SEANAD ÉIREANN

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

LEASUITHE A RINNE AN DÁIL
AMENDMENTS MADE BY THE DÁIL

[No. 92b of 2016] [20 December, 2016]

SEANAD ÉIREANN

AN BILLE UM PLEANÁIL AGUS FORBAIRT (TITHÍOCHT) AGUS UM THIONÓNTACHTAÍ CÓNAITHE, 2016
[BILLE SEANAID ARNA LEASÚ AG AN DÁIL]

PLANNING AND DEVELOPMENT (HOUSING) AND RESIDENTIAL TENANCIES BILL 2016
[SEANAD BILL AMENDED BY THE DÁIL]

Leasuithe a rinne an Dáil
Amendments made by the Dáil

[*The page and line references in this list of amendments are to the text of the Bill as passed by Seanad Éireann*.]

SECTION 1

1. In page 5, lines 30 to 33 deleted and the following substituted:

"(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 27#* to *31#*, *sections 37##*, *38##* and *39##* come into operation on the day following the passing of this Act.

(c) *Part 5* comes into operation on the passing of this Act.".

[*#These are references to the sections inserted by amendment numbers 65, 66, 67, 68 and 69 respectively.*]

[*##These are references to the sections inserted by amendment numbers 73, 74 and 75 respectively.*]

SECTION 3

2. In page 6, lines 13 and 14 deleted and the following substituted:

" "prospective applicant" means a person who—

(a) is the owner of the land concerned, or

(b) has the written consent of the owner to make an application under *section 4* in respect of that land,

and who intends to apply for permission under that section in respect of that land;".

3. In page 6, line 26, "or" deleted.

4. In page 6, between lines 26 and 27, the following inserted:

"(c) development that includes developments of the type referred to in *paragraph (a)* and of the type referred to in *paragraph (b)*, or".

[SECTION 3]

5. In page 6, line 29, "*paragraph (a)* or *(b)*" deleted and "*paragraph (a)*, *(b)* or *(c)#*" substituted.

[*#This is a reference to the paragraph inserted by amendment no. 4.*]

6. In page 6, lines 30 to 35 deleted and the following substituted:

"each of which may include other uses on the land, the zoning of which facilitates such use, but only if—

(i) the cumulative gross floor area of the houses or student accommodation units, or both, as the case may be, comprises not less than 85 per cent, or such other percentage as may be prescribed, of the gross floor space of the proposed development or the number of houses or proposed bed spaces within student accommodation to which the proposed alteration of a planning permission so granted relates, and

(ii) the other uses cumulatively do not exceed—

(I) 15 square metres gross floor space for each house or 7.5 square metres gross floor space for each bed space in student accommodation, or both, as the case may be, in the proposed development or to which the proposed alteration of a planning permission so granted relates, subject to a maximum of 4,500 square metres gross floor space for such other uses in any development, or

(II) such other area as may be prescribed, by reference to the number of houses or bed spaces in student accommodation within the proposed development or to which the proposed alteration of a planning permission so granted relates, which other area shall be subject to such other maximum area in the development as may be prescribed;".

SECTION 4

7. In page 7, lines 15 to 17 deleted and the following substituted:

"(iii) be so made only where the applicant for permission has fulfilled the requirements set out in *section 8*,

(iv) be in such form and contain such information as is prescribed, and

(v) be accompanied by the appropriate fee,".

8. In page 8, lines 7 and 8 deleted.

SECTION 5

9. In page 8, between lines 33 and 34, the following inserted:

"(4) The failure by a planning authority to comply with the requirement to hold a consultation meeting for the purposes of section 247 of the Act of 2000 by virtue of *subsection (3)* within the time limits provided for by that subsection shall not prevent the Board from proceeding under this section to deal with the application concerned.".

[SECTION 5]

10. In page 9, line 35, “proposed house types and design” deleted and “proposed types of houses or student accommodation units, or both, as appropriate, and their design” substituted.

11. In page 9, line 39, “where relevant,” inserted after “provision,”.

12. In page 10, line 4, “where relevant,” inserted after “2000,”.

SECTION 6

13. In page 10, lines 28 to 33 deleted and the following substituted:

> “(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”.

14. In page 11, lines 25 to 27 deleted and the following substituted:

> “(b) to be attended by—
>
> (i) (I) the prospective applicant, or one or more persons on his or her behalf, or
>
> (II) the prospective applicant and one or more persons nominated by him or her,
>
> (ii) the Board, and
>
> (iii) subject to *subsection (6)*, each planning authority in whose area the proposed strategic housing development would be situated.”.

