



# Opportunity for Property Owners to **Lease / Rent** Residential Properties

Information Booklet



*promoting sustainable communities*

# Purpose of this booklet

The purpose of this information booklet is to set out details of the opportunities for property owners and landlords in Ireland to engage with local authorities and approved housing bodies in leasing and renting arrangements for residential properties.

This information may be of interest to property owners, developers, estate agents, financial institutions, investors, accountants, solicitors and property management companies.



## Housing Agency

The Housing Agency was set up in May 2010 by the Department of the Environment, Community and Local Government. The aim of the Agency is to work with and support local authorities; voluntary housing organisations; and the Department of the Environment, Community and Local Government, in the delivery of housing,



## Further information

For more information please contact your local authority.

An up-to-date list of contacts is available at [www.housing.ie/leasing](http://www.housing.ie/leasing)

Alternatively you can contact the Housing Agency on **Tel: 01 656 4100**

## Disclaimer

*The material contained in this booklet is for information and guidance purposes only and is not intended and does not constitute professional advice. You should not act or rely on this information without seeking appropriate advice in advance. Any and all information is subject to change without notice.*

# Introduction

**The Government has allocated funding for local authorities and approved housing bodies to lease or rent residential properties from private owners. These properties will be used to provide accommodation to people who are currently unable to source suitable properties from their own resources.**

Local authorities and approved housing bodies (AHBs) are available to discuss proposals with owners of all types of properties who are interested in making homes available. The Housing Agency is also available as a central contact point for general enquires.

Properties must be of good quality and can be new or previously occupied. Each local authority and approved housing body will also assess the suitability of

properties proposed with reference to the housing needs that have been identified for that area and its overall compliance with planning and building control.

In return, the local authority or AHB will enter into a legal arrangement with the owner for the use of the property for an agreed term and guarantee rent payments for the term.



## **Approved Housing Bodies (AHBs)**

**Approved Housing Bodies, more commonly referred to as 'housing associations', 'voluntary housing associations' and 'housing co-operatives', are independent not for profit organisations that provide rented housing for low income families or for vulnerable people with special needs. These organisations are approved by the Minister for the Environment, Community and Local Government and provide housing management and related services.**

**For more information on approved housing bodies visit [www.icsh.ie](http://www.icsh.ie) and [www.nabco.ie](http://www.nabco.ie)**

# Arrangements

There are two options for property owners who are considering making their properties available to a local authority or approved housing body or AHB:

1. Long-term Lease Arrangements (10–25 years)
2. Availability Arrangements (typically 1–10 years)

Details of each individual arrangement are set out in the following sections together with advice on how to have properties considered.

## Option 1 Long-term Lease Arrangements

This arrangement will suit property owners and landlords who want to retain property as a long-term investment and have a long-term security of income, but who do not wish to retain responsibility for the day-to-day requirements of managing a residential property.

Suitable properties can be leased to the local authority or an AHB for periods of between 10 and 25 years.

During the term of the lease:

- The local authority/AHB will guarantee payments to the owner.
- Payment will continue regardless of vacancy periods.
- The local authority/AHB will be responsible for day-to-day property maintenance.

- The local authority/AHB will be the landlord to tenants.

In addition, property owners who have leased their properties to a local authority will:

- Have no rent collection or rent arrears obligations.
- Not incur advertising or administrative overheads.
- Not have to register the Tenancy with the Residential Tenancies Board (RTB).

*\* For further information on approved housing bodies, see Page 3*

### **Lease Amount**

Owners will receive a lease amount of approximately 80% of the current market rent. Rents will be agreed through negotiation with the local authority/AHB. The rent discount is applied to take account of the tenant management and property maintenance responsibilities taken on by the local authority and the elimination of vacant unoccupied periods where a property owner would normally not receive a rent payment.

Rent reviews occur on the third anniversary of the lease commencing and every third year thereafter. The rent is reviewed by reference to an index of the change in consumer prices.

### **Lease Terms**

- The owner will retain responsibility for structural insurance, structural maintenance and structural repair.
- The owner will retain responsibility for the payment of the management company service charge, and any other charges for which the property owner is liable.
- The local authority or AHB will manage and provide support to its tenants.
- The local authority or AHB will maintain the property internally for the term of the lease.
- Owners will receive an income of approximately 80% of the current market rent.

- Payments will be made monthly.
- Upward and downward rent reviews will apply every three years.
- Properties will be returned to the property owner in good condition at the end of the lease term, subject to normal wear and tear.

### **Lender's Consent**

It will be the responsibility of the property owner to ensure they consult with their finance provider and to get consent to enter a leasing arrangement, if required.

### **Tenants**

The properties acquired under this arrangement will be offered by the local authority or the AHB as accommodation to households who have been approved by the local authority for housing. Tenants will sign a tenancy agreement with the local authority or the AHB.

