

National Oversight and Audit Commission

Rented Houses Inspections

A Review of Local Authority Performance of Private Rented
Houses Regulations Functions

NOAC (the National Oversight and Audit Commission) was established in July 2014 under the 2014 Local Government Reform Act to provide independent oversight of the local government sector. The statutory functions assigned to NOAC include supporting the development and enhancement of best practice in the performance by local government bodies of their respective functions. For the purpose of this function NOAC undertook a thematic review of the performance by local authorities of the functions assigned to them under the regulations applicable to the private rented sector with a view to forming a view as to how well these functions are performed. This report is based on the responses from local authorities to a questionnaire issued by NOAC dealing with local authority functions under the regulations applicable to the private rented sector.

Summary and Conclusions

In 2014 there were 285,025 registered private tenancies in all local authorities. This includes tenancies under private contractual arrangements and under the public sector Rental Accommodation Scheme (RAS) and the Housing Assistance Payment (HAP) scheme. Dublin City Council had by far the highest number of private tenancies at almost 70,000.

The sector accounts for a substantial proportion of housing accommodation. It now provides accommodation for more than twice the number of households that are housed in dwellings owned by local authorities. With the growing incidence of private renting, including accommodation provided under RAS and HAP, it is important that local authorities carry out their functions of inspection and enforcement in an efficient and effective manner.

Data Collection Matters

The review by NOAC of the implementation by local authorities of their functions in the area of private rented dwellings was survey-based. A disappointing feature of the process was the lack of consistency in the information provided by local authorities. Certain local authorities provided different information in response to the survey when compared to data supplied by them for the purpose of performance indicators published by NOAC and to data supplied to the Department of Housing, Planning, Community and Local Government.

In order to bring a measure of consistency to the information used in this report, the number of tenancies used has been based on data held by the Residential Tenancies Board. Financial allocations to local authorities to assist towards the cost of inspection work and some other data have been taken from the Department records and all other figures used in this report have been taken from replies to the survey which have been confirmed by Chief Executives of local authorities.

The lack of consistency in data that was noted in the course of compilation of this report has implications for the quality of internal local authority management information and for the completeness and accuracy of information used by central government and NOAC, (for example, in the allocation of funding and compilation of indicators).

Inspection Planning and Resourcing

There was a total of just 65 whole-time equivalent (WTE) staff working on tasks relating to the private rented sector in all local authority areas in 2014. Dublin City Council accounted for 10 of these staff.

Local authorities reported spending €3.3m in 2014 on functions related to the private rented sector. Over €1m of the total expenditure of €3.3m related to the engagement of external inspectors.

The review found that local authorities do not have any common basis for the selection of accommodation for inspection. Some said that they prioritised inspections based on complaints by tenants or gave precedence to the inspection of properties being admitted to the RAS or HAP schemes. Others reported that they used the register of the Residential Tenancies Board to select dwellings. The bulk of inspections are either reactive or inspections required under the RAS and HAP schemes which now account for a large proportion of overall inspections. While making up 6.6% of all tenancies they accounted for 29% of all units inspected in 2014. The impetus for this resource allocation is a policy which

requires that all such accommodation be inspected before the tenancy commences in the case of the RAS scheme and generally within eight months of commencement in the case of the HAP scheme. With the increasing use of the RAS and HAP schemes, resources available for the inspection of privately contracted tenancies are likely to be constrained so local authorities need to address the challenge this will create.

28 of the 31 local authorities reported having systems in place for tenants in private rented properties to request an inspection from the local authority and 17 said that they carry out these requested inspections within two weeks.

26 local authorities said that they set target numbers of inspections each year. This target appears to be resource driven in most cases. Eight said that they set a minimum cycle within which to inspect all properties, though this cycle varied from three to five years. Based on the levels of inspection actually achieved in 2014, it is likely that inspection intervals generally are quite long. Of those authorities that had set inspection intervals, only two – Roscommon and South Dublin – had set target inspection levels sufficient to meet the intervals that they had established.

The inspection process is not necessarily straightforward in that over half of authorities reported some instances of inability to gain access to premises and many had experienced difficulty in identifying landlords.

The resources devoted to these functions varied considerably amongst authorities with the proportion of staff to tenancies ranging from 0.007 to 1.263 per thousand tenancies. The average cost of an inspection is €178 and varies from €47 in Mayo to €775 in Louth. Most authorities with high inspection costs had low rates of inspection (less than 2% of tenancies).

In the eight authorities with more than 10,000 tenancies, representing 60% of all registered tenancies¹, there was considerable variation also. Staff per 1,000 tenancies ranged from 0.05 in Galway City to 0.28 in Dún Laoghaire-Rathdown and the unit cost of an inspection ranged from €50 in Limerick to €284 in Dublin City.

There can be substantial variation across authorities in planned inspection targets when compared to the resources allocated, with some authorities expecting a multiple of the output of others for equivalent resources. This variability suggests differences in the planned intensity of inspections.

In practice, around half of local authorities have standard inspection programmes but it is unclear to what extent they are comparable in content between authorities. Based on the variation in resources applied, it is likely that the type and intensity of inspection varies considerably. Reported average inspection duration ranged from 20 minutes to 2½ hours, while team size ranged from one to three².

While all authorities check for compliance with the Standards Regulations, only 12 reported routinely checking compliance with the Rent Books Regulations. Consequently, 19 authorities do not plan any inspection in relation to the Rent Books Regulations and most of

¹ The authorities with more than 10,000 tenancies are Cork City, Cork County, Dublin City, Dún Laoghaire-Rathdown, Fingal, Galway City, Kildare and Limerick.

² This excludes certain administrative staff. For example, in Sligo three further staff are involved in the process.

the remainder who do indicated that there is no follow-up in cases of non-compliance with those Regulations.

The Rent Books Regulations focus on two main matters – receipting financial transactions between the parties and ensuring that specified information, including the amount of rent, the identity of the landlord and the term of the tenancy, is documented. NOAC considers that there is a need to review how compliance with the proof of receipt of rent provision should be established in on-the-ground inspections given changes in modern payment systems. The requirement to ensure that the specified information relating to all tenancies is documented in writing is an important element of the Regulations and needs to be addressed as part of the inspection process.

In 2015, €2.03m was transferred to local authorities from registration fees paid to the Residential Tenancies Board as determined by the Department based on the 2014 activity levels as returned in statistics provided to the Department. Those resources represented 60.5% of reported expenditure on the function in 2014 with six authorities receiving more than they had expended on this work in 2014. A greater proportion of funds was applied by local authorities generally on the inspection of RAS and HAP properties than on the inspection of privately contracted tenancies.

Inspection Activity and Outcomes

Over 15,000 dwellings were inspected in 2014. The highest number was in South Dublin (2,402) and the least was in Louth, with just 21 dwellings inspected. There was wide variation in the proportion of properties inspected. Seven local authorities inspected less than 2% of rented dwellings, eight inspected between 2% and 5%, seven inspected between 5% and 10%, while five inspected between 10% and 19% and four inspected over 20% of their registered dwellings. All of the eight authorities with more than 10,000 tenancies inspected less than 5% of the registered properties in their area.

Inspection activity is at a low level in a number of local authorities and at less than 2% of registered tenancies in 2014 in the case of the following seven authorities: Dún Laoghaire-Rathdown, Galway City, Galway County, Limerick, Louth, Meath and Offaly.

Cavan inspected the highest proportion of its registered properties, 34%, while Louth inspected less than 1% of its registered properties.

Amongst the eight authorities with more than 10,000 registered tenancies, the inspection rate also varied ranging from 1.3% in Galway City to 4.7% in Kildare.

Around 55% of the dwellings inspected were non-compliant, with Improvement Notices issuing in 1,403 or around 9% of premises inspected. The bulk of these Notices were in Dublin City and Sligo. When these are excluded, only 169 Improvement Notices issued in respect of 4,749 non-compliant dwellings across the rest of the country. Fire safety and ventilation were the most common deficiencies found by inspectors.

In the case of the eight authorities with more than 10,000 tenancies, there was also a wide variation in inspection outcomes. Reported non-compliance ranged from 27% in Fingal to 100% in Dún Laoghaire-Rathdown and Limerick. Only a small proportion of the non-compliant cases found on initial inspection were resolved by follow-up inspection in four of these eight authorities. The level of non-compliance did not vary substantially with the proportion of premises inspected. When classified into bands (for rates of inspection in

2014), although a higher rate of non-compliance (nearly $\frac{2}{3}$ of dwellings) was reported where inspection levels were below 5%, there was also a high non-compliance rate for those in the other inspection bands. This indicates that non-compliance is broad-based. Within this overall picture, the results of individual authorities' inspections revealed a significant minority with high levels of compliance³. This suggests a need for authorities to conduct a deeper comparative analysis of their inspection systems and results' categorisation so as to bring a measure of consistency to the conduct and reporting of inspection work across the country.

With the exception of one notice issued by Louth County Council, only Dublin City Council used Prohibition Notices, which are designed to prevent the further letting of non-compliant premises following expiry of the current tenancy.

36 cases were prosecuted for failure to comply with an Improvement Notice and four cases for contravention of the Standards Regulations. All of these prosecutions were initiated by Dublin City Council.

Given the level of non-compliance noted it appears that inspection alone will not lead to on-the-ground improvements. Even in authorities with high levels of inspection, reported non-compliance was in general high. This suggests that authorities need to look at awareness campaigns designed to achieve a greater level of voluntary compliance focused on high risk areas.

There appears to be scope to improve transparency since 22 authorities did not make copies of inspection reports available to tenants.

NOAC Findings

While acknowledging that there is a considerable variation in methods used to select cases for inspection, NOAC is concerned at the high level of non-compliance found in actual inspections and the risk that the public policy requirements relating to the standard of private rented accommodation embedded in the legislation will not be achieved.

The review noted that although there were high levels of non-compliance, there was limited recourse to Improvement Notices and Prohibition Notices and follow-up inspections did not appear to achieve a high degree of compliance in many authorities. Overall, there needs to be greater transparency around how issues identified in the course of inspections are followed up and resolved.

The scale of reported non-compliance suggests that increased inspection work needs to be complemented by an awareness campaign based on high risk categories to have a material impact. There is also a need to risk-rate the failures detected. All inspection reports should be made available to tenants to engage them in the improvement process, including as a means of potentially validating action by landlords arising from local authority notifications of non-compliance issues found.

The selection of dwellings for inspection should be put on a more systematic basis. In particular, an annual risk assessment based on experience to date should be used to focus any proactive element of the inspection programme.

³ For example, Cavan County Council who inspected 34% of tenancies and found 99% compliance and Monaghan County Council who had a compliance rate of 90% out of an inspection rate of nearly 25% in 2014.

The range of different approaches currently adopted by local authorities will facilitate the identification of good practice opportunities by comparing methods and approaches with a view to standardising the inspection process for the sector and the training of staff for this function.

The inspection process should include confirmation that the required documentation pertaining to the tenancy has been provided to the tenant. A realistic level of inspection of the receipting of rental payments, that takes account of modern payment methods, should be incorporated into inspection programmes.

All local authorities need to have systems in place to process requests from tenants for inspection of their accommodation. These inspections should be completed on a timely basis.

Some authorities had very high unit costs of inspection and, in general, they also had low rates of inspection. Those authorities, in particular, need to review their budgetary process and lower their unit cost by increasing the number of inspections achieved from the allocated resources.

While there is no reliable estimate of the level of unregistered tenancies, some authorities believe that not all tenancies in their area are registered. Since enforcement of the registration requirement is a function of the Residential Tenancies Board, authorities should draw that agency's attention to any cases encountered.

From an administrative perspective, there is a need to set a standard for the documentation of the planning, execution, outcome reporting and follow-up of inspections across all local authorities.

Finally, this review found that there were considerable data integrity issues relating to the information reported by local authorities on this activity. Authorities need to consider how they can improve the completeness and accuracy of their management information and of that supplied to external agencies, including the Department and NOAC.

Overall Finding

Based on the reported data NOAC concluded that the inspection process as currently administered by local authorities is not having a sufficient impact on the standard of rental accommodation.

NOAC will review the national performance indicator relating to private rented sector activity to include the compliance aspect and will revisit the performance of this function by local authorities in the medium term to review what progress has been made.

Recommendations for Improvements

Based on NOAC's review of the performance of their private rented sector functions, the following key recommendations should be considered by local authorities:

Improving Processes

- Local authorities should review their inspection processes and systems for proactive, reactive and emergency inspections to achieve maximum efficiency, effectiveness and greater sector-wide standardisation of content.

- The review should cover processes and systems for recording inspection data as well as the categorisation of dwellings based on risk and enforcement procedures when non-compliance is found, and look at the more specialised RAS/HAP scheme requirements and opportunities for co-operation in areas such as staff training.
- The gap that appears to exist between findings of non-compliance and enforcement action should be clarified and eliminated as appropriate.
- Based on the generally high non-compliance rate and given the absence of inspection targets in some cases, local authorities should introduce a risk based approach to target a proportion of the stock on a proactive and cost effective basis.
- Pending the development and implementation of such an approach, and the carrying out of appropriate awareness measures (see below), authorities should set inspection targets that would enable all dwellings to be inspected every five years. These targets would be subject to review in light of results from risk assessments and all other relevant actions.
- The constraint created for the resources available for inspection of privately contracted tenancies is likely to increase with the expansion of the RAS/HAP schemes and local authorities need to address this challenge.
- Inspections should confirm that tenants have received the specified details of the tenancy and statement of information set out in the Schedule to the Rent Books Regulations.
- The content and accessibility of local authority website information relating to their rented sector functions should be reviewed.

Improving Reporting and Follow-Up

- There should be a clear and transparent system for setting out the follow-up action to be taken whenever non-compliance is found and for annual reporting to the Department about the actions taken to address non-compliant dwellings.
- Local authorities should explore how to involve tenants in the follow-up process, including the copying to them of inspection reports and subsequent communications to the landlord.
- Greater use should be made of the Prohibition Notice procedure, which appears to be under-utilised, with a view to achieving rectification of compliance issues prior to any re-letting of a dwelling that was found to be non-compliant and could not be remedied while the tenant was in occupation.
- Non-compliance rates are in general high, with ventilation and fire safety issues the most common cause, so an awareness campaign, targeted at tenants, landlords and their agents and focussed on the key risk factors encountered in inspections, might usefully complement inspection work.

Improving Management of the Function

- There should be specific budgetary provisions that align resources to targets.
- Financial management processes should ensure that all funds provided for this function are applied for the purpose intended.
- More equitable alignment of the cost of inspections with the allocated funding should be examined.

