



DÁIL ÉIREANN

AN BILLE UM PLEANÁIL AGUS FORBAIRT (TITHÍOCHT) AGUS UM THIONÓNTACHTAÍ CÓNAITHE, 2016 PLANNING AND DEVELOPMENT (HOUSING) AND RESIDENTIAL TENANCIES BILL 2016

LEASUITHE TUARASCÁLA REPORT AMENDMENTS

DÁIL ÉIREANN

AN BILLE UM PLEANÁIL AGUS FORBAIRT (TITHÍOCHT) AGUS UM THIONÓNTACHTAÍ CÓNAITHE, 2016 —AN TUARASCÁIL

PLANNING AND DEVELOPMENT (HOUSING) AND RESIDENTIAL TENANCIES BILL 2016 —REPORT

Leasuithe Amendments

1. In page 5, to delete lines 30 to 33 and substitute the following:

- “(3) (a) Subject to *paragraphs (b) and (c)*, this Act comes into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.
- (b) *Sections 32* to 36*, sections 45*, 46* and 50** come into operation on the day following the passing of this Act.
- (c) *Part 5* comes into operation on the passing of this Act.”.

—An tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitiúil.

[**These are the appropriate references if amendment numbers 54, 55, 67, 68, 69, 110, 111 and 113 are accepted.*]

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

“Report on the causes of delays in the construction of housing

3. The Minister for Housing, Planning, Community and Local Government is to report within three months of the enactment of the *Planning and Development (Housing) and Residential Tenancies Act 2016* on the causes of delays in the construction of housing, including—
- (a) delays caused by the hoarding of land by landowners and developers,
 - (b) delays attributable to developers during the planning and pre-planning process,
 - (c) delays related to tendering rules and processes in the case of local authority own development,
- and on the measures needed to address them.”.

—Ruth Coppinger, Mick Barry, Paul Murphy.

3. In page 6, to delete lines 10 to 35, and in page 7, to delete lines 1 to 22.

—Mick Wallace, Clare Daly, Catherine Connolly, Thomas Pringle, Eamon Ryan, Catherine Martin, Catherine Murphy, Róisín Shortall, Richard Boyd Barrett, Gino Kenny, Bríd Smith.

4. In page 7, to delete lines 23 to 40, and in page 8, to delete lines 1 to 27.

—Mick Wallace, Clare Daly, Catherine Connolly, Thomas Pringle, Ruth Coppinger, Mick Barry, Paul Murphy, Eamon Ryan, Catherine Martin, Catherine Murphy, Róisín Shortall, Richard Boyd Barrett, Gino Kenny, Bríd Smith.

5. In page 8, to delete lines 26 and 27.

—An tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitiúil.

Amendments to Amendment No. 5.

1. To delete the proposed amendment no. 5.

—Eamon Ryan, Catherine Martin.

6. In page 8, to delete lines 26 and 27 and substitute:

“(6) A permission granted under this Part may not be extended.”.

—Mick Wallace, Clare Daly, Catherine Connolly, Thomas Pringle.

7. In page 8, between lines 27 and 28, to insert the following:

“(7) The Derelict Sites Act 1990 is amended—

(a) in section 8, by inserting the following subsection after subsection (9):

“(10) The register, and the process by which sites are entered onto the register, shall be made publicly available online on the local authority’s website within 4 weeks of the commencement of the *Planning and Development (Housing) and Residential Tenancies Act 2016*.”.

(b) by inserting the following section after section 14:

“**14A.** A local authority may acquire by agreement or compulsorily any derelict site situated within their functional area for housing purposes after two years of the site’s registration on the register of derelict sites.”.

and

(c) in section 23, by substituting “nine per cent” for “three per cent” and “five per cent” for “two per cent”.

—Eamon Ryan, Catherine Martin.

8. In page 8, between lines 27 and 28, to insert the following:

“(7) The Urban Regeneration and Housing Act 2015 is amended—

(a) in section 5(2) by the deletion of “exceeding 0.05 hectares”.

- (b) in section 11(1), by the substitution of “1 October 2017” for “1 June 2018” and “1 June 2017” for “1 January 2018”,
- (c) in section 11(1)(c), by the substitution of “2017” for “2018”,
- (d) by the deletion of section 14,
- (e) in section 15(1), by the substitution of “2017” for “2018”,
- (f) in section 15(3), by the substitution of “2018” for “2019”, and
- (g) in section 16—
 - (i) in subsection (1), by the substitution of “5 per cent” for “3 per cent”,
 - (ii) by the insertion of the following subsections after subsection (2):
 - “(2A) Subsection (2) does not apply to a site that is owned in the course of a business that consists of dealing in or developing land.
 - (2B) The vacant site levy determined in accordance with subsection (1) will increase, in each subsequent year, by 1 per cent of the market value of the vacant site determined in accordance with section 12.”,
 - (iii) in subsection (2), by the deletion of paragraph (a), and
 - (iv) by the insertion of the following subsection after subsection (8):
 - “(9) A local authority may acquire by agreement or compulsorily any vacant site situated within their functional area for housing purposes after two years of the site’s registration on the register of vacant sites.”.

—Eamon Ryan, Catherine Martin.

- 9.** In page 8, to delete lines 28 to 40, to delete page 9, and in page 10, to delete lines 1 to 33.

—Mick Wallace, Clare Daly, Catherine Connolly, Thomas Pringle, Ruth Coppinger,
Mick Barry, Paul Murphy, Eamon Ryan, Catherine Martin, Catherine Murphy,
Róisín Shortall, Richard Boyd Barrett, Gino Kenny, Bríd Smith.

- 10.** In page 10, to delete lines 34 to 41, to delete pages 11 and 12, and in page 13, to delete lines 1 to 26.

—Mick Wallace, Clare Daly, Catherine Connolly, Thomas Pringle, Ruth Coppinger,
Mick Barry, Paul Murphy, Eamon Ryan, Catherine Martin, Catherine Murphy,
Róisín Shortall, Richard Boyd Barrett, Gino Kenny, Bríd Smith.

- 11.** In page 11, to delete lines 12 to 17 and substitute the following:

“(a) subject to *subsection (3)*, return to the prospective applicant concerned the copies of the request and statement submitted to it for the purposes of *paragraphs (a) and (b)*, respectively, of *section 5(4)*, and”.

—An tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitiúil.

Amendments to Amendment No. 11.

1. To delete the proposed amendment no. 11.

—Eamon Ryan, Catherine Martin.

12. In page 13, to delete lines 27 to 40, and in page 14, to delete lines 1 to 25.

—Mick Wallace, Clare Daly, Catherine Connolly, Thomas Pringle, Ruth Coppinger, Mick Barry, Paul Murphy, Eamon Ryan, Catherine Martin, Catherine Murphy, Róisín Shortall, Richard Boyd Barrett, Gino Kenny, Bríd Smith.

13. In page 14, to delete lines 26 to 41, to delete pages 15 to 18, and in page 19, to delete lines 1 to 12.

—Mick Wallace, Clare Daly, Catherine Connolly, Thomas Pringle, Ruth Coppinger, Mick Barry, Paul Murphy, Eamon Ryan, Catherine Martin, Catherine Murphy, Róisín Shortall, Richard Boyd Barrett, Gino Kenny, Bríd Smith.

14. In page 19, to delete lines 13 to 40, to delete pages 20 and 21, and in page 22, to delete lines 1 to 33.

—Mick Wallace, Clare Daly, Catherine Connolly, Thomas Pringle, Ruth Coppinger, Mick Barry, Paul Murphy, Eamon Ryan, Catherine Martin, Catherine Murphy, Róisín Shortall, Richard Boyd Barrett, Gino Kenny, Bríd Smith.

15. In page 20, between lines 10 and 11, to insert the following:

“(h) the requirements of the Energy Efficiency Directives, and

(i) the requirements of the public participation obligations arising from the Aarhus Convention.”

—Eamon Ryan, Catherine Martin.

16. In page 21, line 37, to delete “vary” and substitute “extend”.

—An tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitiúil.

Amendments to Amendment No. 16.

1. To delete the proposed amendment no. 16.

—Eamon Ryan, Catherine Martin.

17. In page 22, to delete lines 34 to 41, and in page 23, to delete lines 1 to 24.

—Mick Wallace, Clare Daly, Catherine Connolly, Thomas Pringle, Ruth Coppinger, Mick Barry, Paul Murphy, Eamon Ryan, Catherine Martin, Catherine Murphy, Róisín Shortall, Richard Boyd Barrett, Gino Kenny, Bríd Smith.

18. In page 23, to delete lines 25 to 40, and in page 24, to delete lines 1 to 31.

—Mick Wallace, Clare Daly, Catherine Connolly, Thomas Pringle, Ruth Coppinger, Mick Barry, Paul Murphy, Eamon Ryan, Catherine Martin, Catherine Murphy, Róisín Shortall, Richard Boyd Barrett, Gino Kenny, Bríd Smith.

