An Bille um Thionóntachtaí Cónaithe (Forálacha Ilghnéitheacha), 2026

Residential Tenancies (Miscellaneous Provisions) Bill 2026

Meabhrán Míniúcháin

Explanatory Memorandum

AN BILLE UM THIONÓNTACHTAÍ CÓNAITHE (FORÁLACHA ILGHNÉITHEACHA), 2026

RESIDENTIAL TENANCIES (MISCELLANEOUS PROVISIONS) BILL 2026

EXPLANATORY MEMORANDUM

Purpose of the Bill

The main purpose of this Bill is to amend the Residential Tenancies Act 2004, "the Principal Act", as amended, to provide for–

- national rent regulation in the private residential rental sector, including in student specific accommodation,
- strengthened protections for tenants through the introduction of tenancies of minimum duration,
- the publication of a rent price register; and
- the sharing of certain information by the Residential Tenancies Board (RTB) with the Minister for Social Protection and between the RTB and the Revenue Commissioners and separately, between the RTB and the Sustainable Energy Authority of Ireland (SEAI).

In addition, Part 3 will amend the Civil Law (Miscellaneous Provisions) Act 2022 to provide for changes in relation to the eligibility for financial contributions under the Accommodation Recognition Payment scheme, and Part 4 will amend the Planning and Development Act 2000 and the Planning and Development Act 2024 to remove references to rent pressure zones in relation to the regulation of short-term lets.

Provisions of the Bill

The Bill contains 31 sections.

Sections 1, 3, 4 and 25 contain standard provisions dealing with definitions, short title, commencement, collective citations and construction of the Bill. The 'Principal Act' is defined as the Residential Tenancies Act 2004 under *section 3.*

Section 2 provides for the repeal of sections 24A, 24B, 24BA, 24C (which relate to Rent Pressure Zones (RPZs)) and of section 39A(1) and (2) (which provides for the copying of Notices of Termination to the RTB and are to be placed as section 62(1A) and (1B) in the Principal Act).

Part 2

Amendment of the Residential Tenancies Act 2004 (the Principal Act)

Section 5 amends section 6(1) of the Principal Act (Service of notices) to clarify that notices and documents may be served or given by electronic means under that Act.

Section 6 amends section 12(1) of the Principal Act (Obligations of landlords) to require a landlord to serve notice on a tenant (and copy the RTB), explaining how the rent was set upon the commencement of a tenancy created on/after 1 March 2026.

Section 7 amends section 16 of the Principal Act (Obligations of tenants) to require a tenant to allow viewings of the dwelling where the landlord has served a Notice of Termination on the ground of intention to sell.

Section 8 amends section 19 of the Principal Act (Setting of rent above market rent prohibited) to provide for a new national rent control in respect of new tenancies (i.e. first time tenancies between parties) created on/after 1 March 2026. Provision is made for an annual rent increase restriction (i.e. in line with the Consumer Price Index (CPI) or if lower, 2% p.a. pro rata) for both new and existing tenancies. However, a restriction linked to the Consumer Price Index (CPI) only (i.e. no cap of 2% p.a. pro rata) will apply for new apartments/student specific accommodation (in respect of which a commencement notice and certificate of compliance on completion was submitted and registered with the Building Control Authority on/after 10 June 2025). The existing exemptions from the restriction will continue to allow the first rent setting for new rented dwellings coming onto the market to be set at market rent and for the first rent setting after a substantial change in the nature of rental accommodation to be set at market rent. The aim is to incentivise the development of new rental accommodation, particularly new apartments and student specific accommodation.

Rent resetting to market rent: from 1 March 2026, a new exemption from the annual rent increase restriction is provided for the first rent setting for a new tenancy in an existing rented dwelling after:

- a tenant ends their tenancy;
- a tenant breach of the tenant obligations; or
- where the accommodation is no longer suitable to the accommodation needs of the tenant household.

Also, in respect of a new tenancy created on/after 1 March 2026, after 6 years (or 3 years in respect of student specific accommodation) during which the rent increase restriction applied to that tenancy, a landlord may re-set the rent to market rent. The aim is to encourage investment in the rental sector by ensuring that rents in respect of long standing tenancies do not fall behind market rent; this is in line with the recommendation of the Housing Agency in its Review of Rent Pressure Zones and Consideration of Potential Policy Options for Rent Controls in the Private Rented Sector. A notice of exemption from the annual rent increase restriction will now be required to be copied by the landlord to the tenant, as well as to the RTB.

Section 9 provides for a transitional measure to ensure that a tenancy in an area that recently became an RPZ will not have a rent review until after 2 years since their last rent setting.

Section 10 amends section 22 of the Principal Act (Tenant to be notified of new rent) to require a landlord, when notifying their tenant of a new rent, to copy the notice to the RTB. Landlords must, in setting the rent, have regard to the newly published register by the RTB and the most recent comparable rents for similar dwellings with regard to floor area, dwelling type, number of bedrooms and bed spaces and the Building Energy Rating (BER). Contravention of section 22(2) by a landlord will be an offence and improper conduct under the Principal Act and the RTB may prosecute or sanction a landlord for such a contravention.

