

Apartment Owners' Network

Representing the owners of apartments and houses in managed estates

BY EMAIL: buildingstandards@housing.gov.ie

Building Standards Policy
Department of Housing, Planning & Local Government
Custom House
Dublin D01 W6X0

1 February 2020

Dear Sir/Madam,

Re: Public Consultation on the Review of Building Regulations Part L (Conservation of Fuel and Energy) and European Union (Energy Performance of Buildings) Regulations

This submission refers to proposed amendments in the Draft Building Regulations (Part L Amendment) Regulations 2020 ("the Draft Regulations") as they apply to existing multi-unit residential buildings.

We welcome this review, as a step towards enhancing the provision of Electric Vehicle ("EV") infrastructure in apartments.

However, we submit that until such time as the law is amended to facilitate financially robust owners' management companies ("OMCs") in multi-unit developments ("MUDs"), the proposals in Part L2(f) of the Draft Regulations should not be made mandatory. Apartment OMCs do not have the funds to implement the proposals.

1. Proposed Amendments

We note Part L2(f) of the Draft Regulations, viz.-

"For existing dwellings, the requirements of L1 shall be met by:

(f) ensuring that for an existing multi-unit building undergoing major renovation, the installation of ducting infrastructure, namely conduits for electric cables, for every parking space to enable the installation of recharging points for electric vehicles where:

- i. the car park is located inside the building, and renovation measures include the car park or the electrical infrastructure of the building; or*
- ii. the car park is physically adjacent to the building, and renovation measures include the car park or the electrical infrastructure of the car park."*

We further note the following Order of Magnitude Costs from Table 2 (page 14) of the Regulatory Impact Analysis-

Description	Range – Total Costs	
Major Renovation / Existing Surface Car Park Residential notional 100 spaces, provide ducting infrastructure for 100 spaces.	€32,500	€37,500
Description	Range – Total Costs	
Basement Car Park Residential notional 100 spaces, provide ducting infrastructure for 100 spaces.	€9,500	€10,500
Works to provide infrastructure for EV recharging points as a percentage of proposed notional development of 100 apartments.	0.04%	

Apartment Owners' Network Company Limited by Guarantee

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2. Observations

- 2.1. Car parking areas, both surface and underground, in MUDs are usually part of the common areas of the estate. Common areas are owned and controlled by OMCs.
- 2.2. OMCs are not-for-profit companies responsible for the shared spaces and shared services in MUDs. OMC directors are in most cases volunteers, elected by the owners of homes in the MUD.
- 2.3. We draw to the attention of the Department the content of our submissions to the Department and other State agencies (all available at www.apartmentownersnetwork.org/advocacy-2/advocacy) in relation to the parlous state of the finances of thousands of OMCs across the country.
- 2.4. The following recent reports examine MUDs and OMCs, and contain proposals for a sustainable model of MUD/apartment management in Ireland-
 - *“Owners’ Management Companies, Sustainable apartment living for Ireland”*, jointly commissioned by Clúid Housing and The Housing Agency
 - *“Safe as Houses?”*, All-Party Oireachtas Housing Committee
- 2.5. We further note the following conclusion and recommendation respectively from Section 9.6 of the Department’s *“Fire Safety in Ireland - Report of the Fire Safety Task Force”* (May 2018)-

“The issues in relation to fire safety in apartment buildings may reflect a broader problem in relation to funding of apartment management companies, where there may be significant levels of non-payment of service charges. Without the funding streams from their service charges, Owner Management Companies may be severely limited in their capacity to maintain existing fire protection facilities, let alone to review or tackle other fire safety issues.”

“Efficient and timely recovery of service charges in apartment blocks needs to be facilitated, so that funding is available to maintain, enhance and replace fire protection facilities.”

- 2.6. **We submit that until such time as the law is amended to facilitate financially robust OMCs, the proposals in Part L2(f) of the Draft Regulations should not be made mandatory. Simply put, many OMCs do not have the funds to implement the measures proposed.**

3. Conclusion

We note that submissions are to be submitted on the “Template for Comments”. However, we trust that the views expressed in the present format will be given due consideration by the Department.

We would be glad to expand on the above by way of further correspondence, or meeting.

Yours faithfully,

[*Sent by email and bears no signature]

Bryan Maher
Director