



DÁIL ÉIREANN

AN BILLE UM THIONÓNTACHTAÍ CÓNAITHE AGUS LUACHÁIL, 2020 RESIDENTIAL TENANCIES AND VALUATION BILL 2020

LEASUITHE COISTE COMMITTEE AMENDMENTS

DÁIL ÉIREANN

AN BILLE UM THIONÓNTACHTAÍ CÓNAITHE AGUS LUACHÁIL, 2020 —AN COISTE

RESIDENTIAL TENANCIES AND VALUATION BILL 2020 —COMMITTEE STAGE

Leasuithe Amendments

SECTION 3

1. In page 4, between lines 27 and 28, to insert the following:

“(2) (a) The Government may from time to time by order extend the emergency period, either generally or with reference to any particular purpose or provision, for such period as it considers appropriate if it is satisfied that, having regard to the threat to public health presented by Covid-19 and the need to mitigate the economic effects arising from that disease, the making of such order is in the public interest.

(b) Every order under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either such House within the next 21 days on which that House sits after the order is laid before it, the order shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.”.

—Aodhán Ó Ríordáin, Alan Kelly, Brendan Howlin, Gerald Nash, Seán Sherlock,
Duncan Smith.

SECTION 4

2. In page 5, lines 6 to 8, to delete all words from and including “serves” in line 6 down to and including line 8 and substitute “in the opinion of the Board—”.

—Eoin Ó Broin.

3. In page 5, line 10, to delete “significant”.

—Eoin Ó Broin.

4. In page 5, to delete lines 14 and 15.

—Aodhán Ó Ríordáin, Alan Kelly, Brendan Howlin, Gerald Nash, Seán Sherlock,
Duncan Smith, Mick Barry, Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

5. In page 5, line 14, after “is” to insert “deliberately and intentionally”.

—Eoin Ó Broin.

[SECTION 4]

6. In page 5, to delete lines 16 to 18 and substitute the following:

“(3) Section 6 of the Act of 2004 is amended, in subsection (1), by the insertion immediately after “this Act” of “or *section 4* of the *Residential Tenancies and Valuation Act 2020*.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

7. In page 5, to delete line 19 and substitute the following:

“(4) Section 9 of the Act of 2004 is amended by—”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

8. In page 5, to delete lines 31 to 39, and in page 6, to delete lines 1 to 21 and substitute the following:

“(5) In this section, “relevant person” means any tenant.”.

—Cian O'Callaghan.

9. In page 5, line 32, to delete “in relation to the payment of rent due”.

—Eoin Ó Broin.

10. In page 6, between lines 21 and 22, to insert the following:

- “(d) being over the age of 65 or living in a household with a person over the age of 65,
- (e) who has had a loss in income this year, or being part of a household which has had a loss in income this year, or
- (f) who is suffering from at least one underlying medical condition that make them more vulnerable to Covid-19.”.

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

11. In page 6, between lines 21 and 22, to insert the following:

- “(d) his or her having received a Notice to Quit from their landlord the execution of which is likely to result in the tenant(s) presenting as homeless.”.

—Eoin Ó Broin.

12. In page 6, between lines 21 and 22, to insert the following:

- “(d) his or her being a person to whom section 2 of the Housing Act 1988 would otherwise apply on the date a notice of termination is served.”.

—Eoin Ó Broin.

[SECTION 4]

13. In page 6, between lines 21 and 22, to insert the following:

“(d) notwithstanding anything in this section the Board has the discretion to hear Notice to Quit disputes in cases where the tenant(s) is accused of wilfully refusing to pay rent when they have a demonstrable ability to do so; where a tenant is accused of engaging in or facilitating serious anti-social behaviour; or in cases where failure to proceed with the Notice to Quit would result in the landlord having to present as homeless.”.

—Eoin Ó Broin.

14. In page 6, between lines 21 and 22, to insert the following:

“(6) A tenant may serve a declaration referred to in *subsection (1)* whether before or after the service by the landlord concerned on the tenant of notice of termination or of an increase in rent.”.

—Aodhán Ó Ríordáin, Alan Kelly, Brendan Howlin, Gerald Nash, Seán Sherlock, Duncan Smith.

SECTION 6

15. In page 7, between lines 3 and 4, to insert the following:

“PART 3

PROHIBITION OF RENT INCREASES DURING EMERGENCY PERIOD

Prohibition of rent increases during emergency period

6. Notwithstanding the Act of 2004—

- (a) no notice of a rent increase for any tenancy or licence will be permitted during the emergency period, and
- (b) an increase in the rent under the tenancy or licence of a dwelling shall not be payable in respect of the emergency period or any period falling during the emergency period.”.

