may be prescribed by the Minister.

The Housing Agency will, in their analysis and deliberations, take into consideration the presence of pyrrhotite.

The dwelling must be:

- the individual's principal private residence, that is, a house which an individual owns (or co-owns) and occupies as his or her only or main residence.
- a rented dwelling with a registered tenancy that was registered with the Residential Tenancies Board (RTB) on or before 1 November 2021 subject to a maximum of one rental property per household and the introduction of a clawback mechanism upon re-sale within a set time period depending on the remediation option used.

1.3 Works which do not qualify for grant assistance under the Enhanced Scheme

Homeowners are not precluded from carrying out works to their home which do not qualify for grant assistance. The cost of any such work must however be borne by the homeowner. A non-exhaustive list of non-qualifying works, which are outside the scope of this grant scheme are listed hereunder:

- the cost of remedial works undertaken prior to grant approval other than costs associated with immediate repair works
- costs associated with works outside of the grant scheme or beyond the scope of the approved remediation option;
- costs associated with any works that are not required for or ancillary to the remediation of damage to the dwelling arising out of, or in connection with the use of defective concrete blocks in its construction e.g. energy upgrades beyond the requirements of the Building Regulations applicable to the dwelling;

- remedial works to foundations, and associated ground works*;

*Foundations can be left in situ and built upon and this is the approach recommended. The issue of foundations is under review by the National Standards Authority of Ireland (NSAI) and, should the current position change, provision will be made to in respect of foundations within the Enhanced Grant Scheme.

Once the necessary review has been concluded and any revised standard published the Enhanced Defective Concrete Blocks Grant Scheme will be reviewed at that point having regard to any amended standard.

1.4 ‘Your Questions Answered’ briefing document

In June 2023 the Department published an updated ‘Your Questions Answered’ (YQA) document on the Department’s website to ensure homeowners have the most up to date information available to them. It is advised that the YQA document is read in tandem with these Guidelines as there will be some information covered in the YQA document which is not covered in this document.

The YQA document can be accessed at:

<https://www.gov.ie/en/publication/775c0-defective-concrete-blocks-grant-scheme-your-questions-answered/>

1.5 Purpose of the Guidelines

These Guidelines have been published by the Minister for Housing, Local Government and Heritage pursuant to Section 50 of the Act which requires the designated local authorities and the Housing Agency to have regard to the Guidelines in the performance of their functions under the Act.

Statutory Instrument No.347 of 2023 prescribes the form and manner of template documents, and these template documents are set out as schedules in the Regulations. These schedules and a brief description of their function are outlined at Appendix A.

These Guidelines do not purport to be a legal interpretation of national legislation, and homeowners are advised to obtain appropriate advice from qualified professionals. While the intention of these Guidelines is to assist the local authorities and the Housing Agency, homeowners may also refer to them, however, in all cases it is advised that homeowners seek advice and guidance from their competent building professional.

It is intended that these Guidelines will be reviewed as the rollout of the enhanced scheme progresses and will be updated with new information accordingly.

For information there is a Glossary of common terms referenced in this document included in Section 15 below.

1.6 Separate SEAI Energy Efficiency Grant Schemes

Officials from the Department of the Environment, Climate and Communications have been working with the Sustainable Energy Authority Ireland (SEAI) and relevant local authorities to share understanding of how their separate energy efficiency retrofitting grant schemes will apply to DCB housing and to explore how DCB Scheme homeowners can receive SEAI supports in a seamless manner.

Full details of grants available to DCB homeowners are on the SEAI's website which can be accessed at:

<https://www.seai.ie/grants/> or by calling 01 808 2100.

1.7 Ongoing technical research work

The decision made by Government in November 2021 relating to the enhanced DCB Scheme called for a number of technical reviews to be completed in parallel with the commencement of the enhanced scheme. This included a number of reviews which are currently being carried out by the National Standards Authority of Ireland (NSAI). The NSAI is an autonomous body under the aegis of the Minister for Enterprise, Trade and Employment. The NSAI technical reviews comprise:

- a review of the I.S. 465:2018+A1:2020 Standard and its application, including a consideration of the potential impact of deleterious materials on foundations and the consideration of deleterious materials other than pyrite or mica, e.g. pyrrhotite;
- a review by the NSAI Masonry Committee of Irish Standard for Concrete Blocks (including aggregates);
- a review of the pumped cavity wall insulation on cavity wall construction and within homes susceptible to or impacted by defective concrete blocks.

Furthermore, an interagency Technical Matters Steering Group on DCB has been established to support and inform the NSAI work, comprising representatives from NSAI, Geological Survey Ireland (GSI), Sustainable Energy Authority of Ireland, the Housing Agency (observer), and the Department of Housing, Local Government and Heritage.

Once the necessary reviews have been concluded after the commencement of the enhanced DCB scheme and any revised standard published by the NSAI, the enhanced DCB scheme will be reviewed at that point, in the event that such amendments are required. However, it would not be appropriate to delay the introduction of the enhanced DCB scheme while these reviews are being undertaken by the NSAI and related agencies. It is important that the significant enhancements contained in the enhanced scheme, including the increased grant rates and the ancillary grants relating to alternative accommodation are made available to homeowners who have not yet applied under the previous grant scheme, and that

those enhancements are also retrospectively made available to existing applicants to the previous grant scheme as soon as possible.

1.8 Enhanced Defective Concrete Blocks Grant Scheme Workflow

For ease of reference the following graphic (please see page 11) contains the workflow for the enhanced DCB scheme, which was previously published in the Department's 'Your Questions Answered' briefing document.

 <p>Homeowner</p>	<ul style="list-style-type: none"> Engages a competent building professional to carry out a Building Condition Assessment (BCA) report prescribed by the Minister but similar to Clause 5 of I.S.465. If the damage to the home is consistent with defective concrete blocks and appears to meet the damage threshold the homeowner should make an application under the Defective Concrete Blocks Grant Scheme to the relevant Local Authority.
 <p>Local Authority</p>	<ul style="list-style-type: none"> The local authority will carry out a validation of the application considering issues such as whether the home is a relevant dwelling, the owner a relevant owner and the development not unauthorised under planning law. They will also ensure that all necessary reports have been submitted and that the application form is fully complete. If the application is validated by the local authority they will refer it to the Housing Agency to consider the merits of the application. If the application cannot be validated by the local authority, the application will be refused. Potential Appeal.
 <p>Housing Agency</p>	<ul style="list-style-type: none"> The Housing Agency will establish a framework of competent Chartered Engineers to assist them with their role. The Housing Agency will review the application and BCA report and inspect the dwelling, if required, to determine if it meets the damage threshold [which will be prescribed by the Minister] for entry to the scheme. If the dwelling does not meet the damage threshold it will be deemed ineligible to progress under the scheme. The Housing Agency will notify the local authority and they will in turn notify the applicant. Potential Appeal. The Housing Agency will prioritise applications which have met the damage threshold so as to inform when an engineer from its framework will be contracted to test the dwelling in accordance with the I.S. 465 standard. Following receipt of the I.S. 465 report from their engineer the Housing Agency will determine the appropriate remediation option and the maximum grant amount available for the dwelling, based on the grant calculation methodology and rates which will be provided for in law and notify the local authority of its determination.
 <p>Local Authority</p>	<ul style="list-style-type: none"> The local authority will notify the applicant of the decision on its application. The decision may be to either approve or refuse the application. Potential Appeal. Where the decision is to refuse an application the local authority will communicate the reasons for the refusal to the applicant and include details of the appeal process. Where the decision is to approve the application the local authority will confirm to the applicant which remediation option has been approved, the maximum level of grant assistance and the conditions of approval and will invite the applicant to apply for the grant funding available for alternative accommodation and storage costs or immediate repair works, if required.
 <p>Homeowner</p>	<ul style="list-style-type: none"> The homeowner may proceed with the remediation option approved or carry out a higher order remediation option, up to and including Option 1, if they are willing to fund the marginal costs of the higher order remediation option themselves. The homeowner engages a competent building professional to prepare a Remedial Works Plan (RWP) for the remediation option being carried out, which must at a minimum be that approved, and submits a copy to the relevant local authority.
 <p>Execution and Certification of the Works and Grant Payments</p>	<ul style="list-style-type: none"> The homeowner appoints a tax compliant Building Contractor and has 18 months to start works and 15 months after the start date to complete works. Extensions to these timelines are facilitated in exceptional circumstances. The homeowners building professional will develop an inspection plan for the implementation of the remedial works. In exceptional cases, after work has commenced and new circumstances come to light, a homeowner approved for remediation works under Options 3-5 may, where it is supported by the engineering evidence and accepted by the Housing Agency, seek a higher order remediation option up to and including Option 2 remediation works. The homeowner can request stage payments from the local authority in the draw down of the grant. All stage payment requests will have to be prepared by the homeowners competent building professional and clearly set out the value of the works completed for which a stage payment is being requested and their compliance with the RWP. The local authority may refuse to pay a grant or make a stage payment where the conditions of grant approval have not been complied with. Potential Appeal. On completion of the works the competent building professional and the contractor will complete the certificate of remediation [which will be prescribed in law] and submit a copy of the Certificate of Remediation, the post works RWP and all relevant ancillary reports and certificates to the local authority with the final grant payment request
 <p>Second Grant Option</p>	<ul style="list-style-type: none"> A second grant application opportunity will be available for a dwelling which is remediated under Options 2 - 5 in the first instance where subsequent damage occurs to the blockwork retained within the dwelling which is consistent with defective concrete blocks, as per I.S. 465. The second grant option will go with the home and should aid any future sale. Upon receipt of a validated Certificate of Remediation, RWP and all relevant ancillary reports and certificates the local authority will issue a letter of assurance to the homeowner, confirming, subject to conditions, the availability of a second grant option for a dwelling remediated under options 2 - 5.