15. In page 12, line 22, “or” deleted and “of” substituted.

16. In page 12, between lines 33 and 34, the following inserted:

> “(12) A person shall not question the validity of any steps taken by the Board under this section by reason only that the procedures as set out in *subsection (1)*, *(2)*, *(4)*, *(5)* or *(7)*, as the case may be, were not completed within the time referred to in the subsection concerned.”.

SECTION 7

17. In page 12, lines 39 and 40 deleted, and in page 13, line 1 deleted and the following substituted:

> “(I) where the development is of a class standing specified in Part 2 of Schedule 5 to the Planning and Development Regulations 2001 (S.I. No. 600 of 2001) that does not exceed the relevant quantity, area or other limit standing specified in that Part, whether it is likely to have significant effects on the environment;”.

[SECTION 7]

18. In page 13, line 2, ", individually or in combination with another project," inserted after "development".

19. In page 13, line 10, ", which shall be accompanied by the appropriate fee," inserted after "*subsection (1)*".

20. In page 13, between lines 26 and 27, the following inserted:

"(3) A person shall not question the validity of a determination by, or opinion of, the Board under this section by reason only that the procedures as set out in *subsection (2)* were not completed within the time referred to in that subsection.".

SECTION 8

21. In page 14, line 5 deleted and the following substituted:

"(II) the period of 5 weeks from the receipt by the Board of the application,".

22. In page 15, line 27, "decide to" inserted after "may".

23. In page 15, lines 35 to 41 deleted, and in page 16, lines 1 to 3 deleted and the following substituted:

"(i) return to the applicant concerned—

(I) subject to *paragraph (c)*, the originals of any documents or digital devices containing the information prescribed for the purposes of *subsection (1)(a)(iv)* of *section 4*, any environmental impact statement or Natura impact statement, or both of those statements, as the case may be, and any information prescribed under *section 12* to accompany the application, and

(II) any fee received from the applicant for the purposes of *section 4(1)(a)(v)*,

and

(ii) give reasons to the applicant for the Board's decision to refuse to consider the application.".

[SECTION 8]

24. In page 16, line 4, "*Paragraph (b)(i)(I)*" deleted and "*Clause (I)* of *paragraph (b)(i)*" substituted.

25. In page 16, line 9, "subsection" deleted and "clause" substituted.

26. In page 16, lines 13 and 14, "local electoral area or areas, as the case may be" deleted and "area or areas concerned" substituted.

27. In page 16, line 16, "elected members" deleted and "municipal district members" substituted.

28. In page 16, lines 33 and 34, "each municipal district" deleted and "of the municipal district members for each municipal district" substituted.

29. In page 17, lines 11 and 12, "submissions or observations received as a consequence of *subsection (1)(a)(vii)*" deleted and "submissions and observations duly received by the Board in relation to the application" substituted.

30. In page 17, lines 17 and 18, "as a consequence of *subsection (1)(a)(vii)*" deleted and "in relation to the application" substituted.

31. In page 17, lines 24 and 25, "submissions and observations received by the Board as a consequence of *subsection (1)(a)(vii)*" deleted and "submissions and observations duly received by the Board in relation to the application" substituted.

32. In page 18, between lines 7 and 8, the following inserted:

"(7) A person shall not question the validity of a decision of the Board under this section by reason only that the procedures as set out in *subsection (3)* were not completed within the time referred to in that subsection.".

SECTION 9

33. In page 19, line 20, ", decide to" inserted after "development".

34. In page 20, line 32, "vary" deleted and "extend" substituted.

35. In page 21, between lines 22 and 23, the following inserted:

"(15) A person shall not question the validity of a decision of the Board under this section by reason only that the procedures as set out in *subsection (9)* were not completed within the time provided for by that subsection.

(16) The failure by the planning authority concerned to comply with the requirement to prepare and submit to the Board a report, under *subsection (5)* of *section 8*, within the time limits provided for by that subsection shall not prevent the Board from proceeding to make its decision under this section.".

SECTION 10

36. In page 21, line 37 deleted and the following substituted:

"(a) the main reasons and considerations on which the decision is based,

(b) where the Board grants a permission in accordance with *section 9(6)(a)*, the main reasons and considerations for contravening materially the development plan or local area plan, as the case may be, and".

SECTION 11

37. In page 22, line 17, "subject to *subsections (8)* and *(9)*" deleted and "subject to *subsections (8)*, *(9)* and *(10)*" substituted.

SECTION 12

38. In page 23, between lines 32 and 33, the following inserted:

"(b) the proportion of the fee payable to the Board under section 144(1A)(b) of the Act of 2000 in respect of an application under *section 4* that shall, on the making a decision under *section 9* on the application, be paid by the Board to the planning authority or authorities concerned, as the case may be, and the circumstances in which the Board shall not pay any proportion of the fee to such planning authority or authorities;".

