

[First additional list of amendments - containing substitute amendment.]

SEANAD ÉIREANN

BILLE NA dTITHE (FORÁLACHA ILGHNÉITHEACHA) 2008

—AN COISTE

HOUSING (MISCELLANEOUS PROVISIONS) BILL 2008

—COMMITTEE STAGE

**Leasú Ionadacha
Substitute Amendment**

* **107.** In page 58, between lines 10 and 11, to insert the following new Part:

“PART 10

AMENDMENTS TO RESIDENTIAL TENANCIES ACT 2004

Item	Provision affected	Amendment
(1)	(2)	(3)
1	Section 3(2)	<p>(a) In paragraph (c)(ii), substitute “a household within the meaning of the <i>Housing (Miscellaneous Provisions) Act 2008</i> assessed under <i>section 20</i> of that Act as being qualified for social housing support” for “ a person referred to in section 9(2) of the Housing Act 1988”.</p> <p>(b) Substitute the following for paragraph (d):</p> <p>“(d) a dwelling—</p> <p>(i) the occupier of which is entitled to acquire, under Part II of the Landlord and Tenant (Ground Rents) (No. 2) Act 1978, the fee simple in respect of it, or</p> <p>(ii) which is one of a number of dwellings comprising an apartment complex, the occupier of which would be so entitled to acquire the fee simple in respect of it but for the fact that it is such a dwelling.”.</p>

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2	Section 12	<p>(a) In subsection (1), insert the following after paragraph (b):</p> <p>“(ba) provide receptacles suitable for the storage of refuse outside the dwelling, save where the provision of such receptacles is not within the power or control of the landlord in respect of the dwelling concerned.”.</p> <p>(b) In subsection (4)—</p> <p>(i) in paragraph (a), substitute the following for subparagraph (i):</p> <p>“(i) the payment of rent, or any other charges or taxes payable by the tenant in accordance with the lease or tenancy agreement, and the amount of rent or such other charges or taxes in arrears is equal to or greater than the amount of the deposit, or”,</p> <p>and</p> <p>(ii) substitute the following for paragraph (b):</p> <p>“(b) where, at the date of the request for return or repayment, there is a default in—</p> <p>(i) the payment of rent, or any other charges or taxes payable by the tenant in accordance with the lease or tenancy agreement, or</p> <p>(ii) compliance with section 16(f),</p> <p>and subparagraph (i) or (ii), as the case may be, of paragraph (a) does not apply, then there shall only be required to be returned or repaid under subsection (1)(d) the difference between the amount of rent or such other charges or taxes in arrears or, as appropriate, the amount of the costs that would be incurred in taking steps of the kind referred to in paragraph (a)(ii).”.</p>
3	Section 135	<p>(a) Delete subsection (2).</p> <p>(b) In subsection (5), substitute “that the application is incomplete and invalid and shall return the application, any other information submitted with the application and any fee paid” for “of the omission concerned and afford him or her a reasonable opportunity to rectify the matter”.</p>

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[This amendment is in substitution for amendment No. 107 on the principal list of amendments dated 19th November, 2008.]