

**An tÚdarás Rialála Comhlachtaí
Tithíochta Ceadaithe**

Approved Housing Bodies
Regulatory Authority



Approved Housing Bodies Regulatory Authority

Frequently Asked Questions (FAQ)

Version I
Issued: March 2021

For general queries contact info@ahbregulator.ie

To be added to our mailing list contact
communications@ahbregulator.ie

www.ahbregulator.ie

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1. Introduction

The Approved Housing Bodies Regulatory Authority (AHBRA) was established on the 1st February 2021. This FAQ document aims to provide an oversight on the key questions raised by stakeholders and provides a brief synopsis of what to anticipate over the next 12 months, as a result of the introduction of the AHBRA.

This FAQ document will be updated periodically, as functions and powers of the Housing (Regulation of Approved Housing Bodies) Act 2019 are commenced throughout 2021 and 2022.

All queries relating to the AHBRA can be sent to info@ahbregulator.ie

When was the AHBRA established?

The Minister for Housing, Local Government and Heritage, Darragh O'Brien TD, signed an order formally establishing the Approved Housing Bodies Regulatory Authority (AHBRA) on 1 February 2021.

What is AHBRA responsible for?

The AHBRA will have responsibility for overseeing the effective governance, financial management and performance of all voluntary and co-operative housing bodies, in accordance with the legal framework set out in the Housing (Regulation of Approved Housing Bodies) Act 2019.

The AHBRA will aim to safeguard public and private investment in the AHB sector and to ensure that the assets are managed sustainably. The statutory regulatory framework will provide assurances to investors, tenants, the government and to the AHB sector itself that social housing providers operate in a well-regulated and stable environment.

Is the AHBRA voluntary or statutory?

The newly established AHBRA is a statutory regulatory authority, its functions and powers are provided for under the Housing (Regulation of Approved Housing Bodies) Act 2019.

What are the main differences between statutory and voluntary?

Whilst the key principles of regulation have been developed during the voluntary environment, the introduction of the AHBRA brings legal obligations and requirements that were not in place under the voluntary environment.

The AHBRA will have powers to require information and records from AHBs for the purpose of the performance of its functions. Additionally, the AHBRA will have responsibility for registration of AHBs and will have powers of investigation and enforcement. The purpose of such powers is to ensure the protection of AHB tenants and/or public assets and would allow the AHBRA to intervene, where necessary.

Statutory Versus Voluntary



Statutory Functions	AHBRA	Existed under Voluntary
✓ Establish & Maintain a Register	✓	✗
✓ Register persons as AHBs	✓	✗
✓ Prepare Draft Standards for approval by Minister, and publish	✓	✗
✓ Monitor and assess compliance by AHBs	✓	✓
✓ Communications & Facilitation	✓	✓
✓ Carry out Investigations	✓	✗
✓ Enforcement	✓	✗
✓ Promotion and awareness	✓	✓

2. Who is the AHBRA?

The AHBRA currently consists of a Board comprised of nine Board members, appointed by the Minister for Housing, Local Government & Heritage on the 11th February 2021. Mr. Edward Lewis is the Chairperson of the AHBRA, also appointed by the Minister. The newly established Board held its first Board meeting on the 25th February 2021.

The Chair and Board are responsible for the operation and proper functioning of the AHBRA. The Board will carry out these responsibilities in alignment with the Code of Practice of State Bodies. The below are the members of the AHBRA:

Mr. Edward Lewis (Chairperson)
 Mr. Seamus Neely
 Ms. Eileen Gleeson
 Ms. Geraldine Hynes
 Ms. Jillian Mahon

Mr. John McCarthy
 Dr. Oonagh Breen
 Mr. Michael Cameron
 Ms. Orla Coyne

You can read more about the Chairperson and Board Members in [Appendix A](#).

Who is the Chief Executive Officer?

Susanna Lyons was appointed Chief Executive Designate of the Approved Housing Bodies Regulatory Authority on 1 December 2020. Following its establishment on 1 February 2021, Ms. Lyons was formally appointed as Chief Executive Officer.