19. In page 24, to delete lines 32 to 39, and in page 25, to delete lines 1 to 21.

—Mick Wallace, Clare Daly, Catherine Connolly, Thomas Pringle, Ruth Coppinger,
Mick Barry, Paul Murphy, Eamon Ryan, Catherine Martin, Catherine Murphy,
Róisín Shortall, Richard Boyd Barrett, Gino Kenny, Bríd Smith.

20. In page 25, line 10, after “as the case may be” to insert “, and the circumstances in which the Board shall not pay any proportion of the fee to such planning authority or authorities”.

—An tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitiúil.

Amendments to Amendment No. 20.

1. To delete the proposed amendment no. 20.

—Eamon Ryan, Catherine Martin.

21. In page 25, to delete lines 22 to 41, and in page 26, to delete lines 1 to 12.

—Mick Wallace, Clare Daly, Catherine Connolly, Thomas Pringle, Ruth Coppinger,
Mick Barry, Paul Murphy, Eamon Ryan, Catherine Martin, Catherine Murphy,
Róisín Shortall, Richard Boyd Barrett, Gino Kenny, Bríd Smith.

22. In page 26, to delete lines 13 to 21.

—Mick Wallace, Clare Daly, Catherine Connolly, Thomas Pringle, Ruth Coppinger,
Mick Barry, Paul Murphy, Eamon Ryan, Catherine Martin, Catherine Murphy,
Róisín Shortall, Richard Boyd Barrett, Gino Kenny, Bríd Smith.

23. In page 26, to delete lines 22 to 29.

—Mick Wallace, Clare Daly, Catherine Connolly, Thomas Pringle, Ruth Coppinger,
Mick Barry, Paul Murphy, Eamon Ryan, Catherine Martin, Catherine Murphy,
Róisín Shortall, Richard Boyd Barrett, Gino Kenny, Bríd Smith.

24. In page 26, to delete lines 30 to 36.

—Mick Wallace, Clare Daly, Catherine Connolly, Thomas Pringle, Ruth Coppinger,
Mick Barry, Paul Murphy, Eamon Ryan, Catherine Martin, Catherine Murphy,
Róisín Shortall, Richard Boyd Barrett, Gino Kenny, Bríd Smith.

25. In page 27, to delete lines 1 to 10.

—Mick Wallace, Clare Daly, Catherine Connolly, Thomas Pringle, Ruth Coppinger,
Mick Barry, Paul Murphy, Eamon Ryan, Catherine Martin, Catherine Murphy,
Róisín Shortall, Richard Boyd Barrett, Gino Kenny, Bríd Smith.

26. In page 27, to delete lines 11 to 41, and in page 28, to delete lines 1 to 15.

—Mick Wallace, Clare Daly, Catherine Connolly, Thomas Pringle, Ruth Coppinger,
Mick Barry, Paul Murphy, Eamon Ryan, Catherine Martin, Catherine Murphy,
Róisín Shortall, Richard Boyd Barrett, Gino Kenny, Bríd Smith.

27. In page 28, between lines 15 and 16, to insert the following:

“Amendment of section 143 of Act of 2000

19. Section 143 of the Act of 2000 is amended by the deletion of subsection (1)(a) and substitution of the following:

“(1) (a) The Board shall, in performing its functions, be bound by the policies and objectives of the relevant planning authorities and relevant planning authorities’ development plan and any other body which is a public authority whose functions have, or may have, a bearing on the proper planning and sustainable development of cities, towns or other areas, whether urban or rural.”.

—Mick Wallace, Clare Daly, Catherine Connolly, Thomas Pringle.

28. In page 28, to delete lines 16 to 39.

—Mick Wallace, Clare Daly, Catherine Connolly, Thomas Pringle, Ruth Coppinger, Mick Barry, Paul Murphy, Eamon Ryan, Catherine Martin, Catherine Murphy, Róisín Shortall, Richard Boyd Barrett, Gino Kenny, Bríd Smith.

29. In page 29, to delete lines 1 to 7.

—Mick Wallace, Clare Daly, Catherine Connolly, Thomas Pringle, Catherine Murphy, Róisín Shortall, Richard Boyd Barrett, Gino Kenny, Bríd Smith.

30. In page 29, line 4, to delete “paragraph (a) there were inserted the following after subparagraph (III)” and substitute “paragraph (a)(i) there were inserted the following after clause (III)”.

—An tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitiúil.

31. In page 29, to delete lines 8 to 12.

—Mick Wallace, Clare Daly, Catherine Connolly, Thomas Pringle, Catherine Murphy, Róisín Shortall, Richard Boyd Barrett, Gino Kenny, Bríd Smith.

32. In page 29, between lines 12 and 13, to insert the following:

“Construction of sections 176A, 176B and 176C (screening for environmental impact assessment) of Act of 2000 during specified period

22. Sections 176A, 176B and 176C shall not apply during the specified period to a proposed strategic housing development in respect of which a prospective applicant has, in accordance with *section 7(1)(a)*, requested the Board to make a determination whether it is likely to have significant effects on the environment.”.

—An tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitiúil.

Amendments to Amendment No. 32.

1. To delete the proposed amendment no. 32.

—Ruth Coppinger, Mick Barry, Paul Murphy.

33. In page 29, to delete lines 13 to 19.

—Mick Wallace, Clare Daly, Catherine Connolly, Thomas Pringle, Ruth Coppinger,
Mick Barry, Paul Murphy, Catherine Murphy, Róisín Shortall, Richard Boyd Barrett,
Gino Kenny, Bríd Smith.

34. In page 29, to delete lines 20 to 23.

—Mick Wallace, Clare Daly, Catherine Connolly, Thomas Pringle, Ruth Coppinger,
Mick Barry, Paul Murphy, Catherine Murphy, Róisín Shortall, Richard Boyd Barrett,
Gino Kenny, Bríd Smith.

35. In page 29, to delete lines 24 to 33.

—Mick Wallace, Clare Daly, Catherine Connolly, Thomas Pringle, Catherine Murphy,
Róisín Shortall, Richard Boyd Barrett, Gino Kenny, Bríd Smith.

36. In page 29, to delete lines 36 and 37, to delete pages 30 to 34, and in page 35, to delete lines 1 to 30.

—Mick Wallace, Clare Daly, Catherine Connolly, Thomas Pringle.

37. In page 30, to delete lines 12 to 25 and substitute the following:

“(2) (a) Subject to section 176B, where a proposed development is of a class standing specified in Part 2 of Schedule 5 to the Planning and Development Regulations 2001 and does not exceed the relevant quantity, area or other limit standing specified in that Part, an application for a screening for environmental impact assessment in respect of that development may be submitted to the planning authority in whose area the development would be situated.

(b) Subject to section 176B, where a proposed development is of a class standing prescribed under section 176 for the purposes of this paragraph, an application for a screening for environmental impact assessment in respect of that development shall be submitted to the planning authority in whose area the development would be situated.”.

—An tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitiúil.

38. In page 33, to delete lines 5 to 8 and substitute the following:

“(i) stating that the determination may be referred to the Board for review by—

(I) the applicant,

(II) the owner of the land, where he or she is not the applicant,

(III) the occupier of the land, where he or she is not the applicant or the owner of the land, and

(IV) any person or body consulted by the planning authority about the application,

(ii) stating that a person may question the validity of either or both—

(I) the screening determination for environmental impact assessment by the planning authority, and

(II) any determination by the Board of the said screening determination,

by way of an application for judicial review, under Order 84 of the Rules of the Superior Courts (S.I. No. 15 of 1986), in accordance with sections 50 and 50A of the Act of 2000, and”.

—An tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitiúil.

39. In page 33, line 9, to delete “(ii) identifying” and substitute “(iii) identifying”.

—An tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitiúil.

40. In page 35, between lines 11 and 12, to insert the following:

“(i) indicating the place or places at which the documents relating to the making of its determination are available for inspection and purchase by members of the public and, where applicable, the availability of the said documents for inspection by electronic means,”.

—An tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitiúil.

41. In page 35, line 12, to delete “(i) stating that” and substitute “(ii) stating that”.

—An tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitiúil.

42. In page 35, line 16, to delete “(ii) identifying” and substitute “(iii) identifying”.

—An tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitiúil.

43. In page 35, to delete lines 31 to 39, and in page 36, to delete lines 1 to 17.

—Mick Wallace, Clare Daly, Catherine Connolly, Thomas Pringle.

44. In page 36, between lines 19 and 20, to insert the following:

“Amendment of section 28 of Act of 2000

27. Section 28 of the Act of 2000 (as amended by section 2 of the Act of 2015) is amended by the deletion of subsection (1C).”.

—Eamon Ryan, Catherine Martin.