Section 11 amends section 24(1) of the Principal Act ("Market rent", references to rent reviews, etc.) to update the definition of 'market rent' by requiring, in setting a rent for a dwelling, regard to be given to the rent information contained in the published register in relation to dwellings of a similar size (determined by reference to floor area), number of bedrooms, type, character, and BER (where applicable), to the dwelling and situated in a comparable area.

Section 12 amends section 34 of the Principal Act to require a smaller landlord (a landlord that is not a company and is a landlord under not more than 3 tenancies of dwellings) when terminating a new tenancy created on/after 1 March 2026 (i.e. a Tenancy of Minimum Duration (TMD) (see section 14)) during or after its 6 year term, to make certain statutory declarations. A technical amendment allows engineers to certify, for the purposes of grounding a tenancy termination on substantial refurbishment or renovation, that vacant possession is required for at least 3 weeks for the health and safety of the tenant.

Section 13 amends section 35 (Table to section 34: interpretation and supplemental) of the Principal Act. Where a smaller landlord wishes to terminate a TMD during its 6 year term on the ground that the dwelling is needed for occupation by a family member, the termination can only be grounded in respect of the intended occupation by the landlord's spouse, civil partner, child, stepchild, foster child, adoptive child, parent, step parent or parent-in-law. The smaller landlord must make a statutory declaration that the landlord is a landlord that is not a company and is a landlord under not more than 3 tenancies of dwellings.

Where a smaller landlord wishes to terminate a TMD during its 6 year term on the ground that the landlord intends to sell the dwelling, the landlord must make a statutory declaration that, on the date that the notice of termination is served, the landlord is a landlord that is not a company and is a landlord under not more than 3 tenancies of dwellings and to avoid undue financial or other hardship, that the landlord requires the sales proceeds:

- to provide a principal private residence for the landlord, their spouse or civil partner;
- to discharge a debt, or make a payment, of at least 15% of the asking price (expected consideration) within 9 months of the termination date – including a payment to the Revenue Commissioners, for example, to discharge a debt under the Fair Deal scheme or make a payment in respect of a tax liability; or
- where a personal insolvency practitioner has been appointed to the landlord, or to the spouse/civil partner of the landlord, or at least one of those parties is bankrupt (or subject to proceedings for a declaration of bankruptcy or is an arranging debtor) or has made a composition or arrangement with creditors.

Where the smaller landlord wishes to terminate a TMD on ground 5 (substantial refurbishment/ renovation) or ground 6 (change of use) at the end of a 6 year TMD, a statutory declaration will be required to be made by a smaller landlord that, on the date that the notice of termination is served, the landlord is a landlord that is not a company and is a landlord under not more than 3 tenancies of dwellings. A declaration and statement will also be required to be made by a smaller landlord that the notice period in the related notice of termination, served during the TMD, expires on a specified termination date which falls on/after the expiry of the 6 year TMD.

This section also updates a cross reference in section 35 of the Principal Act to reflect the repeal of section 39A(1) and (2) of the Principal Act (under section 2 of the Bill) and the incorporation of their provisions into other sections of the Principal Act. Section 39A(1) and (2) of the Principal Act currently requires a landlord to simultaneously copy the RTB when serving a notice of termination on a tenant and specifies actions for the RTB to take, upon receipt.

Section 14 inserts a new section 35B (Restriction on termination of certain tenancies by certain landlords) into the Principal Act.

During a 6 year TMD a smaller landlord (as explained under section 13) will be permitted to terminate a tenancy where:

- the dwelling is needed for the occupation by the landlord or a family member (restricted to immediate family (spouse/civil partner/child/ parent, as above under section 13)).
- to avoid undue financial or other hardship, the sales proceeds are required by the landlord:
  - to provide a principal private residence for the landlord or for the spouse or civil partner of the landlord;
  - where the landlord, or spouse/civil partner of the landlord, is legally required to discharge a debt, or make a payment, of more than 15% of the asking price (expected consideration) within 9 months of the termination date – including a payment to the Revenue Commissioners, for example, to discharge a debt under the Fair Deal scheme or to make a payment in respect of a tax liability;
  - where a personal insolvency practitioner has been appointed to the landlord, or spouse/civil partner of the landlord, or at least one of those parties is bankrupt (or subject to proceedings for a declaration of bankruptcy or is an arranging debtor) or has made a composition or arrangement with creditors.

At the end of a 6 year TMD, a smaller landlord may terminate a tenancy on any of the limited grounds for termination set out in the table to section 34 of the Principal Act, subject to making any necessary statutory declaration and statement. This includes the statutory declaration to be made by a smaller landlord that, on the date that the notice of termination is served, the landlord is a landlord that is not a company and is a landlord under not more than 3 tenancies of dwellings and a declaration and statement that the notice period in the related notice of termination, served during the TMD, expires on a specified termination date which falls on/after the expiry of the 6 year TMD.

