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Briefing Paper

General Scheme of the Residential Tenancies (Amendment) (No 2) Bill

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Policy and Legislative Briefing Paper

Abstract

The General Scheme of the Residential Tenancies (Amendment) (No 2) Bill proposes to amend the ***Residential Tenancies Act 2004***. The proposals include the implementation of a series of rent controls affecting new tenancy agreements entered into after 1 March 2026. Every new tenancy over six months in duration would be treated as a tenancy of minimum duration (TMD) – a rolling six-year tenancy, strengthening protections from eviction. The scheme also proposes to allow landlords to reset rents to 'market rent' every six years, starting from the date of the new tenancy agreement, or when a tenant voluntarily leaves. The legislative proposal does not seek to affect the rent control rules and protections applicable to existing tenancy agreements and agreements entered into before 1 March 2026. However, over time, as designed, the proposed new rent controls would replace the current Rent Pressure Zone (RPZ) rent controls. The General Scheme also proposes a number of technical amendments affecting the work of the Residential Tenancies Board, many of which derive from the lapsed **Residential Tenancies (Amendment) (No 3) Bill 2024**.

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Executive Summary

On 14 October 2025, the 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'). The General Scheme was not published.

According to the Government Legislative Programme, Spring 2026, the purpose of the Residential Tenancies (Amendment) (No 2) Bill (the 'Bill') is:

> "... 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 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.

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. As of November 2025, there are almost 241,000 registered tenancies across the country, with the vast majority 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 of those tenancies. 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 4% year-on-year, and almost one half (46%) of the 2015-2019 average.

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.

Under the proposals, every tenancy commencing on or after 1 March 2026 (a 'new tenancy') that continues for six or more months in duration would be treated as a tenancy of minimum duration (TMD). A TMD would be a rolling six-year tenancy that benefits from protections from eviction. The nature of the proposed tenant protections would differ based on the category in which the tenant's landlord falls. The Department has suggested that category of landlord to which a landlord belongs will be based on the number of tenancies they have – smaller landlords are those with three or fewer tenancies, while corporate landlords and those with

four or more tenancies are 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 the 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 may also end a tenancy for broader reasons after each 6-year term (e.g. selling, substantial refurbishment/renovation, landlord/family member use, change of use).

Under the proposals, landlords will be able to sell their property at any time, but not necessarily with vacant possession.

It appears that the proposed legislation also seeks to amend the current system of rent control. The system of rent pressure zones will be replaced with a system of nationwide rent control. Under the proposals, existing tenancies of longer than six months (tenancies of unlimited duration (TUDs), entered into on or after 11 June 2022, and tenancies of a limited duration, entered into prior to 11 June 2022) landlords will be limited to annual rent increases of two per cent or the rate of the Consumer Price Index (CPI), whichever is lower.

A landlord of a tenancy of minimum duration (TMD) (a new tenancy entered into on or after 1 March 2026) is also limited to an annual rent increase of two per cent or the rate of the CPI, whichever is lower. However, landlords of a TMD may reset the rent to market rent on a six-year cycle starting from the date of the new tenancy agreement.

From 1 March 2026, all landlords will be allowed to reset rent to market rent in respect of new tenancies created (first-time tenancy between parties) 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’ (such as where the tenant is evicted for a failure to meet their obligations or where the tenant leaves voluntarily).

The proposed legislation has been met with criticisms from politicians and representatives of both landlords and tenants. Those who see the proposals as creating an onerous regime for tenants argue that the proposed changes will allow for significant rent rises, effectively diluting the effectiveness of the proposed security of tenure provisions. While the representatives and advocates for the interests of landlords have argued that the proposed legislation will affect the liquidity of rental investments and the rate of return on investment. All parties have highlighted that the proposed changes will result in a high level of complexity in the regulation of the private rental sector.

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Glossary and abbreviations

Table 1 Glossary and abbreviations

Term	Meaning
2004 Act	*Residential Tenancies Act 2004*
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 *Residential Tenancies Act 2004*
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

Term	Meaning
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

On 14 October 2025, the 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').

