

ABHAILE

FREE MORTGAGE ARREARS SUPPORT



Rialtas na hÉireann
Government of Ireland

Information booklet



1. About Abhaile

Abhaile is a service to help homeowners resolve home mortgage arrears. It provides free access to expert financial, debt, insolvency, and legal advice from qualified and regulated professionals. Access is available through MABS or a Personal Insolvency Practitioner (PIP).

Abhaile aims to help mortgage holders in arrears find the best solutions and keep them, wherever possible, in their homes.

A dedicated mortgage arrears adviser will work with you and your lender to find the best solution for your situation.

2. I am in mortgage arrears. What can Abhaile offer me?

Abhaile can help you in many different ways. Dedicated debt advisers and panels of qualified and regulated financial, insolvency and legal professionals have been set up to provide holistic mortgage arrears advice and assistance. You can choose someone from these panels to give you the advice you need. More details are available on the website www.mabs.ie/abhaile.

Financial and debt advice

You can get a free face-to-face meeting with a dedicated adviser if you need financial and debt advice. The adviser can help you work through your money situation and explain options to help with your mortgage arrears. Where possible the adviser will help you to find a way to keep you in your home.

The expert adviser could be:

- A Dedicated Mortgage Arrears (DMA) adviser from the Money Advice and Budgeting Service (MABS) or
- An accountant from the Abhaile panel of accountants

Insolvency advice

If you need insolvency advice and support, you can get a free face-to-face meeting with a Personal Insolvency Practitioner (PIP) from the Abhaile panel of PIPs. The PIP can work with you to explain what options are available through a Personal Insolvency Arrangement (PIA). The PIP will help you find a way to keep you in your home.

Legal advice and assistance

You may need legal advice on issues related to your mortgage arrears. Under Abhaile, you can have a free face-to-face meeting with a consultation solicitor. The consultation solicitor will explain your legal situation and advise you on how best to resolve it.

If you are called to court to face repossession proceedings on your home, you can meet a Duty Solicitor at the court. The Duty Solicitor may be able to speak for you in court and explain the proceedings to you. Further details on the Duty Solicitor are on page 12 of this booklet.

A MABS staff member, known as a Court Mentor, will also be at court to help you. They will guide you through the next steps and the supports that are available to you.

3. Will I have to pay to get advice under Abhaile?

No. Abhaile is 100% State-funded. If you qualify for Abhaile, you do not have to pay anything to access its service.

All professional advisers working with Abhaile have agreed to provide a fixed amount of advice and help free of charge to people who meet the conditions.

4. How do I qualify for Abhaile?

To qualify for help under Abhaile, you must meet these four conditions.

YOU MUST BE

- a. In mortgage arrears on your home;

AND

- b. Insolvent. This means you cannot fully pay your debts as they fall due. MABS or your PIP will be able to help you to work this out;

AND

- c. You are at risk of losing your home because of arrears. For example, you may have received a letter from your mortgage lender to say that you are not cooperating, that your mortgage is unsustainable, inviting you to consider

selling or surrendering your home or saying that they will begin repossession proceedings or that proceedings have already begun;

AND

- d. 'Reasonably accommodated'. This means that the costs of continuing to live in your home are not disproportionately expensive. This considers your reasonable living accommodation needs, the needs of your dependents, and the costs of alternative accommodation in your case.

Do not worry if you are not sure. MABS or your PIP can tell you whether you meet these conditions.

5. How does Abhaile work?

To get any help under Abhaile, you should apply to the Money Advice and Budgeting Service (MABS).

If you qualify for Abhaile, MABS will help you to get the assistance and advice you need. They could direct you to a MABS Dedicated Mortgage Arrears (DMA) adviser who can give you expert help and advice on dealing with debts. They could also direct you to a Personal Insolvency Practitioner (PIP), an accountant or a consultation solicitor for specialised financial and legal advice and help.

A personal insolvency practitioner (PIP) from Abhaile's panel of PIPs can also help you apply for help under Abhaile through MABS.