SECTION 17

39. In page 25, between lines 21 and 22, the following inserted:

"Construction of section 125 (appeals, referrals and applications with which the Board is concerned) of Act of 2000 during specified period

17. Section 125 of the Act of 2000 has effect during the specified period as if the following were substituted for paragraph (b):

"(b) (i) to the extent provided, to applications made to the Board under section 37E or section 37L,

(ii) except where otherwise provided for by the *Planning and Development (Housing) and Residential Tenancies Act 2016*, to applications made to the Board under *section 4* of that Act, and

(iii) to any other matter with which the Board may be concerned,".".

SECTION 18

40. In page 26, between lines 28 and 29, the following inserted:

"Construction of section 144 (fees payable to Board) of Act of 2000 during specified period

18. Subsection (1A) of section 144 of the Act of 2000 has effect during the specified period—

(a) as if in paragraph (b) "or for any strategic housing development (within the meaning of *section 3* of the *Planning and Development (Housing) and Residential Tenancies Act 2016*)" were inserted after "for any strategic infrastructure development",

(b) as if in paragraph (c) "or a request for a consultation under *section 5* of the *Planning and Development (Housing) and Residential Tenancies Act 2016*" were inserted after "the Act of 2001",

(c) as if there were inserted the following after paragraph (d):

"(da) a request for a determination under *section 7(1)(a)* of the *Planning*

and Development (Housing) and Residential Tenancies Act 2016;”,

(d) as if in paragraph (e) “or under *section 7(1)(b)* of the *Planning and Development (Housing) and Residential Tenancies Act 2016*,” were inserted after “section 173(3),”,

(e) as if there were inserted the following after paragraph (e):

“(ea) a request for an opinion in writing on what information will be required to be contained in a Natura impact statement under *section 7(1)(b)* of the *Planning and Development (Housing) and Residential Tenancies Act 2016*;”,

and

(f) as if in paragraph (j) “*section 8* of the *Planning and Development (Housing) and Residential Tenancies Act 2016*,” were inserted after “or 226,”.”.

[*This amendment involved the deletion of section 18 of the Bill.*]

SECTION 19

41. In page 27, the following inserted between lines 2 and 3:

“Construction of section 172 (requirement for environmental impact statement) of Act of 2000 during specified period

19. Subsection (1A) of section 172 of the Act of 2000 has effect during the specified period as if in paragraph (a)(i) there were inserted the following after clause (III):

“(IIIA) development to which *Chapter 1* of *Part 2* of the *Planning and Development (Housing) and Residential Tenancies Act 2016* relates;”.”.

SECTION 20

42. In page 27, the following inserted between lines 7 and 8:

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

20. 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.”.

43. In page 27, between lines 7 and 8, the following inserted:

“Construction of section 177R (interpretation) of Act of 2000 during specified period

20. Subsection (1) of section 177R of the Act of 2000 has effect during the specified period as if in paragraph (a) of the definition of “proposed development” there were inserted the following after subparagraph (iii):

“(iiia) development to which *Chapter 1* of *Part 2* of the *Planning and*

Development (Housing) and Residential Tenancies Act 2016 relates;”.”.

44. In page 27, between lines 7 and 8, the following inserted:

“Construction of section 191 (right to compensation) of Act of 2000 during specified period

20. Section 190 of the Act of 2000 has effect during the specified period as if in subsection (1) “or an application for permission under *section 4* of the *Planning and Development (Housing) and Residential Tenancies Act 2016*” were inserted after “under Part III”.”.

45. In page 27, between lines 7 and 8, the following inserted:

“Construction of the Fourth Schedule (reasons for the refusal of permission which exclude compensation) to Act of 2000 during specified period

20. The Fourth Schedule to the Act of 2000 has effect during the specified period as if the following were inserted after paragraph 18:

“18A. In the case of a proposed strategic housing development (within the meaning of *Chapter 1* of the *Planning and Development (Housing) and Residential Tenancies Act 2016*), the environmental impact statement or Natura impact statement, or both, submitted with the application for permission under *section 4* of that Act is or are inadequate or incomplete.”.”.

46. In page 27, lines 23 to 35 deleted and the following substituted:

“(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.”.

47. In page 30, to delete lines 16 to 19 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".

48. In page 30, line 20, "(ii) identifying" deleted and "(iii) identifying" substituted.

49. In page 30, lines 32 to 41 deleted, and in page 31, line 1 deleted and the following substituted:

"(2) Without prejudice to section 176B, where an application was made under section 176A and no screening determination for environmental impact assessment (within the meaning of section 176A(1)) has been issued by a planning authority within the appropriate period of time provided for by section 176B(2), then—

(a) the person who made the application may—

(i) within the period of 3 weeks after the latest date by which that determination was due to be issued under section 176B(2), and

(ii) on payment to the Board of the appropriate fee,

refer the application in question to the Board (which act is in this section referred to as an 'application referral') for determination, and

(b) the authority concerned shall repay to the applicant the fee paid to the authority in accordance with section 176A(3).".