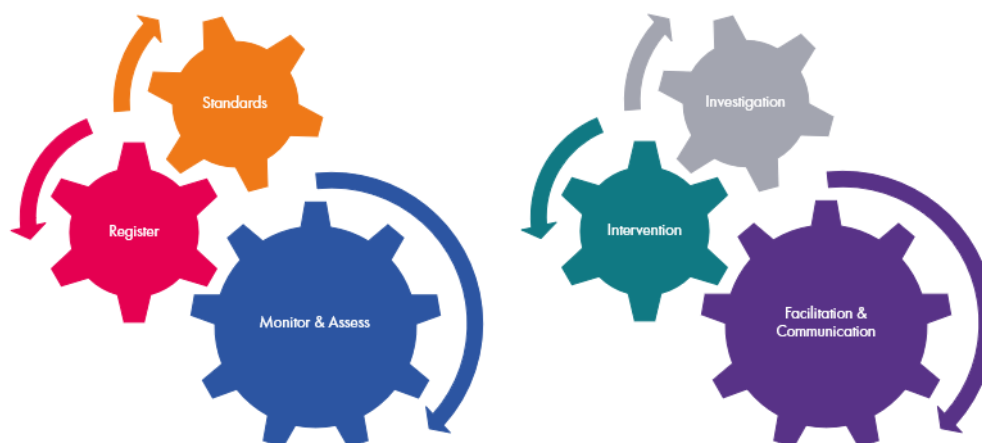
Who will staff the Regulator?

The legislation provides for the transfer of staff from the Housing Agency to the AHBRA. The staff of the voluntary Regulation Office are employees of the Housing Agency. Additionally, the AHBRA may appoint staff with the consent of the Minister for Public Expenditure and Reform.

3. What are the functions of the AHBRA?

The AHBRA will be responsible for several functions, including to:

- establish and maintain a register of AHBs
- register persons as AHBs
- prepare draft standards for approval by the Minister and publish
- monitor and assess compliance by AHBs
- carry out investigations *under Part 5* (of the Act)
- *under Part 6* (of the Act) protect tenants and AHBs and cancel the registration of AHBs
- encourage and facilitate the better governance, administration and management including corporate governance and financial management, of AHBs
- promote awareness and understanding of the Act
- collect such information concerning AHBs as the Regulator considers necessary and appropriate for the purposes of the performance of the Regulator's functions,
- publish such information (including statistical information) concerning AHBs as the Regulator considers appropriate



Functions being introduced on phased basis

Are the functions and powers of the Regulator already in place?

No, the powers and functions of the AHBRA will be commenced on a phased basis. A number of articles and sections were commenced in February 2021 however, these are largely technical and formative aspects of the law.

The majority of the functions and powers of the AHBRA will be phased in during 2021 and 2022. As each power and function is conferred upon the AHBRA, it will communicate the requirements to all key stakeholders.

The 2021 year is seen largely as an implementation and build phase, with the AHBRA anticipated to be operational in 2022.

What has been commenced to date?

