

Annual Regulatory Return Explanatory Note for Tier 1 organisations



Introduction

This Explanatory Note provides Tier 1 Approved Housing Bodies (AHBs) with guidance on how to complete the Annual Regulatory Return (ARR). If you require additional assistance or clarification on any aspect of the ARR, please contact the Regulation Office on 01 656 4170 or at regulation@housingagency.ie.

The information provided in the ARR forms the basis for assessing the AHB's performance against the requirements and expectations of the regulatory framework. It is important that AHBs complete the ARR in full and ensure that the information provided is as accurate as possible. Boards should ensure that they have approved the information within this submission.

The **Charter of Commitments Renewal** is incorporated into the ARR. By submitting the document, the AHB is confirming its commitment to the Code until 31st December 2021.

Changes to the Annual Regulatory Return

AHBs will note some changes to the ARR this year. As you will be aware, the Regulation Office has previously operated in a lagged environment. This year, the Annual Regulatory Return has been updated to request information based on both year-end 2019 and up to 30th September 2020. In addition, the current Return has been revised to allow AHBs to provide more information, clarity and assurances about their governance, finance, and performance management.

Comply or Explain

The regulatory framework operates on a comply or explain basis. If an organisation is non-compliant with any aspect of the Code, it should explain how it is working towards complying with the requirement or why it believes the requirement is not appropriate for the organisation. Where an AHB does not meet the requirements of the Code, it should state the reason why.

Submitting the Annual Regulatory Return

AHBs are required to complete and submit the ARR (in Excel) by the **31st October 2020**.

ARRs should be emailed, with supporting documentation, to regulation@housingagency.ie.

NB: The information contained within the ARR should be reviewed and approved by the Board prior to submission.

AHBs that do not submit the ARR may result in the AHB being removed from the published "List of Approved Housing Bodies Signed up to the Code."

The Annual Regulatory Return

Section 1: General Information	
1.1 - 1.3	<p>Organisation Name, Contact Details and Authorised Key Contacts</p> <ul style="list-style-type: none"> AHBs should provide contact details for the AHB alongside contact details for authorised key contacts. By submitting these details, the AHB is authorising these contacts to receive communications relating to the organisation. Providing details for the Chair and Regulation Contact is mandatory. The Regulation Office will only provide information to authorised key contacts. In addition, where there is no Chief Executive in place, AHBs should provide the contact details for a second Board member.
1.4	<p>Declaration - The Chair of the Board must certify that the information provided in the ARR is accurate and a fair representation of the AHB.</p> <ul style="list-style-type: none"> AHBs are required to provide the date of the Board meeting when the ARR was approved for submission. This confirms that the Board (or a sub-committee that the Board has delegated responsibility to) has verified that the data provided in the ARR is an accurate and true reflection of the activities of the AHB.
1.5 - 1.6	<p>Company Type and Primary Objective</p> <ul style="list-style-type: none"> AHBs should select the relevant company type from the dropdown menu provided. AHBs are asked to provide the primary objective of the AHB, as stated in the organisation's Constitution.
1.7	<p>Staff and Volunteer Details</p> <ul style="list-style-type: none"> AHBs should confirm if they employ staff and state the total number of staff. AHBs are also asked to provide the number of staff employed directly in the provision and management of housing.

1.8	Notifiable Events <ul style="list-style-type: none">AHBs should confirm that the Board is aware of the requirement to alert the Regulation Office of notifiable events.
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Section 2: Property Information

