



DÁIL ÉIREANN

AN BILLE UM THIONÓNTACHTAÍ CÓNAITHE (LEASÚ) (UIMH. 2), 2018 RESIDENTIAL TENANCIES (AMENDMENT) (NO. 2) BILL 2018

LEASUITHE COISTE COMMITTEE AMENDMENTS

DÁIL ÉIREANN

AN BILLE UM THIONÓNTACHTAÍ CÓNAITHE (LEASÚ) (UIMH. 2), 2018 —ROGHCHOISTE

RESIDENTIAL TENANCIES (AMENDMENT) (NO. 2) BILL 2018 —SELECT COMMITTEE

Leasuithe Amendments

SECTION 1

1. In page 5, line 17, after “Act” to insert “(other than *section 27**)”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

*[*This is a reference to the section proposed to be inserted by amendment no. 182.]*

2. In page 5, between lines 18 and 19, to insert the following:

“(3) The Planning and Development Acts 2000 to 2018 and *section 27** may be cited together as the Planning and Development Acts 2000 to 2019.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

*[*This is a reference to the section proposed to be inserted by amendment no. 182.]*

SECTION 3

3. In page 6, between lines 2 and 3, to insert the following:

“Amendment of section 3 of Act of 2004

3. Section 3 of the Act of 2004 is amended—

- (a) by the insertion of the following subsection after subsection (1):

“(1A) (a) Subject to subsection (7), this Act also applies to every dwelling (the subject of a tenancy created not earlier than one month after the commencement of *paragraph (a) of section 3 of the Residential Tenancies (Amendment) Act 2019*) situated in a building, or part of a building, used for the sole purpose (subject to *subparagraphs (i), (ii) and (iii)*) of providing residential accommodation to students during academic term times under a tenancy—

- (i) whether or not the building or part of the building concerned is used for any other purpose outside of those times,
- (ii) whether or not any such students are permitted to reside there outside of those times, and

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- (iii) whether or not any person other than a student resides there, provided that the purpose of the person's residing there serves the first-mentioned purpose,

but does not include a dwelling in a building or part of a building used for the first-mentioned purpose where the landlord (other than a landlord who is not an individual) also resides in the building or part of the building concerned.

- (b) This subsection is without prejudice to subsection (1) and accordingly this Act shall, by virtue of that subsection—

- (i) continue to apply to any dwelling to which it applied immediately before the commencement of *section 3* of the *Residential Tenancies (Amendment) Act 2019* in the same manner as it applied to such dwelling before such commencement, and

- (ii) apply to any dwelling—

- (I) occupied by a student under a tenancy created on or after such commencement, and

- (II) to which this Act would apply had *sections 3* and *4* of the *Residential Tenancies (Amendment) Act 2019* not been enacted,

in the same manner as it would apply to a dwelling referred to in *subparagraph (i)*.

- (c) The definition of 'dwelling' in *section 4* shall apply for the purposes of this subsection as if 'residential unit (whether or not self-contained)' were substituted for 'self-contained residential unit'.

- (d) In this subsection 'student' means a person registered as a student with a relevant provider (within the meaning of the *Qualifications and Quality Assurance (Education and Training) Act 2012*);",

and

- (b) by the insertion of the following subsection:

“(7) The following provisions of this Act shall not apply to a tenancy of a dwelling referred to in subsection (1A):

- (a) paragraphs (k) and (n) of *section 16*, subsections (2) and (3) of *section 78* and clause (II) of subparagraph (i) of paragraph (e) of subsection (4) of *section 135*,

- (b) *sections 70, 71, 72, 73, 81, 185, 186, and 195*,

- (c) *Part 4*, and

- (d) *Schedule 1*.”.”.

[SECTION 3]

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

4. In page 6, between lines 2 and 3, to insert the following:

“Amendment of section 3A of Act of 2004

3. Section 3A of the Act of 2004 is amended by the insertion of the following subsection:

“(5) This section applies to a dwelling referred to in *subsection (1A)** of section 3 as it applies to a dwelling referred to in subsection (4) of section 3 and, accordingly, references in the preceding subsections of this section to the second-mentioned dwelling shall be construed as including references to the first-mentioned dwelling.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

*[*This is a reference to a subsection proposed to be inserted by amendment no. 3.]*

5. In page 6, between lines 2 and 3, to insert the following:

“Amendment of section 4 of Act of 2004

4. Section 4 of the Act of 2004 is amended by the deletion of paragraph (g) in the definition of “public authority”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

6. In page 6, between lines 2 and 3, to insert the following:

“Amendment of section 12 of Act of 2004 – warm and healthy dwellings

3. Section 12 of the Act of 2004 is amended—

- (a) in subsection (1)(b) by the insertion of the following subparagraphs after subparagraph (ii):

“(iii) the structure and interior of the dwelling all such upgrading as required by the Minister in regulations to require a warm comfortable home achieving compliance with a thermal efficiency standard based on the Building Energy Ratings system,

(iv) the structure and interior of the dwelling remedial measures as required by the Minister in regulations to ensure tenants are not exposed to dangerous concentrations of radon.”.

- (b) in subsection (1)(b) by the insertion of the following paragraph after paragraph (ba):

“(bb) provide radon testing every three months according to regulations set by the Minister, communicate such results to tenants and take remedial action in cases of dangerous concentrations of radon under subsection (1)(b)(iv).”.

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—Catherine Martin, Eamon Ryan.

7. In page 6, between lines 2 and 3, to insert the following:

“Amendment of sections 3 and 4 of Act of 2004 – inclusion of student accommodation

3. (1) Section 3(1) of the Act of 2004 is amended by the insertion of “including private purpose built student accommodation” after “dwelling,”.

(2) Section 4(1) of the Act of 2004 is amended by the deletion of paragraph (g).”.

—Catherine Martin, Eamon Ryan.

8. In page 6, between lines 2 and 3, to insert the following:

“Amendment of section 5 of Act of 2004 – definition of deposit

3. Section 5 of the Act of 2004 is amended in subsection (1) by the insertion of the following definitions—

“ ‘deposit’ means a sum of money held (whether by the landlord or otherwise) as security for the performance of the tenant’s obligations arising under or in connection with a lease or tenancy agreement;

‘key money’ means any sum of money demanded by way of fine, premium, foregift, reimbursement of expenses, administration charges, or otherwise as consideration for the grant, continuance, extension, variation, or renewal of a tenancy agreement, or for consent to the surrender or disposition of the tenant’s interest under a tenancy agreement or to a subletting by the tenant; but does not include any sum payable or paid by way of rent or deposit;”.

—Catherine Martin, Eamon Ryan.

9. In page 6, between lines 2 and 3, to insert the following:

“Amendment of section 12 of Act of 2004 – regulation of deposits

3. Section 12 of the Act of 2004 is amended in subsection (4)(b) by the substitution of the following for “paragraph (a)(ii).”:

“paragraph (a)(ii),

(c) the amount of a deposit shall not be an amount greater than 1 months’ rent lawfully payable under the tenancy,

(d) a landlord shall not require a tenant to provide the landlord with any form of security to secure any payment or performance arising out of, or in connection with, the tenancy other than a deposit,

(e) a landlord shall not require from a tenant any form of key money.”.

—Catherine Martin, Eamon Ryan.

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10. In page 6, between lines 2 and 3, to insert the following:

“Copy of notice of termination to be served on board

3. Section 6 of the Act of 2004 is amended by inserting the following after subsection (6):

“(7) Where a notice required to be served on or given to a tenant by a landlord by or under this Act is a notice of termination of the tenancy, the landlord shall at the same time serve on or give to the Board a copy of the notice concerned.”.

—Jan O’Sullivan.

11. In page 6, between lines 2 and 3, to insert the following:

“Student accommodation

3. Section 4(1) of the Act of 2004 is amended, in the definition of ‘public authority’, by the deletion of paragraph (g).”.

