



DÁIL ÉIREANN

BILLE NA dTITHE (FORÁLACHA ILGHNÉITHEACHA) 2008 HOUSING (MISCELLANEOUS PROVISIONS) BILL 2008

LEASUITHE TUARASCÁLA REPORT AMENDMENTS

DÁIL ÉIREANN

BILLE NA dTITHE (FORÁLACHA ILGHNÉITHEACHA) 2008 —AN TUARASCÁIL

HOUSING (MISCELLANEOUS PROVISIONS) BILL 2008 —REPORT

Leasuithe Amendments

1. In page 7, line 7, after “PLANS” to insert “AND HOMELESS ACTION PLANS”.

—Ciarán Lynch.

2. In page 7, lines 27 to 34, to delete all words from and including “TO PROVIDE” in line 27 down to and including “INTEREST;” in line 34.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

3. In page 7, line 40, to delete “THE SOCIAL WELFARE ACTS” and substitute “THE SOCIAL WELFARE CONSOLIDATION ACT 2005”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

4. In page 8, line 5, after “Act” to insert “(other than *section 100**)”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

[*Note: This is the correct reference if amendment No. 175 is accepted]

5. In page 8, between lines 7 and 8, to insert the following:

“(3) *Section 100** and, in so far as it relates to that section, this section shall be construed as one with the Residential Tenancies Acts 2004 and 2009 and shall be included in the collective citation “Residential Tenancies Acts 2004 and 2009”. ”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

[*Note: This is the correct reference if amendment No. 175 is accepted]

6. In page 8, line 8, after “Act” to insert “(other than *section 100**)”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

[*Note: This is the correct reference if amendment No. 175 is accepted]

7. In page 9, between lines 39 and 40, to insert the following:

“ “persons with a disability” shall mean persons with a disability within the meaning of section 2 of the Disability Act 2005.”.

—Ciarán Lynch.

8. In page 10, line 36, after “areas,” to insert the following:

“apartment complexes (within the meaning of *section 50*),”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

9. In page 11, after line 41, to insert the following:

“PART 2

AMENDMENT OF RESIDENTIAL TENANCIES ACT 2004.

10.—In this Act, “the Principal Act” means the Residential Tenancies Act 2004.”.

—Ciarán Lynch.

[*Note: The proposed new Part comprehends the inclusion of amendments No. 10, 11, 12, 13 and 14.]

10. In page 11, after line 41, to insert the following:

“10.—In this Act and in the Principal Act, “deposit” means any money intended to be held (by the landlord or otherwise) as security for—

(a) the performance of any obligations of the tenant, or

(b) the discharge of any liability of the tenant,

arising under or in connection with a tenancy.”.

—Ciarán Lynch.

11. In page 11, after line 41, to insert the following:

“10.—(1) Where a landlord requires a tenant, on entering into an agreement for a tenancy or lease, to pay a deposit, the deposit shall be paid by the landlord to the Board at the time of application for registration of the tenancy under Part 7 of the Principal Act and shall be held by the Board until—

(a) an application is made under *subsection (3)*, or

(b) a dispute is referred to the Board for resolution under section 76 of the Principal Act.

(2) A landlord who contravenes *subsection (1)* is guilty of an offence.

(3) Where a landlord and a tenant jointly apply in the prescribed form for the repayment of a deposit by the Board to—

(a) the tenant,

(b) the landlord, or

(c) in part to the tenant and in part to the landlord,

the Board shall promptly repay the deposit in the manner specified in the application.

(4) Section 78 of the Principal Act is amended, in subsection (1), by substituting the following for paragraph (a):

“(a) the repayment of a deposit held by the Board to the tenant or the landlord or in part to each of them,”.

(5) A dispute in respect of matters referred to in section 78(1)(a) of the Principal Act that is referred to the Board for resolution shall be determined in accordance with the following principles:

- (a) no amount of the deposit concerned shall be required to be repaid to the tenant if, at the date of referral of the dispute to the Board, there is a default in—
 - (i) the payment of rent and the amount of rent that is in arrears is equal to or greater than the amount of the deposit, or
 - (ii) compliance with section 16(f) of the Principal Act and the amount of the costs that would be incurred by the landlord, were he or she to take them, in taking such steps as are reasonable for the purposes of restoring the dwelling to the condition mentioned in the said section 16(f) is equal to or greater than the amount of the deposit;
- (b) where, at the date of the referral of the dispute to the Board—
 - (i) there is a default in the payment of rent or compliance with the said section 16(f), and
 - (ii) *subparagraph (i) or (ii)*, as the case may be, of *paragraph (a)* does not apply,
 then there shall be repaid—
 - (I) to the landlord, the amount of rent that is 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)*,
 - (II) to the tenant, the difference between the amount referred to in *subparagraph (i)* and the deposit;
- (c) where neither *paragraph (a)* or (b) apply, the deposit concerned shall be repaid in full to the tenant.

(6) No provision of any lease, tenancy agreement, contract or other agreement entered into after the commencement of this Act may operate to vary, modify or restrict in any way this section.

(7) Section 12 (1) (d) and (4) of the Principal Act are repealed.

