

An tÚdarás Rialála Comhlachtaí
Tithe Ceadaithe

Approved Housing Bodies
Regulatory Authority



The Regulatory Framework for Approved Housing Bodies in Ireland

Policy Document – September 2022

ahbregulator.ie



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1. Introduction

The Housing (Regulation of Approved Housing Bodies) Act 2019 (“The Act”) 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 the significant public investment being made in the delivery of social housing by AHBs. Central to this is the establishment of the Approved Housing Bodies Regulatory Authority (AHBRA).

2. Who is AHBRA?

The Approved Housing Bodies Regulatory Authority (AHBRA) has responsibility for establishing a regulatory framework which will deliver effective oversight of all AHBs. The Board is responsible for setting the strategic direction of the organisation and is currently comprised of nine members with extensive experience in housing, local authority matters, legal, finance, governance, operations, and regulation.





AHBRA's functions, as outlined in Section 9 of the Act, are to:

- (a) Establish and maintain a register of AHBs
- (b) Register persons as AHBs
- (c) Prepare draft standards for approval by the Minister under *section 37* and published the approved standards
- (d) Monitor and assess compliance by AHBs with this Act, in particular the approved standards
- (e) Carry out investigations under *Part 5*
- (f) Under *Part 6*, protect tenants and AHBs and cancel the registration of AHBs
- (g) 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, in such form and manner, as the Regulator considers appropriate
- (h) With a view to promoting awareness and understanding of the Act, make available such information as appears to the Regulator to be expedient to give to the public about the operation of this Act, in such form and manner, as the Regulator considers appropriate
- (i) Collect such information concerning AHBs as the Regulator considers necessary and appropriate for the purposes of the performance of the Regulator's functions
- (j) Publish such information (including statistical information) concerning AHBs as the Regulator considers appropriate.

The Act also provides AHBRA with a range of powers, including the power to require information and records (Section 36) and to make a standards assessment (Section 38). Where necessary, we will use the appropriate investigation and enforcement powers.

This document outlines the Regulatory Framework for AHBs in Ireland.



3. Our Vision, Mission & Values



Our Vision

Our vision is of a sector, in which AHBs demonstrate best practice in the areas of governance, finance, property, and tenancy management and who provide quality homes for their tenants.



Our Mission

Our mission is to protect housing provided and managed by AHBs through effective regulation.

Our Values



Integrity



Independent,
Proportionate and Fair



Accountable and
Transparent



Co-operative



Innovative



4. Our Strategic Objectives

Our first Statement of Strategy was published in October 2021. You can find a copy of our Statement of Strategy 2021-2024 on [our website](#).

Our five strategic objectives are:

1. Reliable and efficient AHB Registration Framework
2. Proportionate standards and compliance frameworks
3. Transparent and consistent risk-based regulation
4. Consistent and effective communication with our stakeholders
5. An agile, flexible, and accountable organisation

This regulatory framework incorporates these strategic aims, with a particular focus on strategic objective 2 & 3.

5. What is an Approved Housing Body?

AHBs, also called housing associations or voluntary housing associations, are independent, not-for-profit organisations whose purpose includes the provision and management of housing for those in housing need. AHBRA has been tasked with providing a regulatory framework that will enable the AHB sector to grow in a sustainable manner, and provide assurances to tenants, Boards, investors, and the Exchequer.

All organisations that held AHB status and were listed on the register maintained by the Department of Housing, Local Government and Heritage have been deemed to be registered in line with Section 34 of the Act. All deemed AHBs are subject to the Act.

Currently, there are 450 AHBs registered with AHBRA. The register can be found on our website [here](#). These organisations range significantly in size, scale, funding, and delivery models.

All registered AHBs are subject to the Regulatory Framework outlined in this document.



6. Our Work

There are a range of ways that we intend to carry out our work:

- Through our monitoring programme we will gather information and data about registered AHBs
- Through our assessment programme(s), we will evaluate AHBs' compliance with the [approved standards](#)
- We will publish relevant information about AHBs, as appropriate
- We will tailor education and guidance for AHBs where we have identified gaps through our monitoring and assessment programmes
- We will intervene and take action where required

Through these areas of work, we aim to deliver on the objectives set out in our Statement of Strategy 2021-2024.

7. Risk-Based Approach

Risk-based regulation ensures our regulatory approach is appropriate, measured, and proportionate. It allows us to focus on important risks and to have different levels of engagement with individual AHBs depending on their risk profile. Additionally, it enables us to use our resources effectively.

The regulatory framework will evolve over time as we gather information and data from registered AHBs and use this to identify and evaluate risk trends. This will enable informed decision-making on the application of our regulatory functions, including our monitoring and assessment programmes.

