



An tÚdarás Rialála Comhlachtaí Tithíochta Ceadaithe Approved Housing Bodies Regulatory Authority

Focus Groups for Draft Standards for AHBs Information Slides

August 2021

General queries contact
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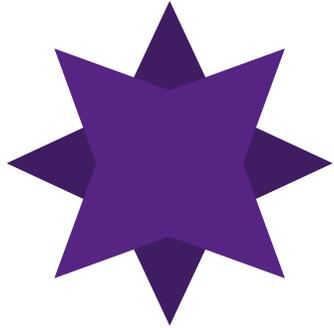
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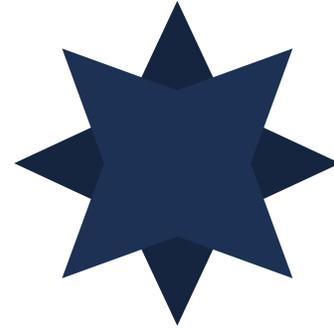
Objectives of Today's Session

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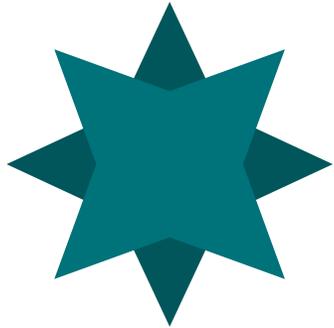
Approved Housing Bodies
Regulatory Authority



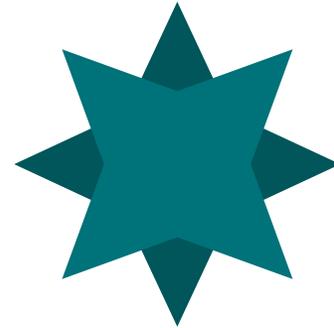
Context and Overview of Sector



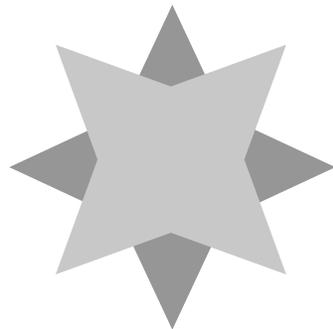
Feedback from AHBs



Legal remit of AHBRA in relation
to the **Draft Standards for
AHBs**



AHBRA approach to the drafting
of **Standards**



Timeline and Representations



Approved Housing Bodies Regulatory Authority

- ✓ Legislation: Housing (Approved Housing Bodies) Act 2019
- ✓ Approved Housing Bodies Regulatory Authority established 1st February 2021
- ✓ Chair & Board Appointed – 11th February 2021
- ✓ 1st Board Meeting – 25th February 2021
- ✓ Powers and functions to be introduced on a phased basis
- ✓ Commencement of Section 37 of the Housing (Regulation of Approved Housing Bodies) Act 2019 – 1st July 2021

