

## **Threshold's Opening Statement to the Committee on Housing, Local Government and Heritage regarding the General Scheme of Residential Tenancies (Right to Purchase) Bill**

**Tuesday 5th November 2023**

### **Introduction**

1. Chairperson, members of the, we wish to thank you for the opportunity to make this submission regarding the General Scheme of Residential Tenancies (Right to Purchase) Bill.
2. Threshold is a national housing charity that provides frontline advice and support services to people experiencing difficulties in their private rental tenancies advocating for better housing system since 1978.
3. Last year we assisted almost 20,000 households and prevented over 10,000 adults and children from becoming homeless.
4. There are many positive elements set out in the General Scheme, but notably only two heads out of 27 relate to the tenant's right to purchase. The remainder deal with numerous other matters which are complex in nature, have far reaching ramifications for tenants and landlords alike, and must be given due and careful consideration.
5. Given the significance of these proposed changes, the Bill cannot be hastily progressed through the legislative process. If there is a desire for the passage of the Bill to be enacted promptly, the matters not associated to the tenant's right to purchase must be removed, in order that they are afforded full legislative scrutiny in a separate piece of legislation.
6. In this submission, observations on the heads related to the tenant's right to purchase are presented first. These will be followed by Threshold's observations on changes to the grounds of termination in the case of a transfer and the expansion of the 'slip rule.' Much more is contained in the scheme; however time does not permit us to expand on those during our opening statement. Our detailed response is set out in our full written submission.

## **Observations**

### **Right to Purchase**

7. Threshold is largely supportive of the proposed amendments that will allow tenants the opportunity to buy their home based on the *first right of refusal* principle. Head 6, which requires that landlords issue a copy of the *invitation to purchase* to the Residential Tenancies Board (RTB) for the notice to be valid, is a necessary step in ensuring the effectiveness of the right to purchase process.
8. There is, however, no valid reason for the exclusion of non-Part 4 tenants from holding the right to purchase, nor for the exclusion of tenants whose tenancy termination is subject to the Tyrellstown Amendment. Tenants in such scenarios are in no less need of a long-term home than others.

### **Grounds of termination in the case of transfer**

9. We are seriously concerned about the proposed provision regarding the transfer of property for no or partial consideration, as set out under Head 5. Our concern is that this provision appears to create a new ground for a landlord to terminate a tenancy.
10. The proposed amendment will potentially allow for a landlord to terminate a tenancy if they are transferring the property to another with unclear indication of the accompanying payment. Such scenarios could take the form of inter-familial transfers or the inter-transfer of properties by large or corporate landlords.
11. Threshold is strongly opposed to such a change. There is no valid reason for the property to be vacated for this type of transfer to occur. There are already sufficient grounds within the existing legislation for landlords to terminate a tenancy when there has been no wrongdoing by a tenant.

### **Procedural standards**

12. A few proposed changes to the procedures to be followed by adjudicators and Tribunal members are set out in the Bill, principally in relation to slips and omissions in notices and Determination Orders (DOs). Strict compliance with the formalities of ending a tenancy is the least a tenant can expect when being evicted from their home.
13. We find the proposal to apply the 'slip rule' to statutory declarations particularly worrying. Statutory declarations are an established mechanism for ensuring veracity across the legal landscape. Threshold does not feel that amendments which allow for a lax approach to be taken around compliance are permissible in

any context, not least in that of landlord and tenant law in the private residential sector.

## **Conclusion**

14. We thank you for your time today and welcome your questions.

