

**COMHAIRLE CATHRACH AGUS CONTAE PHORT LÁIRGE
WATERFORD CITY AND COUNTY COUNCIL**

SPECIAL PLENARY MEETING HELD ON 27th MARCH 2023 HELD BY TEAMS

Present

Cllr. John O’Leary (Mayor)	Cllr. Cristiona Kiely
Cllr. Donal Barry	Cllr. Jason Murphy
Cllr. Liam Brazil	Cllr. Pat Nugent
Cllr. Joeanne Bailey	Cllr. Lola O’Sullivan
Cllr. Declan Clune	Cllr. Thomas Phelan
Cllr. Joe Conway	Cllr. Jody Power
Cllr. Conor McGuinness	Cllr. Jim Griffin
Cllr. Pat Fitzgerald	Cllr. Eamon Quinlan
Cllr. Damien Geoghegan	Cllr. Frank Quinlan
Cllr. John Hearne	Cllr. Mary Roche
Cllr. Joe Kelly	Cllr. Seamus Ryan
Cllr. Stephanie Keating	Cllr. Adam Wyse
Cllr. Seanie Power	Cllr. Ger Barron
Cllr. Tom Cronin	Cllr. David Daniels
Cllr. Declan Doocey	Cllr. Seamus O’Donnell
Cllr. Mairead Tobin	

Apologies: Cllr. John Pratt

Officials in Attendance

Mr. M. Walsh, Chief Executive.
 Mr. K. Kehoe, Director of Services, Corporate Services, Culture and Planning
 Mr. I. Grimes, Director of Services, Housing
 Mr. B. Pollard, Head of Finance
 Ms. H. Dunphy, Meeting Administrator
 Ms. A. Flynn, Corporate

Following the Prayer and attendance roll call the Mayor proposed a suspension of standing orders to take Item 2 on the Agenda before Item 1, seconded by Cllr. O’Sullivan and Cllr. Quinlan and agreed by all.

2. Report from the Executive regarding emergency accommodation capacity in city and County

I. Grimes, DoS shared a brief presentation setting out the existing homeless service capacity noting it is an ongoing challenge to ensure adequate capacity to meet the needs of people who are at risk from homelessness in Waterford. He outlined the capacity for the various hostels and explained the 19 OFD (own front doors) as housing units which are difficult to allocate and are provided under lease to Focus Ireland who operate them as emergency accommodation for families. Generally these units are used by families for short periods of time until more long-term accommodation is secured. There are currently 8 vacant beds in the hostels and 4 more due to come available due to imminent move ons. The Waterford Integrated Homeless Services work to bring all the agencies required together to help people

move out of emergency accommodation as quickly as possible. The council has outreach workers who work closely with the Health Service Executive, drug workers, a HSE Roma outreach worker, social care workers and the community gardaí. The out of hours beds essentially are for people who present out of hours to our Homeless Services and are available in the men's hostel primarily and in addition during cold weather crash beds have been provided in all locations and service providers have been instructed to ensure if somebody presents, they are taken in for the night. He outlined the targets under the various strands in the Housing Delivery Action Plan which include Part V, Turnkey, Buy & Renew, Approved Housing Bodies and Repair & Lease. Waterford City & County Council are the only Local Authority of any significance who are using the Repair & Lease Scheme and the one currently being advertised on Choice Based Letting is the largest Repair & Lease Scheme in the country. The Voids Programme is where keys are handed back and said there has been a 68% increase in the number of voids to date this year. Usually between 100 and 150 voids occur each year and the council strives to keep the period between when keys are handed back and a new allocation as short as possible. He presented the most up-to-date information to hand in relation to Notices to Quit, he noted that the landlord must give 180 days' notice to tenants who are in the property more than a year. He spoke about the tenant in situ acquisition scheme saying that the Minister has written to local authorities setting out the new tenant in situ scheme which is targeted at HAP or other social housing assisted tenancies. Waterford has been given an initial target of 50 units with a commitment from the Minister that full financial resources are available, to manage that process locally have put up an expression of interest form on council website for landlords who are interested in selling. Details are awaited from the Minister in relation to legalisation to be introduced which will require a landlord selling to give first refusal to the tenant or to an approved housing body or a local authority. With the combination of the new initiatives announced together with the capital delivery plan, voids programme and the sterling efforts of our Homeless Services the objective is to avoid having any body sleeping rough in Waterford.