2	Property Information <ul style="list-style-type: none">In the property table, AHBs are required to provide the number of owned, leased, and managed units in each Local Authority area, in the relevant funding column.The property table asks AHBs for unit numbers on 31st December 2019.Each unit should be counted under one category only.AHBs are also asked to provide the total of owned, leased, and managed units as of 30th September 2020 in the table at the bottom of this page. AHBs should ensure they scroll to the bottom of this page and complete this box.An example of a completed Property Table is included in the Appendix of the Explanatory Note. Definitions: <ul style="list-style-type: none">Unit: For example, a group home situation where four adults with special needs are sharing common facilities equates to four units of accommodation. Unit numbers should align with the original funding provided.CAS: The Capital Assistance Scheme provides up to 100% capital grant funding for AHBs for the provision of housing for people with specific categories of needs. It is secured by way of a mortgage and is only repayable if conditions of the grant provision are not adhered to.CLSS: The Capital Loan and Subsidy Scheme provides up to 100% capital grant funding to AHBs to facilitate the provision of social housing for eligible families. It is secured by way of a mortgage and is only repayable if conditions of the grant provision are not adhered to.P&A: A Payment and Availability Agreement is made between AHBs agreeing to make property available for social housing for a period of between 10 & 30 years and Local Authorities on foot of funding approval
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	<p>from the Department of Housing, Planning, and Local Government. Payment based on market rent to the AHB in question. Examples include units leased from a private property owner or a unit acquired or constructed using loan finance.</p> <ul style="list-style-type: none"> • Non-State Funded: Units owned by an organisation and funded from another source not mentioned above, for example through a gift to the AHB. • Leased: Units leased by the organisation where the owner of the property is the local authority, a private property owner or another AHB. • Managed: Units managed by the organisation (not owned or leased) that the AHB manages on behalf of a local authority, private property owner or another AHB via a service level agreement.
2.2	<p>Unit Type</p> <ul style="list-style-type: none"> • AHBs are required to provide the number of self-contained and non-self-contained units. • Where there are non-self-contained units, AHBs should state the number of properties that these units are located in. <p>Definitions:</p> <ul style="list-style-type: none"> • Self-Contained: A unit is considered self-contained if it has the exclusive use of a bath/shower and cooking facilities. • Non-Self Contained: A unit is considered non-self-contained if it does not have the exclusive use of a bath/shower and cooking facilities.
2.3	<p>Additional Information on Managed and/or Leased Units</p> <ul style="list-style-type: none"> • Where an AHB manages and/or leases units to or from another AHB or any other organisation (e.g. HSE), they are asked to provide the number of units leased and/or managed and to provide details about any agreements that are in place relating to these units. • AHBs should submit a copy of the agreement in place.
2.4	<p>Growth Plans</p> <ul style="list-style-type: none"> • State if the organisation has plans to develop or add any additional units in the coming years.

	<ul style="list-style-type: none"> The Regulation Office requires visibility of the growth plans of AHBs. If an organisation is planning to develop or add further units in the coming years, they are asked to state projected units to the end of 2020 and planned units in 2020 and 2021 alongside the funding type anticipated.
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Section 3: Governance

3.1	<p>The Board</p> <ul style="list-style-type: none"> AHBs are asked to provide the number of Board Members/ Directors/ Trustees on the 31st December 2019 and on the 30th September 2020. Organisations should also provide the number of meetings and the date of the last AGM, as well as confirming that they have a suite of governance policies in place. The information provided for 31st December 2019 should match the organisation's Financial Statements. <p>Note: One of the conditions of having Approved Housing Body status under Section 6 of the Housing (Miscellaneous Provisions) Act, 1992 as set out in Memorandum VHU: 2/02 is that the board '<i>shall consist of not less than five individuals each of whom should be ordinarily resident within the jurisdiction of the State</i>'.</p>
3.2	<p>Board Renewal & Succession Planning</p> <ul style="list-style-type: none"> AHBs are asked to provide information relating to Board renewal and succession planning in this section. Appropriate succession planning helps to ensure that any gaps in skills and expertise at board level are addressed. The Charities Regulator has prepared a Guidance Note on succession planning which can be accessed here. State the number of Board Members/Directors/Trustees that are on the Board longer than 10 years and how many directors are expected to resign in the next 12 months. AHBs are also asked to confirm if there is a succession plan in place for the Board and if they are actively seeking new directors.

<p>3.3</p>	<p>Sub-Committees</p> <ul style="list-style-type: none"> • AHBs are asked to state if they have any sub-committees in place. • If yes, AHBs should select which sub-committees are in place from the list provided. • Sub-committees should be established where the Board determines that they will provide expertise and enable it to deliver the organisation’s objectives. • Each committee should have formally recorded terms of reference which are approved by the Board. • Sub-committees should report regularly to the Board.
<p>3.4</p>	<p>Relationships with Other Organisations</p> <ul style="list-style-type: none"> • In this section, the Regulation Office is trying to get a sense of the various relationships that exist between organisations in the sector. The Regulation Office requires an understanding of all related party relationships and the governance arrangements that are in place. • It is expected that where there are supports and services in place, that the responsibility for the management and maintenance of the housing asset is clearly defined and set out in appropriate governing documentation. • AHBs are asked to state if they are part of a group structure or if they have related parties and to outline the nature of the relationship if so. • AHBs are asked to state if related parties provide management, supports or services to the AHB. If yes, AHBs should state if there is a Service Level Agreement (SLA) in place. • AHBs are asked to state if there are financial transactions or interdependent liabilities between the AHB and any related party and if yes, the AHB should state if there are appropriate contractual arrangements in place. • AHBs are asked to confirm if there are common directors between related parties and if any employee of the related party is on the Board or on a sub-committee of the AHB. • AHBs should state if they are in receipt of funding from any public body, such as the HSE, TUSLA, DRHE, and to state if that funding makes up more than 50% of the organisation’s income.

