



STATUTORY INSTRUMENTS.

**S.I. No. 755 of 2021**

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AFFORDABLE HOUSING ACT 2021 (COST RENTAL LETTING AND  
ELIGIBILITY) REGULATIONS 2021

AFFORDABLE HOUSING ACT 2021 (COST RENTAL LETTING AND ELIGIBILITY) REGULATIONS 2021

I, DARRAGH O'BRIEN, Minister for Housing, Local Government and Heritage, in exercise of the powers conferred on me by sections 3 and 31 of the Affordable Housing Act 2021 (No. 25 of 2021), hereby make the following regulations:

**Citation and commencement**

1. (1) These Regulations may be cited as the Affordable Housing Act 2021 (Cost Rental Letting and Eligibility) Regulations 2021.
- (2) These Regulations shall come into operation on 1 January 2022.

**Definitions**

2. In these Regulations –
  - “Act of 1997” means the Taxes Consolidation Act 1997 (No. 39 of 1997);
  - “Act of 2005” means the Social Welfare Consolidation Act 2005 (No. 26 of 2005);
  - “Act of 2021” means the Affordable Housing Act 2021 (No. 25 of 2021);
  - “advertise online” means make available on an internet website (including part of such a website) –
    - (a) to which access is readily available by members of the public, and
    - (b) where anything published is readily available for inspection by members of the public;
  - “cost rental applicant” means a person who applies to lease a cost rental dwelling in accordance with Regulation 4;
  - “income tax” means income tax within the meaning of the Act of 1997;
  - “lottery” means a process in which eligible cost rental applicants are randomly selected pursuant to section 31(3)(e) of the Act of 2021;
  - “pay-related social insurance” means the contribution specified in section 13(2)(d) of the Act of 2005;
  - “prospective tenant” means a person who seeks a tenancy of a cost rental dwelling and to whom the landlord of the dwelling concerned intends to offer a tenancy;
  - “qualified household” means the household of a prospective tenant which has been assessed by the landlord as meeting the eligibility criteria set out in these Regulations and sections 31 and 34 of the Act of 2021;

“universal social charge” has the meaning given to it in Section 531AM of the Act of 1997.

### **Advertising of vacancies in cost rental dwelling**

3. Where a tenancy in a cost rental dwelling is, or is scheduled to become, available for letting, the landlord shall advertise online the available tenancy for a period of not less than 7 days, during which period the landlord of the cost rental dwelling concerned shall accept applications from prospective tenants.

### **Form of applications**

4. An application from a prospective tenant to the landlord of the cost rental dwelling concerned, under Regulation 3, shall be made in whatever form or manner is designated by the landlord, which may include submission of the application by electronic means.

### **Use of lottery**

5. Where the number of applications for an available tenancy in a cost rental dwelling exceeds the number of cost rental dwellings available for letting at the relevant time, the landlord shall, through means of an independently verifiable lottery, select from the total number of applicants a number of applicants equal to the number of tenancies available.

### **Eligibility or withdrawal of applicants**

6. In the event that applicants selected for a cost rental dwelling withdraw their application or, in the opinion of the landlord, do not meet the eligibility criteria, further applicants can be selected from those applications submitted under Regulation 3 in order to fill the vacancies concerned.

### **Retention of application details**

7. Submitted applications under these Regulations in respect of a vacancy in a cost rental dwelling may be retained by the landlord for a period of not more than 12 months from the date on which the vacancy in the dwelling concerned was advertised under Regulation 3, and any further letting vacancy arising during that period for that dwelling may be selected, from the relevant group of applicants, in the order determined by the lottery under Regulation 5.

### **Number of persons in qualifying household**

8. The landlord of a cost rental dwelling under these Regulations shall require a prospective tenant, prior to the signing of any tenancy agreement, to submit a list of the proposed members of the household which will occupy the dwelling if the tenancy is granted.

### **Size of households**

9. The landlord shall assess the number of persons in each household and place tenants into particular dwellings of a size appropriate to their needs.

### **Income of tenants**

10. A landlord shall satisfy himself or herself that the annual total net income of all prospective tenants in the household concerned shall not exceed €53,000 in order to be considered as a qualified household.

### **Deductions for assessment**

11. For the purposes of the assessment under Regulation 10, annual total net income means that income tax, universal social charge, pay-related social insurance and superannuation contributions are deducted from the relevant assessable gross income.



GIVEN under my Official Seal,  
23 December, 2021.

DARRAGH O'BRIEN,  
Minister for Housing, Local Government and Heritage.

#### EXPLANATORY NOTE

*(This is not part of the Statutory Instrument and does not purport to be a legal interpretation.)*

These Regulations prescribe how landlords of cost rental dwellings should advertise vacancies in such properties and how interested parties can express an interest in leasing these homes. The Regulations also set out the main eligibility condition for leasing a cost rental dwelling, which is that a household's annual income, less income tax, PRSI, USC and superannuation contributions, must not be greater than €53,000. In cases where the number of applicants exceed the number of available homes, an independently-verifiable lottery should be utilised to select applicants. Landlords should ensure that each property is suitably sized to meet a household's needs based on the number of occupants, and that the tenants selected in the lottery meet the income eligibility criteria.

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