



SEANAD ÉIREANN

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

**LEASUITHE COISTE
COMMITTEE AMENDMENTS**

SEANAD ÉIREANN

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

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

Leasuithe Amendments

**Government amendments are denoted by an asterisk*

SECTION 6

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

“Amendment of section 12 of Act of 2004

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.”.

—*Senators Ivana Bacik, Kevin Humphreys, Aodhán Ó Riordáin.*

2. In page 8, line 34, after “ratings” to insert “and to a minimum BER of not less than C1”.

—*Senators Lynn Ruane, Alice-Mary Higgins, Frances Black, Colette Kelleher,
John G. Dolan, Grace O’Sullivan.*

3. In page 8, between lines 39 and 40, to insert the following:

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

—*Senator Jennifer Murnane O’Connor.*

4. In page 8, between lines 39 and 40, to insert the following:

“(b) the works carried out under paragraph (a) have been the subject of a physical inspection by the Board,”.

—*Senators Lynn Ruane, Alice-Mary Higgins, Frances Black, Colette Kelleher,
John G. Dolan, Grace O’Sullivan.*

[SECTION 6]

5. In page 9, line 1, to delete “(b) the works” and substitute “(c) the works”.

—*Senators Lynn Ruane, Alice-Mary Higgins, Frances Black, Colette Kelleher,
John G. Dolan, Grace O’Sullivan.*

SECTION 9

6. In page 10, after line 38, to insert the following:

“Further amendment of section 24A of Act of 2004

9. 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;”.

—*Senators Ivana Bacik, Kevin Humphreys, Aodhán Ó Riordáin.*

7. In page 11, line 4, after “years” to insert the following:

“and the substitution of “every housing authority in the State” for all words from “each” where it firstly occurs, down to and including paragraph (e)”.

—*Senators Lynn Ruane, Alice-Mary Higgins, Frances Black, Colette Kelleher,
John G. Dolan, Grace O’Sullivan.*

SECTION 10

8. In page 11, between lines 4 and 5, to insert the following:

“State deemed to be rent pressure zone

10. The Act of 2004 is amended by inserting 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.”.

—*Senators Ivana Bacik, Kevin Humphreys, Aodhán Ó Riordáin.*

[Acceptance of this amendment involves the deletion of section 10 of the Bill.]

[SECTION 10]

9. In page 11, between lines 13 and 14, to insert the following:

“(2) For the purposes of this section, the entirety of the Carrigaline local electoral area, shall be deemed to be a rent pressure zone.”.

—*Senators Fintan Warfield, Rose Conway-Walsh, Máire Devine, Paul Gavan, Pádraig Mac Lochlainn, Niall Ó Donnghaile.*

10. In page 11, between lines 13 and 14, to insert the following:

“(2) For the purposes of this section, where an electoral area, which was changed or created by the 2018 revision of local electoral areas, and contains areas which were previously in an electoral area which was a rent pressure zone, the new electoral area shall be deemed in its entirety a rent pressure zone, where the majority of the properties in the new electoral area were previously in the rent pressure zone. Where the majority of the new electoral area was not in a rent pressure zone previously, then the Minister shall initiate a review within 6 months of the passing of this Act, in order to determine whether an area should be included in the rent pressure zone or not.”.

—*Senators Fintan Warfield, Rose Conway-Walsh, Máire Devine, Paul Gavan, Pádraig Mac Lochlainn, Niall Ó Donnghaile.*

11. In page 11, line 14, to delete “(2) In this” and substitute the following:

“(3) In this”.

—*Senators Fintan Warfield, Rose Conway-Walsh, Máire Devine, Paul Gavan, Pádraig Mac Lochlainn, Niall Ó Donnghaile.*

SECTION 11

12. In page 11, between lines 17 and 18, to insert the following:

“Indefinite Tenancies

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

—*Senators Lynn Ruane, Alice-Mary Higgins, Frances Black, Colette Kelleher, John G. Dolan, Grace O’Sullivan.*

SECTION 12

13. In page 12, between lines 9 and 10, to insert the following:

“(2) Section 34 of the Act of 2004 is amended by the deletion of paragraph (b).”.

—*Senators Lynn Ruane, Alice-Mary Higgins, Frances Black, Colette Kelleher, John G. Dolan, Grace O’Sullivan.*

14. In page 12, to delete line 11.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

[SECTION 13]

SECTION 13

15. In page 12, between lines 21 and 22, to insert the following:

“Amendment of section 34 of Act of 2004

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

—*Senators Fintan Warfield, Rose Conway-Walsh, Máire Devine, Paul Gavan, Pádraig Mac Lochlainn, Niall Ó Donnghaile.*

16. In page 12, between lines 21 and 22, to insert the following:

“Amendment of section 34 of Act of 2004

13. 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.”.