## Option 2

# Availability Arrangements

This arrangement may only be entered into with a local authority. It will suit property owners who want to retain landlord responsibilities or want to enter into shorter-term arrangements.

Under the Rental Accommodation Scheme (RAS) and the Leasing Initiative, availability arrangements can be entered into between local authorities and property owners. There are two common contract types. The most common is the availability type arrangement under which property owners will:

- Receive guaranteed rental income from the local authority on a monthly basis.
- Receive rent payments for vacancy periods.
- Have no rent collection or rent arrears obligations.
- Not incur advertising or administrative overheads.
- Be required to register tenancies with the Residential Tenancies Board (RTB).

The main differences between this and a longer term leasing contract (Option 1) are that the owner will:

- Retain responsibility for day-to-day property maintenance.
- Be the landlord to tenants nominated by the local authority.

- Register tenancies with the Residential Tenancies Board (RTB).

The other form of contract is a tenancy-by-tenancy arrangement where an agreement remains in place for a specific tenant and ceases once that tenant moves out. Payments are not made for vacancy periods under this arrangement. The property owner may offer the property to the local authority at the end of the initial agreement for a further term.

### Rent Amount

Owners will receive a rent amount of approximately 92% of the current market rent. The rent discount may vary in this arrangement and rents will be agreed through negotiation with the local authority.

The rent discount is applied to take account of the fact that the property owner is paid for vacant unoccupied periods, rent is paid in advance and the normal landlord tasks associated with filling voids are eliminated.

Rent reviews will be governed by the Residential Tenancies Act 2004 (as amended).

## Legal Agreement

Where the availability type arrangement is used, owners will sign an 'availability agreement' with the local authority. Under the terms of this agreement, the owner agrees to make the property available for a specific period for nominees of the local authority and to maintain the property in a lettable condition.

- The local authority will nominate tenants when vacancies arise.
- Owners will receive a rent of approximately 92% of the current market rent.
- Payments will usually be made monthly.
- Upward and downward rent reviews will apply periodically.

## Main Terms of the Arrangement

- The key landlord and tenant (and tenancy agreement) will be between the property owner and the nominated tenant.
- The owner will retain responsibility for:
  - Insurance of the property, landlord contents and public liability.
  - Payment of the management company service charge; (if any) and other charges, such as Local Property Tax.
  - Dealing with breaches of the tenant's obligations to the landlord, should they arise.

# Summary of leasing and rental options

	Long-Term Leasing Arrangement	Availability Arrangement
<b>Term of Arrangement</b>	10-25 years	Typically, one to ten years but can be for the duration of the existing tenancy only.
<b>Properties Required</b>	<ul style="list-style-type: none"> <li>· New or previously occupied properties in good condition</li> <li>· Range of property types required</li> <li>· Need will vary across local authority areas</li> </ul>	<ul style="list-style-type: none"> <li>· New or previously occupied properties in good condition</li> <li>· Range of property types required</li> <li>· Need will vary across local authority areas</li> </ul>
<b>Rent</b>	<ul style="list-style-type: none"> <li>· Approximately 80% of open market rent</li> <li>· Paid monthly</li> <li>· Payments guaranteed for the lease term</li> <li>· No rent loss due to void periods</li> <li>· Rent reviews every three years</li> <li>· No tenant rent collection responsibilities</li> </ul>	<ul style="list-style-type: none"> <li>· Approximately 92% of open market rent – <i>depending on contract type</i></li> <li>· Paid monthly or quarterly</li> <li>· Payments guaranteed for the term</li> <li>· No rent loss due to void periods</li> <li>· Periodic rent reviews</li> <li>· No tenant rent collection responsibilities</li> </ul>
<b>Internal Maintenance</b>	Local Authority's/Approved Housing Body's Responsibility	Property owner's responsibility
<b>Structural Maintenance</b>	Property owner's Responsibility	Property owner's responsibility
<b>Tenant Management</b>	Local Authority's/Approved Housing Body's Responsibility	Property owner's responsibility – landlord/tenant relationship exists between property owner and tenant
<b>Advantages</b>	<ul style="list-style-type: none"> <li>· No vacancy periods</li> <li>· No rent arrears</li> <li>· No letting fees</li> <li>· No advertising costs</li> <li>· No day-to-day maintenance responsibilities</li> <li>· RTB tenancy registration charge not applicable</li> </ul>	<ul style="list-style-type: none"> <li>· No vacancy periods – depending on contract type</li> <li>· No rent arrears</li> <li>· No letting fees</li> <li>· No advertising costs</li> </ul>
<b>End of Term</b>	Local Authority/Approved Housing Body returns property in good repair order and condition, save for fair wear and tear.	Property owner retains ongoing maintenance responsibility for the property as normal.