Purpose of proposed legislation

According to the Government Legislative Programme, Spring 2026, the purpose of the Residential Tenancies (Amendment) (No 2) Bill (the 'Bill') is:

> "... 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."

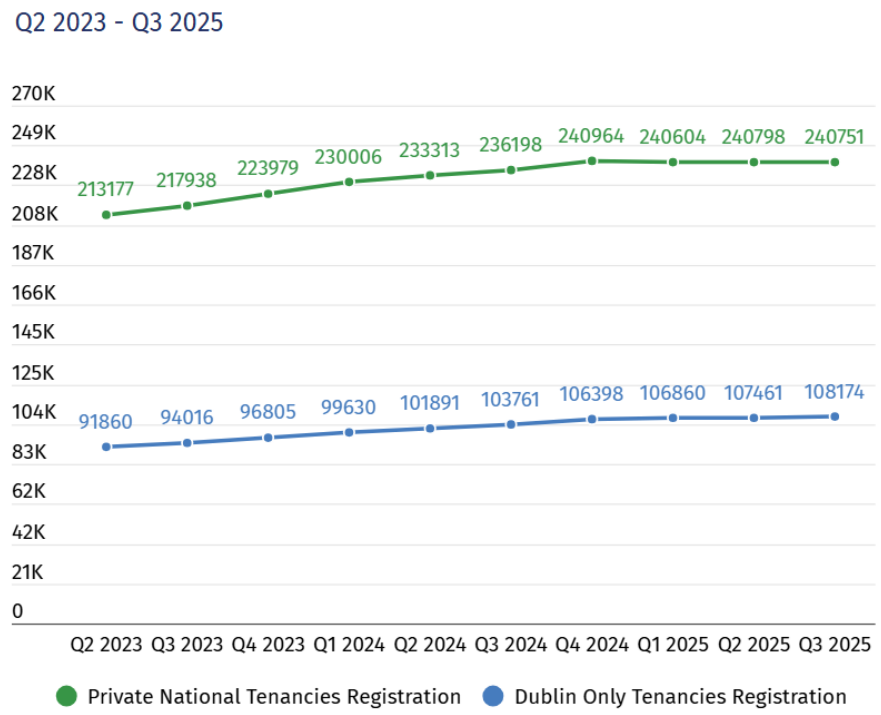
[1] D Murphy and M Lehane, 'Govt hears plan to make whole country rent pressure zone', *RTÉ*, 14 October 2025; Department of Housing, Local Government and Heritage, 'General Scheme of the Residential Tenancies (Amendment) (No. 2) Bill 2025: Discussion', *Joint Committee on Housing, Local Government and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

Policy context

The 2024 Library and Research Briefing Paper on the Residential Tenancies (Right to Purchase) Bill provides a comprehensive overview of the private residential and rental sectors in Ireland. That paper noted census data reveals that the private rental market is a significant tenure type within the residential market in Ireland, with approximately 18% of Irish households renting from private landlords. Data also shows that the age of homeownership in Ireland is increasing over time and this factor, in combination with demographic pressures and a squeeze on the availability of traditional social housing, have contributed to the growing importance of the private rental sector as a source of housing in Ireland.[2]

To put this into further context, Figure 1 below shows the number of tenancies registered with the Residential Tenancies Board over a three-year period to Q3 2025, Figure 2 is a map showing the distribution of registered private tenancies across the country and Figure 3 displays private tenancies by dwelling type.[3]