(8) Section 115 of the Principal Act is amended by substituting the following for paragraph (i):

- “(i) in the special circumstances of a dispute heard under this Part, a direction that the whole or part of the costs or expenses incurred by the adjudicator or the Tribunal in dealing with the dispute shall be paid by one or more of the parties,
- (j) a direction that a specified amount of damages be paid for unreasonably refusing to agree to a joint application for the repayment of a deposit under section 2(3) of the Residential Tenancies (Amendment) (No. 2) Act 2009.”.

—Ciarán Lynch.

12. In page 11, after line 41, to insert the following:

“10.—(1) Section 92 of the Principal Act is amended by inserting the following after subsection (4):

“(5) For the purposes of this section, and in particular to enable the Board to clarify for itself and for the parties any issue arising in relation to a dispute referred to it, the Board may—

- (a) inquire into any relevant aspect of the dispute concerned,
- (b) require either party to furnish to it, within a specified period, such documents or other information as it considers appropriate, and
- (c) provide to, and receive from, each party such information as is appropriate.”.”.

—Ciarán Lynch.

13. In page 11, after line 41, to insert the following:

“10.—(1) The Board shall establish an investment account (the “account”) into which deposits paid to it under this Part shall be deposited.

(2) The National Treasury Management Agency (“the Agency”) shall manage the account on behalf of the Board.

(3) Moneys in the account shall be invested and the investments shall be realised or varied as occasion requires and the proceeds of any such realisation, and any dividends or other payments received in respect of moneys invested under this section, shall be paid into the Exchequer: provided that the Agency shall ensure that there is always within the account a sufficient amount of money to enable the Board to repay deposits to tenants and landlords under this Part.”.

—Ciarán Lynch.

14. In page 11, after line 41, to insert the following:

“10.—(1) (a) The Health Service Executive shall not make a payment of a supplement towards the amount of rent payable by a person in respect of his or her residence where the tenancy has not been registered in accordance with the provisions of Part 7 of the Principal Act, unless the tenancy is one which is not required to be registered under that Part, in particular because the tenancy is one with an approved housing body in the co-operative or voluntary housing sector.

(b) *Paragraph (a)* does not prevent the payment by the Health Service Executive—

- (i) of such a supplement upon the creation of a tenancy, or
- (ii) of assistance in the form of a deposit prior to the registration of the tenancy.”.

—Ciarán Lynch.

15. In page 12, between lines 30 and 31, to insert the following:

“(xi) the provision, adaptation or improvement of housing for persons with a disability,”.

—Ciarán Lynch.

16. In page 16, to delete lines 4 and 5 and substitute the following:

“(b) the demand for social housing as outlined in the assessment of need in its administrative area conducted in accordance with *section 21*,”.

—Ciarán Lynch.

17. In page 16, between lines 5 and 6, to insert the following:

“(c) the homeless action plan in its administrative area;”.

—Ciarán Lynch.

18. In page 16, between lines 10 and 11, to insert the following:

“(e) the needs of persons with a disability in its administrative area;”.

—Ciarán Lynch.

19. In page 16, to delete lines 27 to 31 and substitute the following:

“(2) (a) A housing services plan shall also have regard to the following and shall include such further information and priorities related to the following as the Minister may direct:”.

—Ciarán Lynch.

20. In page 16, line 32, after “supports” to insert the following:

“including but not limited to, tenancy services, supported housing, tenancy sustainment, tenancy support and settlement, advice, advocacy and mediation services”.

—Ciarán Lynch.

21. In page 17, line 6, after “to” to insert “and seek responses from”.

—Ciarán Lynch.

22. In page 17, line 12, after “bodies” to insert the following:

“or other bodies including community based organisations, networks, fora or other representative bodies; voluntary service providers, housing or homeless networks and fora; or any other body”.

—Ciarán Lynch.

23. In page 17, line 13, after “shelter” to insert “or the provision of housing or homeless services”.

—Ciarán Lynch.

24. In page 17, between lines 13 and 14, to insert the following:

“(e) any voluntary or statutory body concerned with the housing needs of persons with a disability in its administrative area;”.

—Ciarán Lynch.

25. In page 17, between lines 16 and 17, to insert the following:

“(f) any recognised association under section 128 of the Local Government Act 2001, and”.

—Ciarán Lynch.

26. In page 17, between lines 23 and 24, to insert the following subsection:

“(2) Where the proposals submitted by bodies referred to in *subsection (1)* are not incorporated into the housing services plan, the housing authority shall furnish outline reasons for not incorporating those proposals.”.

—Ciarán Lynch.

27. In page 19, between lines 8 and 9, to insert the following:

“Homeless action plan.

19.—Each housing authority shall establish a process (in this section referred to as a “local homeless forum”) within its administrative area for the purposes of developing and implementing a local homeless action plan. Each local homeless forum shall include approved bodies involved in the provision of housing and homeless services within the administrative area. Within 12 months of the passing of this Act and every 3 years thereafter, the local authority shall adopt a local homeless action plan. The plan shall be produced by the local homeless forum in each administrative area and shall:

- (a) contain measures for the prevention of homelessness; the elimination of rough sleeping; the elimination of long term homelessness; the meeting of long term housing needs; the provision of effective provision of services for homeless people; co-ordinated funding arrangements;
- (b) contain an overall vision, objectives, actions, output targets, timescales for achievement, indicative costs and proposed funding arrangements;
- (c) be formally reviewed by the homeless forum on an annual basis;
- (d) cover a three year period;
- (e) in its preparation, approval, purpose, scope and structure be consistent with policies aimed at: eliminating long term homelessness; minimizing the risk of a person becoming homeless through effective preventative policies and services; ensure when a person becomes homeless they are assisted into appropriate long term housing.”.