To deliver this specialised help nationwide, three bodies have

worked with MABS to set up panels of professional advisers with experience in mortgage arrears:

- The Insolvency Service of Ireland (ISI) has set up a panel of personal insolvency practitioners (PIPs)
- The Legal Aid Board (LAB) has set up a panel of solicitors
- The Citizens Information Board (CIB) has set up a panel of accountants

Visit **mabs.ie/abhaile** for more information on Abhaile panels.

6. How do I apply for Abhaile?

To apply, you can:

Contact MABS (**0818 07 2000**) or your local MABS office (see **www.mabs.ie** for details);

OR

Talk to a PIP on the Abhaile panel (see **www.backontrack.ie** for the list of panel PIPs).

MABS or your PIP will help you with your application.

7. What are the next steps?

- a. MABS or your PIP will help you work out if you qualify for Abhaile – the conditions are listed on page 4

- b. MABS will direct you to a MABS adviser, a PIP or an accountant for debt, financial, or insolvency advice, depending on which is most suited to your situation.
- c. It's important to note that you don't need a voucher to get advice from a MABS adviser. If you are directed to a PIP or an accountant, MABS will give you a voucher to get access.

You choose your preferred PIP or accountant from the relevant Abhaile panel (see www.mabs.ie/abhaile for the lists of Abhaile panel members and more information). The PIP or accountant will give you the advice service (as set out below) in return for the voucher. Before seeking legal advice, you must get financial, debt or insolvency advice.

- d. To receive free advice and help under Abhaile, you must agree to give a full, honest and complete picture of your financial situation to your adviser. This will ensure they can prepare a written financial statement describing your financial circumstances. This statement is called a 'Standard Financial Statement (SFS) or a 'Prescribed Financial Statement' (PFS). The financial statement is necessary to get the best help available.
- e. You will be asked to agree that this financial statement and all other information relevant to your mortgage arrears can be shared between the bodies and advisers working to help you. This is necessary so that anyone advising you has a complete picture of your situation before giving you advice. For this reason, as part of your application for Abhaile, you will be asked to sign Abhaile's

Data Processing and Sharing Consent ('borrower consent' – see Section 11 on page 17 for more details).

- f. After you have received financial, insolvency, or debt advice, MABS can give you a voucher for legal advice if needed. You choose your preferred solicitor from the Abhaile panel (MABS or your PIP will provide you with the list). The solicitor will give you the consultation service (as set out below) in return for the legal advice voucher.
- g. Remember: if you are meeting any adviser under Abhaile, they will need a copy of the most recent financial statement that MABS or your PIP has prepared. You will also need any written financial or legal advice you have already received. Your MABS adviser or your PIP can send this to your accountant or solicitor, or you can bring it with you when you meet them.
- h. If you are going to court, it is expected that you should have received financial or debt advice under Abhaile and seen a consultation solicitor before you ask for the duty solicitor service. The duty solicitor is a court-based service. You can learn more in section 9. However, if you are already involved in repossession proceedings and your case is due in court, a duty solicitor may be able to help you, provided you have already talked to MABS and applied for Abhaile. **Contact MABS immediately if you have not already done so, or ask to speak with a MABS court mentor as soon as you arrive.**

8. How will my voucher last?

Do not delay. You should use your voucher **as soon as possible** and not later than three (3) months after the issue date.

Remember to bring your voucher with you when you meet your financial, insolvency or legal adviser.

9. What sort of free advice and support can I get?

If you qualify, Abhaile can provide access to financial, debt, and insolvency advice, and (as needed) legal advice and help. There are seven (7) services available, depending on your situation. MABS will direct you to the most relevant service.

Financial, debt and insolvency advice and help

- The PIP Service
- The MABS DMA Service
- The Accountant Service

Legal advice and help

- The Consultation Solicitor Service
- The Personal Insolvency Court Review Service
- The MABS Court Mentor Service (court-based)
- The Duty Solicitor Service (court-based)

These are explained in detail on the following pages.

The PIP Service

If you wish to explore your options under insolvency legislation, you can get advice from a PIP on the Abhaile panel. PIPs are experts in debt advice and personal insolvency solutions and can give financial advice on bankruptcy.