Figure 1: Total number of registered private tenancies in Ireland and in Dublin

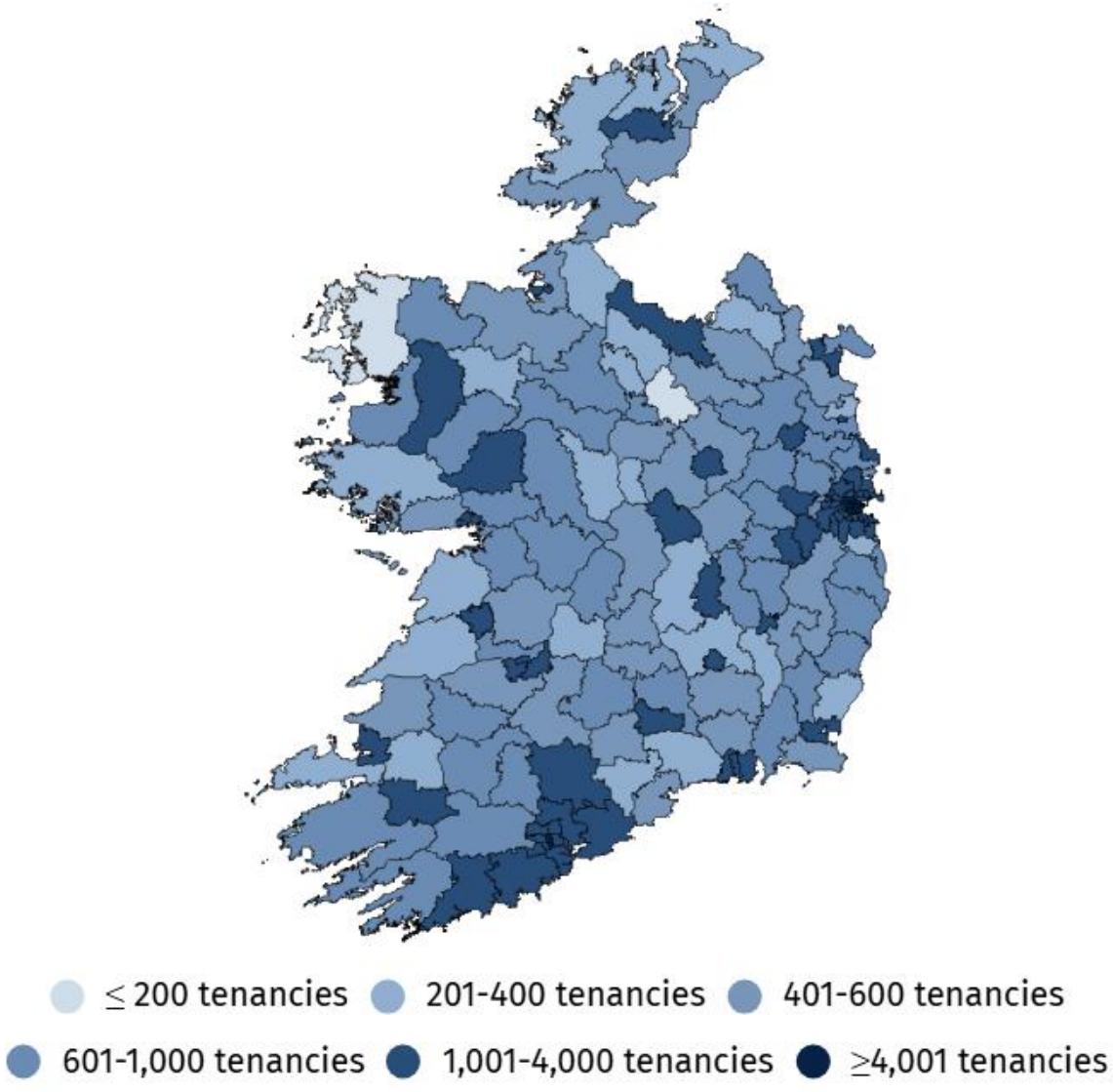


[2] L Davis, Briefing Paper on the Residential Tenancies (Right to Purchase) Bill, LR&S, 15 March 2024. See also • Department of Housing, Local Government and Heritage, *Private Rental Sector Review*, 2024.

[3] 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.