45. In page 36, to delete lines 20 to 38, and in page 37, to delete lines 1 to 23 and substitute the following:

“27. Section 42 of the Planning and Development Act 2000 (as amended by section 28 of the Planning and Development (Amendment) Act 2010) is amended by the insertion of the following new subsections after subsection (7):

- “(8) Where expedient to do so, the development works shall be designated in phases according to the quantity of works deemed necessary by the planning authority to complete each phase.
- (9) The development shall, subject to section 180 of this Act, be taken in charge by a local authority on a phased basis once each phase referred to in subsection (8) is completed consistent with the original planning permission.
- (10) All works required to complete the development, either singularly or in phases and consistent with the original planning permission, shall be completed within five years.
- (11) The term of any bond or security that is a condition to which permission for a development specified in this section has been subject shall be extended to a period not exceeding five years.”.

—Catherine Murphy, Róisín Shortall.

46. In page 36, to delete lines 21 and 22 and substitute following:

“27. (1) Section 42 of the Act of 2000 is amended—

(a) in subsection (1)—

- (i) by substituting “Subject to subsection (8), on application to it in that behalf” for “On application to it in that behalf”,
- (ii) in paragraph (a)(ii) by inserting “and” at the end of clause (II), substituting “section,” for “section, and” in clause (III) and deleting clause (IV), and
- (iii) by inserting the following after paragraph (a):

“(aa) an environmental impact assessment or an appropriate assessment, or both of those assessments, were not required before the permission was granted,”,

and

(b) by inserting the following after subsection (7):

“(8) Subparagraph (ii) of subsection (1)(a) does not apply in the case of a permission granted under *section 9 of the Planning and Development (Housing) and Residential Tenancies Act 2016*.”.

(2) During the period from the passing of this Act until 31 December 2021, section 42 of the Act of 2000 has effect—”.

—An tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitiúil.

Amendments to Amendment No. 46.

I. To delete subsection (1)(a)(ii).

—Ruth Coppinger, Mick Barry, Paul Murphy.

47. In page 37, to delete lines 24 to 37.

—Ruth Coppinger, Mick Barry, Paul Murphy.

48. In page 37, to delete lines 31 to 33.

—Eamon Ryan, Catherine Martin.

49. In page 37, to delete lines 32 and 33.

—An tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitiúil.

50. In page 37, line 34, to delete “(ii) it has to be passed” and substitute “(i) it has to be passed”.

—An tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitiúil.

51. In page 37, line 34, after “6 weeks” to insert “after the first Council meeting after the expiration of 2 weeks”.

—Eamon Ryan, Catherine Martin.

52. In page 37, line 36, to delete “(iii) in the case of” and substitute “(ii) in the case of”.

—An tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitiúil.

53. In page 38, between lines 2 and 3, to insert the following:

“29. Dáil Éireann formally declares that a housing emergency exists in the State and while this emergency continues the right of any person to remain in the dwelling in which the person currently resides will take precedence over any property right of any other person—

- (a) accordingly no court or other authority shall order the removal of the current occupant of a dwelling, or by its decisions enable such removal notwithstanding the provisions of any Act currently in force including the provisions of the Land and Conveyancing Law Reform Act 2013,
- (b) the housing emergency declared in this section can only be terminated by a vote of Dáil Éireann, and the Government, including any Minister of the Government, are precluded from annulling the housing emergency without approval in such a vote,
- (c) in view of the housing emergency declared here, the power of any Minister of Government to raise the market value threshold of €75,000 for single or multiple dwellings for consideration of possession of dwellings cases by the Circuit Court by activating or commencing sections of existing Acts without approval by a vote of Dáil Éireann, is cancelled.”.

—Seamus Healy.

54. In page 38, between lines 11 and 12, to insert the following:

“Amendment of section 12 (obligations of landlords) of Act of 2004

32. Section 12 of the Act of 2004 is amended in subsection (1) by substituting “complaint,” for “complaint.” in paragraph (h)(iii) and inserting the following paragraph after

paragraph (h):

“(i) in the case of a tenancy of a dwelling in a rent pressure zone (within the meaning given in section 19(7)), where the tenancy commences on or after the commencement of *section 32** of the *Planning and Development (Housing) and Residential Tenancies Act 2016*, furnish the tenant, in writing, with the following information at the commencement of the tenancy:

- (i) the amount of rent that was last set under a tenancy for the dwelling;
- (ii) the date the rent was last set under a tenancy for the dwelling;
- (iii) a statement as to how the rent set under the tenancy of the dwelling has been calculated having regard to section 19(4).”.

—An tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitiúil.

[*This is a reference to the section proposed to be inserted by this amendment.]

Amendments to Amendment No. 54.

I. To insert the following after subparagraph (iii):

- “(iv) a statement as to how the rent set under the tenancy of the dwelling has been calculated having regard to section 19(4), and
- (v) a certificate from the Residential Tenancies Board stating that this level of rent is in compliance with this Act.”.

—Ruth Coppinger, Mick Barry, Paul Murphy.

55. In page 38, between lines 11 and 12, to insert the following:

“Amendment of section 19 (setting of rent above market rent prohibited) of Act of 2004

32. Section 19 of the Principal Act is amended by inserting the following subsections after subsection (2):

- “(3) The setting of the rent under the tenancy of a dwelling that is carried out on or after the relevant date shall be subject to subsections (4) to (7).
- (4) Subject to subsection (5), in setting, at any particular time, the rent under a tenancy of a dwelling in a rent pressure zone, an amount of rent shall not be provided for that is greater than the amount determined by the formula—

$$R \times (1 + 0.04 \times t/12)$$

where—

R is the amount of rent last set under a tenancy for the dwelling,

t is the number of months between—

- (a) (i) the date the current rent came into effect under a tenancy for the dwelling, or
 - (ii) where paragraph (a) does not apply but the dwelling was previously let, other than in circumstances to which subsection (5) applies, the date rent became payable under a tenancy for the dwelling as last so let,
 - and
 - (b) the date the rent for the tenancy of the dwelling will come into effect after its determination under this subsection.
- (5) Subsection (4) does not apply—
- (a) where a dwelling has not at any time been the subject of a tenancy during the period of 2 years prior to the date the area is prescribed under section 24A as a rent pressure zone or deemed to be so prescribed;
 - (b) if, in the period since the rent was last set under a tenancy for the dwelling—
 - (i) a substantial change in the nature of the accommodation provided under the tenancy occurs, and
 - (ii) the rent under the tenancy, were it to be set immediately after that change, would, by virtue of that change, be different to what was the market rent for the tenancy at the time the rent was last set under a tenancy for the dwelling.
- (6) Where immediately before the relevant date a notice under section 22(2)—
- (a) has been served on the tenant, or
 - (b) the rent review concerned has commenced,
- then subsections (3) and (4) shall not apply to the new rent, referred to in section 22(2), stated in that notice in accordance with that section.
- (7) In this section—
- ‘relevant date’ means the date *section 32** of the *Planning and Development (Housing) and Residential Tenancies Act 2016* comes into operation;
- ‘rent pressure zone’ means an area—
- (a) prescribed by the Minister by order under section 24A as a rent pressure zone under that section, or
 - (b) in respect of an area to which section 24B relates, deemed to be so prescribed by the Minister under section 24A.”.”.

—An tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitiúil.

[*This is a reference to the section proposed to be inserted by amendment number 54.]

Amendments to Amendment No. 55.

1. To delete the proposed amendment no. 55 and substitute the following:

“Amendment of section 19 (setting of rent above market rent prohibited) of Act of 2004

32. Section 19 of the Act of 2004 is amended by the insertion of the following subsections after subsection (2):

“(3) The setting of rent under the tenancy of a dwelling that is carried out on or after the relevant date shall be subject to subsections (4) to (7).

(4) Subject to subsection (5), in setting, at any particular time, the rent under a tenancy of a dwelling in a rent pressure zone, an amount of rent shall not be provided for that is greater than the amount determined by the formula—

$$R \times (1 + c \times t/12)$$

Where—

R is the amount of rent last set under a tenancy for the dwelling,

c is the consumer price index in the given year,

t is the number of months between—

(a) (i) the date the current rent came into effect under a tenancy for the dwelling not being more than twelve months, or

(ii) where paragraph (a) does not apply but the dwelling was previously let, the date rent became payable under a tenancy for the dwelling as last so let,

and

(b) the date the rent for the tenancy of the dwelling will come into effect after its determination under this subsection.””.

—Eoin Ó Broin.

2. To delete the proposed amendment no. 55 and substitute the following:

“32. Section 19 of the Principal Act is amended by inserting the following subsection after subsection (2):

“(3) The setting of rent under the tenancy of a dwelling that is carried out on or after the relevant date shall be linked to the Consumer Price Index.”.

—Catherine Murphy, Róisín Shortall.

3. To delete the proposed amendment no. 55 and substitute the following:

“Amendment of section 19 (setting of rent above market rent prohibited) of Act of 2004

32. Section 19 of the Principal Act is amended by inserting the following subsections after subsection (2):

“(3) The setting of the rent under the tenancy of a dwelling that is carried out on or after the relevant date shall be subject to subsections (4) to (7).

