

Residential Tenancies (Miscellaneous Provisions) Bill 2026

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Abstract

The Residential Tenancies (Miscellaneous Provisions) Bill 2026 (the 'Bill') was **published** on 3 February 2025. The Bill seeks to make amendments to the ***Residential Tenancies Act 2004*** (the '2004 Act'), proposing to introduce a new national system of rent controls for new tenancy agreements entered into on or after 1 March 2026, to replace the system of rent protection zones. New tenancies lasting six months or more would be treated as tenancies of minimum duration (TMDs), rolling six-year tenancies. The Bill would apply an annual cap on rent increases of neither higher than two percent nor the Consumer Price Index. However, landlords would be able to reset rent to market rent at the end of the six-year cycle or for a newly created tenancy, provided the most recent tenancy (if any, in the past two years) was not terminated by the landlord on the basis of a 'no fault eviction'. The proposed amendments also seek to establish new tenant protections, restricting the situations in which a tenant may be served with a valid notice of termination of tenancy. The Bill would also effect certain changes to eligibility for financial contributions under the Accommodation Recognition Payment and make technical amendments to the existing provisions on short-term letting.



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Executive Summary

- The [Residential Tenancies \(Miscellaneous Provisions\) Bill 2026](#) (the ‘Bill’) and Explanatory Memorandum were published on 3 February 2026. The Bill contains 31 sections in four parts.
- The Bill is scheduled for Second Stage debate in Dáil Éireann on Wednesday, 4 February 2026.
- The General Scheme of the Bill (previously called the Residential Tenancies (Amendment) (No 2) Bill) was not published.
- The General Scheme was referred to the Joint Committee on Housing, Local Government and Heritage (the ‘Committee’) by the Minister for Housing, Local Government and Heritage (the ‘Minister’), James Browne TD, on 23 October 2025. On [18 November 2025](#) and [2 December 2025](#), the Committee conducted public hearings to engage with key stakeholders as part of its prelegislative scrutiny (PLS) process. The Committee published its [Report on Pre-Legislative Scrutiny \(PLS\) of the General Scheme of the Residential Tenancies \(Amendment\) \(No 2\) Bill](#) on 7 January 2026 with 11 key recommendations identified.
- The private rental sector represents a significant tenure type within the residential market in Ireland. Tenants in the sector are facing affordability issues as over the past decade, rent inflation has been consistently higher than wage growth. At the same time, there has been a large exodus of landlords (especially smaller landlords) from the market. The rate of new rentals on the market has not kept up with the rate of exits, resulting in a contraction in supply. See the Library and Research Service [Briefing Paper on the General Scheme of the Residential Tenancies \(Amendment\) \(No 2\) Bill](#).
- The Bill proposes to amend the [Residential Tenancies Act 2004](#) (the ‘2004 Act’) to implement a new national system of rent controls for new tenancy agreements entered into on or after 1 March 2026, to replace the system of rent protection zones. New tenancies lasting six months or more would be treated as tenancies of minimum duration (TMDs), rolling six-year tenancies. The Bill would apply an annual cap on rent increases of neither higher than two percent nor the Consumer Price Index. However, landlords would be able to reset rent to market rent at the end of the six-year cycle or for a newly created tenancy, provided the most recent tenancy (if any, in the past two years) was not terminated by the landlord on the basis of a ‘no fault eviction’.
- The Department of Housing, Local Government and Heritage (the ‘Department’) has acknowledged that allowing landlords to reset rents between tenancies may result in moderate rent increases. However, rental prices are expected to stabilise as more housing supply enters the market.
- The proposed amendments also seek to establish new tenant protections, restricting the situations in which a tenant may be served with a valid notice of termination of

tenancy. These protections will not affect the capacity of a landlord to sell their rented property with the tenant in situ.

- Under the Bill, tenant protections would be contingent on the category of landlord in the tenancy agreement. Smaller landlords will be those individuals with three or fewer tenancies, while corporate landlords and those with four or more tenancies will be considered to be larger landlords. The main difference between the rights of smaller and larger landlords is that a smaller landlord would be able to end a tenancy midway through a TMD for specific reasons (e.g. hardship, homelessness, require it for an immediate family member, returning from abroad, breach of tenant obligations, property no longer suitable). Smaller landlords would also be able to end a tenancy for broader reasons after each rolling six-year term (e.g. selling, substantial refurbishment/renovation, landlord/family member use, change of use).
- The Bill would amend the *Civil Law (Miscellaneous Provisions) Act 2022* to provide for certain changes affecting eligibility for certain financial contributions.
- Proposed technical amendments to the *Planning and Development Act 2000* and the *Planning and Development Act 2024* would change provisions relating to short-term letting constituting material change in use, requiring development consent.
- At the time of publication of this Bill Digest, the Regulatory Impact Analysis (RIA) in respect of the Bill had not been published.

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Glossary and abbreviations

Table 1 Glossary and abbreviations

Term	Meaning
2004 Act	<i>Residential Tenancies Act 2004</i>
Accommodation Recognition Payment	A tax-free monthly financial contribution of €600 paid since March 2022, per property with a unique Eircode, available to providers of accommodation to those under the EU Temporary Protection Directive.
Committee	Joint Committee on Housing, Local Government and Heritage
CPI	Consumer Price Index, a measure of inflation
Department	The Department of Housing, Local Government and Heritage
Existing tenancy	An ongoing tenancy that commenced prior to 1 March 2026
General Scheme	General Scheme of the Residential Tenancies (Amendment) (No 2) Bill
HICP	Harmonised Index of the Consumer Price, a measure of inflation
Larger landlord	A landlord of four or more tenancies or a corporate landlord
Minister	The Minister for Housing, Local Government and Heritage
New tenancy	A tenancy commencing on or after 1 March 2026
No-fault eviction	Where the landlord terminates the tenancy for a reason apart from breach of tenant's obligations
Pre-legislative Scrutiny (PLS)	Pre-Legislative Scrutiny (PLS) of the General Scheme of the Residential Tenancies (Amendment) (No 2) Bill
Part 4 Tenancy	A tenancy protected by the limitations set out in Part 4 of the <i>Residential Tenancies Act 2004</i>

Term	Meaning
Rent Pressure Zones (RPZs)	Designated areas that meet the relevant criteria for rapid rental price growth and high rent levels, relative to the national average in which annual rental increases were capped
RTB	Residential Tenancies Board, an independent public body that regulates the private rental sector
Smaller landlord	An individual landlord of three or fewer tenancies
SSA	Student specific accommodation
Tenancy of limited duration	A tenancy entered into prior to 11 June 2022, under which a landlord may terminate the tenancy after six years for any reason
Tenancy of minimum duration (TMD)	A rolling six-year tenancy entered into on or after 1 March 2026 that comes into effect after an initial six-month duration
Tenancy of unlimited duration (TUD)	A tenancy entered into on or after 11 June 2022 that will continue indefinitely after an initial six-month duration
Vacant possession	The property is free of tenants or other occupiers, and any unspecified items, or from third-party interests

Source: Parliamentary Research Service (2026).

Introduction

The **Residential Tenancies (Miscellaneous Provisions) Bill 2026** (the ‘Bill’) was published on 3 February 2026 and scheduled for Second Stage debate on 4 February 2026, in Dáil Éireann. The Bill contains 31 sections in four parts.

The ‘Bill’ seeks to make substantial amendments to Parts 1 to 4 of the **Residential Tenancies Act 2004** (the ‘2004 Act’), and technical amendments to other parts of the 2004 Act.