Sections commenced – 1st February 2021



Sections & Articles	Heading	Sections & Articles	Heading
S3	Expenses	S14 (1)(a)-(d), (2)	Appearance of CE before PAC
S4 (1) – (2)	Review of the Act	S15 (1)-(4), (5)(a)-(b), (6)-(7), (8)(a)-(b)	Accountability of CE to other Oireachtas Committee
S5 (1)(a)-(d) – (3)	Giving of Documents	S16	Consultants and Advisors
S6 (1)(a)-(b), (2)(a)-(b) – (6)	Offences & penalties	S17 (1)-(7)	Transfer of Employees of Housing Agency to Regulator
S7	Establishment Day	S18 (1)-(3)	Staff of Regulator
S8 (1)-(3)	Establishment of AHBRA 'the Regulator'	S19 (1)-(10)	Superannuation
The Schedule	Approved Housing Bodies Regulatory Authority	S20 (1), (2)(a)-(b), (3)-(5)	Strategy Statement
S9 (1)(h), (2)-(5) Only***	Functions of Regulator Excludes S9 (1)(a)-(g) and (i)-(j)	S21 (1)(a)-(b), (2)-(4)	Accounts of the Regulator
S10	Grants to Regulator	S22(1)-(3)(a)-(b), (4)(a)-(c),(5)-(9)	Reports to the Minister
S11 (5)-(11)	Chief Executive Excludes S11 (1)-(4) commenced in June 2020	S23 (1)(a)-(c), (2)-(5), (6)(a)-(b), (7)(a)-(e), (8)-(9)	Administration co-operation on Regulatory Matters
S12 (1)-(4)	Functions of Chief Executive	S61 (1)-(8), (9)(a)-(e), (10)(a)-(g), (11), (12)(a)-(b), (13)-(15)	Appeals Panel
S13 (1)-(4)	Delegation of functions of Chief Executive	S65 (1), (2)(a)-(c), (3), (4)(a)-(f)	Prohibition on unauthorised disclosure of confidential information

What is expected to be commenced next?

The commencement of powers and functions of the legislation are at the discretion of the Minister. In line with the phased approach mentioned above, it is anticipated that *preparation of the draft Standards* will be commenced in early summer 2021.

4. What are the Standards expected to cover?

Chapter 3 of the 2019 Act requires the AHBRA to prepare and submit draft standards to the Minister for approval. The standards are required to include the governance of AHBs, the financial management of and financial reporting by AHBs, property and asset management by AHBs and tenancy management by AHBs.

The table below provides a brief overview of the draft regulatory standards

Governance	<ul style="list-style-type: none"> the membership and governance structure and the roles and responsibilities of the board, committee of management or the trustees, as the case may be, of an AHB the procedures for decision-making to ensure control and oversight of an AHB the management of conflicts of interest including a register of interests of the members of the board or committee of management, or of the trustees, as the case may be, of an AHB, and a code of conduct for the board, committee of management or trustees, as the case may be, of an AHB
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Financial management & financial reporting	<ul style="list-style-type: none"> • the requirements for financial and risk control • the procedures for monitoring and assuring the financial viability of the AHB • the keeping of proper books of account that— <ul style="list-style-type: none"> ○ correctly record and explain the transactions of the AHB ○ enable the financial position of an AHB to be determined with reasonable accuracy at any time, and ○ enable the accounts of the AHB to be readily and properly audited, • the requirements for internal control and audit, • the requirements for strategic planning, including the preparation of financial and business plans, • the procedures for monitoring performance, and • the requirements for the confirmation and verification of compliance with statutory obligations including, in particular, obligations arising under the Charities Act 2009 and the Companies Act 2014
Property and asset management by AHBs and tenancy management by AHBs	<ul style="list-style-type: none"> • policies and procedures relating to <ul style="list-style-type: none"> ○ nominations to dwellings of tenants, and allocations of dwellings to tenants by AHBs, ○ the management of dwellings by AHBs, and ○ communication by AHBs with their tenants.

Will the standards be the same for all AHBs?

The draft standards may make different provision(s) for different categories of AHBs and will have regard to at least the following matters:

- the nature, scale and complexity of the activities of each category of AHB including the types of dwellings provided or managed, or both, as the case may be, by each category of AHB to meet the different accommodation needs of different categories of tenants
- the number of dwellings provided or managed, or both, by each category of AHB
- the level of borrowings of each category of AHB
- the level of financial risk associated with each category of AHB.

Will the AHBRA consult with stakeholders regarding the Standards?

Yes, the legislation allows for persons to make representations in writing to the AHBRA.

On commencement of 'Standards for AHBs' within the legislation, the AHBRA will prepare the draft standards and within six months submit the draft standards to the Minister for approval.