Your PIP will fully assess your financial situation, explain all the available options, and, most importantly, give you written advice on the best option to deal with your mortgage arrears. Your PIP must prepare a financial situation statement called a 'Prescribed Financial Statement' (PFS).

Even if you have already been notified of repossession proceedings, the PIP may, in some cases, be able to help you put in place an arrangement that will allow you to keep your home. See **www.backontrack.ie** for more information.

If your PIP advises that your best option is personal insolvency, they will help you take the next steps.

The MABS DMA Service

The MABS Dedicated Mortgage Arrears (DMA) adviser provides a free, independent, confidential and non-judgmental mortgage arrears advice service. The DMA will help you deal with debt problems arising from mortgage arrears. They will continue to work with you and help you become financially independent in the long term. MABS has offices available nationwide. Visit **mabs.ie/contact** for more information.

The Accountant Service

MABS may direct you to an accountant for financial advice if your case involves complicated financial issues. To get free advice from an accountant under Abhaile, you must first work with a MABS adviser and complete a Mortgage Arrears Resolution Process Standard Financial Statement (MARPSFS). Your accountant will need a copy of this statement to give you financial advice.

The voucher will entitle you to a consultation with an accountant from the Abhaile panel. The accountant will advise you on any financial issues relating to your mortgage arrears and provide written advice. Even if you have already been served with repossession proceedings, the accountant may, in some circumstances, be able to assist you in finding a solution without going to court.

The Consultation Solicitor Service

After receiving financial or debt advice under Abhaile from a PIP, MABS adviser or accountant – and if your case raises legal issues or you have received notification of repossession proceedings – you may be advised to see a solicitor from the Abhaile panel. Your financial adviser can apply to MABS for a legal advice voucher. MABS or your PIP may also direct you to a consultation solicitor for legal advice.

To get free advice from a consultation solicitor, you will need to be already working with a MABS adviser and have completed a Mortgage Arrears Resolution Process Standard Financial Statement (MARPSFS) or with a PIP and have completed a

Prescribed Financial Statement (PFS). Your solicitor will need a copy of this statement to give you legal advice.

You choose your consultation solicitor from the Abhaile panel, subject to availability. The legal advice voucher will entitle you to a face-to-face consultation with a solicitor. The solicitor will explain your legal situation and advise you on any legal issues relating to your mortgage arrears. They will also confirm that advice to you in writing.

If you have already been notified of repossession proceedings, the consultation solicitor may, in some cases, be able to assist you in finding a solution without going to court.

The MABS Court Mentor and Abhaile Duty Solicitor Services (court-based)

Two Abhaile supports are available in court if you attend a repossession hearing before the County Registrar in the Circuit Court. These are the MABS court mentor and the Abhaile duty solicitor. These services will be present to help you understand what is happening. They will also explain what support is available to you. The court mentor may refer you to a local MABS service to advise on your mortgage arrears. Sometimes, the duty solicitor may speak in court on your behalf if allowed by the Court.

Usually, before getting help from the duty solicitor, you should already have your written financial advice under Abhaile. You should have seen your consultation solicitor, who will have advised you on the repossession proceedings. This will allow the duty solicitor to help you more effectively. However, we

understand this is not always possible.

We advise that you always attend court and ask to speak with the MABS court mentor and duty solicitor when there.

IMPORTANT: If your mortgage lender has already sent you court proceedings against your home, and you haven't yet applied for Abhaile, you should contact MABS as soon as possible (0818 07 2000). A duty solicitor may still be able to give you some limited help at court, but only if you have already talked to MABS.

The Personal Insolvency Court Review Service

You will only need this service if you have already worked with a PIP, have proposed a Personal Insolvency Arrangement (PIA) to your creditors, and your creditors have refused your proposal. However, your PIP considers it fair and reasonable to all concerned.

In this situation, you can consider asking the courts to review your PIA proposal. If the Court agrees that the proposal is fair and reasonable, using the criteria set out in section 115A of the Personal Insolvency Acts, it can impose the proposal on your creditors.