According to the long title of the Bill, it aims to:

- require the provision of certain information in writing to a tenant and to the Residential Tenancies Board (RTB) on the commencement of a residential tenancy created on or after 1 March 2026;
- oblige tenants to allow access to a rented dwelling for purposes connected with an intended transfer of the dwelling;
- make provision in relation to the setting of rents under residential tenancies created on or after 1 March 2026;
- provide for, and limit, the circumstances in which landlords can terminate certain tenancies of dwellings, including during and at the end of a tenancy of minimum duration;
- provide for the frequency with which rent reviews may occur;
- require certain information to be included in the residential tenancies register and the published register;
- provide for the sharing of certain information by the RTB with the Minister for Social Protection, the Revenue Commissioners and Sustainable Energy Ireland;
- repeal certain provisions of the 2004 Act;
- amend the **Civil Law (Miscellaneous Provisions) Act 2022** to provide for certain changes affecting eligibility for financial contributions under the Accommodation Recognition Payment;
- amend the **Planning and Development Act 2000** and the **Planning and Development Act 2024** to change provisions relating to short-term letting constituting material change in use, requiring development consent; and
- provide for related matters.

This aligns with the purpose of the Bill as specified in the **Government Legislative Programme, Spring 2026**:

“... to provide, from 1 March 2026, reforms to rent regulation and tenancy protections in respect of new tenancies (i.e. first-time tenancy between parties) created on/after that date. To provide for enhancements to the implementation and enforcement of the Residential Tenancies Acts 2004 to 2025 and outcomes thereunder.”

The Policy and Legislative Briefing Paper and other LR&S papers

On 28 January 2026, the Library and Research Service published a [Briefing Paper on the General Scheme of the Residential Tenancies \(Amendment\) \(No 2\) Bill](#). The Briefing Paper focusses on the policy, legislative and legal context of the proposed legislation, drawing on the PLS process and other commentary. The Briefing Paper also offers background information on the Bill, providing a detailed overview of the legal framework governing the private rental sector and the role of the Residential Tenancies Tribunal (RTB). The Briefing Paper was written to accompany this Bill Digest, and the majority of information contained in that paper will not be repeated here. Therefore, it is recommended to read the Briefing Paper in conjunction with this Digest.

The Bill Digest should also be read alongside previous Blog Posts (internal only) and LR&S Papers and Bill Digests including (but not limited to):

- [Bill Digest: Residential Tenancies \(Amendment\) \(No.2\) Bill 2021](#)
- [Bill Digest: Residential Tenancies and Valuation Bill 2020 No. 17 of 2020](#)
- [L&RS Note: Private Rental Sector: a comparative study, January 2019](#).

Background

The Residential Tenancies (Miscellaneous Provisions) Bill 2026 (the ‘Bill’) was formerly referred to as the Residential Tenancies (Amendment) (No 2) Bill. On 14 October 2025, Cabinet approved the General Scheme of the Residential Tenancies (Amendment) (No 2) Bill (the ‘General Scheme’) as the basis for priority legal drafting of a Bill to amend the *Residential Tenancies Act 2004* (the ‘2004 Act’).¹

The General Scheme was referred to the Joint Committee on Housing, Local Government and Heritage (the ‘Committee’) by the Minister for Housing, Local Government and Heritage (the ‘Minister’), James Browne TD, on 23 October 2025. On **18 November 2025** and **2 December 2025**, the Committee conducted public hearings to engage with key stakeholders as part of its pre-legislative scrutiny (PLS) process. The Committee published its **Report on Pre-Legislative Scrutiny (PLS) of the General Scheme of the Residential Tenancies (Amendment) (No 2) Bill** on 7 January 2026. A copy of the General Scheme was shared with members of the Committee and relevant stakeholders, but it was not published by the Department of Housing, Local Government and Heritage (the ‘Department’).

A brief history of rent controls

Ireland has had specific statutory rent controls in place for almost ten years.

On 24 December 2016, the relevant provisions of the *Planning and Development (Housing) and Residential Tenancies Act 2016* entered into force. Under this legislation, certain areas were designated as Rent Pressure Zones (RPZs) if they met the relevant criteria for rapid rental price growth and high rent levels, relative to the national average.²

Prior to the introduction of the RPZ system, under the *Residential Tenancies Act 2004* private rent price regulation was limited to the prohibition of setting rent above ‘market rates’ and limitations on the frequency of rent reviews.³

In 2016, when RPZs were first introduced, for tenancies located within a designated RPZ were subject to an annual cap on rent increases of neither higher than four percent nor the annual percentage increase in the Harmonised Index of the Consumer Price (HICP). On 11 December

¹ D Murphy and M Lehane, ‘Govt hears plan to make whole country rent pressure zone’, *RTÉ*, 14 October 2025; Department of Housing, Local Government and Heritage, ‘General Scheme of the Residential Tenancies (Amendment) (No. 2) Bill 2025: Discussion’, *Joint Committee on Housing, Local Government and Heritage debate*, 18 November 2025.

² See *Planning and Development (Housing) and Residential Tenancies Act 2016 s. 36*. C O’Toole, ‘Exploring rent pressure zones: Ireland’s recent rent control regime’, *International Journal of Housing Policy*, December 2023.

³ Department of Housing, Local Government and Heritage, ‘Government Bill to put 2% cap on rent increases in Rent Pressure Zones’, Press Release, 16 November 2021.

2021, the four percent cap was reduced to an annual cap on rent increases of neither higher than two per cent, nor the rate of inflation measured by the HICP, through the *Residential Tenancies (Amendment) Act 2021*.⁴

According to the Housing Agency, the RPZ system was initially designed with the intention of alleviating pressure on tenants from rapid rental inflation in areas of high rental demand. It was meant to be a temporary measure to control rent inflation. It was not intended to discourage investment by landlords and institutional investors into the private rental sector.⁵ The system was initially put in place for three years from 2016 to 2019, but both the duration and scope of the controls have been extended four times, via legislative amendments.⁶ From 20 June 2025 all private tenancies and student specific accommodation (SSA) in Ireland were deemed to be within a RPZ until 28 February 2026.⁷

Existing provisions on security of tenure

Currently, under the *Residential Tenancies Act 2004*, a landlord of a dwelling or student-specific accommodation (a 'landlord', which includes an approved housing body) must meet the relevant criteria and complete the relevant formalities before they may end a tenancy.

A landlord cannot end a fixed-term tenancy during the term unless the tenant is in breach of their contractual obligations.⁸

Where the tenancy is for a continuous period of less than six months, a landlord may evict the tenant without providing any reasons.⁹ However, a tenancy of a duration of six months or more is considered to be a 'Part 4 Tenancy', for which tenants accrue certain protections from termination of the tenancy agreement and eviction.¹⁰ A landlord can only end an ongoing Part 4 Tenancy (after the end of the fixed term), on a no-fault basis, if:

- The property is no longer suited to the needs of the tenant.

⁴ *Residential Tenancies (Amendment) Act 2021 s. 3*. See also Department of Housing, Local Government and Heritage, 'Government Bill to put 2% cap on rent increases in Rent Pressure Zones', Press Release, 16 November 2021.

⁵ The Housing Agency, *Report on the Review of Rent Pressure Zones and Consideration of Potential Policy Options for Rent Controls in the Private Rental Sector*, April 2025, p. 7.

⁶ *Residential Tenancies (Amendment) Act 2019; Residential Tenancies (Amendment) Act 2021; Planning and Development Act 2024 Part 25; Residential Tenancies (Amendment) Act 2025*.

⁷ *Residential Tenancies (Amendment) Act 2025 s. 3*.

⁸ *Residential Tenancies Act 2004 s. 26*.

⁹ *Residential Tenancies Act 2004 s. 28(1)*.

¹⁰ *Residential Tenancies Act 2004 s. 28*.

