

APPENDIX 1

Guidance on Implementation of Changes to the Defective Concrete Blocks Grant Scheme under S.I. 85 of 2022

1. Essential Immediate Repair Works

The responsibility for health and safety issues in and around the home rests with the homeowner. Any concerns which a homeowner has regarding health and safety or structural stability of a home impacted by defective concrete blocks should be investigated by the homeowners competent engineer who will be able to advise on the severity of the issue and the appropriate action that should be taken to mitigate any health and safety risk.

The IS:465 standard flags this issue and under para 5.2 (Dwelling Inspection), it states that, as part of the building condition assessment process, where the Chartered Engineer has concerns regarding lack of structural stability (local or otherwise) in the dwelling he/she should advise the owner of any necessary immediate actions. Any such works called out by the competent engineer in the building condition assessment report or any supplementary building condition assessment report submitted by a homeowner under the scheme will now be eligible for recoupment under the scheme at a rate of 90% up to a maximum allowable cost of €5,555, once a Stage 1 approval has issued on the home and such costs can be vouched.

Type of Works to be Covered

Examples of the type of works which will be covered are listed hereunder but this should not be treated as an exhaustive or prescriptive list;

1. Immediate works identified by the homeowner's competent engineer as being necessary to deal with any threat to the structural stability of the home as part of the building condition assessment process outlined in clause 5.2 of I.S. 465.

2. Such works include but are not strictly limited to bracing, netting, protection over entry points to the home, chimney repairs/removal, fencing etc.
3. Local authorities should take a flexible and practical approach to this issue as it is likely that the type of works required to deal with structural stability issues will vary from home to home and require bespoke responses by the competent engineer.

Recoupment of Costs Incurred on Essential Immediate Repair Works

Heretofore under the defective concrete blocks grant scheme, work carried out or expenditure incurred by a homeowner prior to receipt of a Stage 1 – Confirmation of Grant Eligibility, were ineligible for recoupment. The only exception provided was in respect of the costs incurred in engaging an engineer from the Engineers Ireland Register of IS:465 engineers for the purposes of the assessment, testing and categorisation of homes.

In the Government decision of the 30 November 2021, a further exception to this general rule was approved in respect of costs associated with essential and immediate repair works related to the structural stability of any part of an affected home, which are recommended and carried out by a homeowner on foot of an engineer's recommendation as part of the 'Building Condition Assessment' process under Clause 5.2 of I.S. 465. Such works have now been provided for under the amending regulations.

Homeowners who receive a stage 1 approval under the scheme are now allowed to recoup 90% of the maximum allowable cost of €5,555 under the scheme where such works have been specified by the homeowner's engineer as part of the building condition assessment process or any supplementary building condition assessment report submitted to the local authority.

The cost can be recovered for works completed prior to or during the application process but are only recoupable by homeowners once they have received a Stage 1 - Confirmation of Eligibility.

Notification to Impacted Homeowners

Local Authorities should take immediate steps to bring this enhancement to the scheme to the attention of all homeowners either through direct communication with applicants or local action groups, publicity material, website, social media etc. Any such notification should make clear that the responsibility for Health and Safety issues in and around the home are the responsibility of the homeowner and the conditions under which essential immediate repair works costs can be recouped.

2. *Recoupment of Engineers Fees*

Regulation 8 (11) of S.I. 25 of 2020 requires that a homeowner must have received a Stage 1 confirmation of eligibility before the cost of the engineers fees for their I.S. 465 report can be recouped.

Regulation 5 of the 2022 Regulations waives the requirement for a Stage 1 confirmation of eligibility to be in place prior to recoupment of the cost of the engineer's fees for homeowners whose applications were received by the local authority before the 24 February, 2022.

Please note that regulation 8 (11) of S.I. 25 of 2020 continues to have effect in respect of applications received by the local authority on or after the 24 February, 2022.

Local authorities are requested to make immediate arrangements for the recoupment of engineers fees to homeowners whose applications were received before the 24 February, 2022 and homeowners have sought payment under regulation 8 (3) of S.I.25 of 2020 and such fees have not yet been recouped.

3. *Stage Payments*

Regulation 10 (6) of S.I. 25 of 2020 limited the value of stage payments which can be released to homeowners prior to the final stage payment to 75% of the approved cost.

The effect of this was that it was likely that many homeowners could have significant grant monies withheld pending receipt by the local authority of the final stage payment which is required to be accompanied by the certificate of remediation in accordance with regulation 10 (2) (f). The 75% limit was considered to be too low and this has therefore been raised to 85% under regulation 8 (b) of the 2022 Regulations.

Local authorities should review their records and ensure that any homeowner who has had their stage payments capped at the 75% is given the benefit of the increase in this cap to 85% of the allowable cost and that the 85% cap is applied from now on. It is important to bear in mind in communications on this matter that the 85% is in respect of the allowable costs but is actually closer to 95% of the grant amount approved and this is more in line with normal retention standards on construction projects.