

ENVIRONMENTAL HEALTH SECTION HOUSING & COMMUNITY SERVICES

2021 REPORT

INTRODUCTION

There is a legal obligation that all privately rented properties, must comply with certain legal requirements in relation to the private rented property.

The Environmental Health Section at Dublin City Council is charged with ensuring compliance with the standards for rental accommodation through inspection and enforcement.

Inspections of the private rented sector are undertaken in a number of ways; on a proactive basis, in response to complaints and referrals, where a Housing Assistance Payment (HAP) or Homeless Housing Assistance Payment (HHAP) has commenced and properties on the Rental Accommodation Scheme (RAS).

The Environmental Health Section does not solely deal with the inspection of private rented dwellings. Environmental Health Officers in the Section also carry out a range of other functions, which include:

- Inspections of Private Emergency Accommodation, used to accommodate persons who are homeless, as may be requested by the DRHE
- The enforcement of Sanitary Services Legislation, which covers nuisances and instances injurious to health
- Outdoor Event Management (with regard to supervision / inspection of drinking water provision and sanitary facilities at the events).
- Consultation on licence applications for exhumations and attendance on site to ensure the safety of public health and decency

TEAM STRUCTURE

The Environmental Health section has a complement of 20 Environmental Health Officers, 4 Senior Environmental Health Officers and a Principal Environmental Health Officer, together with an Admin Team with a complement of 1 Senior Executive Office, 1 Administrative Officer, 1 Staff Officer, 2 Assistant Staff Officers and 1 Clerical Officer who make up the Private Rented Unit (PRU)

There are three separate inspection teams in the section, each led by a Senior Environmental Health Officer:

The Rapid Response Team deals with urgent requests in relation to gross overcrowding & fire safety, complaints from private rented tenants and political & media representations, along with proactive inspections.

The **North Side and South Side Teams** who deal with inspections and tenant complaints relating to HAP, HHAP & RAS tenancies and proactive inspections on the North and South sides of the city.

In 2021, the section experienced some staff shortages due to staffing changes. It is anticipated that these vacancies will be filled when possible.

The **Private Rented Unit** provides admin support to the Environmental Health Officers and is responsible for:

Responding to all Council and Area Committee questions together with queries from Councillors and the media.

All HR matters e.g. leave, mileage, Optimum &, expenses and for purchasing all equipment and stationary.

Financial management: The preparation and monitoring of Annual budgets, Quarterly and yearly DOHLG&H reports and the recoupment of their financial contribution to DCC.

Managing and responding to all FOI/Data breaches.

Co-ordinating Departmental action / responses between Environmental Health / DFB/ Planning / Waste Management where required

Communication: Managing our Twitter account

Data Input: Hap and Homeless Hap / RAS/complaints.

General staff queries and IT.

PRIVATE RENTED DWELLING INSPECTIONS

Inspections of private rented houses are undertaken physically and virtually on a proactive basis, in response to complaints or referrals, for houses being considered for the Rental Accommodation Scheme and houses where tenancies are on the Housing Assistance Payment and Homeless Housing Assistance Payment schemes. The number of inspections of private rented houses for 2021 was 3663. In 2021 the total number of private rented dwellings inspected was 3550.

The number of houses inspected which were determined to be non-compliant with the regulations was 2361. It should be noted that where an inspection determines the property to be non-compliant with the Regulations it does not infer that the property is unfit or unsuitable for habitation, it means that works are required to bring the house into compliance or maintain the house in compliance with the Regulations.

It is the procedure of the Environmental Health Section that where a house is considered to be non-compliant with the Housing (Standards for Rented Houses) Regulations 2019 that appropriate enforcement action is taken. The aim of the action is to ensure the landlord brings the house into compliance with the Regulations.

Where an Environmental Health Officer determines a house is non-compliant either an Improvement Letter or an Improvement Notice is served on the landlord in the first instance. An Improvement Letter is issued where the Officer considers the contraventions to the Regulations less numerous and that the contraventions can be readily remedied. In cases of more numerous or more serious contraventions of the Regulations, or where an Improvement Letter has not been complied with, an Improvement Notice is served on the landlord.

For both letters and Notices an appropriate time period is given to the landlord for them to bring the houses into compliance with the Regulations.

