



An tÚdarás Rialála Comhlachtaí Tithíochta Ceadaithe Approved Housing Bodies Regulatory Authority

ICSH 'Meet the Regulator' 6th & 11th May 2021

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- ✓ Legislation: Housing (Approved Housing Bodies) Act 2019
- ✓ Commencements
 - SI 188 of 2020
 - SI 25 of 2021
 - SI 27 of 2021
- ✓ *Approved Housing Bodies Regulatory Authority* established 1st February 2021
- ✓ Chair & Board Appointed – 11th February 2021
- ✓ 1st Board Meeting – 25th February 2021

Responsibilities

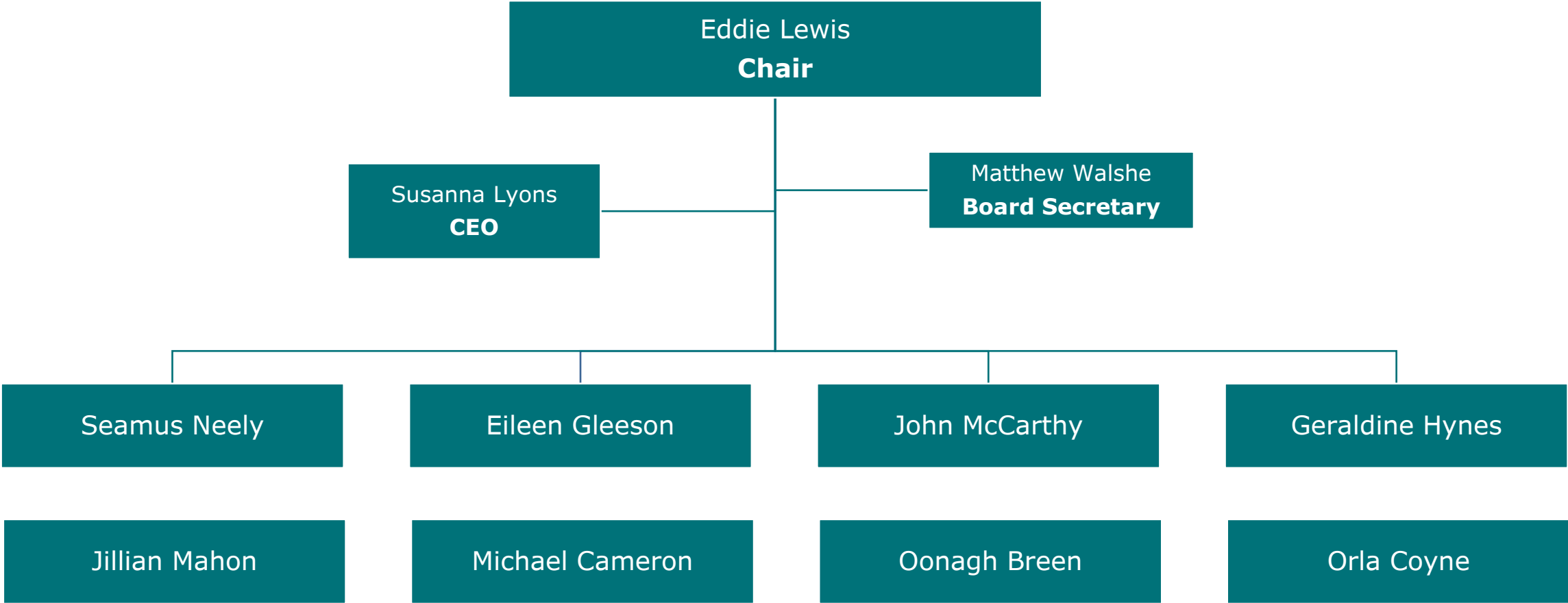


Responsibility for overseeing the **effective governance, financial management and performance** of all voluntary and co-operative housing bodies, in accordance with the legal framework set out in the 2019 Act.

Aims to **safeguard public and private investment** in the AHB sector and to **ensure that the assets** are **managed sustainably**.

Expected to 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**.

Who is the AHBRA?