—Ciarán Lynch.

28. In page 19, between lines 8 and 9, to insert the following:

“Disability housing forum.

19.—Each housing authority shall establish a disability housing forum within its administrative area for the purposes of developing and implementing a local disability housing action plan. Each local disability forum shall include approved bodies involved in the provision of housing and housing support services within the administrative area. Within 12 months of the passing of this Act, the local authority shall publish a local action plan for housing people with a disability. The plan shall be produced by the local disability housing forum in each administrative area and:

- (a) have four key aims; comprehensive assessment of the extent and nature of housing need; the meeting of unmet housing need, including support needs; the effective provision of services for persons with a disability in housing need; co-ordinated funding arrangements;
- (b) contain an overall vision, objectives, actions, output targets, timescales for achievement, indicative costs and proposed funding arrangements;
- (c) be formally reviewed by the disability housing forum on an annual basis;
- (d) cover a three year period;
- (e) take into account the national housing strategy for people with disability when that strategy comes into operation.”.

—Ciarán Lynch.

29. In page 19, between lines 18 and 19, to insert the following:

- “(c) ensure adequate provision of housing to promote the independence of persons with a disability;”.

—Ciarán Lynch.

30. In page 19, line 40, after “social” to insert “(including economic, cultural, ethnic or other)”.

—Ciarán Lynch.

31. In page 20, line 12, to delete “including a reference to” and substitute the following:

“meaning a person who lives alone, 2 or more persons who live together or”.

—Ciarán Lynch.

32. In page 20, between lines 14 and 15, to insert the following:

“(2) (a) For the purposes of this Act a “homeless person” shall be defined as—

- (i) a person who has no accommodation available to them other than a night shelter, a public place or external space,
 - (ii) a person who has no accommodation available to them other than a homeless hostel, transitional or temporary accommodation, sheltered accommodation; a person who has been released from state institutions such as penal, medical or care institutions; a person who has had to leave or cannot remain in their home due to domestic violence,
 - (iii) a person who has no accommodation available to them other than temporary accommodation with family or friends; illegal occupation of land; subject to legal orders to quit rented accommodation or repossession orders of privately owned accommodation; temporary structures, dwellings unfit for habitation or dwellings deemed by the housing authority as overcrowded, or
 - (iv) a person who in the opinion of the authority, is unable to provide accommodation from their own resources or is occupying accommodation which is inadequate or insecure.
- (b) For the avoidance of doubt it is hereby declared that a person who had to leave or cannot remain in the home because of domestic violence is considered homeless.
- (c) A person homeless by reason of domestic violence is eligible for the Priority Housing List under Exceptional Social Grounds.”.

—Ciarán Lynch.

33. In page 20, between lines 14 and 15, to insert the following:

“(2) For the purposes of this Act a homeless person shall be defined as:

- (a) a person who has no accommodation available to them other than a night shelter, a public place or external space;
- (b) a person who has no accommodation available to them other than a homeless hostel, transitional or temporary accommodation, sheltered accommodation; a person who has been released from state institutions such as penal, medical or care institutions;

- (c) a person who has no accommodation available to them other than temporary accommodation with family or friends; illegal occupation of land; subject to legal orders to quit rented accommodation or repossession orders of privately owned accommodation; residing in mobile homes, temporary structures, dwellings unfit for habitation or dwellings deemed by the housing authority as overcrowded;
- (d) a person who in the opinion of the authority is unable to provide accommodation from their own resources or is occupying accommodation which is inadequate or insecure.”.

—Aengus Ó Snodaigh.

34. In page 20, line 22, after “support” to insert the following:

“with due regard to the desire of persons with a disability to sustain independent living”.

—Ciarán Lynch.

35. In page 20, line 45, after “alternative” to insert “and appropriate”.

—Ciarán Lynch.

36. In page 20, between lines 46 and 47, to insert the following:

“(f) in the case of a person with a disability, the requirement to support independent living;”.

—Ciarán Lynch

37. In page 21, line 5, to delete “A household” and substitute the following:

“Save in exceptional circumstances relating to inability to pay rent a household”.

—Ciarán Lynch.

38. In page 21, between lines 38 and 39, to insert the following:

“(e) the maximum period in which an applicant for social housing who is a person with a disability shall stay in accommodation unsuited to their needs.”.

—Ciarán Lynch.

39. In page 21, after line 47, to insert the following:

“(9) In carrying out a social housing assessment in the case of a person with a disability, a housing authority may disregard the accommodation that person is occupying where that person is currently living with others.”.

—Ciarán Lynch.

40. In page 22, line 2, to delete “before the commencement of this section” and substitute “before the coming into operation of this section”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

41. In page 23, line 21, after “*section 19(4)*” to insert “ and *20(1)*”.

—Ciarán Lynch.

42. In page 23, line 25, after “household” to insert “including persons with a disability”.

—Ciarán Lynch.

43. In page 23, between lines 43 and 44, to insert the following:

“(e) location of health and personal supports in the area in the case of a person with a disability.”.