- The focus by local authorities on their rented sector functions would be strengthened by the introduction of local performance indicators for key stages of the process and by the establishment of associated targets.
- The performance against target data should be included in the monthly reporting by Chief Executives to the elected members.

Chapter 1 - Introduction

The national housing strategy policy objective is for all households to have access to secure, good quality housing suited to their needs⁴ and the private rented sector is a pillar of that strategy.

In 1991 the number of households living in private rented accommodation accounted for 8% of all households and there were 81,424 dwellings in the sector. Since then, this proportion has changed as the private rented sector assumes an increasingly important role in accommodating a diverse range of households. By 2011, 305,377⁵ households or 18.5% of all households were in private rented accommodation, representing a 275% increase in the absolute number of such households and a 10.5% increase in the proportional size of the sector since 1991. This trend has continued with 323,758 tenancies registered with the RTB in the first quarter of 2016.⁶

The **Department of Housing, Planning, Community and Local Government** is the Department primarily responsible for the formulation and implementation of policy and for the preparation of legislation in relation to housing, including the private rented sector. The vast majority of housing services for which the Department is responsible are delivered through the local authorities.

The **Local Government Management Agency (LGMA)** is an agency of local authorities, primarily funded by local authorities, that supports the coordinated and cost effective delivery of local government services and policy.

The **Residential Tenancies Board (RTB)** was established in 2004 under the Residential Tenancies Act. Its main functions are:

- Maintaining a register of private residential tenancies and tenancies of approved housing bodies
- Providing a dispute resolution service for tenants and landlords (including approved housing bodies)
- Carrying out research into the private rented sector

It also provides policy advice to the Government on the private rented sector.

It is a function of local authorities to enforce the provisions of the Housing (Standards for Rented Houses) Regulations and of the Housing (Rent Books) Regulations in relation to all rented accommodation. Although this enforcement function includes ensuring that the accommodation provided by local authorities themselves to their own tenants complies with these regulations, this report is confined to the performance of the function in respect of accommodation in the private rented sector only.

1.1 The Regulations

The Housing (Standards for Rented Houses) Regulations 2008 (as amended in 2009) and the Housing (Rent Books) Regulations 1993 (as amended in 2004 and 2010) were made by the Minister under the 1992 Housing Act⁷, as amended. That legislation requires landlords to ensure that their rented houses comply with the requirements of the regulations. The statute empowers local authorities to authorise a person to enter, at all reasonable times,

⁴ Statement of Strategy 2015 – 2017 and Rebuilding Ireland (2016): Department of Housing, Planning, Community and Local Government

⁵ Review of Irish Social and Affordable Housing Provision – NESC Secretariat Papers – Paper No. 10 July 2014

⁶ RTB Rent Index Q1 2016

⁷ A summary of the requirements of both sets of regulations is at Appendix J.

and inspect a rented house and the rent book documentation. If the local authority is not satisfied with the standard of the accommodation, it may in practice seek to resolve the matter initially by written communication with the landlord. Where a breach of the Standards for Rented Houses Regulations occurs (or the informal approach is unsuccessful), the authority may give a written Improvement Notice to the landlord (copied to the tenant) directing the remedying of the contravention within a specified period. Where an Improvement Notice is not complied with, nor successfully appealed, the local authority may then serve the landlord with a Prohibition Notice (copied to the tenant) directing that the landlord shall not re-let the house after the end of the existing tenancy until the contravention of the Regulations has been remedied.

Authorities must arrange to bring the contents of such notices to the attention of the public. The essential function of local authorities under the Regulations, therefore, is to inspect private rented accommodation to determine compliance and to take action by way of the Improvement/Prohibition Notice procedure if non-compliance is found and not remedied when brought to the attention of the landlord.

1.2 State Supported Rental Schemes

As well as carrying out planned and emergency inspections of rented properties in their areas in performance of these enforcement functions, under their wider housing functions local authorities also carry out inspections of units proposed for inclusion in the Rental Accommodation Scheme (RAS) prior to a tenancy commencing and within the first eight months of tenancy of all rented accommodation under the Housing Assistance Payment Scheme (HAP).

RAS and HAP Schemes

The Rental Accommodation Scheme (RAS) is a social housing support introduced to cater for the accommodation needs of persons who have been in receipt of rent supplement for 18 months or more and who have been assessed as having a long-term housing need. Under RAS, local authorities source accommodation in the private rented sector and draw up contracts with the landlords to provide housing for an agreed term for people with a long-term housing need. The local authority pays the rent directly to the landlord and any tenant contribution is paid to the local authority.

Under the Housing Assistance Payment Scheme (HAP), local authorities provide housing assistance for households who qualify for social housing support, including long-term rent supplement recipients. Under HAP, local authorities will make rent payments, subject to rent limits, on behalf of the HAP recipient, directly to the landlord in respect of accommodation in the private rented sector that has been sourced by the tenant. The HAP recipient will then pay a differential rent contribution to the local authority.

A requirement of both schemes is that the accommodation concerned is compliant with the Standards for Rented Houses Regulations, which necessarily involves any accommodation being considered for inclusion under these schemes being inspected by the local authority in advance of the tenancy commencement in the case of RAS and within eight months* in the case of the HAP scheme.

* If the dwelling was not inspected in the previous year, the inspection process must have commenced within 8 months of the tenancy commencing.

1.3 Previous Initiatives

Action on Private Rented Accommodation Standards launched by the then Department of the Environment, Heritage and Local Government in September 2006 was a programme to achieve the commitment in the partnership programme *Towards 2016* that minimum standards regulations in the private rented sector would be updated and effectively enforced. This resulted in the enhanced 2008 and 2009 Standards for Rented Houses Regulations and the programme also asked local authorities “to prioritise action to improve enforcement of the regulations through a planned and strategic approach, focussing particularly on the accommodation most likely to be deficient, while avoiding, as far as possible, adverse impact on tenants in enforcement of the regulations.” As a first step in a more planned approach, local authorities were to set targets for inspection of accommodation over the period to the end of 2007 and to make future returns on inspection activity on a quarterly basis, which would be related to future funding.

The Housing Agency published Good Practice Guidelines for Local Authorities on *Standards in the Private Rented Sector: Strategic Planning, Effective Enforcement* together with *Promoting Good Standards in the Private Rented Sector: Review of Policy and Practice* (both 2007). The latter referred to the requirement for each local authority to set annual inspection targets and submit these to the Department. Periodic circulars issue from the Department with Targeted Inspection Programme Assessment Questionnaires for completion.

In 2010 the Department provided additional funding for Intensified Inspection Projects which were once-off strategically-planned programmes of inspection to be carried out by participating authorities in addition to their usual inspection activity. Funding for these projects was awarded where authorities agreed to undertake additional, targeted inspection activity, over and above what they would conduct as part of their usual inspection programme. A total of 20 applications were received and the Department administered the programme on foot of action plans and returns submitted by the participating authorities. The Department, by means of on-site visits, examines a sample of local authorities' inspections procedures each year, with particular reference to the Intensified Inspection Projects, to verify that value for money is being achieved.

With the growth of the private rented sector, increased importance attaches to the performance by local authorities of their functions relating to enforcement of the Standards for Rented Houses and Rent Books Regulations.

1.4 Background to the Report

NOAC (the National Oversight and Audit Commission) is a statutory body, established under Part 12A of the Local Government Act 2001, to oversee the local government sector.

NOAC's statutory functions are wide ranging, involving the scrutiny of performance generally and financial performance specifically, supporting best practice, overseeing implementation of national local government policy and monitoring and evaluating implementation of corporate plans, adherence to service level agreements and public service reform by local government bodies, as well as any additional functions assigned, or reports requested, by the Minister.

1.5 Scope of the Review

NOAC decided in 2015 to carry out an examination of the performance by local authorities of functions under the Regulations applicable to the private rented sector and this report contains the findings arising from that work. For the purposes of this report, the private rented sector includes private contracted tenancies and those under the RAS and HAP schemes.

1.6 Research Objectives

The survey of local authorities undertaken for the purposes of this report sought to establish how they perform their functions under the Housing (Standards for Rented Houses) and Housing (Rent Books) Regulations, the level of inspection activity undertaken and how they ensure compliance by private landlords with the requirements of the Regulations, particularly in relation to the enforcement of standards.

1.7 Review Method

The data for this survey was collected by questionnaire, issued electronically to housing officials in each of the 31 local authorities.

Initially a draft questionnaire was prepared by NOAC. A representative group of Grade 8 local authority officials working in the housing area, a Housing Director of Services and a Local Government Management Agency (LGMA) official was formed and circulated with the draft questionnaire for views. Following a focus group meeting of these representatives in June 2015, the questionnaire was revised and provided to the LGMA for formatting to enable electronic data collection and the questionnaire was then emailed in August 2015 to each local authority for completion by 21 November 2015. Responses from all local authorities were received by end November 2015. As the questionnaires were completed in 2015, local authorities were requested to provide data in respect of 2014.

The data returned by the local authorities was checked by the Housing Agency and a large number of queries followed up. In February 2016 local authority Chief Executives were sent a copy of the key data they had returned to confirm the responses that they had provided, before compilation of the report based on the data supplied. The data was then collated by the Housing Agency and analysed and a draft report prepared for consideration by NOAC.

This draft indicated considerable on-going inconsistencies in the data provided by several local authorities so NOAC referred the draft report and a document highlighting a selection of the inconsistent data to Chief Executives in early July 2016. This resulted in further amendments of some of their data by the majority of local authorities who responded to the letter over the following seven weeks. Accordingly, all the local authorities had the opportunity to make amendments to their data and ensure the accuracy of what was provided.

The checking and re-checking of much of the data added considerably to the work and time involved in the production of this report. In order to bring a measure of consistency to the information used in this report, the number of tenancies has been based on data held by the RTB. Financial allocations to local authorities to assist towards the cost of inspection work and some other data have been taken from records of the Department of Housing, Planning,

Community and Local Government and all other figures used in the report have been taken from replies to the survey as amended or confirmed by Chief Executives. Appendix A outlines remaining apparent inconsistencies in the data. In general, the data is adequate to indicate the broad level of performance by local authorities of their private rented sector functions.

1.8 Outline of the Report

The report's Summary and Conclusions are at pages 2 to 8.

Chapter 2 provides information on numbers of registered tenancies, staffing levels, expenditure costs and processes, procedures for and difficulties with inspections of properties. Chapter 3 contains information on the outcomes of inspections.

References to the Department in this report are to the Department of Housing, Planning, Community and Local Government and references to authorities are to the 31 local authorities.

1.9 Acknowledgements

NOAC would like to acknowledge and thank the local authority housing officials who completed the questionnaire and responded to follow-up queries, the members of the focus group who provided their expertise and clarified processes and procedures in response to NOAC requests and the LGMA who collected the data from the local authorities. NOAC is also very grateful to the Housing Agency for its work in compiling the data and initial draft of the report.

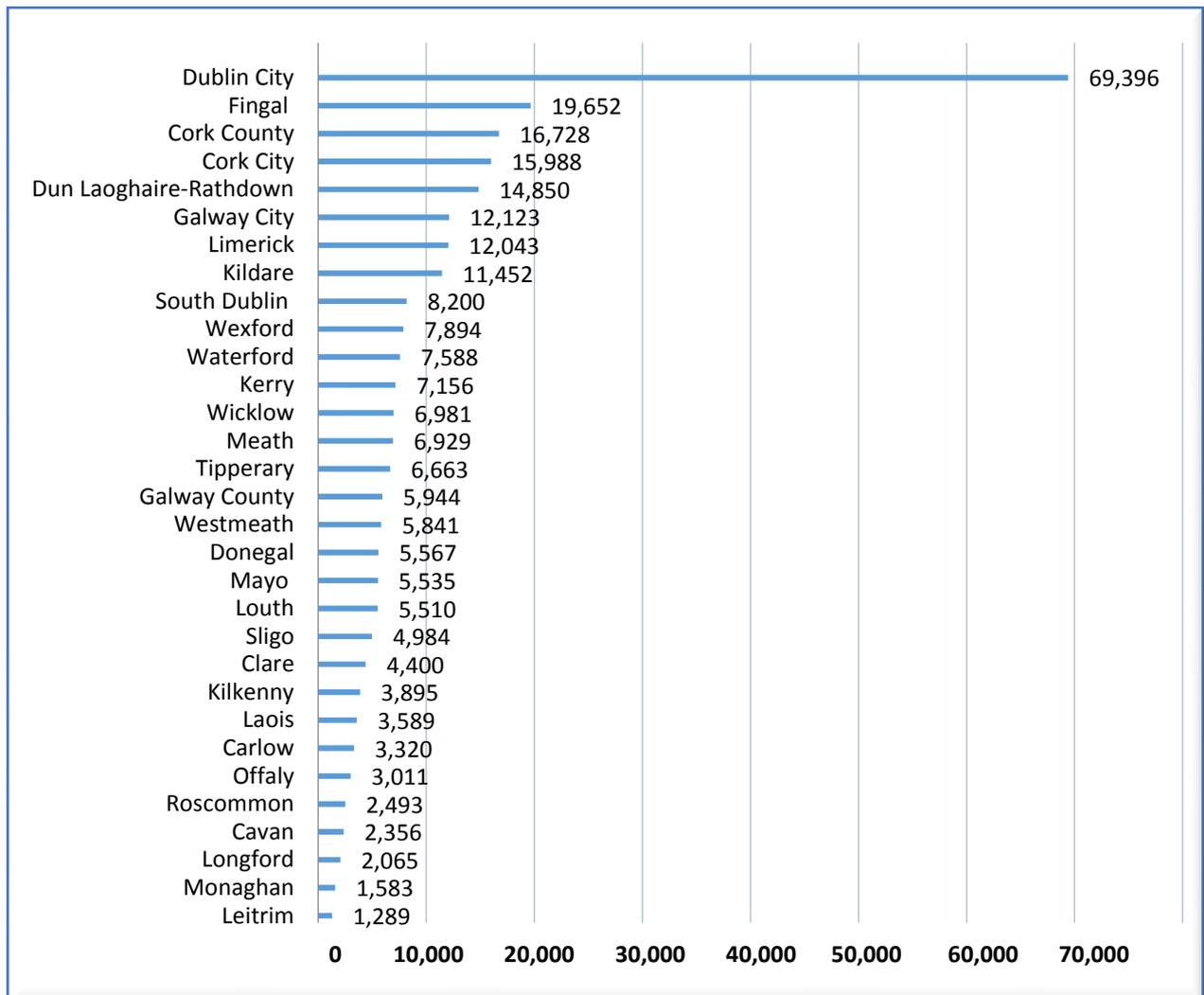
Chapter 2 – Private Rented Tenancies and Inspection Activity

This chapter contains information on overall numbers of tenancies, the numbers of staff in local authorities working on the private rented sector and the financial implications for local authorities of this function, the numbers of inspections, targets set and the procedures and processes put in place by local authorities for such inspections, as well as difficulties in carrying out the inspections.