50. In page 31, lines 33 and 34, ", within 4 weeks of the receipt of the further information" deleted and "and specifies the period within which the information or views concerned are required to be received by the Board, within 4 weeks of the due receipt of the further information" substituted.

51. In page 32, lines 4 to 6 deleted and the following substituted:

"(c) any person or body consulted under section 176A(4),

(d) where section 176A(5) applies, either or both the owner and the occupier, as appropriate in the circumstances, and

(e) any other person, requested by the Board under subsection (6)(b) to

provide further information with regard to the determination review or application referral,”.

52. In page 32, between lines 14 and 15, the following inserted:

“(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,”.

53. In page 32, line 15, “(i) stating that” deleted and “(ii) stating that” substituted.

54. In page 32, line 19, “(ii) identifying” deleted and “(iii) identifying” substituted.

SECTION 21

55. In page 33, line 6, “in respect of” deleted.

56. In page 33, between lines 7 and 8, the following inserted:

“(c) in subsection (2) of section 176 by inserting the following after paragraph (d):

“(da) the carrying out of a screening for environmental impact assessment (within the meaning of section 176A), or a determination review or application referral (within the meaning of section 176C);”,”.

SECTION 22

57. In page 33, lines 21 and 22 deleted and the following substituted:

“22. (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—”.

[SECTION 22]

58. In page 33, line 24, “subsection (1)” deleted and “subsection (1) or (4)” substituted.

59. In page 33, lines 26 to 28 deleted and the following substituted:

> “(i) as regards a particular permission in respect of a development of the type referred to in subsection (1)(a)(i) that relates to 20 or more houses and in respect of which an environmental impact assessment or an appropriate assessment, or both of those assessments, were not required before the permission was granted, and”.

60. In page 34, line 6, “the date of the commencement of this section” deleted and “the day preceding the day that *section 22* of the *Planning and Development (Housing) and Residential Tenancies Act 2016* comes into operation” substituted.

61. In page 34, line 10, “commencement of this section” deleted and “the commencement of *section 22* of the *Planning and Development (Housing) and Residential Tenancies Act 2016*” substituted.

SECTION 23

62. In page 34, lines 26 and 27 deleted.

63. In page 34, line 28, “(ii) it has to be passed” deleted and “(i) it has to be passed” substituted.

64. In page 34, line 30, “(iii) in the case of” deleted and “(ii) in the case of” substituted.

SECTION 27

65. In page 35, the following inserted between lines 7 and 8:

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

27. 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 27#* 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).”.”.

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

[SECTION 27]

66. In page 35, the following inserted between lines 7 and 8:

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

28. 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 x (1 + 0.04 x t/m)

where—

m is—

(a) 24, where section 24C(1)(a) applies, or

(b) 12, in any other case,

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 27#* 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.".".

[*#This is a reference to the section proposed to be inserted by amendment number 65.*]

67. In page 35, the following inserted between lines 8 and 9:

"29. 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.".".

[*This amendment involved the deletion of section 27 of the Bill.*]

SECTION 28

68. In page 35, the following inserted between lines 10 and 11:

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

30. 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 1 week 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) Within 2 weeks 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 confims 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.”.”.

69. In page 35, the following inserted between lines 10 and 11:

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

31. (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.”.

SECTION 29

70. In page 35, line 24, “and” inserted after “the dwelling,”.

71. In page 35, lines 25 to 34 deleted, and the following substituted:

“(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.”.”.

SECTION 30

72. In page 36, line 17, “5 or more” deleted and “10 or more” substituted.

SECTION 31

Section deleted.

SECTION 37

73. In page 39, the following inserted between lines 7 and 8:

“Publication of certain statistics by Board

37. 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.”.”.

74. In page 39, the following inserted between lines 7 and 8:

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

38. 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.”.

SECTION 39

75. In page 40, the following inserted between lines 4 and 5:

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

39. 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,”.”.

[*This amendment involved the deletion of section 39 of the Bill.*]

SECTION 41

76. In page 41, line 14, “December 2016” deleted and “January 2017” substituted.

77. In page 41, line 20, “in respect of the year ending 31 December 2016” inserted after “€420 million”.

SCHEDULE

78. In page 42, the following inserted between lines 2 and 3:

[SCHEDULE]

"*Section 31#*

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".
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.

".

[#*This is a reference to the section inserted by amendment number 69*.]