—Ciarán Lynch.

44. In page 24, lines 33 to 35, to delete all words from and including “before” in line 33 down to and including “commencement” in line 35 and substitute the following:

“before the coming into operation of this section continues to have effect after such coming into operation”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

45. In page 25, between lines 7 and 8, to insert the following:

“(18) Before making or amending an allocation scheme, a housing authority shall provide a draft of the scheme or amendment to the scheme to housing authorities, voluntary sector housing and homeless service providers and other relevant bodies, who may respond to the proposed scheme or amendment to the scheme. The housing authority may amend the proposed scheme or amendment to the scheme. If the housing authority chooses not to amend the proposed scheme or amendment to the scheme they must explain the reasons in writing to the housing authority, voluntary sector provider of housing or homeless services or other relevant body if requested.”.

—Ciarán Lynch.

46. In page 28, between lines 28 and 29, to insert the following:

“(i) procedures for supporting tenants who fall into rent arrears designed to assist them in sustaining their tenancy.”.

—Ciarán Lynch.

47. In page 28, line 39, after “agreement” to insert the following:

“with due regard to the provisions of *subsection (4)(i)*”.

—Ciarán Lynch.

48. In page 30, between lines 6 and 7, to insert the following:

“Purchase of fee simple.

28.—A tenant of a local authority who whether before or after the commencement of this section purchases a fee simple from the authority may alienate the fee simple without the consent of the authority.”.

—Ciarán Lynch.

49. In page 30, line 43, to delete “*Part 3*” and substitute “*Part 3 or 4*”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

50. In page 34, line 28, to delete “its commencement” and substitute “its coming into operation”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

51. In page 35, line 29, to delete “before the commencement of” and substitute “before the coming into operation of”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

52. In page 35, line 38, to delete “after the commencement” and substitute “after the coming into operation”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

53. In page 36, line 5, to delete “2007” and substitute “2008”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil, Ciaran Lynch.

54. In page 37, line 1, to delete “purchasing” and substitute “the purchase of”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

55. In page 37, line 3, to delete “purchasing” and substitute “the purchase of”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

56. In page 37, line 4, to delete “purchasing” and substitute “the purchase of”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

57. In page 37, line 26, to delete “*subsection (5)*” and substitute “*subsection (5) or (6)*, as the case may be,”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

58. In page 38, to delete line 10 and substitute the following:

“(a) *sections 28, 31, 32(8) and (9), 47(4), 48(5) and (6), 75(4), 76(5), 98 and 99;*”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

59. In page 38, between lines 30 and 31, to insert the following subsection:

“(5) Where exceptional circumstances arise such that arrangements under *section 34(2)* cannot be put in place without causing undue hardship, a housing authority may cancel the obligation of a household to pay part or all of the moneys referred to in that section.”.

—Ciarán Lynch.

60. In page 39, lines 1 and 2, to delete “the commencement of” and substitute “the coming into operation of”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

61. In page 39, to delete lines 13 to 26 and substitute the following:

“(2) An anti-social behaviour strategy shall have as its principal objectives—

- (a) the promotion of good estate management,
- (b) the prevention and reduction of anti-social behaviour,
- (c) the co-ordination of services within the housing authority directed at dealing with, or preventing or reducing, anti-social behaviour, and
- (d) the promotion of co-operation with other persons, including the Gardaí Sióchána in the performance of their respective functions insofar as they relate to dealing with or the prevention or reduction of, anti-social behaviour, having regard to the need to avoid duplication of activities by the housing authority and such other persons in the performance of those functions.”.

—Aengus Ó Snodaigh.

62. In page 39, between lines 14 and 15, to insert the following:

“(a) the taking of rapid and effective action to terminate the tenancy of any household where a member or members of that household have engaged in anti-social behaviour,”.

—Ciarán Lynch.

63. In page 39, between lines 30 and 31, to insert the following:

“(a) procedures for the rapid termination of the tenancy of any household where a member or members of that household have engaged in anti-social behaviour,”.

—Ciarán Lynch.

64. In page 39, between lines 37 and 38, to insert the following:

- “(d) formal detail of how the housing authority plans to implement and resource its anti-social behaviour strategy;
- (e) rights and responsibilities of tenants and landlords;
- (f) protocols and procedures for responding to anti-social behaviour that are compliant with the European Convention on Human Rights;
- (g) protocols and procedures for evictions that are compliant with the European Convention on Human Rights.”.

—Aengus Ó Snodaigh.

65. In page 40, between lines 7 and 8, to insert the following:

- “(d) relevant residents, community and voluntary sector organisations,”.

—Aengus Ó Snodaigh.

66. In page 40, between lines 8 and 9, to insert the following:

- “(6) Without prejudice to any power conferred by the Act of 1997 or otherwise, a housing authority may without notice terminate the tenancy of any tenant who has engaged in anti-social behaviour.”.

—Ciarán Lynch.

67. In page 40, between lines 8 and 9, to insert the following:

- “(6) For the purposes of this section domestic violence is included within the term anti-social behaviour, and guidelines under this section shall ensure that victims of domestic violence are not disadvantaged or put at increased risk as a result of the operation of anti-social behaviour powers.”.

—Ciarán Lynch.