(4) Subject to subsection (5), in setting, at any particular time, the rent under a tenancy of a dwelling in a rent pressure zone, an amount of rent shall not be provided for that is greater than the amount determined by the formula—

$$R \times (1 + 0.00 \times t/12)$$

where—

R is the amount of rent last set under a tenancy for the dwelling,

t is the number of months between—

(a) (i) the date the current rent came into effect under a tenancy for the dwelling, or

(ii) where paragraph (a) does not apply but the dwelling was previously let, other than in circumstances to which subsection (5) applies, the date rent became payable under a tenancy for the dwelling as last so let,

and

(b) the date the rent for the tenancy of the dwelling will come into effect after its determination under this subsection.

(5) In this section—

‘relevant date’ means the date *section 32** of the *Planning and Development (Housing) and Residential Tenancies Act 2016* comes into operation;

‘rent pressure zone’ means an area—

(a) prescribed by the Minister by order under section 24A as a rent pressure zone under that section, or

(b) in respect of an area to which section 24B relates, deemed to be so prescribed by the Minister under section 24A.”.”.

—Richard Boyd Barrett, Gino Kenny, Bríd Smith.

4. In subsection (4), to delete in “ $R \times (1 + 0.04 \times t/12)$ ” and substitute “ $R \times (1 + .02 \times t/12)$ ”.

—Barry Cowen.

5. In subsection (4), to delete “ $R \times (1 + 0.04 \times t/12)$ ” and substitute “ $R \times (1 + 0.00 \times t/12)$ ”.

—Ruth Coppinger, Mick Barry, Paul Murphy.

6. In subsection (4), to delete all words from and including “, an amount” down to and including paragraph (b) and substitute “increases in rent shall be linked to CPI.”.

—Eamon Ryan, Catherine Martin.

7. To delete subsection (5)(a).

—Ruth Coppinger, Mick Barry, Paul Murphy.

8. To delete subsection 5(b) and substitute the following:

“(6) (a) In subsection (4), if, in the period since the rent was last set under a tenancy for the dwelling, the rent under a tenancy of a dwelling in a rent pressure zone, an amount of rent shall not be provided for that is greater than the amount determined by the formula—

$$R \times (1 + 0.04 + y \times t/12)$$

where—

R and t take the same meaning as assigned by subsection (4),

y is the proportion by which rent can be increased by in any twelve month period, where a substantial change has been made to the accommodation, as defined by paragraph (b).

(b) The RTB will produce and publish a classified list of defined substantial changes in the nature of the accommodation provided under the tenancy, that will enable the rent under the tenancy to be determined under subsection (6) as opposed to subsection (4).

(i) The RTB will set different levels of y for each substantial change it has classified and publish this together with the list of classified substantial changes.

(ii) y can be set between 0.002% and 3% depending on the substantial change classification.

(c) Subsection (4) does not apply if, in the period since the rent was last set under a tenancy for the dwelling—

(i) a substantial change involving a structural alteration in the nature of the accommodation provided under the tenancy occurs,

(ii) the rent under the tenancy, were it to be set immediately after that change, would, by virtue of that change, be different to what was the market rent for the tenancy at the time the rent was last set under a tenancy for the dwelling.

(d) A list of changes that are defined as ‘structural alteration’ for the purposes of this section will be defined by the RTB and

published.”.

—Barry Cowen.

9. In subsection (5)(b)(i), to insert the following after “and”:

“this substantial change has been approved by the Residential Tenancies Board as qualifying under this section before the landlord notifies the tenant of any new rent.”.

—Ruth Coppinger, Mick Barry, Paul Murphy.

10. To delete subsection (6).

—Ruth Coppinger, Mick Barry, Paul Murphy.

11. To delete subsections (6) and (7) and substitute the following:

“(6) The regulation of rent increases in terms of the Consumer Price Index applies retrospectively to all tenancies.”.

—Eamon Ryan, Catherine Martin.

12. In the definition of “rent pressure zone” in subsection (7), to delete all words from and including “means an area” down to and including “section 24A.”.” and substitute “means the State.”.”.

—Jan O’Sullivan.

56. In page 38, between lines 11 and 12, to insert the following:

“Amendment of section 19 of the Act of 2004

32. Section 19(2)(b) of the Act of 2004 is hereby repealed.”.

—Mick Wallace, Clare Daly, Catherine Connolly, Thomas Pringle.

57. In page 38, between lines 11 and 12, to insert the following:

“Amendment of section 19 of Act of 2004

32. Section 19 of the Act of 2004 is amended by the insertion of the following after “at that time” in subsection (1):

“Market rent is defined as the average price per square metre of a property with equivalent fittings and finish in the same municipal district or local electoral area, as applicable. The average price per square metre in a given area shall be calculated using the data gathered and published in accordance with section 151, subsection (1), paragraph (fb) (as inserted below).”.

—Mick Wallace, Clare Daly, Catherine Connolly, Thomas Pringle.

58. In page 38, between lines 11 and 12, to insert the following:

“Insertion of section 19A in Act of 2004

32. The Act of 2004 is amended by the insertion, after section 19, of the following new section:

“19A. Any subsequent setting of the rent under the tenancy by way of a review of that rent shall not be greater than the level of inflation as indicated in the Consumer Price Index as calculated by the Central Statistics Office at the time of the rent review.”.”

—Mick Wallace, Clare Daly, Catherine Connolly, Thomas Pringle.

59. In page 38, between lines 11 and 12, to insert the following:

“Amendment of section 5 (“relevant date”, “landlord”, “tenant”, “lease”, etc.) of Act of 2004

32. Section 5(1) of the Act of 2004 is amended by deleting the definition of “landlord” and substituting the following:

“ ‘landlord’ means the person for the time being entitled to receive (otherwise than as agent for another person, excepting where that person is acting as receiver) the rent paid in respect of a dwelling by the tenant thereof and, where the context so admits, includes a person who has ceased to be so entitled by reason of the termination of the tenancy. For the avoidance of doubt, ‘landlord’ also means any lender, financial institution, equity fund or investment fund that has taken possession of a dwelling that is the subject of an existing tenancy but where no receiver has been appointed.”.”

—Ruth Coppinger, Mick Barry, Paul Murphy.

60. In page 38, between lines 11 and 12, to insert the following:

“Amendment of section 19 of Act of 2004 to introduce emergency rent controls linked to the Consumer Price Index for all existing rental dwellings, both between and within tenancies

32. The Act of 2004 is amended by the substitution of the following for section 19:

“19. (1) In setting the rent under a tenancy for a dwelling that has previously been the subject of a tenancy, an amount of rent shall not be provided for that is greater than the amount of rent last set for that dwelling, whether under that tenancy or a previous tenancy, plus the rate of inflation since the rent was last set, as indicated in the latest Consumer Price Index calculated by the Central Statistics Office.

(2) In setting the rent under a tenancy for a dwelling that has not previously been the subject of a tenancy, an amount of rent shall not be provided for that is greater than the amount of rent currently charged

for 3 dwellings of similar size, type and character, and situated in a comparable area, as notified to the Residential Tenancies Board.

- (3) In this section, ‘the rent last set for that dwelling’ is a reference to the rent last notified in respect of the dwelling in question to the Residential Tenancies Board.”.”.

—Ruth Coppinger, Mick Barry, Paul Murphy.

61. In page 38, between lines 11 and 12, to insert the following:

“Report on a permanent system of rent controls and the massive expansion of social and affordable housing needed to reduce rents to affordable levels

32. The Minister for Housing, Planning, Community and Local Government is to report within three months of the enactment of the *Planning and Development (Housing) and Residential Tenancies Act 2016* on the measures needed to establish a permanent system of rent controls that in combination with a massive increase in direct build and acquisition of social and affordable housing by the State would permanently reduce rents from their current unaffordable levels.”.

—Ruth Coppinger, Mick Barry, Paul Murphy.

62. In page 38, between lines 11 and 12, to insert the following:

“Amendment of section 22(2) of Act of 2004 to extend the notice period for new rents to 180 days

32. Section 22(2) of the Act of 2004 is amended by substituting “180 days” for “90 days”.”.

—Ruth Coppinger, Mick Barry, Paul Murphy.

63. In page 38, between lines 11 and 12, to insert the following:

“Setting of rent increases above rate of inflation prohibited

- “32. The Principal Act is amended by inserting the following after section 19A:

“Setting of rent increases above rate of inflation prohibited

- 19B. (1) Without prejudice to section 19 and notwithstanding anything in section 19A, in setting at any particular time—

(a) the initial rent under the tenancy of a dwelling that was the subject to a tenancy in the previous year, and

(b) any subsequent rent under the tenancy of a dwelling, by way of a review of that rent,

a landlord may not increase the annual rent payable under the tenancy of a dwelling by more than the change in the consumer price index (if any) since the rent was last set.

