

2017 Once-Off Voluntary Homeowners Relocation Scheme

Frequently Asked Questions for Stage 2

Notes:

1. A 'dwelling house' is defined as the homeowner(s) primary residence between 4th December, 2015 and 13th January, 2016.
2. A 'replacement dwelling house' is defined as the dwelling house to be purchased or constructed by or on behalf of the homeowner(s) to replace the dwelling house as the primary residence.

What is the 2017 Voluntary Homeowners Relocation Scheme?

This is a voluntary targeted once-off humanitarian scheme for homeowners whose primary dwelling house was flooded, significantly damaged and uninhabitable during the major floods from 4th December, 2015 to 13th January, 2016; where their dwelling house is at significant risk of recurrence causing similar damage from flooding again and the homeowner is unable to obtain flood insurance or be protected by other possible flood protection or mitigation measures. It is a scheme that is targeted at a person's dwelling house that is unsustainable as a home due to its flood risk.

A full set of the eligibility criteria for this scheme is attached at Appendix 1.

What is involved in Stage 2 of the process?

Homeowners deemed to be eligible for consideration under Stage 2 of the process are invited to make an application for a site inspection of their dwelling house in order to be considered further for the scheme.

Following receipt of your completed application form, you will be contacted by the OPW to arrange a site inspection. This inspection will inform an assessment of the dwelling house considering the primary residence against the criteria for the scheme including if there is a possible localised engineering solution. The report from this inspection will make a recommendation as to the possible eligibility of your dwelling house for humanitarian assistance under this scheme.

You have been invited to apply for the scheme at Stage 2 - what does this mean?

If you have been invited to apply for the scheme it means that your dwelling house has been identified as possibly being eligible for humanitarian assistance under the scheme. No decision will be made on eligibility until a detailed assessment against the eligibility criteria and a site inspection have been completed.

If I apply, am I guaranteed to be offered humanitarian assistance?

No. The application form is only to allow the OPW to conduct a detailed assessment of your dwelling house and consider it further against the eligibility criteria for the scheme. An invitation to submit an application form does not guarantee that the homeowner will receive an offer of humanitarian assistance.

If I apply, do I have to move?

No. This is a voluntary scheme. It remains the decision of each individual homeowner: that if offered assistance to relocate following assessment, whether to relocate and where to relocate to with the humanitarian assistance being offered and the associated terms and conditions.

How long do I have to submit my application?

If invited to apply for further assessment under the scheme, you must return a completed application form to the OPW **within 3 months** of receipt of the form. The deadline for return of the application form will be highlighted on Page 1 of the form.

I have already filled in an expression of interest form, why do I have to fill in another form?

The application form is more detailed than the Expression of Interest form and ensures that the OPW has the correct information when assessing **each** dwelling house. The form also gives permission for the OPW and/or its agents to carry out a site inspection under Stage 2 of the process.

How will my dwelling house be assessed?

When assessing your dwelling house under the scheme, the OPW will consider:

- a detailed review of your dwelling house against the eligibility criteria,
- the depth and duration of the floodwater in your dwelling house during this event,
- using all available information, including maps and surveys, to determine the probability of recurrence of flooding in your dwelling house that could cause further serious and similar damage,
- the location of the dwelling house and its structural integrity,
- any planned or possible flood protection and mitigation measures for your dwelling house including Remedial Works and individual property protection, and
- whether there are any heritage aspects to be considered in the context of your dwelling house, should it be successful for humanitarian assistance under this scheme.

Any offer will only be made in respect of a dwelling house if it is deemed **not to be sustainable due to its flood risk and where there are no other known or possible, cost effective, flood protection or mitigation measures.**

What are Remedial Works?

Under the Government Decision, homeowners can only be offered humanitarian assistance if there is no viable engineering solution to protect their dwelling house. If a viable engineering solution is identified during the assessment of your dwelling house, that is a more economical advantageous solution than the cost of relocation, the relevant Local Authority may apply to the OPW to fund the necessary works under the Remedial Works scheme.

Remedial Works can be identified at any stage in the process and all applications received will be assessed against criteria including:

- That the dwelling house is eligible for further assessment under the 2017 Voluntary Homeowners Relocation Scheme.
- That the proposal for Remedial Works would protect or mitigate the dwelling house(s) against a flooding event similar/equal to the flooding event of Winter 2015/16.
- That the Remedial Works identified are the most economically advantageous solution to protect the dwelling house in question when considered against the cost of relocation.

It will be the decision of the OPW on whether or not to fund any Remedial Works submitted by the relevant Local Authority.

When will I know the outcome of my application?

After the site inspection, the OPW may need to further investigate circumstances in relation to each individual dwelling house. This will allow the decision to be based on all relevant and available information. It is not possible to provide a timescale for each dwelling house as circumstances will differ in each case but as soon as a decision is made, you will be informed in writing and given the reason(s) for the decision taken.

Who will make the decision?

The OPW will make the decision in relation to each dwelling house. The OPW will be advised by a Home Relocation Committee that will be established comprising of representatives from the OPW, Engineers Ireland and the City and County Managers Association (CCMA). The Committee will review the report of the Stage 2 assessment and make a decision, based on all available information, on eligibility for the scheme.