- The landlord intends to sell the property within nine months.¹¹
- A private landlord needs the property for their own use or for the use of an immediate family member.
- The landlord intends to change the use of the property.
- The landlord intends to substantially refurbish the property.
- The tenancy has run for a cumulative period of six years and the landlord has served an appropriate notice of termination prior to the end of the six-year period.¹²

The *Residential Tenancies (Amendment) Act 2021* changed the rules for a tenancy for a private dwelling that commenced on or after 11 June 2022. Under that amendment, the six-year period will not trigger a right for the landlord to end the tenancy agreement. The tenant can stay indefinitely, under a tenancy of unlimited duration (TUD).¹³

The rules on Chapter 4 tenancies differ between private residential tenancies and tenancies for student specific accommodation (SSA).¹⁴

The current state of the Irish rental market

Census data reveals that the Irish private rental sector represents a significant tenure type within the residential market in Ireland, with approximately 18% of Irish households renting from private landlords, as of the last census.¹⁵ As of November 2025, there are almost 241,000 registered tenancies across the country, with approximately half of the rental properties located in Dublin. The number of apartments subject to a registered tenancy is very slightly greater than the number of houses. There were almost 104,000 landlords associated

¹¹ If a landlord intends to sell 10 or more dwellings in the same development within a six-month period, the landlord must prove two things before evicting the sitting tenants. The landlord must show that:

- (1) selling the dwelling with a sitting tenant would depreciate the market value of the property by more than 20 per cent than if the dwelling were sold with vacant possession, and
- (2) that the continuation of the tenancy would be unduly onerous on the landlord or would cause the landlord undue hardship: *Residential Tenancies Act 2004 s. 35A*.

¹² *Residential Tenancies Act 2004 s. 34 and Table*. See also Residential Tenancies Board, *Tenancies of Unlimited Duration*.

¹³ *Residential Tenancies Act 2004 s. 28*. Thus, there is currently two separate systems of security of tenure – one for tenants who entered into their tenancy agreement prior to 11 June 2022 (tenancies of a limited duration), and one for tenants who entered into a tenancy agreement on or after 11 June 2022. See also Residential Tenancies Board, *Tenancies of Unlimited Duration*.

¹⁴ See Residential Tenancies Board, *Ending a student specific accommodation tenancy*.

¹⁵ L Davis, *Briefing Paper on the Residential Tenancies (Right to Purchase) Bill*, LR&S, 15 March 2024. See also Department of Housing, Local Government and Heritage, *Private Rental Sector Review*, 2024.

with private tenancies.¹⁶ Figures show that on 1 November 2025, there were a total of 1,901 homes available for rent across the whole country, this is over a fifth lower than on 1 November 2024. Moreover, the number of dwelling available for rent is down four per cent year-on-year, and almost one half (46%) of the 2015-2019 average.¹⁷

During this period of contraction in rental supply, the cost of rent has been increasing annually, with significant increases seen in areas that fell outside traditionally designated rent pressure zones. Rental inflation continues to outpace wage growth, making private rental less affordable.¹⁸

In terms of how the type of landlord affects rental inflation, data from the Residential Tenancies Board and the Economic and Social Research Institute shows that in the year to November 2025:

1. Dwellings rented out by individual landlords were around twice as likely to see no change in price from one year to the next than those operated by company landlords.
2. Those renting from individual landlords were also relatively more likely (1.7 times and 2.4 times as likely for ongoing and changed tenancies, respectively) than those renting from company landlords to see larger increases in rent (above 4%).¹⁹

In contrast:

1. Company landlords were more likely (around 1.6 times and 1.5 times as likely for ongoing tenancies and changed tenancies, respectively), to apply more moderate price increases of between 0 and 4% from one year to the next than were individual landlords.
2. In all areas, for both ongoing and changed tenancies, a smaller proportion of rent increases fall into the 'above 8%' category where there is a company compared to where the landlord is an individual.²⁰

¹⁶ See Residential Tenancies Board, *Private residential tenancies – data set*, November 2025. Note, the map on the RTB website is interactive, providing a visual representation of data by quarter year over the past three years.

¹⁷ R Lyons and T Gillespie, *2025 Q3 Daft.ie Rental Report*, 12 November 2025.

¹⁸ Parliamentary Budget Office, 'Housing Affordability for Private Household Buyers in Ireland', *Publication 34 of 2023*, 5 October 2023, pp 5, 14-15; R Slaymaker and W Disch, 'Housing affordability: Ireland in a cross-country context', Economic and Social Research Institute Research Series No 164, July 2023, p. 5; R Lyons and T Gillespie, *2025 Q3 Daft.ie Rental Report*, 12 November 2025. See also Central Bank of Ireland, *Quarterly Bulletin No. 4 2025*.

¹⁹ R Slaymaker, C Banahan and J Kren, *An assessment of property level rental price growth in Ireland*, December 2024, p. 39.

²⁰ R Slaymaker, C Banahan and J Kren, *An assessment of property level rental price growth in Ireland*, December 2024, p. 39.

Role of the Residential Tenancies Board

The Residential Tenancies Board (RTB) was established under **Part 8 of the Residential Tenancies Act 2004** (the '2004 Act'). It is the independent public body that regulates the private rental sector, funded by tenancy registration fees, dispute fees and Government funding.²¹ The RTB functions include:

- Informing tenants and landlords about their rights and responsibilities;
- Ensuring landlords register tenancies and follow rental law and maintaining a register;
- Helping to resolve tenancy disputes; and
- Providing trusted data and insights to inform rental sector policy.²²

To enable it to properly perform its functions, the RTB is empowered to:

- Establish, maintain, update and publish a register of private residential tenancies, including enforcing registration requirements.²³
- Define and enforce a procedure for the registration of private residential tenancies, including the setting and collection of fees.²⁴
- Exchange data with other public bodies.²⁵
- Engage with parties to resolve disputes and complaints, including appointing authorised officers and decision makers, conducting investigations, determining and reporting on outcomes of investigations and disputes, imposing sanctions²⁶ and having them confirmed in relevant courts and establishing procedural rules.²⁷

The proposed legislation would act to strengthen the regulatory and enforcement powers of the Regulatory Residential Tenancies Board. On this point, the 2025 *Report on the Review of Rent Pressure Zones and Consideration of Potential Policy Options for Rent Controls in the Private Rental Sector*, of the Housing Agency stated:

“It is desirable that the system of rental price controls does not result in the unintended fostering of a shadow rental market, which are often accompanied by other legal and regulatory breaches, such as overcrowding, fire safety, insecure tenancies and predatory practices on the part of non-compliant landlords. The

²¹ Residential Tenancies Board, *Who we are*.

²² *Residential Tenancies Act 2004 s 151*. See also Residential Tenancies Board, *Who we are*; Residential Tenancies Board, *RTB Statement of Strategy 2023-2025*.

²³ *Residential Tenancies Act 2004 Pt 7 Ch 1, 3*.

²⁴ *Residential Tenancies Act 2004 Pt 7 Ch 2*.

²⁵ *Residential Tenancies Act 2004 Pt 7 Ch 4*.

²⁶ If criminal proceedings are brought by the RTB against a landlord for improper conduct, a sanction may not be imposed on the landlord: *Residential Tenancies Act 2004 s. 148AG*.

²⁷ *Residential Tenancies Act 2004 Pt 7A*.

monitoring and enforcement mechanisms which police the price control system seem likely to play an important role in suppressing a shadow market.”²⁸

Previous related legislation

Over the past 10 years the *Residential Tenancies Act 2004* has been the subject of a number of amendments. The main changes were applied via the following legislation:

- *Planning and Development (Housing) and Residential Tenancies Act 2016*
- *Residential Tenancies (Amendment) Act 2019*;
- *Residential Tenancies (Amendment) Act 2021*;
- *Planning and Development Act 2024 Part 25*;
- *Residential Tenancies (Amendment) Act 2025*.

Regulatory Impact Analysis (RIA)

The Department completed a Regulatory Impact Analysis (RIA) of the proposed legislation in January 2026. As at the time of writing the RIA has not been published, but the Department has confirmed that the RIA will be published on the Department’s [website](#).

