COVID-19 Queries from TDs

Date: 27th April 2020
Queries:

3.209. To ask the Minister for Finance if he will consider providing an exempt status from commercial rates for the Hotel and Tourism sector for a 12 month period as a result of COVID-19

John Brady TD

3.270. To ask the Minister for Housing and Local Government if he will ask the local authorities to introduce a waiver of commercial rates for those businesses that are severely impacted by the Covid-19 pandemic in order to prevent them going out of business altogether, and provide a fund to compensate the local authorities for loss of income

Kathleen Funchion TD

3.75. To ask the Minister for Housing, Planning and Local Government to outline the scheme his Department announced for short-term financial support to Local Authorities to mitigate the impact on cash flow and critical service delivery affected by deferral of commercial rates during the COVID-19 crisis, and will he comment on the matter

Francis Noel Duffy TD

3.76. To ask the Minister for Housing, Planning and Local Government to outline supports that will be available for Local Authorities to mitigate against the impact on Local Authority budgets resulting from a reduction in commercial rates collection as a result of businesses being affected by the COVID-19 crisis, and will he comment on the matter

Francis Noel Duffy TD

3.77. To ask the Minister for Housing, Planning and Local Government what direction or advice his Department has given to Local Authorities in relation to the collection of commercial rates during the COVID-19 crisis, and will he comment on the matter

Francis Noel Duffy TD
Reply:

The levying and collection of rates are legally matters for each individual local authority. Local authorities are under a statutory obligation to levy rates on any property used for commercial purposes.

The Government has agreed with local authorities that in response to the issues faced by certain ratepayers due to COVID-19, they should agree to defer rates payments due from the most immediately impacted businesses for at least a 3 month period. This measure is being implemented by each local authority in its own area and was announced by the Government on 20 March.

Local authorities have long-standing relationships with ratepayers and are therefore best placed to deal with this evolving situation in terms of the impact on ratepayers and operating environments. Notwithstanding that, local authorities have been asked to take particular account of the various pressures currently facing ratepayers, in terms of collection of rates and enforcement, in the sectors most impacted.

Ratepayers have been advised that if they have had to temporarily close or significantly curtail operations during the COVID-19 response period they should contact their local authority immediately in relation to any rates payments falling due in the period to end June.

It is recognised that this flexibility will have implications for local authorities in terms of cash flow and critical service delivery. As a short term measure in recognition of this, my Department made €136m available to local authorities as cash flow support in early April, in order to ensure the continuation of vital services. This support is comprised of the early payment of the Local Property Tax allocation ordinarily paid from the Local Government Fund in May and July.

In order to support the local government sector, my Department is continuing to keep local authority income, expenditure and cash flow generally under review and will continue to work with all local authorities on both collective and individual issues arising. In addition, my Department is engaging with the Departments of the Taoiseach, Public Expenditure and Reform, Business, Enterprise and Innovation, and Employment Affairs and Social Protection in relation to commercial rates and local authority funding issues, as well as the role that local authorities may be in a position to play in supporting economic recovery. This work will include consideration as to whether measures additional to the rates deferral period already announced for businesses most impacted are necessary and appropriate.
Queries:

3.257 To ask the Minister for Housing as part of the overall plan to assess the impact of Covid19 restrictions on social housing output, to publish the Q4 social housing pipeline report and the final social housing output figures for 2019.

3.266 To ask the Minister for Housing to outline what plans are being put in place to ensure a speedy return to social housing output once the Covid19 restrictions are lifted

Eoin Ó Broin TD

Reply:

Prior to the significant unforeseen challenges which have arisen on foot of the COVID-19 pandemic, my Department, working in partnership with local authorities, Approved Housing Bodies (AHBs) and other stakeholders, had succeeded in increasing the social housing build programme to a level of activity not seen for many years and a strong pipeline of future activity had been established.

Further evidence of the progress in this regard will be demonstrated in the social housing output data for Q4 2019 and the Social Housing Construction Status Report to end Q4 2019, which will be published shortly. The finalisation of statistics and publication of these outputs has been slightly delayed this year, as many local authority and Departmental officials involved have been working on other priority work. In January 2020, the Chief Executives invited me to attend their monthly meeting and advised that while statistical returns were being compiled, early indications were that local authorities were on track to deliver the 10,000 homes targeted for delivery in 2019 for families and individuals on social housing waiting lists.

Since the onset of COVID-19 and the associated public health-mandated restrictions, I and my Department have been engaging intensively with the local government and AHB sectors and industry stakeholders in relation to the implications of the restrictions for social housing delivery. My Department has also been engaging actively with the other relevant Government Departments, including through the inter-Departmental arrangements that have been put in place specifically for co-ordinating the Government’s response to the COVID-19 pandemic.

The continued delivery of social housing supports for vulnerable households is a critical activity for delivery during the period of restrictions. To ensure that public health guidelines can be met to the greatest extent possible, certain areas of social housing activity remain active at a local level, including the Housing Assistance Payment (HAP) scheme and the Voids schemes, where eligible households in emergency accommodation are being assisted into secure tenancies.