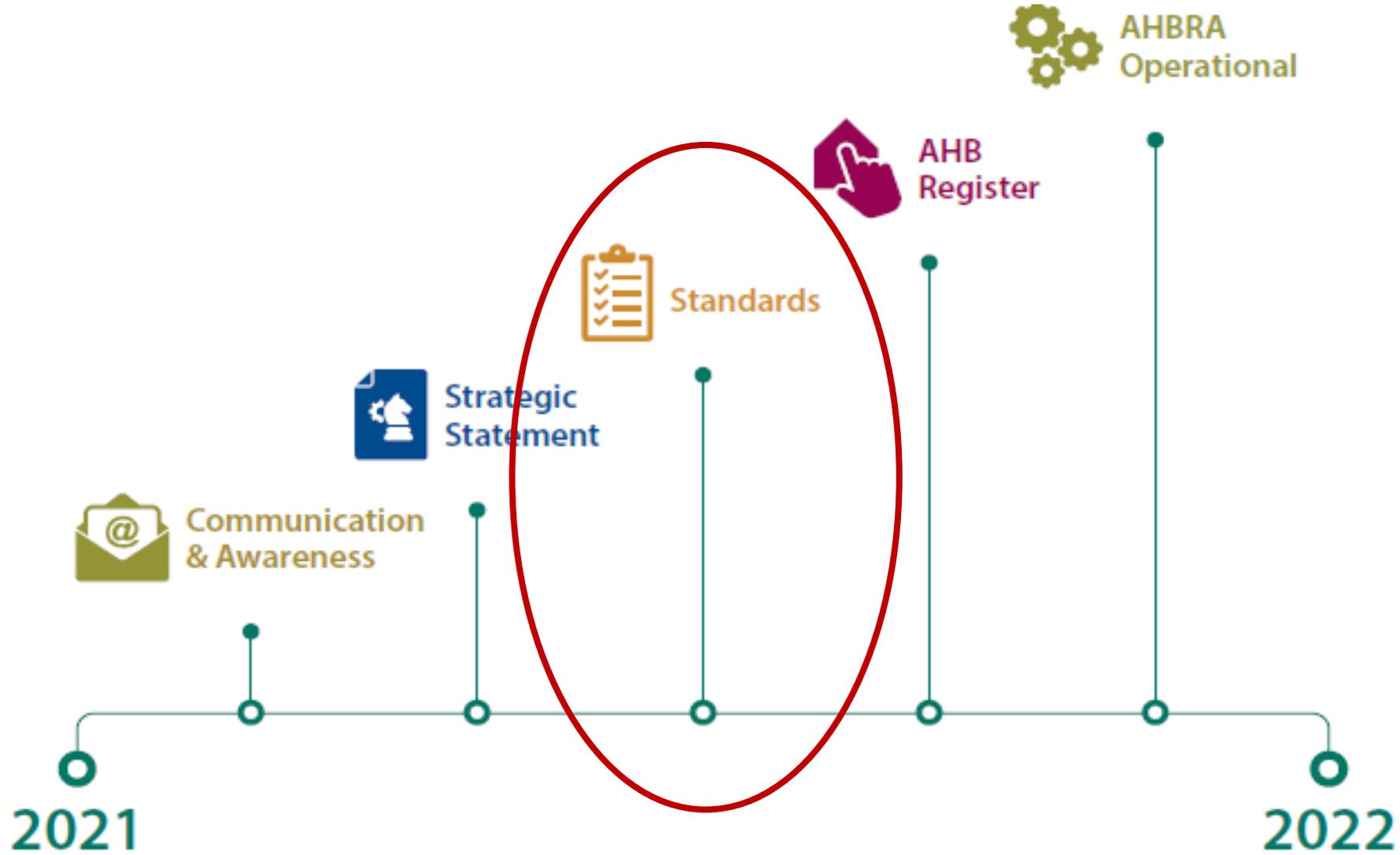
AHBRA - Legislation



The **Housing (Regulation of Approved Housing Bodies) Act 2019** provides for the regulation of Approved Housing Bodies (AHBs) for the purposes of protecting housing assets provided or managed by such bodies.

It seeks to support stronger governance, financial management and reporting, property and asset management, and tenancy management by AHBs, with a focus on safeguarding investment being made in the delivery of social housing by AHBs. **Central to this**, is the establishment of the Approved Housing Bodies Regulatory Authority.

Implementation timeline



Overview of AHB Sector



AHB Sector



Large & Growth



Care & Support



Homelessness



Small AHBs

The Sector

- Approx. 470 AHBs on DHLGH register
- Sector diversified & layered
- Historically grant funded, majority AHBs reliant on Government funding
- Concentrated growth
- Independent legal entities, mainly with Charitable status
- Large cohort of community and parish based AHBs
- Changing profile of the sector, delivery and financing

The Standards



- ❑ The Standards will provide for the governance, financial management and financial reporting and property, asset and tenancy management of AHBs
- ❑ Section 37 of the Housing (Regulation of Approved Housing Bodies) Act 2019 provides for the drafting of standards.
- ❑ It requires that AHBRA submit draft standards to the Minister within **6 months**



Legislation - Governance of AHBs

- 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



Legislation – Financial management & Financial reporting

- 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—
 - 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,
- the requirements for the confirmation and verification of compliance with statutory obligations



Legislation – Property & Asset Management and Tenancy Management

Policies and procedures relating to—

- 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.

Proportionality

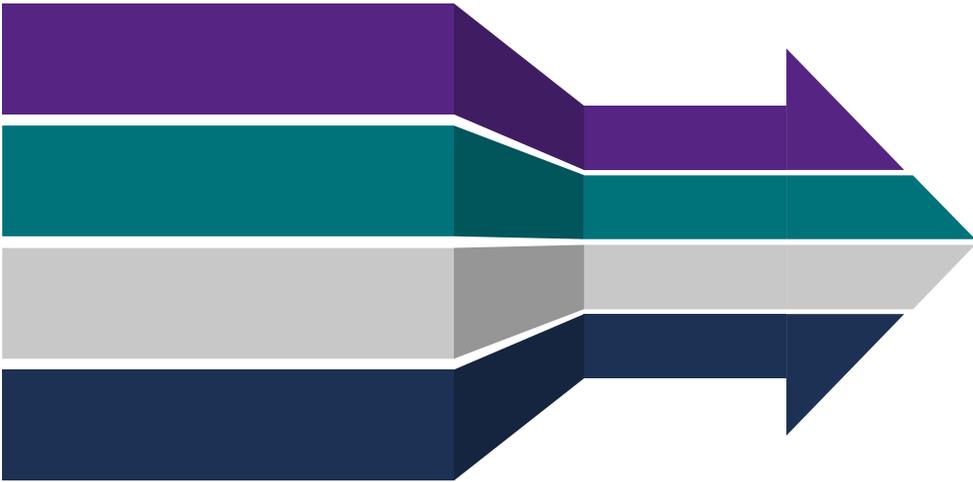


- ❑ the nature, scale and complexity of the activities of each category of AHB including
- ❑ the number of dwellings provided or managed, or both, by each category of AHB
- ❑ the level of borrowings of each category of AHB
- ❑ the level of financial risk associated with each category of AHB

Approach to the Standards

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Approved Housing Bodies
Regulatory Authority



Risk Based

AHBRA will implement risk-based regulation focusing on AHBs who are identified with higher levels of risk. This ensures using our resources appropriately and effectively

Proportional

One size does not fit all. The sector is diverse, and consideration is required for the nature, scale and complexity of the activities of each category of AHBs.