- (2) For the purposes of this subsection (1), ‘change in the consumer price

index' means the difference between—

- (a) the All Items Consumer Price Index Number last published by the Central Statistics Office before the date of the increase in rent, and
 - (b) the Number last published before the date when the rent was last set, expressed as a percentage of the first-mentioned number.
- (3) Where a landlord satisfies the Board that he or she has carried out improvement works that result in an increase in the letting value of the dwelling, other than works carried out under—
- (a) section 12(1)(b)(i) or (ii),
 - (b) section 12(1)(g), or
 - (c) otherwise to ensure compliance with any standards for houses for the time being prescribed under section 18 of the Housing (Miscellaneous Provisions) Act 1992,
- the annual rent payable under the tenancy of the dwelling may be increased—
- (i) if the total cost of the improvement works, does not exceed €50,000, by not more than 10 per cent of the total cost,
 - (ii) if the total cost of the improvement works exceeds €50,000, by €5,000 plus not more than 7.5 per cent of the amount by which the total cost exceeds €50,000.
- (4) In any dispute as to the amount of increase in the rent payable under the tenancy of a dwelling that is claimed to be attributable to improvement works, the onus shall be on the landlord to establish—
- (a) the increase in the letting value of the dwelling attributable to the improvement works, and
 - (b) the costs of the improvement works.
- (5) No provision of any lease, tenancy agreement, contract or other agreement (whether entered into before, on or after the coming into operation of this section) may operate to vary, modify or restrict in any way a provision of this section: Provided that this subsection does not prevent the parties from entering into an agreement in respect of the rent payable under a lease or tenancy agreement which is more favourable to the tenant as to its terms than those which would apply under this Part.”.”.

—Jan O’Sullivan.

64. In page 38, between lines 11 and 12, to insert the following:

“Insertion of section 19A in the Act of 2004

32. The Act of 2004 is amended by the insertion, after section 19, of the following new

section:

“19A. Any subsequent setting of the rent under the tenancy by way of a review of that rent shall not be greater or less than the level of inflation as indicated in the Consumer Price Index as calculated by the Central Statistics Office at the time of the rent review.”.”

—Eamon Ryan, Catherine Martin.

65. In page 38, between lines 11 and 12, to insert the following:

“32. Section 5(1) of the Act of 2004 is amended by deleting the definition of “landlord” and substituting the following:

“ ‘landlord’ means the person for the time being entitled to receive (otherwise than as agent for another person, excepting where that person is acting as receiver) the rent paid in respect of a dwelling by the tenant thereof and, where the context so admits, includes a person who has ceased to be so entitled by reason of the termination of the tenancy;”.”

—Richard Boyd Barrett, Gino Kenny, Bríd Smith.

66. In page 38, between lines 11 and 12, to insert the following:

“32. The Minister, within 3 months of the passing of the *Planning and Development (Housing) and Residential Tenancies Act 2016* into law, shall bring a report to the Dáil on the options available for implementing rent controls, bringing rents to affordable levels and providing security of tenure for tenants.”.

—Richard Boyd Barrett, Gino Kenny, Bríd Smith.

67. In page 38, to delete lines 13 and 14 and substitute the following:

“32. Section 22 of the Act of 2004 is amended in subsection (2A)—

- (a) by substituting “paragraph (c)” for “paragraph (d)” in paragraph (d), and
- (b) by deleting “and” where it last occurs in paragraph (d), substituting “signed, and” for “signed.” in paragraph (e) and inserting the following paragraph after paragraph (e):

“(f) where the dwelling is in a rent pressure zone (within the meaning given in section 19(7)), state how the rent set under the tenancy was calculated having regard to section 19(4) or, where section 19(4) does not apply, state why it does not apply.”.”

—An tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitiúil.

Amendments to Amendment No. 67.

I. In paragraph (b), to insert following after paragraph (f):

“(g) where section 19(4) does not apply, include a certificate from the Residential Tenancies Board stating its approval that the Rent Pressure Zone does not apply to the dwelling.”.”

68. In page 38, between lines 14 and 15, to insert the following:

“Rent pressure zones and areas deemed to be rent pressure zones

33. The Act of 2004 is amended by inserting the following sections after section 24:

“Rent pressure zones

24A. (1) The Housing Agency, following consultation with the relevant housing authority, may make a proposal in writing to the Minister that an area be prescribed by order as a rent pressure zone.

(2) As soon as practicable, but no later than 2 weeks after the date of receipt of the proposal under subsection (1), the Minister shall request the Director to make a report to the Minister (in this section referred to as a ‘rent zone report’), in such form as the Minister may approve, on whether, in so far as the area the subject of the proposal is concerned, the criteria specified in subsection (4) for designation as a rent pressure zone are satisfied.

(3) As soon as practicable after the date that the Minister made the request under subsection (2), the Director shall furnish the Minister with the rent zone report.

(4) In making a rent zone report to the Minister, the Director shall confirm whether or not the following criteria have been met—

(a) the information relating to the area concerned, as determined by reference to the information used to compile each Rent Index quarterly report, shows that the annual rate of increase in the average amount of rent for that area is more than 7 per cent in each of at least 4 of the 6 quarters (each being a period of 3 months that is contemporaneous with the period to which the Rent Index quarterly report concerned relates) preceding the period immediately prior to the date of the proposal by the Housing Agency to the Minister under subsection (1), and

(b) the average rent for the area in the last quarter, as determined by reference to the manner referred to in paragraph (a), is above the average national rent (commonly referred to as the Rent Index national standardised rent) in the last quarter.

(5) Where the Minister receives a rent zone report from the Director and the report confirms that the criteria in subsection (4) are satisfied, the Minister shall by order prescribe the area as a rent pressure zone for a specified period not exceeding 3 years.

(6) Where a local electoral area is prescribed by order as a rent pressure zone and, subsequently, any local electoral areas are duly amended in a manner that affects the area of the local electoral area so prescribed,

then the order shall continue to have effect as if the local electoral area concerned had not been so amended.

- (7) The Minister may, on a recommendation from the Housing Agency, by order revoke an order made under subsection (5) or a deemed order under section 24B and, accordingly, section 8(3) does not apply to any such order or deemed order.
- (8) In making a recommendation under subsection (7), the Housing Agency shall consider and provide a report to the Minister, on such matters as may be prescribed having regard to—
 - (a) the operation of the rental market,
 - (b) the operation of the housing market, and
 - (c) changes in rent levels in the period since the area concerned was designated as a rent pressure zone;

and, before making such a recommendation and providing a report under this subsection, the Housing Agency shall consult with the Board and the housing authority concerned on the matter.

- (9) The Board shall publish, in such manner as it thinks fit, a notice of the making of an order by the Minister under subsection (5) or (7).
- (10) In this section—
 - ‘area’ means—
 - (a) the administrative area of a housing authority, or
 - (b) a local electoral area within the meaning of section 2 of the Local Government Act 2001;

‘Housing Agency’ has the same meaning as it has in the Pyrite Resolution Act 2013;

‘Rent Index quarterly reports’ has the meaning given in the definition of ‘Rent Index’;

‘Rent Index’ means the publication known as the Residential Tenancies Board Rent Index which is published by the Board in respect of each successive period of 3 months in every calendar year (in this section referred to as ‘Rent Index quarterly reports’) pursuant to its functions under section 151(1)(e) and includes any other publication that it replaced or may replace it for the purposes of those functions.

Areas deemed to be rent pressure zones

24B. With effect from the relevant date (within the meaning of section 19(7)) and notwithstanding anything to the contrary in section 24A, orders under subsection (5) of that section shall be deemed to have been made in respect of the administrative areas of each of the following housing

authorities:

- (a) Cork City Council;
- (b) Dublin City Council;
- (c) Dun Laoghaire Rathdown County Council;
- (d) Fingal County Council;
- (e) South Dublin County Council;

and, accordingly, each of those areas is deemed to be a rent pressure zone from the relevant date for a period of 3 years.

Application of section 20 (frequency with which rent reviews may occur) to rent pressure zones

24C. (1) Where a tenancy commenced before the relevant date (within the meaning of section 19(7)) and the area in which the tenancy is situated is in a rent pressure zone (within the meaning of that section), then—

- (a) the first rent review after the relevant date shall be carried out in accordance with section 20, and
- (b) any subsequent rent review shall be carried out as if subsections (4) to (6) of section 20 had not been enacted.

(2) Where a tenancy commences on or after the relevant date (within the meaning of section 19(7)), and the area in which the tenancy is situated is in a rent pressure zone (within the meaning of that section), then any rent review after that date shall be carried out as if subsections (4) to (6) of section 20 had not been enacted.”.”

—An tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitiúil.

Amendments to Amendment No. 68.

1. To delete the proposed amendment no. 68 and substitute the following:

“**33.** With effect from the relevant date (within the meaning of section 19(8)) and notwithstanding anything to the contrary, the setting of rent in line with the Consumer Price Index shall be applicable to all tenancy agreements across the country.”.

—Catherine Murphy, Róisín Shortall.

2. To delete section 24A and substitute the following:

“**24A.** (1) The Housing Agency, or a Local Authority, following consultation with the relevant housing authority, may make a proposal in writing to the Minister that an area be prescribed by order as a rent pressure zone.