In 2021 a total of 2352 improvement letters and Notices were issued. These comprised:

Improvement Letters	2098
Improvement Notices	254

As a result of enforcement action being taken by Environmental Health Officers, a total of 2938 houses were brought into compliance with the Regulations in 2021. Inspections and enforcement action is constantly ongoing to bring rented houses into compliance with the Regulations.

A Prohibition Notice is served where a landlord fails to comply with an Improvement Notice. It requires that a house shall not be re-let until the Improvement Notice has been complied with. The service of a Prohibition Notice does not require the tenant to vacate the property nor can it be used as a reason for the landlord to terminate a tenancy. In 2021, no Prohibition Notices were served by the unit.

Prosecutions can be taken against landlords who failed to comply with the provisions of the Regulations. No legal actions were initiated in 2021.

VIRTUAL INSPECTIONS

For the last two years during the ongoing Covid19 pandemic we have demonstrated how progressive and innovative the section is by developing and implementing an alternative method of assessing compliance and enforcing rental standards through the use of virtual inspections. We were the first local authority in the country to develop and introduce virtual inspections, which has now been implemented by several local authorities across the country based on our system.

The Department of Housing, Local Government and Heritage endorsed this important initiative and the concept of virtual inspection has been referred to in the current Housing for All national policy.

While virtual inspection systems present some challenges and limitations, they do offer a way of improving the standard of rental accommodation despite pandemic restrictions. There is also a role for virtual inspections post-pandemic.

Virtual Inspections employ a system of self-certification with verification by the tenant. In order for the Environmental Health Section to conduct a virtual inspection the landlord must submit a completed self-assessment checklist, which outlines the requirements of the Housing (Standards for Rented Houses) Regulations 2019, clearly labelled photographs of the property, copies of any required certificates for gas appliances or oil fired central heating and copies of the certificate of servicing and testing for the fire and emergency lighting systems in multi-unit buildings.

Once received, the Environmental Health Section will review the checklist, photographs and other documentation submitted and may request further information from the landlord or tenant as part of the assessment process. The tenant is contacted as part of the process and invited to raise any concerns they may have relating to condition of their accommodation.

Following this assessment, correspondence may be issued to the Landlord, detailing the items which must be addressed in order for the property to be brought into compliance with the legislative requirements. A time period for compliance will be attached to this. The Environmental Health Section may request proof of works undertaken by the landlord and reserves the right to conduct a physical inspection.

To assess the quality and accuracy of the Virtual Inspection pilot scheme, during the last two quarters of 2021, we conducted follow-up on-site inspections of approximately 10% of all properties which were deemed compliant on virtual inspection between commencement of the programme at the end of Q2 2021 and the end of Q2 2021. 72% of these inspections verified that the information provided at virtual inspection was an accurate reflection of the property condition.

REVISED GUIDELINES

The Department of Housing, Local Government and Heritage published revised Guidelines for Housing Authorities in the Implementation of Minimum Standards in Rented Accommodation in November 2021. Under 5(1) of the Housing (Miscellaneous Provisions) Act 2009 the Environmental Health Section shall have regard to these guidelines in the performance of their functions. These guidelines aim to ensure a standardised approach for inspection and enforcement across all local authorities.

The main changes to the guidelines include additional information on ventilation, information on stair guarding, food preparation, storage and laundry requirements in relation to Approved Housing Bodies and 10 year leases and amendments relating to fire safety.

AUDIT

The Department of Housing, Local Government and Heritage has provided significant Exchequer funding to Local Authorities (LAs) in recent years to aid increased inspections of rental properties and to ensure greater compliance with the Housing (Standards for Rented Houses) Regulations 2019.

In light of the need for the highest standards of financial stewardship and public accountability, in December 2019 the Local Government Audit Service (LGAS) commenced the performance of audit sample tests on private rental inspections conducted by LAs. Dublin City Council were selected for audit as part of this scheme during December 2021.

OTHER ACTIVITIES

In 2021 the section received 4 applications for exhumation licences, 3 of which have been granted and have been carried into 2022 for fulfilment. The section was also involved in 2 cases of unfit housing.

Due to the pandemic, no large outdoor events took place in 2021 so no involvement was required by the section. This is unlikely to be repeated in 2022 and the section anticipates involvement in large scale outdoor from planning stages through to the event itself.

TRAINING

Dublin City Council, and the Environmental Health section has a strong commitment to ongoing professional development and, through 2021, training both collectively as a team and individually was undertaken.