68. In page 40, to delete lines 11 to 16 and substitute the following:

- “(7) A person against whom steps are taken to prevent or address anti-social behaviour shall not have any right of action against the housing authority in respect of any allegation that the housing authority has not complied with the anti-social behaviour strategy.”.

—Ciarán Lynch.

69. In page 47, line 23, to delete “casual vacancies, re-appointment” and substitute “casual vacancies and re-appointment”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

70. In page 48, line 47, before “where” to insert “in *subsection (1)*”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

71. In page 49, between lines 11 and 12, to insert the following:

- “(3) This Part also applies with necessary modifications to a dwelling provided by an approved body and constructed prior to the commencement of this Part.”.

—Ciarán Lynch.

72. In page 50, to delete lines 35 to 37 and substitute the following:

- “(f) such other terms and conditions relating to the sale of the dwelling as may be prescribed for the purposes of a transfer order.”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

73. In page 51, line 3, after “shall” to insert the following:

“, subject to such regulations as may be made under *section 49*,”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

74. In page 51, line 37, after “purchaser” to insert “or a member of his or her household”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

75. In page 52, line 45, to delete “*section 40(4), 48(5) or (6)*” and substitute “*section 47 or 48*”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

76. In page 53, to delete lines 4 to 7 and substitute the following:

“(14) (a) On the occurrence of the earlier of the events specified in *subsection (4)(a)* and subject to the terms and conditions of the transfer order and of the charging order having been complied with, the housing authority or approved body, as the case may be, shall, where requested to do so by the purchaser, execute a deed of discharge in respect of the charging order.

(b) The housing authority or approved body, as the case may be, shall be liable for any expenses incurred in the execution and registration of a deed of discharge but shall not otherwise be liable for any expenses incurred by a purchaser under this section or under *section 47 or 48*.”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

77. In page 53, line 9, to delete “, in accordance with *subsection (3)*,”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

78. In page 53, line 13, to delete “charging order” and substitute “transfer order”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

79. In page 53, to delete lines 28 to 36 and substitute the following:

“(3) (a) Where a housing authority or approved body has suspended the reduction of the charged share under *subsection (1)*, the housing authority or approved body, as appropriate, shall, as soon as practicable thereafter, notify the purchaser in writing of the suspension and the reasons for the suspension.

(b) The housing authority or approved body, as the case may be, shall, on the expiration of the charged period, give a statement to the purchaser in writing, in the prescribed form, indicating the amount of the charge outstanding under the charging order on the date of expiration of the charged period, which amount shall be expressed as a percentage of the market value of the dwelling, equivalent to the charged share of the housing authority or approved body, as appropriate, in the dwelling on that date calculated in accordance with *subsection (2)*.”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

80. In page 53, line 40, to delete “apartment”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

81. In page 53, line 46, to delete “*section 45(2)(a) to (f)*” and substitute “*section 45(2)*”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

82. In page 53, after line 46, to insert the following:

“(6) (a) For the purposes of this section, the market value of a dwelling shall be determined by the housing authority or approved body, as appropriate, or, where the purchaser does not agree with the market value so determined, by an independent valuer nominated by the purchaser from a panel of suitably qualified persons, established by the housing authority, who are of a class or description prescribed under *section 49*.

(b) The housing authority or approved body shall not be liable for any expenses incurred by the purchaser under *paragraph (a)*.”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

83. In page 54, line 2, to delete “under *section 46*”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

84. In page 55, to delete lines 1 to 5 and substitute the following:

“(8) (a) Subject to *paragraph (b)*, where a purchaser resells a dwelling which is subject to a charging order the charged period of which has expired and in respect of which the amount referred to in *section 47(3)* has not been paid in accordance with that section, *section 46(12)* applies.”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

85. In page 55, line 32, after “authority” to insert “or approved body, as the case may be,”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

86. In page 56, line 17, to delete “*section 46(5)*” and substitute “*sections 46(5) and 47(3)*”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

87. In page 56, between lines 37 and 38, to insert the following:

“ “apartment complex transfer order” has the meaning given to it by *section 59*;”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

88. In page 56, line 40, to delete “*section 65(1)*” and substitute “*section 65(1)(b)*”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

89. In page 56, line 43, to delete “(including a community apartment)”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

90. In page 57, between lines 9 and 10, to insert the following:

“ “apartment transfer order” has the meaning given to it by *section 60*;”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

91. In page 57, line 28, to delete “on the open market”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

92. In page 61, to delete lines 19 to 22 and substitute the following:

“(3) The housing authority may, with or without modification, adopt the draft proposal, submitted to it under *subsection (1)*, to designate the apartment complex (in this Part referred to as a “*section 53* proposal”).”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

93. In page 63, to delete lines 2 to 9 and substitute the following:

Class of apartment complex determined by the number of apartments comprised therein of which the housing authority is the apartment owner (1)	Minimum number of tenants in apartment complex willing to serve as directors of management company (2)	Minimum proportion of all tenants in apartment complex willing to serve as directors of management company (3)
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—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

94. In page 63, lines 34 and 35, to delete all words from and including “, in accordance” in line 34 down to and including “section,” in line 35.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

95. In page 64, line 28, after “apartments” to insert “in the designated apartment complex concerned”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

96. In page 65, line 8, to delete “may” and substitute “shall”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

97. In page 65, line 13, to delete “where there are at least 5 but not more than 6” and substitute “where there are not more than 6”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