Under the Personal Insolvency Court Review Service, the Legal Aid Board (**www.legallaidboard.ie**) agrees to provide you with

legal representation by a solicitor and barrister to make the court review application as part of their Civil Legal Aid service.

Your PIP must certify to the Legal Aid Board that you are eligible for the Court Review Service under Abhaile. You may qualify if:

Your PIP has already made a proposal for a Personal Insolvency Arrangement (PIA) on your behalf, and all the following four conditions apply:

1. That PIA proposal includes a mortgage or other debt secured on your home which is in arrears (or, if you were previously in arrears, you entered into an alternative repayment arrangement with the secured creditor concerned but remain insolvent).
2. That proposal has been rejected by your creditor(s).
3. Your PIP certifies that you have reasonable grounds to apply for a Court review of that refusal under section 115A(9) of the Personal Insolvency Acts.
4. You are 'reasonably accommodated'; this means that the costs of continuing to live in your home are not disproportionately large, bearing in mind your reasonable living accommodation needs and those of your dependents, and the costs of alternative accommodation in your case.

How do I apply for the Personal Insolvency Court Review Service?

Remember, your PIP can explain all of this to you. If your PIP informs you that you are eligible and want to apply for the Court Review Service, your PIP will help you apply.

You must have an Abhaile Number from MABS. If you do not already have one, your PIP will apply to MABS to request one, certifying your eligibility for Abhaile. (For this Service, you do not need a voucher.)

Your PIP will then apply to the Legal Aid Board for a Legal Aid Certificate under the Civil Legal Aid rules. Your PIP must provide the following:

- Your MABS Abhaile Number
- Certification that you are eligible and, in particular, that you have reasonable grounds to apply for a Court review
- A copy of your refused PIA proposal

Is there a time limit to apply for the Personal Insolvency Court Review Service?

Under the Personal Insolvency Acts, if you want to apply to the Court for a review, you must do so no later than 28 days after your creditors notify your PIP of their decision to refuse your PIA proposal. There is no provision for this time limit to be extended.

You do not have to apply for or obtain legal aid within those

28 days. However, you may want to know whether you can get legal aid as early as possible.

The Legal Aid Board is aware of the time limit for seeking the Court review and will quickly decide on any completed application for legal aid.

The Legal Aid Board has granted legal aid in my case. What is happening now?

You and your PIP can select a solicitor from the Abhaile solicitors' panel to act on your behalf. The Legal Aid Board will typically also cover the cost of a barrister and any essential witness expenses.

If the Legal Aid Board refuses legal aid, what can I do?

You are entitled to seek a review of this decision from the Legal Aid Board. The same decision maker who made the decision to refuse you legal aid takes a review. You or your PIP should provide any further information you did not submit in the original application that may assist the Board in reviewing.

You are also entitled to appeal the decision to an Appeal Committee of the Legal Aid Board. You can do this either following a review or without one having been conducted.

A request for a review or appeal must be made within one month of the date the Legal Aid Board informed you that it has refused your application for legal aid (or informed you of the result of the review).

10. Obtaining a second voucher

You may be eligible for a second PIP, accountant, and consultation solicitor voucher if you redeemed one of these vouchers more than three (3) years ago. You may find your situation has changed over this period, and recognising this, Abhaile offers the option to apply for a second voucher.

The eligibility criteria detailed on page 3 are applicable when applying for a second voucher. Remember, a MABS DMA or PIP from the Abhaile panel can help you.

It is important to note that you are not eligible for a second PIP voucher if you successfully redeemed your first voucher and entered into a PIA as a result.

11. Data processing and sharing under Abhaile

a. How will my personal data be treated under Abhaile?

You will be asked for full details of your finances. This will include the extent of your debts and home mortgage arrears and any other personal data needed for a comprehensive view of your financial situation (and, where relevant, of your legal situation). This might include information about your medical situation or

personal relationship ('sensitive personal data'¹). For example, information about the loss of income through illness or separation from a partner who signed the mortgage on your home.

This personal data will be treated in accordance with the law, including EU and Irish data protection law, the Data Protection Act 2018, the Data Sharing and Governance Act, GDPR, the Personal Insolvency Acts, the Bankruptcy Acts and the Civil Legal Aid Acts.