2 Roles and Responsibilities

2.1 Overview

The purpose of this section is to set out who the main stakeholders involved in the Enhanced Defective Concrete Blocks Grant Scheme are.

2.2 Local Authority

A local authority is responsible for requesting the Housing Agency undertake an assessment to ascertain whether dwellings within their administrative area or part of the area may be affected by damage caused through the use of defective concrete blocks during construction. Following this assessment, and having regard to results of any testing, the Housing Agency may make a recommendation to the Minister that the local authority be designated.

A designated local authority is responsible for the administration of the Enhanced Grant Scheme, engaging directly with the relevant owner to ensure completed applications are valid in accordance with Section 13 of the Act of 2022. A designated local authority will escalate valid applications to the Housing Agency for their determination. Designated local authorities will work closely with the Housing Agency to ensure that the decision made by the Housing Agency on the appropriate remediation options and subsequent grant amount is communicated to the relevant owner at the earliest opportunity.

The designated local authority is responsible for the processing of applications originally made under the scheme introduced in June 2020 to which transitional provisions now apply.

The designated local authority is responsible for administering the payment process thereby enabling the relevant owner to submit applications for the payment of

ancillary grants and grant payments either in full or staged payments dependent on the remediation option.

The designated local authority is responsible for ensuring all remedial works are carried out in full compliance with the remedial works plan and in circumstances of non-compliance, proceed with enforcement measures. It should be noted the Act requires designated local authorities to carry out a series of administrative and confirmation checks only. At no stage does an authority have to make any adjudication in relation to already certified engineering decisions. The role of ensuring engineering compliance is, depending on the stage of the process, within the remit of the Housing Agency and/or the homeowners' Competent Building Professional (CBP).

2.3 The Housing Agency

The Housing Agency will act as agents on behalf of the local authorities under the Enhanced Grant Scheme. Applications received by a designated local authority will be referred to the Housing Agency to review the 'Building Condition Assessment' (BCA) report and determine if the home has met the 'damage threshold' for entry to the scheme.

Once a home has met the damage threshold for entry to the scheme, the Housing Agency will appoint an authorised officer for the purposes of conducting an assessment, sampling, testing and categorisation of dwellings on a priority basis in accordance with the national standard IS 465:2018 to enable the Housing Agency to determine the appropriate remediation option and grant amount.

2.4 Appeals Panel & Appeal Board

Under Part 5 of the Act a provision is made for the establishment of an Appeals Panel to determine the appeals provided for in the Act, namely:

- the validation of an application by the designated local authority;

- the determination of the Housing Agency in relation to the relevant dwelling meeting the damage threshold for entry to the scheme;
- the determination of the Housing Agency in relation to the appropriate remediation option and grant amount approved;
- any refusal by a designated local authority to make a grant payment pursuant to a grant approval.

The Panel will be comprised of no more than 10 people, to be members of a panel, which will be established and maintained by the Minister. The Minister shall appoint a chairperson of the Appeals Panel from amongst its members.

Upon receipt by the Appeals Panel of an appeal, an Appeals Board of 3 persons shall be appointed by the chairperson of the Appeals Panel from among the members of the Appeals Panel to determine the appeal.

The chairperson of an Appeals Board shall be appointed by the chairperson of the Appeals Panel from among the members of the Appeals Board.

The Department is responsible for providing administrative support to the Appeals Panel.

In accordance with the Act, the Appeals Board shall be independent in the performance of its functions.

2.5 Competent Building Professional

A “competent building professional” means a competent engineer, competent building surveyor, or competent architect as defined under the Act.

All three building professionals can carry out the Building Condition Assessment.

Certificates of compliance with Planning Permission and/or Exemption from Planning Control (otherwise known as opinions on compliance), which certificates or opinions will be provided by the competent building professional, shall be in the form accepted by the Law Society of Ireland or by the Royal Institute of the Architects of Ireland.

All three building professionals can sign the Certificate of Remediation for a demolition of a relevant dwelling and the reconstruction of the dwelling in the exact position on the land on which the relevant dwelling was situated before it was demolished (Option 1). However, only a competent engineer may sign the Certificate of Remediation for the removal and replacement of blocks necessary to remedy the damage to the dwelling caused by the use of defective concrete blocks in its construction (Options 2 to 5).

2.6 The Homeowner/Relevant Owner

A homeowner/relevant owner is an individual who owns, whether jointly or not, a relevant dwelling and—

- became an owner of the dwelling prior to 31 January 2020,
- inherited the dwelling on or after 31 January 2020, or
- subject to Section 9(4) of the Act, purchased the dwelling on or after 31 January 2020.

Of note, some local authorities (e.g. Donegal) have provided facilitators to assist homeowners throughout the process. The role of the facilitators can include guiding the homeowners through the DCB application process, and facilitating the homeowner to access all other relevant support services, including options for alternative accommodation/storage.

3 Outline of stages involved in the process



3.1 Overview

The purpose of this section is to supply a simplified outline of the process and the three stages involved, which have already been set out in the workflow graphic at Section 1.8 above.

A more detailed explanation of each of the stages is available in Sections 4, 5 and 6 of this Guideline document.



- Homeowner engages a competent building professional to prepare a Building Condition Assessment (BCA) report assessing the damage threshold
- Homeowner submits an application to the local authority (LA) with a copy of the BCA report
- Local authority considers if application is valid and refers valid applications to the Housing Agency
- Housing Agency assesses the level of damage and notifies the local authority whether the dwelling meets or does not meet the damage threshold
- Local authority notifies the homeowner of the determination by the Housing Agency



2. Home is assessed, and remediation option decided

- Competent Engineer on behalf of Housing Agency undertakes testing and assessment of the dwelling
- Housing Agency notifies the local authority of the determined appropriate remediation option or combination of remediation options and the remediation option grant amount
- Local authority notifies the homeowner of the determinations by the Housing Agency



3. Work is carried out; grant is paid, and certificate is issued

- Homeowner engages a competent building professional to complete a Remedial Works Plan for the approved remediation option and submits to the local authority
- Homeowner engages a building contractor and can request stage payments from the local authority
- Homeowner applies to local authority for other grants for alternative accommodation, storage and immediate repairs where necessary
- A Certificate of Remediation completed by the competent building professional is submitted to the local authority with the homeowner's final grant payment request
- Local authority issues a Letter of Assurance to the homeowner following receipt of the Certificate of Remediation for the approved remediation options other than demolition and rebuild

Timelines have been specified in the legislation and the designated local authorities and the Housing Agency will address their caseload on the basis of the volume received and the complexities of the individual cases and the Housing Agency shall prioritise its most urgent cases in accordance with Regulation 12(2) of the 2023 Regulations.

4 Stage 1: Application is made (& validation of application by designated local authority)



4.1 Overview: What is Stage 1: Application is made

This section covers the first stage in the process, which has already been briefly set out in Section 3.1 above, where an applicant applies for a remediation option grant under the Enhanced Defective Concrete Blocks Scheme. This involves initial determination by a competent building professional, engaged by an applicant, to prepare a Building Condition Assessment (BCA) report, to assess the damage threshold, and to prepare a Certificate of Compliance with Planning Permission. The next step is completion of an application form, accompanied by associated proofs, and submission to the designated local authority by the applicant. The designated local authority will then assess the application for validation, and if validated, the application shall be forwarded by them to the Housing Agency, for assessment of the damage threshold. The designated local authority will inform the homeowner of the Housing Agency's determination on the damage threshold.

4.2 Relevant Owner/Relevant Dwelling

Where a homeowner suspects that their home is damaged through the use of defective concrete blocks in its construction, they should contact their local authority

to ascertain if they are a designated local authority for the purposes of administration of the enhanced scheme.

A homeowner must also be a 'relevant owner' of a 'relevant dwelling' in the designated local authority.

A relevant owner must:

- have acquired ownership of the dwelling prior to 31 January 2020 (or inherited the dwelling on or after 31 January 2020);
- use the dwelling as their principle private residence or be the landlord where there was a registered tenancy on or before 1 November 2021 – except where the resident had to leave the dwelling due to damage caused by defective concrete blocks

The relevant dwelling must be a dwelling that:

- is located in the administrative area of a designated local authority;
- the construction of which was completed prior to the 31st January, 2020;
- was constructed using defective concrete blocks and has been damaged due to the use of the defective concrete blocks;
- is not an unauthorised structure/have Planning Permission; and
- is either an owner occupied principal residence purchased prior to 31/01/2020 or a property registered with the RTB on or before the 1st November, 2021

The following are excluded from the definition of a relevant dwelling:

- Apartments, maisonettes or duplexes;
- Any structure on land appurtenant to the dwelling in the construction of which defective concrete blocks were used, unless the Housing Agency is satisfied that damage may be caused to the dwelling, after the completion of a remediation option, by the failure to include the structure, or

- A building that provides multi-occupancy accommodation under conditions specified by the provider of the accommodation, including a nursing home, boarding school, hotel or hostel.

When a homeowner is satisfied that they are a relevant owner of a relevant dwelling in a designated local authority, for the purposes of making an application under the enhanced scheme, the homeowner should engage the services of a competent building professional to complete a Building Condition Assessment (BCA) report. The competent building professional will undertake a non-invasive visual survey of the relevant dwelling to ascertain whether the damage is consistent due to the use of defective concrete block containing excessive amounts of deleterious material and also meets the damage threshold as set out in Regulation 10 of S.I. 347 of 2023.

On completion of the survey, the competent building professional will determine whether the relevant dwelling has met the damage threshold. If the dwelling has met the damage threshold, the relevant owner can commence the application process.