98. In page 65, line 29, to delete “made under *section 59*”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

99. In page 65, line 36, to delete “made under *section 60*”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

100. In page 67, between lines 4 and 5, to insert the following:

“(7) For the purposes of *subsection (2)(h)*, “shadow director” and “connected person” have the same meanings as they have in the Companies Acts.”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

101. In page 67, line 13, to delete “or demise”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

102. In page 67, to delete lines 47 and 48 and substitute the following:

“(e) such other terms and conditions as may be prescribed for the purposes of an apartment complex transfer order.”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

103. In page 68, line 9, after “order” to insert “for the purposes of *section 59(1)*”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

104. In page 68, to delete lines 42 to 44 and substitute the following:

“(f) such other terms and conditions relating to the lease of an apartment to the housing authority under this section as may be prescribed for the purposes of an apartment transfer order.”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

105. In page 68, after line 48, to insert the following:

“(5) In this section “material improvements” means improvements made to an apartment whether for the purposes of extending, enlarging or converting the apartment but does not include internal decoration and repair.”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

106. In page 69, line 5, after “granted” to insert “to the housing authority”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

107. In page 69, line 10, to delete “authority; and” and substitute the following:

“authority, subject to any lease referred to in *section 59(2)(b)(ii)*, and”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

108. In page 69, line 33, to delete “referred to” and substitute “specified”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

109. In page 70, between lines 15 and 16, to insert the following:

“(3) The Minister may by directive provide for a discount on the sale price of an apartment under this section where the sale is to a tenant who has been recorded by the council concerned as having requested the option of purchasing the apartment prior to the commencement of this section but who has been precluded from doing so by the absence of legislative provision in that behalf.”.

—Ciarán Lynch.

110. In page 70, line 20, after “proceed” to insert “(within the meaning of *section 56(7)*)”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

111. In page 71, to delete lines 15 to 17 and substitute the following:

“(d) such other terms and conditions relating to the sale of an apartment as may be prescribed for the purposes of an apartment assignment order.”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

112. In page 71, lines 20 to 22, to delete all words from and including “calculated” in line 20 down to and including “refundable” in line 22 and substitute the following:

“determined in accordance with such method as may be prescribed under *section 77* which deposit, subject to *subsection (7)*, shall not be refundable”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

113. In page 72, lines 15 and 16, to delete all words from and including “good” in line 15 down to and including “complex” in line 16 and substitute “good estate management”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

114. In page 72, line 23, after “lapsed” to insert “under *section 55(3)*”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

115. In page 72, line 30, after “to” to insert “an”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

116. In page 74, lines 42 and 43, to delete all words from and including “with” in line 42 down to and including “meeting” in line 43 and substitute the following:

“with the approval of a 60 per cent majority vote of the members present and voting at the meeting”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

- 117.** In page 74, lines 45 and 46, to delete all words from and including “75” in line 45 down to and including “vote” in line 46 and substitute the following:

“a 75 per cent majority vote of the members present and voting at the meeting”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

- 118.** In page 76, line 11, to delete “established pursuant to *section 68*”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

- 119.** In page 76, line 18, after “incurred” to insert the following:

“, in respect of the designated apartment complex concerned”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

- 120.** In page 76, to delete from “to (c),” in line 23 down to and including “concerned.” in line 24 and substitute the following:

“to (c).”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

- 121.** In page 76, line 40, to delete “section” and substitute “Part”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

- 122.** In page 76, lines 43 and 44, to delete all words from and including “applying” in line 43 down to and including “charge” in line 44 and substitute the following:

“applying the method of apportionment specified in *subsection (4)(a)* or *(b)*, as appropriate”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

- 123.** In page 77, line 3, to delete “over” and substitute “between”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

- 124.** In page 77, lines 6 and 7, to delete all words from and including “being” in line 6 down to and including “subsection” in line 7 and substitute the following:

“being less than €200 or such other amount as may be prescribed for the purposes of this subsection”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

- 125.** In page 77, lines 10 to 12, to delete all words from and including “is” in line 10 down to and including “subsection” in lines 11 and 12 and substitute the following:

“is equal to €200 or such other amount as may be prescribed for the purposes of this subsection”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

- 126.** In page 77, lines 17 and 18, to delete all words from and including “exceeds” in line 17 down to and including “subsection” in line 18 and substitute the following:

“is more than €200 or such other amount as may be prescribed for the purposes of this subsection”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

127. In page 77, line 22, to delete “over” and substitute “between”.
—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.
128. In page 77, lines 25 to 27, to delete all words from and including “being” in line 25 down to and including “subsection” in line 27 and substitute the following:
“being less than €200 or such other amount as may be prescribed for the purposes of this subsection”.
—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.
129. In page 77, lines 31 to 33, to delete all words from and including “the amount” in line 31 down to and including “charge” in line 33 and substitute the following:
“the amount being apportioned between each apartment in the designated apartment complex on the same basis as the apartment complex service charge is apportioned
—
(a) in accordance with *section 67(7)*, or
(b) in the case of a designated apartment complex where the housing authority has sold one or more than one apartment under section 90 of the Principal Act, in accordance with *section 67(8)*”.
—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.
130. In page 77, line 39, to delete “prescribing—” and substitute the following:
“prescribing all or any one or more of the following:”.
—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.
131. In page 77, line 41, to delete “sinking fund, and” and substitute “sinking fund;”.
—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.
132. In page 77, line 44, to delete “members.” and substitute the following:
“members;
(c) any other amount for the purposes of *subsection (3)* having regard to the average level of service charges in designated apartment complexes.”.
—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.
133. In page 79, line 1, to delete “by the Minister”.
—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.
134. In page 79, lines 15 and 16, to delete “works referred to in *section 68(1)*” and substitute the following:
“any of the works referred to in *section 68(1)(a) to (c)*”.
—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.
135. In page 79, lines 36 and 37, to delete “the good management of the apartment complex” and substitute “good estate management”.
—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.
136. In page 80, line 19, to delete “works to be carried out under *section 68(1)*” and substitute “works concerned”.
—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