2.1 Number of Registered Tenancies

The total number of registered tenancies at 31st December 2014 was 285,025 according to the RTB who maintain the register of tenancies. Figure 2.1 below and other references to registered tenancies in this report are based on the RTB data.

Figure 2.1: Number of Registered Tenancies at 31st December 2014



Dublin City Council had the highest number of registered tenancies with 69,396 and Leitrim had the lowest at 1,289. Some local authorities have expressed a view to NOAC that not all landlords are fully compliant with the requirement to register their tenancies with the RTB and that the actual number of tenancies is likely to be greater. Enforcement of the

registration requirement under the Residential Tenancies Act 2004 is a function of the RTB, but the Act authorises local authorities to share information in their possession with that body and the RTB has supplied local authorities with a standard referral form for this purpose. There is no reliable estimate of the extent of non-registration.

2.2 Local Authority Staff Numbers

There was a total of 65.26 whole-time equivalent (WTE) staff employed by all local authorities on tasks relating to private rented sector inspections in 2014. There was an average of 0.23 WTE staff per local authority per 1,000 registered tenancies. The reported staff complement for each 1,000 tenancies ranged from 0.007 in Offaly to 1.263 in Monaghan.

Numbers of staff reported to be engaged in private rented sector inspection functions ranged from 10 staff in Dublin City Council with nearly 70,000 tenancies to 0.02 WTE staff in Offaly with 2,800 tenancies⁸. A full breakdown of staff numbers and registered tenancies is in Appendix B. Staffing also varied among authorities that had a critical mass of tenancies. In the case of the eight authorities⁹ with more than 10,000 registered tenancies, staff levels for each 1,000 tenancies ranged from 0.6 in Galway City to 10 in Dublin City.

2.3 Local Authority Expenditure on Private Rented Sector Functions

The total expenditure reported by all local authorities on functions relating to the private rented sector in 2014 was €3,345,775. Table 2.1 gives the 2014 expenditure per local authority.

In accordance with Ministerial directions, a portion of annual registration fee income received by the RTB is transferred to local authorities in respect of their functions under the Rented Houses Regulations¹⁰. The proportion has been set at 20% since 7 July 2010 but was as much as 71% until March 2009. The Department issues a circular to local authorities each year advising them of the allocation of registration fee income for that year. The 2015 allocations in respect of 2014 activity totalled €2.03m. The balance retained by the RTB at 31 December 2014 was €3.58m.

Table 2.1 also shows the difference between expenditure on the private rented sector functions and the amount of registration fee income transferred to authorities in 2015 based on 2014 activity, ordered by the relative funding gap. The allocations in 2013, 2014 and 2015 were based on statistics supplied by the local authorities to the Department in respect of inspections in the previous year with an allowance of €100 for an initial inspection and €50 for a follow-up inspection that achieved compliance. As the responses to the questionnaire provided by many authorities related 2014 expenditure to 2015 registration fee income, the data in Table 2.1 is based on the Departmental allocations issued to them in 2015.

On the basis of the Departmental 2015 allocations data, Cavan, Donegal, Limerick, South Dublin, Waterford and Wexford all received income in excess of their expenditure in 2014 and the % received was 177% and 205% respectively in the case of Donegal and Limerick.

⁸ This WTE (equal to 4.5 days) would not have enabled the reported 50 inspections (at 2 hours per inspection) to be carried out in 2014. The data can be considered to be inconsistent in this instance.

⁹ Dublin City, Fingal, Cork County, Cork City, Dún Laoghaire-Rathdown, Galway City, Limerick and Kildare.

¹⁰ Section 176(5) of the Residential Tenancies Act 2004.

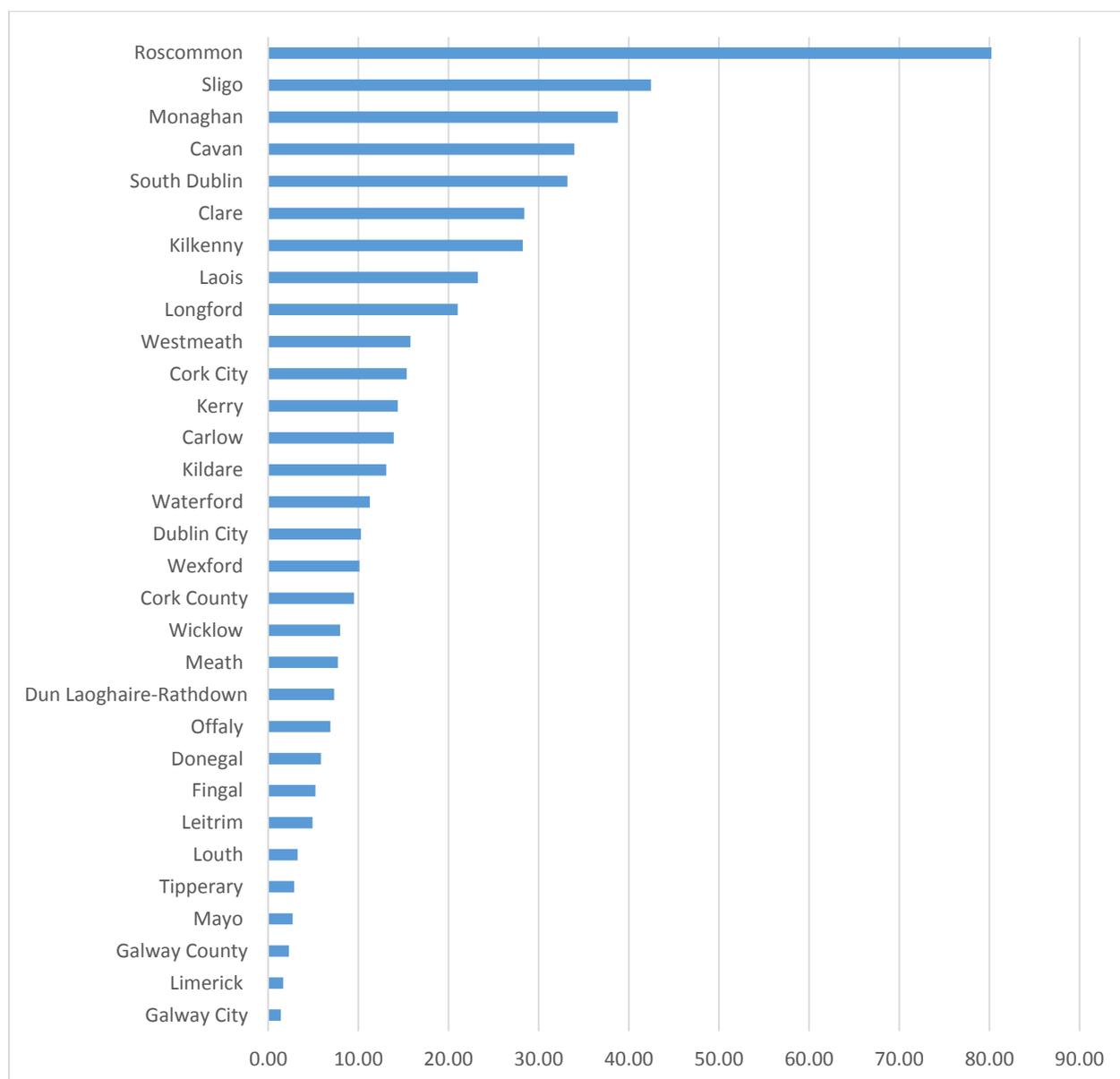
Most of the 25 local authorities receiving less than 100% funding, who answered the question as to how they funded the balance, responded that resources came from the Revenue Budget/Account and some from RAS funds/internal sources. Similarly, surplus funding was either absorbed into the Revenue Account or applied to other housing expenditure. The responses are included in the table below.

Table 2.1: Expenditure by Authorities on Private Rented Sector Functions in 2014

Local Authority	Total Expenditure in 2014 €	Department Allocation 2015 €	Surplus/Shortfall €	How was the <u>surplus applied</u> /balance funded?
Limerick	20,151	41,300	<u>21,149</u>	<u>Revenue budget</u>
Donegal	32,500	57,600	<u>25,100</u>	<u>Housing Mgt. Service Support Centre</u>
Wexford	80,046	90,800	<u>10,754</u>	<u>Surplus applied to Housing Dept. Balancing for 2014</u>
South Dublin	272,136	289,900	<u>17,764</u>	<u>Surplus was coded to PRD (Private Rented Dwelling) job code and reflected in overall balance of Housing Division A for AFS 2014</u>
Waterford	85,506	89,100	<u>3,594</u>	<u>Revenue budget</u>
Cavan	80,000	80,800	<u>800</u>	-
Galway City	17,000	17,000		
Leitrim	6,350	6,350		
Tipperary	19,100	19,100		
Westmeath	92,137	86,450	5,687	-
Carlow	46,192	38,300	7,892	Funded via balanced annual budget
Kerry	102,725	71,200	31,525	Revenue budget
Mayo	15,000	10,200	4,800	-
Wicklow	55,690	36,600	19,090	-
Monaghan	61,411	38,900	22,511	-
Cork City	245,713	137,100	108,613	RAS funds
Dublin City Council	713,859	369,050	344,809	DCC H&RS Budget
Cork County	159,444	82,300	77,144	Internal resources
Dún Laoghaire-Rathdown	108,555	51,600	56,955	Revenue budget
Clare	125,000	54,800	70,200	Revenue budget
Galway County	13,751	5,950	7,801	Revenue budget
Kildare	150,000	63,400	86,600	Revenue budget
Sligo	211,611	88,700	122,911	Revenue budget
Kilkenny	110,000	44,700	65,300	Revenue budget
Roscommon	200,000	76,600	123,400	RAS funds
Fingal	103,000	32,950	70,050	Revenue Budget - Division A (Housing & Building)
Meath	53,486	14,300	39,186	Revenue budget
Offaly	20,760	5,250	15,510	Internal resources
Laois	83,440	17,600	65,840	Revenue account
Louth	17,830	2,300	15,530	-
Longford	43,382	5,550	37,832	Revenue account
Total	€3,345,775	€2,025,750	€1,320,025	

The amount spent by local authorities when related to their registered tenancies varied substantially. In general, those with smaller numbers of tenancies had higher costs per registered tenancy. This may indicate that their fixed costs (the cost of maintaining an administrative and inspection capacity) contributed to higher unit costs. Roscommon County Council had the highest expenditure per registered property of all the local authorities in 2014, with a figure of €80.22 per registered tenancy being spent¹¹. The average expenditure was €11.74 per tenancy. The five authorities with the highest cost per tenancy also had the highest inspection rates and, apart from South Dublin, had relatively low tenancy numbers. Galway City and Limerick, who had the lowest cost per registered tenancy, at €1.40 and €1.67 respectively, have the 6th and 7th highest number of tenancies and had low inspection rates of 1.3% and 1.7% of their registered tenancies. Figure 2.2 shows the expenditure per registered tenancy for all local authorities.

Figure 2.2: Expenditure per Registered Tenancy in 2014



¹¹ Roscommon inspected 20% of all rental properties in 2014.

2.4 Local Authority Inspections

Local authorities reported having carried out inspections of a total of 15,080 private rented properties in 2014. This includes dwellings inspected for the purpose of RAS and HAP. They reported that they also carried out an additional 3,694 repeat inspections in 2014. South Dublin inspected the highest number of properties at 2,402 and Louth the lowest number at 21.

The number of dwellings inspected as a percentage of the total number of registered rental tenancies in the local authority area was analysed and Cavan County Council carried out the greatest percentage of inspections (34.3%) of all registered tenancies, while Louth carried out the lowest, with only 0.4% of all registered tenancies in Louth being inspected in 2014. Amongst the eight authorities with more than 10,000 registered tenancies, the inspection rate also varied, ranging from 1.3% in Galway City to 4.7% in Kildare. The overall pattern in regard to inspection rates is set out in Figure 2.3.

Figure 2.3: % of Registered Tenancies Inspected and Non-Compliance Rate

<i>Local Authority</i>	<i>% Units inspected</i>	<i>Inspected Failed %</i>
Louth	0.4	100
Galway County	1.0	100
Galway City	1.3	73.9
Meath	1.3	72.5
Dún Laoghaire-Rathdown*	1.4	100
Offaly	1.5	100
Limerick*	1.7	100
Fingal	2.1	26.7
Dublin City	2.2	60.2
Tipperary	2.9	59.7
Laois	3.7	20.9
Cork City	3.8	53
Cork County	4.4	93.6
Leitrim	4.6	18.6
Kildare	4.7	53.7
Wicklow	5.2	3.8
Carlow*	5.4	100
Kilkenny	7.2	100
Mayo	7.5	24.9
Longford	8.4	46.2
Kerry	9.8	32.1
Clare	9.9	69.6
Donegal	10.3	0.9
Waterford	10.5	8.8
Wexford	10.5	83.1
Westmeath	10.8	89.9
Sligo	12.0	86.6
Roscommon	20.0	77.6
Monaghan	24.7	10.2
South Dublin	29.3	60
Cavan	34.3	1

* Reported failure rates greater than 100% have been reduced to 100%.

2.5 Inspection Focus

Local authorities reported how they selected which private rented units to inspect. They use a mixture of methods: some selected from the RTB register, some prioritised complaints from tenants and others prioritised properties for RAS/HAP tenancies.

In the course of validation visits for the purpose of examining 2015 performance indicators reported by authorities, the following pattern emerged in respect of five of the reviewed authorities:

- In Dublin City Council 24% of inspections are targeted or proactive. The demands for inspection of RAS and HAP tenancies and reactive work on foot of complaints limit the extent to which inspections can be targeted.
- In Laois inspections are conducted solely in reaction to tenant complaints.
- Kildare stated that most inspections are for the purposes of the RAS and HAP schemes.
- Leitrim stated that it did not have a programme of targeted inspections¹².
- In Galway City all inspections were for the purposes of the RAS scheme.