In order to continue maximum activity around the assessment of build projects, in the early stages of COVID-19 planning, my Department reviewed existing work practices, streamlining and innovating where possible, resulting in arrangements to
ensure the maximum potential for continuity of core activity, including the provision of funding. The Department’s administrative and technical teams continue to receive and consider applications for new social housing projects, as well as applications for existing projects to progress through the various stages of approvals. Particular attention has focused on the specific areas of the pre-contract elements of the programme, which includes all the steps from initial submission of capital appraisal, for funding approval in principle, through to the appointment of consultants, design and statutory (e.g. planning) and Departmental approvals. Work continues apace in this regard, expanding existing local authority and AHB pipelines for future activity.

The public health measures in place at present restrict projects fulfilling Part 8 planning requirements and limit the ability to award works contracts. Accordingly, the objective is to progress social housing projects to the greatest extent possible towards these two milestones, to support speedy acceleration of social housing delivery as COVID-19 response restrictions are lifted.

A number of essential housing projects, which had reached practical completion with minor outstanding works or were otherwise very close to completion, have been designated as essential projects. These completion works are being advanced to ensure that local authorities have access to additional accommodation which will help to, inter alia, meet the needs of families and individuals who are currently in emergency accommodation, assisting in the overall effort to prevent, minimise and slow the spread of COVID-19.

In terms of the recommencement of social housing delivery activity, outside of what has been classed as essential in terms of the local authority and AHB emergency COVID-19 response, any such activity will of course only be carried out in line with the recommendations of the National Public Health Emergency Team and the Government’s Action Plan. My Department has been, and will continue to be, engaged actively with these central arrangements.
Queries:

3.258 To ask the Minister for Housing what actions he is taking to ensure that people in Emergency accommodation, and family hubs are supported in terms of it being a congregated setting making social distancing impossible, and what supports are being provided and to give an update on the what steps have been taken.

3.259 To ask the Minister for Housing what actions are being taken to support the homeless during the pandemic, and what is proposed to ensure they are protected from the spread of the illness.

Donnchadh Ó Laoghaire TD

3.261 To ask the Minister for Housing, Planning and Local Government if expedited compulsory purchase of vacant homes can be considered during the Covid-19 pandemic to allow local authorities to move families out of crowded homeless accommodation.

Mark Ward TD

3.262 To ask the Minister for Housing the number of confirmed Covid 19 infections in Traveller accommodation

3.263 To ask the Minister for Housing to confirm that no person or family who presents in need of emergency accommodation will be denied access to emergency accommodation if they have no alternative source of accommodation.

3.264 To ask the Minister for Housing if additional resources will be provided to homeless day services to meet the increased need for such services due to the impact of Covid-19 and the related closure of business and some day services in Dublin City Centre.

3.268 To ask the Minister for Housing the number of confirmed Covid-19 infections in Emergency and temporary accommodation.

Eoin Ó Broin TD

Reply:

The role of my Department in relation to homelessness involves the provision of a national framework of policy, legislation and funding to underpin the role of local authorities in addressing homelessness at local or regional level. Responsibility for the provision of emergency accommodation and related services for homeless persons is a matter for the local authorities. Under the Housing Act 1988, local authorities are responsible for assessing whether a person is homeless and for providing accommodation and other related services. Local authorities continue to assess households presenting to homeless services.
As part of the response to COVID-19, my Department is working closely with the Dublin Regional Homelessness Executive (DRHE), local authorities and the HSE to ensure the necessary arrangements are in place to protect individuals and families accessing emergency accommodation. This has included regular meetings and conference calls with the DRHE, local authorities and the Chief Executives of homeless NGOs. My Department is also working with the National Public Health Emergency Team (NPHET) subgroup for vulnerable persons. In addition, there is ongoing contact between my Department’s Vacant Homes Unit and the Vacant Homes Officers in each local authority.

Local authorities nationally have been working to put in place additional accommodation to allow for the isolation of confirmed or suspected cases of COVID-19. Significant additional accommodation is also in place to support the appropriate levels of social distancing in emergency accommodation. Over 1,000 additional beds have been put in place. This additional accommodation has allowed for decongregation of existing facilities, where necessary. The actions being taken are informed by the guidance developed by the HSE, which the local authorities have circulated to their NGO service delivery partners. Individual Departments are not reporting separately on the numbers of cases encountered in individual settings. Details of confirmed cases of COVID-19 are notified by the NPHET on a daily basis.