The cost of the Building Condition Assessment (BCA) report may be recouped following confirmation of eligibility for the enhanced scheme, and by making an application for payment of remediation grant. Full details are at Section 5 in this document.

4.3 Application Process

To commence an application for a remediation option grant a homeowner must submit a fully completed application form to their designated local authority.

The application form is the form set out at Schedule 2 of the Regulations under the enhanced scheme.

The application form is divided into 7 parts and the following provides a further brief summary of the requirements for each part:

Part 1: Relevant Dwelling Details

The purpose of this section of the application form is to enable the designated local authority to determine if the dwelling, that is the subject of the application, is a relevant dwelling for consideration for entry into the Enhanced Grant Scheme.

The relevant dwelling must be a house and it is a matter for the designated local authority to determine whether a dwelling is a relevant dwelling and will require such evidence as deemed necessary in making such a determination, as outlined in the table below:

TABLE 1 – RELEVANT DWELLING

Item	Eligibility Criteria	Proof
1.	The dwelling must be located in the administrative area of a designated local authority	<ul style="list-style-type: none"> address including Eircode and MPRN (Meter Point Reference Number)
2.	The dwelling is compliant with planning regulations and is not an unauthorised structure	<ul style="list-style-type: none"> copy of Planning Permission and a Certificate of Compliance with Planning Permission prepared by a competent building professional
3.	The construction of the dwelling must have been completed prior to 31/01/2020	<ul style="list-style-type: none"> a title deed or similar legal instrument
4.	The dwelling must have been constructed using defective concrete blocks and have been damaged due to the use of the defective concrete blocks	<ul style="list-style-type: none"> Building Condition Assessment (BCA) report

Planning Status

Certificates of compliance with Planning Permission and/or Exemption from Planning Control (otherwise known as opinions on compliance), which certificates or opinions will be provided by the competent building professional, shall be in the form accepted by the Law Society of Ireland or by the Royal Institute of the Architects of Ireland.

Certificates furnished in compliance with this shall be considered valid by the Local Authority without prejudice to local authorities right to make any further enquiries if required.

Part 2: Applicant Details

The purpose of this section is to enable the designated local authority to confirm the identity of the applicant and to enable the applicant to provide contact details.

The designated local authority will require such evidence as deemed necessary in making such a determination, as outlined in the table below:

TABLE 2 – APPLICANT DETAILS

Item	Eligibility Criteria	Proof
1.	Proof of Identity	<ul style="list-style-type: none">• a copy of a valid passport• a copy of a valid driving license• a copy of a Public Services Card issued by the Department of Social Protection

Applicants are also required to provide a Tax Clearance Access Number (TCAN). Your TCAN is provided upon successful application for Tax Clearance from

Revenue. Please note that your TCAN is not the same number as your Tax ID number.

If you receive grants, subsidies or similar type payments from a government department or public authority of more than €10,000 during the year, you will need a Tax Clearance Certificate. The designated local authority must be able to verify the tax clearance status of all successful applicants in order to make payment to them.

For more information please see:

<https://www.revenue.ie/en/starting-a-business/tax-clearance/index.aspx>

Part 3: Ownership of Relevant Dwelling

The purpose of this section is for to enable the designated local authority to determine whether the relevant dwelling, the subject of the application, is owned by the applicant and will require such evidence as deemed necessary in making such a determination, as outlined in the table below:

TABLE 3 – OWNERSHIP OF RELEVANT DWELLING

Item	Eligibility Criteria	Proof
1.	The applicant is the owner of the relevant dwelling	<ul style="list-style-type: none">• a copy of the title deed for the relevant dwelling• a registration of title• other legal documents proving proof of ownership
2.	Where the applicant is a joint owner of the relevant dwelling, consent by joint owners (other than the applicant), of the relevant dwelling for the inclusion of the relevant dwelling in the	<ul style="list-style-type: none">• print name, signature and date required to be completed by joint owner(s)

Item	Eligibility Criteria	Proof
	scheme, making of an application under Stages 1, 2 and 3 and, for payment of grant in respect of the dwelling;	

Part 4: Principal Private Residence

The Remediation of Dwellings Damaged by the Use of Defective Concrete Blocks Regulations Act defines a principal private residence as “*a dwelling a relevant owner of which occupies it as his or her only or main residence*”. The purpose of this section is to enable the designated local authority to determine whether the dwelling, the subject of the application, is the applicant’s principal private residence and will require such evidence as deemed necessary in making such a determination, as outlined in the table below:

TABLE 4 – PRINCIPAL PRIVATE RESIDENCE

Item	Eligibility Criteria	Proof
1.	The relevant dwelling the subject of the application is the applicant’s principal private residence	<p>At least two of the following:</p> <ul style="list-style-type: none"> • details on Register of Electors • bank statement (dated within the last 6 months) • a current car or home insurance policy (that shows the applicant’s address) • a document issued by a Government Department (that shows the applicant’s address) • a copy of Tax Clearance Certificate (TCC) • a statement of liability (previously P21 – Balancing Statement) from Revenue • a social insurance document (that shows the applicant’s address)

Part 5: Residential Tenancy

The Remediation of Dwellings Damaged by the Use of Defective Concrete Blocks Regulations Act 2022 provides for an application by a landlord in respect of one dwelling that is subject of a tenancy agreement. It is a matter for the designated local authority to confirm that the relevant dwelling subject to a tenancy is registered in the Residential Tenancies Board Register and will require such evidence as deemed necessary in making such a determination, as outlined in the table below:

TABLE 5 – RESIDENTIAL TENANCY

Item	Eligibility Criteria	Proof
1.	The applicant is landlord of a relevant dwelling which stood registered in the Residential Tenancies Board Register on or before 1 November 2021	<ul style="list-style-type: none">certificate of registration in the Residential Tenancies Register (including details of registered landlord number and registered tenancy number)

Where a landlord has submitted an application for a remediation option grant for a dwelling subject to a tenancy agreement, they are subject to the following conditions:

- the designated local authority will make a charging order over the relevant dwelling following the issue of the final part payment of the remediation option, or payment of the whole remediation option grant;
- the charging order will create a charge over the relevant dwelling, equal to the payments made to the landlord who is the relevant owner for a period of 20 years;
- a reduction of 5% will be applied by the designated local authority to the total charged amount on each anniversary of the relevant date, i.e. the date on which the charging order was made by the designated local authority, where a relevant event has not occurred.

A relevant event is:

- where the relevant owner/landlord no longer owns the relevant dwelling; or
- where the relevant owner/landlord is no longer renting the relevant dwelling to a tenant or tenants which is registered on the residential tenancies register.

Where a Charging Order is required to be issued, it is the responsibility of the designated local authority to carry out this function.

Part 6: Applicant's Declarations

The purpose of this section enables ~~is~~ the applicant to consent and make certain declarations as required under the Act.

Such declarations that are required include:

- consent to allow verification of tax compliance of the applicant, including Local Property Tax for the dwelling;
- consent to inspections of the relevant dwelling by the designated local authority and the Housing Agency;
- confirmation that the applicant intends to reside in the dwelling as his or her principal private residence on completion of the remedial works to the dwelling (except in the event of a landlord whose rented dwelling is being remediated);
- confirmation that the applicant/joint owner(s) or any other person who has a legal or beneficial interest in the relevant dwelling did/did not receive a payment, e.g. insurance, compensation, etc., in respect of damage to the relevant dwelling arising from, or in connection with, the use of defective concrete blocks in its construction.

Pursuant to Section 10(11) and Section 25(9) of the Act and in line with information provided or the declarations made by the applicant, the designated local authority may determine whether an individual with whom the relevant owner lives in a relevant dwelling is a member of his or her household. In reaching this determination, the designated local authority will take into consideration if the individual has a legal and beneficial interest in the relevant dwelling in which they are living with the relevant owner. For further guidance on this the designated local authority should refer to Section 13(2) of the Act.

If the member of the household with whom the applicant lives with, was/is in receipt of a remediation option grant for another dwelling, of which they are the relevant owner, the applicant would not be entitled to a remediation option grant, be it a first-time application or an application for a second remediation option grant.

In reaching a determination the designated local authority must also consider that under the enhanced scheme relevant owners are entitled to make an application for one principal private residence property and one rental property (with a tenancy registered in the Residential Tenancies Register). With this in mind and for further guidance, outside more straightforward determinations which may be made, please see the below table with regard to other potential scenarios:

TABLE 6 – APPLICANT/MEMBER OF HOUSEHOLD SCENARIOS

Scenario Number	Detail	Determination
1.	<ul style="list-style-type: none"> • Applicant makes an application for a remediation option grant for their principal private residence • It is determined that they are living in their principal private residence with a member of their household, who has a legal and beneficial interest in the relevant dwelling and who has been/is in receipt of 	<ul style="list-style-type: none"> • Applicant is eligible to be considered for an application for a remediation option grant for their principal private residence

Scenario Number	Detail	Determination
	<p>a remediation option grant for another dwelling</p> <ul style="list-style-type: none"> The other dwelling is not the member of the household's principal private residence. They are a landlord of the other dwelling, with a tenancy registered in the Residential Tenancies Register 	
2.	<ul style="list-style-type: none"> Applicant makes an application for a remediation option grant for a relevant dwelling, which they are a landlord of, and have a tenancy registered in the Residential Tenancies Register It is determined that they are living in their principal private residence with a member of their household who has a legal and beneficial interest in that relevant dwelling, and that the member of the household has been/is in receipt of a remediation option grant for another dwelling The member of the household is a landlord of the other dwelling with a tenancy registered in the Residential Tenancies Register 	<ul style="list-style-type: none"> Applicant would not be entitled to apply for a remediation option grant for the rented dwelling, as a member of their household has already received a remediation option grant for a rented dwelling

Part 7: Data Protection

The purpose of this section is the provision of a statement to the applicant informing them of their right to privacy regarding any personal data provided by them and how to obtain further information on how their personal data will be used, and on their rights as a data subject.

