



DÁIL ÉIREANN

AN BILLE UM THITHÍOCHT AGUS UM THIONÓNTACHTAÍ CÓNAITHE (FORÁLACHA ILGHNÉITHEACHA), 2026 HOUSING AND RESIDENTIAL TENANCIES (MISCELLANEOUS PROVISIONS) BILL 2026

LEASUITHE TUARASCÁLA REPORT AMENDMENTS

DÁIL ÉIREANN

AN BILLE UM THITHÍOCHT AGUS UM THIONÓNTACHTAÍ CÓNAITHE (FORÁLACHA ILGHNÉITHEACHA), 2026 —AN TUARASCÁIL

HOUSING AND RESIDENTIAL TENANCIES (MISCELLANEOUS PROVISIONS) BILL 2026 —REPORT

Leasuithe Amendments

1. In page 5, line 10, to delete “Housing (Miscellaneous Provisions) Act 2009” and substitute the following:

“Housing (Miscellaneous Provisions) Act 2009; to provide for additional eligibility criteria for access to certain services provided to homeless persons under section 10 of the Housing Act 1988; to provide for withdrawal of such services in certain cases; to provide for an appeal in respect of such withdrawal; for those purposes to amend the Housing Act 1988”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreacht.

Amendment to Amendment No. 1

1. In the fourth line, after “in respect of”, to insert “the denial of certain services and”.

—Eoin Ó Broin, Thomas Gould.

2. In page 5, line 11, after “hearings” to insert “, and the determination of disputes,”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreacht.

3. In page 5, line 12, after “Board” to insert “, and the enforcement of such determinations”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreacht.

4. In page 5, lines 12 and 13, to delete “to increase the penalties for certain offences under the Residential Tenancies Act 2004” and substitute the following:

“to increase the penalties for summary offences and to provide for the service of fixed payment notices in respect of certain offences under the Residential Tenancies Act 2004”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreacht.

5. In page 5, line 13, after “2004;” to insert “to provide that the Residential Tenancies Act 2004 shall not apply to certain dwellings;”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreacht.

6. In page 6, between lines 3 and 4, to insert the following:

“Report on impact of Habitual Residency Test

4. The Minister shall, within 12 months of the commencement of this Act, lay a report before both Houses of the Oireachtas detailing the impact of the Habitual Residency Test on applications for social housing support for returning Irish migrants and on levels of homelessness.”.

—Eoin Ó Broin, Thomas Gould.

7. In page 6, between lines 3 and 4, to insert the following:

“Report on appeals to local authorities

4. The Minister shall, within 12 months of the commencement of this Act, lay a report before both Houses of the Oireachtas detailing the number of appeals lodged to local authorities under section 20B of the Act of 2009 (as amended by *section 8*) detailing the type of appeals and the decisions of the appeals officers.”.

—Eoin Ó Broin, Thomas Gould.

8. In page 6, between lines 3 and 4, to insert the following:

“PART 2

AMENDMENTS TO HOUSING ACT 1988

Interpretation (*Part 2*)

4. In this Part, “Act of 1988” means the Housing Act 1988.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreacht.

9. In page 6, between lines 3 and 4, to insert the following:

“Amendment of section 1 of Act of 1988

5. Section 1 of the Act of 1988 is amended by the insertion of the following definition:

“ ‘Act of 2009’ means the Housing (Miscellaneous Provisions) Act 2009;”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreacht.

10. In page 6, between lines 3 and 4, to insert the following:

“Amendment of section 10 of Act of 1988

6. Section 10 of the Act of 1988 is amended—

(a) in subsection (1), by the substitution of “A housing authority may, subject to

section 10A* and to such regulations” for “A housing authority may, subject to such regulations”,

(b) in subsection (8)—

(i) in paragraph (a)(ii), by the substitution of “own resources,” for “own resources, or”,

(ii) by the insertion of the following paragraphs after paragraph (b):

“(c) that person (whether as a household within the meaning of section 18A of the Act of 2009 or part of such a household) refuses one reasonable offer of a form of support referred to in paragraph (a), (b) or (d) of section 19(2) of that Act, or

(d) that person intentionally or recklessly engages in conduct which causes death or serious harm to another person in the accommodation or lodgings,”

and

(iii) by the substitution of “the authority may determine that such accommodation or lodgings shall no longer be made available to the person and may require the person to vacate the accommodation or lodgings” for “the authority may cease to have such accommodation or lodgings made so available and may require the person to vacate the accommodation or lodgings”,

(c) in subsection (10), by the substitution of “to determine if a person is homeless or to determine, under section 10A(1)*, if a person is eligible to access arrangements, assistance or accommodation provided by a housing authority under subsection (1)” for “to determine if a person is homeless”, and

(d) by the insertion of the following subsections after subsection (11):

“(12) Where, by virtue of subsection (1)(c), accommodation is provided or rented, or where lodgings are arranged, for a person and a child who normally resides with the person, a housing authority shall have regard to the best interests of that child when considering available accommodation or lodgings for that person under subsection (1)(c).