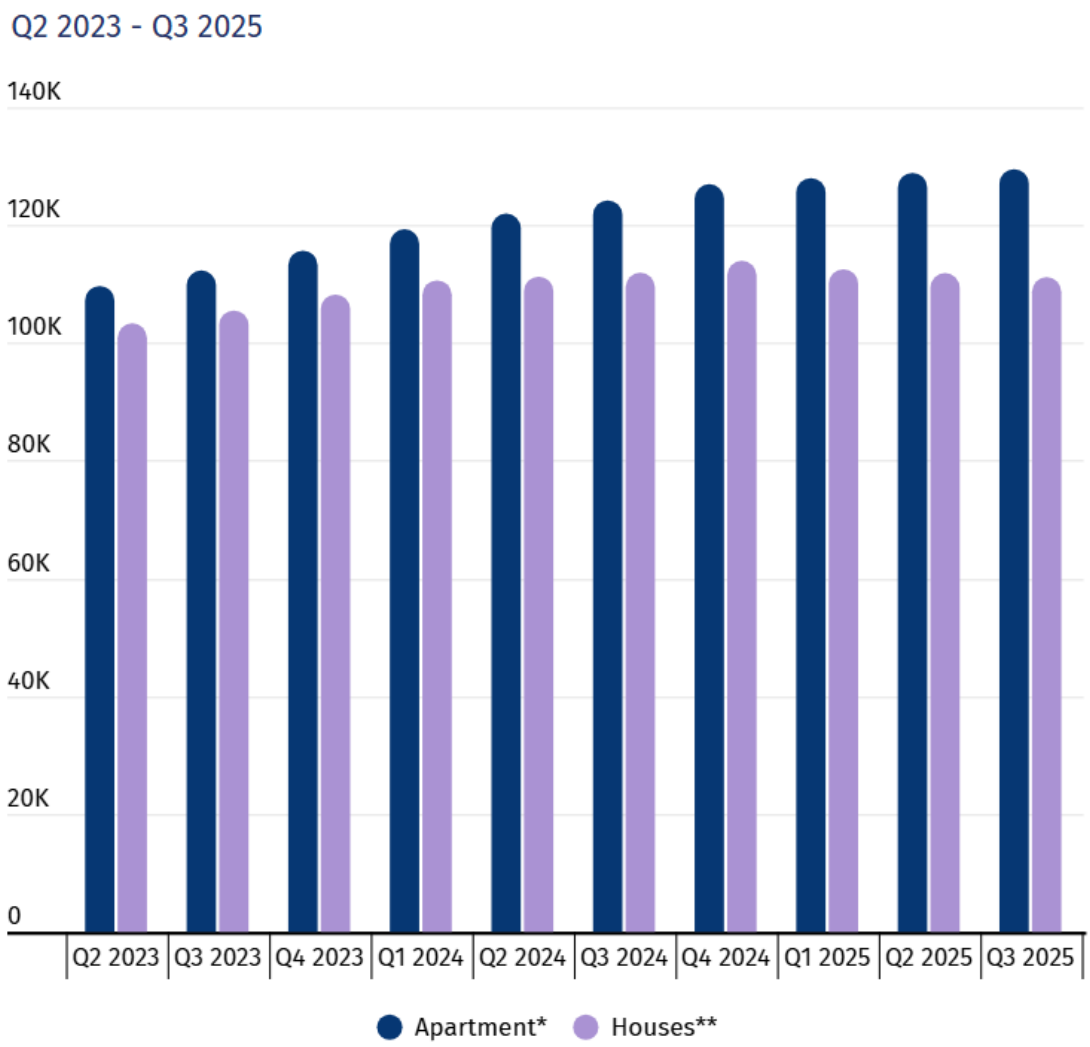
Source: **Residential Tenancies Board**, 2025

Figure 2: Number of registered private tenancies by local area, as of November 2025



Source: **Residential Tenancies Board**, 2025

Figure 3: Number of registered private tenancies by dwelling type



Source: Residential Tenancies Board, 2025

The Residential Tenancies Board (RTB) data also shows that as of November 2025 there were 103,774 landlords who had registered a residential tenancy with the RTB. Table 2 below provides a breakdown of landlords by the number of registered tenancies under their name.