Detailed bio's of Board Members is available on our Website*

Implementing a new Regulator

- | | |
|----------------------------|-----------------------------------|
| ✓ Functions | ✓ Mission, Vision & Values |
| ✓ Strategy* (timebound) | ✓ Standards* (timebound) |
| ✓ Governance | ✓ Stakeholder Engagement |
| ✓ Human Resources | ✓ Legal & Compliance |
| ✓ Organisational Structure | ✓ Regulatory Approach & Framework |
| ✓ Communications Strategy | ✓ ICT Framework |



Context & Landscape



AHB Sector



Large & Growth



Care & Support



Homelessness



Small AHBs

The Sector

- Approx. 500+ AHBs on DHLGH register
- Sector diversified & layered
- Historically grant funded, majority AHBs reliant on Government funding
- Concentrated growth - reliance on a few AHBs
- Independent legal entities, mainly with Charitable status
- Changing profile of the sector, delivery and financing

Differing delivery models

- Small cohort of large & growth AHBs
- Care & Support AHBs mainly funded by HSE, housing minor element
- Homelessness AHBs reliant on multiple funders, including fundraising
- Substantial number of small AHBs, geographically dispersed

Regulatory Context



Voluntary Environment

- 6 Years of Voluntary Regulatory Code
- Operated by Regulation Office, Housing Agency
- No powers of investigation or enforcement
- Provided 'window' into Sector
- **Only 50% of AHBs signed up – 283 AHBs**
- Approximately 37,000 homes under VRC
- Guidance & Educational Framework

Voluntary Approach

- Risk-Based Regulation
 - Standards (phased in 2015-2019)
 - Annual Assessment program
- Engagement framework
- Notifiable Events

External Regulatory Environment

- Multiple Funders & Regulators with various levels of oversight
 - Local Authorities – contractual arrangements
 - HSE – Key Funder
 - Charities Regulatory Authority
 - Dublin Regional Homeless Executive
 - HIQA
 - CRO
 - ODCE

AHBRA – New Regulatory Authority

- Specific focus as outlined in 2019 Act
- Phased approach to functions, manage expectations
- AHBRA entering a busy Regulatory space, focus on key areas
- Collaboration with other Regulators & funders will be critical
- AHBRA will supersede the voluntary environment

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	✓	✓

Voluntary Regulation entering final stages with new Statutory Requirements pending



Legislation: Housing (Regulation of Approved Housing Bodies) Act 2019

Completed & Future Commencement

Sections commenced – 1st February 2021



Sections & Articles	Heading
S3	Expenses
S4 (1) – (2)	Review of the Act
S5 (1)(a)-(d) – (3)	Giving of Documents
S6 (1)(a)-(b), (2)(a)-(b) –(6)	Offences & penalties
S7	Establishment Day
S8 (1)-(3)	Establishment of AHBRA ‘the Regulator’
The Schedule	Approved Housing Bodies Regulatory Authority
S9 (1)(h), (2)-(5) Only***	Functions of Regulator Excludes <i>S9 (1)(a)-(g) and (i)-(j)</i>
S10	Grants to Regulator
S11 (5)-(11)	Chief Executive <i>Excludes S11 (1)-(4) commenced in June 2020</i>
S12 (1)-(4)	Functions of Chief Executive
S13 (1)-(4)	Delegation of functions of Chief Executive

Sections & Articles	Heading
S14 (1)(a)-(d), (2)	Appearance of CE before PAC
S15 (1)-(4), (5)(a)-(b), (6)-(7), (8)(a)-(b)	Accountability of CE to other Oireachtas Committee
S16	Consultants and Advisors
S17 (1)-(7)	Transfer of Employees of Housing Agency to Regulator
S18 (1)-(3)	Staff of Regulator
S19 (1)-(10)	Superannuation
S20 (1), (2)(a)-(b), (3)-(5)	Strategy Statement
S21 (1)(a)-(b), (2)-(4)	Accounts of the Regulator
S22 (1)-(3)(a)-b), (4)(a)-(c),(5)-(9)	Reports to the Minister
S23 (1)(a)-(c), (2)-(5), (6)(a)-(b), (7)(a)-(g), (8)-(9)	Administration co-operation on Regulatory Matters
S61 (1)-(8), (9)(a)-(c), (10)(a)-(g), (11), (12)(a)-(b), (13)-15)	Appeals Panel
S65 (1), (2)(a)-(c), (3), (4)(a)-(f)	Prohibition on unauthorised disclosure of confidential information