137. In page 80, lines 20 and 21, to delete “works under *section 68(1)*” and substitute the following:

“any of the works referred to in *section 68(1)(a) to (c)*”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

138. In page 81, line 17, to delete “fund” and substitute “apartment complex support fund”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

139. In page 81, line 29, to delete “fund” and substitute “apartment complex support fund”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

140. In page 81, line 30, to delete “fund” and substitute “apartment complex support fund”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

141. In page 81, line 33, to delete “fund” and substitute “apartment complex support fund”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

142. In page 83, line 39, after “shall” to insert the following:

“, subject to such regulations as may be made under *section 77*,”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

143. In page 86, lines 1 and 2, to delete “, in accordance with *subsection (2)*,”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

144. In page 86, line 14, to delete “purchaser” and substitute “apartment purchaser”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

145. In page 86, line 17, to delete “purchaser” and substitute “apartment purchaser”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

146. In page 86, to delete lines 20 to 28 and substitute the following:

“(3) (a) Where a housing authority has suspended the reduction of the charged share under *subsection (1)*, the housing authority shall, as soon as practicable thereafter, notify the apartment purchaser in writing of the suspension and the reasons for the suspension.

(b) The housing authority shall, on the expiration of the charged period, give a statement to the apartment purchaser in writing, in the prescribed form, indicating the amount of the charge outstanding under the charging order on the date of expiration of the charged period, which amount shall be expressed as a percentage of the market value of the apartment, equivalent to the charged share of the housing authority in the apartment on that date calculated in accordance with *subsection (2)*.”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

147. In page 86, line 38, to delete “(a) to (d)”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

148. In page 86, between lines 38 and 39, to insert the following:

- “(6) (a) For the purposes of this section, the market value of an apartment shall be determined by the housing authority or, where the apartment purchaser does not agree with the market value so determined, by an independent valuer nominated by the apartment purchaser from a panel of suitably qualified persons, established by the housing authority, who are of a class or description prescribed under *section 77*.
- (b) The housing authority shall not be liable for any expenses incurred by an apartment purchaser under *paragraph (a)*.”
—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.
- 149.** In page 86, line 45, to delete “which is subject to a charging order which has not been discharged” and substitute “during the charged period”.
—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.
- 150.** In page 87, line 41, to delete “purchaser” and substitute “vendor”.
—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.
- 151.** In page 87, between lines 45 and 46, to insert the following:
- “(b) the minimum period for which a person must be a tenant for the purposes of making an application to purchase an apartment under this Part, which period shall not in any case be less than one year before the date of the making of such application;”
—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.
- 152.** In page 87, to delete lines 46 and 47 and substitute the following:
- “(b) the method for determining the purchase price;
- (c) the method for determining the purchase money, taking account of the financial circumstances of tenants to whom apartment may be sold;”
—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.
- 153.** In page 88, line 14, to delete “determining” and substitute “the determination of”.
—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.
- 154.** In page 88, to delete lines 16 and 17.
—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.
- 155.** In page 88, to delete lines 26 to 30.
—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.
- 156.** In page 91, lines 20 to 22, to delete all words from and including “as” in line 20 down to and including “appropriate” in line 22 and substitute the following:
- “as may be prescribed for the purposes of affordable dwelling purchase arrangements”.
—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.
- 157.** In page 91, line 34, to delete “by the Minister”.
—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.
- 158.** In page 92, lines 27 to 29, to delete all words from and including “as” in line 27 down to and including “agreement” in line 29 and substitute the following:
- “as may be prescribed for the purposes of affordable dwelling purchase arrangements”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

- 159.** In page 92, lines 41 and 42, to delete all words from and including “as the housing authority” in line 41 down to and including “order” in line 42 and substitute the following:

“as may be prescribed for the purposes of affordable dwelling purchase arrangements”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

- 160.** In page 92, lines 48 and 49, to delete “as the housing authority may specify” and substitute the following:

“as may be prescribed for the purposes of affordable dwelling purchase arrangements”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

- 161.** In page 93, line 14, after “or 90” to insert “, as the case may be,”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

- 162.** In page 95, line 2, to delete “purchaser” and substitute “purchase”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

- 163.** In page 95, line 35, after “demand” to insert “for such dwellings”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

- 164.** In page 97, line 18, after “shall” to insert the following:

“, subject to such regulations as may be made under *section 95*,”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

- 165.** In page 101, lines 1 and 2, to delete all words from and including “*section*” in line 1 down to and including “be,” in line 2 and substitute “*sections 86, 87, 89 and 90*,”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