—Eoin Ó Broin

16. In page 7, between lines 3 and 4, to insert the following:

“PART 3

PROHIBITION OF NOTICES TO QUIT ON GROUNDS OF VACANT POSSESSION

Prohibition of notices to quit on grounds of vacant possession

6. Notwithstanding the Act of 2004 and in order to maintain a low level communal residential occupation of emergency homeless accommodation to limit the spread of

[SECTION 6]

Covid-19, no Notice to Quit on grounds of a landlord seeking vacant possession to sell a property will be permitted during the emergency period.”.

—Eoin Ó Broin.

SECTION 7

17. In page 7, between lines 11 and 12, to insert the following:

“Service of declaration under *section 4*

7. (1) A declaration under *section 4* or a true copy (within the meaning of *section 4*) thereof shall be addressed to the person on whom it is required to be served by name, and may be so served on the person in one of the following ways:
- (a) by delivering it to the person;
 - (b) by leaving it at the address at which the person ordinarily resides or, in a case in which an address for service has been furnished, at that address;
 - (c) by sending it by post in a prepaid registered letter to the address at which the person ordinarily resides or, in a case in which an address for service has been furnished, to that address; or
 - (d) by electronic means—
 - (i) in accordance with such requirements as may be specified by the Board, in the case of a declaration under *section 4*, or
 - (ii) with the consent in writing of the landlord, in the case of a true copy referred to in *subsection (1)*.
- (2) For the purpose of this section, a company within the meaning of the Companies Act 2014 shall be deemed to be ordinarily resident at its registered office, and every other body corporate and every unincorporated body of persons shall be deemed to be ordinarily resident at its principal office or place of business.
- (3) Subsection (2) of section 6 of the Act of 2004 shall apply in relation to the service of a true copy referred to in *subsection (1)* subject to any necessary modifications.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

18. In page 7, between lines 13 and 14, to insert the following:

“Definition of landlord

7. Section 5 of the Act of 2004 is amended by the substitution of the following definition for the definition of “landlord”:

“ ‘landlord’ means—

- (a) the person for the time being entitled to receive (otherwise than as agent for another person) the rent paid in respect of a dwelling by

[SECTION 7]

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;

- (b) where legal proceedings in respect of a dwelling have commenced, any person having the benefit of a charge or lien in respect of that dwelling;
- (c) any person appointed to be a receiver of the income in respect of a dwelling, or to exercise any powers delegated by the mortgagee or other person to the receiver.”.”.

—Aodhán Ó Ríordáin, Alan Kelly, Brendan Howlin, Gerald Nash, Seán Sherlock,
Duncan Smith.

19. In page 7, between lines 13 and 14, to insert the following:

“Deposit not to exceed one month’s rent

7. Section 12 of the Act of 2004 (Obligations of landlords) is amended by the insertion of 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.”.”.

—Aodhán Ó Ríordáin, Alan Kelly, Brendan Howlin, Gerald Nash, Seán Sherlock,
Duncan Smith.

20. In page 7, between lines 13 and 14, to insert the following:

“State deemed to be rent pressure zone

7. The Act of 2004 is amended by inserting the following section after section 24BA, (inserted by section 10 of the Residential Tenancies (Amendment) Act 2019):

“24BB. With effect from the date of passing of the *Residential Tenancies and Valuation Act 2020* 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.”.”.

—Aodhán Ó Ríordáin, Alan Kelly, Brendan Howlin, Gerald Nash, Seán Sherlock,
Duncan Smith.

[SECTION 7]

21. In page 7, between lines 13 and 14, to insert the following:

“Deposits

7. The amendments to section 12 of the Act of 2004 (effected by section 23 of the Residential Tenancies (Amendment) Act 2015) come into operation three months after the passing of this Act.”

—Aodhán Ó Ríordáin, Alan Kelly, Brendan Howlin, Gerald Nash, Seán Sherlock,
Duncan Smith.

22. In page 7, line 15, after “shall” to insert “, subject to the consent of both parties to the Tenancy Tribunal.”

—Eoin Ó Broin.

SECTION 8

23. In page 7, between lines 18 and 19, to insert the following:

“(a) by deleting paragraph (b),”

—Aodhán Ó Ríordáin, Alan Kelly, Brendan Howlin, Gerald Nash, Seán Sherlock,
Duncan Smith, Cian O'Callaghan.

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

“(c) by deleting paragraph 3 in the Table, and

(d) in paragraph 5 in the Table, 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’.”