Table 2: Landlords broken down by the number of registered Private Tenancies

Q2 2023 - Q3 2025

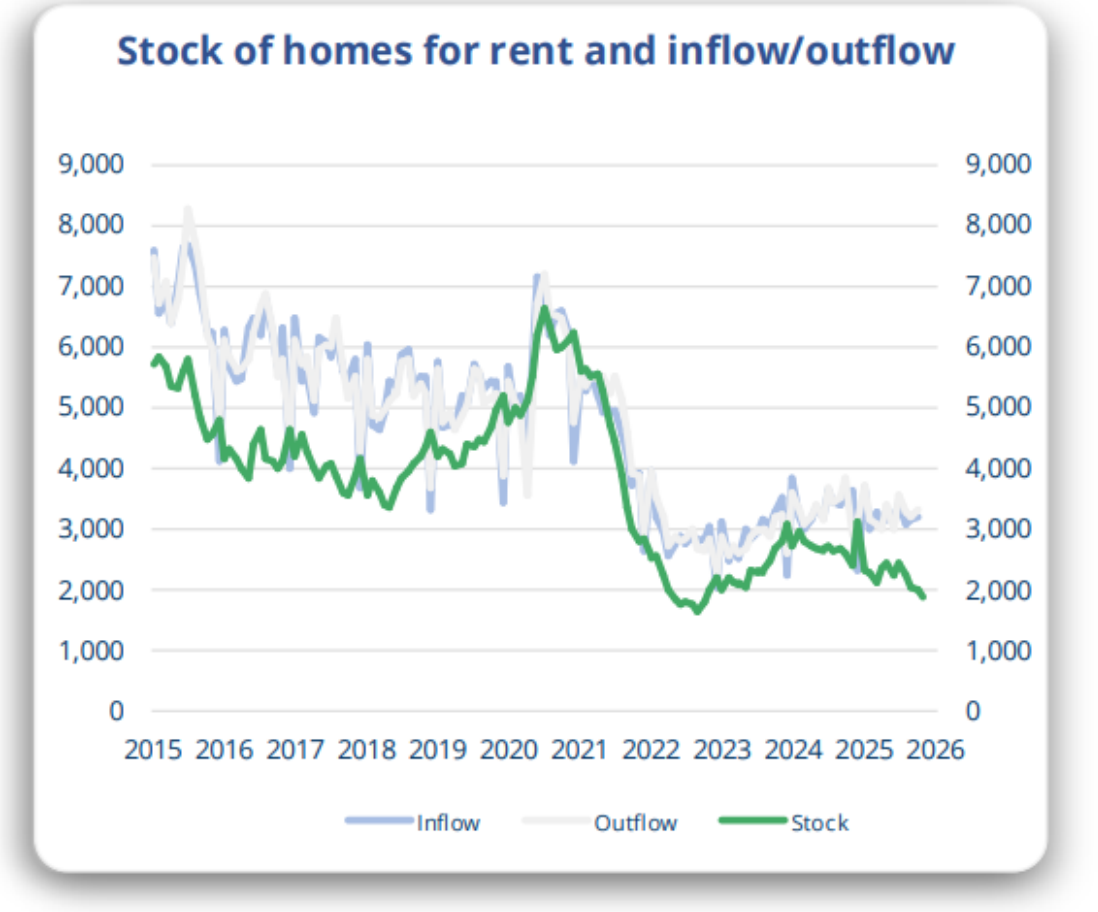
	Q2 2023	Q3 2023	Q4 2023	Q1 2024	Q2 2024	Q3 2024	Q4 2024	Q1 2025	Q2 2025	Q3 2025
1 Tenancy	63722	65210	66935	68270	68905	69273	70040	69036	68814	68659
2 Tenancies	15191	15345	15616	15856	15945	15951	16205	16176	16042	16063
3 Tenancies	6337	6518	6600	6713	6690	6757	6836	6775	6758	6750
4 Tenancies	3330	3387	3491	3499	3535	3584	3591	3544	3569	3452
5 Tenancies	2058	2042	2121	2218	2192	2206	2210	2235	2199	2211
6 - 10 Tenancies	3838	3910	3994	4101	4150	4122	4219	4199	4180	4159
11 to 20 Tenancies	1448	1461	1473	1524	1537	1555	1601	1597	1605	1596
21 to 50 Tenancies	581	584	606	633	639	642	647	662	653	627
51 to 99 Tenancies	116	116	118	116	121	122	125	125	130	134
100+ Tenancies	81	89	97	105	109	115	120	121	122	123
TOTAL	96702	98662	101051	103035	103823	104327	105594	104470	104072	103774