Future Commencement 2021 & 2022 *



Sections & Articles	Heading
S9	Functions of Regulator
S9 (1)(a)	Establish and Maintain a Register
S9 (1)(b)	Register persons as AHBs
S9 (1)(c)	Prepare Draft Standards**
S9 (1)(d)	Monitor and assess compliance
S9 (1)(e)	Carry out investigations (under part 5)
S9 (1)(f)	<i>under Part 6</i> , protect tenants and AHBs and cancel the registration of AHBs
S9 (1)(g)	encourage and facilitate the better governance, administration and management
S9 (1)(i)	collect such information, as necessary and appropriate for the purposes of the performance its functions
S9 (1)(j)	publish such information as appropriate
S24 (1)(a)-(b), (2)(a)-(b),(3)-(4), (9)(a)-(g)	Information relating to Offences

Sections & Articles	Heading
S25-35	The Register
S25 (1)-(2)(a)-(b), (3)(a)-(c)	<i>Eligibility</i> criteria for application to register as AHB
S26 (1)-(2)(a)-(c), (3)	<i>Register</i> of AHBs
S27 (1)-(2)(a)-(e), (3)	<i>Application</i> for Registration
S28 (1)(a)-(c), (2)(a)-(b)	<i>Grant or Refusal</i> of Registration
S29	<i>Notice of proposed</i> decision to refuse application
S30 (1), (2)(a)-(b)	<i>Right to respond to</i> notice of proposed decision
S31 (1)(a)-(b), (2)(a)-(b)	<i>Notice</i> of Decision
S32 (1)(a)-(b), (2)	<i>Correction</i> of Register
S33 (1)-(3)	Evidential value of entries in register
S34 (1)-(4), (5)(a)-(i), (6)(a)-(d), (7), (8)(a)-(b), (9)(a)-(b), (10)(a)-(b)	Certain persons deemed to be registered as AHBs
S35 (1), (2)(a)-(b), (3)	Prohibited conduct in relation to registration

* Anticipated Standards article will be commenced in Q2 2021

Future Commencement 2021 & 2022*



Sections & Articles	Heading
S36 (1)(a)-(b), (2)-(7)	Power of Regulator to require information and records
S37 (1)(a)-(d), (2)(a)-(c), (3)(a)-(d), (4)(a)-(c), (5)-(8), (9)(a)-(b), 10	Standards for AHBs* <ul style="list-style-type: none"> • Governance • Financial Management & Reporting • Property & Asset Management • Tenancy Management
S38 (1)	Making a standards assessment
S38 (2)-(4)	Notice re Assessment, Specified information, format and compliance
S38 (5)-(7)	Draft Report (in writing), findings and recommendations, Representations, Final Report
S38 (8)-(9)	Extension, misleading information
S39-43	Compliance & Compliance Plans
S39 (1)-(4), (5)(a)-(b), (6)(a)-(b), (7)(a)-(b), (8)	<i>Compliance Plan</i>
S40 (1)(a)-(b), (2)-(3), (4)(a)-(b), (5), (6)(a)-(b)	<i>Notice of Non-compliance Plan</i>