8. Regulatory Framework Components

The regulatory framework includes the registration of AHBs, the Standards for AHBs, monitoring and assessing of compliance, education and guidance, promotion and awareness of the Act, and the collection and publication of information, as appropriate.

Additionally, the framework incorporates several important elements including monitoring, planned and reactive assessments, concerns, notifiable events, and relationships with other statutory and regulatory bodies.



8.1 Standards for AHBs

We published our four Standards for AHBs in February 2022. These Standards establish a set of outcomes that AHBs are required to achieve. They focus on desired and measurable outcomes and are supported by our risk-based regulatory approach.

The outcome-based Standards allow for greater flexibility and a recognition of the diversity within the AHB sector. AHBs will be required to demonstrate and evidence their approach to a particular outcome, recognising that AHBs have different deliverables based on their nature, scale, and complexity of activities.



8.2 Guidance

In order to support organisations to meet the approved Standards for AHBs, we published guidance for each of the four Standards. The guidance aims to help organisations better understand the Standards and provides advice on how organisations can demonstrate compliance.



8.3 Monitoring

Collecting and monitoring information on an annual basis will enable AHBRA to carry out its functions. Accordingly, all registered AHBs will be required to complete and submit an Annual Monitoring Form to AHBRA each year. AHBs will be asked to provide a range of data and information relating to their organisation in the areas of tenancy management, property and asset management, financial management and reporting and governance.

The information and data captured will be used to consolidate sector wide information, identify risk trends, inform educational and guidance programmes, and inform our assessment programme(s). We will also publish sectoral analysis, as appropriate.

All organisations are requested to submit a completed Annual Monitoring Form within the timelines specified by AHBRA. A lack of engagement with AHBRA and/or failure to submit information may result in an AHB being referred for regulatory action, as appropriate, which could include a referral for an assessment against the Standards.

The Annual Monitoring Form is not an assessment against the Standards and no regulatory outcome will be provided.

8.4 Planned Assessment Programme

In line with Section 38 of the Act, AHBRA may, for the purposes of monitoring an AHB's compliance with the Standards, carry out an assessment of compliance by an AHB. It is anticipated that the planned assessment programme will be launched in 2023, following the completion and findings of the pilot assessment programme in Autumn 2022.

The planned assessment programme will be proportionate, risk-based and considered in line with factors such as size, complexity, and risk profile of individual AHBs. Additionally, we may include AHBs for assessment based on random sampling.

We will identify AHBs that will be included in the planned assessment programme and inform those organisations that they will be assessed. The planned assessment programme will be conducted on a continuous basis throughout the year.

AHBRA reserves the right to carry out an assessment on any AHB, at any time, as appropriate.



Pilot Assessment Programme

We recognise that the AHB sector and AHBRA will need time to adjust to the new regulatory framework and assessment process. Therefore, we are carrying out a pilot assessment process in Autumn 2022 with a small number of AHBs.

The pilot programme is a vital component in the development of AHBRA's overall assessment framework, allowing AHBRA the opportunity to test and evaluate the effectiveness of our internal policies and procedures and for those AHBs involved to provide feedback and input into the assessment process.

8.5 Notifiable Events and Concerns

There may be instances where important information about a registered AHB is brought to AHBRA's attention outside of the monitoring or assessment programmes which may alter the risk profile of the AHB.

Notifiable Events

AHBRA published its notifiable events guidance in May 2022. All registered AHBs are required to inform AHBRA of changes or events which may have a serious or significant impact on their organisation through this Notifiable Events process. In addition, Section 55 of the Act sets out specific events that an AHB must notify AHBRA about.

In line with our guidance, we will review and assess all notifiable events received. In many cases, no further clarification may be required. However, AHBRA reserves the right to seek assurances or undertake further regulatory action in response, as appropriate.

For further information you can view our Notifiable Events Guidance [here](#).

Concerns

There may also be instances where a concern is brought to AHBRA's attention which may indicate weaknesses in an AHB's governance, financial management, property management or tenant management, or indicate non-compliance with the Act. We will evaluate all concerns received and determine the appropriate response on a case-by-case basis. We reserve the right to seek further information or clarification or undertake regulatory action, as appropriate.



8.6 Reactive Assessment

If a material issue about an AHB comes to our attention outside of the monitoring or planned assessment programmes, we may initiate a reactive assessment. This could be information received as part of the Notifiable Events or Concerns process or, for example, a referral from another Regulator or adverse media coverage.

We will identify and inform AHBs that will be required to undergo a reactive assessment, as appropriate.

AHBRA reserves the right to carry out an assessment on any AHB, at any time, as appropriate.