- (2) The Dáil may, by resolution, and following consultation with the relevant housing authority, make a proposal in writing to the Minister that an area be prescribed by order as a rent pressure zone.
- (3) As soon as practicable, but no later than 2 weeks after the date of

receipt of the proposal under subsection (1) or subsection (2), the Minister shall request the Director to make a report to the Minister (in this section referred to as a 'rent zone report'), in such form as the Minister may approve, on whether, in so far as the area the subject of the proposal is concerned, the criteria specified in subsection (4) for designation as a rent pressure zone are satisfied.

- (4) As soon as practicable after the date that the Minister made the request under subsection (2), the Director shall furnish the Minister with the rent zone report.
- (5) In making a rent zone report to the Minister, the Director shall confirm whether or not the information relating to the area concerned, as determined by reference to the information used to compile each Rent Index quarterly report, shows that the annual rate of increase in the average amount of rent for that area is more than the CPI and/or greater than the average industrial wage increase in the last 12 months preceding the period immediately prior to the date of the proposal by the Housing Agency, Local Authority or Dáil to the Minister under subsections (1) and (2).
- (6) Where the Minister receives a rent zone report from the Director and the report confirms that the criteria in subsection (4) are satisfied, the Minister shall by order prescribe the area as a rent pressure zone for a specified period not less than 3 years.
- (7) Where a local electoral area is prescribed by order as a rent pressure zone and, subsequently, any local electoral areas are duly amended in a manner that affects the area of the local electoral area so prescribed, then the order shall continue to have effect as if the local electoral area concerned had not been so amended.
- (8) The Minister may, on a recommendation from the Housing Agency or Dáil or Local Authority, by order revoke an order made under subsection (5) or a deemed order under section 24B and, accordingly, subsection 8(3) does not apply to any such order or deemed order.
- (9) In making a recommendation under subsection (7), the Housing Agency or Dáil or Local Authority shall consider and provide a report to the Minister, on such matters as may be prescribed having regard to—
 - (a) the operation of the rental market,
 - (b) the operation of the housing market,
 - (c) changes in rent levels in the period since the area concerned was designated as a rent pressure zone,
 - (d) levels of homelessness,
 - (e) changes in Consumer Price Index,

(f) changes in the Average Industrial Wage,

and, before making such a recommendation and providing a report under this subsection the Housing Agency shall consult with the Board and the housing authority concerned on the matter.

(10) The Board shall publish, in such manner as it thinks fit, a notice of the making of an order by the Minister under subsection (5) or (7).

(11) In this section—

‘area’ means—

(a) the administrative area of a housing authority, or

(b) a local electoral area within the meaning of section 2 of the Local Government Act 2001;

‘Housing Agency’ has the same meaning as it has in the Pyrite Resolution Act 2013;

‘Rent Index quarterly reports’ has the meaning given in the definition of ‘Rent Index’;

‘Rent Index’ means the publication known as the Residential Tenancies Board Rent Index which is published by the Board in respect of each successive period of 3 months in every calendar year (in this section referred to as ‘Rent Index quarterly reports’) pursuant to its functions under section 151(1)(e) and includes any other publication that it replaced or may replace it for the purposes of those functions.”.

—Richard Boyd Barrett, Gino Kenny, Bríd Smith.

3. In section 24A(2), to delete “no later than 2 weeks” and substitute “no later than 1 week”.

—Barry Cowen.

4. In section 24A(3), to delete “As soon as practicable” and substitute “Within 2 weeks”.

—Barry Cowen.

5. In section 24A(4), to delete “and” at the end of paragraph (a) and substitute “or”.

—Barry Cowen.

6. In section 24A(4)(a), to delete “at least 4 of the 6 quarters” and substitute “at least 2 of the 6 quarters”.

—Ruth Coppinger, Mick Barry, Paul Murphy.

7. To delete subsection 24A(4)(b).

—Ruth Coppinger, Mick Barry, Paul Murphy.

8. In section 24A(5), to insert the following after “for a specified period not exceeding 3 years.”:

“Three months prior to the expiration of the specified date the Housing

Agency shall initiate a review in respect of the Rent Pressure Zone. Such a review will include a public consultation period and Residential Tenancies Board consultation. Where the Minister receives a rent zone report from the Director arising from said review it shall be laid before the Houses of the Oireachtas. If the report recommends the extension of the Rent Pressure Zone the Minister shall by order prescribe the area as a rent pressure zone for a further specified period not exceeding 3 years.”

—Barry Cowen.

9. In section 24A(5), to delete “zone for a specified period not exceeding 3 years”.

—Ruth Coppinger, Mick Barry, Paul Murphy.

10. To delete section 24B and substitute the following:

“**24B.** With effect from the relevant date (within the meaning of section 19(7)) and notwithstanding anything to the contrary in section 24A, orders under subsection (5) of that section shall be deemed to have been made in respect of the administrative areas of each of the following housing authorities:

- (a) Cork City Council;
- (b) Dublin City Council;
- (c) Dun Laoghaire Rathdown County Council;
- (d) Fingal County Council;
- (e) South Dublin County Council;
- (f) Limerick City and County Council;
- (g) Galway County Council;
- (h) Wicklow County Council;
- (i) Meath County Council;
- (j) Kildare County Council;
- (k) Louth County Council;

and, accordingly, each of those areas is deemed to be a rent pressure zone from the relevant date for a period of not less than 3 years.”.

—Richard Boyd Barrett, Gino Kenny, Bríd Smith.

11. In section 24B(1), to insert following after paragraph (e):

- “(f) Cork County Council;
- (g) Limerick City and County Council;
- (h) Waterford City and County Council;

- (i) Galway City Council;
- (j) any Local Electoral Areas or District Electoral Divisions where rent price inflation has been 5 per cent or above on the preceding 12 months as determined by the Residential Tenancies Board National Rent Index.”.

—Eoin Ó Broin.

12. In section 24B(1), to insert the following after paragraph (e):

- “(f) Galway City Council;
- (g) the former Waterford City Council area as defined under section 17 of the Local Government Reform Act 2014;
- (h) the former Limerick City Council area as defined under section 17 of the Local Government Reform Act 2014;
- (i) surrounding environs of those cities as designated by the Minister.”.

—Barry Cowen.

13. In section 24B(1), to insert the following after paragraph (e):

- “(f) Cork County Council;
- (g) Kildare County Council;
- (h) Meath County Council;
- (i) Laois County Council;
- (j) Galway City Council;
- (k) Wicklow County Council;”.

—Ruth Coppinger, Mick Barry, Paul Murphy.

14. In section 24C(1), to insert the following new paragraph:

- “(c) for the avoidance of doubt, the rent increase in such a first rent review cannot exceed the maximum rent increase limit prescribed for rent pressure zones.”.

—Ruth Coppinger, Mick Barry, Paul Murphy.

15. In section 24B(1), to delete “each of the following” and substitute “all”.

—Eamon Ryan, Catherine Martin.

16. In section 24B(1), to delete paragraphs (a) to (e).

—Eamon Ryan, Catherine Martin.

17. In section 24C(1), to delete paragraph (a).

—Eamon Ryan, Catherine Martin.

69. In page 38, between lines 14 and 15, to insert the following:

“Part 4 tenancies and extension of period from 4 years to 6 years

33. (1) Section 28 of the Act of 2004 is amended in subsection (2) by substituting “6 years” for “4 years” in both places where it occurs.
- (2) The provisions of the Act of 2004 referred to in column (2) of Part 1 of the Schedule are amended in the manner referred to in column (3) of that Part opposite the reference in column (2) to the provision concerned.
- (3) This section applies to all tenancies created after the coming into operation of this section.”.

—An tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitiúil.

Amendments to Amendment No. 69.

1. In subsection (1), to delete “by substituting “6 years” for “4 years” in both places where it occurs.” and substitute “by substituting “Indefinite period” for “4 years” in each place where it occurs.”.

—Barry Cowen.

2. In subsection (1), to delete “6 years” and substitute “an indefinite period”.

—Eamon Ryan, Catherine Martin.

70. In page 38, between lines 14 and 15, to insert the following:

“Amendment of section 28 of Act of 2004

33. Section 28 of the Act of 2004 is amended—

- (a) in subsection (2)(a)—
- (i) by the deletion of “unless paragraph (b) applies,”, and
- (ii) by the substitution of “for an indefinite period from” for “for the period of 4 years from”,
- (b) by the deletion of “or” after subsection (2)(a), and
- (c) by the deletion of subsection (2)(b).”.

—Mick Wallace, Clare Daly, Catherine Connolly, Thomas Pringle.

71. In page 38, between lines 14 and 15, to insert the following:

“Amendment of sections 27, 28(1) and 28(3) of Act of 2004 to extend Part 4 protections to all tenancies over two months in duration

33. (1) Section 27 of the Act of 2004 is amended by the substitution of—

- (a) “continuous period of 2 months” for “continuous period of 6 months”, and
- (b) by the substitution of “continuous period of 2 months” for “continuous period of

6 months”.