Local authorities and NGO service providers continue to work with all households in emergency accommodation to support them to exit homelessness to a home. With regard to vacant homes, local authorities have a range of existing legislative powers available to them to deal with derelict and underutilised properties in their functional areas, including through the use of compulsory purchase powers and other provisions of derelict sites and housing legislation. This legislation is kept under regular review. In addition, prior to the present crisis, work has been carried out by my Department in providing local authorities with exemplar case studies for the use of compulsory purchase powers, with a view to supporting them in making use of the CPO process, where appropriate, to return greater numbers of vacant residential properties back into use.
Query:

3.265 To ask the Minister for Housing to publish the terms of reference for the ESRI study Commissioned by Government on the impact of Covid19 on the private rental sector and to confirm the date this study is due to be delivered to Government

Eoin Ó Broin TD

Reply:

My Department operates a joint research programme with the Economic and Social Research Institute on housing economics and related topics. The objective of the programme is to undertake and disseminate research on housing economics and related topics. The programme is governed by a Steering Committee with an independent chair. The Steering Committee provides high-level oversight and determines the work-plan for the programme, overseeing topics and time-lines.

The setting of objectives and conduct of research related to the incidence of rental arrears as a consequence of the COVID-19 pandemic, having regard to income continuance and other support measures, is governed by this process, and is in the process of being finalised.

All outputs from the programme are published in the form of policy papers, journal articles and/or books/book chapters, on dates agreed by the Institute and my Department. Initial findings from the rental arrears research are expected to be available in advance of the conclusion of the initial three-month emergency period defined in Part 2 of the Emergency Measures in the Public Interest (Covid-19) Act 2020.
Query:

3.267 To ask the Minister for Housing to make a statement on the decision of Irish water to cease testing of waste water treatment plants and surrounding waters as part of their response to the Covid19 restrictions

Eoin Ó Broin, TD

Reply:

The provision of clean drinking water and appropriate treatment of urban wastewater is of critical importance to protect public health and provide environmental protection.

Since 1 January 2014, Irish Water has statutory responsibility for all aspects of water services planning, delivery and operation at national, regional and local levels.

As part of its responsibilities, Irish Water undertakes process control and operational monitoring as well as regulatory monitoring, as follows:

- Process control and operational monitoring is undertaken on a day-to-day basis to ensure that treatment plants are working satisfactorily.
- Regulatory monitoring requires regular sampling to meet legislative requirements e.g. a typical wastewater treatment plant serving 10,000 population equivalent requires one regulatory sample per month to be taken. Drinking water quality sampling is also conducted along network points including at the tap in homes and businesses of consumers.

I understand from Irish Water that, following the Taoiseach’s announcement of additional and more stringent societal restrictions to limit transmission routes for the Covid-19 virus on Friday 27 March, the utility decided to reduce its monitoring during the period from 30 March up to 5 May 2020. This applies where monitoring requires access to people’s homes and businesses, as well as some monitoring that would require movement of sampling staff between Irish Water sites. Irish Water continues to report incidents to the Environmental Protection Agency (EPA) and to conduct any investigative monitoring that may be required in response to performance issues.

Since that decision, the monitoring of the water system has been kept under constant review by Irish Water and the EPA. During this period, the EPA has also curtailed field-based inspections but is continuing to perform regulatory and enforcement work. Irish Water has submitted details to the EPA of plans to resume, on a phased basis from 5 May 2020, those aspects of its regulatory monitoring which it had reduced as a result of Covid-19 restrictions.

Irish Water, overseen by the EPA as environmental and quality regulator, will continue to provide such monitoring as is necessary to ensure public health and the environment are adequately protected during this unprecedented public health emergency.
Queries:

3.269 To ask the Minister for Housing, Planning, and Local Government if grass cutting by contractors in common areas of housing estates, social and private, and of other public areas is considered an essential service or restricted under the current COVID 19 regulations

Sean Crowe TD

3.499 I wish to make a query please regarding the cutting of lawns and green areas. I realise that the cutting of lawns and greens was not an essential service under the regulations set down by government. However due to the onset of good weather this issue is likely to come to the fore as the growing season has begun and unless grass it tended to it will get out of control. Most gardeners and those who mow lawns for a living do so alone and can practice safe distancing without impacting on anyone.

I realise if people mow their own lawns this is not an issue but many people rely on public contractors and gardeners. Is there any plans to relax the restriction on this service.

Dessie Ellis TD

Reply:

The Health Act 1947 (Section 31A -Temporary Restrictions) (Covid-19) Regulations 2020, as amended, which were made by the Minister for Health and which are in operation until 5 May 2020, set out the essential services which are permitted to be provided under the restrictions in place because of the COVID-19 pandemic. It is a matter for individuals and businesses to ensure compliance with the Regulations.

In relation to areas under the responsibility of local authorities, the current position is that those public spaces that are open and used by members of the public for exercise can have the minimum amount of grass-cutting maintenance applied to them in order to maintain those spaces in good order. Any such maintenance is contingent on all works being done in strict compliance with social distancing rules and public health advice. This position is kept under review in accordance with the latest public health advice.
**Query:**

3.271 To ask the Minister for Housing if any measure are being considered to temporarily suspend planning applications for non-essential construction projects and to protect the fairness of the planning process including the rights of local residents to express their objections.