—Aodhán Ó Ríordáin, Alan Kelly, Brendan Howlin, Gerald Nash, Seán Sherlock,
Duncan Smith.

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

“(c) by the deletion of paragraph 3 of the Table to that section.”

—Cian O'Callaghan.

SECTION 9

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

“(b) by substitution of the following subsection 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.””

—Aodhán Ó Ríordáin, Alan Kelly, Brendan Howlin, Gerald Nash, Seán Sherlock,
Duncan Smith.

[SECTION 9]

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

“(b) by the deletion of subsection (8).”.

—Cian O'Callaghan

SECTION 10

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

“Amendment of Act of 2004

10. The Act of 2004 is amended by the deletion of section 35A.”.

—Cian O'Callaghan.

29. In page 8, between lines 19 and 20, to insert the following:

“39B.(1) If a Part 4 tenancy is in being, and without a notice of termination under section 34 or 36 having been served in respect of it, and the landlord transfers to another, (whether for valuable consideration or not) the whole of his or her interest in the dwelling or the property containing the dwelling, then the Part 4 tenancy shall, by virtue of this section, be extended between the person in whom the property subsequently became vested and the tenant upon the completion of the transfer.

(2) This section applies to all tenancies, including a tenancy created before the coming into operation of this section.”.

—Cian O'Callaghan.

SECTION 11

30. In page 8, between lines 19 and 20, to insert the following:

“Amendment of section 56 of Act of 2004

11. Section 56 (Damages for abuse of section 34 termination procedure) of the Act of 2004 is amended in subsection (1)—

(a) by the substitution of the following for paragraph (b):

“(b) that notice of termination cited as the reason for the termination one or more of the grounds specified in paragraphs 4 to 6 of the Table to section 34,”

and

(b) by the deletion of paragraph (c)(i).”.

—Cian O'Callaghan.

31. In page 9, between lines 10 and 11, to insert the following:

“(c) where a tenant is at risk of homelessness having been served a notice for failure to comply with his or her obligations under the

[SECTION 11]

Act of 2004, provide the tenant concerned with such information in writing as will enable him or her to apply for assistance from the relevant local authority under the Housing Act 1988, including preventative measures to avoid entry into emergency accommodation. The Board shall have regard to the response of the local authority in assisting the tenant from entering emergency accommodation in any decision on the termination notice.”.

—Eoin Ó Broin.

32. In page 9, between lines 18 and 19, to insert the following:

“(d) by substituting the following subsections for subsection (4):

“(4) Where a landlord serves a notice of termination in relation to the tenancy of a dwelling under this section, he or she shall at the same time serve a copy of the notice on the relevant housing authority.

(5) Where a tenant on whom a notice of termination in relation to the tenancy of a dwelling has been served under this section notifies the relevant housing authority that he or she (and his or her dependants, if any) is likely to be come homeless on termination of the tenancy, the housing authority shall make such inquiries as it thinks fit and may for that purpose, by notice in writing to the landlord concerned, require the landlord to extend the period specified in the notice by not more than 28 days.

(6) This section is subject to section 69.”.”.

—Aodhán Ó Ríordáin, Alan Kelly, Brendan Howlin, Gerald Nash, Seán Sherlock,
Duncan Smith.

SECTION 12

33. In page 9, between lines 18 and 19, to insert the following:

“Private residential tenancies register: publication of certain details

12. Section 128 of the Principal Act is amended by substituting 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.”.”.

—Aodhán Ó Ríordáin, Alan Kelly, Brendan Howlin, Gerald Nash, Seán Sherlock,
Duncan Smith.

[SECTION 12]

34. In page 9, to delete lines 30 to 33.

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

PREAMBLE

35. In page 3, line 16, after “significant” to insert “public health risks and”.

—Eoin Ó Broin.

36. In page 3, between lines 22 and 23, to insert the following:

“WHEREAS the Emergency Measures in the Public Interest (Covid-19) Act 2020 resulted in a significant reduction in the number of adults and children both presenting and entering emergency homeless accommodation, which in turn played a significant role in reducing the Covid-19 infection rate among residents of emergency accommodation, this should remain an objective of Government that must be sustained until such time as the risk of infection of Covid-19 in congregated residential emergency accommodation settings is reduced significantly;”.

—Eoin Ó Broin.

TITLE

37. In page 3, lines 6 and 7, to delete “for failure to pay rent due”.

—Eoin Ó Broin.

38. In page 3, lines 9 and 10, to delete “in relation to arrears of rent”.

—Eoin Ó Broin.