M. Walsh, CE outlined that everyone recognises that housing is critical noting that Waterford has delivered well compared to some of our peers and have a reasonable pipe line in terms of delivery in the main urban centres. Waterford has been the first in the country in many respects with the exceptions of Dublin in terms of the delivery of affordable housing and he is satisfied with the overall delivery on social houses and said cost rental proposals would be brought before the members in the next couple of months. The council has managed to avoid any significant numbers in Bed & Breakfast accommodation, in terms of families have managed to keep people with own door solutions which is the ongoing objective. He acknowledged the significant contribution of Claire Hartley, Louise Casey and the Homeless Services team and the multi-agency team who work with them over the last number of years. Waterford has had a significant population increases in the last number of years, particularly in the city and we have managed to keep people in homes, there is a broad range of activities across the whole council trying to do everything to bring about improvement in terms of housing provision.

1. Opportunity for Councillors to comment on the housing and homelessness crisis in the context of the ending of the eviction ban

Cllr. McGuinness thanked the Mayor for facilitating the request for this special meeting to discuss the impending ending of the eviction ban and the escalation of households that may become homeless as a result. He noted that Waterford is in the grip of an unprecedented housing crisis due to a decade of inaction by successive governments, rents continue to spiral out of control, the very underwhelming delivery targets for social and affordable houses are not being met year on year, house prices are continuing to rise, and this is putting a generation of families and workers into a broken rental market. Homelessness is becoming an all too common feature of Irish Society with 11,754 people homeless according to the January figures. When the current eviction was introduced in November 2022, Sinn Féin, other parties, experts and academics and people involved in the sector told the Government to use this breathing space to introduce a series of emergency measures including increasing and accelerating the delivery of social homes. According to the Residential Tenancies Board there are 3,000 eviction notices to fall due in April with 119 no fault eviction notices for Waterford. He hopes the members will

support the motion.

Cllr. O'Sullivan noted that the demand for housing social and private is significant across the Country and Waterford is no exception, there is no doubt that this demand is not going away in the short term and it is important that local authorities are given the resources and support from Government to meet this demand. The Government has provided resources and because of the sterling efforts of the Housing Department Waterford has benefitted significantly, with the Repair & Lease Scheme being a prime example. There are 71 units at St Joseph's House site on Manor Hill and this is by far the biggest repair & lease scheme in the country which has been delivered by our Housing Department. The Repair & Lease Scheme and other recent schemes are targeted to bring houses back into use quickly.

Cllr. Conway outlined that it is very important to keep this issue to the forefront of our agenda and acknowledged the work that is being carried out in Waterford by the housing department.

Cllr. Bailey outlined that there are over 3,000 people waiting for their forever home in Waterford, the current delivery is not enough to address the problem. The Government has not given adequate funds to local authorities to have a real impact in social housing while acknowledging all the work of the councils housing department. She enquired about the timeframe for the delivery of the voids programme and allocation of the properties.

Cllr. J. Power noted that there are a number of schemes available to assist in addressing the issue of homelessness which Waterford City & County Council are implementing. There is a need to incentivise landlords to ensure they stay in the market to maintain a good rental property market.

Cllr. Phelan acknowledged the work being done by the housing department, noting he does not see any mention in our Housing Delivery Action plan of the tenant in situ purchase scheme, enquiring if the objectives of the plan are now out of date. He asked if the scheme has been mentioned to estate agents in addition to having a form on our website to inform people of the option. He asked does this scheme or any other scheme currently allow the council to purchase HAP properties or any properties that are being rented in the private sector and to become the direct landlord of the tenants in situ. Given that the Taoiseach has said that lifting of the eviction ban will not lead to homelessness because there will always be as a last resort emergency accommodation, is there extra funding being provided by the government for additional emergency accommodation in Waterford.