- (2) Section 28(1) of the Act of 2004 is amended by the substitution of “continuous period of 2 months” for “continuous period of 6 months”.
- (3) Section 28(3) of the Act of 2004 is amended by the substitution of “expiry of the period of 2 months” for “expiry of the period of 6 months”.
- (4) Section 50(3) of the Act of 2004 is amended by the substitution of—
 - (a) “continuous period of 2 months” for “continuous period of 6 months”, and
 - (b) by the substitution of “expiry of that period of 2 months” for “expiry of that period of 6 months”.”.

—Ruth Coppinger, Mick Barry, Paul Murphy.

72. In page 38, between lines 14 and 15, to insert the following:

“Amendment of section 28(2)(a) and section 34 of Act of 2004 to make Part 4 tenancies indefinite

33. (1) Section 28(2)(a) of the Act of 2004 is amended by the substitution of “for an indefinite period from” for “for the period of 4 years from”.
- (2) Section 34(b) of the Act of 2004 is hereby repealed.
- (3) Chapter 4 of the Act of 2004 is hereby repealed.
- (4) Chapter 5 of the Act of 2004 is hereby repealed.
- (5) Section 55(1) is amended by the deletion of “or a further Part 4 tenancy”.
- (6) Section 55(2) is amended by—
 - (a) the deletion of “Neither—” and “nor”,
 - (b) the deletion of section 55(2)(b), and
 - (c) the substitution of “shall not be regarded” for “shall be regarded”.
- (7) Section 56(1)(a) is amended by the deletion of “, or under a further Part 4 tenancy,”.
- (8) Section 57(b) is amended by the deletion of “or a further Part 4 tenancy”.”.

—Ruth Coppinger, Mick Barry, Paul Murphy.

73. In page 38, between lines 14 and 15, to insert the following:

“Restriction on termination of certain tenancies by landlords

33. The Act of 2004 is amended in section 34 by substituting the following for paragraph 3 of the Table:

“3. The landlord intends, within 3 months after the termination of the tenancy under this section, to enter into an enforceable agreement for the transfer to another, for full consideration, of the whole of his or her

interest in the dwelling or the property containing the dwelling. This paragraph does not apply to a landlord—

- (a) of a dwelling that was purchased with borrowed money for the purpose of its being let,
- (b) of a dwelling in respect of which rented residential relief (commonly known as section 23 relief) under Chapter 11 of Part 10 of the Taxes Consolidation Act 1997 is or has been claimed, or
- (c) who is landlord of three or more dwellings.”.”.

—Jan O’Sullivan.

74. In page 38, between lines 14 and 15, to insert the following:

“Amendment of section 28 of Act of 2004

33. The Act of 2004 is amended in section 28(2)(a) by the substitution of “for an indefinite period from” for “for the period of 4 years from”.”.

—Eamon Ryan, Catherine Martin.

75. In page 38, between lines 14 and 15, to insert the following:

“Amendment of section 28 of Act of 2004

33. The Act of 2004 is amended in section 28(2)(a) by the substitution of “for the period of ten years from” for “for the period of 4 years from”.”.

—Eoin Ó Broin.

76. In page 38, between lines 14 and 15, to insert the following:

“Amendment of section 28 of Act of 2004

33. The Act of 2004 is amended by the insertion of the following new subsection:

“(5) The Minister may by way of regulation extend the duration of a Part 4 tenancy from ten years to a period of indefinite duration.”.”.

—Eoin Ó Broin.

77. In page 38, to delete lines 15 to 17.

—Mick Wallace, Clare Daly, Catherine Connolly, Thomas Pringle.

78. In page 38, to delete lines 15 to 17 and substitute the following:

- “33. (1) The Act of 2004 is amended by the deletion of paragraph 3 of the Table to section 34.
- (2) Paragraph 4(b)(ii) of the Table to section 34 is amended by the substitution of “the ground specified in paragraph 1, 2 or 6 of this Table” for “the ground specified in paragraph 1, 2, 3 or 6 of this Table”.

- (3) Section 56(c)(i) is hereby repealed.
- (4) The Act of 2004 is amended by the deletion of paragraph c(i) of the Table to section 56.”.

—Ruth Coppinger, Mick Barry, Paul Murphy.

79. In page 38, between lines 17 and 18, to insert the following:

“Amendment of section 34 of Act of 2004

34. Section 34 of the Act of 2004 is amended—

- (a) by the deletion of paragraph 3 of the Table to section 34,
- (b) by the deletion of “or” after subparagraph (a) and the deletion of subparagraph (b), and
- (c) by the deletion of paragraph 4 of the Table to section 34.”.

—Mick Wallace, Clare Daly, Catherine Connolly, Thomas Pringle.

80. In page 38, between lines 17 and 18, to insert the following:

“Restriction on termination of tenancies of buy-to-let dwellings

34. The Residential Tenancies Act 2004 is amended by inserting the following section after section 34:

“Restriction on termination of tenancies of buy-to-let dwellings

- 34A. (1) A Part 4 tenancy may not be terminated by the landlord on the ground specified in paragraph 3 of the Table to section 34 where the property to which the tenancy agreement relates is the subject of an existing investment mortgage.
- (2) Subsection (1) applies to all tenancies, including a tenancy created before the coming into operation of this section.
- (3) Where, immediately before the coming into operation of this section, a notice of termination has been served on a tenant in reliance upon a ground provided for in paragraph 3 of the Table to section 34, section 34 shall continue to apply to that notice as if this section had not been enacted.
- (4) In this section, ‘investment mortgage’ means a mortgage which has been taken out as security in respect of a residential property that was not at the time of its purchase intended to serve as the principal private residence of the mortgagee, and is subsequently the subject of a tenancy agreement.”.

—Maureen O’Sullivan, Seamus Healy, Eamon Ryan, Catherine Martin, Eoin Ó Broin.

81. In page 38, between lines 17 and 18, to insert the following:

“Amendment of section 34 of Act of 2004 to require landlords terminating a tenancy on the ground of needing the dwelling for occupation by the landlord or a by a member of the landlord’s family to pay compensation to the tenant

34. (1) The Act of 2004 is amended in paragraph 4 of the Table to section 34 by the insertion after “his or her family” of “and has paid the tenant an amount equivalent to six months’ rent in respect of the tenancy as compensation for the termination of the tenancy”.

(2) The Act of 2004 is amended in paragraph 4 of the Table to section 34 by the insertion of the following subparagraph after subparagraph (b):

“(c) and that the landlord is obliged to pay the tenant an amount equivalent to six months’ rent in respect of the tenancy as compensation for the termination of the tenancy.”.

—Ruth Coppinger, Mick Barry, Paul Murphy.

82. In page 38, between lines 17 and 18, to insert the following:

“Restriction on termination of certain tenancies by landlords

34. The Act of 2004 is amended in the Table to section 34 by deleting paragraph 3.”.

—Jan O’Sullivan.

83. In page 38, between lines 17 and 18, to insert the following:

“Amendment of section 34(b) Table 3 of the Act of 2004

34. The Act of 2004 is amended by the deletion of “3. The landlord intends, within 3 months after the termination of the tenancy under this section, to enter into an enforceable agreement for the transfer to another, for full consideration, of the whole of his or her interest in the dwelling or the property containing the dwelling.” from section 28(2)(a) of the Act of 2004.”.

—Eoin Ó Broin.

84. In page 38, between lines 17 and 18, to insert the following:

“34. (1) Section 34(b) of the Act of 2004 is repealed.

(2) The Act of 2004 is amended by inserting the following sections after section 34:

“Restriction on termination of tenancies of buy-to-let dwellings

34A. (1) A Part 4 tenancy may not be terminated by the landlord on the ground specified in paragraph 3 of the Table to section 34 where the property to which the tenancy agreement relates is the subject of an existing investment mortgage.

(2) Subsection (1) applies to all tenancies, including a tenancy created

before the coming into operation of this section.

- (3) In this section, ‘investment mortgage’ means a mortgage which has been taken out as security in respect of a residential property that was not at the time of its purchase intended to serve as the principal private residence of the mortgagee, and is subsequently the subject of a tenancy agreement.

34B. (1) A Part 4 tenancy may not be terminated by the landlord on the grounds specified in paragraphs 3, 4, 5 and 6 of the Table to section 34 in areas designated by Ministerial order and for a period specified by Ministerial order to regulate the exercise of private property rights by the principles of social justice and to reconcile the exercise of those rights with the exigencies of the common good in order to prevent homelessness and economic evictions.”.”.

—Richard Boyd Barrett, Gino Kenny, Bríd Smith.

- 85.** In page 38, to delete lines 18 to 35, and in page 39, to delete lines 1 to 3.

—Mick Wallace, Clare Daly, Catherine Connolly, Thomas Pringle, Richard Boyd Barrett, Gino Kenny, Bríd Smith.

- 86.** In page 38, line 28, after “the dwelling” to insert “and”.

—An tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitiúil.

- 87.** In page 38, to delete lines 29 to 35, and in page 39, to delete lines 1 to 3 and substitute the following:

“(b) where section 35A(3)(a) applies, a declaration that section 35A(2) does not apply to the said notice of termination as the price to be obtained by selling at market value the dwelling that is the subject of an existing tenancy to which Part 4 applies is more than 20 per cent below the market value that could be obtained for the dwelling with vacant possession, and that the application of that subsection would, having regard to all the circumstances of that case be unduly onerous on, or would cause undue hardship on, that landlord.”.”.