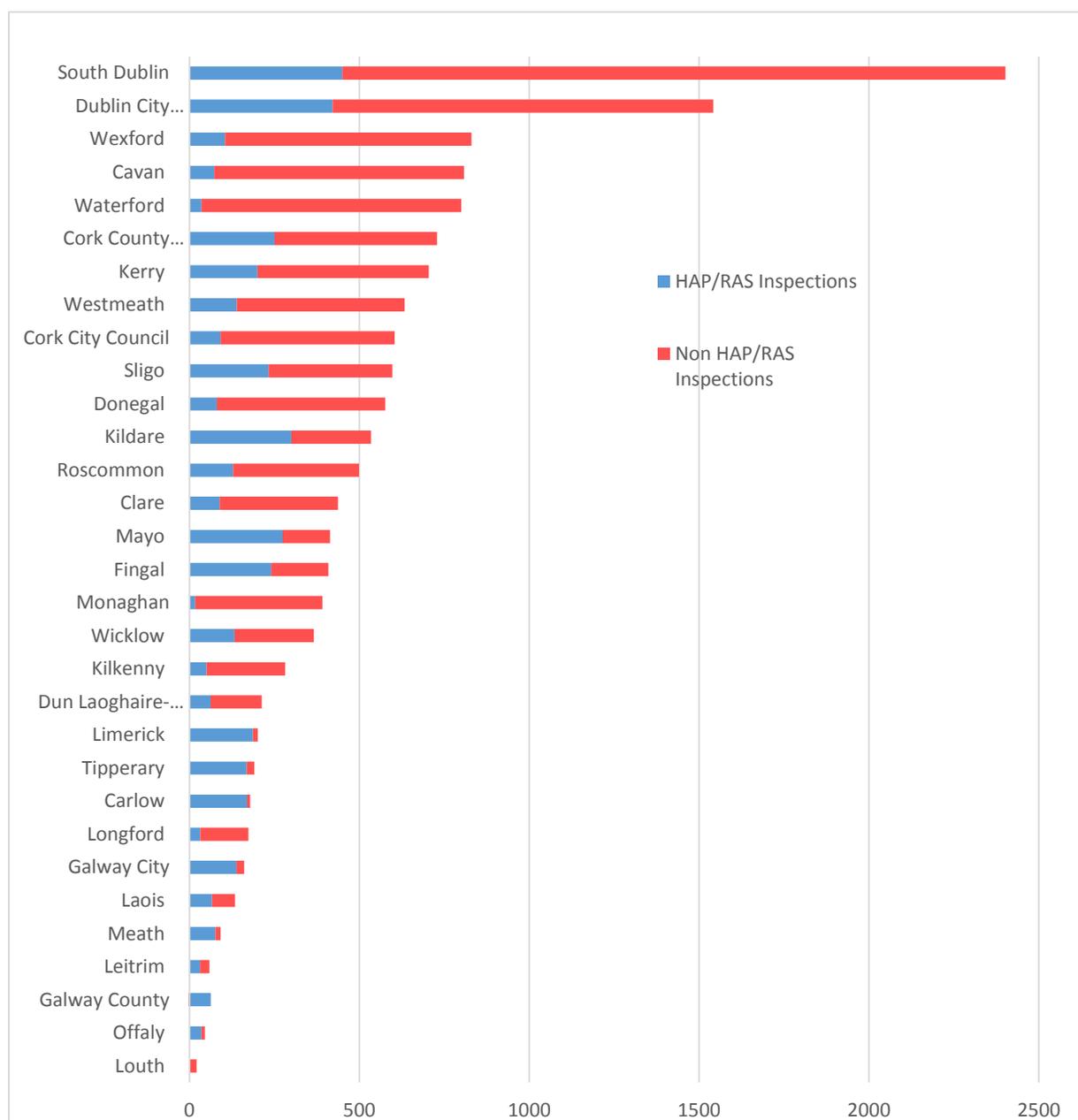
A total of 4,330 dwellings were inspected for the purposes of local authority functions under the RAS/HAP schemes. Although these tenancies represented only 6.6% of all private rented tenancies at the end of 2014, they accounted for 29% of all properties inspected that year.

Figure 2.4 shows the total number of inspected units per local authority, separated into the proportion inspected for RAS/HAP (blue) and the proportion that were not (red). South Dublin County Council inspected the largest number of units in 2014 at just over 2,400 and 18.7% were inspected for RAS/HAP scheme purposes. All units inspected in Galway County and almost all in Carlow (94.9%) and Limerick (93%) were for RAS/HAP purposes.

Circular 13/2013 of 30 April 2013 issued by the Department asked local authorities to put in place and publish on their websites a strategic plan for carrying out inspections, to include the percentage as well as the type of rental properties to be targeted in a given year and a system plan for follow-up procedures in the case of non-compliance. The material on Kilkenny County Council's website refers to this request but, as at May 2016, none of the local authorities' private rented sector website material included a strategic inspection plan.

¹² This, however, contradicts the Council's response to the questionnaire which stated that it has a target of 50 inspections annually.

Figure 2.4: Inspection Activity 2014



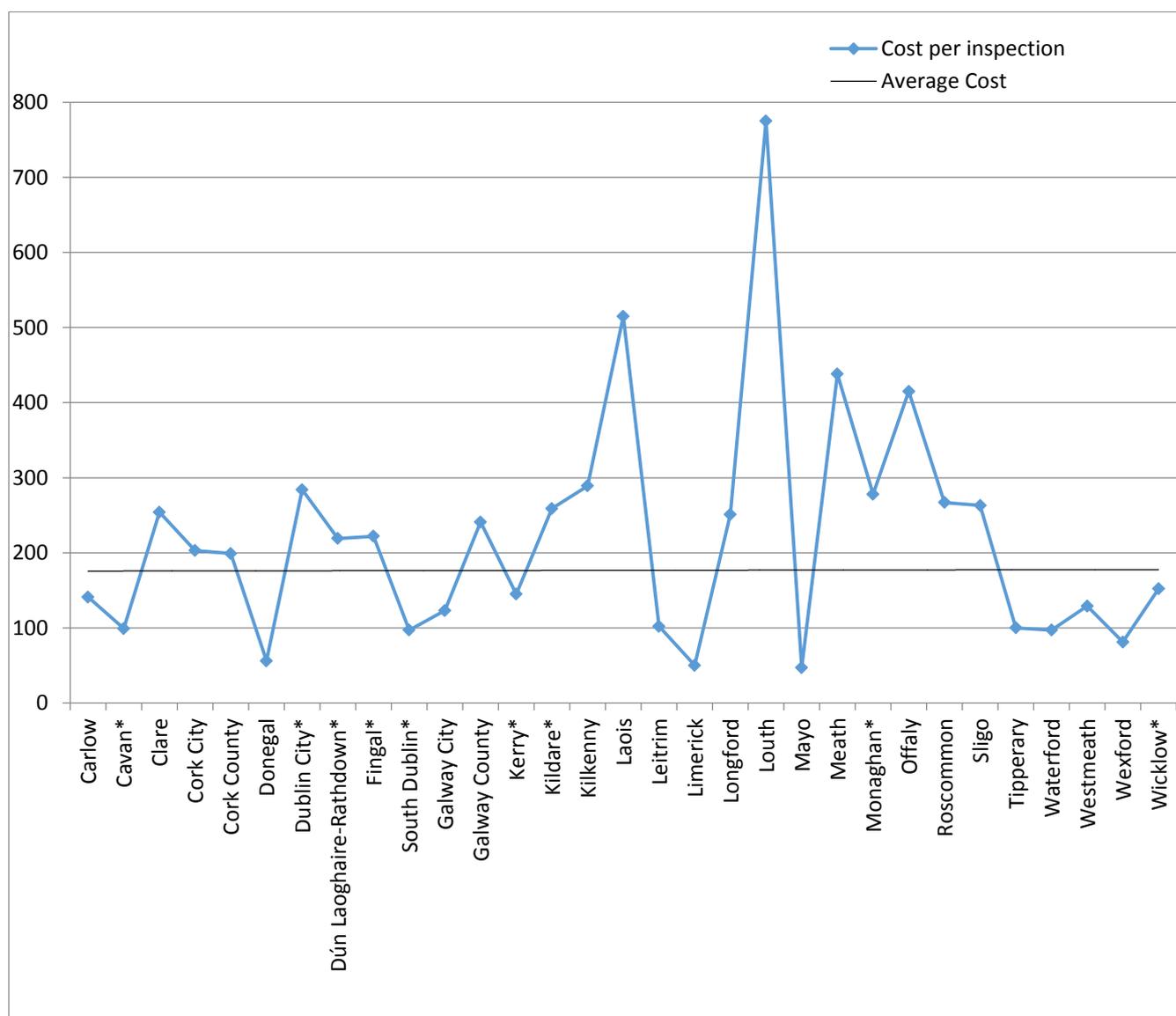
2.6 Cost of Inspections

The unit cost per inspection¹³ varied considerably. In 2014, it was an average of €178 with a median cost of €203. The highest unit cost was in Louth at €775, followed by Laois at €515 and the lowest unit cost was in Mayo at €47, followed by Limerick at €50 per inspection. A table broken down by local authority with these unit costs, number of staff per inspection and average length of time per inspection is at Appendix E.

¹³ Total reported expenditure on inspections divided by the number of inspections carried out as supplied by local authorities for the NOAC Performance Indicators Report 2014 (and subsequently amended for the purpose of this report by Clare, Dún Laoghaire-Rathdown, Fingal, Kerry, Westmeath and Wexford County Councils).

Figure 2.5 shows the range of costs of inspections in each local authority in 2014.

Figure 2.5: Unit Cost of Inspections 2014



* HSE staff carry out inspections on behalf of the local authority.

Of the four authorities with high unit costs of inspection, three (Louth, Meath and Offaly) had low inspection rates of less than 2% of tenancies. It is likely that fixed costs of their inspection operations account for their higher unit costs. Laois, which also had a high cost per inspection, had a 4.5% inspection rate.

In regard to authorities with low unit costs of inspections, Donegal had a 10.3% inspection rate and Mayo a 7.5% inspection rate, while Limerick was an outlier with an inspection rate of only 1.7%. Its costs may be impacted by the low duration it reported for each inspection. Amongst those authorities with more than 10,000 registered tenancies, the unit costs of inspections varied considerably – ranging from €50 in Limerick to €284 in Dublin City.

Authorities should benchmark their costs and performance taking account of the results set out in Figures 2.3 and 2.5.

2.7 Inspection Targets in 2014

26 local authorities reported to NOAC that they have a target number of inspections to be carried out annually; the exceptions were Cavan, Sligo, Tipperary and Monaghan County Councils and Galway City Council.

Of the 26 local authorities that set targets, the target number of inspections ranged from 2,200 (i.e. 26.8% of tenancies) in South Dublin to 50 (i.e. 4% of tenancies) in Leitrim. The lowest target as a proportion of tenancies was Fingal County Council's 1.5% or 300 inspections and the highest was Roscommon County Council's at 28.1% or 700 inspections.

There were 14 local authorities reporting that the set targets were met and 12 that they were not met in 2014. Of the 12 local authorities not meeting their targets in 2014, three of them said that targets had been met in previous years.

Eight local authorities said there was a target of inspecting all private rented dwellings at minimum specified intervals, whereas 23 said they had not set minimum intervals.

With regard to targeted inspection frequency, of the eight local authorities who said there was a target of inspecting all private rented dwellings at minimum specified intervals, four had set a four-year cycle, two had set a three-year cycle and two authorities set a five-year cycle. However, apart from Roscommon and South Dublin County Councils, the target number of annual inspections was insufficient to enable all registered tenancies in their area to be inspected at the stated interval.

Appendix C contains information on target numbers of inspections.

2.8 Staff carrying out inspections

Some local authorities use a mixture of staff to carry out inspections. In all authorities, apart from Dublin City and Kildare, local authority staff carry out inspections. HSE staff are also used in nine local authorities, some carrying out inspections alongside local authority staff.

Table 2.2 sets out the information provided by local authorities on the staff carrying out the inspections of private rented dwellings.

Table 2.2: Staff carrying out inspections

Carrying out Inspections	No. Local Authorities	%
Local Authority Staff	29	93.5%
HSE Staff	9	29.0%
Other	2	6.4%

Training provided to staff carrying out inspections was a mixture of in-house training, on-the-job training, training and workshops provided by the Department and by Dublin City Council and RAS specific training. More details on training provided by local authorities to staff carrying out inspections is in Appendix D.

2.9 Costs of non-Local Authority staff carrying out inspections

Local authorities were asked the cost of engaging inspectors for inspection work, if the work was not being carried out by local authority staff. There was a total cost in all local authorities reported of €1,033,259 for engaging non-local authority inspectors in 2014. However, this is not the full cost in that Galway City provided no cost information for 'other' staff and Wicklow, Cavan and Fingal provided no costs for engaging HSE staff.

Dublin City Council spent €561,196 on HSE staff. Kildare spent €150,000 on professional Environmental Health Officers. South Dublin County Council spent €121,601 on inspections. Dún Laoghaire-Rathdown spent €108,700 on non-local authority staff (HSE and a private firm – Inspex) engaged in inspections. Monaghan spent €65,481 on HSE staff carrying out inspections. Kerry spent €26,281 on HSE staff. The latter four authorities use a mixture of LA staff and non-LA staff to carry out inspections.

2.10 Number of staff per inspection

The number of staff (inspector and administrative) involved per dwelling unit inspection ranged from one staff member to five staff.¹⁴ Table 2.3 provides a summary of the number of staff involved in inspections. Individual detail is provided in Appendix E.

Table 2.3: No. of Staff (inspector and administrative) per Inspection

Number of Staff	No. of Local Authorities	%
1	13	42%
2	13	42%
3	5	16%
Total	31	100%

2.11 Tenant requesting an Inspection

All tenants should be able to request an inspection by their local authority if they have concerns that their accommodation is not meeting the requirements of the Regulations. In 28 of the 31 local authorities there is a system in place to respond to a request from private rented tenants for an inspection of a dwelling.¹⁵ There were 17 local authorities who reported that normally a property is inspected within two weeks of it being requested. Table 2.4 sets out the usual waiting time from when the local authority is contacted by a tenant requesting an inspection to an inspection taking place.

Table 2.4: Usual waiting time for requested inspections

Number of Weeks	No. Local Authorities	%
1 week	6	19.3
2 weeks	11	35.5
3 weeks	4	12.9
4 weeks	6	19.3
12 weeks	1	3.2
No response	3	9.7
Total	31	100

¹⁴ Sometimes other staff are involved. For instance in Sligo a line manager signs off on the report and endorses the notice, a staff officer prepares the Improvement/Prohibition Notice and a director of services signs orders.