—Jan O’Sullivan.

12. In page 6, between lines 2 and 3, to insert the following:

“Deposit not to exceed one month’s rent

3. Section 12 of the Principal Act (Obligations of landlords) is amended by inserting the following subsection:

“(6) A deposit (howsoever described, being money payable on entering into an agreement for the tenancy of a dwelling and intended to be held as security for the performance of any obligations, and the discharge of any liabilities, of the tenant under or in connection with the tenancy) shall not in any case exceed the monthly rent (or, if the rent is not payable monthly, the amount that the tenant pays in rent as calculated pro rata on a monthly basis) set under that tenancy.”.

—Jan O’Sullivan.

13. In page 6, between lines 2 and 3, to insert the following:

“Amendment of section 5 of Act of 2004

3. Section 5 of the Act of 2004 is amended in subsection (1):

(a) by the substitution of the following definition, for the definition of “landlord”—

“ ‘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,

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financial institution, equity fund or investment fund that taken possession of a dwelling that is the subject of an existing tenancy but where no receiver has been appointed;”,

(b) by the substitution of the following definition, for the definition of “tenancy”—

“ ‘tenancy’ includes a periodic tenancy, a tenancy for a fixed term, a periodic licence to reside in student specific accommodation, or a licence to reside for a fixed term in student specific accommodation, whether oral or in writing or implied, and, where the context so admits, includes a sub-tenancy and a tenancy, sub-tenancy or licence that has been terminated;”,

and

(c) by the substitution of the following definition, for the definition of “tenant”—

“ ‘tenant’ means the person for the time being entitled to the occupation of a dwelling under a tenancy or licence to reside at student specific accommodation and, where the context so admits, includes a person who has ceased to be entitled to that occupation by reason of the termination of his or her tenancy or licence.”.”.

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

14. In page 6, between lines 2 and 3, to insert the following:

“Amendment of section 16 of Act of 2004 - to abolish substantial refurbishment or renovation as ground for termination of a tenancy

3. Section 16 of the Act of 2004 is amended in paragraph (a), subparagraph (i) by the insertion of the following after “payment,”:

“except in relation to periods when the property has been vacated for the purpose of substantial refurbishment or renovation,”.”.

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

15. In page 6, between lines 2 and 3, to insert the following:

“Amendment of Section 19 of Act of 2004

3. Section 19 of the Act of 2004 is amended—

(a) by the deletion of subsection (5), and

(b) by the substitution of the following subsection for subsection (8):

“(8) Where a new tenancy commences within a Rent Pressure Zone, rents shall be set by the Residential Tenancies Board and governed by the principle of affordability to be defined by the Minister in consultation with the Oireachtas Joint Committee.”.”.

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

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

“(b) in subsection (5) by the deletion of paragraph (a).”.

—Eoin Ó Broin.

17. In page 6, to delete line 7 and substitute the following:

“(b) in subsection (5), by—

(i) the substitution of the following paragraph for paragraph (a):

“(a) to the rent first set under the tenancy of a dwelling, provided that no tenancy in respect of that dwelling subsisted during the period of 2 years immediately preceding the date on which the tenancy concerned commenced”,

and

(ii) the substitution, in subparagraph (ii) of paragraph (b), of “greater than” for “different to”,

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

18. In page 6, to delete lines 8 to 37, and in page 7, to delete lines 1 to 6 and substitute the following:

“(c) by deleting subsection 5(b).”.

—Mick Barry, Ruth Coppinger, Paul Murphy.

19. In page 6, to delete lines 12 to 15 and substitute the following:

“(a) the works carried out to the dwelling concerned—

(i) consist of a permanent extension to the dwelling that increases the floor area (within the meaning of Article 6 of the Building Regulations 1997 (S.I. No. 497 of 1997)) of the dwelling by an amount equal to not less than 25 per cent of the floor area (within such meaning) of the dwelling as it stood immediately before the commencement of those works, or”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

20. In page 6, to delete line 16 and substitute “(ii) result in any 3 or more of the following:”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

21. In page 6, line 17, to delete “is” and substitute “being”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

22. In page 6, line 18, to delete “is” and substitute “being”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

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23. In page 6, to delete line 21 and substitute the following:

“(III) a permanent increase in the number of rooms in the dwelling, or”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

24. In page 6, to delete line 21.

—Mick Barry, Ruth Coppinger, Paul Murphy, Jan O’Sullivan.

25. In page 6, to delete lines 22 to 26 and substitute the following:

“(IV) in the case of a dwelling to which the European Union (Energy Performance of Buildings) Regulations 2012 (S.I. No. 243 of 2012) apply, the BER (within the meaning of those Regulations) being improved by not less than 2 building energy ratings,”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

26. In page 6, to delete lines 23 to 30.

—Mick Barry, Ruth Coppinger, Paul Murphy.

27. In page 6, to delete lines 25 and 26 and substitute the following:

“the dwelling the quantification of the energy performance indicator, within the meaning of those Regulations, expressed in terms of kilowatt hours per square metre floor area per year (kWh/m²/yr), is improved by at least 50”.

—Jan O’Sullivan.

28. In page 6, line 26, after “improved” to insert “by at least 3 grades and brings the dwelling to a minimum of a C1 rating”.

—Catherine Martin, Eamon Ryan.

29. In page 6, line 26, after “improved” to insert “by a minimum of 3 letters and to bring the BER rating up to the A, B or C categories”.

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

30. In page 6, between lines 26 and 27, to insert the following:

“(iii) the total value of the works must exceed a value set by regulations issued by the Minister under this Act,”.

—Darragh O’Brien.

31. In page 7, line 19, after “offence” to insert the following:

“and liable—

(i) on summary conviction, to a class A fine or imprisonment for a term not exceeding 2 years or both, or

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- (ii) on conviction on indictment, to a fine not exceeding €50,000 or imprisonment for a term not exceeding 5 years or both”.

—Mick Barry, Ruth Coppinger, Paul Murphy.

SECTION 4

32. In page 7, between lines 30 and 31, to insert the following:

“Amendment of section 20 of Act of 2004

4. Section 20 of the Act of 2004 is amended—

- (a) in subsection (5), by the substitution of “1 January 2022 and from that day” for “the day immediately before the fourth anniversary of the day on which section 25 of the Residential Tenancies (Amendment) Act 2015 came into operation and, on and from the first-mentioned day”, and
- (b) in subsection (6), by the substitution of “31 December 2021” for “the day immediately before the fourth anniversary of the day on which that section came into operation”.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

33. In page 7, between lines 30 and 31, to insert the following:

“Amendment of section 24A of Act of 2004

5. (1) Section 24A of the Act of 2004 is amended—

- (a) in subsection (4), by the substitution of the following paragraph for paragraph (b):

“(b) the average rent (determined by reference to the information specified in paragraph (a)) in the area in respect of the 3 months to which the most recent Rent Index quarterly report applies is—

- (i) in the case of the county of Kildare, the county of Meath, the county of Wicklow or a local electoral area in any one of those counties, above the average rent in the State (other than the Dublin Area) specified in that report, or

- (ii) in the case of any—

(I) other county or local electoral area, or

(II) any city, city and county or local electoral area situated in such city or city and county,

above the average rent in the State (other than the Greater Dublin Area) specified in that report.”,

and

- (b) in subsection (10), by the insertion of the following definitions:

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“ ‘Dublin Area’ means—

- (a) the city of Dublin, and
- (b) the counties of South Dublin, Fingal and Dún Laoghaire-Rathdown;

‘Greater Dublin Area’ means—

- (a) the Dublin Area, and
- (b) the counties of Kildare, Wicklow and Meath;”.