Sections & Articles	Heading
S41 (1)(a)-(b)	<i>Notice of implementation of Compliance Plan</i>
S42 (1)(a)-(d), (2), (3)(a)-(e), (4)-(7), (8)(a)-(b)	<i>Failure to implement Compliance Plan</i>
S43 (1)-(2), (3)(a)-(b)	<i>Entry on register of particulars of notice of non-implementation</i>
S44-52	Investigations
S44 (1)-(2)	Definitions
S45 (1)(a)-(b), (2), (3)(a)-(c), (4)-(5), (6)(a)-(b)	Appointment of Inspectors
S46 (1)-(3)	Investigation into affairs of AHB
S47 (1)-(2), (3)(a)-(c), (4)	Investigation Reports
S48 (1)(a)-(c), (2)(a)-(b), (3)(a)-(b), (4)-(5)	Production of documents and evidence on investigation
S49 (1)(a)-(k), (2), (3)(a)-(b), (4)(a)-(b)	Power of Inspectors
S50 (1)(a)-(b)	Investigation report to be evidence
S51 (1)(a)-(c)	Offence
S52 (1)-(3)	Saving for privileged information

Future Commencement 2021 & 2022 *



Sections & Articles	Heading
S53 (1)(a)-(e), (2), (3)(a)-(d), (4)(a)-(b), (5)	Protection of tenants: requirement to transfer certain dwellings
S54 (1)(a)-(h), (2)(a)-(c), (3), (4)(a)-(f)	Protection of AHBs
S55 (1)(a)-(i), (2)(a)-(e), (3)	Notice to Regulator of certain events
S56 (1), (2)(a)-(j), (3)	Examinership: modification of Part 10 of Act of 2014 for purposes of application to AHBs
S57 –S60	Cancellation of registration
S57 (1)-(2), (3)(a)-(b), (4)-(5), (6)(a)-(f), (7)-(10), (11)(a)-(b)	Cancellation of registration where AHB requests
S58 (1), (2)(a)-(e), (3), (4)(a)-(b), (5), (6)(a)-(b), (7)(a)-(b), (8)-(10), (11)(a)-(b), (12)(a)-(b)	Cancellation of registration on specified grounds
S59	Cancellation of registration where AHB ceases to exist
S60 (1)(a)-(c), (2)	Removal from register following cancellation of registration

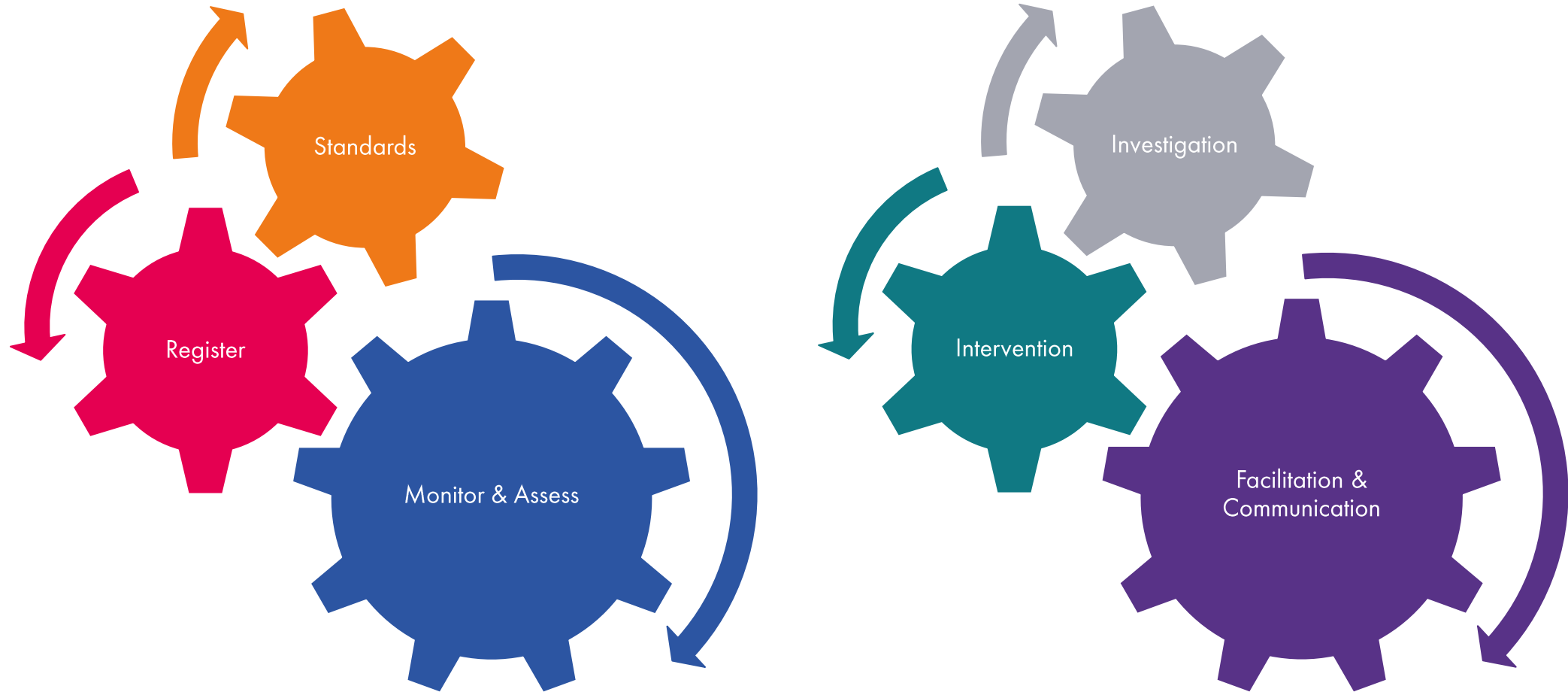
Sections & Articles	Heading
S61* –S64	Appeals
S62 (1)(a)-(b), (2)-(5), (6)(a)-(b), (7)	Appeals Board
S63 (1)(a)-(c), (2), (3)(a)-(b), (4)-(5), (6)(a)-(c), (7)(a)-(b), (8), (9)(a)-(c)	Appeal
S64 (1)-(2)	Appeal on question of law
S66 (1)-(3)	Report of Minister <i>‘report relating to the transfer of dwellings as specified in S. 25(2)(b)(i)’</i>
S67 (1)(a)-(e)	Amendments of Act of 1992
S68 (1)(a)-(c)	Construction of certain references in other Acts or instruments made under Acts
S69 (1), (2)(a)-(b), (3)-(6)	Transitional provisions: certain assistance under section 6 of Act of 1992 to be continued on cancellation of registration under section 58
S70 (1), (2)(a)-(b), (3)-(4)	Transitional provisions: payment of grant under section 6(2)(d) of Act of 1992