**Aengus Ó Snodaigh TD**

**Reply:**

On 29 March 2020, the Government, following my request and taking account of the considerations under section 251A(5) of the Planning and Development Act 2000, as amended, made an Order which resulted in an extension of time for a range of specified or appropriate periods and timelines in that Act as well as associated planning regulations. This means that such periods, which include the timeframe within which members of the public may make submissions or observations in respect of planning applications or within which an appeal to An Bord Pleanála must be made, were extended in duration from 29 March 2020 to 20 April 2020 inclusive. In determining the end date of the Order under section 251A, a number of additional days were added beyond the end of the period of the Government’s public health ‘stay at home’ announcement, in order to facilitate the return to normal business by planning authorities and public communication of revised arrangements in advance of the expiry of the section 251A Order.

In this context, section 251A(4) provides that the Order could be extended by Government (before it expires), once the statutory requirements for an extension are met and could be further extended as many times as is considered necessary, until 9 November 2020.

Arising from the decision of the Government to extend the Covid-19 related restrictive measures until 5 May 2020, the Government on 16 April 2020 made a further Order under section 251A(4) of the Act extending the duration of all relevant periods and timelines specified in planning legislation by an additional 19 days, up to and including 9 May 2020. The two Orders thereby have the combined effect of extending the relevant planning periods and timelines by an aggregate of 42 days/ 6 weeks.

These temporary accommodations to planning processes are necessary to ensure that the core principle of public participation within the planning system is protected, at a time when staying at home continues to be such a critical aspect of the response to the COVID-19 emergency. The planning and development system plays an important role in supporting the economic development of the country, and will play a vital role in supporting post COVID-19 social and economic activity. In light of the above, I am not considering any measures to temporarily suspend the planning application process, for non-essential construction projects or otherwise, at this time.
Notification of the Orders made under section 251A of the Act, including an updated ‘FAQ’ document, has been issued in a circular letter to all planning authorities and An Bord Pleanála.

The relevant Circulars and the Government Orders, as well as additional information including an updated FAQ document, are also publically available to view or download on the main Covid-19/Planning webpage on my Department’s website, at the following link;


Any future decision to further extend the period by Government Order will be communicated to planning authorities, and the FAQ available on my Department’s website will be updated accordingly.
Query:

3.273 To ask the Minister for Housing and Local Government if funding has been considered to carry out public street disinfection programmes similar to those that have been seen in other countries once restrictions begin to be lifted and if he would like to comment further on any such plans

Aengus Ó Snodaigh TD

Reply:

The Minister for Housing, Planning and Local Government has overarching responsibilities, in respect of local authorities, and local authorities carry out a broad range of functions in partnership with and on behalf of this Department. However, local authorities also carry out a broad range of functions on behalf of a diverse group of Government Departments and State Agencies.

Street cleaning has been considered an essential service by local authorities throughout the response to COVID-19 and each has maintained appropriate street cleaning arrangements for their areas of responsibility in line with public usage requirements. The appropriate level of street cleaning, and any requirement for intensification or modification, is kept under review in accordance with the latest public health guidance. In that regard, the National Public Health Emergency Team for COVID-19 (NPHET) oversees and provides national direction, guidance, support and expert advice on the development and implementation of a strategy to contain COVID-19 in Ireland and any consideration of further public health measures is appropriate to the NPHET and the Minister for Health.
Query:

3.307 If the emergency provision on evictions cover people in arrangements outside of the 2004 Act, specifically those in a rent a room, licensee, or other form of accommodation and if he will make a statement on the matter?

Brid Smith TD

Reply:

Subsection (7) of section 5 of the Emergency Measures in the Public Interest (Covid-19) Act 2020 provides that notwithstanding any of the provisions of that section, all proposed evictions in all tenancies in the State, including those not covered by the Residential Tenancies Act 2004, as amended, are prohibited during the operation of the 2020 Act.

It is understood that the intent of this provision is to address arrangements which are often described as Rent-a-Room, “Digs” style accommodation and licensees living outside of student-specific accommodation.
Query:

3.308 If the Minister is aware of the refusal of some providers of Student Accommodation to refund students who had been instructed to leave their accommodation because of the Covid Crisis and if he will make a statement on the matter?

Brid Smith TD

Reply:

With effect from 27 March 2020, new emergency measures were introduced into law to protect tenants during the COVID-19 emergency period. Tenants cannot be forced to leave their rental accommodation during this period, other than in exceptional circumstances. Initially, these emergency legislative provisions will last for a period of 3 months, but they may be extended if the Government considers it necessary.

My Department recently published a Guidance Document on COVID-19 supports for landlords and tenants which sets out the emergency rental measures and income and other supports available to tenants and landlords during the emergency period. The Guidance document is available [here](https://www.rtb.ie/) and a list of Frequency Asked Questions has been developed and is available [here](https://www.rtb.ie/).

The Residential Tenancies Acts 2004-2019 provide for minimum notice periods to be served by tenants and landlords for tenancy terminations – for example, a student must provide 28 days notice to end a tenancy of less than 6 months duration or 35 days to end a tenancy of more than 6 months but less than 1 year.