- (2) Notwithstanding subsection (5) of section 24A of the Act of 2004 or any order made thereunder, the period specified in any such order to be the period during which an area shall stand prescribed as a rent pressure zone shall expire on 31 December 2021.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

34. In page 7, between lines 30 and 31, to insert the following:

“Amendment of section 24B of Act of 2004

- 6. Section 24B of the Act of 2004 is amended by the substitution of “during the period commencing on the relevant date and ending on 31 December 2021” for “from the relevant date for a period of 3 years”.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

35. In page 7, between lines 30 and 31, to insert the following:

“Amendment of section 24 of Act of 2004

- 7. The Act of 2004 is amended by the insertion of the following section:

“Relevant area within meaning of Local Government Act 2019 deemed to be rent pressure zone

24BA. (1) For the purposes of section 24B, the administrative area of Cork City Council shall include the relevant area and, accordingly, the reference in that section to relevant date shall, in so far as that section applies to the relevant area, be construed as a reference to the transfer day.

- (2) In this section—

‘Act of 2019’ means the Local Government Act 2019;

‘relevant area’ has the meaning assigned to it by the Act of 2019; and

‘transfer day’ has the meaning assigned to it by the Act of 2019.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

[SECTION 4]

36. In page 7, between lines 30 and 31, to insert the following:

“Amendment of section 28 of Act of 2004 – indefinite tenancies

4. Section 28(2)(a) of the Act of 2004 is amended by the substitution of “an indefinite period” for “the period of 6 years”.”.

—Catherine Martin, Eamon Ryan.

37. In page 7, between lines 30 and 31, to insert the following:

“Prescribing of rent pressure zones

4. Section 24A of the Act of 2004 is amended—

- (a) by the substitution of “electoral division” for “local electoral area” in each place where it appears,
- (b) by the substitution of “electoral divisions” for “local electoral areas” in each place where it appears, and
- (c) in subsection (10), by the substitution of the following for the definition of “area”:

“ ‘area’ means an electoral division;”.”.

—Jan O’Sullivan.

38. In page 7, between lines 30 and 31, to insert the following:

“State deemed to be rent pressure zone

4. Section 24 of the Act of 2004 is amended by the insertion of the following after section 24B (inserted by section 36 of the Planning and Development (Housing) and Residential Tenancies Act 2016):

“24BA. With effect from the date section 4 of the *Residential Tenancies (Amendment) Act 2019* comes into operation and notwithstanding anything to the contrary in section 24A, orders under section 24A(5) shall be deemed to have been made in respect of those administrative areas of housing authorities in the State which on that date are not, and are not deemed to be, rent pressure zones; accordingly, each of those areas is deemed to be a rent pressure zone from that date for a period of 3 years.”.”.

—Jan O’Sullivan.

[SECTION 4]

39. In page 7, between lines 30 and 31, to insert the following:

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

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

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

SECTION 5

40. In page 7, between lines 33 and 34, to insert the following:

“Amendment of Table to section 34 of Act of 2004

5. (1) Section 34 of the Act of 2004 is amended, in paragraph (a), by—

(a) the deletion in subparagraph (i), of “and”,

(b) the substitution of the following subparagraph for subparagraph (ii):

“(ii) the notice of termination cites as the reason for the termination the ground or grounds concerned and contains or is accompanied—

(I) in the case of paragraph 2, 5 or 6 of that Table, by the statement referred to in that paragraph, and

(II) in the case of paragraph 3 or 4 of that Table, by the statutory declaration referred to in that paragraph, and”,

and

(c) the insertion of the following subparagraph:

“(iii) in the case of a notice of termination that cites as the reason for the termination the ground specified in paragraph 5, the notice of termination contains or is accompanied by a certificate in writing of a registered professional (within the meaning of the Building Control Act 2007) stating that—

(I) the proposed refurbishment or renovation works would pose a risk to the health or safety of the occupants of the dwelling concerned and should not proceed while the dwelling is occupied, and

(II) such a risk is likely to exist for such period as is specified in the certificate which shall not be less than 3 weeks.”.

(2) The Table to section 34 of the Act of 2004 is amended—

(a) in paragraph 3, by the substitution of “9 months” for “3 months”,

(b) in clause (i) of subparagraph (b) of paragraph 4, by the substitution of “12

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months” for “6 months”,

- (c) in subparagraph (b) of paragraph 5, by the substitution of the following clause for clause (i):

“(i) the dwelling becomes available for reletting by reason of the completion of the works of refurbishment or renovation, and”,

and

- (d) in clause (i) of subparagraph (b) of paragraph 6, by the substitution of “12 months” for “6 months”.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

41. In page 7, between lines 33 and 34, to insert the following:

“Amendment of section 35 of Act of 2004

6. Section 35 of the Act of 2004 is amended—

- (a) in subsection (5), by—

(i) the substitution of “paragraph (aa) of subsection (8) and paragraph 4(b), 5(b) and 6(b) of the Table” for “paragraph 4(b), 5(b) and 6(b) of the Table”, and

(ii) the insertion of “statutory declaration or” before “statement concerned”,

- (b) in subsection (6), by the substitution of “paragraph (aa) of subsection (8), or paragraph 4(b), 5(b) or 6(b) of the Table,” for “paragraph 4(b), 5(b) or 6(b) of the Table”,

- (c) in subsection (8), by—

(i) the deletion, in paragraph (a), of “and”, and

(ii) the insertion of the following paragraph:

“(aa) a declaration that the landlord, by virtue of the notice, is required to offer to the tenant a tenancy of the dwelling if the following conditions are satisfied:

(i) the contact details requirement is complied with;

(ii) the landlord does not enter into an enforceable agreement of the type referred to in paragraph 3 of the Table within the period specified in that paragraph commencing—

(I) on the expiration of the period of notice required to be given under subparagraph (i) of paragraph (a) of section 34, or

(II) in circumstances where a dispute in relation to the validity of the notice is referred to the Board under Part 6 for resolution, on the final determination of that dispute;

and

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- (iii) the tenancy to which the notice relates has not otherwise been validly terminated by virtue of the citation in the notice of the ground specified in paragraph 1, 2 or 6 of the Table.”,

and

- (d) the insertion of the following subsection:

“(11) Where, in respect of a tenancy, a landlord serves on a tenant a notice of termination that cites, as a reason for the termination, a ground specified in the Table, the landlord shall—

- (a) subject to paragraph (b), give a copy of the notice of termination to the Board not later than 3 months before the expiration of the period of notice given by the notice of termination, or
- (b) in the case of a period of notice specified in the notice of termination of less than 3 months, give a copy of the notice of termination to the Board at the same time as he or she serves the notice on the tenant.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

- 42. In page 7, between lines 33 and 34, to insert the following:

“5. The Act of 2004 is amended by the insertion of the following section after section 34:

“**34A.** A person who fails to comply with the requirements of section 34 (a) shall be guilty of an offence and liable—

- (i) on summary conviction, to a class A fine or imprisonment for a term not exceeding 2 years or both, or
- (ii) on conviction on indictment, to a fine not exceeding €50,000 or imprisonment for a term not exceeding 5 years or both.”.

—Mick Barry, Ruth Coppinger, Paul Murphy.

- 43. In page 7, between lines 33 and 34, to insert the following:

“Amendment of section 34 of Act of 2004

5. The Act of 2004 is amended by the deletion of paragraphs 3 and 5 of the Table to section 34.”.

—Mick Barry, Ruth Coppinger, Paul Murphy.

- 44. In page 7, between lines 33 and 34, to insert the following:

“Amendment of section 34 of Act of 2004

5. Section 34 of the Act of 2004 is amended by the deletion of subsection (b).”.

—Catherine Martin, Eamon Ryan.

[SECTION 5]

45. In page 7, between lines 33 and 34, to insert the following:

“5. The Residential Tenancies Act 2004 is amended by the insertion of 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.

(5) This section will not apply retrospectively but to all prospective investment mortgages.”.”.

—Catherine Martin, Eamon Ryan.

46. In page 7, between lines 33 and 34, to insert the following:

“5. The Residential Tenancies Act 2004 is amended by the insertion of 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

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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.”.”.