3.5	<p>Risk Register</p> <ul style="list-style-type: none">• Tier 1 AHBs are required to have a Risk Register in place. A Risk Register is a tool used to manage and assess all potential risks that could affect the operations of the organisation. It is important that the Risk Register is reviewed and updated regularly to keep account of changing operational environments.• The organisation should submit a copy of its risk register.• For more information on risk management, the Charities Regulator has prepared some guidance which is available here.
3.6	<p>Governance Commentary</p> <ul style="list-style-type: none">• Provide information on any governance areas that the organisation will be reviewing in the next 12 months.• In addition, AHBs can provide any additional commentary in relation to its governance.

Section 4: Financial & Business

4.1	<p>Financial Statements & Management Accounts</p> <ul style="list-style-type: none">• AHBs should confirm if they have a full set of audited Financial Statements for the 2019 financial year.• Where AHBs do not file a full set of audited Financial Statements to the Companies Registration Office (CRO), they should ensure to submit a copy with the ARR.• If an AHB does not have a full set of audited Financial Statements for 2019, they should provide an explanation in the box provided.• AHBs should also confirm if the auditor has provided an Audit Management Letter. If yes, AHBs should submit this with the ARR.• In addition, AHBs should indicate if they have a set of Management Accounts. Where they do not have a set of Management Accounts, the AHB should provide an explanation in the box provided.• The Regulation Office is aware that some organisation's may be exempt from filling full audited Financial Statements with the CRO following
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	<p>changes to the Companies Act 2014. However, as per the Department Circular Memorandum VHU:2/02, AHBs are required to make full audited financial statements available as a condition of their AHB status.</p> <ul style="list-style-type: none"> • Additionally, The Financial Standard requires that AHBs submit a full set of audited Financial Statements to assess an organisation’s financial viability.
4.2	<p>Finance Management & Controls</p> <p>In this section, AHBs are asked to provide some information relating to its financial management and controls.</p> <ul style="list-style-type: none"> • AHBs are asked to indicate if they have an Annual Budget in place and if there are financial policies and procedures in place. • Organisations should state if segregation of duties is in place relating to financial transactions. • AHBs are asked to confirm if they are satisfied with the arrangements relating to financial controls. • For further information, the Charities Regulatory has published ‘Internal Financial Guidelines for Charities’ which can be accessed here.
4.3	<p>Financial Viability</p> <p>The Financial Standard requires AHBs to be financially viable and have adequate resources to meet short, medium, and long-term business and financial commitments.</p> <ul style="list-style-type: none"> • State if the organisation is operating a surplus or deficit. Select the appropriate answer from the drop-down provided. • Where the organisation is operating a deficit, it should provide an explanation. • State if the organisation has any concerns regarding its medium to long term financials. If yes, the AHB is asked to provide details in the box provided. <p>Definitions:</p> <p>Short term viability</p> <p>This refers to whether or not the organisation has enough funds to meet its ongoing costs and expenses as they fall due in the short term (12 months).</p>