How much assistance will I get?

The maximum level of assistance offered to eligible homeowners will be determined by local authority prices for each area, on a like for like basis, and is capped at the cost for a four bedroom replacement dwelling house. The amount of assistance offered will be the sum, being the lesser of; the cost to purchase or build a replacement dwelling house or the allowance (level of humanitarian assistance), as determined by the local authority, to purchase or build a replacement dwelling house, in the same local authority area.

In addition, there is an allowance of €35,000 towards legal costs, demolition of the existing dwelling house and other incidental costs of relocation.

If a homeowner has settled a claim with an insurance company for structural damage to their dwelling house caused by the flooding event, any unused funds provided in settlement of that claim may be taken into account in determining the amount of humanitarian assistance, if any, provided for relocation. The amount of any such deduction will be reduced by any certified loss adjuster's fees paid arising from a flood damage claim for the dwelling house. Proof of payment must be provided in respect of any loss adjuster fees paid.

Do I have to build a replacement dwelling house?

The option to either build or purchase a replacement dwelling house is open to you. If you choose to build a replacement dwelling house, you must satisfy certain criteria as set out in the contract including the requirement to engage a registered professional as defined in the Building Control Regulations to ensure that the replacement dwelling house complies with the latest Building Control Amendment Regulations and Standards. Homeowners must engage with the Local Authority to obtain planning permission to build the replacement dwelling house and to demolish the existing dwelling house.

Will I get an allowance for the purchase of a site?

Where necessary, an allowance may be provided towards the cost of the purchase of a site. The Local Authority will provide guidance to the OPW as to the indicative capped cost of a minimum sized site for the construction of a one-off replacement dwelling house in the Local Authority area.

How will payments be made to those offered humanitarian assistance?

For those who elect to purchase a replacement dwelling house, funds will be released to the homeowner's solicitor in instalments and are subject to the homeowner having obtained **full** planning permission for demolition of the dwelling house that flooded.

- The first instalment, will be the lesser of: 10% of the contract price stated in the Contract for Sale for the replacement dwelling house or 10% of the total allowance, as determined by the relevant Local Authority, as required to purchase a replacement dwelling house.
- The second instalment, will be the sum being the lesser of: 90% of the contract price stated in the Contract for Sale for the replacement dwelling house or 90% of the allowance, as determined by the relevant Local Authority, as required to purchase a replacement dwelling house.

The combined total of the first and second instalments cannot be greater than the total allowance, as determined by the relevant Local Authority, as required to purchase a replacement dwelling house.

- The third and final instalment, will be a contribution towards relocation fees including legal costs, relocation expenses and demolition costs.

For homeowners who elect to **build a replacement dwelling house**, payments will be released to the homeowner's solicitor in instalments and are subject to the homeowner having obtained **full** planning permission to construct the replacement dwelling house and also planning permission for demolition of the dwelling house that flooded.

- The first instalment will be the lesser of; 10% of the contract price stated in the Contract for Sale for the purchase of the replacement site or 10% of the total allowance, as determined by the relevant Local Authority, as required to purchase a replacement site.
- The second instalment will be the lesser of; 90% the contract price stated in the Contract for Sale for the purchase of the replacement site or 90% of the allowance, as determined by the relevant Local Authority, as required to purchase a replacement site.

The first and second instalments will only apply where the homeowner does not own a suitable site on which to build the replacement dwelling house

- The third instalment will be the lesser of; 50% of the total construction cost or 50% of the total allowance, as determined by the relevant Local Authority, for building a replacement dwelling house.

Instalment three may be drawn down in two stages

- The fourth instalment will be the balance of the certified cost of construction of the replacement dwelling house such that the total payments do not exceed the total allowance, as determined by the relevant Local Authority.
- The fifth and final instalment will be the contribution towards relocation fees including legal costs, relocation expenses and demolition costs.
- In recognition of the cost of appointing a registered professional, an additional payment of up to 8% of the total cost of construction or the total allowance, as determined by the relevant Local Authority, can be made to the homeowner under the scheme against

the vouched expenditure of the registered professional (s). Payments in respect of these services will be made in instalments three and four.

All payments will be made by the OPW, to the homeowner's solicitor, subject to the full set of conditions of payment as set out in the contract that will issue to homeowners being offered humanitarian assistance under this scheme.

Conditions of the offer

I have been offered assistance under the scheme. Why do I have to demolish my dwelling house?

If you are eligible for the scheme, then your dwelling house will be deemed by OPW engineers to be unsustainable against future flood risk. The dwelling house is therefore not suitable for habitation.

Do I need planning permission to demolish my dwelling house?

Yes. Planning permissions are the functions of the Local Authority and you will need to apply to your Local Authority for planning permission to demolish your dwelling house. It will be a condition of contract that this application must be made within 12 weeks of signing the contract.

Can I demolish the house but keep the garage /or storage sheds?