Source: Residential Tenancies Board, 2025

The current state of the Irish rental market

The Daft.ie Irish Rental Report Q3 2025 shows 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. Figure 2 below, produced in that report, shows the trend.

Figure 4: Graph showing annual variance in rental stock across Ireland, together with inflow and outflow of rental dwellings



Source: Daft.ie Irish Rental Report Q3 2025

The report also notes that the number of homes listed for rent over the 12 months from November 2024 to October 2025 was just over 38,000, down 4% year-on-year and almost one half (46%) of the 2015-2019 average.[4]

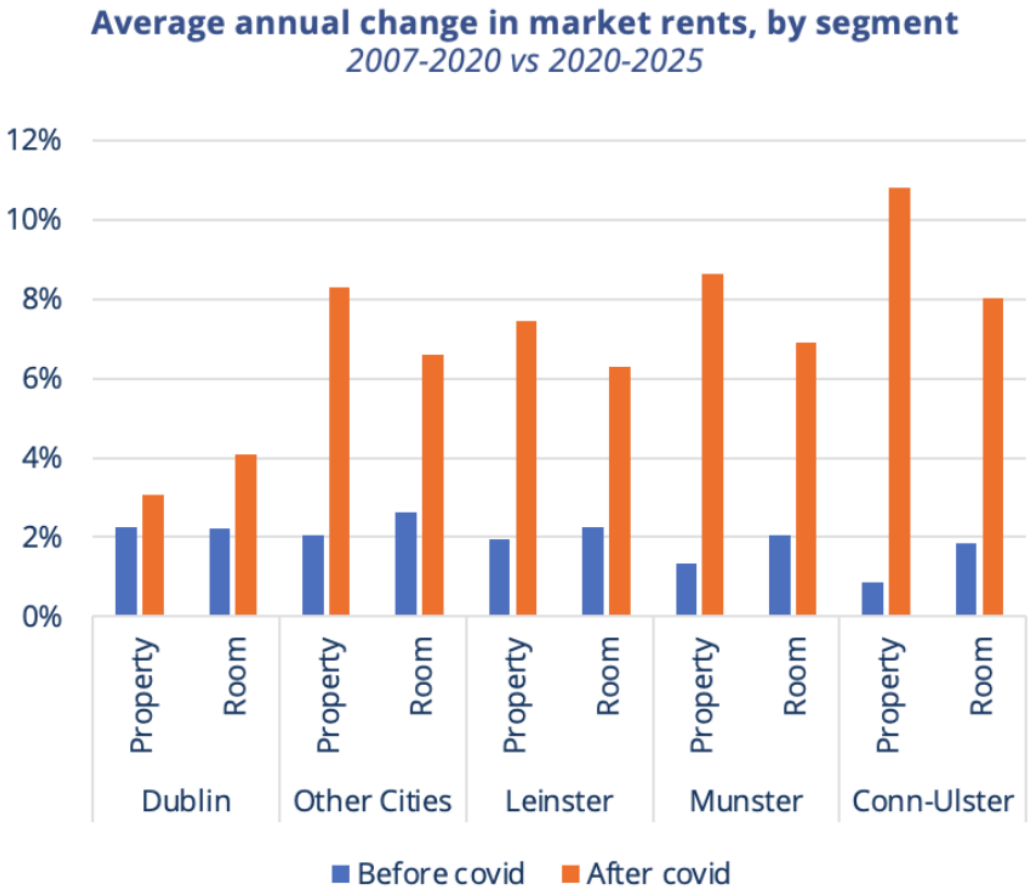
With regard to rent inflation, the report finds that an annual inflation rate of 4.3% in market rents measured in September 2025 is close to the average inflation in 2024. Figure 3 below compares the average annual change in market rents for dwellings and rooms, in the 13-year-period leading up to the Covid-19 pandemic and in the period after the pandemic, broken up by area. These figures provide a guide to how the introduction of RPZs[5] and the introduction of

