
For **Written Answer** on : **03/06/2020**
Question Number(s): 1187 Question Reference(s): 8716/20
Department: Housing, Planning and Local Government
Asked by: Eoin Ó Broin T.D.

QUESTION

To ask the Minister for Housing; Planning and Local Government the reason his Department is providing a latent defects redress scheme for homeowners affected by pyrite and MICA in counties Mayo and Donegal but refusing to provide similar supports to homeowners with latent defects in other parts of the country; and his views on whether this selective approach to assisting only some homeowners with latent defects could be classed as discriminatory to those homeowners with latent defects that are receiving no support to address serious fire safety and structural issues with their homes.

REPLY

I made Regulations under sections 2 and 5 of the Housing (Miscellaneous Provisions) Act 1979, with the consent of the Minister for Public Expenditure and Reform, to provide for a grant scheme of financial assistance to support affected homeowners in the counties of Donegal and Mayo to carry out the necessary remediation works to dwellings that have been damaged due to defective concrete blocks. Dwellings Damaged by the Use of Defective Concrete Blocks in Construction (Remediation) (Financial Assistance) Regulations 2020.

The defective concrete blocks grant scheme is primarily a grant scheme of financial assistance to support affected homeowners to carry out the necessary remediation works to dwellings that have been damaged due to defective concrete blocks, in order to stay in their homes. Significant damage has manifested in these dwellings and they continue to deteriorate. The damage arises as a result of products/materials which were defective, these defects were not however readily recognisable at the time of construction. Householders will be required to demonstrate that they have no other avenues of recourse; whether back to the suppliers of the product or under any insurance cover that may have been in place, in order to be eligible for the grant. It is a scheme of last resort.

In the interest of supporting owners and residents living in developments where concerns regarding non-compliance with fire safety requirements arise, it was agreed that a review be undertaken by an independent fire expert to develop a framework for general application. In August 2017, the Framework for Enhancing Fire Safety in Dwellings was published, which is intended to be used as a guide by the owners and occupants of dwellings (houses and apartments) where fire safety deficiencies have been identified, or are a cause for concern. The Framework will also be of assistance to professional advisors, both in developing strategies to improve fire safety and in developing strategies to enable continued occupation in advance of undertaking the necessary works to ensure compliance with the relevant Building Regulations. The Framework is available on my Department's website at the following

link: https://www.housing.gov.ie/sites/default/files/publications/files/framework_for_enhanci

[ng_fire_safety_in_dwelling.pdf](#).

In addition, following the Grenfell Tower fire tragedy in June 2017, and in light of public concerns for fire safety, I established the Fire Safety Task Force – to examine fire safety in Ireland, consider information emerging in respect of the Grenfell Tower fire, and make recommendations.

Following finalisation of the Task Force report, Fire Safety in Ireland, in May 2018, I brought the report to Government. I also tasked the Management Board of my Department's National Directorate of Fire and Emergency Management (NDFEM) to implement the recommendations that are within my Department's remit, and to oversee the implementation of other recommendations.

In response to the Task Force recommendations, the NDFEM Board has brought forward a number of initiatives, including proposals for regulatory provisions and guidance for ensuring fire safety in buildings, and for fire services.

Copies of both the Report and the Summary of Conclusions and Recommendations are available on my Department's website at the following links:

Fire Safety Task Force Report:

[http://www.housing.gov.ie/sites/default/files/publications/files/fire_safety_in_ireland -
_report_of_the_fire_safety_task_force.pdf](http://www.housing.gov.ie/sites/default/files/publications/files/fire_safety_in_ireland_-_report_of_the_fire_safety_task_force.pdf).

Summary of Conclusions and Recommendations:

[http://www.housing.gov.ie/sites/default/files/publications/files/fire_safety_in_ireland -
_report_summary_of_conclusions_and_recommendations.pdf](http://www.housing.gov.ie/sites/default/files/publications/files/fire_safety_in_ireland_-_report_summary_of_conclusions_and_recommendations.pdf).

It should be noted that when a building is constructed and occupied, statutory responsibility for safety is assigned by section 18(2) of the Fire Services Acts, 1981 & 2003, to the 'person having control' of the building. The person having control is required to take reasonable measures to guard against the outbreak of fire and to ensure the safety of persons in the event of fire. In multi-unit developments, the "person having control" is generally the Owner Management Company.

Under the Multi-Unit Developments Act 2011, (which is under the remit of the Minister for Justice and Equality), the owner management company must establish a scheme for annual service charges and a sinking fund for spending on refurbishment, improvement or maintenance of a non-recurring nature of the multi-unit development.

I believe that the building control reform agenda already well underway provides a comprehensive roadmap for embedding an enhanced culture of compliance and accountability within the construction industry and for strengthening the building control framework in Ireland. The reform agenda includes:

- amendments made to the Building Control Regulations;
- the National Building Control Management Project; and

- the ongoing development of new legislation through the Building Control (Construction Industry Register Ireland) Bill.

My focus will remain firmly on ensuring the full roll out of the building control reform agenda, to ensure that all those that engaged in the construction sector take their responsibilities seriously and are appropriately held to account.

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