Your personal data will only be processed (used) for the purposes of Abhaile and to try to find solutions as agreed with you.

b. How will my data be processed within Abhaile?

Your data may be processed (used) in two (2) ways.

First, for administrative purposes, some of your data may be shared between and used by the bodies working within Abhaile (including their staff and employees). These bodies are the Money Advice and Budgeting Service (MABS), where applicable, the Insolvency Service of Ireland (ISI), the Legal Aid Board (LAB) and the Citizens Information Board (CIB). They will only use your data for Abhaile's purposes.

¹ Sensitive personal data is defined in article 9(1) of the GDPR as Personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership and the processing of genetic data, biometric data for the purposes of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life of sexual orientation.

This is necessary:

- to check that you are eligible for free financial and legal advice and aid under Abhaile
- to measure how effectively Abhaile is working to help borrowers using it. (Where data is shared within Abhaile for these statistical or monitoring purposes, it will only be shared in a way, which does not identify you)

Second, more detailed data will be shared with the relevant advisers working with you for advice. This will include your Standard Financial Statement (SFS) or Prescribed Financial Statement (PFS) and a copy of the written financial advice or legal advice provided to you.

The advisers are the MABS adviser, the Personal Insolvency Practitioner (PIP), the consultation solicitor, the duty solicitor and/or the accountant providing you with advice and assistance within Abhaile.

Sharing relevant data between the advisers working with you under Abhaile helps them give you the best advice they can without unnecessary duplication or delays.

Your data-sharing consent also allows an adviser's relevant employees or staff to process your data, using their instructions, to provide you with that advice and help.

c. Will my data be given to any person or body outside Abhaile?

When you apply for Abhaile, you will be asked to consent to your personal data being used and shared only within Abhaile.

Your personal data will not be provided to anybody or persons outside Abhaile unless you give an additional written agreement to that being done. Two examples of this are:

- Your adviser (the MABS adviser, PIP, consultation solicitor, duty solicitor or accountant advising or helping you under Abhaile) may need to share your Standard Financial Statement (SFS) or Prescribed Financial Statement (PFS) with your creditors to negotiate with them. This can only be done if you give an additional written agreement.
- If you are involved in court proceedings and/or decide to take up some debt solution, there may be a legal requirement for your adviser to make public some of your personal information. Again, this can only be done if you give an additional written agreement.

d. How long will my data be kept?

Any personal data collected for Abhaile's purposes will be deleted in line with the data protection notice and retention policy of each service provider or professional working under Abhaile. Retention will be subject to the relevant professional requirements and protections of GDPR and the Data Protection Act 2018. These policies can be viewed on the websites of

each of the service providers. Professional oversight regulations require PIPs and solicitors to keep client files securely for at least six and seven years, respectively.

e. Who will be responsible for my data under Abhaile?

The name and contact details of the Data Controller nominated by each of the bodies sharing data within the service will be published on that body's website.

12. Frequently asked questions

Who is Abhaile for?

Abhaile is a free, State-funded service designed to help homeowners with serious mortgage arrears. Abhaile is open to anyone in mortgage arrears on their home, no matter their personal situation. You will be eligible for advice and assistance under Abhaile if:

- You are insolvent. This means you cannot fully pay your debts as they fall due
- You are in mortgage arrears on your home
- You are at risk of losing your home due to mortgage arrears

How does Abhaile work?

Abhaile is a holistic service. It provides access to a wide range of financial, debt, insolvency, and legal advice and support for homeowners in mortgage arrears. The primary aim is to work with homeowners to keep them, wherever possible, in their homes with a long-term and sustainable solution.

The Departments of Justice and Social Protection coordinate Abhaile. The Money Advice and Budgeting Service (MABS), together with the Insolvency Service of Ireland (ISI), the Legal Aid Board, and the Citizens Information Board (CIB), operate it.

I think I might be insolvent. How can I be sure?

A person is insolvent if they are unable to pay their debts in full as they fall due. In other words, if you do not have enough money to pay your bills by the due date, then you are insolvent. A personal insolvency practitioner (PIP) or an adviser from MABS can help clarify your situation.