* Commencement is at the discretion of the Minister



Phased Approach

Regulatory Functions



Functions being introduced on phased basis

Regulatory Functions



- ✓ Establish and maintain a register of AHBs
- ✓ Register persons as AHBs
- ✓ Prepare draft standards for approval by the Minister under section 37 and publish the approved standards
- ✓ monitor and assess compliance by AHBs with this Act, in particular the approved standards
- ✓ carry out investigations under *Part 5*
- ✓ under *Part 6*, 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 by the provision of such information and advice
- ✓ Promote awareness and understanding of this Act, make available such information as appears to the Regulator to be expedient to give to the public about the operation of this 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

On the runway

An aerial, top-down view of a white commercial airplane on a runway. The runway has white dashed center lines and solid edge lines. The perspective is looking down the length of the runway, with the airplane positioned in the lower half of the frame, facing away from the viewer towards the horizon.

Phased Approach

Balanced

Register critical to success

Measured

Information & Intelligence

Proportionate

Stakeholder Engagement

Consistent, Fair & Transparent

Collaborative – MOU's

Credible











Risk-Based Approach

Educational

At each stage – AHBRA will ensure effective & timely information to key Stakeholders





Key Stakeholders/Partners	Key Communication Activities	Communication Goals	Policies	Communication Plan
<ul style="list-style-type: none">Stakeholder needsStakeholder ManagementAlignment of requirementsMOU'sStakeholder Groups   	<ul style="list-style-type: none">WebinarsRoadshowsICSH/AlliancePresentationsGuidanceQ&A's  	<ul style="list-style-type: none">Promotion & AwarenessEducationConsistent MessagingTransparent timelinesVisibilityStandardsMOUsGuidanceTarget Groups  	<ul style="list-style-type: none">Roles and ResponsibilitiesSocial Media PolicyWebsite UpdatesGDPRPlain English PolicyCrisis ManagementBrand Guidelines & Style SheetIrish Language Scheme	<ul style="list-style-type: none">Content ManagementComplaints/QueriesCampaignsMethodsChannelsEventsSchedule/CalendarStakeholder MapTrainingActionsBudget   
	<p>Communication Strategy</p> <ul style="list-style-type: none">Vision, Mission, ValuesObjectivesGoalsApproach		<p>Evaluation</p> <ul style="list-style-type: none">Media MonitoringSuccess MetricAnalyticsSurveys	