No. The dwelling house and any associated buildings owned by the homeowner, where the associated buildings are ancillary in use to the dwelling house and are used for domestic purposes only, must be demolished. This includes the removal of any hard surfacing, septic tanks and any other waste receptors. However commercial buildings do not need to be demolished. You shall retain ownership of the site following completion of the demolition works.

I have been offered assistance under the scheme and have opted to build a replacement dwelling house. Will OPW recommend a construction firm to build the house?

No. It is your responsibility to make all arrangements to relocate including the sourcing and contracting with a construction firm to build the replacement dwelling house.

If you choose to construct a replacement dwelling house you will be required to appoint a relevant registered professional in line with the Building Control Act Regulations to certify and oversee the construction. An allowance towards the cost of this is provided for in the contract.

Any offer will be made in accordance with the terms and conditions set out in the.

DISCLAIMER

The contents of this document are intended as a guide only to convey information on the Voluntary 2017 Homeowners Relocation Scheme and are intended for information purposes only. This document does not purport to be and shall not be considered a legal document. It does not contain or purport to contain any legal advice or assistance. Whilst all reasonable care has been taken to ensure the accuracy of the information contained in this document, the Commissioners of Public Works in Ireland and the State do not accept any responsibility for and shall not be liable, in either contract or in tort, for any direct, incidental, consequential, indirect loss or any other loss, costs, expenses or damage of any kind caused as a result of accuracy, suitability, usefulness, and completeness or otherwise of the information and data contained in this document.

Appendix 1: Criteria for Assessing Homes and Homeowners under the 2017 Once-Off Voluntary Homeowners Relocation Scheme

The 2017 Once-Off Voluntary Homeowners Relocation Scheme is only applicable to a homeowner's primary residence that flooded i.e. flood water entered and significantly damaged the building during the flood event between 4th December, 2015 and 13th January, 2016 such that it rendered it uninhabitable.

A small number of homes, located in turlough areas, may have flooded after 13th January 2016, due to the complex nature of turloughs. However, the single cause of their flooding was the flooding event between 4th December 2015 and 13th January 2016. The homes in these areas that flooded, as above, after 13th January 2016 will be eligible to be considered under this once-off scheme.

For those flooded homes the following criteria will apply:

1. The homeowner's dwelling house in question is their primary residence. For the purposes of the scheme, residential property includes a building that is occupied or suitable for occupation as a dwelling - but not any buildings used for commercial purposes. Where a dwelling house is unoccupied at present due to a recent flood event, it must have been occupied up to the date of that event.
2. Confirmation by homeowners or through the Local Authority/Department of Employment Affairs and Social Protection that the dwelling house was flooded during the storms of Winter 2015/2016.
3. The seriousness and permanency of the damage caused by the flooding in Winter 2015/2016.
4. The affected dwelling house must have a significant probability of the recurrence of the flood depth, duration or frequency on a scale that could cause further serious and similar damage to the home. This will be based on the dwelling house's flooding history in the previous ten years (prior to January 2016) and, where available, all relevant data, analysis, information including flood mapping and surveys.
5. The dwelling house deemed by the OPW to be at significant risk at 4, is not due to or may not benefit from a planned or possible future major, minor or individual flood defence scheme, including those identified in the Flood Risk Management Plans developed through the CFRAM Programme measure.
6. The dwelling house deemed by the OPW to be at significant risk at 4, based on available plans and studies may not be protected adequately from being flooded in the future at an economically feasible cost through other flood mitigation works including minor works, individual dwelling house protection or other possible measures that can be considered at this time.
7. The homeowner is unable to obtain flood insurance for the dwelling house and can provide at least three refusals to insure the dwelling house against flooding.

Appendix 2

Terms and Conditions of the 2017 Once-Off Voluntary Homeowners Relocation Scheme

Following the Stage 2 assessment if the dwelling house is deemed to meet the criteria for the scheme the OPW will offer the homeowner assistance to relocate, which will include the following terms and conditions:

- The offer made is non-negotiable and will be capped at the cost to the Local Authority of providing a home with a similar number of bedrooms (up to a maximum of the cost of a Local Authority dwelling house with 4 bedrooms).
- The offer will take account if the homeowner is relocating by purchasing a new home or if building on a new site and if the purchase of a site if necessary.
- The offer will include some costs associated with relocation, including legal costs.
- The amount of the offer may be adjusted to reflect any settlement received from insurance providers in respect of structural damage. Beneficiaries would be required to instruct their insurance company to provide information to OPW in that regard.
- The applicant will have 12 weeks from receipt of the offer to confirm acceptance, failure to confirm acceptance within this time period will be deemed as a refusal of the offer and no further offer will be made.
- The dwelling house must be demolished and the site returned to an agricultural or appropriate condition. This may require planning permission from the Local Authority, and written consent from any charge holder including the applicant's bank or building society.
- It is the responsibility of the applicant to obtain the planning permission to demolish the dwelling house and for any construction of a new dwelling on a new site.
- The applicant will have 12 weeks from the date of acceptance to apply for planning permission to carry out the demolition.
- The applicant will have to provide proof of ownership of the dwelling house.
- The applicant must produce a valid tax clearance certificate.
- All payments will only be made to a solicitor.