The AHBRA will communicate with key stakeholders when the commencement of this section of the Act has been initiated. The AHBRA will pro-actively engage with key stakeholders to ensure appropriate representations are considered.

Additionally, in line with the legislation the AHBRA shall publish on its website the draft standards and '*shall allow persons to make representations, in writing*'. Key stakeholders can make representations to the AHBRA over a 28-day period.

The AHBRA will consider all representations and may amend the draft standards before they are submitted to the Minister.

5. Is the Voluntary Regulator still in place?

Over 280 Approved Housing Bodies are actively engaged with the voluntary environment managed by the Housing Agency Regulation Office. Until such time that the AHBRA will be operational, the voluntary environment remains in place.

All complaints, queries and notifiable events as governed under the voluntary environment should continue to be directed to the Regulation Office at regulation@housingagency.ie

6. I am an existing AHB, will I be required to register in 2021?

In line with the above, the functions and powers of the AHBRA will be commenced on a phased basis. Currently, it is not anticipated that 'Registration' of 2019 Act will be commenced until January 2022. Once commenced, ALL existing Approved Housing Bodies registered with the DHLGH will be 'deemed registered'.

Each AHB, depending on their size and scale of activities, will then be required to 'apply for registration' within various periods ranging from 1, 2 and 3 years. AHBs should be aware they must comply with the provisions of the Act once 'deemed registered'.

The AHBRA will release guidance on Registration and detailed requirements under the 2019 Act in the coming months.

I am an AHB – What should I do to prepare for the new statutory regime?

AHB Boards should prepare for statutory regulation by reviewing and familiarising themselves with the legislation and assessing their ability to comply with the requirements as set out within the Act. This should include deciding whether your AHB can comply with the eligibility criteria. Details on eligibility criteria are set out in section 8 below.

Boards and executives are encouraged to review all materials released by the AHBRA in the coming months and participate in webinars that will be hosted by the AHBRA throughout 2021.

If you wish to be added to our mailing list for our latest communications and guidance please contact us at communications@ahbregulator.ie

I am a registered AHB but wish to rescind my status?

The Department of Housing, Local Government & Heritage has pro-actively been working with organisations who wish to rescind their AHB status. Should your AHB wish to rescind its status please contact ahb@housing.gov.ie

I am a registered AHB but wish to merge with another AHB. Is there guidance?

Yes, the Housing Agency Regulation Office issued an advise note including case studies and interviews in June 2020. This guidance can be found at [Mergers Advice note](#)

7. What is the Strategy of the AHBRA?

The AHBRA is required under the legislation to prepare and submit a 3-year Strategy statement to the Minister within six months of establishment.

The AHBRA strategy will set out the AHBRA's approach to its key functions, including registration, standards, monitoring & assessment, investigations, guidance & education, promotion & understanding, data gathering & information and publication. The strategy shall outline the AHBRA's key objectives, outputs and strategies, including human resources, organisational structure and its approach to efficiency and effectiveness of its operations. The AHBRA strategy is expected to be published in August 2021.

It is anticipated that the AHBRA will adopt a multi-faceted regulatory approach, with focus on risk-based regulation, including application of proportionality, applying provisions for size, scale and nature of activities, number of dwellings, level of borrowings and financial risks associated.

What should I expect in 2021?

The key focus area for the AHBRA in 2021 is building and implementing a new regulatory platform. A number of key steps will be executed throughout 2021 in order to meet the ambitious target of having the AHBRA operational in early 2022.

These steps include issuance of AHBRA strategy statement, adoption of governance framework, the implementation of a regulatory framework, transfer and recruitment of staff, extensive communications with the AHB sector, publication of draft standards, the establishment of a registration process, and the creation of communications platforms.

The AHBRA will embark upon a series of communications throughout 2021 for its key stakeholders, providing a transparent and informative approach to the AHBRA.

Will I be assessed under the Statutory environment in 2021?

In line with the above, the AHBRA and its functions and powers will be introduced on a phased basis. It is anticipated that the function of '*making a standards assessment*' will be commenced in 2022.