I have been summoned to court. Is it too late to get help?

The simple answer is no. It is not too late. The earlier you engage with the support available, the better the possible outcome. However, an adviser from MABS will work with you at any stage of your resolution journey.

Will the services of Abhaile help me negotiate with my lender?

Yes. When you work with a DMA adviser in MABS or an Abhaile PIP, they will support you and negotiate an arrangement with your lender.

What can I expect from the duty solicitor?

The duty solicitor service is available in the Circuit Court to assist you at the repossession hearing. While they can't fully represent you or defend repossession cases, they can explain your efforts to handle mortgage arrears. Remember that you can't choose your duty solicitor. The duty solicitor is assigned for the day and will be dealing with a large number of cases. If you need help, arrive at court early and ask for the duty solicitor or the MABS court mentor.

I want to defend the repossession proceedings on my home. Can I do this?

Abhaile does not provide legal aid for defending repossession proceedings. If you are in mortgage arrears, your lender has the legal right to reclaim your home. As a result, you might not have a valid legal defence against repossession. Your consultation solicitor will guide you on this.

In rare cases, you may have a valid legal defence. If so, you must apply separately to the Legal Aid Board. Different conditions may apply, and your consultation solicitor can explain them.

Remember, your Abhaile financial adviser might propose solutions to prevent home repossession or negotiate with your lender. **The sooner you talk to MABS or an Abhaile PIP, the better your chances are.**

How do I get in touch?

Contact MABS by calling the National Helpline on **0818 07 2000** (Monday – Friday, 9am to 8pm) or visit mabs.ie/abhaile to learn more about Abhaile and how it can help you, free of charge, to keep your home.

Who is involved in Abhaile?

Abhaile is jointly coordinated and funded by the Department of Justice and the Department of Social Protection.

MABS, the Insolvency Service of Ireland (ISI), the Citizens Information Board (CIB) and the Legal Aid Board (LAB) are working together to implement Abhaile.

MABS (www.mabs.ie), the Money Advice and Budgeting Service, funded and supported by CIB, is a free, independent and confidential service for people who are in debt or at risk of getting into debt - MABS has offices located nationwide and has a National Helpline. Call 0818 07 2000, Monday to Friday from 9am to 8pm.

MABS provides support and advice to homeowners in mortgage arrears and directs them to free advice available under Abhaile.

The Insolvency Service of Ireland (ISI) (www.backontrack.ie) is

an independent government body set up to help tackle personal debt problems. The ISI has a range of debt solutions, including a regulated network of qualified professionals, who can help you restructure and even write off debt you cannot repay.

The Legal Aid Board (www.legalaidboard.ie) provides civil legal aid and advice to people who cannot afford a solicitor. The Legal Aid Board has set up a panel of solicitors to provide free advice to homeowners in mortgage arrears under Abhaile.

What should I do next?

If you think you are eligible or have any further questions about Abhaile, contact MABS on **0818 07 2000** or visit your local MABS office or PIP from the panel. Information available on www.mabs.ie/abhaile

Remember, the sooner you engage or seek support, the better your chances of keeping your home and finding a solution to your financial difficulties.



Please note:

This booklet is provided as a plain-language aid to explain the basic features of Abhaile. It does not constitute a legal interpretation of Abhaile or legal advice on relevant legislation and should not be relied on as such.

Information is accurate as of May 2024.

Abhaile is a State-funded service for people whose homes are in mortgage arrears. It provides various services to help you deal with your situation, including financial debt, legal, and insolvency services. Abhaile is jointly coordinated and funded by the Department of Justice and the Department of Social Protection.

MABS, the Insolvency Service of Ireland (ISI), the Legal Aid Board (LAB), and the Citizens Information Board (CIB) collaborate to provide Abhaile services.

This booklet explains who can get help under Abhaile, how Abhaile works, and what sort of free and expert advice and help Abhaile can give you. If you have questions about Abhaile or whether it can help you with your home mortgage arrears, call MABS on 0818 07 2000 Monday-Friday, 9am to 8pm.

