



# **DÁIL ÉIREANN**

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

**LEASUITHE TUARASCÁLA  
REPORT AMENDMENTS**

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# DÁIL ÉIREANN

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

### RESIDENTIAL TENANCIES (AMENDMENT) (NO. 2) BILL 2018 —REPORT

#### *Leasuithe Amendments*

1. In page 7, between lines 29 and 30, to insert the following:

#### **“Deposit not to exceed one month’s rent**

6. 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.

2. In page 8, line 2, to delete “commenced” and substitute “commenced,”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

3. In page 8, line 5, to delete “different to” and substitute “different to what was”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

4. In page 8, line 16, to delete “or”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

5. In page 8, between lines 16 and 17, to insert the following:

“(ii) in the case of a dwelling to which the European Union (Energy Performance of Buildings) Regulations 2012 (S.I. No. 243 of 2012) apply, result in the BER (within the meaning of those Regulations) being improved by not less than 7 building energy ratings, or”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

6. In page 8, line 17, to delete “(ii)” and substitute “(iii)”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

7. In page 8, line 24, to delete “or”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

8. In page 8, to delete lines 25 to 29 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 and that has a BER of D1 or lower, the BER (within the meaning of those Regulations) being improved by not less than 3 building energy ratings; or

(V) in the case of a dwelling to which the European Union (Energy Performance of Buildings) Regulations 2012 (S.I. No. 243 of 2012) apply and that has a BER of C3 or higher, 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.

9. In page 8, between lines 29 and 30, to insert the following:

“(V) refurbishment that meets a per square foot value as set by regulations published by the Minister.”.

—Darragh O'Brien.

10. In page 9, between lines 30 and 31, to insert the following:

“(3) The Residential Tenancies Board shall verify that works required to effect a substantial change to the dwelling were undertaken.”.

—Thomas P. Broughan.

11. In page 9, after line 39, to insert the following:

**“Prescribing of rent pressure zones**

8. 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.

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

**“State deemed to be rent pressure zone**

11. Section 24 of the Act of 2004 is amended by the insertion of the following after section 24BA:

“24BB. 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.

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

**“Grounds for termination by landlord**

13. 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.

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

**“Amendment of section 35 of Act of 2004**

13. 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.

15. In page 13, to delete lines 6 to 15 and substitute the following:

“(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 give a copy of the notice of termination to the Board not later than 28 days after the expiration of the period of notice given by the notice of termination.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

16. In page 15, line 3, to delete “28 days” and substitute “90 days”.

—Thomas P. Broughan.

17. In page 15, line 7, to delete “28 days” and substitute “90 days”.

—Thomas P. Broughan.

18. In page 15, line 15, to delete “28 days” and substitute “90 days”.

—Thomas P. Broughan.

19. In page 15, line 28, to delete “28 days” and substitute “60 days”.

—Thomas P. Broughan.

20. In page 15, to delete line 34 and substitute the following:

“

Less than 6 months	60 days
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”.

—Thomas P. Broughan.

21. In page 15, to delete line 34 and substitute the following:

“

Less than 6 months	90 days
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”.

—Eoin Ó Broin.

22. In page 16, to delete lines 25 to 29.

—Thomas P. Broughan.

23. In page 16, to delete lines 30 to 32.

—Thomas P. Broughan.

24. In page 16, lines 34 and 35, to delete all words from and including “Section 123” in line 34 down to and including line 35 and substitute the following:

“Section 123 of the Act of 2004 is amended by the substitution of the following for subsection (7):

“(7) The Board shall publish, in such manner as it thinks fit, in an anonymised format—

- (a) a determination order issued by it (including such an order as it stands varied by it under subsection (5)),
- (b) notice of the cancellation of such an order under subsection (5) or section 125.”.”.

—Thomas P. Broughan.

25. In page 16, after line 35, to insert the following:

**“Private residential tenancies register: publication of certain details**

22. Section 128 of the Act of 2004 is amended by substituting the following 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.”.”.

—Jan O’Sullivan.

26. In page 17, line 7, after “tenancy” to insert “with the exception of tenancies under an approved housing body”.

—Darragh O’Brien.

27. In page 17, line 18, to delete “the tenancy, and”, and substitute the following:

“the tenancy, and”,  
and”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

28. In page 17, between lines 18 and 19, to insert the following:

“(iv) the insertion, in paragraph (b), of “and one to which subsection (1A) of section 3 applies that commences after the period of 3 months from the commencement of *section 3* of the *Residential Tenancies (Amendment) Act 2019*” after “passing of this Act”,.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

29. In page 18, to delete line 2.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

30. In page 18, lines 4 and 5, to delete “(construed in accordance with subsection (8) of section 137A)”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

31. In page 23, line 7, to delete “section 148S(17);” and substitute “section 148S(19);”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

32. In page 33, to delete lines 4 to 19.

—Eoin Ó Broin.

33. In page 35, to delete lines 35 and 36 and substitute the following:

“29. Section 151 of the Act of 2004 is amended—

(a) in subsection (1), by the insertion of the following paragraph:”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

34. In page 35, line 38, to delete “Part 7A,.” and substitute the following:

“Part 7A,”

and”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

35. In page 35, between lines 38 and 39, to insert the following:

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

“(2A) (a) The Minister shall, not earlier than 12 months and not later than 15 months after the commencement of *section 22* of the *Residential Tenancies (Amendment) Act 2019*, request the Board to provide him or her with such information in relation to prevailing rent levels in the rented sector (other than lettings referred to in paragraph (b) of the definition of that term) as he or she may specify by such date (which shall be a date that falls not later than 3 months after the date of the request concerned) as he or she may specify.

(b) The Board shall comply with a request under paragraph (a).

(c) The Minister shall, not later than 3 months after the date specified under paragraph (a) in respect of the request concerned—

(i) prepare a report in relation to prevailing rent levels in the rented sector (other than lettings referred to in paragraph (b) of the definition of that term), and

(ii) lay a copy of that report before each House of the Oireachtas.”.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

36. In page 40, lines 31 and 32, to delete all words from and including “by the licensee” in line 31 down to and including line 32 and substitute the following:

“to the licensor by any person (whether or not the licensee) in consideration of the licence concerned; and”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.



**37.** In page 41, to delete lines 1 to 5 and substitute the following:

“(a) given by the owner (in this section referred to as the “licensor”) of student accommodation to a student (in this section referred to as the “licensee”), and

(b) created not earlier than one month after the commencement of this section,

permitting the licensee to enter and reside in a residential unit (whether or not self-contained) within that student accommodation in consideration of the making by any person (whether or not the licensee) of a payment or payments to the licensor;”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

**38.** In page 42, lines 13 to 15, to delete all words from and including “and includes” in line 13 down to and including line 15 and substitute the following:

“and includes a licence that permits the licensee to enter and reside in the house or part thereof for any such period in consideration of the making by any person (whether or not the licensee) of a payment or payments to the licensor.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.