The Acts do not prescribe specific terms and conditions regarding the payment of rents or deposits for inclusion in individual letting agreements in the private rental market including the student-specific accommodation sector. Contract law governs such arrangements.

The specific terms associated with an individual student’s rights and obligations are likely be set out in a written contract signed by both the student and the landlord. Engagement between the parties to clarify the respective contractual obligations of the student and the landlord is key in establishing whether a breach of contract had occurred.

I understand that where State universities have closed due to Covid-19, they are generally providing refunds in respect of their directly owned student-specific accommodation.

Students may wish to contact their third level education providers to seek any assistance that they might be in a position to provide. If a student cannot come to an agreement with their accommodation provider, they might wish to contact the Residential Tenancies Board (RTB) regarding their concerns – [https://www.rtb.ie/](https://www.rtb.ie/) or to refer a dispute with regard to the non-refund of their deposit for resolution by the RTB.
Query:

3.433 Can you provide me with clarification regarding housing adaptation works at this time. There are many grants which have been approved by Local Authorities. Can such works take place in order to allow elderly citizens to return home from a nursing home setting or to improve the quality of life for elderly citizens or those with a proven medical need.

Robert Troy TD

Reply:

The Housing Adaptation Grants for Older People and People with a Disability Schemes are vitally important in terms of supporting older people and people with a disability either to remain in their homes or to return home from a nursing home or medical facility.

My Department is working with local authorities to ensure that grants supporting any such essential works which facilitate a discharge from a hospital, nursing home or conگregated setting, or which prevent an individual entering such a facility, can be facilitated, where they are in line with the relevant public health requirements.
Query:

3.436 - For the duration of the current restrictions, is rock breaking considered a non-essential construction activity? And, should be stopped?

Holly Cairns TD

Reply:

Under the provisions of the Health Act 1947 (Section 31A -Temporary Restrictions) (Covid-19) Regulations 2020 (S.I. No. 121 of 2020), quarrying operations, including rock-blasting, are not included under Schedule 2, "Essential Services", during the period of the current restrictions and therefore should not be taking place.

While there are some circumstances where businesses may be operating in support of other essential services, including emergency Covid-19 related works, this would be extremely limited. More generally, in accordance with the associated guidance on essential services issued by the Department of Taoiseach, which is available at [link](https://www.gov.ie/en/publication/dfeb8f-list-of-essential-service-providers-under-new-public-health-guidelin/), a person who is not engaged in the provision of essential services is not permitted to travel to and from work during the period of the current restrictions.

The regulations now in place mean that An Garda Síochána have certain enforcement powers provided for under section 31A of the Health Act 1947, as amended. As such, any alleged breaches of the Covid-19 provisions may be reported to An Garda Síochána.

The issuing of a permit for the use of explosives in the extractive industry, or for other purposes, is a matter for An Garda Síochána, which falls within the remit of my colleague, the Minister for Justice and Equality, whose Department has issued the Guide to Explosives Legislation in Ireland.

Furthermore, outside the current temporary Covid-19 arrangements, the Health and Safety Authority (HSA) is responsible for the enforcement of health and safety in the workplace, including specific requirements in relation to the use of explosives in the extractive industry, under the Safety, Health and Welfare at Work (Quarries) Regulations 2008 and its associated guidance.
Query:

3.512 To ask the Minister for Housing whether there is yet any sign of a change in the rental market in terms of demand, supply and/or price?

Francis Noel Duffy TD

Reply:

My Department does not hold or collate the information referred to.

The Residential Tenancies Board (RTB), which was established as an independent statutory body under the Residential Tenancies Acts 2004-2019, operates a national tenancy registration system which records the rental amount for each tenancy. The prevailing rental amount is determined by the demand for and supply of rental accommodation. The latest RTB Quarterly Rent Index, relating to Q4 2019, is available at onestopshop.rtb.ie. This report is produced by the RTB and the Economic and Social Research Institute (ESRI) and provides rental indicators (the Rent Index) generated to track price developments in the Irish market. The Index is the most accurate and authoritative rent report of its kind on the private rental sector in Ireland.

Relative to other market monitoring reports produced for the Irish rental sector, the RTB/ESRI Rent Index has the considerable benefit of being based on regulatory data covering all new tenancy agreements registered with the RTB nationally.

The Clerk of the Dáil requested that arrangements be put in place to facilitate the provision of information by State Bodies to members of the Oireachtas. Following the issue of Circular LG (P)05/16 on 20 September 2016 from my Department, the RTB set up a dedicated email address for this purpose. The RTB may be contacted at OireachtasMembersQueries@rtb.ie to establish the extent to which it may hold the information sought.
Query:

3.513 To ask the Minister for Housing whether there is an estimate of the number of units formerly in short-term lets (Airbnb, etc) which are vacant and what number of those are now coming onto the normal rental market (and if not coming onto the market, why?), as a result of the COVID-19 crisis?

Francis Noel Duffy T.D.