—Catherine Martin, Eamon Ryan.

47. In page 7, between lines 33 and 34, to insert the following:

“Grounds for termination by landlord

5. Section 34 (Grounds for termination by landlord) of the Act of 2004 is amended—

(a) by deleting paragraph (b), and

(b) in the Table—

(i) by deleting paragraph 3, and

(ii) in paragraph 5, by substituting “, no reasonable measures can be taken to maintain the dwelling fit for human habitation during the refurbishment or renovation” for “in a way which requires the dwelling to be vacated for that purpose”.”.

—Jan O’Sullivan.

48. In page 7, between lines 33 and 34, to insert the following:

“Amendment of section 35 of Act of 2004

5. Section 35 (Table to section 34: interpretation and supplemental) of the Act of 2004 is amended by substituting the following for subsection (4):

“(4) In paragraph 4 of the Table the reference to a member of the landlord’s family is a reference to—

(a) a spouse or civil partner of the landlord, or

(b) a child (including a stepchild, foster child or adopted child) of the landlord.”.”.

—Jan O’Sullivan.

49. In page 7, between lines 33 and 34, 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 by a member of the landlord’s family to pay compensation to the tenant

5. (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):

[SECTION 5]

“(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.”.

- (3) The Act of 2004 is amended by the deletion of paragraph 5 of the Table to section 34.”.

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

50. In page 7, between lines 33 and 34, to insert the following:

“Amendment of section 34 of Act 2004

5. Section 34 of the Act of 2004 is amended by the deletion of paragraph 3 of the Table to that section.”.

—Eoin Ó Broin.

51. In page 7, between lines 33 and 34, to insert the following:

“Amendment of section 34 of Act 2004

5. Section 34 of the Act of 2004 is amended in paragraph 4 of the Table to that section by the deletion of “or for occupation by a member of his or her family and the notice of termination (the “notice”) contains or is accompanied by a statutory declaration” and the substitution of “and the notice of termination (the “notice”) contains or is accompanied, in writing, by a statement”.”.

—Eoin Ó Broin.

Section proposed to be deleted.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

SECTION 6

Section proposed to be deleted.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

SECTION 7

52. In page 8, between lines 24 and 25, to insert the following:

“Amendment of section 56 of Act of 2004

7. Section 56 of the Act of 2004 is amended—

- (a) in paragraph (c) of subsection (1), by the substitution of the following subparagraph for subparagraph (i):

“(i) in case the ground cited is that specified in paragraph 3 of that Table—

- (I) an enforceable agreement of the type referred to in that paragraph is not entered into within the period specified

therein,

- (II) the notice of termination is not accompanied by the statutory declaration referred to in section 35, or
- (III) the offer referred to in paragraph (aa) of subsection (8) of section 35 is not made in circumstances where the conditions specified in the said paragraph (aa) are satisfied,”

and

- (b) in subparagraph (c) of the Table to subsection (6), by the substitution of the following clause for clause (i):

“(i) in case the ground cited is that specified in paragraph 3 of that Table—

- (I) an enforceable agreement of the type referred to in that paragraph is not entered into within the period of 9 months after the tenant ceases to occupy the dwelling following the final determination of the dispute in relation to the validity of the notice of termination, or
- (II) an enforceable agreement of the type referred to in that paragraph is not entered into within that period and the conditions specified in paragraph (aa) of subsection (8) of section 35 are not satisfied.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

53. In page 8, between lines 24 and 25, to insert the following:

“Amendment of Chapter 3 of Part 5 of Act of 2004

- 8. Chapter 3 of Part 5 of the Act of 2004 is amended by the insertion of the following section:

“Duration of tenancy for purposes of this Chapter

64B. (1) For the purposes of this Chapter, a Part 4 tenancy and any further Part 4 tenancy entered into following the expiration of—

- (a) the said Part 4 tenancy, or
- (b) a further Part 4 tenancy,

shall be treated as one tenancy, and references in this Chapter to duration of tenancy shall be construed accordingly.

- (2) This section is without prejudice to subsection (2) of section 61.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

[SECTION 7]

54. In page 8, to delete lines 27 to 37, and in page 9, to delete lines 1 to 32.

—Eoin Ó Broin.

55. In page 8, line 31, to delete “on a tenant” and substitute “or a tenant”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

56. In page 9, line 4, after “landlord” to insert “or tenant, as may be appropriate,”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

57. In page 9, line 8, after “landlord” to insert “or tenant, as may be appropriate,”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

58. In page 9, line 10, to delete “on the tenant”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

59. In page 9, line 28, after “landlord” to insert “or tenant, as the case may be,”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

60. In page 9, line 30, after “landlord” to insert “or tenant, as the case may be,”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

61. In page 9, between lines 31 and 32, to insert the following:

“(c) by the insertion of the following subsection:

“(2B) Where this section applies, the period of notice to be given in respect of a tenancy referred to in subsection (1A) of section 3 by the landlord or tenant and specified in the notice of termination shall be not less than 28 days.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

62. In page 9, to delete lines 35 to 43 and in page 10, to delete lines 1 to 3 and substitute the following:

“

Duration of Tenancy (1)	Notice Period (2)
Less than 6 months	28 days
Not less than 6 months but less than one year	90 days
Not less than one year but less than 3 years	120 days
Not less than 3 years but less than 7 years	180 days
Not less than 7 years but less than 8 years	196 days
Not less than 8 years	224 days

”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

[SECTION 7]

63. In page 9, to delete lines 35 to 43 and in page 10 to delete lines 1 to 4, and substitute the following:

“

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

”

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

64. In page 9, to delete line 36 and substitute the following:

“

Less than 6 months	60 days
--------------------	---------

”

—Jan O’Sullivan.

65. In page 9, to delete line 36 and substitute the following:

“

Less than 6 months	90 days
--------------------	---------

”

—Eoin Ó Broin.

Section opposed.

—Mick Barry, Ruth Coppinger, Paul Murphy, Eoin Ó Broin.

SECTION 8

66. In page 10, between lines 16 and 17, to insert the following:

“Amendment of section 67 of the Act of 2004

8. Subsection 67(2)(b) of the Act of 2004 is amended in subsection (2) by after “tenancy”, deleting “.” and substituting “and,” and inserting a new subsection (3) as follows:

“(3) the failure to pay mentioned in subsection (2)(b)(ii) was not due to an inability to pay.”.

—Mick Barry, Ruth Coppinger, Paul Murphy.

67. In page 10, between lines 16 and 17, to insert the following:

“Amendment of section 67 of the Act of 2004

8. Section 67(2)(b)(ii) of the Act of 2004 is amended by deleting “an amount of rent due”

[SECTION 8]

and substituting “rent for at least three consecutive months”. ”.

—Mick Barry, Ruth Coppinger, Paul Murphy.

SECTION 9

68. In page 10, between lines 19 and 20, to insert the following:

“Amendment of section 78 of Act of 2004

9. Section 78 of the Act of 2004 is amended, in subsection (1), by the substitution of the following paragraph for paragraph (f):

“(f) an allegation that the landlord has sought to—

(i) terminate a tenancy (other than a tenancy referred to in subsection (1A) of section 3) other than in accordance with Part 4, or

(ii) terminate a tenancy referred to in subsection (1A) of section 3 other than in accordance with Part 5.”.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

Section opposed.

—Catherine Martin, Eamon Ryan, Eoin Ó Broin.

SECTION 12

69. In page 10, between lines 30 and 31, to insert the following:

“Amendment of section 128 of Act of 2004 – publication of rents

12. Section 128 of the Act of 2004 is amended by the substitution of the following subsection for subsection (4):

“(4) The published register—

(a) shall not contain any information, as respects a particular dwelling, that discloses or could reasonably lead to the disclosure of the identity of the landlord or the tenant of the dwelling,

(b) shall disclose, as respects every dwelling, the amount of the rent payable under the tenancy of that dwelling, and

(c) shall disclose, as respects every dwelling, the amount of rent payable per square metre under the tenancy of that dwelling.”.”.