When the application form has been fully completed by the applicant, they should submit it, along with a copy the Building Condition Assessment (BCA) Report for their dwelling, to their designated local authority.

4.4 Validation of application by the designated local authority

A designated local authority should review an applicant's application form and Building Condition Assessment (BCA) Report as soon as possible after they receive it.

The designated local authority shall carry out a validation of the application considering issues as to whether the home is a relevant dwelling and the owner a relevant owner in accordance with the definitions in the Act.

The designated local authority must be satisfied that the application form and the Building Condition Assessment (BCA) report have been submitted with the application and that the application is accurate and complete. In considering an application, the designated local authority may:

- request the applicant to clarify in writing any information submitted to it in respect of the application;
- request the applicant to supply further documents or information in respect of the application; or
- make such enquiries as it considers necessary for the purpose of assessing the application, including causing the relevant dwelling concerned to be inspected by a suitably qualified person authorised in that regard by the designated local authority.

After submitting an application, should an applicant become aware of any change in circumstances that affects his or her application, he or she is required to immediately notify the designated local authority of that change, and should the designated local authority consider it appropriate, they may notify the Housing Agency of that change.

If the application is considered to be valid, the designated local authority shall then submit it to the Housing Agency for them to assess the level of damage to the dwelling, and determine if the dwelling has met the “damage threshold”.

If the application is considered invalid, the designated local authority shall refuse it. The designated local authority must notify the applicant of the decision for refusal as soon as possible and that the applicant is entitled to appeal this decision within 28 days of the notification.

4.5 Appeal by applicant

An applicant can appeal the decision made by the designated local authority to refuse to refer their application to the Housing Agency.

This is the first point at which an appeal can be made to the independent Appeals Panel. Details on the other stages that can be appealed are set out at Sections 4.7, 5.6 and 6.6 below.

Applicants who wish to appeal should refer to Section 11 below for further information on the Appeals process and the making of an appeal.

4.6 Assessment of Damage Threshold by the Housing Agency

Upon receipt of a validated application from the designated local authority, the Housing Agency will consider the application for the purposes of determining if the dwelling has met the “damage threshold” or not.

Where the Housing Agency have determined the dwelling has met the “damage threshold”, or not, they should immediately inform the designated local authority of their determination and the reasons for their decision. The designated local authority shall then notify the applicant of the determination, and the reasons for it, as soon as possible.

4.7 Appeal by applicant

An applicant can appeal the decision made by the Housing Agency to refuse their application on the grounds that it does not meet the Damage Threshold, to the independent Appeals Panel.

This is the second point at which an appeal can be made to the independent Appeals Panel.

Applicants who wish to appeal should refer to Section 11 below for further information on the Appeals process and the making of an appeal.

4.8 Prioritisation of applications by the Housing Agency

The Housing Agency will determine the priority in which it may assess dwellings, both under the initial damage threshold (BCA) application stage and the remediation option grant assessment stage.

- the relative severity and impact of damage attributable to the dwelling as a result of defective concrete blocks;
- the relative urgency of the need for remediation;
- the proximity of the dwelling to other affected properties at time of assessment;
- the resources (including financial resources) available or likely to be available to the Housing Agency.

5 Stage 2: Home is assessed, and remediation option decided



5.1 Overview: What is Stage 2: Home is assessed, and remediation option decided?

This section covers the next stage in the process, which has already been briefly set out in Section 3.1 above, whereupon, after the Housing Agency has determined that the relevant dwelling has met the damage threshold, they will arrange for more invasive testing and assessment of the dwelling to be carried out by a competent engineer, to determine if the damage to the dwelling has been caused by defective concrete blocks in its construction. Following this the Housing Agency will determine the appropriate remediation option and grant amount and will notify the designated local authority of these determinations. The designated local authority will then notify the homeowner of these determinations by the Housing Agency.

5.2 Testing and assessment of dwelling

The Housing Agency will arrange for a competent engineer to undertake sampling testing and categorisation of the dwelling in accordance with the procedures set by regulations as follows:

- carrying out inspections in accordance with I.S. 465:2018 while taking into account other relevant standards for inspections;
- sampling of concrete blocks and render in accordance with I.S. 465:2018;

- testing including physical testing, chemical testing and petrographic analysis.

Following receipt of the results of the testing, the Housing Agency will determine the appropriate remediation option and grant amount.

5.3 Remediation Options

There are 5 remediation options available under the enhanced scheme:

TABLE 7 – REMEDIATION OPTIONS UNDER THE ENHANCED GRANT SCHEME

Option Number	Remediation Option Description
1.	Demolition of the entire relevant dwelling and reconstruction of the dwelling on the exact position on the land on which the relevant dwelling was situated before it was demolished.
2.	Demolish and rebuild external walls (both outer and inner leafs) down to foundation on a phased basis and re-render.
3.	Demolish and rebuild external walls (both outer and internal leafs) down to top of rising wall on a phased basis and re-render.
4.	Demolish and rebuild external walls (outer leaf only) down to top of rising wall on a phased basis and re-render.
5.	Demolish and rebuild outer leaf of affected walls only and re-render.

The grant scheme covers 100% of the costs of the remediation works that are approved, which are subject to the grant rates, up to a maximum grant cap of €420,000.

Exempt Development Status

The Act makes provision for exempt development status to apply to remediation works approved under the enhanced grant scheme subject to the provisions of

section 4(4) of the Planning and Development Act, 2000. Remediation works shall only be exempt once the enhanced scheme commences and where on completion of remediation works the dwelling is not inconsistent with or materially different from the appearance and character of the original dwelling. In other words, where a homeowner does not build back on a 'like for like' basis planning permission is required.

Further information relating to Planning Permission is provided in this Guidance Document at Section 13.

5.4 Notification of Housing Agency decision

The Housing Agency must notify the designated local authority of its decision to either approve or refuse the application for a remediation option grant and the reasons for it, as soon as possible after the decision is made. If the decision is to approve the application for a remediation option grant, the Housing Agency shall include details of the remediation grant option and the grant amount approved.

5.5 Designated local authority procedure upon notification

In the case of approval:

When the designated local authority receives notification from the Housing Agency of an approval of a remediation grant option and the relevant grant amount, they shall review the application to clarify if the applicant or any other person who has a legal or beneficial interest in the relevant dwelling, has received a payment for damage caused to their dwelling by defective concrete blocks used in its construction.

Should a homeowner have made such a declaration then the designated local authority shall reduce the remediation option grant approved by the amount of the payment stated as being received by the homeowner.

The designated local authority must advise the homeowner of the decision for approval by the Housing Agency as soon as possible after they have received it, and:

- of the approved remediation option and the amount of grant approved;
- that the homeowner may appeal this decision within 90 days of the date of that notification; and
- if applicable, of any reduction in the remediation option grant and the reasons for the reduction.

The designated local authority shall also instruct the homeowner that the following items must be provided, as soon as possible, to them:

- a completed remedial works plan; and
- any application the relevant owner wishes to make for an ancillary grant (where applicable);

In the case of refusal

When the designated local authority receives notification from the Housing Agency of a refusal of an application for remediation grant, the designated local authority shall inform the homeowner in writing of this decision as soon as possible after they have received the decision from the Housing Agency, setting out the reasons for the refusal, and informing the homeowner that they may appeal this decision within 90 days of the date of that notification.

To notify a homeowner of the decision of the Housing Agency, the designated local authority should complete and issue the relevant form (including cover page, along with Form A or B, as appropriate) as set out at Schedule 3 of the Regulations under the Enhanced Scheme.

5.6 Appeal by Homeowner

A homeowner can make an appeal to the Independent Appeals Panel in respect of the following decisions made by the Housing Agency:

- in the approval of an application for a remediation option grant, the homeowner may appeal:
 - the appropriate remediation option, or combination of remediation options, approved to remedy the damage;

 - and/or

 - the amount of the remediation option grant approved;

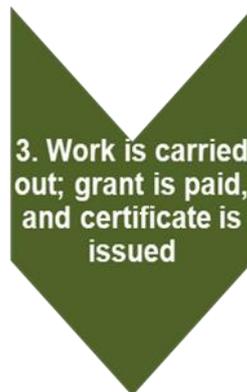
or the homeowner may appeal:

- the refusal of an application for a remediation option grant.

This is the third point at which an appeal can be made to the independent Appeals Panel.

Homeowners who wish to appeal should refer to Section 11 of these Guidelines for further information on the Appeals process and the making of an appeal.

6 Stage 3: Work is carried out; grant is paid, and certificate is issued



6.1 Overview: What is Stage 3: Work is carried out; grant is paid, and certificate is issued

This section covers the third stage in the process, which has already been briefly set out in Section 3.1 above, whereby a homeowner engages a competent building professional to complete a Remedial Works Plan for the approved remediation option and submits to the local authority.

When a remedial works plan is produced by the homeowner's competent building professional, then the homeowner will engage a building contractor and can also request stage payments from the local authority as part of phased building works (for larger scale building works). The amount payable under stage payments is capped at 90% of the total cost of the remediation option grant on a cumulative basis. In other words at least 10% of the overall grant shall be retained for the final payment following the designated local authority's approval of the Certificate of Remediation, but the 10% is not deducted from earlier stage payments.

A homeowner can also apply to the designated local authority for ancillary grants for alternative accommodation, storage and immediate repairs, where necessary, subject to the maximum grant cap of €420,000.