¹⁵ Roscommon, Tipperary and Cavan replied they did not have a system in place.

13 local authorities stated that they provided public information (leaflet, website, etc.) on how a private rented tenant can arrange an inspection. When it comes to the local authority website as the source of such information, some authorities (with Cork City Council counted within the 13) simply direct that complaints about standards should be made to the RTB. Indeed, the majority of local authority websites, as at May 2016, carry little or no information on their role in relation to the private rented sector. Those authorities that were found to have easily located and reasonably comprehensive website information on private rented accommodation are: Dublin City, Leitrim, Offaly, Monaghan and Sligo County Councils. Kilkenny County Council's material was also comprehensive but less easily located. While Dún Laoghaire-Rathdown's information was easy to find, its content was aimed more at landlords than at both parties to a tenancy.

2.12 Emergency Inspection Process

There were 16 local authorities that reported operating an emergency inspection service. The main criteria used to decide if an emergency inspection is warranted were immediate danger to the tenant with issues concerning health and safety, fire risks, ventilation, carbon monoxide risks and heating and electrical problems.

Table 2.5 shows the usual gap between deciding an emergency inspection is warranted and the inspection taking place as reported by the local authorities.

Table 2.5: Length of time in days to wait for emergency inspection

No. of Days	No. of Local Authorities	%
1	5	31.3%
2	4	25%
3	3	18.8%
4	1	6.2%
5	1	6.2%
7	1	6.2%
No answer	1	6.2%
Total	16	100%

2.13 Length of time per inspection

The average length of time per inspection by local authority is just over an hour per dwelling. The shortest inspection time was 20 minutes in South Dublin and the longest inspection time was an average of 2½ hours per inspection in Carlow.

2.14 Content of inspection

Guidelines for Housing Authorities in the implementation of Minimum Standards in Rented Accommodation were issued by the Minister of State for Housing and Local Services under section 5 of the Housing (Miscellaneous Provisions) Act 2009 in February 2011 and replaced a Technical Guidance Document on the 2008 Standards Regulations issued in 2009. The stated aim of the Guidelines is to assist local authorities, not only in the practical implementation and effective enforcement of the requirements of the Regulations, but also in providing a high quality of service to both landlords and tenants. Local authorities are required to have regard to the Guidelines in the performance of their related functions. They are also required under subsection (3) of section 5 of the 2009 Act to make the Guidelines

available to the public on their internet sites. As at May 2016, the only local authority website providing easy access¹⁶ to the Guidelines was that of Roscommon County Council.

16 local authorities have a written policy/operations manual for undertaking inspections in the rented sector. Those that do not are: Cavan, Clare, Cork City, Cork County¹⁷, Donegal, Fingal, Galway City, Kildare, Laois, Longford, Mayo, Roscommon, Tipperary, Waterford and Westmeath. The manuals are publicly available to any interested party in the case of the following local authorities: Carlow, Dún Laoghaire-Rathdown, Kerry, Kilkenny, Monaghan, South Dublin and Wicklow County Councils.

The procedure in the 16 local authorities with a written policy is that a standard inspection form is completed by inspection staff on site. The checklist used in this form is extracted from articles in the Standards for Rented Houses Regulations.¹⁸ Of the remaining 15 local authorities where the inspection was not formally specified, 13 had a standard inspection process which was applied in practice.

With regard to the nature of the inspections carried out:

- 31 check that the Standards for Rented Houses Regulations are being complied with
- 12 local authorities reported checking rent books during inspections.

Some local authorities that are not checking for Rent Books Regulations compliance reported the reason as being that electronic payment of rents means records are otherwise available and, in one case, that the requirements of the regulations are covered by the lease, which is examined instead. However, the existence of electronic rent payment records may not suffice to confirm that the landlord has provided the tenant with the written information that is prescribed in the Rent Books Regulations¹⁹ (including the identity of the landlord, rent amount and frequency of payment) and periodic tenancies are not covered by a lease. The written information required by the Regulations includes the fact that responsibility for their enforcement rests with the local authority and the contact details of the relevant authority.

The finding that 19 local authorities do not routinely check for compliance with the Rent Books Regulations in the course of an inspection of a rented dwelling is a cause of concern. This low level of compliance checking may be due to a perception that the Regulations are outdated in the light of modern rent payment methods. This aspect may require updating or else should be distinguished from the other local authority function under the Regulations of ensuring that tenants have received the specified details of the tenancy and statement of information set out in the Schedule to the Regulations.

¹⁶ For example, while the document was available on the Dublin City Council website, it was not included in the first 10 results when searched for by its title in July 2016, so the user would have to know that it was located with the 'Environmental Health' downloads under the title 'Technical Guidance Document.pdf'.

¹⁷ However, Inspectors use a standard inspection form on site when carrying out inspections.

¹⁸ Most forms are manual, though one local authority said the inspector completed the form using a 'palm pilot' which improves efficiency.

¹⁹ Outlined in Appendix J: Summary of Requirements of the Rented Houses Regulations.

2.15 Difficulties carrying out Inspections

Local authorities were asked if their staff or agents had encountered difficulties with carrying out inspections in 2014. The most common difficulty was gaining access to the dwelling (cited by 19 authorities), followed by being able to identify the landlord (referenced by 13 authorities). The types of issues encountered by local authorities included cases where the landlord or the tenant did not facilitate inspections. Some said it was difficult to make an appointment time that suited and others that appointments were not met. Issues arose in instances where the occupant was not always the official tenant and one local authority said there was a difficulty sometimes with the tenants not speaking English. Six local authorities found it difficult to enforce the Regulations against receivers appointed on foot of a mortgage on the property. A couple of local authorities said that the RTB online database was not always accurate, or that it was difficult to access.

Table 2.6: Difficulties encountered carrying out Inspections

Inspection Difficulties	No. Local Authorities Cited
Gaining access to a dwelling that is subject to an inspection	19
Identifying the landlord	13
Establishing existence of a tenancy	7
Enforcing the Regulations against receivers	6

Chapter 3 - Outcome of Inspections

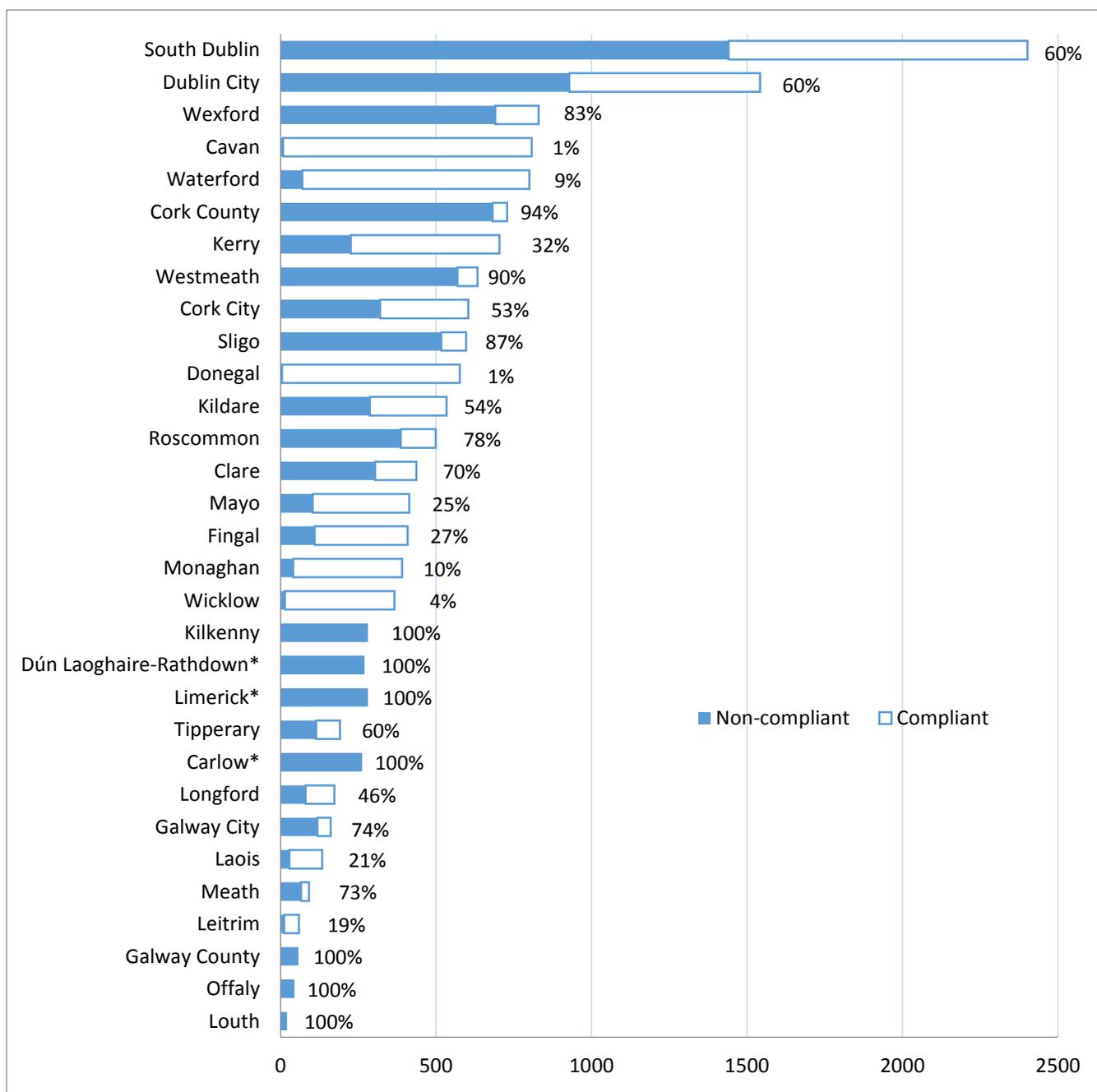
This chapter reports on the outcome of inspections carried out in 2014, the number of rental properties not compliant with the Standards for Rented Houses Regulations, the follow-up carried out by local authorities and the number of prosecutions by local authorities of property owners.

3.1 Outcome of Inspections

Local authorities reported that a total of 8,336 or 55% of the dwellings inspected were deemed non-compliant with the Standards for Rented Houses Regulations in 2014. The highest number by local authority was in the South Dublin County Council area with an incidence of 1,441 and the lowest was five in County Donegal. Figure 3.1 shows the number of dwellings inspected in 2014 and the number and percentage of those dwellings that were found to be non-compliant with the Standards for Rented Houses Regulations.

In the case of the eight authorities with more than 10,000 tenancies, there was also a wide variation in inspection outcomes. Reported non-compliance ranged from 27% in Fingal to 100% in Dún Laoghaire-Rathdown and Limerick.

Figure 3.1: Dwellings Inspected and Non-Compliance Rates 2014



* Where the local authority claimed more dwellings were non-compliant than were inspected, the percentage has been adjusted to 100%.

Note: The data relates to compliance with the Standards for Rented Houses Regulations.

The level of non-compliance did not vary substantially with the proportion of tenancies inspected. When grouped into bands for inspection rates as a proportion of tenancies inspected, although there was a higher rate of non-compliance where less than 5% of tenancies were inspected by a local authority, averaging 64%, there were also high levels of non-compliance for authorities in the other inspection bands (Figure 2.3). This indicates that non-compliance is broad-based.

Within this overall picture, however, the results of individual authorities' inspections revealed a significant minority with high levels of compliance (Donegal, Cavan, Wicklow, Waterford and Monaghan had compliance rates of more than 89%). In particular, Cavan County Council's very high inspection rate (more than 30% annually) and very low non-compliance rate (1% of dwellings in 2014) could mean that awareness of the local authority enforcement role impacts positively on compliance levels.

This suggests a need for authorities to conduct a deeper comparative analysis of their inspection systems and results categorisation so as to ensure that inspection activity across the country is implemented and reported consistently.

3.2 Emergency Inspections

12 local authorities did not have a process in place for carrying out emergency inspections. Four local authorities did not provide an answer to this question. On average, 11 reported that 100% of all emergency inspections found the dwellings to be non-compliant with the Standards for Rented Houses Regulations, one found 90% of dwellings were non-compliant and another 80%, with the remaining two authorities finding all dwellings that are the subject of an emergency inspection to be compliant. Roscommon County Council is included in the 15 having a process in place, because, although it does not operate an 'official' emergency inspection process, it can carry out an inspection within a day in the case of an emergency and reported that an average of 100% of all such emergency inspections were of dwellings that were non-compliant with the Standards for Rented Houses Regulations. In the case of the Rent Books Regulations, in these 15 authorities non-compliance is generally found in 100% of emergency inspections in Kerry and 50% in Fingal and, for the other local authorities, eight generally find compliance and five did not answer the question.

3.3 Planned/Routine Inspections

In the case of planned or routine inspections, three local authorities reported that on average 100% of all inspections of dwellings in their area found non-compliance with the Standards for Rented Houses Regulations (Offaly, Limerick and Louth).

The average annual non-compliant percentages ranged from 0% in Monaghan to 100% in Limerick, Louth and Offaly. Table 3.2 provides ranges of inspection outcomes in relation to the Standards for Rented Houses Regulations. There were five local authorities that did not provide this data.