—Catherine Martin, Eamon Ryan.

70. In page 10, between lines 29 and 30, to insert the following:

“Private residential tenancies register: publication of certain details

12. Section 128 of the Act of 2004 is amended by substituting the following for subsection (4):

[SECTION 12]

“(4) The published register—

- (a) shall not contain any information, as respects a particular dwelling, that discloses or could reasonably lead to the disclosure of the identity of the landlord or the tenant of the dwelling,
- (b) shall disclose, as respects every dwelling, the amount of the rent payable under the tenancy of that dwelling.”.

—Jan O’Sullivan.

71. In page 11, line 1, after “tenancy.” to insert “The Board shall send a reminder notification to the landlord one month prior to the expiration of an annual registration.”.

—Darragh O’Brien.

72. In page 11, line 1, after “tenancy.” to insert the following:

“This does not apply to those tenancies under subsection (2A) in respect of a tenancy and the dwelling referred to in section 3(4).”.

—Darragh O’Brien.

73. In page 11, to delete lines 2 to 5 and substitute the following:

“(b) in subsection (2), by—

- (i) the substitution of “paragraph (a) of subsection (1)” for “this section”,
- (ii) the insertion, in paragraph (a), of “(other than a tenancy to which paragraph (aa) applies)” after “in the case of a tenancy”,
- (iii) the insertion of the following paragraph:

“(aa) in the case of a tenancy to which subsection (1A) of section 3 applies that commences during the period of 3 months from the commencement of *section 3** of the *Residential Tenancies (Amendment) Act 2019*, not later than 4 months from the commencement of the tenancy, and”.

- (c) in subsection (2A), by the substitution of “paragraph (a) of subsection (1)” for “this section” in each place that it occurs,”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

[*This is a reference to the section proposed to be inserted by amendment no. 3.]

74. In page 11, to delete lines 6 to 12.

—Darragh O’Brien.

75. In page 11, line 19, to delete “paragraph (a)” and substitute “paragraph (a), (aa)”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

76. In page 11, line 30, to delete “paragraph (a)” and substitute “paragraph (a), (aa)”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

[SECTION 12]

77. In page 12, between lines 3 and 4, to insert the following:

“(3) Within 12 months of the commencement of *section 12* of the *Residential Tenancies (Amendment) Act 2019*, the Board shall publish a national Rent Transparency Register. The register shall display the rents being paid in each Small Area of Population as laid out by the Central Statistics Office.”.

—Darragh O'Brien.

SECTION 13

78. In page 12, to delete lines 7 to 10 and substitute the following:

“(b) in subparagraph (i) of paragraph (e) of subsection (4), by—

(i) the insertion of the following clause—

“(IA) the obligation on the landlord to pay fees to the Board on an application to register a tenancy at its commencement and annually during the tenancy,”

(ii) the substitution of the following clause for clause (II):

“(II) security of tenure under Part 4 (other than in the case of a tenancy referred to in subsection (1A) of section 3),” and

(iii) the substitution of the following clauses for clause (III):

“(III) the termination of tenancies (other than tenancies referred to in subsection (1A) of section 3) under Part 4, and

(IV) the termination of tenancies under Part 5,”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

SECTION 15

79. In page 12, to delete lines 22 to 35, and in page 13, to delete lines 1 to 26 and substitute the following:

“15. (1) Section 137 of the Act of 2004 is amended—

(a) by the substitution of the following subsection for subsection (1):

“(1) (a) Subject to subsections (2) and (6) and section 137A, the fee to accompany an application under section 134 shall—

(i) in the case of an application (other than an application referred to in paragraph (b)) made during the period of 12 months after the commencement of *section 15* of the *Residential Tenancies (Amendment) Act 2019*, be €40, and

(ii) in the case of an application (other than an application referred to in paragraph (b)) made after that period—

(I) be €40, or

(II) where an amount stands declared for the time being under subsection (1) of section 138 for the purposes of this

[SECTION 15]

paragraph, be a fee of that amount.

- (b) Subject to subsections (2) and (6) and section 137A, the fee to accompany an application under section 134 shall—
 - (i) in the case of an application in respect of a tenancy to which subsection (1A) of section 3 applies made during the period of 12 months after the commencement of *section 3** of the *Residential Tenancies (Amendment) Act 2019*, be €40, or
 - (ii) in the case of an application in respect of a tenancy to which subsection (1A) of section 3 applies made after that period –
 - (I) be €40, or
 - (II) where an amount stands declared for the time being under subsection (1) of section 138 for the purposes of this paragraph, be a fee of that amount.”,
- (b) in subsection (2), by the substitution of “that a fee referred to in subsection (1)” for “for a fee specified in this section to”,
- (c) by the substitution of the following subsection for subsection (4):

“(4) (a) The amount of the single fee referred to in subsection (2) shall—

- (i) if the applications (other than an application referred to in paragraph (b)) concerned are made during the period of 12 months after the commencement of *section 15* of the *Residential Tenancies (Amendment) Act 2019*, be €170, or
 - (ii) if the applications (other than an application referred to in paragraph (b)) concerned are made after that period—
 - (I) be €170, or
 - (II) where an amount stands declared for the time being under subsection (1) of section 138 for the purposes of this paragraph, be a fee of that amount.
- (b) The amount of the single fee referred to in subsection (2) shall—
- (i) if the applications concerned are in respect of a tenancy to which subsection (1A) of section 3 applies made during the period of 12 months after the commencement of *section 3** of the *Residential Tenancies (Amendment) Act 2019*, be €170, or
 - (ii) if the applications concerned are in respect of a tenancy to which subsection (1A) of section 3 applies made after that period—
 - (I) be €170, or
 - (II) where an amount stands declared for the time being under subsection (1) of section 138 for the purposes of this

[SECTION 15]

paragraph, be a fee of that amount.”.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

[*This is a reference to the section proposed to be inserted by amendment no. 3.]

80. In page 13, to delete lines 29 to 40, and in page 14, to delete lines 1 to 5 and substitute the following:

“(e) by the substitution of the following subsection for subsection (6):

(6) If an application under subsection (1) of section 134 is made after the expiration of the period specified in subsection (2) or subsection (2B), as may be appropriate, the fee required to accompany that application shall be of such amount as is equal to the aggregate of—

(a) the fee that would have been payable had the application been made before the expiration of that period, and

(b) €10 in respect of each month or part of a month falling after such expiration.”.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

81. In page 14, between lines 5 and 6, to insert the following:

“(2) The amendment of section 137 of the Act of 2004 effected by this section shall not apply in relation to an application under subsection (1) of section 134 made after the commencement of this section that was required to be made at any time before such commencement.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

SECTION 16

82. In page 14, between lines 5 and 6, to insert the following:

“Amendment of section 137A of Act of 2004

16. (1) Section 137A of the Act of 2004 is amended—

(a) by the substitution of the following subsection for subsection (1):

“(1) Subject to subsections (2) and (6), the fee that is required to accompany an application referred to in subsection (2A) of section 134 shall—

(a) in the case of an application made during the period of 12 months after the commencement of *section 16 of the Residential Tenancies (Amendment) Act 2019*, be €20, or

(b) in the case of an application made after that period—

(i) be €20, or

(ii) where an amount stands declared for the time being under subsection (1) of section 138 for the purposes of this paragraph,

[SECTION 16]

be a fee of that amount.”,

(b) in subsection (2), by the substitution of “that a fee referred to in subsection (1)” for “for a fee specified in this section to”,

(c) by the substitution of the following subsection for subsection (4):

“(4) The amount of the single fee referred to in subsection (2) shall—

(a) if the applications concerned are made during the period of 12 months after the commencement of *section 16* of the *Residential Tenancies (Amendment) Act 2019*, be €85, or

(b) if the applications concerned are made after that period—

(i) be €85, or

(ii) where an amount stands declared for the time being under subsection (1) of section 138 for the purposes of this paragraph, be a fee of that amount.”,

(d) in subsection (5), by the substitution of “subsection (2A) or (2B), as may be appropriate, of section 134” for “paragraph (a), (b) or (c) of section 134(2A)”, and

(e) by the substitution of the following subsection for subsection (6):

“(6) If an application referred to in subsection (2A) of section 134 is made after the expiration of the period specified in that subsection, the fee required to accompany that application shall be of such amount as is equal to the aggregate of—

(a) the fee that would have been payable had the application been made before the expiration of that period, and

(b) €5 in respect of each month or part of a month falling after such expiration.”.