This section also sets out the time limits which the homeowner is required to meet for commencement and completion of the approved remediation work, along with the issue of any refund of compensation, should a non-enhanced scheme payment have been received by a homeowner for damage caused to their dwelling by defective concrete blocks used in its construction. A Certificate of Remediation completed by the competent building professional is submitted to the designated local authority with the homeowner's final grant payment request. The designated local authority issues a Letter of Assurance to the homeowner following receipt of the Certificate of Remediation for the approved remediation options other than demolition and rebuild.

6.2 Remedial Works Plan

Where a homeowner receives notification from the designated local authority of a determination by the Housing Agency to approve a remediation option and remediation option grant, before work commences the homeowner shall engage a competent building professional to complete a Remedial Works Plan for the approved remediation option.

The homeowner shall submit:

- a completed Remedial Works Plan;
- any application they wish to make for an Ancillary Grant (please see Section 7 of this Guideline document for further on Ancillary Grants);

to the designated local authority before commencement of the remediation works to their dwelling.

The designated local authority, as administrators to the enhanced scheme, can set the timescale within, or request when, the Remedial Works Plan is to be submitted.

The Act requires designated local authorities to carry out a series of administrative and confirmation checks. At no stage does an authority have to make any adjudication in relation to already certified engineering decisions. The role of

ensuring engineering compliance is, depending on the stage of the process, within the remit of the Housing Agency and/or the homeowners' Competent Building Professional (CBP).

Should a designated local authority request any further documents or information, the homeowner shall submit these items as soon as possible to them.

6.3 Declaration of authorised floor area (Existing Applications under original scheme)

In relation to an existing application in order for the grant amount to be recalculated, the homeowner in the case of Option 1 will need to submit to the designated local authority a certificate from the Competent Building Professional (CBP) confirming the floor area of the existing house and the floor area of the proposed house, and in addition for Options 2-5 the areas and locations of blockwork replaced.

6.4 Exact position

The Act requires rebuilding on the exaction position on the land of the existing dwelling. It does not allow rebuilding on a separate position within the same site. However, there is flexibility in terms of footprint of a rebuild and exact rebuild on the footprint is not required, subject to compliance with Building Regulations and compliance with planning. In this regard, it should be noted that the planning exemption for a rebuild as set out in section 28 of the Act is for a dwelling, which is not inconsistent with, or materially different from, the appearance and character of the original dwelling.

6.5 Reuse of existing house components

The reuse of house components, where feasible, is important in minimising the waste impacts from the scheme, contributing to the circular economy and saving money for homeowners thereby making their grant go further.

Whilst this is encouraged there is no requirement on homeowners to reuse house components and the approved grant is not influenced or affected by a homeowners' decision in this regard.

6.6 Application for payment of a remediation grant

The homeowner must submit an application form to the designated local authority for a payment of a grant. This request can be for payment of the grant in stages or in full.

When a homeowner is requesting payment in stages, at each stage of payment an Interim Valuation Certificate is required by the designated local authority, along with evidence of the expenditure incurred by the homeowner as described in the Interim Valuation Certificate. The interim valuation certificate must be certified by the competent building professional.

When a homeowner is requesting the final stage payment or is requesting payment of the remediation option grant in full, then the approved remedial works must have been fully completed and the following items must be submitted to the designated local authority, along with the request for final payment, before the payment can be released:

- a completed post works remedial works plan;
- a completed certificate of remediation; and
- evidence of the expenditure incurred by the homeowner as laid out in the post works remedial works plan

Homeowner and dwelling eligibility information is requested as part of this form. (This is required with each request for payment).

The application form for payment of the grant is set out at Schedule 5 of the Regulations under the Enhanced Scheme.

6.7 Time Limits

A designated local authority must ensure, before releasing payment of the remediation option grant to the applicant, that the remedial works have commenced within 78 weeks from the date of when the applicant's grant was approved (or from the date of the date of decision of the Appeal Board should the homeowner have lodged a successful appeal in respect of a decision by the Housing Agency not to approve their remediation grant). The applicant must also have submitted their final grant payment application following the completion of works within 65 weeks of having commenced works.

In certain exceptional cases, before payment of a remediation option grant, a designated local authority may choose to carry out an inspection by a suitably qualified person authorised in that regard to verify the works carried out or being carried out to the relevant dwelling. It is expected that, for reasons of good governance practice, that local authorities would carry out a number of such inspections. Such appropriate administrative checks that works have been completed are in line with normal practice for grant schemes of this nature. The precise number and scope of any such inspections is a matter in the first instance for the relevant local authority but it is recommended that they take place on the basis of an appropriate risk assessment.

6.8 Refund of compensation

Should a non-scheme payment have been made to an homeowner who has applied for a remediation option grant under the enhanced scheme, in respect of damage to their dwelling caused by the use of defective concrete blocks in its construction, the

homeowner is required to inform their designated local authority of the amount of payment within 28 days of receiving that payment.

Upon receiving this notification, the designated local authority shall check their records to see if any other previous non-scheme payment has been made to the homeowner and should then notify the homeowner of the total amount.

On receipt of the notice from the designated local authority, the homeowner is required to pay this amount to the designated local authority within 21 days of the notice.

6.9 Letter of Assurance

A designated local authority will issue a Letter of Assurance to a homeowner who has applied for a remediation option grant under the enhanced scheme if:

- they have received a post works remedial works plan and a signed and completed certificate of remediation;
- the approved remediation option was not ‘Option 1 - Demolition of a relevant dwelling and the reconstruction of the dwelling in the exact position on the land on which the relevant dwelling was situated before it was demolished’;

To issue a Letter of Assurance to a homeowner who has applied for a remediation option grant under the enhanced scheme the designated local authority must complete and issue the relevant form as set out at Schedule 11 of the Regulations under the Enhanced Scheme.

Section 21 (2) (b) of the Act refers that “the designated local authority is satisfied that the certificate of remediation is in accordance with section 20.” Section 20 (1)(c) refers that “the approved remediation option and any additional works are completed in compliance with the requirements of the Second Schedule to the Building

Regulations 1997 (S.I. No. 497 of 1997).” It should be understood that these 1997 Regulations are the minimum required under the remediation options.

Certificates of remediation signed by the competent building professional can be taken as prima facie evidence of compliance.

6.10 Appeal by Homeowner

A homeowner who has applied for a remediation option grant under the enhanced scheme can appeal the decision made by the designated local authority to refuse to make a payment, or part payment, of a remediation option grant to the independent Appeals Panel.

This is the fourth point at which an appeal can be made to the independent Appeals Panel.

Homeowners who wish to appeal should refer to Section 11 of these Guidelines for further information on the Appeals process and the making of an appeal.

7 Ancillary Grant

7.1 Overview: What is an Ancillary Grant?

The purpose of this section is to explain what type of **Ancillary Grants** are available to applicants and homeowners under the Enhanced Defective Concrete Blocks Grant Scheme, and how to apply.

Ancillary grants are available to homeowners for immediate repairs, storage, and alternative accommodation costs.

The Ancillary grant may cover the costs incurred by a homeowner prior to the application of the enhanced scheme.

At the time of notifying the homeowner of the decision of the Housing Agency to approve their application for a remediation option grant, the designated local authority shall also invite homeowners to apply for an ancillary grant, should they not have previously made an application.

An applicant/relevant owner may apply to the designated local authority for an ancillary grant where the remediation option grant approved under the Enhanced Defective Concrete Blocks Grant Scheme is less than the maximum cap of €420,000. To assist, please see examples set out Scenario A and B below:

Scenario A - Remediation Option 1:

- Demolition of a relevant dwelling and the reconstruction of the dwelling in the exact position on the land on which the relevant dwelling was situated before it was demolished;
- Grant Amount given: €420,000
- Homeowner cannot apply for Ancillary Grant

Scenario B - Remediation Option 2:

- Demolish and rebuild external walls (both outer and inner leafs) down to foundation on a phased basis and re-render.
- Grant Amount given: €350,000
- Homeowner can apply for Ancillary Grant

On receipt of an application for an Ancillary Grant from an applicant/homeowner, the designated local authority will consider that, irrespective of the remediation option granted if the grant amount determined is below the maximum cap of €420,000, the applicant/homeowner is entitled to apply for an Ancillary Grant.

7.2 Immediate Repairs

The responsibility for health and safety issues in and around the home rests with the homeowner. Any concerns which a homeowner has regarding health and safety or structural stability of a home impacted by defective concrete blocks should be investigated by the homeowners competent engineer who will be able to advise on the severity of the issue and the appropriate action that should be taken to mitigate any health and safety risk.

Where a homeowner has immediate concerns over the structural integrity or safety of parts of their home they can apply for an ancillary grant not exceeding €5,000, within the total grant cap allowable of €420,000, which will enable them to complete essential immediate repairs to their homes e.g. bracing of walls, chimney repairs/removal, works to ensure safe access and egress, safety fencing etc.

7.3 Storage

Where a homeowner has to move out whilst the remediation works are ongoing to their relevant dwelling, an ancillary grant not exceeding €5,000, within the total grant

cap allowable of €420,000, is available to allow for removal of contents/house components and their temporary storage and reinstatement on completion.

7.4 Alternative Accommodation

Where a homeowner has to move out whilst the remediation works are ongoing to their relevant dwelling, an ancillary grant not exceeding €15,000, within the total grant cap allowable of €420,000, is available to allow for alternative vouched accommodation costs.

It should be noted that any ancillary funding released to a homeowner in advance of commencement of the enhanced scheme will be deducted, by the designated local authority, from any grants (remediation option grant and ancillary grants) payable within the overall grant cap of €420,000.

The form for applying for an ancillary grant is set out at Schedule 12 of the Regulations under the Enhanced Scheme.

8 Notice of commencement of the remedial works

8.1 Overview

The purpose of this section is to detail how a homeowner notifies the designated local authority of the commencement of the remediation works to their dwelling, and the timescale required for this notification to be received. This is not to be confused with a separate commencement notice which may be required under the Building Regulations, details of which are outlined in Section 14 below.