Table 3.1: Planned/Routine inspections – Standards Regulations – % Non-Compliant

% Planned Routine Inspections Non-Compliant	No. Local Authorities
0 – 20%	5
21 – 75%	5
76 – 99%	13
100%	3
No answer	5
Total	31

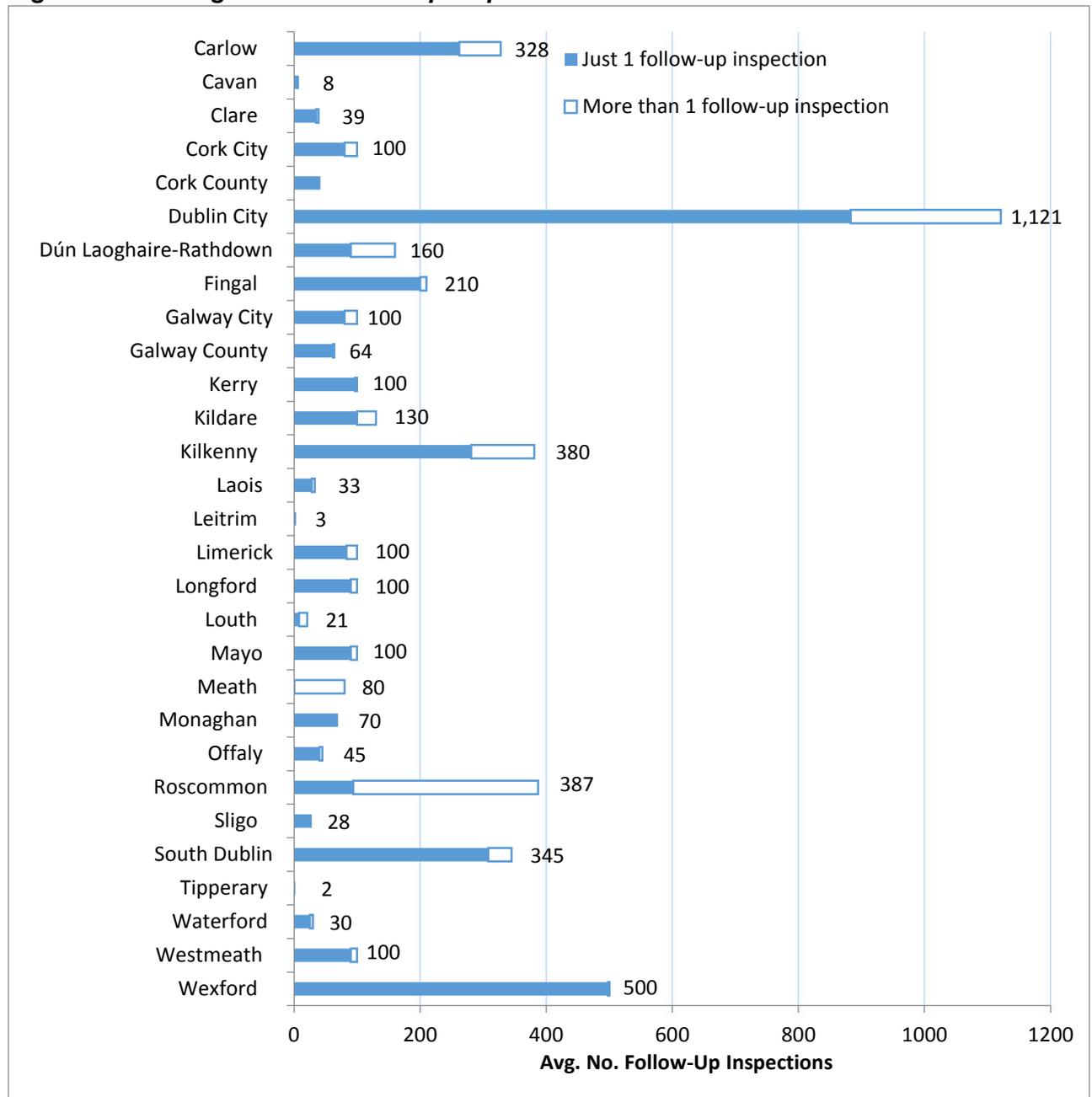
15 local authorities provided data on the average annual percentage of routine inspections finding non-compliance with the Rent Books Regulations. Galway City and Louth reported high failure rates of 90%, followed by Fingal at 50% with eight of the 15 authorities not

finding non-compliance. Further details can be found in Appendix F, but it should be noted that the data is not always consistent with statistical returns to the Department when compared over a number of years.

3.4 Follow-Up Inspections

Local authorities were asked the average annual number of non-compliant Standards for Rented Houses cases requiring a follow-up inspection (Figure 3.2). Dublin City has the highest number of follow-up inspections with 883 rental properties requiring on average one follow-up inspection and an average of 238 requiring more than one follow-up inspection.^{20 21}

Figure 3.2: Average No. of Follow-Up Inspections for Standards Cases

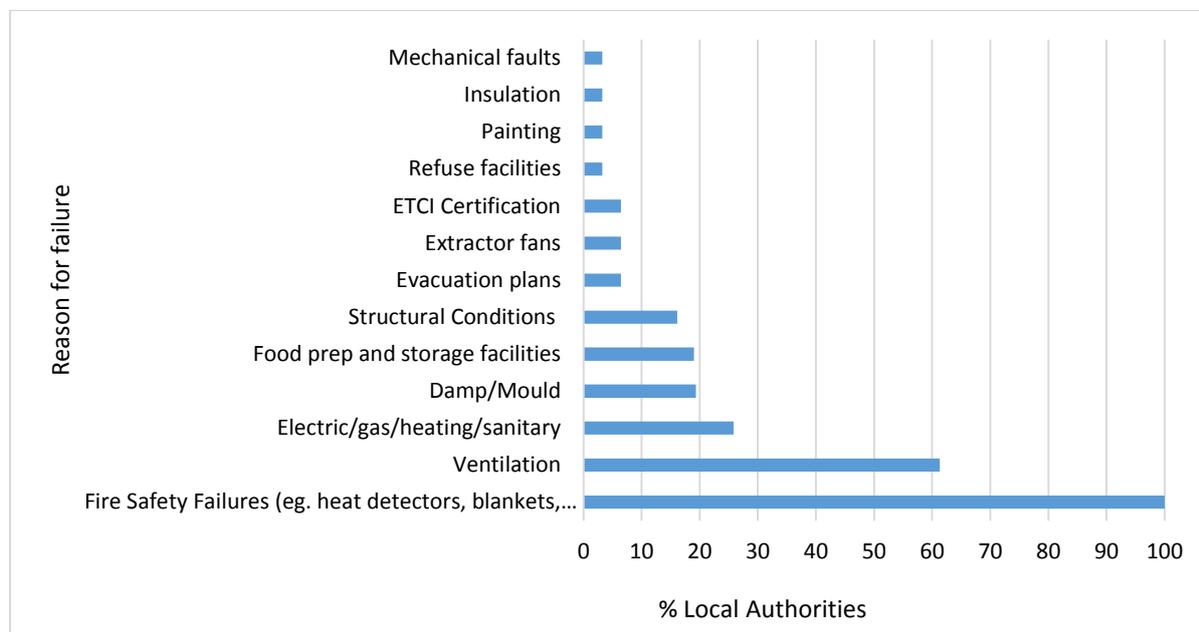


²⁰ Donegal and Wicklow County Councils did not provide a response.

²¹ Local authorities were asked to provide an average annual figure but some may have provided actual 2014 figures. Nonetheless, it is considered reasonably indicative of the general pattern.

The most common reason for non-compliance with the Standards for Rented Houses Regulations is not meeting fire safety standards or ventilation issues. All local authorities mentioned fire safety as a reason for failing and the next most cited reason was ventilation of properties, mentioned by 61% of local authorities. Figure 3.3 provides more detail.

Figure 3.3: Reasons Cited by Local Authorities for failing Standards Regulations



Local authorities were also asked in the case of non-compliant Rent Books cases on average how many follow-up inspections would be required. Of the 17 local authorities who provided a response, four supplied a figure other than zero for this.²² Louth County Council returned an average of 16 Rent Books cases requiring one follow-up inspection per annum and both Dublin City and Fingal returned 10 cases per annum. No further follow-up inspections or Court proceedings are normally required by any authority.

Appendix F contains details of the average annual percentage of emergency and routine inspections that find non-compliance with the Standards and Rent Books Regulations. Appendix G provides the total number of dwellings by local authority that did not comply with the Standards Regulations in 2014 and the most common reasons generally for non-compliance.

3.5 Follow-Up Procedures

The procedures that are followed when an inspection reveals non-compliance with the Standards or Rent Books Regulations were similar among local authorities. Typically, an improvement letter is issued by the local authority to the landlord, specifying the work required and the period of time for the work to be carried out. In some local authorities a follow-up telephone call would be made or a letter would be issued if necessary.

If an inspection reveals an immediate threat to life or a serious threat to health and/or safety, the actions taken range from referring the case to the Chief Fire Officer or to the Housing

²² South Dublin County Council provided the number of follow-up inspections in 2014 (397) rather than the average annual figure requested.

Engineer, or contacting the landlord, to helping the tenant to find alternative accommodation. Eight local authorities said that they had not encountered this problem.

3.6 Number of Improvement Notices Issued

In 2014 1,403 Improvement Notices were issued by local authorities arising out of the 8,336 non-compliant dwellings. 828 of these were issued by Dublin City Council²³ and 406 were issued by Sligo County Council. Between them, they account for 88% of all Improvement Notices issued. Many authorities issue an informal letter rather than an Improvement Notice as a first step. 21 authorities did not issue any Improvement Notices in 2014.

Appendix H provides the details for each local authority together with Department figures of dwellings not compliant with the Standards for Rented Houses Regulations in 2014²⁴ less dwellings that became compliant on foot of follow-up inspections by the local authorities.

There needs to be a standard set of definitions and approaches to follow-up classification. This should distinguish between compliance achieved without recourse to Improvement Notices and follow-up work that achieves or verifies compliance after the issue of such Notices.

The figures show a wide variation between the number of dwellings found to be non-compliant and the number of Improvement Notices issued in 2014 in the case of many local authorities. For example, South Dublin served one Improvement Notice in respect of 1,441 dwellings that it found to be non-compliant in 2014. It advised the Department that 200 of the follow-up inspections achieved compliance but the question arises as to what happened in relation to the other 1,241 dwellings found to be in breach of the Standards for Rented Houses Regulations?

Wexford County Council, who served no Improvement Notices in 2014 in respect of 690 non-compliant dwellings of which only 156 achieved compliance via a follow-up inspection, advised that it finds that landlords co-operate and resolve issues once made aware of breaches.

Excluding Sligo and Dublin City, 169 Improvement Notices per the questionnaire responses issued in respect of the residual 4,741 non-compliant dwellings across the country.

In total there were 25 notices withdrawn – 14 of these by Limerick City and County Council, six by Kildare, one by South Dublin and four by Dublin City Council.

There were 81 Prohibition Notices issued in 2014 by local authorities pursuant to section 18B(1) of the Housing (Miscellaneous Provisions) Act 1992. 80 of these were issued by Dublin City Council and Louth County Council issued the other one. Both local authorities published details of the Prohibition Notices issued on their websites²⁵.

²³ Dublin City Council explained that the 828 Notices issued in respect of the 929 non-compliant dwellings preceded the follow-up inspections that achieved compliance in the case of 714 of the dwellings.

²⁴ As amended by some local authorities on foot of NOAC requests for clarification.

²⁵ In Dublin City Council's case, as at October 2016, the number of 2014 Notices published totalled 93 and not 80 as stated in the questionnaire response.

27 of the Prohibition Notices that issued were withdrawn, varied or cancelled in 2014 and all of those were withdrawn by Dublin City Council. Appendix H provides details of Prohibition Notices issued per local authority.

3.7 Number of Prosecutions

Only one local authority, Dublin City Council, reported initiating prosecutions for the offence of contravening the Rented Houses Regulations in 2014²⁶. Dublin City Council initiated 40 prosecutions; of these, 36 were because of failure to comply with an Improvement Notice and four because of contravention of the Housing (Standards for Rented Houses) Regulations 2008.

3.8 Data Collected and Available from Inspections

In most local authorities administrative staff compile the inspection reports completed by the inspector and draft any improvement letters that are issued. Appendix I contains the information provided by local authorities on what data they collect and who collects it.

Just nine local authorities (Fingal, Galway City, Galway County, Dublin City, Dún Laoghaire-Rathdown, Laois, Leitrim, Louth and Waterford) said they provided tenants with copies of the relevant inspection reports, while 22 said they did not.

In 2014 there were seven requests made under the Freedom of Information Acts for access to a report arising from an inspection carried out by or on behalf of the local authority. Of these seven requests, two were granted and in two cases the requested records did not exist. The other reasons supplied for requests being refused were:

- Part of a deliberative process
- Impair the enforcement of, compliance with, or administration of, any law
- A media request for copies of enforcement notices was refused on the grounds that it would involve the disclosure of personal information.

²⁶ Such prosecutions are taken pursuant to section 34 of the Housing (Miscellaneous Provisions) Act 1992.

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Appendix A: Data Inconsistencies

Number of Tenancies

Local authorities reported regulating a total of 276,374 private rented registered tenancies as at 31 December 2014. The total number of registered tenancies at that date was 285,025 according to the RTB who maintain the register of tenancies. The number of tenancies at 31 December 2014 as reported in the questionnaire responses to NOAC differed from the numbers obtained directly from the RTB in the case of 20 authorities. The deviations were more than 25% in the case of Limerick²⁷, Longford, Monaghan and Westmeath.

Unit Cost of Inspections

Local authorities were asked the unit cost of each inspection (total expenditure on inspections divided by the number of inspections undertaken) for 2014. Based on the responses received, the unit cost per inspection was an average of €174 with a median cost of €150, a highest unit cost in Offaly of €461 and the lowest unit cost was in Mayo at €36, followed by Waterford at €40 per inspection.

However, examination of other data given in response to the NOAC questionnaire or in relation to performance indicators (dividing reported total expenditure on inspections by the number of inspections undertaken in 2014) gives an average unit cost of €178, a median of €203, a highest unit cost of €775 in Louth and Mayo still the lowest at a unit cost of €47. The authorities where the unit cost information supplied differed from the underlying expenditure and inspections figures supplied were Clare, Fingal, South Dublin, Galway County, Kildare, Laois, Limerick, Longford, Louth, Mayo, Meath, Monaghan, Offaly and Waterford. This unit cost information is used in the report.

Inspection Levels and Outcomes

When NOAC drafted its questionnaire for issue to local authorities, the most recent statistics published on the website of the Department in relation to the enforcement of the Rented Houses Regulations related to 2011. Data on the total number of inspections carried out in 2014 (i.e. inclusive of repeat inspections) was being gathered at that time for the NOAC Performance Indicators Report on local authority activity in 2014. The questionnaire, therefore, asked local authorities to indicate the number of rented dwellings (i.e. excluding repeat inspections) that were inspected in 2014 and how many dwellings inspected in 2014 were deemed not to be compliant with the Standards for Rented Houses Regulations. The data supplied by the local authorities shows that the number of dwellings found not to be compliant with the requirements exceeded the number of dwellings inspected in Carlow, Dún Laoghaire-Rathdown and Limerick.

The Department had since published its enforcement statistics for 2014 and when a comparison was made between that data, the questionnaire answers and the total numbers of inspections data published in the 2014 Performance Indicators report, significant discrepancies arose in the case of many of the authorities. When they were given a copy of these and other data inconsistencies, several authorities corrected figures they supplied to NOAC and also amended their figures within the published 2014 Departmental statistics.