8. How do I know if I am eligible to be an AHB?

An AHB will be eligible to register if

- it is a company that is either a company limited by guarantee or a designated activity company with at least 5 directors
- it is a registered society
- it is a friendly society or
- it is a registered charitable trust with at least 5 trustees

and includes in its constitution either or both of the following as its primary object

- the provision or management of dwellings for the alleviation of housing need
 - the prohibition of the distribution of any surplus, profit, bonus or dividend to its members or directors
- and
- a requirement that all of its property be applied solely for the purpose of its objective (except for money spent in the operation and maintenance of the AHB)

9. Will the AHBRA complete any communications/webinars in 2021?

Yes, the AHBRA will be hosting a number of webinars in spring and summer of 2021 for all key stakeholders. The AHBRA will issue a series of guidance documents for the AHB Sector throughout 2021 and 2022. Additionally, the AHBRA will present at a number of forums held by federations during the course of 2021. For any queries relating to communications please contact communications@ahbregulator.ie

The AHBRA currently has a 'holding page' website, whilst its website is being constructed. The temporary website provides information for key stakeholders in the interim. www.ahbregulator.ie

10. I wish to receive emails/communications from the AHBRA?

Please contact communications@ahbregulator.ie and we shall add you to our mailing list.

Appendix A: Board Members and Chairperson

Edward Lewis (Chairperson)

Eddie Lewis worked in the Department of Housing, Local Government and Heritage for most of his professional career. Over this time, he worked in several sections of the Department including as Principal Officer for a number of areas of housing policy. He is currently working as an Associate Lecturer with the Institute of Public Administration where he leads the Housing Studies Professional Diploma and Certificate Courses. He is the current Chair of the Interim Regulatory Committee which oversees the voluntary regulatory regime for housing associations.

He has spoken and written articles on a range of housing topics and is author of *Competing in an Uncertain World. Institutional Change in the Irish State*, which was published in 2010, and *Social Housing Policy in Ireland. New Directions* [2019].

Seamus Neely

Seamus Neely served as Chief Executive of Donegal County Council from July 2010 until July 2020. He started his public service career with Donegal County Council before moving to various Local Government roles in Monaghan and Cavan. Seamus holds an honours degree in Business Studies from Ulster University and an MBA from Dublin City University. He is currently a Board Member of Transport Infrastructure Ireland and has served on the Board of the Local Government Management Agency, Donegal County Enterprise and Donegal Tourism CLG.

Seamus led a process of organisational change in Donegal County Council that provides the basis for collaboration with Derry City and Strabane District Council in the promotion and development of the North West City Region incorporating Letterkenny / Derry and Strabane as an economic driver for a cross border population of over 350,000 people.

Eileen Gleeson

Eileen Gleeson is the former Director of the Dublin Region Homeless Executive where she was responsible for delivering a response to those experiencing homelessness or at risk of homelessness for the four Dublin Local Authorities under the aegis of Dublin City Council. A career public servant she worked with Dublin City Council for over 40 years until her retirement in January 2021.

Eileen held several key leadership roles in the Local Authority throughout her career and, spent over 30 years working in Housing Services with Dublin City Council. She was instrumental in ensuring the expansion of the Approved Housing Body Sector in the delivery of Social Housing in Dublin City.

Geraldine Hynes

Geraldine Hynes is a solicitor and accredited mediator with many years' experience in general practice, legal education, regulation and equality law. Since 2012, she has worked as a mediator and alternative dispute resolution consultant.

Geraldine is a volunteer mediator with Dublin community mediation services and is also a volunteer solicitor with Mercy Law Resource Centre, dealing with issues of housing and homelessness. She chairs tribunals established under the Mental Health Acts and is a board member of the Workplace Relations Commission since its establishment in 2015.