The RIA draws a great deal of its content from the Housing Agency’s 2025 *Report on the Review of Rent Pressure Zones and Consideration of Potential Policy Options for Rent Controls in the Private Rental Sector*, comparing the four options presented in that report by reference to projected costs, benefits and impacts. According to the RIA, the preferred option as implemented in the Bill would involve some initial (but minimal) additional costs, to implement the necessary modifications. The RIA projects positive impacts on the rental sector and the wider housing sector, as it is projected that tenants will have improved security of tenure over the long term and there will be a decrease in recurring demand from homelessness services and social housing provision. In relation to benefits, the RIA states:

“There would be increased security of tenure for tenants for the long term. In these circumstances, there will be less burden and recurring cost on State social housing supports and on State homelessness services. Wider social benefits, including more stable communities and childhoods in the rental sector.”²⁹

From a public accountability perspective, the RIA confirms that the proposed amendments address the remit of the RTB’s dispute resolution service under Part 6 of the 2004 Act. The Department confirmed that a determination of an RTB adjudicator may be appealed to an RTB Tribunal, a determination of an RTB Tribunal may be appealed to the High Court on a point of law, and judicial review proceedings may be instigated in relation to any decision making by the RTB.³⁰

²⁸ The Housing Agency, *Report on the Review of Rent Pressure Zones and Consideration of Potential Policy Options for Rent Controls in the Private Rental Sector*, April 2025, p. 74.

²⁹ Department of Housing, Local Government and Heritage, *Regulatory Impact Analysis*, January 2026.

³⁰ Department of Housing, Local Government and Heritage, *Regulatory Impact Analysis*, January 2026.

Finally, the RIA notes that minor technical amendments will need to be made to the *Planning and Development Act 2000* and the *Planning and Development Act 2024* to ensure alignment with the proposed legislation and it provides a justification for the proposed amendments to the *Civil Law (Miscellaneous Provisions) Act 2022*, to change eligibility for financial contributions under the Accommodation Recognition Payment (ARP) scheme.

Legal context

Constitutional and rights-based considerations

On 30 January 2026, it was reported in the *Irish Times* that five of the biggest institutional developers in Ireland have questioned the constitutionality of the proposed legislative reforms in the **Residential Tenancies (Miscellaneous Provisions) Bill 2026**. It was reported that one developer specified that the proposed reforms “pose significant constitutional issues, relating to proportionality, lawfulness and property rights”.³¹

As reported, the biggest concerns of the institutional developers appear to relate to the proposed ban on no-fault evictions for larger landlords, which would not apply to smaller landlords. It was suggested that this could represent an ‘unjust attack’ on the property rights of a larger landlord, under the Constitution and a breach of the right to property of Article 1 of Protocol 1 of the European Convention on Human Rights (ECHR).³²

Property rights under the Constitution

Property rights are mentioned in two separate articles of the Constitution, **Article 40.3** and **Article 43**.³³ The text of the two Articles is reproduced in the text boxes below.

Article 40.3 of the Constitution

- 3 1° The State guarantees in its laws to respect, and, as far as practicable, by its laws to defend and vindicate the personal rights of the citizen.
- 2° The State shall, in particular, by its laws protect as best it may from unjust attack and, in the case of injustice done, vindicate the life, person, good name, and property rights of every citizen. ...

³¹ R Quinlan, citing letters written by D Daly of October Investments in ‘**Big builders say rental reforms are unconstitutional and warn Minister of legal action**’, *Irish Times*, 30 January 2026.

³² R Quinlan, citing letters written by D Daly of October Investments in ‘**Big builders say rental reforms are unconstitutional and warn Minister of legal action**’, *Irish Times*, 30 January 2026.

³³ The following material builds on the material in the LR&S **Bill Digest Residential Tenancies and Valuation Bill 2020 No. 17 of 2020**. See also, G Hogan, G Whyte, D Kenny and R Walsh, *Kelly: The Irish Constitution*, 5th edition, Bloomsbury, 2018 Ch 7.8; H Hogan and F Keyes, *The Housing Crisis and the Constitution*, 16 November 2020; F Keyes, *The Invocation of Property Rights in Opposition to Housing Reform Bills in the Oireachtas, 2009-2019*, 2019.

Article 43 of the Constitution

- 1 1° The State acknowledges that man, in virtue of his rational being, has the natural right, antecedent to positive law, to the private ownership of external goods.
- 2° The State accordingly guarantees to pass no law attempting to abolish the right of private ownership or the general right to transfer, bequeath, and inherit property.
- 2 1° The State recognises, however, that the exercise of the rights mentioned in the foregoing provisions of this Article ought, in civil society, to be regulated by the principles of social justice.
- 2° The State, accordingly, may as occasion requires delimit by law the exercise of the said rights with a view to reconciling their exercise with the exigencies of the common good.

Article 40.3 provides for a general protection of the personal rights of the citizen against ‘unjust attack’ while Article 43 provides specifically for the protection of the institution of private property, affecting the power of the State to abolish the right to transfer property. In law, these Articles are generally considered have a combined effect, acting together to provide some constitutional protection to the owners of private property in Ireland.³⁴ However, the extent of this protection has been the matter of some legal debate.

In *Blake v Attorney General*,³⁵ the Supreme Court found that part of the *Rent Restrictions Act 1960* constituted an ‘unjust attack’ on the property rights of landowners. The part in question imposed strict rent controls on specified categories of dwellings. The Court held that the Act had unjustly imposed the cost of achieving a ‘social good’ for one section of society (low-income tenants) upon another section of society (prescribed landlords). Further, the provisions of the Act did not consider the did not allow for consideration of the financial situation of the individual landlord or offer compensation, and it failed to provide an affected landlord with an opportunity for appeal or review.³⁶

More recently, courts have interpreted the concept of ‘unjust attack’ justified on the basis of a ‘social good’ within the context of a proportionality test, first laid out by the Supreme Court in *Heaney v Ireland*.³⁷ The test provides that a legislative provision that interferes with a

³⁴ See *Re Article 26 and the Employment Equality Bill 1996* [1997] 2 IR 321.

³⁵ [1982] IR 117.

³⁶ *Blake v Attorney General* [1982] IR 117.

³⁷ [1994] 3 IR 593.

constitutional right, but that interference is justified by a ‘social good’, the provision will only be constitutionally valid if it:

1. is rationally connected to the objective and not arbitrary, unfair or based on irrational considerations;
2. impairs the constitutional right as little as possible to meet its objective; and
3. effects the constitutional rights only insofar as is proportional to the objective.³⁸

It was reported in 2022 that the former Attorney-General and former Minister for Justice, now Senator Michael McDowell stated: “Short-term measures would not necessarily be unjust, I don't see huge constitutional issues there.”³⁹

The difference between the RPZ system, about which the Senator was speaking, and the current proposals is that the RPZ system was and was intended to be a temporary system of rent controls, not a permanent, national system of controls.⁴⁰

Public hearings

The Supreme Court has held that legislation would be unconstitutional if it were to require a decision maker to determine a matter ‘otherwise than in public’, without giving the decision maker the option of conducting proceedings in public.⁴¹

The **Residential Tenancies (Amendment) (No 3) Bill 2024** proposed amendments to the 2004 Act to ensure that RTB hearings, in the context of adjudication, tribunal and sanctioning, might be heard in public, to ensure compliance with Article 34 of the Constitution and the *Zalewski* judgment.⁴² However, that Bill did not enter the second stage, having lapsed on 8 November 2024, on the dissolution of the Daíl.⁴³ During the PLS process, the Department stated that the Bill would incorporate these lapsed provisions of the **Residential Tenancies (Amendment) (No**

³⁸ *Heaney v Ireland* [1994] 3 IR 593. See further *Re Part V of the Planning and Development Bill 1999* [2000] 2 IR 321.