Cllr. Ryan said that in Waterford despite being in a rent pressure zone, rents continue to rise, he is dealing with people on a daily basis who are on the housing list 10 or 11 years which is not acceptable and is the single biggest issue facing councillors. He questioned why the schemes being announced by the government were not already in place before any attempt to lift the eviction ban.

Cllr. Hearne said it is a government's job to protect its people, people are currently living in fear of becoming homeless, this cannot be allowed to happen to people in Ireland today.

Cllr. Barry said the lack of supply of social, affordable and private houses and rental properties that meet the required housing standards caused by this and previous government policy is the reason we are facing the worst housing crisis in our lifetime. The lifting of the moratorium on termination of tenancies without having a workable plan in place to deal with the inevitable fallout of this on families including children does not help those who are facing losing their homes. Funding is now being made available to buy properties and said he hopes that any properties bought in Waterford will meet the required standards.

Cllr. Barron asked the what the difference was between a notice to quit and an eviction notice, he assumed that to get an eviction notice a landlord would have to go to court and asked if the notice to quit holds any legal ground.

Cllr. Fitzgerald said the housing office in Waterford and in every other local authority in this country are doing their best to try and deal with this current situation, the introduction of the HAP scheme was introduced in 2014 and was intended as a stop-gap measure but has resulted in driving up rents and property prices with 50% of rental income being taxed.

Cllr. Roche noted that there has always been a private rental sector and there is a place for it but she said the problem is that social housing has been privatised into the private rental sector and the private rental sector cannot cope with that and cannot provide the type of security of tenure that councils and approved housing bodies can. To build the level of housing for social tenants that is needed is a slow process and she does not see the type of emergency response that is required to deal with this. In relation

to delivery targets over the next five years the corresponding level of demand is required, and the process needs to be accelerated.

Cllr. Griffin noted that currently concerned about the the families that have been identified with notices to quit, concerned that further details and legislation is awaited in relation to cost rental and the tenant in situ scheme. He would like to call for a housing summit to include all stakeholders, banks and other lending agents, developers, planners, the council and other housing bodies.

Cllr. Geoghegan noted that in his time as a councillor every local authority housing development that came before him as a councillor for approval was objected to at some stage, members need to stop objecting and stop moving the gold posts when housing projects come before them for approval. Some of the housing developments that were objected to went on to win awards for their design and are excellent housing estates to live in.

I. Grimes, DoS noted that it is an objective of the council to meet targets and exceed where possible. In relation to the voids they are working towards a turnaround period of 12 weeks. The tenant in situ scheme is additional to the Housing Delivery Action Plan and the incentive scheme is also targeted at HAP and other social tenancies. In relation to additional homeless services funding, we received funding for 2023 with commitment from the Minister that if there is any additional funding required it would be accommodated by his department. We work collectively within the Southeast region with the five local authorities where Waterford is the lead authority. He outlined that a notice to quit must comply with the regulations giving the appropriate notice period for it to be a valid document and an eviction notice is the document that would issue from a court on application by a landlord to secure vacancy from a tenant. In relation to demand for social housing there is an annual exercise conducted by each local authority and then validated by the housing agency and so essentially the most recent housing needs assessment that has been published was for 2021 and that indicated over 1267 households on the social housing list in Waterford. There are also 1,600 to 1,700 HAP tenants who are eligible to apply for housing on choice based letting. The Department have set themselves a target of 59 weeks for all four stages of the approval process, some projects are longer due to the complexity of the project noting that the Department has a strong commitment to improving their own internal approval timelines. The Housing Delivery Action plan provides for the delivery of units in Dunmore East, Crooke and Passage East in the next four to five years. There are benefits in bringing together particular sectors like the local estate agents and developers for discussions and this communication will continue as required.

Cllr. McGuinness asked that in light of there being 8 vacancies in emergency accommodation and four imminent vacancies but 119 households facing notices to quit being actionable from the first of April, where those people are expected to go.