—An tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitiúil.

Amendments to Amendment No. 87.

- I.** To delete amendment no. 87.

—Eamon Ryan, Catherine Martin.

- 88.** In page 38, to delete lines 29 to 35, and in page 39, to delete lines 1 to 3.

—Seamus Healy.

- 89.** In page 39, to delete lines 4 to 40, and in page 40, to delete lines 1 to 9.

—Ruth Coppinger, Mick Barry, Paul Murphy, Richard Boyd Barrett, Gino Kenny, Bríd Smith.

90. In page 39, line 17, to delete “Except where subsection (3) or (4) applies, a Part 4” and substitute “A Part 4”.

—Ruth Coppinger, Mick Barry, Paul Murphy.

91. In page 39, to delete lines 21 to 24.

—Seamus Healy.

92. In page 39, line 23, to delete “5 or more” and substitute “10 or more”.

—An tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitiúil.

Amendments to Amendment No. 92.

1. To delete “10 or more” and substitute “1 or more”.

—Ruth Coppinger, Mick Barry, Paul Murphy.

2. To delete amendment no. 92.

—Eamon Ryan, Catherine Martin.

93. In page 39, line 23, to delete “5 or more” and substitute “1 or more”.

—Mick Wallace, Clare Daly, Catherine Connolly, Thomas Pringle, Ruth Coppinger,
Mick Barry, Paul Murphy., Jan O’Sullivan.

94. In page 39, to delete lines 26 to 40.

—Mick Wallace, Clare Daly, Catherine Connolly, Thomas Pringle, Eamon Ryan,
Catherine Martin.

95. In page 39, to delete lines 26 to 40, and in page 40, to delete lines 1 to 6.

—Ruth Coppinger, Mick Barry, Paul Murphy.

96. In page 39, to delete lines 26 to 31.

—Eamon Ryan, Catherine Martin.

97. In page 39, line 34, to delete “or” and substitute “and”.

—Eamon Ryan, Catherine Martin.

98. In page 39, to delete lines 36 to 40.

—Eamon Ryan, Catherine Martin.

99. In page 40, line 7, to delete “Subject to subsection (4), this section” and substitute “This section”.

—Ruth Coppinger, Mick Barry, Paul Murphy.

100. In page 40, to delete lines 10 to 18.

—An tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitiúil.

Amendments to Amendment No. 100.

1. To delete amendment no. 100.

—Ruth Coppinger, Mick Barry, Paul Murphy, Eamon Ryan, Catherine Martin.

101. In page 40, to delete lines 13 to 15 and substitute the following:

“(2) Where appointed, the receiver of the property shall be under the same tenancy obligations as landlords as specified in Part 2 and Part 4 of the Residential Tenancies Act 2004, as amended.”.

—Mick Wallace, Clare Daly, Catherine Connolly, Thomas Pringle.

102. In page 40, line 13, after “property” to insert “, or as appropriate a lender who has initiated repossession proceedings,”.

—Ruth Coppinger, Mick Barry, Paul Murphy.

103. In page 40, line 14, to delete “Part 2 of”.

—Ruth Coppinger, Mick Barry, Paul Murphy.

104. In page 40, between lines 21 and 22, to insert the following:

“(2) *Subsection (1)* applies to all tenancies, including a tenancy created before the coming into operation of this section.

(3) A landlord may not terminate a tenancy at the end of each four year period of a Part 4 tenancy other than by mutual agreement with the tenant or under the grounds listed in the Table to section 34.”.

—Richard Boyd Barrett, Gino Kenny, Bríd Smith.

105. In page 40, to delete lines 31 to 33.

—Richard Boyd Barrett, Gino Kenny, Bríd Smith.

106. In page 40, between lines 33 and 34, to insert the following:

“Amendment of section 66 of Act of 2004 to extend the notice periods for termination of a tenancy by a landlord.

39. Section 66 of the Act of 2004 is amended by substituting the following Table for Table 1:

“TABLE 1
Termination by Landlord

Duration of Tenancy (1)	Notice Period (2)
1 or more months but less than 3 months	28 days
3 or more months but less than 6 months	60 days
6 or more months but less than 1 year	90 days
1 year or more but less than 3 years	180 days
3 years or more but less than 5 years	270 days
5 years or more	365 days

—Ruth Coppinger, Mick Barry, Paul Murphy.

107. In page 40, between lines 33 and 34, to insert the following:

“Amendment of section 67 (Period of notice for termination by landlord where tenant in default) of Act of 2004

39. Section 67 of the Act of 2004 is amended—

- (a) in subsection (2)(b)(ii) by the deletion of “and the condition specified in subsection (3) is satisfied” and the substitution of “and the conditions specified in subsections (3) and (4) are satisfied”,
- (b) in subsection (3), by the deletion of “landlord.” and substitution of “landlord, and”, and
- (c) by the insertion of the following:

“(4) The landlord has engaged in a rent arrears resolution process with the Residential Tenancies Board, if the tenant has so requested.

(5) The ‘rent arrears resolution process’ referred to in subsection (4) in this section is to be established by Ministerial order following consultation with the Residential Tenancies Board and tenants’ representatives not later than 6 months after the enactment of the *Planning and Development (Housing) and Residential Tenancies Act 2016*.”.

—Ruth Coppinger, Mick Barry, Paul Murphy.

108. In page 40, between lines 33 and 34, to insert the following:

“Report on measures needed to ensure security of tenure for sub-letters and licensees

39. The Minister for Housing, Planning, Community and Local Government is to report within three months of the enactment of the *Planning and Development (Housing) and Residential Tenancies Act 2016* on the measures needed to ensure security of tenure for sub-letters and licensees.”.

—Ruth Coppinger, Mick Barry, Paul Murphy.

109. In page 41, to delete lines 1 to 40, and in page 42, to delete lines 1 to 8.

—Mick Wallace, Clare Daly, Catherine Connolly, Thomas Pringle.

110. In page 42, between lines 14 and 15, to insert the following:

“Publication of certain statistics by Board

42. The Act of 2004 is amended by inserting the following new section after section 114:

“114A. The Board shall publish statistics, including average waiting times and such other statistics as may be prescribed, in relation to the performance of its functions under section 151(1)(a) in respect of each successive period of 3 months in every calendar year.”.

—An tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitiúil.

111. In page 42, between lines 14 and 15, to insert the following:

“Amendment of section 115 (redress that may be granted on foot of determination) of Act of 2004

42. Section 115(2) of the Act of 2004 is amended in paragraph (b)—

- (a) by substituting “subsection (1) or (4) of section 19” for “section 19(1)” where it first occurs, and
- (b) by substituting “with either of those subsections” for “with section 19(1)” where it last occurs.”.

—An tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitiúil.

112. In page 43, to delete lines 5 to 8.

—Ruth Coppinger, Mick Barry, Paul Murphy.

113. In page 43, to delete lines 9 to 15 and substitute the following:

“Amendment of section 151 (functions of Board) of Act of 2004

44. Section 151 of the Act of 2004 is amended by inserting the following paragraph after paragraph (c):

- “(ca) the making of reports to the Minister under section 24A,
- (cb) the publication of statistics under section 114A.”.

—An tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitiúil.

114. In page 44, to delete lines 14 to 26.

—Catherine Murphy, Róisín Shortall, Richard Boyd Barrett, Gino Kenny, Bríd Smith.

115. In page 44, line 20, to delete “December 2016” and substitute “January 2017”.

—An tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitiúil.

116. In page 44, line 26, after “€420 million” to insert “in respect of the year ending 31 December 2016”.

—An tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitiúil.

117. In page 45, between lines 2 and 3, to insert the following:

“Section 36*
PART 1
AMENDMENTS RELATING TO AMENDMENT OF SECTION 28 OF ACT OF 2004

Reference No (1)	Provision (2)	Amendment (3)
1	Section 34(b)(ii)	Substitute “6 years” for “4 years”.

Reference No (1)	Provision (2)	Amendment (3)
2	Section 40(1)	Substitute “6 year period” for “4 year period”.
3	Section 41 Subsection (1)	Substitute “6 year period” for “4 year period”.
4	Subsection (3)	Substitute “6 year period” for “4 year period”.
5	Subsection (4)	Substitute “6 years” for “4 years” in both places where it occurs.
6	Section 43	Substitute “6 years” for “4 years” in both places where it occurs.
7	Section 45 Subsection (1)	Substitute “6 years” for “4 years”.
8	Subsection (4)	Substitute “6 years” for “4 years” in both places where it occurs.
9	Section 47 Subsection (5)	Substitute “6 years” for “4 years” in both places where it occurs.
10	Table	Substitute “6 years” for “4 years” in paragraph 2.

—An tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitiúil.

[*This is the appropriate reference if amendment numbers 54, 55, 67, 68 and 69 are accepted.]