³⁹ See M Carolan, ‘**Would a freeze on rents be constitutional in Ireland?**’, Irish Times, 5 March 2022.

⁴⁰ The Housing Agency, *Report on the Review of Rent Pressure Zones and Consideration of Potential Policy Options for Rent Controls in the Private Rental Sector*, April 2025, p. 7.

⁴¹ *Zalewski v Workplace Relations Commission* [2021] IESC 24 at [148] per O’Donnell J.

⁴² **Explanatory Memorandum to the Residential Tenancies (Amendment) (No 3) Bill 2024**, p.5. It is noteworthy that the 2004 Act has a provision that currently requires the RTB Tribunal to conduct proceedings in public, unless it considers it appropriate to anonymise the parties to a dispute: see **Residential Tenancies Act 2004 s. 106**. However, the 2004 Act allows the Tribunal to make procedural rules (ss 109 and 148AF).

⁴³ ‘**History of this Bill**’, Residential Tenancies (Amendment) (No 3) Bill 2024 (Bill 63 of 2024).

3) **Bill 2024**. However, the Bill as introduced did not incorporate these proposed amendments.⁴⁴

⁴⁴ See Department of Housing, Local Government and Heritage, '**General Scheme of the Residential Tenancies (Amendment) (No. 2) Bill 2025: Discussion**', *Joint Committee on Housing, Local Government and Heritage debate*, 18 November 2025 and **Explanatory Memorandum to the Residential Tenancies (Amendment) (No 3) Bill 2024**.

Legislative proposal

The Residential Tenancies (Miscellaneous Provisions) Bill 2026 contains 31 sections in four parts.

The Bill seeks to make substantial amendments to Parts 1 to 4 of the *Residential Tenancies Act 2004* (the '2004 Act'), and technical amendments to other parts of the 2004 Act. The Bill also seeks to make amendments to the *Planning and Development Act 2000* and the *Planning and Development Act 2024*, and the *Civil Law (Miscellaneous Provisions) Act 2022*

The L&RS legislative analysis materials for this Bill do not purport to provide a full summary of the Bill, but instead seek to examine certain selected elements. In so doing, they focus on the issues that are most likely to affect the private rental sector, and which have been at the centre of significant debates during the PLS process.

It should be noted that the L&RS legislative materials for this Bill were prepared with a very tight turnaround time as the Bill was published on the Oireachtas website on the day before the date scheduled for Second Stage debate in Dáil Éireann. An unofficial stamped copy of the Bill was received from the Department on the previous working day, and this copy was used to examine the principal provisions of the Bill. The work was then cross-checked against the provisions of the official copy of the Bill.

Due to the limited time available and the complex nature of the Bill, it was not possible to examine all of the Bill's principal provisions in detail.

Principal provisions of the Bill

Part 1 Preliminary and General

Section 1 contains standard provisions for the short title, collective citation and commencement. It provides that this Bill on enactment may be cited as the *Residential Tenancies (Miscellaneous Provisions) Act 2026*. This section provides for the commencement of Chapter 3 seven days after the passing of the Act. No provision is made for the commencement of section 31 in this section as the commencement provision is included in section 31 of the Bill. Provisions other than these sections shall come into operation on such day or days as the for Housing, Local Government and Heritage may appoint by order or orders.

Section 2 seeks to repeal sections 24A, 24B, 24BA and 24C of the *Residential Tenancies Act 2004* (the '2004 Act'). This would repeal the legislation establishing and regulating rent pressure zones (RPZs). Section 2 also seeks to repeal section 39A(1) and 39A(2) of this Act which requires a landlord to serve a copy of a notice of termination on the Residential Tenancies Board on the day the landlord serves the notice of termination. Provisions equivalent to those currently in subsections (1) and (2) of section 39A of the 2004 Act will be inserted as subsections (1A) and (1B) into section 62 via section 15 of the Bill. This will be discussed below.

Part 2 Amendment of the *Residential Tenancies Act 2004*

The Bill proposes a number of amendments to the 2004 Act.

Section 3 of the Bill defines the term “Principal Act” as used in the Bill to mean the *Residential Tenancies Act 2004* (the ‘2004 Act’).

Section 4 of the Bill seeks to amend section 4 of the 2004 Act to include definitions of the terms ‘BER’, ‘floor area’, ‘personal public service number’, ‘postcode’, ‘registered number’, ‘tax reference number’, and ‘tenancy of minimum duration’. The meaning of ‘tenancy of minimum duration’ (‘TMD’) will be defined in subsection 35B(1), to be inserted by section 14 of the Bill. This is discussed below.

Section 5 of the Bill would insert a new paragraph (ca) into section 6 of the 2004 Act, after paragraph 6(1)(c). This new paragraph would have the effect of allowing a notice or document to be served or given under the 2004 Act or other named legislation to be served or given by a recorded electronic means to “an email address, fax number or other electronic contact point used by the person for receiving emails, faxes or other electronic messages”.

The Committee, in its **PLS report**, highlighted concerns about the use of the term ‘other electronic contact point’, which may be construed to include forms of social media. Furthermore, during the hearings, members of the Committee suggested that notices should continue to be served by formal written means, as well as by electronic means. This was reflected in recommendation 10 in the PLS Report. The effect of the proposed new paragraph would be to allow the service of notices by electronic means instead of by formal written means.

Section 6 of the Bill seeks to amend section 12(1) of the 2004 Act by substituting a new paragraph (i) into the subsection. The current version of section 12(1)(i) requires a landlord of a property located within a RPZ to provide the tenant with certain information about the setting of rent under the tenancy. As the RPZ system is being supplanted, this paragraph would no longer be relevant.

The new paragraph would require the landlord of a ‘new tenancy’ (created on or after 1 March 2026) to provide specified information in writing to the tenant and the RTB at the commencement of the tenancy. This information would include:

- the amount of rent set under the most recent tenancy of the dwelling, the date it was set and how it was calculated together with details of the number assigned at the application for registration by the RTB in respect of the most recent previous tenancy (where applicable); and
- the amount of rent payable and the number assigned at the application for registration by the RTB (by reference to the published register) in respect of the most recent tenancy, of three dwellings situated in a comparable area and of a similar floor area, number of bedrooms, type, character and (where applicable) BER.

The second point above presupposes that the rent register contains the relevant details of three tenancies of a comparable nature located in a comparable area. At present, under

section 128 of the 2004 Act, the register must not contain any information, as respects a particular dwelling, that discloses or could disclose the amount of the rent payable under a tenancy. It follows that during the transition period in which the register is populated with the new information pertaining to TMDs, it would be impossible for a landlord to be in a position to meet their statutory obligations under this section. Even after the register is populated with relevant information, this requirement presupposes that there will be sufficient tenancies in a comparable area pertaining to a dwelling of a comparable nature.

Requiring the landlord to furnish the relevant information on both the tenant and the RTB will help the RTB in its role as the regulator of the Irish private rental sector.

Section 7 of the Bill seeks to insert a new paragraph (ca) after paragraph (c) of section 16 of the 2004 Act, which sets out obligations of tenants. Under the new paragraph, upon a request by the landlord or their representative, a tenant must provide access as agreed in advance to the dwelling at reasonable intervals to allow specified persons to inspect the dwelling in connection with an intended transfer of ownership of the dwelling. The intended transfer must involve an intention to enter into an enforceable agreement for the transfer of the whole interest in the dwelling to another person, for full consideration within nine months. The proposed requirement would appear to apply to all intended transfers, including where the property is to be sold with the tenant in situ.

Section 8 of the Bill would make multiple amendments to section 19 of the 2004 Act. Section 19 of the 2004 Act prohibits the setting of rent above market rent and defines further rent controls applicable to the RPZ system. This section of the Bill would remove references to RPZs and implement a new system of rent controls for tenancies commencing on or after 1 March 2026. The amending section also looks to replace all references to Harmonised Indices of Consumer Prices (HICP) to the Consumer Price Index (CPI). Therefore, the relevant percentage by which rent may be raised annually for all relevant new and existing tenancies is the lower amount of two per cent or annual increase in the current CPI.

