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Guide for Residents Living in Unfinished Housing Developments



Comhshaol, Pobal agus Rialtas Áitiúil
Environment, Community and Local Government



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Unfinished housing developments are an issue of national importance and a high priority for Government. Such developments typically fall into a number of categories:

1. Developments that are being completed by a developer with only minor works outstanding.
2. Developments that have more significant building works to be completed and that are being resolved by a receiver appointed by a financial institution.
3. Developments with significant building works, services and amenities to be completed where the developer is present but no significant works are ongoing.
4. Developments similar to (3) above but where the developer is no longer present on site or contactable and there are serious public safety concerns.

Your local authority will have details of the developments in its area that fall into the categories above.

This guide has been developed to give information to residents in developments, mainly under categories 2-4 on how they can become involved in helping to resolve the difficulties that can arise in these developments and particularly:

1. **What happens next?**
2. **Who is involved in resolving housing developments?**
3. **What you and your neighbours can do?**
4. **What is a Site Resolution Plan (SRP)?**
5. **Who you can contact for information?**

Government Focus

The Government commissioned a report into how unfinished housing developments should be resolved. The Minister for Housing and Planning, Mr. Willie Penrose T.D. chairs a National Coordination Committee to oversee the implementation of the report's recommendations. See www.housing.ie

Q.1 What Happens Next?

A development that is in difficulty will more than likely have already been the subject of enforcement correspondence and action under planning and other legislation between your local authority and the developer/owner. Each City and County Council has been requested to establish an Unfinished Housing Developments Team and central point of contact and to focus on enabling the resolution of the most problematic developments as a priority.

This guide gives additional information on how to contact these teams and get more information on what is happening in your area.

The developer or owner of a housing development, or a receiver appointed by a financial institution is responsible for that housing development until it is either taken in charge by your local authority or by a private management company.

Addressing unfinished housing developments can take time and is about finding ways to get the owners of sites to resolve the outstanding building and construction work to the satisfaction of residents and the local authority and in a way that makes financial sense.

Q.2 Who is Involved in Resolving Housing Developments?

Resolving housing developments typically involves a number of interests, including you as residents and often referred to as **stakeholders** and these interests include:

- the **Developer/Builder** who built the estate;
- the **Bank** who lent money to the developer;
- the **Receiver***, if one has been appointed;
- You and your fellow **residents**; and
- the **Local Authority** who granted planning permission for the estate.

* A Receiver is usually appointed by a Bank/Lender because either the loan is in arrears, or some other default has occurred under the terms of the loan agreement.

Q.3 What You and Your Neighbours Can Do?

You are central to any plan to resolve issues in your unfinished development. If you set up a residents committee, you can achieve a lot. It can greatly help to identify the issues, prioritise and agree them and get involved in the resolution plan for your development. Engaging with your neighbours when you have a common goal to improve your living environment can help develop a community spirit and, over time, through your united efforts, attract potential buyers to your development. Simple initiatives can make a big difference.

Setting Up a Residents' Committee

By establishing a residents' committee **you** have a stronger voice and a more unified approach by coming together with your neighbours.

- Pick a venue and a date and drop flyers through doors or put up a poster to arrange a residents' meeting.
- Prepare an agenda for the meeting so that it can be focused.
- Write down all the problems with the estate and give each of them a priority. Prioritise significant public safety issues.
- Appoint a committee and/or one person as contact spokesperson to represent the larger group. For example, one letter signed by all residents is better than individual letters requesting the same thing.
- Establish if anyone living in your development has skills or knowledge that would be helpful e.g. knowledge of the planning process, legal skills, construction and engineering and try to get those persons involved in the committee.
- If the above isn't an option, try to familiarise the committee with relevant documentation such as the various reports and manuals and survey results on unfinished housing available on the www.housing.ie website and general information on the planning system on the www.environ.ie website.

- Consider setting up an online forum for residents to make suggestions or comment on ideas e.g. a Facebook page for your development, where all residents could post comments and suggestions.
- Make contact with the **Unfinished Housing Development Team** in your local authority area and use the relevant contact point (see below) to get involved in the Site Resolution Plan (SRP) consultation process. Contact the developer or receiver (if one has been appointed) to find out if this process has started. Although responsibility for the SRP lies with the developer, the local authority will provide information on this.
- Ensure that the spokesperson provides feedback to the rest of the residents' committee and provides an opportunity to review progress and maintain focus.

Q.4 What is a Site Resolution Plan (SRP)?

Discussions on the resolution of specific unfinished housing developments may lead to agreement to prepare and implement a Site Resolution Plan. Such a plan is prepared by the Developer or Receiver, where one is appointed, and is an agreement between all stakeholders on how the relevant development should be finalised.

The initial stage of preparing an SRP involves a phase of stakeholder consultation with the representative from the local authority's unfinished estates team and the representative from the residents' committee.

You have a role in the preparation of the SRP. All information gathered about your estate by the local authority will be shared (where possible and subject to confidentiality rules) with all stakeholders. Your residents' representative should give their contact details to the local authority to ensure they are kept informed about the SRP.

Taking account of data protection requirements, developers and local authorities are committed to sharing information with all stakeholders.