I. Grimes, DoS noted that it is unfair to say that all of the notices to quit will take effect from the first of April, the information on hand is in relation to the RAS tenancies. There are currently 26 RAS notices to quit served and the timeline for those varies from May to November of 2023 so he said that gives us time to put in place tenancies. He said for RAS tenancies as a local authority we are required to re-house them. We will expedite the discussions with the landlords if they are willing to sell to the local authority, the challenge for us in meeting the demand for homeless services has been ongoing for several years and the commitment of our homeless services is to move people on making sure that the capacity that we have for both individuals and families is sufficient. He said we will need to do more with own front doors and we are looking at those options currently. In terms of the hostels he said the objective is to work with the individuals to get them rehoused as soon as possible and avoid having people staying in emergency accommodation on an ongoing basis.

Cllr. Bailey asked in relation to the 25 notices to quit issued to private tenants and as the tenant in situ scheme does not apply to them what can those tenants do.

I. Grimes, DoS said private tenants who find themselves in a situation where they are homeless, they can present to our Homeless Services and we will try to accommodate them using either our own front

doors or alternative accommodation. It is important for people in these circumstances to present and identify the fact that they have an order to quit as early as possible so that our homeless services can work with them as an individual family to try and find alternative accommodation either using our contacts for the state agents or other schemes.

Cllr. Kelly outlined the number on the housing list together with HAP and RAS tenants is over 3,000 people which he said is indicative of the failure of the housing system over many years and many governments and the solutions need to be reviewed in order to tackle the issue.

Cllr. Murphy noted that for all councillors 80 to 90 percent of representations are in relation to housing. The eviction ban was a temporary measure, it did not help supply but made it worse and landlords are leaving the market. Last year 10,000 social housing units were delivered with a further 10,000 to be delivered nationally this year, this is the biggest social housing delivery since 1975. In relation to the tenant in situ scheme funding has been provided for 50 units with further funding available, this scheme will help alleviate what is going to happen and will be opened up as well to people who do not qualify for social housing.

Cllr. Keating noted that she is an advocate of social housing and said that Fianna Fáil have delivered the most social housing in Ireland to date, the tenant in situ scheme is going to exceed 50 and we have been promised that there is no issue with regard to extra funding. The HAP tenant will get security of tenure, their rent will decrease because they will not be making payments to the landlord, it is important to not scaremonger and to offer solutions.

Cllr. S. Power asked what the main reasons were behind someone getting evicted, is it because the landlord is selling up, anti-social behaviour or is it because a person is unable to meet the rent payments. In his experience a landlord will not evict a tenant without good reason.

Cllr. Doocey said he did not have many tenants speaking to him regarding evictions but had landlords who have grievances where a family returning from abroad who cannot get their family home back and others whose properties are in a state disrepair.

I. Grimes, DoS said the Minister has committed in writing to additional funding if needed, in relation to the notices to quit that as far as he is aware more than half were issued by landlords who intended to sell their property.

3. Emergency motion/resolution calling on Government to take action to protect tenants facing eviction from becoming homeless.

Motion in the name of Cllr. Conor D. McGuinness

That Waterford City and County Council:

1. notes

- *the recent statement by Threshold which states that, “unprecedented numbers of adults and children could now become homeless, as a result of the Government’s plan to lift the eviction ban for rented properties.”*
- *that the same organisation “currently works with thousands of individuals with notices of termination, and the Coalition’s decision is likely to exacerbate the concerns – and situations – these renters find themselves in.”*
- *that there are currently 119 households in Waterford with valid notices to quit that will become actionable from April 1st*

2. calls on the Government

- *to reverse its decision to end the ban on no fault evictions and to extend the ban until the end of January 2024 to give renters breathing space and security.*
- *to expand the tenant-in-situ scheme for social and affordable cost rental tenants.*

- *and to use emergency planning and procurement powers to target vacant and derelict properties and new building technologies to deliver additional social and affordable homes above the targets for this year in Waterford.*

3. That this Resolution is sent to an Taoiseach and Leader of Fine Gael Leo Varadkar; an Tánaiste and Leader of Fianna Fáil Micheál Martin; Minister for Transport and Leader of the Green Party Eamon Ryan; and Minister for Housing Darragh O'Brien.