Under the proposed provision, the relevant percentage would be equivalent to CPI (not capped at two per cent) for student specific accommodation (as specified in section 3(1A) of the 2004 Act, SSA) or for apartments, in respect of which a commencement notice and certificate of compliance on completion was submitted and registered with the Building Control Authority on or after 10 June 2025.

As the Bill does not seek to amend subsections (1) or (2), or paragraph (5)(b) of section 19 of the 2004 Act, the first rent for newly rented dwellings coming onto the market, or after a substantial change to the dwelling, may be set at market rent. Proposed amendments to the other paragraphs of subsection (5) would allow the setting of rent to market rent for a tenancy created on or after 1 March 2026 of:

- a dwelling in a protected structure or proposed protected structure where no tenancy existed in the previous year
- any other dwelling where no tenancy subsisted in the previous two years;

- a dwelling, other than a SSA, where the most recent previous tenancy was terminated because of a breach of tenant obligations, because of the tenant voluntarily terminated the tenancy or where the tenancy was terminated because the accommodation was no longer suitable to the accommodation needs of the tenant household.

Under section 8 of the Bill, the landlord would also be able to set the rent at the market rate after six years of a tenancy of minimum duration (continuing for six or more months) commencing on or after 1 March 2026, or after three years for a tenancy of a SSA commencing on or after 1 March 2026.

The landlord would have to notify the tenant as well as the RTB, in the prescribed form, of a decision to set the rent to market rent.

Section 8 of the Bill also seeks to amend subsection (4C) and (4D) of section 19 of the 2004 Act so that the RTB would no longer be required to maintain a rent pressure zone calculator, but instead would be required maintain a rent increase calculator.

Section 9 of the Bill would insert a new section 20B into the 2004 Act after section 20A. The new section would provide for a transitional measure to allow the RPZ system to continue to operate for tenancies located in areas that recently became RPZs such that a rent review cannot take place for two years after the rent was last set.

Section 10 of the Bill seeks to amend section 22 of the 2004 Act requiring the landlord to notify the tenant of the setting of new rent. The proposed amendment to subsection (2) would require the landlord to not just notify the tenant of the new rent, but also notify the RTB. The landlord will also have to include in their notice more particulars to justify their understanding of what is market rent. The landlord would have to include rent information about the dwelling 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 (where applicable) BER. The notice will also have to provide information from the rental register of three dwelling of a comparable nature in a comparable location. The proposed amendments would insert a new subsection (4) after subsection (3) making it an offence for the landlord to set a rent after a review of the rent under a tenancy without serving notice on the tenant in the prescribed manner. References to RPZs would also be removed.

The same issues applicable to the use of information on a new or incomplete rental register in section 6 of the Bill (discussed above) would apply here. However, here, the consequences could be more substantial due to the proposed new offence.

Section 11 of the Bill would substitute a new paragraph (b) for the existing paragraph 24(1)(b). The substitution would have the effect of updating the definition of market rent to require reference to be made to 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 (where applicable) BER, situated in a comparable area.

Section 12 of the Bill seeks to amend section 34 and its Table of the 2004 Act, covering grounds for termination by a landlord. The Bill proposes to make the termination of a Part 4

tenancy entered into on or after 1 March 2026 subject to both section 35A and section 35B. Section 35B would be inserted into the 2004 Act by section 14 of the Bill (discussed below).

This section of the Bill also proposes to upgrade the requirements imposed on a landlord under a lease entered into on or after 1 March 2026. Where the landlord intends to terminate a tenancy on grounds of an intention to substantially refurbish or renovate the dwelling or change the use of the dwelling (and/or property), they will be required to furnish both a statement and a statutory declaration.

A further amendment would allow a landlord to rely on the certificate of an engineer as support of a declaration that vacant possession is required for at least 3 weeks during a substantial renovation or refurbishment, to protect the health and safety of the tenant.

Finally, this section of the Bill would require a landlord to declare that they were not a company and that they did not have more than three tenancies of dwellings in a statutory declaration in support of a notice of termination on grounds that the landlord requires the dwelling or the property containing the dwelling for his or her own occupation or for occupation by a member of his or her family.

Section 13 of the Bill seeks to make amendments to section 35 of the 2004 Act specifying further requirements in landlords' statutory declarations relating to notifications of termination of a tenancy entered into on or after 1 March 2026 (a tenancy of minimum duration, TMD), during a six-year tenancy cycle.

One proposed amendment would amend the definition of 'family member' when used for a termination notice where the dwelling is needed for the occupation of a family member and the termination date falls within the six-year cycle of a TMD. A family member for the purposes of this ground of termination would only include a landlord's spouse, civil partner, child, stepchild, foster child, parent, step-parent or parent-in-law, or a person adopted by the landlord. It would not include the landlord's brother, sister, nephew or niece.

A further requirement under this section of the Bill would mean a landlord who wishes to terminate a TMD within the six-year cycle on grounds of requirement to intention to substantially refurbish or renovate the dwelling or change the use of the dwelling would need to include in their statutory declaration a statement that they were not a company and that they did not have more than three tenancies of dwellings. A similar requirement would apply to a notice of termination of a TMD within a six-year cycle where the landlord wishes to sell the property, but the landlord would also have to include a statement that having regard to all the circumstances of the case, the sale is needed to avoid undue financial or other hardship to the landlord. Section 13 of the Bill also seeks to apply technical amendments to correct for the fact that subsections (1) and (2) of section 39A of the Act of 2004 will be repealed and inserted as subsections (1A) and (1B) in section 62, via section 15 of the Bill.

Section 14 of the Bill would insert a new section 35B after section 35A of the 2004 Act. The new section would restrict the grounds on which a corporate landlord or a landlord with four or more tenancies (a 'larger landlord') may issue a notice of termination to a tenant under a TMD.

A larger landlord may only terminate a TMD if the tenant fails to adhere to their obligations under the lease or if the dwelling is no longer suitable to the accommodation needs of the tenant's household. For those individual landlords with three or fewer tenancies ("smaller landlords"), they will be able to terminate a TMD at the end of a six-year cycle if they are relying on the following grounds:

- Intention to sell.
- Intention to substantially refurbish or renovate the dwelling.
- Change the use of the dwelling.

However, a small landlord may rely on the grounds of an intention to sell midway through a six-year cycle, if the sale of the dwelling or property is necessary to avoid undue financial or other hardship to the landlord. A claim of undue financial or other hardship would only be valid if it can be shown that:

- the sales proceeds are required by the landlord to provide funds towards the purchase of 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 required to discharge a debt, or make a payment, of more than 15 per cent of the asking price (expected consideration) within nine months of the termination date, including a payment to the Revenue Commissioners to discharge a debt associated with a scheme or 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.

Otherwise, a smaller landlord would only be able to serve a notice of termination midway through a six-year cycle where a tenant fails to adhere to their obligations under the lease, if the dwelling is no longer suitable to the accommodation needs of the tenant's household or if the landlord needs the dwelling for his or her own occupation or for occupation by a member of his or her family.

Section 15 of the Bill seeks to amend section 62 of the Act of 2004, covering requirements for a valid notice of termination. One amendment would require a landlord to state the reason for termination of a tenancy even if the tenancy is not protected under Part 4 of the 2004 Act. This means that a landlord will need to state the reason for terminating a tenancy even if the tenancy is of a continuous duration of less than six-months, if the tenant fails to adhere to their obligations under the lease, or if the dwelling is no longer suitable to the accommodation needs of the tenant's household.