(13) In this section—

‘child’ means a person who has not attained the age of 18 years;

‘serious harm’ means injury which creates a substantial risk of death or which causes serious disfigurement or substantial loss or impairment of the mobility of the body as a whole or of the function of any particular bodily member or organ.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

*[*This is a reference to a section proposed to be inserted by amendment No. 11.]*

11. In page 6, between lines 3 and 4, to insert the following:

“Insertion of new sections 10A and 10B in Act of 1988

7. The Act of 1988 is amended by the insertion of the following new sections after section 10:

“Residency requirements

10A. (1) A person shall not be eligible to access arrangements, assistance or accommodation provided by a housing authority by virtue of section 10(1) unless the authority, having carried out an assessment, is satisfied that the person, and any person who normally resides with that person or who might reasonably be expected to reside with that person, meets the requirements referred to in section 20A(1) of the Act of 2009.

- (2) For the purposes of subsection (1), section 20(7) of the Act of 2009, in so far as it relates to section 20A of that Act, and the said section 20A, shall apply subject to the following modifications:

(a) a reference to a household shall be read as a reference to—

(i) a homeless person who, but for being such a person, would live alone,

(ii) a group of persons comprising a homeless person and one or more other persons who normally reside with that person, or

(iii) a group of persons comprising a homeless person and one or more other persons who might reasonably be expected to reside with that person;

(b) a reference to social housing support shall be read as a reference to arrangements, assistance or accommodation provided under section 10;

(c) a reference to a social housing assessment shall be read as a reference to an assessment for the purposes of subsection (1);

(d) any other necessary modifications.

- (3) Subject to subsection (4), where a person does not meet the eligibility requirements referred to in subsection (1) and, in the opinion of the housing authority, that person is seeking alternative arrangements, assistance or accommodation and no such alternative arrangements, assistance or accommodation are available to that person, a housing authority may, on the date on which such opinion is formed, make arrangements for, or provide assistance or accommodation to, that person by virtue of section 10(1) between the hours of 8 p.m. on that date and 8 a.m. on the date immediately following that date.

- (4) Where a housing authority has made arrangements for, or provided

assistance or accommodation to, a person under subsection (3), the housing authority may make arrangements for, or provide assistance or accommodation to, that person for a further period between the hours of 8 p.m. and 8 a.m. on the date immediately following the date on which the opinion referred to in subsection (3) was formed where, in the opinion of the authority, alternative arrangements, assistance or accommodation continue to be unavailable to that person.

- (5) A housing authority may refuse to make arrangements under subsection (3) where alternative arrangements, assistance or accommodation have been refused by the person within a period of 24 months prior to seeking accommodation under section 10(1).
- (6) Where, under subsections (3) or (4), arrangements are made, or assistance or accommodation are provided, such arrangements, assistance or accommodation shall not be considered for the purposes of determining, under section 20A of the Act of 2009, as applied by subsection (1), whether the person in respect of whom such arrangements have been made or to whom such assistance or accommodation has been provided, is habitually resident in the State.
- (7) Subsection (3) shall not apply to:
 - (a) an applicant within the meaning of section 2 of the International Protection Act 2015;
 - (b) a person to whom section 60 of the International Protection Act 2015 applies;
 - (c) an applicant within the meaning of section 2 of the International Protection Act 2026;
 - (d) a person to whom section 237 of the International Protection Act 2026 applies.

Appeal of determination under section 10(8)

- 10B.** (1) Where a housing authority determines, under section 10(8), that accommodation or lodgings shall no longer be made available to a person, that person may appeal that determination.
- (2) An appeal under subsection (1) shall be made to the chief executive of the housing authority concerned, or, in the case of Limerick City and County Council, to the director general of Limerick City and County Council, within 14 days of the notification by the housing authority to the person concerned of the determination under section 10(8).
 - (3) An appeal under subsection (1) shall be in writing and shall state the ground or grounds on which the appeal is made.
 - (4) An appeal under subsection (1) may, to support a ground of the appeal, be accompanied by any information relevant to the making of the appeal.