- 166.** In page 101, line 19, to delete “on the commencement of” and substitute “on the coming into operation of”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

- 167.** In page 102, lines 26 to 29, to delete all words from and including “for” in line 26 down to and including “Act” in line 29 and substitute the following:

“the Minister may distribute any surplus funds to housing authorities for the purposes specified in *subsection (5)(c)*”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

- 168.** In page 103, between lines 10 and 11, to insert the following:

“(f) the form of a transfer order;”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

- 169.** In page 103, lines 33 to 35, to delete all words from and including “this Part” in line 33 down to and including “(be)” in line 35 and substitute the following:

“this Part, *section 7* (in so far as it applies to the Act of 2002 or the Planning and Development Act 2000, as the case may be) and *section 8* (in so far as it applies to the Planning and Development Act 2000)”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

- 170.** In page 104, between lines 18 and 19, to insert the following:

“(5) Notwithstanding the repeal by *section 7* of sections 2, 3 and 9 of the Act of 1992 and section 10 of the Act of 2002, those provisions and any regulations made thereunder shall, after the coming into operation of *section 7* (in so far as it applies to the Act of 1992 and the Act 2002), continue to apply to a shared ownership leases granted under section 3 of the Act of 1992 before the said coming into operation of *section 7* as if *section 7* had not come into operation.

(6) Notwithstanding the repeal by *section 7* of sections 98, 99 and 100 of the Planning and Development Act 2000, those provisions and any regulations made thereunder shall, after the coming into operation of *section 7* (in so far as it applies to the said Act), continue to apply to affordable housing (within the meaning of that Act) sold or leased under section 98 of that Act before the said coming into operation of *section 7* as if *section 7* had not come into operation.

(7) Notwithstanding the repeal by *section 7* of sections 6, 8 and 9 of the Act of 2002, those provisions and any regulations made thereunder shall, after the coming into operation of *section 7* (in so far as it applies to the said Act), continue to apply to affordable houses (within the meaning of that Act) sold before the said coming into operation of *section 7* as if *section 7* had not come into operation.”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

171. In page 105, to delete lines 34 and 35 and substitute the following:

“(d) the maximum grant payable for the purposes of *paragraph (a)(ii)* or *(b)* of *subsection (2)*.”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

172. In page 106, line 6, after “purchaser,” to insert “the vendor shall pay to the housing authority”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

173. In page 106, lines 8 and 9, to delete “, shall be paid by the vendor to the housing authority”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

174. In page 107, between lines 49 and 50, to insert the following:

“(17) The housing authority shall not be liable for any expenses incurred by a vendor under *subsection (16)*.”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

175. In page 109, after line 15, to insert the following:

“PART 6

AMENDMENTS TO THE RESIDENTIAL TENANCIES ACT 2004

Amendments to
Residential
Tenancies Act 2004.

100.—(1) In this section “Act of 2004” means the Residential Tenancies Act 2004.

(2) Section 3 of the Act of 2004 is amended—

(a) in *subsection (2)(c)(ii)*, by substituting “a household within the meaning of the *Housing (Miscellaneous Provisions) Act 2009* assessed under *section 20* of that Act as being qualified for social housing support” for “a person referred to in *section 9(2)* of the *Housing Act 1988*”, and

(b) by inserting the following subsection:

“(3) Notwithstanding the definition of “tenancy” in section 5(1), in this section a reference to a tenancy does not include a tenancy the term of which is more than 35 years.”.

(3) Section 12 of the Act of 2004 is amended—

(a) in subsection (1), by inserting the following after paragraph (b):

“(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,”,

(b) in subsection (4)(a), by substituting the following for subparagraph (i):

“(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”,

and

(c) by substituting the following for subsection (4)(b):

“(b) where, at the date of the request for return or repayment, there is a default in—

(i) the payment of rent, or any other charges or taxes payable by the tenant in accordance with the lease or tenancy agreement, or

(ii) compliance with section 16(f),

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).”.

(4) Section 135 of the Act of 2004 is amended—

(a) by deleting subsection (2), and

(b) in subsection (5), by substituting “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”.

(5) The Act of 2004 is amended by inserting the following section after section 147:

“Disclosure of certain information to Revenue Commissioners.

147A.—The Board shall, at such intervals as are specified by the Revenue Commissioners, disclose to the Revenue Commissioners information contained in the register the disclosure of which to the Revenue Commissioners is reasonably necessary for the performance by the Revenue Commissioners of their functions.”.

(6) The amendment provided for in *subsection (2)(b)* does not affect any matter referred to the Private Residential Tenancies Board for resolution under Part 6 of the Act of 2004 before the coming into operation of this section.”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

176. In page 112, to delete lines 11 to 16.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

177. In page 124, to delete lines 11 to 52, and in page 125, to delete lines 1 to 21*.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

*[*Note: A printer error has resulted in incorrect line references in page 125 of the Bill. The line references in this amendment relate to the actual number of lines of text contained in page 125 of the Bill.]*

178. In page 125, after line 43, to insert the following:

“(c) conditions providing for a provisional tenancy during the first 12 months, whereby the tenancy may be terminated without notice, or with short notice, in the event of anti-social behaviour during that period;”.

—Ciarán Lynch.