The eight authorities who were still not in a position to provide NOAC and the Department with the same answer to all three questions – how many dwellings were inspected in 2014, how many inspections were carried out in 2014 and how many dwellings were found to be

²⁷ Limerick City and County Council clarified that they had supplied the figure relating to the city only.

non-compliant with the Standards for Rented Houses Regulations in 2014 – were Carlow, Donegal, Galway City²⁸, Limerick, Mayo, Monaghan, Waterford and Westmeath. Clare County Council included figures relating to leased social housing in the Departmental returns. The rechecking exercise with the local authorities also revealed that the number of inspections supplied by six authorities (Clare, Dún Laoghaire-Rathdown, Fingal, Kerry, Westmeath and Wexford) for the 2014 Performance Indicators Report were incorrect.

Rent Books Regulations Inspections

For some local authorities the statistical returns to the Department on the inspected dwellings where no rent book was found (averaged over the period 2010 to 2014) are inconsistent with the figures in Appendix F of this report. For example, Clare County Council has reported to the Department inspecting a total of 1,703 dwellings in that period where no rent book was present but has not supplied a response to questions relating to Rent Books Regulations functions in the NOAC questionnaire. Monaghan County Council stated on average no dwellings were found not to have a rent book but reported non-compliant dwellings to the Department each year with an average of 84 over those years.

Follow-Up Inspections

Some inconsistencies were also found in relation to the data supplied to the Department on the number of follow-up inspections, the number of those achieving compliance and follow-up action. The number of follow-up inspections that achieved compliance should not be greater than the total number of follow-up inspections carried out (except if due to the compliance being achieved in a year subsequent to the inspection taking place as occurred in Meath and Dublin City), yet such was the case in respect of Galway County, Kildare, Longford, Mayo and Westmeath Councils, thus calling into question the quality of some of the data supplied to the Department as well as of some supplied to NOAC. In the Departmental statistics, Mayo County Council carried out 102 inspections but inspected 113 dwellings, and in Roscommon County Council no Improvement Notices were issued by the Council in respect of the 387 non-compliant dwellings although only 36 of the 249 follow-up inspections achieved compliance.

The Department figures, when looked at in conjunction with the questionnaire responses, throw up some anomalies such as:

- Sligo told the Department that it achieved compliance via follow-up inspections carried out on 166 of 517 non-compliant dwellings yet it issued 406 Improvement Notices in respect of the remaining 351 dwellings.
- Similarly, Dublin City achieved compliance via follow-up inspections of 714 dwellings yet issued 828 Improvement Notices when the total of the non-compliant dwellings was only 929²⁹.

Improvement Notices

When it comes to Improvement Notices, 2014 statistics provided to the Department also contradict those responses to the questionnaire that were given by 11 authorities. In response to the questionnaire, local authorities reported that 1,403 Improvement Notices

²⁸ Galway City Council seem to have reversed the number of dwellings inspected and the number of inspections carried out in their questionnaire return

²⁹ Dublin City Council's explanation for this anomaly is based on the follow-up inspections figures they provided relating to inspections that were carried out subsequent to the formal Improvement Notice procedure.

issued in 2014 whereas the figures published by the Department indicate that 190 notices in relation to the Rent Books Regulations and 2,302 notices in relation to the Standards Regulations were served that year.

The discrepancy may be due to the fact that the questionnaire related the question specifically to the Improvement Notice provision in the Housing Act, whereas the Department's data refers to dwellings where notices were served on landlords for improvements to be carried out and notices served in respect of the rent books, so, in the returns to the Department, authorities may have included letters as notices served.

20 local authorities reported to NOAC that no Improvement Notices were served in 2014. Two of these – Cork City and Dún Laoghaire-Rathdown – had told the Department that they had issued 320 and 397 Notices respectively but later clarified that their returns to the Department related to warning letters setting out required improvements rather than the formal Improvement Notices implied by the Departmental request. Limerick City and County Council told NOAC it had issued 46 Notices as opposed to the 269 it told the Department. Offaly County Council's variation was in the opposite direction: 40 Notices reported to NOAC and 0 reported to the Department.

Appendix B: Registered Tenancies and Staffing of Local Authorities 2014

Local Authority	No. of Registered Tenancies as at 31/12/14	Total WTE staff engaged in Private Rented Sector functions	No. of WTE Staff per 1,000 Registered Tenancies
Carlow County Council	3,320	0.75	0.226
Cavan County Council	2,356	2	0.849
Clare County Council	4,400	2	0.455
Cork City Council	15,988	3.5	0.219
Cork County Council	16,728	2.4	0.143
Donegal County Council	5,567	0.65	0.117
Dublin City Council	69,396	10	0.144
Dún Laoghaire-Rathdown	14,850	4.2	0.283
Fingal County Council	19,652	1.5	0.076
South Dublin County Council	8,200	3.8	0.463
Galway City Council	12,123	0.6	0.049
Galway County Council	5,944	1	0.168
Kerry County Council	7,156	2.7	0.377
Kildare County Council	11,452	2	0.175
Kilkenny County Council	3,895	2	0.513
Laois County Council	3,589	0.5	0.139
Leitrim County Council	1,289	0.24	0.186
Limerick City and County Council	12,043	1.5	0.125
Longford County Council	2,065	1.5	0.726
Louth County Council	5,510	1.8	0.327
Mayo County Council	5,535	0.25	0.045
Meath County Council	6,929	0.75	0.108
Monaghan County Council	1,583	2	1.263
Offaly County Council	3,011	0.02	0.007
Roscommon County Council	2,493	3	1.203
Sligo County Council	4,984	5	1.003
Tipperary County Council	6,663	0.2	0.030
Waterford City and County Council	7,588	1.15	0.152
Westmeath County Council	5,841	2	0.342
Wexford County Council	7,894	2.25	0.285
Wicklow County Council	6,981	4	0.573
Total	285,025	65.26	-

Appendix C: Targeted and Actual Inspections 2014

Local Authority	Target set for no. of inspections?	Target No. of Inspections	Target expressed as % of Total Tenancies	Actual No. Inspections in 2014
Carlow County Council	Yes	400	12	328
Cavan County Council	No	-	-	808
Clare County Council	Yes	350	8	493
Cork City Council	Yes	800	5	1,211
Cork County Council	Yes	850	5.1	802
Donegal County Council	Yes	530	9.5	576
Dublin City Council	Yes	2,200	3.2	2,511
Dún Laoghaire-Rathdown	Yes	550	3.7	683
Fingal County Council	Yes	300	1.5	466
South Dublin County Council	Yes	2,200	26.8	2,799
Galway City Council	No	-	-	138
Galway County Council	Yes	160	2.7	57
Kerry County Council	Yes	628	8.8	710
Kildare County Council	Yes	700	6.1	579
Kilkenny County Council	Yes	398	10.2	381
Laois County Council	Yes	220	6.1	162
Leitrim County Council	Yes	50	3.9	62
Limerick City and County	Yes	400	3.3	402
Longford County Council	Yes	275	13.3	173
Louth County Council	Yes	140	2.5	23
Mayo County Council	Yes	414	7.5	322
Meath County Council	Yes	200	2.9	122
Monaghan County Council	No	-	-	221
Offaly County Council	Yes	100	3.3	50
Roscommon County	Yes	700	28.1	748
Sligo County Council	No	-	-	804
Tipperary County Council	No	-	-	191
Waterford City and County	Yes	700	9.2	886
Westmeath County	Yes	800	13.7	714
Wexford County Council	Yes	500	6.3	986
Wicklow County Council	Yes	590	8.4	366

Appendix D: Training of Inspection Staff

Local Authority	What training was provided to staff that carry out inspections?
Carlow County Council	Building Regulations explained (B.R.01). In-house training. Staff assigned to this area are technically qualified graduates on recruitment. Continuous professional development is encouraged by the local authority and staff in this area have availed of numerous courses including 1 & 2 day courses run by the Department, Dublin City Council and D.I.T.
Cavan County Council	
Clare County Council	In house/on the job training
Cork City Council	None
Cork County Council	Training was provided to inspectors in their capacity as fire officers initially for inspections. Training was also arranged with Housing Technical Staff and with Dublin City Council's private rented inspection unit when Inspectors commenced duty
Donegal County Council	Limited training
Dublin City Council	All Environmental Health Officers have a B Sc in Environmental Health. CPD is implemented and some staff have received diplomas, degrees and masters in addition to their primary degree. On-going operational CPD is also undertaken. Examples include gas safety, electricity safety, fire safety, personal safety, legal & court preparation training. On site & staff induction training is also provided. A procedure manual is in place with regular review & updating
Dún Laoghaire-Rathdown	LA inspectors - accompanied by Environmental Health Officer inspectors on site and shadow trained, including briefing on application of the regulations and reference to Departmental Technical Guidance Document 2011. LA inspectors are all professionally qualified relevant to their post
Fingal County Council	1. Degree in Environmental Health 2. Workshop training provided by Dublin City Council & the Department
South Dublin County Council	All inspectors are professionally qualified Clerk of Works or Environmental Health Officers, who have also received in house training in regard to Health & Safety & I.T.
Galway City	Technical/professional staff used
Galway County Council	On the job training
Kerry County Council	No formal training courses have been provided for staff. Inspectors are instructed to complete the Property Inspection forms
Kildare County Council	Professional Environmental Health Officers
Kilkenny County Council	Review of Private Rented Regulations. Technical staff – no specific training to date
Laois County Council	Technician has attended training seminar on Private Rented Standards
Leitrim County Council	Staff briefing internally for Technical Staff
Limerick City & Co. Council	On the job training
Longford County Council	Technical staff carry out inspections. They did a course on private rented standards and all also professionally qualified
Louth County Council	Lone Worker Training
Mayo County Council	Training Courses provided by I.P.A. through the Department
Meath County Council	Clerk of works and building technicians have professional training and expertise. Staff involved in inspections hold in-house meetings to discuss interpretations of regulations and cases. Attendance at information

	sessions provided by Dublin City Council. Administrative Staff have no training and seek guidance and information from other local authorities
Monaghan County Council	No specific training given. Environmental Health Officers carry out inspections
Offaly County Council	No specific training provided
Roscommon County Council	Both inspectors are Clerk of Works and therefore have the necessary experience to interpret the Guidelines for Housing Authorities in the Implementation of the Standards in Rented Accommodation as issued by the Department - Safe Pass Training
Sligo County Council	None
Tipperary County Council	No specific training
Waterford City and County Council	In-house for Engineer
Westmeath County Council	In house training provided by internal staff
Wexford County Council	In house training including familiarisation, and consistency with carrying out inspections within the relevant regulations
Wicklow County Council	RAS Training

Appendix E: Cost, Staffing and Duration of Inspections 2014

Local Authority	Unit cost of each inspection €	No. of Staff (inspector and admin) involved per inspection	Average duration of inspection (hours)
Carlow County Council	141	2	2.5
Cavan County Council	99	2	2
Clare County Council	254	1	1.25
Cork City Council	203	1	1
Cork County Council	199	2	0.8
Donegal County Council	56	1	1
Dublin City Council	284	1	1.5
Dún Laoghaire-Rathdown	219	3	1
Fingal County Council	221	1	0.67
South Dublin County Council	97	2	0.3
Galway City Council	123	1	1
Galway County Council	241	1	1
Kerry County Council	145	2	0.75
Kildare County Council	259	3	1
Kilkenny County Council	289	2	0.5
Laois County Council	515	1	1
Leitrim County Council	102	3	1.5
Limerick City & County Council	50	3	0.5
Longford County Council	251	2	1
Louth County Council	775	2	1
Mayo County Council	47	2	0.75
Meath County Council	438	1	0.75
Monaghan County Council	278	2	0.5
Offaly County Council	415	1	2
Roscommon County Council	267	2	1
Sligo County Council ³⁰	263	5	1
Tipperary County Council	100	1	1
Waterford City & County Council	97	1	1
Westmeath County Council	129	2	1
Wexford County Council	81	3	0.75
Wicklow County Council	152	1	1

³⁰ Sligo: 5 staff include inspector, line manager (signs off on report and endorses notice), staff officer (prepares Improvement/Prohibition Notice) and director of services (signs order).

Appendix F: Average Annual Non-Compliance Rates 2014

Local Authority	Emergency Inspections		Planned/Routine Inspections	
	Non-compliant with Standards Regulations %	Non-compliant with Rent Books Regulations %	Non-compliant with Standards Regulations %	Non-compliant with Rent Books Regulations %
Carlow County Council	0	0	80	-
Cavan County Council	-	-	-	-
Clare County Council	100	-	90	-
Cork City Council	100	0	52	0
Cork County Council	-	-	99	0
Donegal County Council	-	-	-	-
Dublin City Council	-	-	88	0
Dún Laoghaire-Rathdown	0	0	97	8
Fingal County Council	90	50	50	50
South Dublin County Council	100	0	60	0
Galway City Council	0	0	90	90
Galway County Council	100	-	98	-
Kerry County Council	100	100	32	26
Kildare County Council	-	-	-	-
Kilkenny County Council	100	-	80	-
Laois County Council	100	0	17	0
Leitrim County Council	0	-	20	-
Limerick City and County Council	0	0	100	0
Longford County Council	80	-	80	-
Louth County Council	-	-	100	90
Mayo County Council	-	-	-	-
Meath County Council	100	0	80	0
Monaghan County Council	0	0	0	10
Offaly County Council	-	-	100	-
Roscommon County Council	100	0	77	0
Sligo County Council	0	0	86	7
Tipperary County Council	0	0	5	0
Waterford City & County Council	-	-	9	-
Westmeath County Council	-	-	49	-
Wexford County Council	100	0	83	0
Wicklow County Council	100	-	-	-

Note: a short dash (-) indicates that no response was given to the question.