—*Senators Fintan Warfield, Rose Conway-Walsh, Máire Devine, Paul Gavan, Pádraig Mac Lochlainn, Niall Ó Donnghaile.*

17. In page 12, between lines 21 and 22, to insert the following:

“Further amendment of section 34 of Act of 2004

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

“Restriction on entitlement to tax relief from eviction

34A. If a landlord terminates a tenancy on the ground specified in paragraph 5 of the Table to section 34, the landlord shall not be entitled to any deduction specified in section 97(2J) of the Taxes Consolidation Act 1997 (as amended by section 23 of the Finance Act 2018).”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

18. In page 12, between lines 21 and 22, to insert the following:

“Further amendment of section 34 of Act of 2004

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

“Restriction on termination of tenancies in 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 dwelling or the property containing the dwelling is the subject of an existing investment mortgage.

(2) Subsection 1 shall apply to all Part 4 tenancies, including a tenancy created before the commencement of this section.

[SECTION 13]

(3) Subsection 1 shall not apply to a Part 4 tenancy where a notice of termination was served to a tenant citing paragraph 3 of the Table to section 34 before the commencement of this section.

(4) In this section ‘investment mortgage’ means a mortgage taken out following the commencement of this section as a 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.”.”.

—*Senators Lynn Ruane, Alice-Mary Higgins, Frances Black, Colette Kelleher, John G. Dolan, Grace O’Sullivan.*

SECTION 16

19. In page 15, to delete line 41 and substitute the following:

“

Less than 6 months	90 days
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”.

—*Senators Fintan Warfield, Rose Conway-Walsh, Máire Devine, Paul Gavan, Pádraig Mac Lochlainn, Niall Ó Donnghaile.*

20. In page 15, to delete line 41 and substitute the following:

“

Less than 6 months	60 days
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”.

—*Senators Lynn Ruane, Alice-Mary Higgins, Frances Black, Colette Kelleher, John G. Dolan, Grace O’Sullivan.*

SECTION 19

Section opposed.

—*Senators Lynn Ruane, Alice-Mary Higgins, Frances Black, Colette Kelleher, John G. Dolan, Grace O’Sullivan.*

SECTION 22

21. In page 17, between lines 6 and 7, 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.”.”.

—*Senators Ivana Bacik, Kevin Humphreys, Aodhán Ó Riordáin, Lynn Ruane, Alice-Mary Higgins, Frances Black, Colette Kelleher, John G. Dolan, Grace O’Sullivan.*

[SECTION 22]

22. In page 17, line 13, after “tenancy” to insert “with the exception of tenancies under an approved housing body”.

—*Senator Jennifer Murnane O’Connor.*

SECTION 28

23. In page 33, to delete lines 16 to 31.

—*Senators Fintan Warfield, Rose Conway-Walsh, Máire Devine, Paul Gavan, Pádraig Mac Lochlainn, Niall Ó Donnghaile.*

SECTION 38

24. In page 42, line 28, after “regulations” to insert the following:

“(which shall include but is not limited to persons, whether established in the State or otherwise, who provide for consideration advertising, agency or management services in respect of short-term lettings)”.

—*Senators Ivana Bacik, Kevin Humphreys, Aodhán Ó Riordáin.*

25. In page 42, between lines 31 and 32, to insert the following:

“(3) Upon the request in writing of the Revenue Commissioners, a planning authority shall furnish to the Revenue Commissioners any particulars, in respect of a person or a dwelling specified in the request, that were provided to the authority under regulations made under subsection (2).”.

—*Senators Ivana Bacik, Kevin Humphreys, Aodhán Ó Riordáin.*

NEW SECTION

26. In page 43, after line 11, to insert the following:

“National Deposit Scheme Report

39. The Minister shall—

- (a) not later than 6 months after the enactment of this Act prepare a report on the feasibility of the establishment of a national deposit scheme,
- (b) make recommendations on how best to implement such a scheme in the Irish context,
- (c) cause a copy of the report and recommendations referred to in *paragraph (a)* and *(b)* to be laid before each House of the Oireachtas.”.

—*Senators Lynn Ruane, Alice-Mary Higgins, Frances Black, Colette Kelleher, John G. Dolan, Grace O’Sullivan.*