Performance Based

AHBRA is proposing adopting performance-based regulation, versus the prescriptive approach adopted under voluntary regulation

Performance based standards focus on the desired, measurable outcomes. The emphasis will be on AHBs providing evidence and assurances, demonstrating how they meet those outcomes.



Performance-based Regulation 'is a regulatory approach that focuses on desired, measurable outcomes, rather than prescriptive processes, techniques, or procedures.

Performance-based regulation leads to defined results without specific direction regarding how those results are to be obtained'



The 2019 Act assigned the AHBRA the following functions:

- ❑ the registration of AHBs
- ❑ setting **standards** for AHBs, subject to the approval of the Minister
- ❑ monitoring and assessing compliance by AHBs with the standards prepared by the Regulator
- ❑ undertaking investigations into AHBs, where necessary
- ❑ Promotion & awareness
- ❑ the cancellation of registration of AHBs, where appropriate
- ❑ the right to seek Court orders to protect the assets of AHBs in certain circumstances

Regulatory Functions



Standards are **one** part of the overall Regulatory Framework

Stakeholders & Communications



As part of the Standards drafting process AHBRA is conducting a series of communications to ensure engagement with key stakeholders and the AHB Sector

- ❑ AHB Focus Groups (August)
 - Finance
 - Governance
 - Property & tenancy management
- ❑ Engagement meetings with key stakeholders
 - DHLGH
 - Housing Finance Agency
 - ICSH/Housing Alliance
 - Housing Agency
 - HSE
 - Local Authorities
 - Charities Regulator
- ❑ Educational Webinars (September)
- ❑ Representations (per legislation - October)

Standards Timeframe



Contact Details



Key contact details:

For general queries contact info@ahbregulator.ie

To join our mailing list contact communications@ahbregulator.ie

Website: www.ahbregulator.ie

The FAQ page on our website will be updated and published throughout 2021

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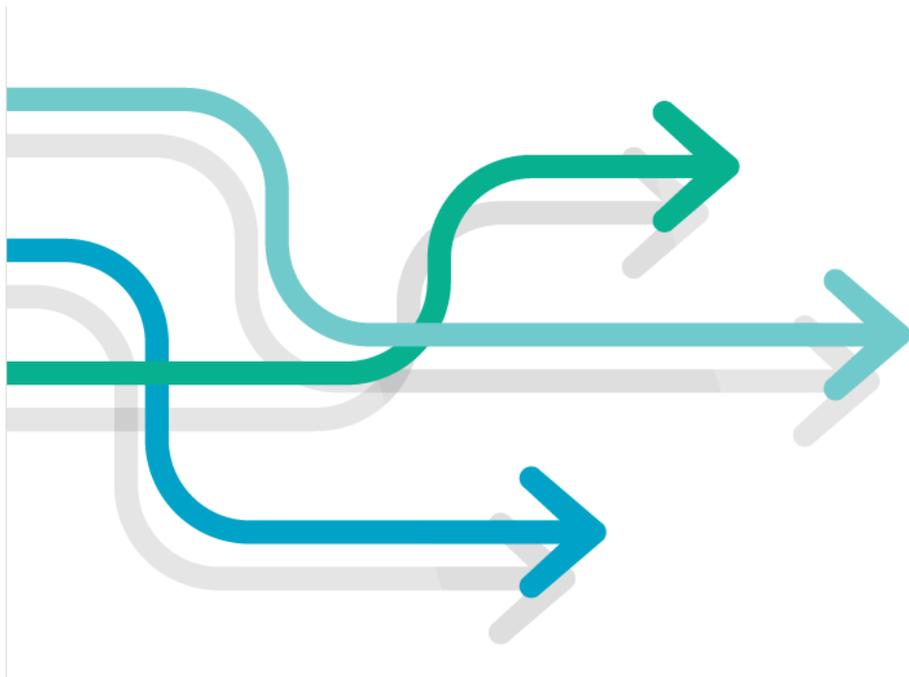


Appendix

Statutory Regulation - Responsibilities



‘An Act to provide for the regulation of approved housing bodies for the purposes of protecting certain housing assets provided or managed by such bodies’



‘The Housing (Regulation of Approved Housing Bodies) Bill 2019 provides for the regulation of Approved Housing Bodies (AHBs) for the purposes of supporting stronger governance and the financial viability of that sector, with a particular focus on safeguarding the significant public investment being made in the delivery of social housing by Approved Housing Bodies. Similarly, the Bill will provide stronger assurance to tenants, the public and potential investors that the sector is well regulated’

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	✓	✓

Powers to require information and records from AHBs

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 <i>Excludes 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

Sections Commenced 1st July 2021



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</i> to notice of proposed decision
S31 (1)(a)-(b), (2)(a)-(b)	<i>Notice of Decision</i>
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

Sections Commenced 1st July 2021



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