Cllr. McGuinness proposed the motion, welcoming the debate in relation to the housing crisis. It is important to clarify that according to the Residential Tenancies Board there are 119 no fault notices to quit for households in Waterford City and County City that are actionable from the first of April, it is up to the landlords whether they want to action them or not, but they exist. Not looking for an indefinite eviction ban saying the motion that is before the members today calls for an eviction ban up to the end of this year to give the government parties more time. It is time to build houses, refurbish houses and get delivery working. He said there has been some modest and meagre success and that has been driven by local authorities, by housing departments up and down the state including our own which has been exemplary in doing what it can with the schemes that are available. Waterford City & County Council need to send a very strong message to not get rid of the eviction ban and to extend it to the end of the year.

Cllr Bailey seconded the motion; from today's meeting she hopes that the department will allocate additional funding for social houses so that the local authority can start building more.

Cllr. Keating proposed the following amendment with regard to section 2.
Section 2.

Calls on the Government to prioritise the roll out of the provisions of the:

- (A) Home purchase tenant in situ scheme for HAP recipients.
- (B) Home purchase with rent back on a non-for-profit basis.
- (C) First refusal of home purchase at 70% of house value for purchasing tenants.

2. That the Government agree to provide funding to Waterford City and County Council so that no cap on house purchases need be applied should we exceed targets.

3. That additional staff positions are adequately funded from the central Government to deal with the expected surge in demand for the above schemes.

4. Given Waterford City and County Council is the national leader in the Repair and Lease Scheme, that all unused funding under the scheme by other local authorities should be made available to be spent by Waterford City and County Council at the end of each year.

The amendment was seconded by Cllr. Murphy.

The members requested a recess to consider the proposed amendment.

On return to the meeting the amendment was ruled out of order under section 24 of the Plenary Standing Orders. "An amendment shall not be in order if it is equivalent to a direct negative or if it is not in fact an amendment of the motion it purports to amend."

Cllr. Wyse proposed an additional amendment to Cllr. McGuinness's motion, the amendment proposed was to remove the following line from section 2 "to reverse its decision to end the ban on no fault evictions and to extend the ban until the end of January 2024 to give renters breathing space and security" and add the wording of Cllr. Keating's amendment to the end of said section. This proposed amendment was also ruled out of order under section 24 of Standing Orders.

Cllr. Phelan proposed an amendment to Cllr. McGuinness's motion, the amendment proposed was the addition of the wording of Cllr. Keating's amendment under section 2, seconded by Cllr. Ryan.

Following discussions Cllr. Phelan agreed to withdraw his amendment.

The meetings administrator conducted a roll call vote on Cllr. McGuinness original motion

Name:	For	Against	Abstain	Not Present
Joeanne Bailey (SF)	✓			
Ger Barron (Lab)	✓			
Donal Barry (Ind)	✓			
Liam Brazil (FG)		✓		
Declan Clune (Ind)	✓			
Joe Conway (Ind)				✓
Tom Cronin (FF)		✓		
Conor McGuinness (SF)	✓			
David Daniels (Ind)	✓			
Declan Doocey (FG)		✓		
Pat Fitzgerald (SF)	✓			
Damien Geoghegan (FG)		✓		
Jim Griffin (SF)	✓			
John Hearne (SF)	✓			
Stephanie Keating (FF)		✓		
Joe Kelly (Ind)	✓			
Cristiona Kiely (GP)				✓
Mairead Tobin (FF)		✓		
Jason Murphy (FF)		✓		
Pat Nugent (FG)				✓
Seamus O'Donnell (Ind)				✓
John O'Leary (FF)		✓		
Lola O'Sullivan (FG)		✓		
Thomas Phelan (Lab)	✓			
Jody Power (GP)		✓		
Seanie Power (FG)		✓		
John Pratt (Lab)				✓
Eamon Quinlan (FF)		✓		
Frank Quinlan (FG)		✓		
Seamus Ryan (Lab)	✓			
Mary Roche (SD)	✓			
Adam Gary Wyse (FF)		✓		
TOTAL	13	14	0	5

The meetings administrator took a phonecall vote from the councillors who had connection issues, the motion was defeated 14 votes to 13 votes with 5 members not present.

This concluded the business of the meeting.

Signed: _____
Mayor of Waterford City & County Council

Dated: _____