It may take some time to prepare a Site Resolution Plan for the development you are living in. In some cases, local authorities are working with the Department of the Environment, Community and Local Government to fund essential public safety related improvements on the most problematic developments in category 4, mentioned at the beginning of this guide.

For more information on Site Resolution Plans, refer to Section 3.4 of the [Guidance Manual on Managing and Resolving Unfinished Housing Developments](#), available at www.housing.ie and/or www.environ.ie

Gather Relevant Information

You can check the planning section of your local authority's website to get information on the planning decision for your estate.

You can also assist in the gathering of relevant information that will be shared among all stakeholders, especially within the site resolution process. It can be difficult for some stakeholders to get certain information, so it will help if everyone works together to compile all the information.

When making contact with your local authority, you should try to provide as much information as possible, such as:

- The name and address of the estate/unfinished housing estate.
- The name of the developer.
- The name of the lender, if possible.
- Any information about the developer's financial status e.g. bankruptcy proceedings.

Evaluate My Estate Checklist

Use the following evaluation checklist (sample) to develop a list of priority issues. Bring these to the attention of the other stakeholders at the SRP consultation meetings.

Checklist

	Relevant Issues	Priority Issues
Public Safety	<input checked="" type="checkbox"/>	<input type="checkbox"/> 1
Public Lighting	<input checked="" type="checkbox"/>	<input type="checkbox"/> 4
Roads & Footpaths	<input checked="" type="checkbox"/>	<input type="checkbox"/> 3
Drainage	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Water Supply	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Waste Water Treatment/Pumping Station	<input checked="" type="checkbox"/>	<input type="checkbox"/> 2
Layout	<input type="checkbox"/>	<input type="checkbox"/>
Open Space	<input type="checkbox"/>	<input type="checkbox"/>
Maintenance/Management	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Appearance	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Visual Impact	<input type="checkbox"/>	<input type="checkbox"/>
Future Uses for Buildings	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Formulate and Consider Ideas On How To Resolve Issues

Residents should also consider whether there are initiatives that could be undertaken by the local community or residents' committee that could make a big difference, for example:

- rubbish removal;
- graffiti removal;
- landscaping;
- seeding; and/or
- tree planting?

Are there any uses that would benefit the local community or existing homeowners, i.e. allotments on disturbed and vacant ground; use of vacant premises for local community, social or business uses?

Your residents' committee could explore such options and consider their practicality and feasibility and feed this information into the Site Resolution Plan process. It may be the case, for example, that the developer could be in a position to provide some resources other than financial to finish out the estate, such as labour and machinery.

Q.5 Who You Can Contact For Information?

You have a right to meet with and have direct communication with the local authority and with the developer/builder.

There is an obligation on local authorities, developers/builders to ensure that residents are directly and centrally involved wherever possible in resolving these developments.

Local Authority Involvement

Each local authority has a member of staff dealing with unfinished housing estates, their contact details can be found on www.housing.ie/unfinished. You could invite this contact person to visit your estate and do a walk-through with members of the residents' committee.

Your local authority contact for Unfinished Housing can provide you with:

- information on the Category of your development referred to earlier in this guide (1-4, with 4 being the worst affected);
- any progress to date in resolving issues (including any allocation of funds under the Public Safety Initiative);

- information on the status of bonds/securities and any enforcement or other legal action that has been taken to date or that may be likely to be taken; and
- contacts of other key stakeholders engaged in the process.

Developer/Builder/Receiver

Write a letter or email to the developer and/or the receiver, if one has been appointed (if you cannot get in touch with that person, contact the estate agent, who may be able to provide you with the relevant contact details). Outline that your communication is on behalf of the residents' committee. List all the priority issues and how you would like to work together to come to a solution. Although there can be very emotive issues involved, try to maintain focus on the practical solutions to resolving issues. Send a copy of the letter/email to your local authority contact.

Relevant Documentation

Log-on to www.housing.ie/unfinished to download the following documents:

- Results of the survey of the annual or recent unfinished housing estates.
- 'Guidance Manual – Managing and Resolving Unfinished Housing Estates' by the Department of the Environment, Community and Local Government (DECLG).
- A Key Stakeholders Code of Practice (DECLG) outlines the relationship between all the key stakeholders and their representative bodies.
- Contact details for local authority personnel dealing with the unfinished developments.

Summary of What You Can Do:

- Have a pragmatic approach and an interest in working together with neighbouring residents and other stakeholders.
- Get involved and engage with your neighbours to set up a residents' committee.
- Assemble important information from the sources outlined in this guide.
- Appoint one or two representatives to deal with other stakeholders.
- Ensure that contact with other stakeholders is limited to 1-2 people at periodic intervals. This process may have to be managed, coordinated or streamlined so as to ensure clear lines of communication.

- Evaluate your estate using the checklist in this guide. Have a realistic approach to what can be done.
- Contact the designated key contact in your local authority. Local authority contact details for unfinished housing estates are on www.housing.ie/unfinished
- Write a letter/email to the developer/receiver outlining the priority issues. Send a copy to your local authority contact.
- Get involved in the SRP consultation process to resolve the problems in your estate.
- Consider setting up an online forum for residents to make suggestions or comment on ideas e.g. Facebook page.



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For further information log on to:
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