



DÁIL ÉIREANN

**AN BILLE UM THIONÓNTACHTAÍ CÓNAITHE (UIMH. 2),
2021**

RESIDENTIAL TENANCIES (NO. 2) BILL 2021

**LEASUITHE A RINNE AN SEANAD
AMENDMENTS MADE BY THE SEANAD**

DÁIL ÉIREANN

AN BILLE UM THIONÓNTACHTAÍ CÓNAITHE (UIMH. 2), 2021 *[BILLE DÁIL ARNA LEASÚ AG AN SEANAD]*

RESIDENTIAL TENANCIES (NO. 2) BILL 2021 *[DÁIL BILL AMENDED BY THE SEANAD]*

*Leasuithe a rinne an Seanad
Amendments made by the Seanad*

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

SECTION 1

1. In page 4, to delete lines 7 to 10 and substitute the following:

“Definition

1. In this Act, “Act of 2004” means the Residential Tenancies Act 2004.”.

SECTION 4

2. In page 4, between lines 26 and 27, to insert the following:

“Amendment of section 12 of Act of 2004

4. Section 12(1) of the Act of 2004 is amended in paragraph (i)(iii) by the deletion of “(4)”.”.

SECTION 5

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

“Amendment of section 19 of Act of 2004

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

(a) in subsection (4), by the substitution of “Subject to subsections (4A) and (5)” for “Subject to subsection (5)”,

(b) by the insertion of the following subsections after subsection (4):

“(4A) Notwithstanding subsection (4), and subject to subsection (5), in setting the rent under a tenancy of a dwelling in a rent pressure zone in respect of which the landlord serves a notice under section 22 on or after the coming into operation of *section 5* of the *Residential Tenancies (No. 2) Act 2021*—

(a) an amount of rent shall not be provided for that increases the rent last set by more than any rent increase calculated in accordance with subsection (4B), or

[SECTION 5]

- (b) an amount of rent shall not be provided for that increases the rent last set where a calculation is made, in accordance with subsection (4B), that no increase in the rent last set has occurred.
- (4B) Any increase in the rent last set shall be calculated by—
 - (a) calculating as a percentage any difference between the HICP value that applied on the date the rent was last set and the HICP value that applies on the new date, and
 - (b) applying the amount of the percentage calculated under paragraph (a) to the rent last set.
- (4C) The Board shall—
 - (a) establish and maintain a rent pressure zone calculator to calculate any increase in rent in a rent pressure zone in accordance with the method set out in subsection (4B), and
 - (b) publish and keep up to date a table of HICP values published by the Central Statistics Office.
- (4D) The Minister, for the purposes of subsections (4A) to (4C), may prescribe—
 - (a) the means by which the rent pressure zone calculator referred to in subsection (4C)(a) shall operate to accurately calculate any increase in rent in a rent pressure zone by applying the HICP values to the rent,
 - (b) the information to be furnished in the table referred to in subsection (4C)(b),
 - (c) the form and manner of publication by the Board of that calculator and table, and
 - (d) an index or indices, containing data corresponding to HICP values, as may be published by the Central Statistics Office to be used for the purposes of the calculation under subsection (4B).”,
- (c) in subsection (5), by the substitution of “Subsections (4) and (4A) do not apply—” for “Subsection (4) does not apply—”,
- (d) in subsection (6), by the substitution of “subsections (3), (4) and (4A)” for “subsections (3) and (4)”,
- (e) in subsection (6A), by the substitution of “subsection (4) or, as the case may be, (4A)” for “subsection (4)”,
- (f) in subsection (7), by the insertion of the following definitions:
 - “ ‘HICP values’ means the values contained in the most recent data available monthly in the All-Items Harmonised Index of Consumer Prices in relation to Ireland and published monthly by the Central Statistics Office in accordance with Regulation (EU) 2016/792¹ of the

[SECTION 5]

European Parliament and of the Council of 11 May 2016 on harmonised indices of consumer prices and the house price index, and repealing Council Regulation (EC) No. 2494/95;

‘new date’ shall be the date of publication by the Board under subsection (4C) of the table of HICP values that occurs most recently prior to the service of a notice under section 22 by the landlord on the tenant;”.”.

SECTION 6

4. In page 5, between lines 29 and 30, to insert the following:

“Amendment of section 20 of Act of 2004

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

- (a) in subsection (3)(i), by the insertion of “(within the meaning of subsection (5A) of section 19)” after “substantial change”,
- (b) in subsection (5) by the substitution of “1 January 2025” for “1 January 2022”, and
- (c) in subsection (6) by the substitution of “31 December 2024” for “31 December 2021”.”.

5. In page 5, between lines 29 and 30, to insert the following:

“Amendment of section 22 of Act of 2004

7. Section 22 (2A) of the Act of 2004 is amended—

- (a) in paragraph (e) by the deletion of “and”,
- (b) in paragraph (f) by the substitution of “not apply, and” for “not apply.”,
- (c) by the insertion of the following paragraph after paragraph (f):

“(g) where the dwelling is in a rent pressure zone (within the meaning given by section 19(7)) to which section 19(4A) applies, state how any increase in the rent last set under the tenancy of the dwelling was calculated or, where section 19(4A) does not apply, state why it does not apply.”.”.

6. In page 5, between lines 29 and 30, to insert the following:

“Amendment of section 24B of Act of 2004

8. Section 24B of the Act of 2004 is amended by the substitution of “31 December 2024” for “31 December 2021”.”.

[SECTION 11]

SECTION 11

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

“Amendment of section 115 of Act of 2004

11. Section 115(2)(b) of the Act of 2004 is amended—
- (a) by the deletion of “subsection (1) or (4) of”, and
 - (b) by the substitution of “with section 19” for “with either of those subsections”.”.
8. In page 6, to delete lines 22 to 26 and substitute the following:

“Amendment to Schedule 2 of Act of 2004

12. Schedule 2 to the Act of 2004 is amended—
- (a) in paragraph (a) by the substitution of “(4), (4A) or” for “(4) or”, and
 - (b) by the insertion of the following paragraph after paragraph (b):
 - “(ba) the seeking by the landlord of a payment to him or her of an amount or amounts in contravention of section 19B.”.”.

SECTION 12

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

“Amendment of Residential Tenancies (Amendment) Act 2019

12. Section 8(2) of the Residential Tenancies (Amendment) Act 2019 is amended by the substitution of “31 December 2024” for “31 December 2021”.”.
10. In page 6, between lines 28 and 29, to insert the following:
- “(2) *Section 5* shall come into operation on such day or days as the Minister for Housing, Local Government and Heritage may by order or orders appoint either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or provisions.”.

PREAMBLE

11. In page 4, between lines 5 and 6, to insert the following:
- “AND WHEREAS the Oireachtas has, with regard to *sections 2, 3, 5, 7, 11 to 15 and 17(b)* of this Act, taken account of the matters referred to in the forgoing recitals;”.

TITLE

12. In page 3, line 8, after “tenants;” to insert the following:
- “to provide for changes to the manner of determining rent increase restrictions in rent pressure zones;”.
13. In page 3, line 8, after “2004;” to insert the following:
- “to extend the period during which areas shall stand prescribed as rent pressure zones;

[TITLE]

for that purpose to amend the Residential Tenancies (Amendment) Act 2019;”.