	<p>Medium - Long term viability</p> <p>This refers to whether or not the organisation has the ability to meet all future financial obligations as they fall due in the medium to long term (over 12 months). The asset and liabilities of the organisation are also considered when looking at medium to long-term viability.</p>
4.4	<p>Sinking Fund & Stock Condition Survey</p> <ul style="list-style-type: none"> • All AHBs are required to have a sinking fund provision for the longer-term maintenance of its housing stock (e.g. roof replacement). The level of sinking fund provision should relate directly to the condition of the stock. This can only be judged by carrying out a stock condition survey which looks at all parts of a building to assess the state of repair and provide a plan for immediate and long-term repairs and maintenance. • All AHBs are required to have stock condition surveys externally validated by an appropriately qualified and independent third party. • AHBs are asked to confirm if they have a sinking fund provision in place, and if not, to provide an explanation. • AHBs are also asked to confirm if a stock condition survey has been carried out and if not, to provide an explanation. • AHBs should provide the level of the sinking fund provision at year-end 2019 and at 30th September 2020.
4.5	<p>Finance Commentary</p> <ul style="list-style-type: none"> • Outline any finance areas that the AHB will be focusing on over the next 12 months. • In addition, AHBs can provide any additional commentary in relation to its financial management.

Section 5: Performance

5.1	<p>Tenants and Service Users</p> <ul style="list-style-type: none"> • AHBs are asked to provide the number of units that have tenancies/tenancy agreements in place and the numbers of units that have service user/licensee agreements in place.
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	<ul style="list-style-type: none"> • Where there are service user or license agreements in place, AHBs are asked to provide further details about this agreement and what it entails. • AHBs should state if all tenancies are registered with the RTB and where they are not, the organisation should provide an explanation.
5.2	<p>Tenant Service Policies</p> <ul style="list-style-type: none"> • Confirm if tenant service policies are in place. If an AHB does not have a policy in place, it is expected to provide an explanation. • The Code requires AHBs to have tenant service policies in place relating to allocations, complaints, voids, repairs and rent arrears.
5.3	<p>Rent Records</p> <ul style="list-style-type: none"> • AHBs should confirm if rent records are issued to tenants and where rent records are not provided, the AHB should provide an explanation. • The Code and the Housing (Rent Books) Regulations 1993 requires that tenants are issued with rent records i.e. a rent book, or statement. These should contain information relating to the rent payable and any additional service charges that are applicable.
5.4	<p>Communicating with Tenants</p> <ul style="list-style-type: none"> • AHBs are asked to indicate how they communicate with tenants by selecting the relevant communication method from the list provided. These include newsletters, meetings/visits, tenant surveys, and via the AHB's website. • AHBs are asked to confirm if they have pre-tenancy training and a tenant handbook in place. • Pre-Tenancy training is a requirement of the Code. This does not have to be extensive but should inform tenants of what is expected of them as tenants and what they can expect of the AHB as their landlord. • A Tenant Handbook is also required under the Code. This should provide tenants with information such as key contacts, rent collection dates, repair processes and relevant policies.

<p>5.5</p>	<p>Void Management</p> <ul style="list-style-type: none"> • AHBs are required to state the total number of void properties on 31st December 2019 and 30th September 2020 respectively and to provide the average length of these void properties. • AHBs are also asked to provide the breakdown in the duration of void properties. • Of the properties that were void on 31st December 2019 and the properties that were void on 30th September 2020, AHBs are asked to provide the breakdown of properties that were void for 0-6 weeks, 6-12 weeks, 12-26 weeks, and 26+ weeks. • Finally, AHBs are asked to state the primary reason for void properties. <p>Definitions:</p> <ul style="list-style-type: none"> • A void is a property that is not tenanted. • A void period is defined from the time a tenant moves out until a new tenant moves in. In the case of new properties, this is the period from the property being available for letting until a tenant moves in. • Average length of a Void: Total number of weeks unit(s) were void/number of void unit(s)
<p>5.6</p>	<p>Rent Payment & Arrears</p> <ul style="list-style-type: none"> • AHBs are asked to provide rental information relating to 2019 and rental information up to 30th September 2020. • AHBs should indicate if they charge rent and if not, they should provide an explanation relating to the non-charging of rent. • AHBs are expected to provide detail on rental information including rent due, rent collected and rent arrears. • Pro-active rent management is a vital component of performance management. The Regulation Office requires assurances that the organisation is managing its income and has clearly defined policy and procedures relating to rental arrears and write-offs.

