



**BY EMAIL:**

firesafetypublicconsultation@housing.gov.ie  
Public Consultation on the Draft Fire Safety Guide for Building Owners and Operators  
Department of Housing, Local Government and Heritage  
Custom House  
Dublin D01 W6X0

19 April 2022

Dear Sir or Madam,

**Re: Public Consultation on the Draft Fire Safety Guide for Building Owners and Operators - Guide for Persons having Control under Section 18(2) Fire Services Acts 1981 & 2003**

This response to the consultation deals with the Draft Fire Safety Guide for Building Owners and Operators, as it refers to multi-unit developments ("MUDs"), i.e. apartment developments and managed estates.

We have the following brief observations:

1. We welcome the draft publication; it will provide helpful guidance to the intended audience.
2. We make the following observations in relation to Section 7.0 of the draft, as it relates to owners' management companies (OMCs).

- a. We note on page 47, the draft advises:  
*"To ensure that OMCs have the capacity to meet their Section 18(2) responsibilities they will require a reliable funding stream from service charges on individual units. OMCs should set service charges at a realistic level and take steps to ensure that they collect service charges regularly."*

We submit that OMCs capacity to (i) set service charges at a realistic (appropriate) level, and (ii) collect service charges levied, will require reform of the Multi-Unit Developments Act 2011 ("MUD Act").

We are of the opinion, having consulted with industry experts, that the vast majority of OMCs are failing sufficiently to provide for future necessary capital expenditure such as lift and roof replacement. Formal guidance is required in legislation to ensure that OMCs are obliged to consider long-term refurbishment costs in setting aggregate service charge levels. In addition, the level of service charge arrears on OMC balance sheets is a further cause for concern as OMCs struggle to collect service charges from uncooperative members.

In this regard we welcome the actions in Chapter 5.5.5 of Housing for All, to make regulations under sections 18 and 19 of the MUD Act to improve the financial sustainability of OMCs in Ireland.

- b. The vast majority of OMC directors are volunteers and hold little or no professional expertise with regard to fire safety standards in residential buildings. Therefore it is important that fire safety authorities are pro-active in their engagement with the sector, and recognise the unique governance status of residential OMCs versus their professional commercial real estate counterparts.

Furthermore, while we acknowledge that, due to economies of scale cost constraints, many small OMCs do not employ a professional property management agent, it is important that safety authorities engage with professional bodies such as the SCSI, to ensure that property managers are aware of their obligations and those of the OMC.

We would be glad to elaborate on any of the above by way of further correspondence, meeting, etc.

Yours faithfully,

*[\*Sent by email and accordingly bears no signature]*

Bryan Maher  
**Director**

*Encl.*