A larger landlord will no longer be able to rely on grounds 3, 4, 5 or 6 and can only gain vacant possession where the tenant voluntarily leaves, breaches their obligations or the dwelling is no longer suitable to the accommodation needs of the tenant household.

Section 15 amends section 62 of the Principal Act (Requirements for a valid notice of termination). Landlords will be required, when terminating a non-Part 4 tenancy (i.e. including where the tenancy has lasted not more than 6 months), to state the reason for its termination.

Resetting to market rent is only allowed following a termination by a tenant, or by a landlord grounded on the breach of tenant obligations or where the dwelling no longer suits the accommodation needs of the tenant household.

Technical amendments are made to update to 90 days (from 28 days) the period for a dispute to be referred to the RTB in relation to the validity of a notice of termination, where it was served for a reason other than breach of tenancy obligations by a tenant or landlord. Also, the provisions of section 39A(1) and (2) which are repealed under section 2(b) of this Bill are more appropriately placed in section 62 of the Principal Act, as subsections (1A) and (1B).

Section 16 amends section 127 of the Principal Act (Establishment of register) to update the requirements for the RTB's residential tenancies register. The Register will now also be required to include: the rent (including frequency of payment); the tenancy registration number; the tenancy commencement date; the number of bed spaces, the local electoral area in which the dwelling is situated; the floor area and the BER (if applicable), in addition to the number of bedrooms and the dwelling type for individual rented dwellings across the country.

Section 17 amends section 128 (Published register) to remove the prohibition on publishing rents and to require that the published register contains: the rent (including frequency of payment), the tenancy registration number; the tenancy commencement date; the dwelling type; the number of bedrooms and bed spaces; the local electoral area in which the dwelling is situated; the floor area; and the BER (if applicable).

Section 18 amends section 132 of the Principal Act (Furnishing of entries in registers, etc.) to require the RTB, on application by the tenant of a dwelling who confirms their identity and provides a copy of their notice of termination, to confirm that, on the date that the landlord served that notice, the register of tenancies recorded that the landlord was not a company and was a landlord under not more than 3 tenancies of dwellings. Such confirmation can be used as evidence in any dispute referred to the RTB.

Section 19 amends section 136(1) of the Principal Act (Particulars to be specified in application under section 134) to require the following particulars in an application to register a tenancy with the RTB: the number of bed spaces; the floor area; and the BER (where applicable).

Section 20 amends section 146 of the Principal Act (Data exchange – private residential tenancies) – to allow the RTB to share information with the Minister for Social Protection where it is necessary and proportionate for the purposes of administering applications for, and payment of, the Accommodation Recognition Payment. Provision is also made for data sharing between the RTB and the Sustainable Energy Authority of Ireland (SEAI), particularly with regard to the floor area and BER of rented dwellings.

Section 21 substitutes section 147A of the Principal Act (Disclosure of certain information to Revenue Commissioners) to provide for the RTB to share information in its possession, including that on its residential tenancies register, that is necessary and proportionate for the Revenue Commissioners to perform their statutory functions.

Section 22 provides for the insertion of a new section 147B (Disclosure of information by Revenue Commissioners to Board) into the Principal Act to empower the RTB to request specific information from the Revenue Commissioners, where it considers that it is necessary and proportionate for the performance of the RTB's functions, and for the Revenue Commissioners to provide the information, insofar as it is in their possession.

Section 23 amends section 151(1) of the Principal Act (Functions of Board) to remove a function to make a report to the Minister for Housing, Local Government and Heritage in relation to designating an area as an RPZ. This function no longer applies, as RPZs are repealed under section 2(a) of this Bill.

Section 24 amends Schedule 2 to the Principal Act (Improper conduct) to provide a contravention of section 22(2) as improper conduct by a landlord under Schedule 2, which may be investigated and sanctioned by the RTB.

Part 3

Amendment of Civil Law (Miscellaneous Provisions) Act 2022

Sections 25, 26, 27, 28 and 29 relate to amendments to sections 4, 6 and 7 of the Civil Law (Miscellaneous Provisions) Act 2022 to provide that a dwelling that is/was required to be registered as a tenancy under Part 7 of the Residential Tenancies Acts 2004 to 2025 since 4 March 2022 is not eligible for the Accommodation Recognition Payment (ARP). Also, only owners of dwellings may apply for the ARP.

Part 4

Amendment of Planning and Development Acts

Sections 30 and 31 of this Bill are technical amendments to sections 3A of the Planning and Development Act 2000, as amended, and sections 7 and 8 of the Planning and Development Act 2024 to maintain the pre-existing planning provisions for short term letting to ensure continuity of operability following the amendments under Part 2 of this Bill to the Residential Tenancies Acts.

An Roinn Tithíochta, Rialtais Áitúil agus Oidhreachta,
Feabhra, 2026.