Section 15 proposes to increase the period of time in which a tenant or a landlord may refer a dispute to the RTB about the validity of a notice of termination, from 28 days to 90 days. This aligns that timeline with the timeline set for other disputes in section 80 of the 2004 Act.

This section of the Bill also proposes to insert similar provisions to the former subsections (1) and (2) of section 39A of the Act of 2004 into section 62 as subsections (1A) and (1B) after subsection (1), specifying that a notice of termination would be invalid if it is not served on the RTB on the same day as it is served on the tenant.

Section 16 of the Bill would insert a new subsection (3A) after subsection (3) of section 127 of the 2004 Act. The new subsection would require additional particulars to be added to the private residential tenancies register, including:

- the number assigned upon the application of registration, in respect of the tenancy of the dwelling,
- the local electoral area in which the tenancy is located,
- the category of the property
- the number of bed spaces,
- the floor area,
- the BER (where applicable)
- the date the tenancy of the dwelling commenced,
- the amount of the rent payable under that tenancy, and
- the frequency with which the rent is required to be paid.

During PLS the Committee noted concerns around using the Eircode routing keys for the purpose of comparing properties for the purpose of rent resets. In the Bill, the local electoral area in which the tenancy is located is used instead.

Section 17 of the Bill would substitute a new subsection (4) and insert a new subsection (4A) into section 128 of the 2004 Act. The proposed changes would mean that the published register must not contain any information, as respects a particular dwelling, that discloses or could disclose of the identity of the landlord or the tenant(s), but it must contain those particulars listed above in the commentary on section 16 of the Bill (specified in the proposed section 127(3A)).

Section 18 of the Bill seeks to insert a new subsection (1A) after subsection (1) of section 132 of the 2004 Act. The new subsection would oblige the RTB, on application by an identified tenant who provides a copy of a notice of termination served on them, to confirm whether the register of tenancies listed the landlord as a smaller landlord on the date the notice was served. Under the other proposed amendments in this Section of the Bill, a copy of this confirmation may be issued in place of a copy of the entry in the register.

Section 19 of the Bill would expand the particulars that are required to be specified in an application for registration of a tenancy. An application for registration must also contain details of the number of bed spaces in the dwelling, the floor area and the BER (where applicable).

Sections 20, 21 and 22 of the Bill propose an amendment to sections 146, a substitution of section 147A and an insertion of a new section 147B of the 2004 Act. These provisions are designed to promote the sharing of information between the RTB and other public bodies, where it is considered to be necessary and proportionate to a stated purpose. The proposed amendments to section 146 would empower 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, under Part 2 of the *Civil Law (Miscellaneous Provisions) Act 2022*. Provision is also made in section 146 of the Bill for necessary and proportionate data sharing between the RTB and the Sustainable Energy Authority of Ireland (SEAI), especially on floor areas and BERs of dwellings. The proposed amendments in sections 21 and 22 of the Bill would create a two-way information sharing network between the RTB and the Revenue Commissioners in a manner that is necessary and proportionate, to assist both bodies to perform their functions.

Section 23 of the Bill seeks to delete paragraph (ca) from subsection (1) of section 151 the 2004 Act. The paragraph had been inserted as part of the RPZ system to specify that a function of the RTB was to report to the Minister in relation to designating areas as RPZs. As the RPZ system will be dismantled by the Bill, the paragraph will be redundant.

Section 24 of the Bill would insert paragraph (aa) after paragraph (a) in Schedule 2 of the 2004 Act. This would have the effect of making a failure by the landlord to properly serve notice of new rent on the tenant (and the RTB), 90 days before the date from which the new rent is to have effect, a form of improper conduct of the landlord.

Part 3 Amendment of the *Civil Law (Miscellaneous Provisions) Act 2022*

The Bill proposes a number of amendments to the Part 2 of the *Civil Law (Miscellaneous Provisions) Act 2022* (the 'Act of 2022') to provide for certain changes affecting eligibility for financial contributions under the Accommodation Recognition Payment (ARP).

Section 25 of the Bill specifies that in Part 3 of the Bill 'Act of 2022' refers to *Civil Law (Miscellaneous Provisions) Act 2022*.

Section 26 of the Bill would amend subsection 4(1) of the Act of 2022 to insert a definition of 'tenancy' as used in the Act of 2022 to only refer to a tenancy in existence on or after 4 March 2022, registered under and required to be registered under Part 7 of the 2004 Act.

Section 27 of the Bill would amend section 6 of the Act of 2022 to substitute a new paragraph (a) into subsection (1) and substitute a new subsection (3) into section 6 of the Act of 2022. The effects of these substitutions would be to limit the eligibility of an ARP to an owner of the dwelling concerned, where the dwelling is not the subject of a tenancy and to ensure that where there is more than one owner in respect of an eligible dwelling for any particular calendar month, only one owner is entitled to an ARP for that month.

Section 28 of the Bill would amend subsection (3) of section 7 of the Act of 2022 to require the applicant for an ARP to declare that they are an owner of the dwelling and that the dwelling

concerned is not the subject of a tenancy, and that where there is more than one owner of the dwelling, the application for an ARP was made with the consent of the other owner(s). The proposed amendment would remove references to tenants, as owners of tenanted dwellings would not be eligible for an ARP.

Section 29 of the Bill is a technical provision to ensure that the relevant provisions of the Bill will apply only to applications for an ARP made after the coming into operation of the relevant provisions of the Bill.

Part 4 Amendment of the *Planning and Development Act 2000* and the *Planning and Development Act 2024*

Sections 30 and 31 of the Bill propose technical amendments to the section 3A of the *Planning and Development Act 2000* and sections 7 and 8 of the *Planning and Development Act 2024* to maintain effect of pre-existing planning provisions for short-term letting, following the amendments to the 2004 Act by the Bill. Subsection (2) of section 31 of the Bill provides that paragraph (a) of subsection 31(1) of the Bill will come into operation on the commencement of section 7 of the *Planning and Development Act 2024* while paragraph (b) of subsection 31(1) will come into operation on the commencement of section 8 of the *Planning and Development Act 2024*.

Pre-legislative scrutiny

Overview of pre-legislative scrutiny (PLS)

The Joint Committee on Housing, Local Government and Heritage (the ‘Committee’) undertook pre-legislative scrutiny (PLS) of the General Scheme of the Bill. On **18 November 2025** and **2 December 2025**, the Committee conducted public hearings to engage with key stakeholders as part of its PLS process. The Committee published its **Report on Pre-Legislative Scrutiny (PLS) of the General Scheme of the Residential Tenancies (Amendment) (No 2) Bill** (the ‘PLS Report’) on 7 January 2026, with 11 recommendations identified.

Three members of the Committee on Housing, Local Government and Heritage did not agree to or sign the Committee’s Pre-legislative Scrutiny Report.⁴⁵ These members chose to publish a **dissenting report** on their respective party sites.⁴⁶ There is no provision for dissenting or minority reports in Standing Orders. The dissenting report was not published on the Committee website.

Key issues raised in the PLS process

This section provides a brief overview of some of the issues identified in the PLS Report by the Committee.

The Committee highlighted nine key issues affecting the proposed legislation. It found that the proposed system of rent controls and security of tenure would make the regulation and application of the proposed system difficult, possibly confusing both tenants and landlords. The Committee stated that it was:

“... concerned about the amount of misinformation regarding the proposed legislation that seems to be circulating, and with the apparent lack of understanding of and fear of the new legislation among landlords and tenants alike.”⁴⁷

The Committee acknowledged concerns raised during the PLS process on rent levels and rent resetting that may drive future legislative amendments, affecting market confidence and certainty. The Committee paraphrased Threshold, noting:

“... if rents in the future were to rapidly increase, a future government may have to intervene, possibly having to remove the option for market rent resets, or through a

⁴⁵ The three members were Deputies Thomas Gould, Rory Hearne and Eoin Ó Broin.