Reply:

In light of the ongoing COVID-19 emergency and the associated downturn in tourism activity, evidence suggests that there has been a significant decrease in demand for short-term letting properties for tourism purposes and that a certain number of such properties are now being returned to the long-term rental market. While my Department does not have specific data in this regard at this time, over 1,000 additional beds spaces have been sourced for homeless services and others, some of which would include units that have recently been on the private short term letting market.

As part of the immediate response to COVID-19, a number of properties formerly available as short-term lets were secured by the local authorities to provide accommodation for households experiencing homelessness. The level of enquiries to local authorities indicates that there are considerable numbers of properties which have been rented as tourist accommodation. Local authorities are engaging with property owners in relation to the use of such properties for longer-term social housing, including long-term leasing. Given the number of households on the social housing waiting list, including the number of households in homeless emergency accommodation, it is important that as many of these properties as possible are converted from tourist accommodation to homes. My Department will be continuing to work with the local authorities to support this work in the coming weeks and months.

Data on long-term rental accommodation is collected by the Residential Tenancies Board (RTB) in arrears on a quarterly basis. The most recent data published by the RTB in this regard relates to the quarter ending December 2019.
Query:

3.514 To ask the Minister for Housing whether there is an estimate of the number of people who have left Dublin as a result of COVID-19?

Francis Noel Duffy TD

Reply:
The information requested is not available in my Department.

Query:

3.515 To ask the Minister for Housing, in light of COVID-19, how many hotel rooms there are, how many are now vacant, how many are being used for housing people who are homeless or lived until recently in direct provision or other accommodation?

Francis Noel Duffy TD

Reply:
My Department does not collate the information requested by the Deputy. Responsibility for the tourism sector rests with my colleague, the Minister for Transport, Tourism and Sport.

My Department publishes a monthly report on homelessness. The monthly report is based on data provided by housing authorities and produced through the Pathway Accommodation & Support System (PASS). The report captures details of individuals utilising State-funded emergency accommodation arrangements that are overseen by housing authorities. Official homeless reports are published on my Department's website on a monthly basis and can be accessed using the following link: [http://www.housing.gov.ie/housing/homelessness/other/homelessness-data](http://www.housing.gov.ie/housing/homelessness/other/homelessness-data).

These reports include information broken down by accommodation type at regional level. Commercial hotels and B&Bs are included within the private emergency accommodation (PEA) category as are other commercially provided emergency accommodation arrangements.

Responsibility for Direct Provision matters rests with my colleague, the Minister for Justice and Equality.
**Queries:**

3.516. To ask the Minister for Housing whether there is an estimate of the numbers in overcrowded accommodation and what involvement there has been of public health services in relation to such accommodation, in order to help stop the spread of COVID-19?

**Francis Noel Duffy TD**

3.517 To ask the Minister for Housing what arrangements are in place to provide accommodation to enable self-isolation by a person presenting with COVID-19 symptoms who lives in accommodation with a shared bedroom? Do these vary between local authorities?

**Francis Noel Duffy TD**

**Reply:**

Statistics from the CSO and Eurostat (the statistical office of the European Union) suggest that the level of overcrowding in housing in Ireland is low. However, in the context of the COVID-19 pandemic, there may be incidences of occupancy levels that make a requirement to self-isolate difficult to achieve. Accordingly, a coordinated response has been put in place by the local authority sector and the HSE, working with other relevant organisations, to ensure that vulnerable people have a means to self-isolate where required.
Query:

3.52 Can the Minister for Housing, Planning and Local Government confirm that it is legal for Local Authorities to hold their formal meetings virtually (online) via a video conferencing platform?

Joe O’Brien TD

Reply:

On 20 April 2020, my Department wrote to Councillor representative organisations, copying local authority Chief Executives, in relation to the issue of the holding of Council meetings in the current COVID-19 public health emergency. Copies of these letters are attached for information.

These letters set out that the provisions of the Local Government Act 2001 “require meetings convened for a statutory purpose under that Act to be convened in a physical place, in so far as practicable, the principal Council offices. To convene such meetings, at which resolutions are determined or votes taken for example, in a virtual space or on an online platform would give rise to legal uncertainty regarding any decisions taken by the Council at such meetings. Therefore, it is strongly recommended that formal decisions, which are required under statute to be made by a Council at a meeting properly constituted under the Act, are not taken by Councils meeting incorporeally on online platforms”.

The use of technological solutions is, however, otherwise encouraged by local authorities to ensure that elected members can carry out their duties and functions and, to the greatest extent possible, elected members should be supported in this regard.

The letters point out that, where it might facilitate social distancing requirements, Councils could decide to designate places other than the principal Council offices for the holding of meetings. In such circumstances, however, Councils may need to consider whether resolutions to amend existing standing orders may be required and, if so, how this could be achieved in a manner which complies with public health advice.
20 April 2020

Councillor Michael Cahill
President
Association of Irish Local Government (AILG)
Maynooth

Dear Mr President

I refer to the important matter of the holding of Council meetings during this COVID-19 national emergency and the COVID response measures announced by An Taoiseach on 27th March and extended on Friday 10th April to Tuesday 5th May.