5.7	<p>Repairs</p> <ul style="list-style-type: none"> • AHBs are asked to provide data on repairs relating to 2019 and up to 30th September 2020. • AHBs are asked to provide the number of repair requests received in the categories of emergency, urgent and routine and to state the response time in days. • Where an organisation is unable to provide this information, it is asked to provide an explanation.
5.8	<p>Management and Maintenance Costs</p> <ul style="list-style-type: none"> • AHBs are asked to provide the average maintenance and management costs relating to housing management for 2019 and up to 30th September 2020. • Maintenance costs should include all costs relating to repairs and maintenance. This can be calculated by looking at the complete expenditure on maintenance and dividing it by the number of units. • Management costs should include all management and other associated costs, including service charge expenditure, but excluding any maintenance costs. This can be calculated by taking the total management expenditure and dividing it by the number of units.
5.9	<p>Asset Register</p> <ul style="list-style-type: none"> • AHBs are asked to confirm if they maintain an Asset Register in respect of its housing stock. • AHBs are required to have an asset & liabilities register in place that records its housing stock and is capable of being reconciled with the audited Financial Statements and the ARR.
5.10	<p>Performance Management Commentary</p> <ul style="list-style-type: none"> • Outline any performance management areas that the AHB will be focusing on over the next 12 months. • In addition, AHBs can provide any additional commentary in relation to its performance management.

	<p>Charter of Commitments</p> <ul style="list-style-type: none">• AHBs are required to submit the Charter of Commitments annually. Submitting the Charter confirms that the AHB will comply with the requirements set out in the Voluntary Regulation Code, and additional Standards, appropriate to the organisational type.• The Charter of Commitment renewal has been incorporated into the Annual Regulatory Return.• Providing the name of both Board Chairperson and Board Secretary, within the Annual Regulatory Return, acknowledges the organisation's commitment to the Code until 31st December 2021.
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	<p>Supplemental Information</p> <ul style="list-style-type: none">• AHBs should use this section to include any information that it deems important for the Regulation Office to review.• This is an important section for AHBs to ensure that the Regulation Office has all the relevant information required in order to carry out a Regulatory Assessment on the AHB.
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Please Complete Supporting Checklist of ARR to ensure all relevant documentation is included.

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APPENDIX

Example: Annual Regulatory Return (ARR) Property Table (Property Information tab in ARR)

The **total number of units** is shown here. This is calculated automatically from the information provided by the AHB in the grey cells.

For **owned units**, insert unit numbers in the appropriate cell(s), according to location and type of funding. In the example below, the AHB had 30 CAS units located in Louth.

For **leased units**, insert unit numbers in the appropriate cell(s), according to location and leasing arrangement. In the example below, the AHB leased 25 units from Galway County Council.

For **managed units**, insert numbers in the appropriate cell(s), according to location and management arrangement. In the example, the AHB did not manage any units and the cells have therefore been left blank.

SECTION 2: PROPERTY INFORMATION

AHB TO COMPLETE GREY BOXES ONLY

Location	SumOfNoOfUnits	Owned	CAS	CLSS	Out Of Mortgage	P&A	Non State	Leased	From LA	Private	Other AHB	Managed	OBO LA	OBO Private	OBO Other AHB
Carlow	0	0						0				0			
Cavan	0	0						0				0			
Clare	0	0						0				0			
Cork City	0	0						0				0			
Cork County	0	0						0				0			
Donegal	0	0						0				0			
Dublin City	0	0						0				0			
DunL - Rathdown	0	0						0				0			
Fingal	0	0						0				0			
Galway City	0	0						0				0			
Galway County	25	0						25	25			0			
Kerry	0	0						0				0			
Kildare	0	0						0				0			
Kilkenny	0	0						0				0			
Laois	0	0						0				0			
Leitrim	0	0						0				0			
Limerick City & County	0	0						0				0			
Longford	0	0						0				0			
Louth	30	30	30					0				0			
Mayo	0	0						0				0			
Meath	0	0						0				0			
Monaghan	0	0						0				0			
Tipperary	0	0						0				0			
Offaly	0	0						0				0			
Roscommon	0	0						0				0			
Sligo	0	0						0				0			
South Dublin	0	0						0				0			
Waterford City & County	0	0						0				0			
Westmeath	0	0						0				0			
Wexford	0	0						0				0			
Wicklow	0	0						0				0			
TOTAL	55	30	30	0	0	0	0	25	25	0	0	0	0	0	0
Check	55	30	30	0	0	0	0	25	25	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Regulation Office, Housing Agency 2017

Note: AHBs should ensure that the total number of units (as automatically calculated) matches with its own records.

Note: AHBs should ensure each unit is only recorded once in the table.

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