8.2 Notification

When a homeowner has been approved for a remediation option grant and wishes to commence the remediation works, they are required to notify their designated local authority of this intention. This notification should be submitted to the designated local authority:

- not more than 14 days, and not less than 7 days before the date of commencement of the works.

The notification form for the commencement of remediation works is set out at Schedule 7 of the Regulations under the Enhanced Scheme.

9 Request for extension of time

9.1 Overview

The purpose of this section is to provide guidance on the potential situation whereby a homeowner may not be in a position to commence or complete the approved remedial works to their dwelling within the set timelines. The homeowner may request an extension of time from the designated local authority to commence or complete the works. This section also sets out the time limits for these requests to be received and considered by the designated local authority.

9.2 The request

An applicant has 78 weeks to commence work after approval of their application of a remediation option grant (or from the date of the date of decision of the Appeal Board should the homeowner have lodged a successful appeal in respect of a decision by the Housing Agency not to approve their remediation grant) before the grant approval is deemed withdrawn. The applicant must also have submitted their final grant payment application following the completion of works within 65 weeks of having commenced works.

A relevant owner may request the designated local authority to extend the periods referred to above (by no more than 24 weeks) where, due to exceptional circumstances beyond the control of, and the exercise of all due diligence by, the relevant owner, there is a delay.

When considering an extension time request, the designated local authority will need to take into account any delay to the commencement and/or completion of the works may be due to exceptional circumstances beyond the homeowner's control and where this applies the homeowner must demonstrate that they have exercised all due diligence in attempting to have the works commenced/completed in the required timeframe.

Such exceptional circumstances may include:

- a serious illness or death of a partner/close family relative;
 - an unforeseen delay in provision of services by the competent building professional/competent engineer;
 - an unforeseen shortage of/delay in provision of materials to carry out the necessary remediation works; or
- any other circumstances which the designated local authority may deem exceptional.

The form for requesting an extension of time to commence/complete the remedial works is set out at Schedule 8 of the Regulations under the Enhanced Scheme.

9.3 Time Limit

The homeowner should submit this request for an extension to the designated local authority no less than **12 weeks** before the expiry of the relevant period, as set out below:

- Should the homeowner wish to submit a request for an extension to the time period for commencing the approved remediation works, their request should be made to their designated local authority more than 12 weeks before the end of the 78 weeks period.
- Should the homeowner wish to submit a request for an extension to the time period for completing the approved remediation works, their request should be made to their designated local authority more than 12 weeks before the end of the 65 weeks period.

With any request for an extension the designated local authority should ensure that the homeowner has—

- completed and submitted the form for requesting an extension of time to commence/complete the remedial works as set out at Schedule 8 of the Regulations under the Enhanced Scheme;
- submitted a statement of the reasons for the delay; and
- submitted evidence of the exercise of due diligence in seeking to avoid the delay.

The consideration of the homeowner's request for an extension should be carried out as soon as possible by the designated local authority after it is received by them.

Additional information or documents

A designated local authority may request a homeowner to provide further information or documents to them within a specified period. Where a homeowner fails to comply with this requirement it can be deemed by the designated local authority that the homeowner has withdrawn their request for an extension.

Decision

After reviewing a homeowner's request, the designated local authority will decide to grant or refuse the extension.

Should the designated local authority grant a time extension, it will not be more than **24 weeks** from the expiry of the period in respect of which the request is made.

The designated local authority must inform the homeowner of the decision in writing and the reasons for it. They shall also inform the homeowner that they can request a review of the decision within 14 days from the date of the notification.

Should a homeowner choose to request a review of the decision the designated local authority must ensure that the employee appointed to carry out this review will be

different to the employee who was the original decision-maker, and also that the appointed employee is of a grade senior to the original decision-maker.

The form to request a review of this decision is set out at Schedule 9 of the Regulations under the Enhanced Scheme.

10 Change of Relevant Owner

10.1 Overview

The purpose of this section is to give guidance on the procedure where there is a change of relevant owner/homeowner, due to the death of the relevant owner/homeowner who had made and submitted the original application to the designated local authority. There is no provision made for a change of relevant owner/homeowner in any other circumstance.

10.2 Notification to designated local authority

Where the owner of a relevant dwelling dies after an application for a remediation option grant has been submitted to the designated local authority, and the designated local authority have considered and determined the validity of the application the legal personal representative of the relevant owner is required to notify the designated local authority of:

- the death of the relevant owner; and
- the name and details of the person who has inherited or will inherit the dwelling and who wishes to be considered the owner of the relevant dwelling for the purposes of the Act.

The form for the personal representative to complete is set out at Schedule 13 of the Regulations under the Enhanced Scheme.

11 Appeals Process

11.1 Overview

The purpose of this section is to provide detail on what decisions can be appealed under the Enhanced Defective Concrete Blocks Grant Scheme, to the new and independent appeals process, and how an applicant or homeowner can make an appeal.

11.2 Decisions that can be appealed

An appeal can be made by relevant homeowners on all key decisions under the grant scheme. The decisions that can be appealed are:

- the validation of an application by the designated local authority (as per Section 4.5 of the Guidelines above);
- the determination of the Housing Agency in relation to the relevant dwelling meeting the damage threshold for entry to the scheme (as per Section 4.7 of the Guidelines above);
- the determination of the Housing Agency in relation to the appropriate remediation option and grant amount approved (as per Section 5.6 of the Guidelines above); and
- any refusal by a designated local authority to make a grant payment pursuant to a grant approval (as per Section 6.6 of the Guidelines above).

11.3 The appeal

An applicant or relevant owner who wishes to make an appeal must ensure that it is submitted to the Appeals Panel no later than 28 days from the date of notification of the decision and that it is made in writing using the prescribed form.

An appeal must:

- state all of the grounds upon which the appeal is being made;

- have attached to it, any documents which are intended to be relied upon on in support of those grounds;
- not contain documents different to those which were originally submitted to, or were considered by, the designated local authority or the Housing Agency;
- have attached to it, any written submissions which are intended to be relied upon in support of the appeal.

The person making the appeal (the appellant) must gather together all relevant documents for submission in support of their appeal.

Documents to be submitted in support of the appeal may include:

- a copy of the application form;
- a copy of the Building Condition Assessment (BCA) report;
- a copy the notice of the determination by the Housing Agency;
- a copy of the refusal notice

The Notice of Appeal form is set out at Schedule 15 of the Regulations under the Enhanced Scheme, and should be sent by the applicant or relevant owner with any supporting documents, to: **Appeals Panel, c/o the Defective Concrete Blocks Grant Scheme Unit, Department of Housing, Local Government and Heritage, Custom House, Dublin 1, D01 W6X0.**

The appellant must also submit a copy of the appeal (the notice of appeal form and all relevant documents) to the designated local authority at the same time.

Following establishment of the Appeals Panel, in accordance with Section 40(2) of the Act, the Appeals Panel may make rules providing for:

- processes for the prioritisation of categories of appeals;

- the form and manner in which requirements for further information may be made by the Appeal Board under section 39 of the Act;
- the provision of notice to parties to the appeal of the making of an appeal and submissions in relation to that appeal;
- periods within which submissions must be made;
- the form and manner in which an appeal may be withdrawn;
- the joining of, or separation of, appeals.

Appeal Board

Appeals will be considered by a board of 3 persons, constituted by the chairperson of the Appeals Panel and the Appeal Boards will comprise members of the Appeals Panel.

Further information which may be requested

The Appeal Board may require a party to the appeal to provide them with, within a certain period of time, further information in writing. The Appeal Board will afford the opportunity to any other party to the appeal to make a submission in response to this additional information.

Refusal by the Appeal Board to consider an appeal

The Appeal Board may refuse to consider an appeal where it does not meet the requirements set out in Section 10.3 above or if they are of the view that the appeal is not made in good faith, or is of a frivolous or vexatious nature.

Decision

The Appeal Board shall:

- affirm the original decision made by the designated local authority or the Housing Agency,

or

- annul the original decision made by the designated local authority or the Housing Agency, and—
 - direct the designated local authority or the Housing Agency, as appropriate, to reconsider their decision, in line with advices which the Appeal Board may deem appropriate, or
 - replace the decision originally made with such other decision as it considers appropriate to make.

The Appeal Board shall notify all parties to the appeal of its determination as soon as possible after they have reached this decision.

12 Transitional Arrangements

12.1 Overview

The purpose of this section is to give guidance on the transitional arrangements under the Enhanced Defective Concrete Blocks Grant Scheme which apply to applicants who had applied under the previous Defective Concrete Blocks grant scheme (S.I. 25/2020) or those who had already engaged a competent engineer to complete a Building Condition Assessment (BCA) report, with a view to submitting an application under the previous scheme.

12.2 The arrangements and potential scenarios

The designated local authority should note that existing applicants under the previous grant scheme are not to be disadvantaged from being early movers, i.e. having applied already under the previous scheme or having engaged a competent engineer to complete a Building Condition Assessment (BCA) report, with a view to submitting an application under the previous scheme. Homeowners will benefit retrospectively from the increased grant amounts and allowances available under the enhanced scheme, although the designated local authority may request additional information to be provided to them in order to apply the benefits from these enhancements to the homeowner. The designated local authority should contact the homeowner in these cases, clearly setting out what steps the homeowner needs to take and what additional information is required.

