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## **CONSTRUCTION DEFECTS ALLIANCE ASKS GOVERNMENT TO ACCEPT AND ACT ON HOUSING COMMITTEE'S RECOMMENDATIONS ON DRAFT APARTMENT DEFECTS LEGISLATION**

### **Alliance hopes Government will agree to Public Procurement Derogation to speed up installation of vital life-saving smoke and fire detector and alarm systems**

The Construction Defects Alliance has asked the Government to accept and act on the recommendations contained in the Oireachtas Housing Committee's very welcome report on its pre-legislative scrutiny of the General Scheme of the Apartment and Duplex Defects Remediation Bill which was launched this morning.

In particular, the Alliance highlighted the Committee's recommendation that the Government provide a derogation from the requirements of public procurement for the installation of vital life-saving smoke and fire detector and alarm systems in apartment complexes with a high fire-risk profile under the Interim Remediation Scheme. This scheme was set up in December 2023 to bring apartment complexes up to an acceptable level of fire safety while they await full defects remediation – only three apartment complexes have so far received grant agreements to carry out such works.

Speaking after the Housing Committee's report launch. Construction Defects Alliance's spokesperson, Pat Montague, said that a major factor in the time it takes to process such applications is the fact that public procurement rules apply here and this is why the Alliance is pleased that the Oireachtas Housing Committee – on foot of a proposal from the Construction Defects Alliance – has recommended a derogation from public procurement requirements for the installation of vital life-saving fire and smoke detectors and alarm systems.

“The Alliance hopes that the Government will agree to a public procurement derogation as such a decision would massively speed up the application process – and the installation – of vital life-saving smoke and fire detectors and alarm systems. Without such a decision we are fearful of what the future might hold for residents in apartment complexes where fire safety is compromised.”

On a positive note, Mr Montague explained that important supports are now being put in place for owners' management companies (OMCs) that will help speed up the process of applying for grants under the Interim Remediation Scheme – as recommended by the Housing Committee in today's report. However, even with these improvements it is likely to take nine or ten months for OMCs to get grants for vital fire-safety works which is too slow in the context of the risk to life involved.

“To date, only three applicant OMCs have been issued with grant agreements for interim fire safety works nearly 26 months after the establishment of the Interim Remediation Scheme. Thankfully, recent months have seen important improvements to the Scheme being agreed to by the Department of Housing, Local Government and

Heritage and the Housing Agency – and recommended by the Housing Committee too. These include the removal of the requirement for legal ownership of common areas by OMCs; the creation of a panel of competent construction professionals; putting in place project management support for OMCs and the establishment of a panel of contractors.

“The net result of these changes – when implemented – is that applications should take nine or ten months to process as compared to 13 or 14 months at present. However, for the estimated 54,000 apartments that have not had any remediation works done – housing well over 100,000 people – and therefore have a less than acceptable level of fire safety, that nine or ten month wait to have applications processed is still too long given the risks to which the residents are exposed. This is why the derogation public procurement derogation is so vitally important.”

Mr Montague concluded by highlighting a number of the very welcome recommendations made by the Oireachtas Housing Committee in its report including:

- That the process of reimbursing owners that have already paid to have defects remediated should be delivered in tandem with the defects remediation scheme;
- The Minister should consider including increased insurance premiums – due to the presence of defects – and fire warden costs in the ancillary payments provided as part of the scheme;
- The scheme should include requirements for OMCs to hold general meetings to discuss and approve applications to the scheme;
- The legislation should set out in a specific section the interaction of the Interim Remediation Scheme currently in operation with the broader remediation scheme;
- The various elements of the defects remediation process – such as the Interim Remediation Scheme – should include Approved Housing Bodies and Local Authorities as applicants along with OMCs;
- Urgent completion of the transfer of responsibility for regulating OMCs from the Department of Justice, Home Affairs and Migration to the Department of Housing, Local Government and Heritage.

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