8.7 Other Regulatory and Statutory Bodies

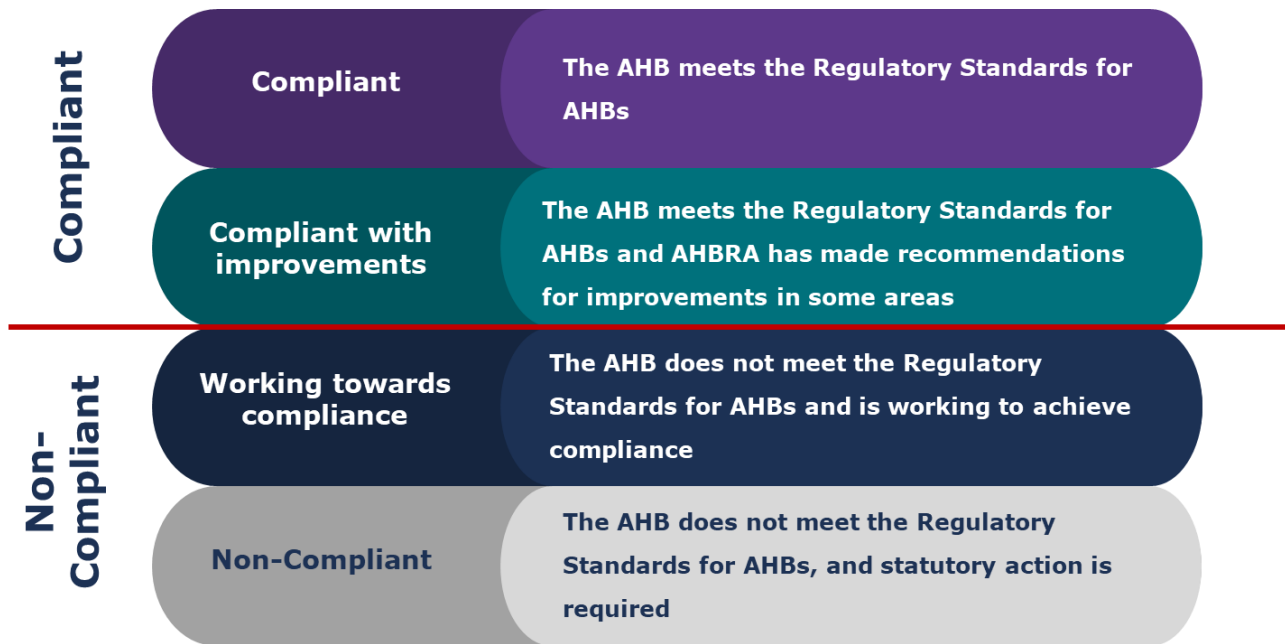
Working with other Regulators and Statutory Bodies is an important objective for AHBRA. Regulatory co-operation is important when determining the required regulatory response.

Over the course of our statement of strategy 2021-2024, we will seek to put in place Memorandum of Understanding (MOU) with other regulatory and statutory bodies.

8.8 Regulatory Reports and Outcomes

All AHBs that are assessed as part of the assessment programme(s) will receive an assessment report, setting out AHBRAs findings and recommendations, and providing an overall regulatory outcome. This will be based on the information and evidence provided as part of the assessment process. AHBs will be provided the opportunity to make representations on the draft report issued, which we will consider in line with legislation.

The Regulatory Outcomes are outlined below.



8.9 Compliance Plans

Where areas of non-compliance are identified through a standards assessment, the AHB in question may be required to provide a compliance plan to AHBRA. This compliance plan will be required to outline the measures taken or proposed to be taken by the AHB to rectify the non-compliance identified as set out in Section 39 of the Act.

9. Frequency of Engagement & Regulatory Oversight

The level of regulatory oversight and the frequency of engagement with individual AHBs will depend on the risk profile of the AHB and the regulatory outcome the organisation has received, as well as any additional information received via notifiable events or concerns. This will vary from organisation to organisation and may be subject to change where further information is brought to our attention.

AHBs are strongly encouraged to be open and transparent with AHBRA, to provide accurate information in a timely manner, and to engage fully with the monitoring and assessment programmes to ensure the level of regulatory oversight and interaction is effective and appropriate.



10. Appeals

Where an organisation has the right to appeal a decision made by AHBRA, we will communicate that with the organisation, advising of the appeals process. The Appeals Panel is comprised of members appointed by the Minister and is independent of AHBRA.

11. Freedom of Information

AHBRA is subject to the Freedom of Information Act 2014. In the event that we receive a request for information relating to the monitoring or assessment of specific AHBs, AHBRA shall consult with the AHB in respect of the request to specifically identify any information which is not to be disclosed on grounds of confidentiality or commercial sensitivity before making a decision on any Freedom of Information request.

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