What stage of the process the homeowner's application is at under the previous scheme will determine how the designated local authority should deal with the application on transition under the terms of the Enhanced Defective Concrete Blocks Grant Scheme. Below are a number of scenarios to assist the designated local authority in dealing with various situations whereby a homeowner has/not already submitted an application under the previous scheme, and how they would be dealt with under the enhanced scheme:

Transitional Scenario 1

A homeowner has engaged an engineer to complete a report pursuant to the current scheme, however the homeowner has not submitted an application under the current scheme. The following will apply when the enhanced scheme commences:

- The application submitted by the homeowner, after the commencement of the enhanced scheme, including the engineer's report as required by the current scheme will be considered to be an application under the enhanced scheme by the designated local authority.
- The engineer's report may also be considered in place of the building condition assessment report by the Housing Agency.
- The Housing Agency will carry out the remediation option and grant assessment and submit to the designated local authority per the enhanced scheme.
- Following notification by the designated local authority of approval of the remediation grant option and amount, the homeowner may submit an application for payment of the grant (Part/Full Payment) to the designated local authority, which may include payment towards the cost of the engineer's fee, all under the maximum cap of €420,000 as relevant.
- A homeowner will now also be eligible to apply for ancillary grants for alternative accommodation and storage.

Transitional Scenario 2

A homeowner has applied under the current scheme but has not received a decision regarding eligibility prior to the commencement of the enhanced scheme:

- The designated local authority shall write to the applicant informing them that their application will be dealt with under the provisions of the enhanced scheme.
- The determination of the remediation grant option and amount will be assessed by the Housing Agency under the provisions of the enhanced

scheme subject to various modifications which may allow the current scheme engineering reports to be considered by the Housing Agency under the enhanced scheme.

- The Housing Agency shall use the remediation options and grant rate provided for in the enhanced scheme.
- The designated local authority will write to the homeowner, informing them of the determination of the Housing Agency. The homeowner may now submit a remedial works plan to the designated local authority in line with the enhanced scheme. The submission of the Remedial Works Plan should include the Certificate of Compliance with Planning and the additional information which is required for an application under the enhanced scheme to be considered valid.
- As in scenario 1, the applicant may seek to recoup the costs of the engineer's report as part of the application for the remediation grant.
- A homeowner will now also be eligible to apply for ancillary grants for alternative accommodation and storage.

Transitional Scenario 3

A homeowner has received confirmation of eligibility under the current scheme from the designated local authority before the enhanced scheme commences. However, they have not received a grant approval under the current scheme before the enhanced scheme commences:

- The designated local authority shall write to the applicant to inform them that their application will be dealt with under the terms of the enhanced scheme. In this case, the remedial option issued under the confirmation of eligibility by the designated local authority shall be considered as if it had been a determination of a remediation option or options by the Housing Agency. In other words, the approved remedial option issued under the current scheme shall be considered to be an approval under the enhanced scheme.
- The designated local authority shall calculate the grant amount from the rates provided for in the enhanced scheme, and notify the homeowner of the grant

amount and that the homeowner may now submit a remedial works plan to the designated local authority in line with the enhanced scheme.

- A homeowner will now also be eligible to apply for ancillary grants for alternative accommodation and storage.

Transitional Scenario 4

A homeowner has received confirmation of eligibility and grant approval from the designated local authority under the current scheme before the enhanced scheme commences:

- The designated local authority shall write to the applicant to inform them that their application will be dealt with under the terms of the enhanced scheme.
- The designated local authority shall recalculate the grant amount from the rates provided for in the enhanced scheme and ensure that any amendment to the grant amount is notified to the homeowner and that the homeowner may now submit a remedial works plan to the designated local authority in line with the enhanced scheme.
- There may be instances where the remediation grant approval under the enhanced scheme is less than the grant approved under the current scheme, however the enhanced grant approval will not be amended if it was lower than the original/current grant approved.
- A homeowner will now also be eligible to apply for ancillary grants for alternative accommodation and storage.

Transitional Scenario 5

A homeowner has received confirmation of grant approval, has fully completed all remediation works and has received final payment of remediation grant prior to commencement of the enhanced scheme:

- The designated local authority shall contact the homeowners to invite them to submit invoice(s) outlining the additional necessary expenditure incurred by the homeowner to fully complete the remediation option grant in compliance with the remedial works plan.

- The designated local authority shall recalculate the grant amount from the rates provided for in the enhanced scheme and ensure that any amendment to the grant amount is notified to the homeowner to cover the cost of the approved remediation work that exceeded the grant approved in the current scheme (and therefore was paid for by the applicant themselves), and was less than the new grant approval in the enhanced scheme. In this scenario, for example, the current scheme will only have covered 90% of the cost of the approved remedial works whereas the enhanced scheme allows for 100% of the cost of the approved remedial works subject to the maximum cap of €420,000. In this case, the designated local authority will issue a refund on such additional invoiced costs, as applicable.
- There may be instances where the remediation grant approval under the enhanced scheme is less than the grant rate approved under the current scheme, however the Act provides that the enhanced grant rate will not be amended if it was lower than the original/current grant rate.
- A homeowner will now also be eligible to apply for ancillary grants for alternative accommodation and storage.

Transitional Scenario 6

A homeowner has not commenced necessary remediation work following grant approval under the previous scheme. The homeowner is not satisfied that the remediation option grant approved under the previous scheme will adequately address the DCB damage.

The following options are available to them:

- The homeowner can proceed with the approved remediation option grant, commence the remediation works and, once the enhanced scheme has commenced, can submit an 'application for revised approval' to the designated local authority, subject to a report from a competent engineer which states that, in the opinion of the competent engineer, there has been, since the date of the first approval, an unforeseen and material deterioration in the condition of the blocks which were to be retained in the relevant dwelling (although the revised remediation option cannot include 'Option 1' -

demolition of the relevant dwelling and the reconstruction of the dwelling). The designated local authority will refer the competent engineers report to the Housing Agency to consider whether revised approval is warranted.

- Or not proceed with the approved remediation option grant and submit a new application under the enhanced scheme.

Should a homeowner proceed with this option it should be noted that a remediation option granted under the enhanced scheme:

- may result in a similar option to the option that was approved under the previous grant scheme; and
 - there is no guarantee that that an 'Option 1 - demolition of the relevant dwelling and the reconstruction of the dwelling' will be given.
- Appeal the approved remediation option decision through the enhanced scheme. This appeal will only likely be successful if, for example, there are errors of fact within their appointed engineer's original engineer's report for which the Confirmation of Eligibility and Grant Approval issued.

13 Other regulatory matters that may also apply to DCB affected houses

13.1 Overview

The purpose of this section is to provide some background on Building Regulations/Planning status matters, which may be of relevance to certain homeowners, depending on their approved remediation option and the subsequent remedial works to be carried out on their dwelling. Planning matters have also been considered at Section 4.3 above. It would be for the competent building professional to advise the homeowner on whether these matters apply.

13.2 Possible implications for the remedial works

What Building Standards apply to the remediation works approved?

In accordance with Building Control legislation, the Building Regulations apply to certain works to existing buildings e.g. all works in connection with the material alteration or extension of an existing building, a repair and renewal that is likely to affect the structural integrity of the building or building element being repaired or renewed etc.

The requirements of the Building Regulations are set out in 12 parts (classified as Parts A to M). Technical Guidance Documents (TGDs) are published to accompany each part of the Building Regulations indicating how the requirements of that part can be achieved in practice.

Where the dwelling house (subject to the remedial works) is rebuilt on its original foundations, then the works constitute a material alteration to an existing dwelling house. Some Technical Guidance Documents provide specific guidance on works to

an existing building e.g. Section 2 of TGD L - Conservation of Fuel and Energy. No works shall be carried out to a building which would cause a new or greater contravention in the building of any provision of Building Regulations. As a result, in general, the reinstatement of building elements in a remediation project is on a 'like for like' performance basis, with respect to the Building Regulations which were in place when the building, or any addition to it, was constructed.

Where the dwelling house (subject to the remedial works) is reconstructed on new foundations, then the works constitute a new dwelling house. From a Building Control legislation perspective, in this scenario, the works must comply with the latest Building Regulations for new dwelling houses. In other words for new dwelling houses constructed on new foundations, the most up to date Building Regulations must be applied.

Am I required to submit a Commencement Notice under the Building Control Regulations?

A Commencement Notice is a notification¹ to a Building Control Authority that a person intends to carry out works or a material change of use to a building, which the Building Regulations apply. This is not to be confused with the separate commencement notice that has to be submitted to the local authority as part of the enhanced grant scheme (refer to section 19 (2) of the 2022 Act and Regulation 15 (1) of the 2023 DCB Regulations).

In the context of the Defective Concrete Blocks (DCB) Grant Scheme:

- a. Where the dwelling house (subject to the remedial works) is rebuilt on its original foundations, then the works constitute a material alteration to an existing dwelling house. In these cases:

¹ The notice must be given to the authority not more than 28 days and not less than 14 days before the commencement of works or the change of use. Once validated by the building control authority, works must commence on site between day 14 and day 28.

- i. Where planning permission is required – A Commencement Notice (without accompanying documentation) is required.
- ii. Where no planning permission is required - A Commencement Notice is not required.

The Act of 2022 provides that exempt development (development for which Planning Permission is not required) status shall automatically apply to remediation works approved under the enhanced grant scheme where, on its completion, it is not inconsistent with, or materially different from, the appearance and character of the relevant dwelling in respect of which the approved remediation option is to be or has been completed, subject to the provisions of section 4(2) – (4) of the Planning and Development Act, 2000, pursuant to Section 28 of the Act of 2022.

Remediation works shall only be exempt once the enhanced scheme (contained within the Act of 2022) commences.

- b. Where the dwelling house (subject to the remedial works) is reconstructed on new foundations, then the works constitute a new dwelling house.