## Property requirements

Properties are required where there is a general demand for housing, primarily in towns and cities around the country. Generally, one, two and three bedroom houses and apartments are required. A limited number of four bedroom houses are required.

## Property standards

Each local authority will set out its own specific requirements for properties. However, the following will apply in all areas:

- Properties must be in good condition and will be subject to inspection by the local authority or the AHB.
- Properties must be compliant with the Housing (Standards for Rented Houses) Regulations 2017 and must comply with all Planning and Building Regulations.
- BER certificates will be required for all properties. Minimum BER criteria may apply in some local authority areas.
- Bed-sits will not be considered.

## How to make a proposal

Property owners interested in either of the options available can submit details of their property to the local authority or an AHB.

Enquiries in relation to the Rental Accommodation Scheme can also be made by contacting the RAS co-ordinator in the local authority directly. Details for the relevant contacts in each local authority area can also be accessed online.

Property owners considering making proposals to an AHB should contact the organisation directly. Contact details for AHBs are available on [www.icsh.ie](http://www.icsh.ie) and [www.nabco.ie](http://www.nabco.ie)

# What is the process?

## 1. Property Owner Submits Proposal

The local authority/AHB considers the proposal and will make an assessment as to the need for housing in the area and consider if leasing or renting the property complies with its sustainable communities policy. The local authority/AHB will contact the property owner to discuss the proposal in more detail. The local authority or AHB will also discuss the rent amount payable on the property at this point with the property owner.

## 2. Property Owner Facilitates Inspection

If the property is in a location where the local authority has a housing need, the property will be inspected to determine if it is appropriate for leasing or renting.

## 3. Lease, Rental Agreement and Supporting Documents

Once the property passes the inspection process, a proposed lease or rent agreement and request for supporting documentation will be issued to the property owner. Supporting documents required may include proof of ownership, lenders consent if required, and evidence of planning and building control compliance, etc. A tax clearance certificate and BER certificate are required.

## 4. Sign Agreements

The property owner and the local authority or AHB sign the lease or rental agreement for a set term. Tenants are allocated to the property and both parties adhere to the conditions of the arrangement for the term agreed.

# Frequently asked questions?

## 1. What types of properties are required?

Generally, one, two and three bedroom houses and apartments are required. A limited number of four bedroom houses are required. Bed-sits will not be considered.

## 2. What if I want my property back before the end of the lease term?

Under the long term lease arrangement, the lease term will be for a minimum of 10 years.

## 3. Can I sell the property during the term?

Under the long term leasing arrangement the property can be sold by the property owner during the term, on the condition that the lease agreement is transferred to the new owner and the local authority or AHB are notified in advance and are in agreement.

Under the Availability Arrangements, in most cases the contract will provide that the terms of the 2004 Residential Tenancies Act (RTA) will apply. The RTA allows a landlord to terminate a tenancy if he/she is intending to sell the property and there is no fixed term tenancy in place.

## 4. What happens if the tenant engages in anti-social behaviour?

Under the long term leasing arrangements the local authority or the AHB will be the landlord to the tenants and will have the responsibility to deal with anti-social behaviour issues.

Under the Availability Arrangements, responsibility for dealing with anti-social behaviour remains with the property owner who is the landlord. However, the local authority will cooperate with and assist the property owner in addressing these issues should they arise.

## 5. What happens if the tenant damages the property?

Under the long term leasing arrangements the property will be returned to the property owner at the end of the term in good repair order and condition, save for fair wear and tear. The local authority or AHB will be responsible for internal maintenance and repairs during the term of the lease.

Where the property owner retains landlord responsibility under the rental arrangements, maintenance and repair will be a matter for them.

Where damage is caused to the property, which is above routine wear and tear, the local authority may be willing to guarantee the equivalent of up to one month's rent towards the cost of repair/replacement, subject to negotiation with the owner.

## **6. Can I transfer my existing rent supplement tenant to these new arrangements?**

Landlords with existing SWA rent supplement tenants can contact the local authority to discuss the option to avail of the rental arrangements under the Rental Accommodation Scheme.

## **7. How can I find out if my property is suitable and meets the required standard?**

You can contact your local authority or an approved housing body directly and discuss the suitability of your property for long or shorter term lease/rental arrangements.

## **8. How is current market rent decided?**

The local authority or AHB will discuss the market rent in the area directly with you at an early stage of the process. Local authorities have good operational knowledge of local rents from their experience operating the Rental Accommodation Scheme. Some local authorities will engage a valuer to determine rents in an area. Rent reviews occur on the third anniversary of the lease commencing and every third year thereafter. The rent is reviewed by reference to an index of the change in consumer prices.

## **9. Are the lease payments liable for VAT?**

Where the property owner chooses to charge VAT on the transaction (rent/lease payment), the negotiated rent/lease payment will be deemed to include VAT at the appropriate rate.



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