Appendix G: Extent of and Reasons for Non-Compliance with Standards Regulations in 2014

Local Authority	No. of dwellings non-compliant with Standards Regulations	Most common reasons for non-compliance
Carlow County Council	262	Fire extinguishers, ventilation, window restrictors, heat detectors, CO detectors
Cavan County Council	8	Fire blankets, heat detectors, smoke detectors
Clare County Council	304	Fire safety, ventilation, structural condition, food prep and storage, electricity/gas, heating, sanitary
Cork City Council	320	Fire blankets, ventilation
Cork County Council	682	Fire safety, ventilation, structural condition, electricity/gas, heating
Donegal County Council	5	Fire blankets and microwaves
Dublin City Council	929	Fire safety, ventilation, structural condition, heating, lighting, food preparation and storage, refuse facilities
Dún Laoghaire-Rathdown	270	Smoke alarms, ventilation, damp/mould, heating/gas, evacuation plans
Fingal County Council	109	Fire blankets/smoke alarms, leaks, damaged worktops
South Dublin Co. Council	1,441	Fire safety, CO detectors, gas, heating/hot water
Galway City Council	119	Smoke alarms, ventilation
Galway County Council	57	Fire safety, ventilation, damp, painting
Kerry County Council	226	Fire blankets/smoke alarms, extractor fans
Kildare County Council	287	Fire blankets
Kilkenny County Council	281	Fire blankets/smoke alarms, ventilation
Laois County Council	28	Fire safety, damp, food preparation and storage
Leitrim County Council	11	Fire safety
Limerick City & Co. Council	281	Fire blankets, ventilation, ETCI certification
Longford County Council	80	Fire blankets
Louth County Council	21	Fire blankets/smoke alarms, ventilation, leaks, heating, insulation, ETCI reports, evacuation plans, mechanical faults
Mayo County Council	103	Smoke alarms, ventilation, structural condition, lighting
Meath County Council	66	Ventilation
Monaghan County Council	40	Fire blankets/smoke alarms/extinguishers, ventilation
Offaly County Council	45	Fire blankets, ventilation, insulation required
Roscommon County Council	387	Fire blankets/smoke alarms, ventilation, structural condition, food preparation and storage
Sligo County Council	517	Fire blankets
Tipperary County Council	114	Electrical (cooker/fridge), plumbing (leaks etc.)
Waterford City & Co. Council	70	Fire blankets/smoke alarms, damp/mould
Westmeath County Council	569	Fire blankets/smoke alarms, condensation issues/ damp/ mould
Wexford County Council	690	Fire safety, ventilation
Wicklow County Council	14	Fire blankets, ventilation, damp, heating system
Total	8,336	

Appendix H: Improvement and Prohibition Notices Issued and Withdrawn in 2014

Local Authority	Compliance not achieved via follow-up Inspection ³¹	Improvement Notices issued in 2014	Improvement Notices withdrawn, varied or cancelled	Prohibition Notices issued in 2014	Prohibition Notices withdrawn, varied or cancelled
Carlow Co. Council	78	0	0	0	0
Cavan Co. Council	0	0	0	0	0
Clare Co. Council	248	1	0	0	0
Cork City Council	0	0	0	0	0
Cork Co. Council	640	2	0	0	0
Donegal Co. Council	0	0	0	0	0
Dublin City Council ³²	215	828	4	80	27
Dún Laoghaire-Rathdown	181	0	0	0	0
Fingal Co. Council	54	0	0	0	0
South Dublin Co. Council	1,241	1	1	0	0
Galway City Council	101	0	0	0	0
Galway Co. Council	52	64	0	0	0
Kerry Co. Council	222	0	0	0	0
Kildare Co. Council	177	6	6	0	0
Kilkenny Co. Council	149	0	0	0	0
Laois Co. Council	0	0	0	0	0
Leitrim Co. Council	8	0	0	0	0
Limerick City & Co. Council	259	46	14	0	0
Longford Co. Council	81	0	0	0	0
Louth Co. Council	21	9	0	1	0
Mayo Co. Council	2	0	0	0	0
Meath Co. Council	24	0	0	0	0
Monaghan Co. Council	40	0	0	0	0
Offaly Co. Council	40	40	0	0	0
Roscommon Co. Council	351	0	0	0	0
Sligo Co. Council	351	406	0	0	0
Tipperary Co. Council	114	0	0	0	0
Waterford City & Co. Council	60	0	0	0	0
Westmeath Co. Council	50	0	0	0	0
Wexford Co. Council ³³	534	0	0	0	0
Wicklow Co. Council	14	0	0	0	0
TOTALS	5,307	1,403	25	81	27

³¹ Department figures for dwellings not compliant with the Standards Regulations in 2014 less its figures for follow-up inspections that achieved compliance in 2014.

³² Dublin City Council's follow-up inspections figures relate to inspections that were carried out subsequent to the formal Improvement Notice procedure.

³³ Wexford has found that landlords co-operate and resolve issues once made aware of breaches.

Appendix I: Data Compiled from Inspections

Local Authority Name	What data related to rental inspections are compiled and by whom? (e.g. age of property, minimum standards breach, action taken, etc.)
Carlow County Council	Data as per property inspections. Property inspection report attached to private rented procedures documents
Cavan County Council	
Clare County Council	Forms filed manually
Cork City Council	Type of Property. Details of standards breached. Improvement Letter. All by Building Inspectors
Cork County Council	Data on Inspection Activities is recorded on PRAIS - Private Rented Accommodation Inspection System with all letters, statistics, reports, etc. generated from this system
Donegal County Council	No formal system
Dublin City Council	Following data recorded in IT Database by authorised persons: Property address Property type (flat, apartment etc.) Property usage (PRH, RAS etc.) PRTB Registration Landlord name, address & contacts Inspection date Inspection evidence (Contemporaneous notes, photos etc.) Standards articles contravened Provision of rent book Enforcement actions (IL, IN, PN etc.) Referral letters
Dún Laoghaire-Rathdown	Record created against each house or apartment within a house to include: <ul style="list-style-type: none"> • Property information - Type, bedroom size, level, Protected Structure • Details of all current and historic Inspections, associated documents and name of Inspectors/Landlords/Agents/Tenants at time of inspection. • Type of inspection – complaint, RAS, Spot Check • Articles contravened - this was only added in August 2015 • BER details
Fingal County Council	Inspection reports, letters and notices kept on file. Inspection details on Access Database are: Property address and type, landlord name address and contacts, inspection date, standards articles contravened, provision of rent book, enforcement actions and referral letters
Galway City Council	None
Galway County Council	Inspectors Reports. Data is not collated centrally
Kerry County Council	Date contacted for inspection - Date of inspection - Date of re--notification if inspection not carried out - Details are collected but not analysed
Kildare County Council	No data compiled
Kilkenny County Council	Quarterly returns submitted to the Department outlining the number of cases in compliance/requiring enforcement procedures, etc.
Laois County Council	Number of Inspections - Number of Repeat Inspections - Rest of data is held on file
Leitrim County Council	A log of all completed inspections is retained with completed inspection reports, follow-up letters etc. - Administrative Staff, Housing department, Leitrim Co. Cl.
Limerick Local Authorities	Minimum standards breach If landlord and tenant are registered with PRTB Photos and report When correspondence is sent & what is sent How many inspections are carried out Compiled by EE

Longford County Council	Technical Reports, Letters to Landlords
Louth County Council	Properties inspected are recorded on a spreadsheet along with action taken
Mayo County Council	Not Done
Meath County Council	Data on landlords contact details, tenants contact details, dates of inspection or re-inspection, compliance or non-compliance, electrical certificate received. Compiled both by technical and administration staff
Monaghan County Council	EHO Report filed centrally on IT system
Offaly County Council	Register kept of each inspection, the works required, Improvement Notice and follow-up inspection
Roscommon County Council	Detailed inspection report is compiled by the Clerk of Works Correspondence to and from Landlord details minimum standards breaches and all follow-up actions - Clerk of Works/Administrative staff Compile monthly, quarterly and annual returns for the Department - Administrative staff
Sligo County Council	PRTB data - Administrative staff
South Dublin County Council	Landlord and rented property contact details, inspection schedule, inspection reports, failures and follow-ups compiled by local authority staff and Environmental Health Officers
Tipperary County Council	Housing Inspector fills a report form with approximately 50 headings re various items (e.g. Electrical, plumbing, Fire Safety) and each heading is ticked and a recommendation issued
Waterford City and County Council	Engineer compiles: breaches, action taken
Westmeath County Council	N/A
Wexford County Council	Landlord contact details. All Compliance and Non-compliance with Articles 5, 6, 7, 8, 9, 10, 11, 12 and 13 of the Standards Regs. Timeframe for Compliance Compiled by 1 Admin Staff
Wicklow County Council	

Appendix J: Summary of Requirements of the Rented Houses Regulations

Standards Regulations

Structural Condition

All rental accommodation must be maintained in a proper state of structural repair. This means that the dwelling must be essentially sound, internally and externally, with roof, roofing tiles and slates, windows, floors, ceilings, walls, stairs, doors, skirting boards, fascia, tiles on any floor, ceiling and wall, gutters, down pipes, fittings, furnishings, gardens and common areas maintained in good condition and repair and not defective due to dampness or otherwise.

Sanitary Facilities

All rental accommodation must contain the following self-contained sanitary facilities:

- Water closet (toilet), with wash hand basin adjacent to it supplied with hot and cold water
- Fixed bath or shower, supplied with hot and cold water

These facilities must be provided in a room separate from other rooms by a wall and door and contain separate ventilation.

Heating Facilities

All habitable rooms must contain a fixed appliance (or appliances) capable of providing effective heating. The tenant must be able to control the operation of the heating appliance.

Food Preparation and Storage and Laundry

All rental accommodation must contain the following self-contained facilities:

- 4 ring hob with oven and grill
- Provision for the effective and safe removal of fumes to the external air by means of cooker hood or an extractor fan
- Fridge and freezer
- Microwave oven
- Sink with a draining area
- Adequate number of kitchen presses for food storage purposes
- Washing machine within the dwelling unit or access to a communal washing machine facility within the curtilage of the building
- In cases where the accommodation does not contain a garden or yard for the exclusive use of this accommodation, a dryer must be provided.

Ventilation

All habitable rooms must have adequate ventilation, maintained in good repair and working order. Kitchens and bathrooms must be provided with adequate ventilation for the removal of water vapour to the external air.

Lighting

All habitable rooms must have adequate natural lighting.

All rooms (including every hall, stairs and landing) must have a suitable and adequate means of artificial lighting.

The windows of every room containing a bath and/or shower and a water-closet shall be suitably and adequately screened to ensure privacy.

Fire Safety

Multi-unit dwellings are required to contain a mains-wired smoke alarm, a fire blanket, emergency lighting in common areas and an emergency evacuation plan.

Rental units that do not form part of a multiple unit must have a fire blanket and either a mains-wired smoke alarm or at least two 10-year self-contained battery-operated smoke alarms.

Refuse Facilities

The Regulations require access for tenants to proper, pest and vermin-proof refuse storage facilities. The use of communal storage facilities, where appropriate, will be considered to comply with the regulations.

Electricity and Gas

Installations in the house for electricity and gas supply must be maintained in good repair and safe working order.

There must also be, where necessary, provision for the safe and effective removal of fumes to the external air.

Rent Books Regulations

Landlords are obliged to provide tenants with a “rent book” (or other documentation serving the same purpose) at the commencement of a tenancy. This applies to dwellings rented by private landlords, voluntary bodies, local authorities and employers.

All rent and other payments under the tenancy must be acknowledged in writing by the landlord. In addition, the rent book must contain specific particulars relating to the tenancy including, among other things, the name and address of the landlord and of the landlord’s agent (if any), the term of the tenancy, the amount of the rent and of any other payments to be made by the tenant to the landlord, details of any advance rent or deposit paid and an inventory of furnishings and appliances supplied with the house. The rent book must also include the following basic statement of information for the tenant set out in the Schedule to the Regulations:

SCHEDULE

1. This statement of information is included in the rent book in accordance with the Housing (Rent Books) Regulations, 1993. It does not purport to be a legal interpretation.
2. The tenant of a house is, unless otherwise expressly provided for in a lease, entitled to quiet and peaceable enjoyment of the house without the interruption of the landlord or any other person during the term of the tenancy for so long as the tenant pays the rent and observes the terms of the tenancy
3. Notice of termination of a tenancy must be in writing and must be made in accordance with the provisions of the Residential Tenancies Acts 2004 and 2009.
4. The landlord is prohibited from impounding the goods of a tenant to secure recovery of rent unpaid.

5. The landlord is obliged to provide a tenant with a rent book for use throughout the term of the tenancy. The landlord must enter the particulars relating to the tenancy in the rent book, and, in the case of a new tenancy, complete the inventory of furnishings and appliances supplied with the house for the tenant's exclusive use.

6. The landlord is obliged to keep the particulars in the rent book up to date. Where the rent or any other amount due to the landlord under the tenancy is handed in person by the tenant, or by any person acting for the tenant, to the landlord, the landlord must, on receipt, record the payment in the rent book or acknowledge it by way of receipt. Payments not handed over directly, for example those made by bankers order or direct debit, must, not more than 3 months after receipt, either be recorded by the landlord in the rent book or acknowledged by way of statement by the landlord to the tenant.

7. The tenant is obliged to make the rent book available to the landlord to enable the landlord to keep the particulars in it up to date.

8. The landlord of a rented house is obliged to ensure that the house complies with the minimum standards of accommodation laid down in the Housing (Standards for Rented Houses) Regulations 2008 (S.I. No. 534 of 2008). The Regulations do not apply to houses let for the purpose of a holiday, housing authority demountable houses and communal type accommodation provided by the Health Service Executive and certain approved non-profit or voluntary bodies. With the exception of Article 8 — Food Preparation, Storage and Laundry — the Regulations also apply to houses let by housing authorities. The standards relate to structural condition, the provision of sanitary, heating and refuse facilities, food preparation, storage and laundry, availability of adequate lighting and ventilation, fire safety and the safety of electricity and gas installations.

9. The duties of a landlord referred to in paragraphs 5 to 8 above may be carried out on the landlord's behalf by a duly appointed agent. Any reference in this statement to 'house' includes a flat or maisonette.

10. Copies of the Housing (Rent Books) Regulations 1993, the Housing (Standards for Rented Houses) Regulations 2008 and the Housing (Standards for Rented Houses) (Amendment) Regulations 2009 may be purchased from the Government Publications Sale Office, Sun Alliance House, Molesworth Street, Dublin 2 or from the housing authority.

11. Responsibility for the enforcement of the law relating to rent books and standards rests with the housing authority for the area in which the house is located. The name, address and telephone number of the relevant housing authority are as follows: 9. The duties of a landlord referred to in paragraphs 5 to 8 above may be carried out on the landlord's behalf by a duly appointed agent. Any reference in this statement to 'house' includes a flat or maisonette.

10. Copies of the Housing (Rent Books) Regulations 1993, the Housing (Standards for Rented Houses) Regulations 2008 and the Housing (Standards for Rented Houses) (Amendment) Regulations 2009 may be purchased from the Government Publications Sale Office, Sun Alliance House, Molesworth Street, Dublin 2 or from the housing authority.

11. Responsibility for the enforcement of the law relating to rent books and standards rests with the housing authority for the area in which the house is located. The name, address and telephone number of the relevant housing authority are as follows:

Name: _____

Address: _____

Telephone: _____