Council meetings are an integral and critical part of local democracy through which elected councils carry out statutory reserved functions and provide policy direction and oversight to local authorities. Arrangements for Council meetings are a matter for elected members who must, in accordance with the relevant legislation, ensure the effective discharge of Council business, including meeting statutory obligations.

In making such arrangements, Councils should take account of the public health measures introduced by Government, on the advice of the National Public Health Emergency Team (NPHET), to stem the spread of the COVID-19 virus. Councils should also have regard to the attached Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) Regulations 2020, as amended (S.I. 121 of 2020) (“the 2020 Regulations”).

The purpose of these measures is to protect the health of elected members and local authority employees required to support council meetings, as well as members of the public and/or media who may attend such meetings. Links to the latest public health information and advice are at Annex 1 below.
Given the current public health advice and the 2020 Regulations, appropriate steps will have to be taken by Councils to ensure compliance and some matters for consideration by Councils in holding meetings in this unprecedented period are presented at annex 2.

It is noted that casual vacancies have arisen in Councils following the recent elections to Seanad Éireann. In such instances, the co-option of new members is governed by the provisions of Section 19 of the Local Government Act 2001 (as amended). Section 19(4)(a) of the 2001 Act provides that co-options shall be made, after due notice, “at the next meeting of the local authority after the expiration of 14 days from the occurrence of the vacancy or as soon after the expiration of the 14 days as circumstances permit”.

In relation to “Incorporeal Council Meetings” by way of online platforms, the Department is of the view that the provisions of the 2001 Act require meetings convened for a statutory purpose under that Act to be convened in a physical place, *in so far as practicable*, the principal Council offices. To convene such meetings, at which resolutions are determined or votes taken for example, in a virtual space or on an online platform would give rise to legal uncertainty regarding any decisions taken by the Council at such meetings. Therefore, it is strongly recommended that formal decisions, which are required under statute to be made by a Council at a meeting properly constituted under the Act, are *not* taken by Councils meeting incorporeally on online platforms.

It is the case that online platforms and other technologies are being used widely across the public service and proving invaluable in maintaining operations and essential services across the State. Indeed, this approach is being used very effectively by local authorities across their areas of activity. While recognising that there may be constraints on resources and capacities available at this time, the use of technological solutions is encouraged by local authorities to ensure that elected members can carry out their duties and functions. To the greatest extent possible, elected members should be supported to enable them to engage in Council business through the use of technology.

If Councils have any specific concerns or matters arising in relation to Council governance at this time, please contact the Local Government Governance and Elected Members Section.
(Email: diarmuid.o’leary@housing.gov.ie; gary.mcguinn@housing.gov.ie or jeanette.young@housing.gov.ie).

Finally, I would like to take this opportunity to acknowledge the commitment shown by local authorities in continuing to provide essential local services during this time of national crisis.

Yours sincerely

Barry Quinlan
Assistant Secretary
Local Government Division

C.C. Mr Michael Walsh, Chairman, County and City Management Association (CCMA)

Annex 1:

The latest public health measures, introduced by the Government on the recommendation of the National Public Health Emergency Team (NPHET), advising people to stay in their homes can be found here:


Health Service Executive (HSE) guidelines on protecting yourself and others from COVID-19, including social distancing, are here:-

https://www2.hse.ie/conditions/coronavirus/protect-yourself.html

Important guidance on “cocooning” to protect people over 70 years and those extremely medically vulnerable from COVID-19 is available here:

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Annex 2:

Options for consideration in the holding of Council meetings at this time

1. Reduced member sittings of Councils could be considered, by agreement, provided there is the required minimum quorum present (25% of total members plus 1), in accordance with Paragraph 11 of Schedule 10 to the Local Government Act 2001 (as amended). In this regard, the Department is aware of instances where Councils agreed that only a quorum of elected members would participate in the Council meeting and this allowed for social distancing requirements to be observed in the Chamber.

2. Paragraph 2 of Schedule 10 of the LG Act 2001\(^1\), places an obligation on local authorities to make arrangements for accommodation for the holding of meetings and “in so far as practicable” the place for the holding of meetings should be the principal Council offices. Where it might facilitate social distancing requirements, Councils could however decide to designate other more suitable places for the holding of meetings.

3. Councils could proactively consider assigning appropriate statutory decisions to municipal district level, in accordance with Section 21 of the Local Government Reform Act 2014, for example, where it may be more feasible to conduct meetings of municipal district members in a manner which respects social distancing requirements. In this regard, local authorities may look to Schedule 14A of the 2001 Act, as inserted by the Local Government Act 2014 Act, which lists the division of statutory functions between plenary and municipal level. In particular, Part 2 of Schedule 14A lists those statutory functions that may be carried out at either plenary

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\(^1\) Schedule 10 of the Local Government Act 2001 “Meetings and Proceedings of Local Authorities”
or municipal level. Councils may wish to consider assigning such statutory functions to municipal level in cases where this has not already been done.