- (5) On receipt by the chief executive or the director general, as the case may be, of an appeal under subsection (1), the chief executive of the authority, or, in the case of Limerick City and County Council, the director general of Limerick City and County Council, shall appoint an officer or employee of the authority to decide the appeal (in this section referred to as an ‘appeals officer’) and shall furnish that person with the appeal.
- (6) An appeals officer shall be a person who—
 - (a) did not make the determination concerned, and
 - (b) is in a more senior role in the authority than the person who made the determination or in a role that is equivalent in seniority to a role that is more senior than the role of that person.
- (7) An appeals officer shall be independent in the performance of his or her functions under this section.
- (8) An appeals officer shall decide an appeal under subsection (1) within 14 days of receipt of the appeal and shall—
 - (a) confirm the determination concerned,
 - (b) vary the determination, or
 - (c) set aside the determination and, where the appeals officer considers it appropriate, make an alternative determination.
- (9) In deciding an appeal under subsection (1), an appeals officer shall consider whether the housing authority acted reasonably and in good faith in making the determination, under section 10(8), that accommodation or lodgings shall no longer be made available to the person.
- (10) A decision of an appeals officer on an appeal under subsection (1) shall be in writing and shall include reasons for the decision.
- (11) An appeals officer shall provide a copy of his or her decision to the person who appealed, under subsection (1), the determination.
- (12) A decision of an appeals officer on an appeal under subsection (1) shall be final.”.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreacht.

Amendment to Amendment No. 11

I. In section 10B(1), after “person” where it firstly occurs, to insert the following:

“or under section 10A, that a person shall not be provided with access to arrangements, assistance or accommodation provided by a housing authority by virtue of section 10(1),”.

—Eoin Ó Broin, Thomas Gould.

12. In page 7, line 8, to delete “each member of the household is habitually resident in the State,” and substitute “at least one member of the household is habitually resident in the State.”.

—Conor Sheehan, Rory Hearne.

13. In page 7, between lines 23 and 24, to insert the following:

“(2A) Paragraph (a) of subsection (1) shall not apply to a member of a very vulnerable cohort such as victims of trafficking and victims of domestic, sexual or gender-based violence.”.

—Rory Hearne.

14. In page 11, after line 38, to insert the following:

“(13) Nothing in this section shall be construed as—

- (a) restricting or qualifying any right conferred on a person by the Treaties of the European Union or by the Regulations of 2015, or
- (b) requiring a housing authority to act in a manner incompatible with the State’s obligations under the Convention within the meaning of the European Convention on Human Rights Act 2003.”.

—Conor Sheehan.

15. In page 11, after line 38, to insert the following:

“(13) Nothing in this section affects the eligibility of any person or household for emergency accommodation or for any service or assistance provided to homeless persons under section 10 of the Housing Act 1988, and a housing authority shall not have regard to the residency requirements imposed by this section in determining whether to provide, or to arrange for the provision of, such accommodation, service or assistance.”.

—Conor Sheehan.

16. In page 12, after line 39, to insert the following:

“(i) the determination was otherwise unreasonable having regard to all the circumstances of the household’s application.”.

—Conor Sheehan.

17. In page 13, to delete lines 12 to 16 and substitute the following:

“(6) A social housing appeal shall be made to an independent appeals office located within the Housing Agency within 28 days of the notification by the housing authority to the household concerned of the making of a determination in respect of the application or reassessment for social housing support concerned under section 20.”.

—Rory Hearne.

18. In page 13, to delete lines 25 to 35 and substitute the following:

- “(9) On receipt by a housing authority of a social housing appeal made in accordance with this section, the chief executive of the authority shall request the Minister to nominate a person to decide the appeal (in this section referred to as an ‘appeals officer’).
- (10) The Minister shall, for the purposes of subsection (9), establish and maintain a panel of persons eligible for nomination as appeals officers, being persons—
 - (a) who are officers or employees of a housing authority other than the housing authority whose determination is the subject of the social housing appeal concerned, and
 - (b) who, in the opinion of the Minister, have sufficient knowledge and experience of housing law and social housing assessment to discharge the functions of an appeals officer.
- (11) The Minister shall nominate a person from the panel referred to in subsection (10) to act as appeals officer in respect of a social housing appeal within 7 days of receiving a request under subsection (9).
- (12) A housing authority shall provide such administrative support to an appeals officer nominated under subsection (10A) as the appeals officer may reasonably require for the purposes of deciding a social housing appeal.”.