(2) The amendment of section 137A of the Act of 2004 effected by this section shall not apply in relation to an application to which subsection (2A) of section 134 applies made after the commencement of this section that was required to be made at any time before such commencement.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

[*Acceptance of this amendment involves the deletion of section 16 of the Bill.*]

[SECTION 18]

SECTION 18

83. In page 16, between lines 18 and 19, to insert the following:

“Establishment of short-term tenancies register

18. The Act of 2004 is amended by the insertion of the following Chapter after Chapter 4 in Part 7:

“Chapter 5

Registration of Short-term Letting Tenancies

Establishment of short-term tenancy register

149A.(1) Any short-term letting agency that offers a short-term tenancy on behalf of a private landlord must be registered as a short-term letting agency with the Board.

- (2) The Board shall, as soon as practicable after the establishment day, establish and maintain a register which shall be known as the ‘short-term letting agency register’ and is in this Act referred to as the ‘short-term tenancy register’.
- (3) All short-term letting agencies must provide the following data to the Board and to Revenue on an annual basis:
 - (a) the address and Eircode of the dwelling;
 - (b) the name, address for correspondence, VAT number and Personal Public Service number (if any) of the landlord and, where the application is made by his or her authorised agent, the name, address for correspondence and Personal Public Service number (if any) of the agent;
 - (c) if the landlord is a company, the registered number and registered office of that company;
 - (d) if (where the application is made by the landlord’s authorised agent) the authorised agent is a company, the registered number and registered office of that company;
 - (e) the number of nights and dates of each night the dwelling was rented as a short term tenancy during the preceding year;
 - (f) the fee payable for each short term tenancy rented during the preceding year; and
 - (g) any other relevant data as deemed necessary from time to time by the Minister as set out in regulations.
- (4) The short term letting agency must inform landlords that this data will be provided to the Board and to Revenue.
- (5) The published register—

[SECTION 18]

- (a) shall not contain any information, as respects a particular dwelling, that discloses or could reasonably lead to the disclosure of the identity of the landlord or the tenant of the dwelling,
- (b) shall disclose, as respects every dwelling—
 - (i) the amount of the fee payable under the short term tenancy of that dwelling, and
 - (ii) the amount of nights and dates per year the tenancy will be in use as a short term tenancy.
- (6) In this section—

‘short-term tenancy’ is defined as the use of a dwelling for short-term lettings for a fixed term of 6 weeks or less, for rent or valuable consideration as a self-contained residential unit, whether or not the tenant shares with the landlord or other persons any portion of it or any accommodation, amenity or facility in connection with it;

‘short term letting agency’ is defined as an agency or platform that facilitates for profit the use of dwellings for short-term lettings for a fixed term of 6 weeks or less, for rent or valuable consideration as a self-contained residential unit, whether or not the tenant shares with the landlord or other persons any portion of it or any accommodation, amenity or facility in connection with it.
- (7) The short term letting agency will ensure that all tenancies offered on their platforms or agencies are kept to standards outlined in section 12.
- (8) A person who contravenes subsections (2), (3) and/or (7) is guilty of an offence and is liable—
 - (a) on summary conviction to a Class A fine,
 - (b) on conviction on indictment to a fine not exceeding €50,000, and
 - (c) on conviction, to being struck from the short term letting register and deemed unable to operate in the state.”.

—Catherine Martin, Eamon Ryan.

84. In page 19, between lines 38 and 39, to insert the following:

- “(17) An application under subsection (7) shall be made to a judge of the District Court for the time being assigned to the District Court District within which the person in respect of whom the application is made resides or carries on any profession, trade or business.
- (18) An application for a warrant under subsection (13) shall be made to a judge of the District Court for the time being assigned to the District Court District within which the premises in respect of which the application is made is situated.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

[SECTION 18]

85. In page 19, line 39, to delete “(17) In” and substitute “(19) In”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

86. In page 20, line 6, after “landlord” to insert “or tenant engaging in anti-social behaviour or inappropriate upkeep of the visible external property”.

—Darragh O'Brien.

87. In page 21, line 12, after “landlord” to insert “or tenant”.

—Darragh O'Brien.

88. In page 21, line 15, after “landlord” to insert “or tenant”.

—Darragh O'Brien.

89. In page 21, line 19, after “landlord” to insert “or tenant”.

—Darragh O'Brien.

90. In page 21, line 23, after “landlord” to insert “or tenant”.

—Darragh O'Brien.

91. In page 21, line 25, after “landlord” to insert “or tenant”.

—Darragh O'Brien.

92. In page 21, line 28, after “landlord” to insert “or tenant”.

—Darragh O'Brien.

93. In page 21, line 29, after “landlord” to insert “or tenant”.

—Darragh O'Brien.

94. In page 21, line 34, after “landlord” to insert “or tenant”.

—Darragh O'Brien.

95. In page 21, line 39, after “landlord” to insert “or tenant”.

—Darragh O'Brien.

96. In page 22, line 2, after “landlord” to insert “or tenant”.

—Darragh O'Brien.

97. In page 22, line 4, after “landlord” to insert “or tenant”.

—Darragh O'Brien.

98. In page 22, line 5, after “landlord” to insert “or tenant”.

—Darragh O'Brien.

99. In page 22, line 6, after “landlord” to insert “or tenant”.

—Darragh O'Brien.

[SECTION 18]

100. In page 22, line 8, after “landlord” to insert “or tenant”.
—Darragh O'Brien.
101. In page 22, line 12, after “landlord” to insert “or tenant”.
—Darragh O'Brien.
102. In page 22, line 24, after “landlord” to insert “or tenant”.
—Darragh O'Brien.
103. In page 22, line 29, after “landlord” to insert “or tenant”.
—Darragh O'Brien.
104. In page 23, line 9, after “landlord” to insert “or tenant”.
—Darragh O'Brien.
105. In page 23, line 12, after “landlord” to insert “or tenant”.
—Darragh O'Brien.
106. In page 23, line 14, after “landlord” to insert “or tenant”.
—Darragh O'Brien.
107. In page 23, line 20, after “landlord” to insert “or tenant”.
—Darragh O'Brien.
108. In page 23, line 22, after “landlord” to insert “or tenant”.
—Darragh O'Brien.
109. In page 23, line 23, after “case” to insert “including issuing a notice of termination”.
—Darragh O'Brien.
110. In page 23, line 24, after “landlord” to insert “or tenant”.
—Darragh O'Brien.
111. In page 23, line 26, after “landlord” to insert “or tenant”.
—Darragh O'Brien.
112. In page 23, line 29, after “landlord” to insert “or tenant”.
—Darragh O'Brien.
113. In page 23, line 31, after “landlord” to insert “or tenant”.
—Darragh O'Brien.
114. In page 23, line 38, after “landlord” to insert “or tenant”.
—Darragh O'Brien.