It is recognised that, if a Council wished to explore options 2 and 3 above, consideration should be given to whether resolutions to amend existing standing orders may be required and, if so, how this could be achieved in a manner which complies with public health advice and the 2020 Regulations.

4. Councils may also wish to consult guidance provided by the World Health Organisation (WHO) - and in particular the advice linked herewith on getting the workplace ready for COVID-19, including on how to manage risk when organising meetings:

Related Letter 2 – Reply to 3.52

20 April 2020

Councillor Micheál Anglim
Chairperson
Local Authority Members’ Association (LAMA)

Dear Mr Chairperson

I refer to the important matter of the holding of Council meetings during this COVID-19 national emergency and the COVID response measures announced by An Taoiseach on 27th March and extended on Friday 10th April to Tuesday 5th May.

Council meetings are an integral and critical part of local democracy through which elected councils carry out statutory reserved functions and provide policy direction and oversight to
local authorities. Arrangements for Council meetings are a matter for elected members who must, in accordance with the relevant legislation, ensure the effective discharge of Council business, including meeting statutory obligations.

In making such arrangements, Councils should take account of the public health measures introduced by Government, on the advice of the National Public Health Emergency Team (NPHET), to stem the spread of the COVID-19 virus. Councils should also have regard to the attached Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) Regulations 2020, as amended (S.I. 121 of 2020) (“the 2020 Regulations”).

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strongly recommended that formal decisions, which are required under statute to be made by a Council at a meeting properly constituted under the Act, are not taken by Councils meeting incorporeally on online platforms.

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\(^2\) Schedule 10 of the Local Government Act 2001 “Meetings and Proceedings of Local Authorities”
Query:

3.631 To ask the Minster for Housing, Planning and Local Government to indicate whether individual planning applications due to expire or those which have been extended and again due to expire can expect to have the validity of current permission/extension extended for a 6 month period to facilitate disruption arising from the Covid-19 crisis and if he will make a statement on the matter.

Bernard Durkan TD

Reply:

On 29 March 2020, the Government, following my request and taking account of the considerations under section 251A(5) of the Planning and Development Act 2000, as amended, made an Order which resulted in an extension of time for a range of specified or appropriate periods and timelines in that Act, other related Planning Acts as well as associated planning regulations. In determining the end date of the Order under section 251A, a number of additional days were added beyond the end of the period of the Government’s public health ‘stay at home’ announcement, in order to facilitate the return to normal business by planning authorities and public communication of revised arrangements in advance of the expiry of the section 251A Order.

In this context, section 251A(4) of the 2000 Act provides that the Order could be extended by Government (before it expires), once the statutory requirements for an extension are met and could be further extended as many times as is considered necessary, until 9 November 2020.

Arising from the decision of the Government to extend the COVID-19 related restrictive measures until 5 May 2020, the Government on 16 April 2020 made a further Order under section 251A (4) of the Planning Act extending the duration of all relevant periods and timelines specified in planning legislation by an additional 19 days, up to and including 9 May 2020. The two Orders thereby have the combined effect of extending the relevant planning periods and timelines by an aggregate of 42 days/6 weeks. This includes extending the appropriate periods of duration of any extant planning permission that benefits from the default 5-year period under section 40, but not those permissions where a different duration is specified in the permission itself.

As you are aware, it is open to developers to avail of the process under Section 42 which provides that a planning authority may, on application and in certain circumstances, extend once only the duration of an existing planning permission for a maximum period of 5 years, subject, at the authority’s discretion, to compliance with certain conditions. In the case of planning permissions which have already availed of an extension of duration, under Section 42(1A) of the 2000 Act (as inserted by Section 28(2) of the Planning and Development (Housing) and Residential Tenancies Act 2016) it is open to developers in respect of planning permissions relating to 20 or more houses to make an application, before 31
December 2021, for a further extension of duration by such additional period until 31 December 2021. This is again in certain circumstances, subject, at the authority’s discretion, to compliance with certain conditions.

In light of the above temporary accommodations and the availability to developers of the existing process for seeking extensions of duration of planning permission under Section 42 in certain circumstances, I have no plans to provide for the extension of duration of all extant planning permissions, including those already extended, generally by an additional 6-month period. However, as noted above, under Section 251A(4) of the 2000 Act, there is discretion to extend the recent Government Order (before it expires), as many times as is considered necessary, until 9 November 2020, once the statutory requirements are met.

Notification of the Orders made under section 251A of the Act, including an updated FAQ document, has been issued in a circular letter to all planning authorities and An Bord Pleanála. The updated FAQ document, relevant Circulars and the Government Orders, as well as additional information, are also available on the main Covid-19/Planning webpage of my Department’s website at https://www.housing.gov.ie/planning/covid-19-coronavirus/clarification-operation-planning-system-during-current-covid-19.

Any future decision to extend the period of the current Government Order past 9 May 2020 will be communicated to planning authorities and these FAQs will be updated in that circumstance.