—Conor Sheehan.

19. In page 13, line 25, to delete “a housing authority” and substitute “the appeals office”.

—Rory Hearne.

20. In page 13, to delete lines 30 to 35 and substitute the following:

- “(10) An appeals officer shall be a qualified and suitable person appointed by the Housing Agency to undertake appeals with an appropriate knowledge, in order to ensure quality and consistency of decisions made over time.”.

—Rory Hearne.

21. In page 14, line 14, to delete “shall” and substitute “shall be in writing and shall”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

22. In page 14, between lines 27 and 28, to insert the following:

“Equality impact assessment

- 10. (1) The Minister shall, before making an order under *section 1(4)* bringing *section 8* into operation, cause to be carried out an equality impact assessment of the residency requirements imposed by *section 20A* of the Act of 2009 (as inserted by *section 8*).

- (2) An equality impact assessment under this section shall assess the likely effect of the residency requirements referred to in *subsection (1)* on persons sharing a protected characteristic within the meaning of the Equal Status Acts 2000 to 2018, having regard in particular to—
 - (a) race, nationality and ethnic or national origins,
 - (b) family status, and
 - (c) membership of the Traveller community.
- (3) The Minister shall, as soon as practicable after the completion of an equality impact assessment under this section, cause a copy of the assessment to be laid before each House of the Oireachtas.
- (4) Nothing in this section shall be construed as precluding the Minister from commencing *section 8* following the completion and laying of an equality impact assessment under this section, notwithstanding any findings contained in that assessment.”.

—Conor Sheehan.

23. In page 14, to delete lines 28 to 37, and in page 15, to delete lines 1 to 27.

—Eoin Ó Broin, Thomas Gould.

24. In page 15, between lines 27 and 28, to insert the following:

“Social housing assessment: transfer and recognition

11. The Act of 2009 is amended by the insertion of the following section after section 20B (inserted by *section 8*):

“Social housing passport

20C. (1) Where a housing authority (in this section referred to as the ‘assessing authority’) has determined under section 20 that a household is qualified for social housing support, and a member of that household subsequently establishes a connection with the functional area of another housing authority (in this section referred to as the ‘receiving authority’), the household may apply to the receiving authority to have the assessment of the assessing authority recognised for the purposes of social housing support in the functional area of the receiving authority.

(2) On receipt of an application under subsection (1), the receiving authority shall—

- (a) recognise the assessment of the assessing authority as establishing that the household is qualified for social housing support in its functional area, without requiring the household to submit to a fresh assessment, unless—

- (i) the assessment of the assessing authority was made more than 3

years before the date of the application under subsection (1), or

- (ii) the receiving authority has reasonable grounds for believing that the circumstances of the household have materially changed since the date of the assessment,

and

- (b) where paragraph (a)(i) or (ii) applies, carry out a fresh assessment of the household's eligibility for social housing support in accordance with section 20, taking into account such information as was provided to the assessing authority as the receiving authority considers relevant.
- (3) Where the receiving authority recognises an assessment under subsection (2)(a), the household shall be placed on the housing list of the receiving authority with effect from the date on which the household was placed on the housing list of the assessing authority, subject to the application of any scheme of letting priorities made under section 22 by the receiving authority.
- (4) A household may appeal a decision of a receiving authority under subsection (2) in accordance with section 20B.
- (5) The Minister may by regulations make further provision for the purposes of this section, including provision for—
 - (a) the form and manner of an application under subsection (1),
 - (b) the information to be provided by a household in support of such an application,
 - (c) the circumstances in which a material change in circumstances under subsection (2)(a)(ii) may be found to exist, and
 - (d) the procedures to be followed by housing authorities in giving effect to this section.”.”.

—Conor Sheehan.