As a team of Environmental Health Officers, the following training courses were completed:

- Legal training refresher course
- The Institute of Public Administration Standards for Rented Houses training course
- Local Authority Climate Action Training Time Management training

Individually, a number of the officers have completed or are currently undertaking courses and research in the following areas:

- An Environmental Health Officer was awarded a Diploma in Management from the IPA, which was undertaken between September 2020 - April 2021
- An Environmental Health Officer is currently undertaking a research Masters entitled '*An Investigation into the Prevalence and Leading Causes of Mould Growth in Dublin City's Housing*'

- Another Environmental Health Officer is currently studying for an M.Sc. in Environmental Health and Safety

FOCUS FOR 2022

With the initial success of the virtual inspection process, it was deemed a useful tool in complementing our existing service and which could run concurrently with physical inspections. To do this, Environmental Health are looking to streamline virtual inspections, moving from a paper based system to an online platform. The vision for the online platform is that of a more user friendly, time efficient system which would be a less onerous method for Landlords and managing agents to submit information to Dublin City Council about their rental properties. Virtual inspections will contribute to overall inspection numbers, and the information provided will be verified periodically by physical inspection regime of a random selection of properties found complaint on virtual inspection.

A new scheme of live streaming inspections will be piloted by the Environmental Health Section of Dublin City Council, this will enable Environmental Health Officers to “inspect” a private rented property remotely and serve improvement letters as required.

Both methods of “virtual” inspection, we believe, will assist the unit to more effectively target our limited resources while ensuring the important enforcement work carried out by the Unit continues.

In 2021 all standard operating procedures for the section were updated. In order to ensure that these SOPs are being followed and are kept updated a system of internal audits will commence in 2022 as we continue to ensure that a consistent approach is taken in our interactions with Landlords, Agents and tenants alike.

To encourage engagement in the process and ultimately increase compliance within the private rented market, Environmental Health are seeking new and innovative ways to reach out and actively engage with landlords, Approved Housing Bodies and any other stakeholders within the private rental industry. There is a plan meet with various stakeholders in the private residential market and also to potentially hold information sessions where landlords can seek advice and guidance with regard to the Housing (Standard for Rented Houses) Regulations 2019 in directly from an Environmental Health Officer. These information sessions or ‘Landlord Clinics’ would be held on quarterly basis.

POTENTIAL CHALLENGES FOR 2022

2021 saw some staffing changes, including the retirement of Mr. Colm Smyth who has been the Principal Environmental Health Officer of the service for 20 years.

There are a number of vacancies in the Section, of both Environmental Health Officers and Admin staff which we hope will be filled during 2022.

Due to the ongoing high levels of community Covid-19 infection, it is likely that our ability to carry out inspections may be impacted periodically. We will aim to continue to be dynamic in our approach to dealing with the challenges, both current and potential, that Covid-19 poses as we continue our work during 2022.

Appendix 1 - Private rented houses Dwellings statistics 2021

DCC Environmental Health - Private Rented Houses - Statistics	Quarter 1	Quarter 2	Quarter 3	Quarter 4	2021 TOTAL
DWELLINGS Inspected	1,044	794	858	854	3,550
1st INSPECTION - NON-COMPLIANT (i.e. Total number of Dwellings inspected that were NON-COMPLIANT after the 1st Inspection)	705	501	551	604	2,361
1st INSPECTION - COMPLIANT (i.e. Total number of Dwellings inspected that were COMPLIANT after the 1st Inspection)	339	293	307	250	1,189
COMPLIANT (i.e. Total number of Dwellings inspected that were deemed COMPLIANT, including those where initial inspection was carried out in the previous year but compliance was achieved in the current year)	939	750	701	548	2,938
IMPROVEMENT LETTER (i.e. Total number of Dwellings where an Improvement Letter was issued)	634	450	444	570	2,098
IMPROVEMENT NOTICE (i.e. Total number of Dwellings where an Improvement Notice was served)	6	0	58	190	254
PROHIBITION NOTICE (i.e. Total number of Dwellings where a prohibition notice was served)	0	0	0	0	0
LEGAL (i.e. Total number of Dwellings where Legal Action was Initiated)	0	0	0	0	0
Total Inspections	1,044	799	900	920	3663

Funding 2021:

The DHLG &H pays funding as follows:

- €100 per inspection,
- €50 per property brought into compliance.

The 2021 funding was as follows:

Inspections	3,663	€366,300
No. of properties brought into compliance	2,938	€146,900
	Total funding 2021	€513,450