[SECTION 18]

115. In page 23, line 40, after “landlord” to insert “or tenant”.
—Darragh O'Brien.
116. In page 24, line 4, after “landlord” to insert “or tenant”.
—Darragh O'Brien.
117. In page 24, line 9, after “landlord” to insert “or tenant”.
—Darragh O'Brien.
118. In page 24, line 16, after “landlord” to insert “or tenant”.
—Darragh O'Brien.
119. In page 24, line 24, after “landlord” to insert “or tenant”.
—Darragh O'Brien.
120. In page 24, line 27, after “landlord” to insert “or tenant”.
—Darragh O'Brien.
121. In page 24, line 28, after “landlord” to insert “or tenant”.
—Darragh O'Brien.
122. In page 24, line 33, after “landlord” to insert “or tenant”.
—Darragh O'Brien.
123. In page 24, line 35, after “landlord” to insert “or tenant”.
—Darragh O'Brien.
124. In page 24, line 37, after “landlord” to insert “or tenant”.
—Darragh O'Brien.
125. In page 24, line 41, after “landlord” to insert “or tenant”.
—Darragh O'Brien.
126. In page 25, line 6, after “landlord” to insert “or tenant”.
—Darragh O'Brien.
127. In page 25, line 8, after “landlord” to insert “or tenant”.
—Darragh O'Brien.
128. In page 25, line 10, after “landlord” to insert “or tenant”.
—Darragh O'Brien.
129. In page 25, line 14, after “landlord” to insert “or tenant”.
—Darragh O'Brien.

[SECTION 18]

130. In page 25, line 18, after “landlord” to insert “or tenant”.
—Darragh O'Brien.
131. In page 25, line 22, after “landlord” to insert “or tenant”.
—Darragh O'Brien.
132. In page 25, line 23, after “landlord” to insert “or tenant”.
—Darragh O'Brien.
133. In page 25, line 29, after “landlord” to insert “or tenant”.
—Darragh O'Brien.
134. In page 25, line 35, after “landlord” to insert “or tenant”.
—Darragh O'Brien.
135. In page 25, line 36, after “landlord” to insert “or tenant”.
—Darragh O'Brien.
136. In page 25, to delete lines 38 to 41, and in page 26, to delete lines 1 to 3.
—Eoin Ó Broin.
137. In page 25, line 39, after “landlord” to insert “or tenant”.
—Darragh O'Brien.
138. In page 26, line 5, after “landlord” to insert “or tenant”.
—Darragh O'Brien.
139. In page 26, line 7, after “landlord” to insert “or tenant”.
—Darragh O'Brien.
140. In page 26, line 8, after “landlord” to insert “or tenant”.
—Darragh O'Brien.
141. In page 26, line 11, after “landlord” to insert “or tenant”.
—Darragh O'Brien.
142. In page 26, line 15, after “landlord” to insert “or tenant”.
—Darragh O'Brien.
143. In page 26, line 21, after “landlord” to insert “or tenant”.
—Darragh O'Brien.
144. In page 26, line 22, after “landlord” to insert “or tenant”.
—Darragh O'Brien.

[SECTION 18]

145. In page 26, between lines 27 and 28, to insert the following:

“(5) An appeal under subsection (1) shall be brought before a judge of the Circuit Court for the time being assigned to the Circuit in which the appellant resides or carries on any profession, trade or business.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

146. In page 26, to delete lines 28 to 39.

—Mick Barry, Ruth Coppinger, Paul Murphy.

147. In page 26, line 29, after “landlord” to insert “or tenant”.

—Darragh O'Brien.

148. In page 26, line 32, after “landlord” to insert “or tenant”.

—Darragh O'Brien.

149. In page 26, line 34, after “landlord” to insert “or tenant”.

—Darragh O'Brien.

150. In page 26, after line 39, to insert the following:

“(3) An application under subsection (1) shall be made to a judge of the Circuit Court for the time being assigned to the Circuit in which the landlord to whom the decision concerned applies resides or carries on any profession, trade or business.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

151. In page 27, line 4, after “landlord” to insert “or tenant”.

—Darragh O'Brien.

152. In page 27, line 9, after “landlord” to insert “or tenant”.

—Darragh O'Brien.

153. In page 27, line 21, after “landlord” to insert “or tenant”.

—Darragh O'Brien.

154. In page 27, line 22, after “landlord” to insert “or tenant”.

—Darragh O'Brien.

155. In page 27, line 26, after “landlord” to insert “or tenant”.

—Darragh O'Brien.

156. In page 27, line 38, after “landlord” to insert “or tenant”.

—Darragh O'Brien.

157. In page 27, line 40, after “landlord” to insert “or tenant”.

—Darragh O'Brien.

[SECTION 18]

158. In page 27, line 41, after “landlord” to insert “or tenant”.
—Darragh O'Brien.
159. In page 28, line 1, after “landlord” to insert “or tenant”.
—Darragh O'Brien.
160. In page 28, line 3, after “landlord” to insert “or tenant”.
—Darragh O'Brien.
161. In page 28, line 4, after “landlord” to insert “or tenant”.
—Darragh O'Brien.
162. In page 28, line 7, after “landlord” to insert “or tenant”.
—Darragh O'Brien.
163. In page 28, line 11, after “landlord” to insert “or tenant”.
—Darragh O'Brien.
164. In page 28, line 13, after “landlord” to insert “or tenant”.
—Darragh O'Brien.
165. In page 28, line 18, after “landlord” to insert “or tenant”.
—Darragh O'Brien.
166. In page 28, line 21, after “landlord” to insert “or tenant”.
—Darragh O'Brien.
167. In page 28, line 30, after “landlord” to insert “or tenant”.
—Darragh O'Brien.
168. In page 29, line 2, after “landlord” to insert “or tenant”.
—Darragh O'Brien.
169. In page 29, line 4, after “landlord” to insert “or tenant”.
—Darragh O'Brien.
170. In page 29, line 8, after “landlord” to insert “or tenant”.
—Darragh O'Brien.
171. In page 29, line 10, after “landlord” to insert “or tenant”.
—Darragh O'Brien.
172. In page 29, line 12, after “landlord” to insert “or tenant”.
—Darragh O'Brien.

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173. In page 29, line 13, after “landlord” to insert “or tenant”.

—Darragh O'Brien.

SECTION 19

174. In page 29, line 18, after “landlords” to insert “or tenants”.

—Darragh O'Brien.

SECTION 21

175. In page 30, between lines 10 and 11, to insert the following:

“Amendment of section 168 of Act of 2004

21. Section 168 of the Act of 2004 is amended by the insertion, in subsection (2), of the following paragraph:

“(da) an authorised officer or decision maker appointed under section 164A.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

SECTION 23

176. In page 30, line 24, to delete “or” where it secondly occurs.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

177. In page 30, line 27, to delete “subsection.” and substitute the following:

“subsection,

- (c) the citing by a landlord in a notice of termination of a reason for the termination of the tenancy concerned that is, and that he or she knows to be, false or misleading in a material respect,
- (d) the failure by a landlord, who has served a notice of termination that cites the ground specified in paragraph 3 of the Table to section 34 as a reason for the termination of the tenancy concerned, to make an offer referred to in paragraph (aa) of subsection (8) of section 35 in circumstances where the conditions referred to in the said paragraph (aa) are satisfied,
- (e) the failure by a landlord, who has served a notice of termination that cites the ground specified in paragraph 4 of the Table to section 34 as a reason for the termination of the tenancy concerned, to make an offer referred to in subparagraph (b) of that paragraph in circumstances where the conditions referred to in that subparagraph are satisfied,
- (f) the failure by a landlord, who has served a notice of termination that cites the ground specified in paragraph 5 of the Table to section 34 as a reason for the termination of the

[SECTION 23]

tenancy concerned, to make an offer referred to in subparagraph (b) of that paragraph in circumstances where the conditions referred to in that subparagraph are satisfied, or

- (g) the failure by a landlord, who has served a notice of termination that cites the ground specified in paragraph 6 of the Table to section 34 as a reason for the termination of the tenancy concerned, to make an offer referred to in subparagraph (b) of that paragraph in circumstances where the conditions referred to in that subparagraph are satisfied.”.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

178.In page 30, line 27, to delete “subsection.”.” and substitute the following:

“subsection.