25. In page 16, between lines 13 and 14, to insert the following:

“Amendment of section 3 of Act of 2004

13. Section 3(2) of the Act of 2004 is amended by the insertion of the following paragraph after paragraph (i):

- “(j) a dwelling consisting of a detached house constructed, erected or placed in the rear garden of a house (in this paragraph referred to as the ‘principal house’), where—
 - (i) the construction, erection or placing of the said dwelling in that rear garden was, at the time of such construction, erection or placing, exempted development within the meaning of the

Planning and Development Act 2000 or the Planning and Development Act 2024, and

(ii) the principal house is—

(I) the principal private residence (within the meaning of section 473B of the Taxes Consolidation Act 1997) of the landlord of the said dwelling, and

(II) owned by that landlord.”.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

26. In page 17, between lines 7 and 8, to insert the following:

“(i) by the insertion of “(other than an offence under section 148S(16))” after “under this Act”,.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

27. In page 17, to delete lines 10 to 12 and substitute the following:

“(b) in subsection (2)—

(i) by the substitution of “is a summary offence” for “of an offence”,

(ii) by the substitution of “and is continued” for “is continued”, and

(iii) by the substitution of “class D fine” for “fine not exceeding €250”,

(c) in subsection (3), by the substitution of “Summary proceedings” for “Proceedings”, and

(d) in subsection (4)—

(i) by the insertion of “summary” before “proceedings”, and

(ii) by the substitution of “3 years” for “one year”.”.’.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

28. In page 17, lines 22 and 23, to delete all words from and including “a tenancy” in line 22 down to and including line 23 and substitute the following:

“in the case of new tenancies in private rental accommodation, whether arising from re-lets of existing accommodation or new buildings, the following shall apply—

(I) The owner may not increase rent above what was charged on any previous tenancy by more than 2 per cent or the level of inflation whichever is the lower,

(II) In the case of new buildings or first time lets, that the rent charged cannot exceed the average rent charged during the previous 12 months for similar type properties within the administrative area of the relevant local authority”,.”.

—Brian Stanley.

29. In page 17, line 27, to delete “paragraph (i) of subsection (1)” and substitute “subsection (1) (i)”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

30. In page 17, line 32, to delete “under a tenancy” and substitute “referred to in that subsection (6)”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

31. In page 18, line 13, to delete “subsection (6) and” and substitute “subsection (6),”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

32. In page 18, line 29, to delete “accompanied by the notice or a copy thereof” and substitute “identifying the notice to which the payment relates”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

33. In page 20, line 22, to delete “section 19(5A)(a)” and substitute “section 19”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

34. In page 20, line 22, after “*subsection (1)(a)*” to insert “and *(d)*”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

35. In page 21, line 10, to delete “Board and” and substitute “Board,”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

36. In page 21, line 29, to delete “accompanied by the notice or a copy thereof” and substitute “identifying the notice to which the payment relates”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

37. In page 22, line 16, to delete “subsection (6G) of section 19 or subsection (7) of section 22” and substitute “section 19(6G) or 22(7)”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

38. In page 22, line 18, to delete “subsection (6G) of section 19” and substitute “section 19(6G)”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

39. In page 22, line 21, to delete “subsection (7) of section 22” and substitute “section 22(7)”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

40. In page 22, line 31, to delete “section 18” and substitute “section 118”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

41. In page 23, to delete lines 9 to 19.

—Conor Sheehan.

42. In page 23, to delete lines 26 to 33.

—Conor Sheehan.

43. In page 28, to delete lines 13 to 24.

—Conor Sheehan.

44. In page 31, to delete lines 1 to 3 and substitute the following:

“(9) The Director may, by notice in writing given to the parties concerned, correct any mistake (including any omission) of an administrative or clerical nature in a determination order, provided that—

(a) before making any correction under this subsection, the Director shall notify each party to the determination order in writing of the proposed correction, specifying—

(i) the nature of the mistake alleged,

(ii) the correction proposed, and

(iii) the reasons why the Director is satisfied that the mistake is of an administrative or clerical nature only,

(b) each party shall be afforded a period of not less than 10 working days from the date of the notification under paragraph (a) to make representations to the Director in relation to the proposed correction, and

(c) the Director shall consider any representations received under paragraph (b) before deciding whether to make the correction.”.”.

—Conor Sheehan.

45. In page 31, between lines 3 and 4, to insert the following:

“(10) For the purposes of subsection (9), a mistake is of an administrative or clerical nature only where it—

(a) is a typographical or transcription error, an error of transposition, or an omission of a word or figure that is evident from the face of the determination order when read with the record of the adjudication or Tribunal hearing to which it relates, and

(b) does not alter, and its correction would not alter, the substantive rights or obligations of any party under the determination order.”.”.

—Conor Sheehan.

46. In page 36, line 2, to delete “section 37” and substitute “section 137”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

47. In page 37, line 19, to delete “accompanied by the notice or a copy thereof” and substitute “identifying the notice to which the payment relates”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

48. In page 38, line 22, to delete “accompanied by the notice or a copy thereof” and substitute “identifying the notice to which the payment relates”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.