⁴⁶ Joint Committee on Housing, Local Government and Heritage, **Report on Pre-Legislative Scrutiny (PLS) of the General Scheme of the Residential Tenancies (Amendment) (No 2) Bill**, 7 January 2026, pp 24-25.

⁴⁷ Joint Committee on Housing, Local Government and Heritage, **Report on Pre-Legislative Scrutiny (PLS) of the General Scheme of the Residential Tenancies (Amendment) (No 2) Bill**, 7 January 2026, p. 15.

rent freeze. The possibility of this would undermine confidence in the legislation, and certainty in the market.”⁴⁸

The proposed security of tenure provisions were discussed during the PLS hearings. The Committee noted that allowing smaller landlords to issue a notice of termination on hardship grounds would need to be regulated in a consistent manner. The Committee also questioned whether the distinction between smaller and larger landlords should be based on the number of properties owned instead of the proposed system, based on the number of registered tenancies held.⁴⁹

The Committee went on to highlight three other concerns:

1. The Residential Tenancies Board (the ‘RTB’) should be provided with sufficient resources and funding to provide a satisfactory resolution of more complex disputes. The RTB should also be included in more data sharing agreements to facilitate the dissemination of information between independent regulatory bodies.
2. The use of Eircode routing keys may not be the most appropriate means to determine the market rent for a property.
3. Although allowing notices and documents to be served electronically is a welcome development, they should also continue to be served formally by post.⁵⁰

Table summary of PLS recommendations

This section seeks to assess the extent to which the Committee’s recommendations have been addressed in the Bill, as presented for Second Stage. To do this, a traffic light system is used by the L&RS, indicating whether a key issue is accepted and reflected in the Bill, whether a consistent or unclear approach is used, and whether the recommendation has not been accepted or is not reflected in the Bill. This traffic light approach represents the L&RS’s own, independent analysis of the Bill, and a key to this dashboard is shown in below.

The L&RS is grateful to the Department for providing its commentary as to whether the Committee’s recommendations have been incorporated into the final Bill and this is included verbatim in the table below, along with the traffic light icon as determined by L&RS.

Where relevant, an additional categorisation is used for recommendations that were not implemented in the Bill, but where additional considerations are present. For example, where





⁴⁸ Joint Committee on Housing, Local Government and Heritage, [Report on Pre-Legislative Scrutiny \(PLS\) of the General Scheme of the Residential Tenancies \(Amendment\) \(No 2\) Bill](#), 7 January 2026, p. 17.

⁴⁹ Joint Committee on Housing, Local Government and Heritage, [Report on Pre-Legislative Scrutiny \(PLS\) of the General Scheme of the Residential Tenancies \(Amendment\) \(No 2\) Bill](#), 7 January 2026, p 18-19.

⁵⁰ Joint Committee on Housing, Local Government and Heritage, [Report on Pre-Legislative Scrutiny \(PLS\) of the General Scheme of the Residential Tenancies \(Amendment\) \(No 2\) Bill](#), 7 January 2026, p. 20.



Committee recommendations relate to policy objectives, it may not be possible to progress these objectives in legislation.



Table 2 Key to traffic light dashboard comparing the Bill as published with Committee PLS recommendations




L&RS categorisation of the Department's response in the Bill to the Committee's key issue	Traffic light dashboard used in Table summary of PLS recommendations to highlight impact of the Committee's PLS conclusion
Key issue has clearly been accepted and is reflected in the Bill	
The Bill may be described as adopting an approach consistent with the key issue or the impact of the key issue is unclear	
Key issue has not been accepted or implemented in the Bill	
Recommendation has not been implemented in the Bill, but additional considerations are present	

Source: Compiled by the L&RS.



Table 3 Traffic light dashboard comparing the Bill as published with Committee PLS recommendations.

Commentary as per Committee report		Whether addressed (either in whole or in part) in the Bill
Recommendation 1		
<p>1. The Committee recommends that the Department of Housing, Local Government and Heritage and the Residential Tenancies Board should significantly ramp up their communications campaign, to inform both landlords and tenants of the proposed changes, and to address common misunderstandings and misinformation.</p>		<p>Addressed</p>
Recommendation 2		
<p>2. The Committee recommends that consideration be given to including a rent brake mechanism in the Bill, to allow for future governments to moderate against sudden or extreme rent increases, while providing an environment of policy certainty.</p>		<p>Not Addressed</p> <p>The Department, in conjunction with the RTB, keep the RTA under review to ensure the legislative framework is fit for purpose.</p> <p>It would be a matter for the Government of the day, considering the prevailing conditions in the private rented sector, to decide on the correct policy approach to moderate against rent inflation. The Bill is intended to provide for a national rent control for the long term.</p>

Commentary as per Committee report		Whether addressed (either in whole or in part) in the Bill
Recommendation 3		
<p>3. The Committee recommends that additional fees and charges should be included in the recorded rent of a tenancy.</p>		<p>Not Addressed</p> <p>A restriction applies to rent increases only. Any other charges are not subject to restriction under the RTA but disputes relating to other charges, including arrears, can be resolved by the RTB. For transparency, the rent register will include rent amounts only as other charges do not always arise or separate payment arrangements of same are in place for the tenant.</p>
Recommendation 4		
<p>4. The Committee believes that the Minister should not proceed with any changes to the regulation of rent in the Student Specific Accommodation without meaningful consultation with student representative bodies and a detailed assessment by the Department of Housing on rents paid by students of any proposed changes to the current RPZ regime as it applies to Student Specific Accommodation.</p>		<p>Addressed</p>

Commentary as per Committee report		Whether addressed (either in whole or in part) in the Bill
Recommendation 5		
<p>5. The Committee recommends that a definition of ‘at risk of homelessness’ should be included in the <i>Housing Act 1988</i>, to ensure that the proposed hardship provisions in the Bill are applied consistently.</p>		Being addressed in other legislation
Recommendation 6		
<p>6. The Committee urges the Minister to put a clear definition of ‘rent’ into law.</p>		Addressed
Recommendation 7		
<p>7. The Committee recommends that the distinction between large and small landlords should be reconsidered, to account for the number of properties owned, rather than the number of tenancies held.</p>		<p>Not addressed</p> <p>The Committee recommendation does not take into account the construct of the legal drafting of the RTA which frames a ‘landlord’ as a landlord under a tenancy of a dwelling. If it was decided to reframe a ‘landlord’ under the RTA as a landlord of a dwelling/property, or of a number of dwellings/properties, as opposed to a landlord under a tenancy of a dwelling, a number of issues and unintended consequences would arise, requiring significant additional time to draft legally sound amendments. The</p>

Commentary as per Committee report	Whether addressed (either in whole or in part) in the Bill	
		RTB maintains a register of tenancies rather than a register of rented dwellings.
Recommendation 8		
<p>8. The Committee recommends that, notwithstanding the funding announced in Budget 2026, the Residential tenancies Board should be fully funded and resourced to enable it to carry out its expanded responsibilities under the Bill.</p>		Addressed
Recommendation 9		
<p>9. The Committee recommends that Eircode routing keys should not be used to compare properties for the purpose of rent resets. Instead, it should be investigated if the Pobal HP Deprivation Indices, Small Area Population statistics or local electoral areas would provide more appropriate and meaningful comparisons.</p>		Addressed

Commentary as per Committee report	Whether addressed (either in whole or in part) in the Bill	
Recommendation 10		
<p>10. The Committee Recommends that notices and documents should continue to be served by post.</p>		Addressed
Recommendation 11		
<p>11. The Committee recommends including Failte Ireland in new data sharing agreements, along with the RTB, Sustainable Energy Authority of Ireland (SEAI) and Revenue. This is based on recommendations from witness Threshold that there is a unique opportunity to facilitate the regulation of short-term letting through data sharing agreements.</p>		Being addressed in other legislation

Source: Compiled by the L&RS.