From a Building Control legislation perspective, in this scenario, the works must comply with the latest Building Regulations for new dwelling houses. This scenario requires a Commencement Notice under the Building Regulations and accompanying documentation (S.I. No. 9 of 2014), or else an Opt-Out of Statutory Certification (S.I. No. 365 of 2015) in the case of a single unit dwelling house on a single unit development, where such conditions are met. Within the DCB grant scheme, it is essential for the building professional employed by the homeowner/applicant to make a determination on whether the works being carried out require Planning Permission or a Commencement Notice under the Building Regulations.

A designated local authority may not make a grant payment if the works are unauthorised or commenced without a valid commencement notice, where required.

14 Process for undesignated local authorities to join the enhanced scheme

The administrative areas of the following local authorities have been designated by the Act for the purposes of the enhanced grant scheme: Clare County Council; Donegal County Council; Limerick City and County Council; and Mayo County Council.

Section 5 of the Act contains details on the process for the inclusion of additional local authority areas into the Enhanced Defective Concrete Blocks Grant Scheme, once the Act has been commenced, which processes, it should be noted, may include a request by the Minister for Housing, Local Government and Heritage, or a local authority to the Housing Agency, and whereby the Housing Agency thereafter carries out testing of dwellings in a given local authority administrative area.

As soon as practicable after the completion of any testing, the Housing Agency shall make a recommendation to the Minister for Housing, Local Government and Heritage that an order should or should not be made by the Government to designate the whole or part of a local authority's administrative area.

Local authorities seeking to formally apply to the Housing Agency to be included in the enhanced grant scheme may do so upon commencement of the Act. The Regulations will include various details to be provided when a local authority requests the Housing Agency to investigate / assess DCB occurrences in a non-designated county.

15 Glossary of terms

15.1 Overview

The purpose of this section is to provide list of terms pertaining to the Enhanced Defective Concrete Blocks Grant Scheme, or that are used in this Guidance document, along with their definitions.

15.2 Glossary

“**The Act**” means the Remediation of Dwellings Damaged by the Use of Defective Concrete Blocks Act 2022.

“**Act of 2000**” means the Planning and Development Act 2000.

“**Act of 2001**” means the Local Government Act of 2001.

“**Act of 2004**” means the Residential Tenancies Act 2004.

“**administrative area**” means an area which continues to stand established under section 10 of the Act of 2001 for the purposes of local government.

“**appellant**” is the person who is making the appeal.

“**damage**” means visible deterioration, degradation or cracking which has occurred in an external, or internal, wall of a dwelling, resulting from the presence of certain deleterious materials in defective concrete blocks incorporated in the wall, evidenced by one or more of the first five defects set out in the key to Figure 2 of I.S. 465:2018.

“**damage threshold**” means pattern like cracking (combined horizontal and vertical), in the wall of a dwelling house, mentioned in the second defect set out in the key to Figure 2 of I.S. 465:2018 on at least one elevation, externally or internally, in which a crack width equal to, or greater than, 1 millimetre is present.

“**defective concrete blocks**” (also referred to as ‘DCB’) means concrete blocks that contain excessive amounts of free or unbound muscovite mica or reactive pyrite or a

combination of both, or excessive amounts of such other deleterious material or combination of materials as may be prescribed under section 41 of the Act of 2022.

“designated local authority” means a local authority designated by order under section 5 of the Act of 2022;

“designated local authority area” has the meaning given to it by section 5 of the Act of 2022.

“development” has the meaning it has in the Act of 2000.

“dwelling” means a house and does not include an apartment, maisonette or duplex.

“General Data Protection Regulation” means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016.

“Housing Agency” means the Housing and Sustainable Communities Agency.

“I.S. 465:2018” means Irish Standard 465:2018 Assessment, testing and categorisation of damaged buildings incorporating concrete blocks containing certain deleterious materials and Amendment 1:2020, published by the National Standards Authority of Ireland.

“landlord” means the person entitled to receive (otherwise than as agent for another person) the rent in respect of a dwelling from the tenant.

“local authority” has the same meaning as it has in the Act of 2001.

“Local Property Tax” is a self-assessed tax charged on the market value of residential properties in the State.

“Minister” means the Minister for Housing, Local Government and Heritage.

“owns” means an individual who has a freehold estate or a leasehold estate, with more than 70 years remaining on the term of the lease, in the relevant dwelling.

“**permission**” has the meaning it has in the Act of 2000.

“**personal data**” has the same meaning as it has in the General Data Protection Regulation;

“**prescribed**” means prescribed by regulations made by the Minister.

“**previous scheme**” means the Defective Concrete Blocks Grant Scheme open to counties Donegal and Mayo, commenced in June underpinned by S.I No. 25/2020 as amended. The previous scheme was revoked on commencement of the enhanced scheme subject to the transitional provisions in Sections 56 and 57 of the Act of 2022.

“**principal private residence**” means a dwelling a relevant owner of which occupies it as his or her only or main residence.

“**processing**”, in relation to personal data, has the same meaning as it has in the General Data Protection Regulation.

“**relevant dwelling**” means relevant dwelling under section 8 of the Act of 2022.

“**residential tenancies register**” means the register established and maintained by the Residential Tenancies Board under section 127 of the Act of 2004.

“**relevant owner**” other than in Chapter 2 of Part 3, means relevant owner under section 9(1) of the Act of 2022.

“**RTB**” means the Residential Tenancies Board under Section 127 of the Act of 2004.

“**Tax Clearance Access Number**” is a number provided by Revenue for the purpose of confirming tax compliance. An applicant must hold a current tax clearance certificate (number) in order to qualify for State or Public Authority grant or subsidies of a value of €10,000 or more, within any 12 months’ period.

“**tenant**” means a person entitled to the occupation of a dwelling under a tenancy.

“**tenancy**” includes a periodic tenancy and a tenancy for a fixed term, whether oral or in writing or implied.

“unauthorised structure” has the same meaning as it has in the Act of 2000.

Appendix A – List of Schedules in the 2023 Regulations

Schedule Number	Title	Purpose
1	Building Condition Assessment Report (BCA Report)	The form to be completed by a competent building professional in the assessment of a dwelling to identify if the dwelling is exhibiting damage consistent due to the use of defective concrete blocks containing excessive amounts of deleterious material and to quantify the extent and significance of such damage
2	Application Form	The form to be completed by an applicant when applying for a remediation option grant
3	Notification of decision of the Housing Agency to the applicant	The form to be completed and then issued by a designated local authority to an applicant, which informs the applicant of the decision of the Housing Agency regarding their application for a remediation option grant and the reasons for the decision
4	Remedial Works Plan (Inspection Plan)	The form to be completed by a competent building professional in developing the inspection plan for the implementation of the remedial works plan on a dwelling that is damaged due to the use of defective concrete block containing excessive amounts of deleterious material
5	Grant Payment Form – Full or staged payment	The form to be completed by an applicant, whose application for a remediation option grant has been approved, for payment of the remediation option grant, in whole or in parts
6	Interim Valuation Certificates	The form(s) to be completed by a competent building professional or where the remediation option is the demolition of

Schedule Number	Title	Purpose
		the relevant dwelling, a competent engineer, to describe the works completed since date of commencement of the works notified to the designated local authority by the relevant owner or where a previous interim valuation has been provided since the date of that previous interim certificate
7	Notice of commencement of works by the relevant owner to the designated local authority	The form to be completed by a relevant owner to notify a designated local authority of the date of commencement of the works necessary to carry out the approved remediation option
8	Request from a relevant owner to the designated local authority for an extension to commencement of the works	The form to be completed by a relevant owner to notify a designated local authority of the relevant owner's request for an extension, to: (a) the period for commencement of the works necessary to carry out the approved remediation, or (b) the period for making an application for payment of remediation option grant
9	Request from a relevant owner for a review of the decision by the designated local authority to refuse the request for an extension to the commencement of works	The form to be completed by a relevant owner to notify a designated local authority of the relevant owner's request for a review of the designated local authority's decision to refuse their request for an extension to the commencement of works/making an application for payment of remediation option grant
10	Certificate of Remediation	The form to be signed by the contractor who carried out and supervised the works the subject of the certificate, and where the approved remediation option is the demolition of the relevant dwelling and the reconstruction of the dwelling, the competent building professional who designed and inspected the works the subject of the certificate, or for any other approved remediation option, the competent engineer who designed and

Schedule Number	Title	Purpose
		inspected the works the subject of the certificate
11	Letter of Assurance	The form to be issued to the relevant owner by the designated local authority in the case of an approved remediation option, or any additional works completed by the relevant owner, which did not result in the demolition of the relevant dwelling and the reconstruction of the dwelling, which will allow the relevant owner to make an application for a second grant, and an ancillary grant, in respect of the relevant dwelling within the period of 40 years (beginning from the date of the letter of assurance) where the original concrete blocks retained in the relevant dwelling after the first remediation subsequently proves defective in accordance with I.S. 465:2018 as defined by the Act, or any amendment or replacement of I.S. 465:2018.
12	Application Form for an Ancillary Grant	The form to be completed by a relevant owner who wishes to make an application to a designated local authority for an Ancillary Grant
13	Change of Relevant Owner Form	The form to be completed by the legal personal representative of the relevant owner to notify the designated local authority of the death of the relevant owner after a decision has been made by the designated local authority regarding the validity of the relevant owner's application for a remediation option grant, and that a person who has inherited or will inherit the dwelling wishes to be considered the relevant owner of the dwelling for the purposes of this Act
14	Recovery of payment under Section 18 of the Act of 2022	The form to be used by the designated local authority to notify the relevant owner of the dwelling, of the recovery of

Schedule Number	Title	Purpose
		payment previously made to the relevant owner under Section 18 of the Act
15	Notice of Appeal	The form to be completed by an applicant or relevant owner to lodge an appeal with the Appeals Panel on key decisions made under the grant scheme

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