Jillian Mahon

Jillian Mahon is an experienced executive director with wide ranging general and specialist management experience across the private, public and international finance sector. Since 2019 she has been an independent business and financial consultant working in an advisory capacity in both the public and private sector both domestically and in EU, particularly in areas of risk management and sustainability.

Previously Jillian held senior roles in the National Treasury Management Agency (NTMA) Initially with the National Pension Reserve Fund and from 2014 on the project team establishing the Strategic Banking Corporation of Ireland and thereafter in the role as Head of Funding, Risk Sharing and Strategic Initiatives with that state agency. Prior to these roles, Jillian had an extensive career in banking and held the role of Treasurer in AIB. She is a Graduate of UCD and OU holding a BA, MBA and Prof Dip in Corporate Governance.

John McCarthy

John McCarthy is a former civil servant of some 35 years' experience. He was Secretary General of the Department of Environment, Community and Local Government, subsequently reconfigured as the Department of Housing, Planning and Local Government, for over 6 years until June 2020.

Prior to this, he served as Assistant Secretary leading the Department's Local Government, Environment and Housing Divisions for various periods of time. He previously served as Principal Officer in a number of the Department's areas of activity, including affordable housing and waste management.

John joined the Department in 1991, having previously worked in a number of other Departments, including the Department of Social Protection and the Central Statistics Office. He has a primary degree and a postgraduate diploma in management and a

Master's degree in Public Administration. He also previously served as co-Chair of the Project Ireland 2040 Delivery Board and as a member of the National Economic and Social Council and the Top-Level Appointments Committee.

Oonagh Breen

Oonagh Breen is a Professor of Law at the Sutherland School of Law, University College Dublin. A graduate of UCD and Yale Law School, her research focuses on comparative charity law regulation and governance. She has worked with the non-profit sector, charity regulators and policymakers in several jurisdictions (including Ireland, the UK, Australia, New Zealand and Canada).

Oonagh is President of the International Society for Third Sector Research (ISTR) and a member of the international advisory council to the International Center for Not-for-Profit Law (ICNL). She is the author of the Enlarging the Space for European Philanthropy Report (DAFNE & EFC, 2018) and co-author of Breen and Smith, Law of Charities in Ireland (Bloomsbury, 2019).

Michael Cameron

Michael is the Chief Executive of the Scottish Housing Regulator, the regulator of Registered Social Landlords (RSLs) and local authority housing services in Scotland. His career has centred on the provision of social housing, public health and welfare services, with the last twenty years in the inspection and regulation service of the Scottish Housing Regulator and its predecessor organisations. Michael was educated at the University of Glasgow.

Orla Coyne

Orla Coyne is a qualified solicitor for over 30 years and is a senior partner in Eames Solicitors, Dublin. She has previously and continues to serve as a Council/Committee member and Committee Chairperson in both the Law Society and the Dublin Solicitor's Bar Association (DSBA), including having held the position of past President of the DSBA.

Orla was appointed to the Board of the Private Residential Tenancies Board from 2005-2013 and served as Chairperson of the PRTB from 2009-2013 and remained on as a Tribunal member from 2013 to 2016. She was previously appointed to the Rent Tribunal (as member and Chairperson) and more recently to the Valuation Tribunal from 2015 to date. She is a graduate of UCD and holds a post graduate Diploma in Arbitration and European Law.

Appendix B: Useful Resources and key Contacts

Contact details:

Approved Housing Bodies Regulatory Authority (AHBRA)

For *general queries* contact info@ahbregulator.ie

To join our *mailing list* if you wish to receive communications from AHBRA, please contact communications@ahbregulator.ie

Website: www.ahbregulator.ie

Department of Housing, Local Government & Heritage (DHLGH)

For queries relating to AHB status contact ahb@housing.gov.ie

Housing Agency, Regulation Office

For queries relating to voluntary regulation contact regulation@housingagency.ie

Useful Resources:

Legislation [Housing \(Regulation of Approved Housing Bodies\) Act 2019](#)

February 2021 [Press release from Minister](#)

[Advice note on Mergers](#)