The Register



DEEMED

- AHBs will be **DEEMED** registered *initially*

- DHLGH provide information

- *AHBRA may request information*

APPLY TO REGISTER

- Entered on the Register

- Specified periods of time to 'apply to register' depending on size

- Information & Intelligence critical

- Segmentation
- Proportionality
- Risk Assessment
- Risk-based Regulation

'NEW' AHBs

- Evidencing & understanding **entire** AHB Sector

REGISTRATION PROCESS & PROCEDURES

- AHBs must comply with the provisions of the Act once 'deemed registered'

Think about the information you will need.....



Do you know?

- ✓ Are we on the DHLGH existing Register?
- ✓ Is the information correct??
- ✓ Do we have an associated organisation that is an AHB?
- ✓ No. of Directors
- ✓ Names & Addresses
- ✓ Is your constitution aligned to the Eligibility criteria?
- ✓ Staffing/Volunteers
- ✓ Future plans of your organisation

Do you have the following information?

- ✓ No. of Housing Units
- ✓ Grants/Debts/Loans associated
- ✓ Time (maturity) of grants/debts/loans
- ✓ What is on the Title
- ✓ Total Income
- ✓ Split of Income (rent, Government, Fundraising)
- ✓ Expenditure
- ✓ Full audited accounts

The Standards



Governance

Finance

Property & Asset
Management by AHBS

Tenancy Management by
AHBS

- ❑ the nature, scale and complexity of the activities of each category of AHB including
- ❑ 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

AHBRA will seek stakeholder engagement



How to successfully manage and apply regulatory oversight to:

- ✓ Diversified Sector
- ✓ A crowded Regulatory Space
- ✓ Risk-based regulation
- ✓ Stakeholders expectations
- ✓ Political atmosphere & requirements
- ✓ Developing and embedding risk management approach
- ✓ Using Data and information to make informed decisions

What is the Impact of:

- ✓ Regulation
- ✓ Covid on AHB Sector

How do we:

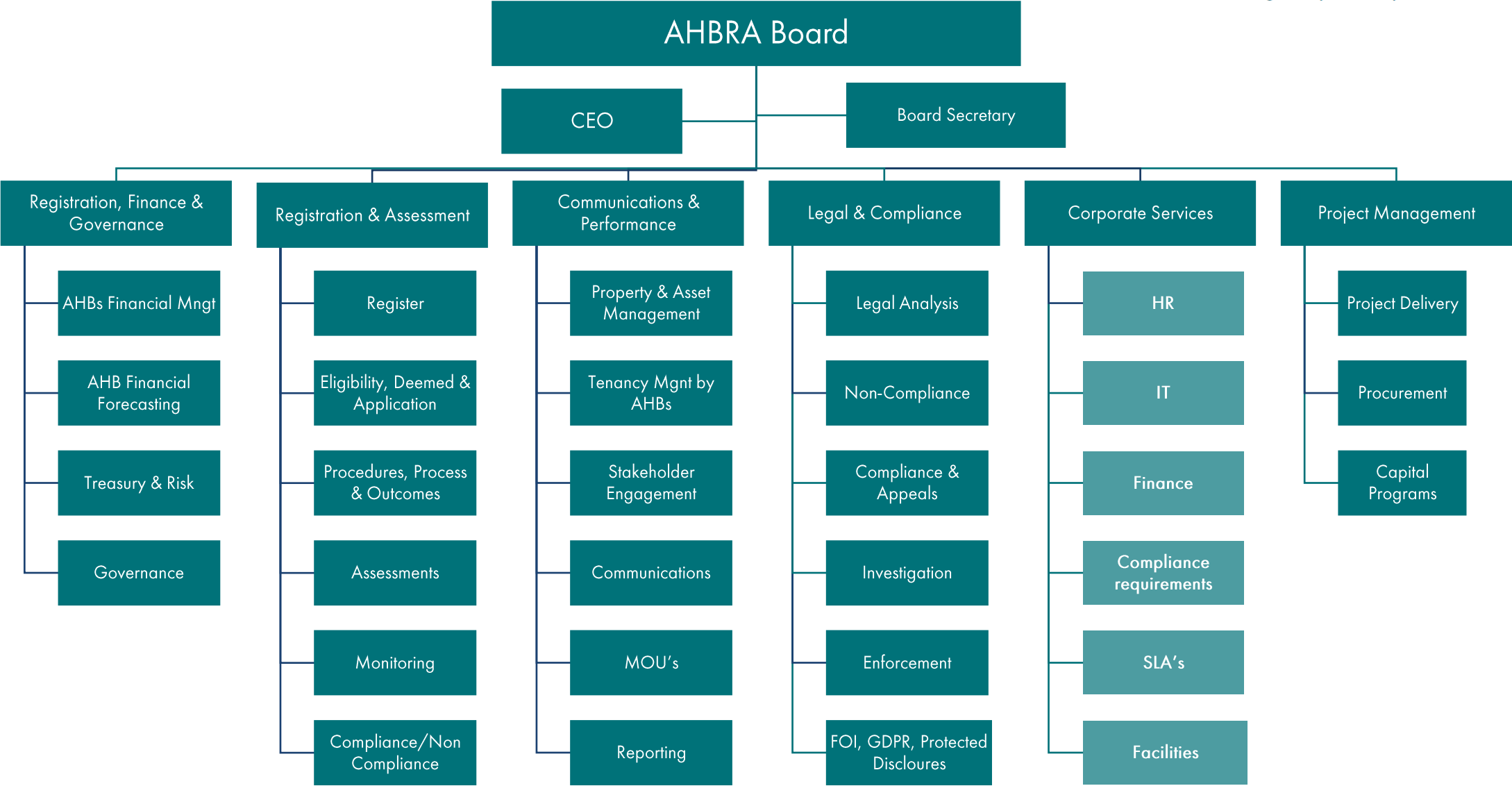
- ✓ *'Pick important problems and fix them'*
- ✓ Manage the risk control challenge
- ✓ Avoid Regulatory Capture
- ✓ Identify risk concentrations
- ✓ Patterns of non-compliance

When will we enforce versus persuade



Organisational Structure

Proposed Organisational Structure



Concentrated resources, reliance on ICT and outsourcing enabling functions



What to expect and how to prepare

What to expect, what to do....



2021: Expect

- Establishment & Implementation of AHBRA
- Publication of AHBRA 3-Year Strategy
- Draft Standards issued to Minister
 - Stakeholder representation
- Significant communications
- Promotion & Awareness
- Guidance & Education
- Phased & measured approach
- AHBRA will go LIVE in 2022

2021 – AHBs should

- Complete Gap Analysis to legislation
 - Eligibility
 - Information requirements
- Contribute to standards
- Educate Executive & Board
- Participate in Forums
- Get Regulatory Ready
- Consider your role in the AHB Sector

2021 is the year of implementation and 2022 AHBRA operational ready

Key Takeaways



- ✓ **Communication is Priority**
 - Information & Intelligence gathering
- ✓ **AHBRA powers & functions – phased introduction**
 - Manage your expectations
- ✓ **Understand Legislation**
 - Do we meet the eligibility?
 - Do we have a number of AHBs on the Register?
 - Are we ready to Register – Asset & Liability Register complete?
- ✓ **Continue to ensure high standards within your organisation**
 - Continue your commitment to Governance, Viability & Performance
- ✓ **Ensure Regulatory readiness**
 - Use this time wisely



THANK YOU

Contact Details



Key contact details:

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Frequently Asked Questions will be updated and published throughout 2021