Schedule 3

Section 148R

Improper conduct in relation to a tenant means—

- (a) anti-social behaviour, or
- (b) inappropriate maintenance of the external features of a property including its gardens.”.”.

—Darragh O'Brien.

179.In page 30, line 27, to delete “subsection.”.” and substitute the following:

“subsection.

- “(c) the seeking by the landlord to falsely rely on paragraph 3 of the Table to section 34 as grounds for termination of a Part 4 tenancy.
- (d) the seeking by the landlord to falsely rely on paragraph 4 of the Table to section 34 as grounds for termination of a Part 4 tenancy.”.”.

—Mick Barry, Ruth Coppinger, Paul Murphy.

180.In page 30, line 27, to delete “subsection.”.” and substitute the following:

“subsection.

- “(c) the seeking by the landlord to rely on paragraph 5 of the Table to section 34 in respect of a dwelling that does not comply with the requirements of that subsection.”.”.

—Mick Barry, Ruth Coppinger, Paul Murphy.

[NEW SECTION]

NEW SECTION

181. In page 33, after line 4, to insert the following:

“Application of Act of 2004 to certain licences

26. (1) The Act of 2004 shall apply to licences and licence agreements as it applies to tenancies of dwellings referred to in subsection (1A) of section 3 of that Act and tenancy agreements relating to such tenancies, subject to the following, and any other necessary, modifications:

- (a) references to tenancy shall be construed as references to licence;
- (b) references to tenancy agreement shall be construed as references to licensing agreement;
- (c) references to landlord shall be construed as references to licensor;
- (d) references to tenant (other than a tenant to whom the definition of “multiple tenants” in subsection (1) of section 48 applies) shall be construed as references to licensee;
- (e) references to dwelling shall be construed as references to a residential unit (whether or not self-contained) situated in student accommodation;
- (f) references to rent shall be construed as references to payments or charges (howsoever described) payable under a licence agreement by the licensee to the licensor; and
- (g) the deletion, in paragraph (a) of subsection (1) of section 12, of the words “and exclusive”.

(2) In this section—

“licence” means a licence—

- (a) given by the owner of student accommodation to a student, and
- (b) created not earlier than one month after the commencement of this section,

permitting the student to enter and reside in a residential unit (whether or not self-contained) within that student accommodation, and “licensor” and “licensee” shall be construed accordingly;

“licence agreement” means an agreement (whether or not in writing) between the owner of student accommodation and a student giving a licence to the student;

“owner” has the meaning assigned to it by section 96 of the Planning and Development Act 2000;

“student” means a person registered as a student with a relevant provider (within the meaning of the Qualifications and Quality Assurance (Education and Training) Act 2012);

“student accommodation” means a building, or part of a building, used for the sole purpose (subject to paragraphs (a), (b) and (c)) of providing residential

[NEW SECTION]

accommodation to students during academic term times under a licence—

- (a) whether or not the building or part of the building concerned is used for any other purpose outside of those times,
- (b) whether or not any such students are permitted to reside there outside of those times, and
- (c) whether or not any person other than a student resides there, provided that the purpose of the person's residing there serves the first-mentioned purpose,

but does not include a building or part of a building used for the first-mentioned purpose where the licensor (other than a licensor who is not an individual) also resides in the building or part of the building concerned.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

182. In page 33, after line 4, to insert the following:

“Amendment of Planning and Development Act 2000

27. The Planning and Development Act 2000 is amended by the insertion of the following section:

“Short term lettings

- 3A. (1) The use of a house or part of a house situated in a rent pressure zone for short term letting purposes is a material change in use of the house or part thereof, as the case may be.
- (2) For the purposes of this section, the Minister may make regulations requiring such persons as are specified in the regulations to provide a planning authority with such information as may be so specified and at such intervals as may be so specified in relation to short term lettings in the administrative area of the planning authority.
- (3) A person who contravenes a provision of regulations under this section that is described in the regulations as a penal provision shall be guilty of an offence and shall be liable, on summary conviction, to a class A fine.
- (4) This section shall not operate to abrogate or amend the law with regard to—
- (a) lettings (including short term lettings) outside a rent pressure zone, or
 - (b) lettings (other than short term lettings) in a rent pressure zone.
- (5) In this section—
- ‘rent pressure zone’ means—
- (a) any area standing prescribed for the time being under section 24A of the Residential Tenancies Act 2004, or

[NEW SECTION]

(b) an administrative area deemed to be a rent pressure zone under section 24B of that Act;

‘short term letting’ means the letting of a house or part of a house for any period not exceeding 14 days, and includes a licence that permits a licensee under the licence to enter and reside in the house or part thereof for any such period.”.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

183. In page 33, after line 4, to insert the following:

“26. The Minister has within 12 months of the commencement of this Act to issue a report on the establishment of a National Rent Deposit Scheme.”.

—Darragh O'Brien.

184. In page 33, after line 4, to insert the following:

“26. Section 24C of the Act of 2004 is amended by the insertion of the following paragraph after paragraph (b):

“(c) a landlord of such a tenancy may appeal the rent level to the Residential Tenancies Board.”.”.

—Darragh O'Brien.

185. In page 33, after line 4, to insert the following:

“PART 4

MISCELLANEOUS

Amendment of sections 27, 28(1), 28(3) and 50(3) of Act of 2004 - to extend Part 4 protections to all tenancies over two months in duration

26. (a) Section 27 of the Act of 2004 is amended by the substitution of “continuous period of 2 months” for “continuous period of 6 months”.
- (b) 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”.
- (c) 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”.
- (d) Section 50(3) of the Act of 2004 is amended by the substitution of—
- (i) “continuous period of 2 months” for “continuous period of 6 months”, and
 - (ii) “expiry of that period of 2 months” for “expiry of that period of 6 months”.”.

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

[NEW SECTION]

186. In page 33, after line 4, to insert the following:

“PART 4

MISCELLANEOUS

Amendment of sections 28, 34, 55, 56, 57, Chapters 4 and 5 of Act of 2004 - to make Part 4 tenancies indefinite

26. (a) 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 6 years from”.
- (b) Section 34(b) of the Act of 2004 is hereby repealed.
- (c) Chapter 4 of the Act of 2004 is hereby repealed.
- (d) Chapter 5 of the Act of 2004 is hereby repealed.
- (e) Section 55(1) is amended by the deletion of “or a further Part 4 tenancy”.
- (f) Section 55 is amended by the substitution of the following for subsection (2):
- “(2) A termination under section 34 on one or more of the grounds specified in paragraphs 2 to 6 of the Table to that section of a Part 4 tenancy or a further Part 4 tenancy shall not be regarded as a termination of that tenancy for the purposes of section 17(1)(a) of the Landlord and Tenant (Amendment) Act 1980.”.
- (g) Section 56(1)(a) is amended by the deletion of “, or under a further Part 4 tenancy,”.
- (h) Section 57(b) is amended by the deletion of “or further Part 4 tenancy”.

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

187. In page 33, after line 4, to insert the following:

“PART 4

MISCELLANEOUS

“Amendment of section 34 and 56 of Act of 2004 - to abolish sale of a property as a ground for terminating a tenancy

26. (a) The Act of 2004 is amended by the deletion of paragraph 3 of the Table to section 34.
- (b) 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”.
- (c) Section 56(c)(i) is hereby repealed.

[NEW SECTION]

(d) The Act of 2004 is amended by the deletion of subparagraph (c)(i) of the Table to section 56.”.

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

TITLE

188.In page 5, line 11, after “Board;” to insert the following:

“to provide that the letting of a house or part thereof for any period not exceeding 14 days in a rent pressure zone is a material change in the use of the house or part and for that purpose to amend the Planning and Development Act 2000;”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.