[4] R Lyons and T Gillespie, 2025 Q3 Daft.ie Rental Report, 12 November 2025.

[5] The whole of Dublin and the area under Cork City Council were designated RPZs since December 2016, followed in January 2017 by Galway City. The whole of Limerick City and Waterford City had been designated a RPZ by July 2019. The areas of Limerick City and County Council and Waterford City and

Chapter 4 tenancies and tenancies of unlimited duration (TUDs) may have affected rental price inflation.

Figure 5: Graph showing annual change in market rents by region and sector



Source: Daft.ie Irish Rental Report Q3 2025

Rental affordability

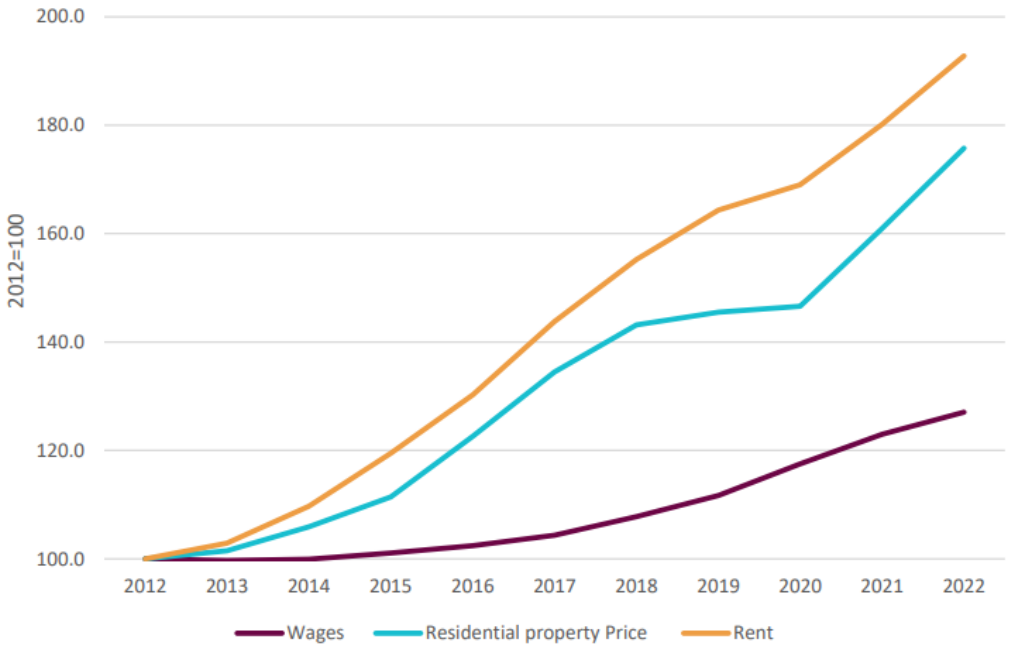
As noted by the Parliamentary Budget Office, and reflected in Figure 4 below, over the period 2012 - 2022, wages increased by 27%, compared to a 75% increase in residential property prices, and rental increases of over 90%, even with the introduction of rent controls in

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County Council were not designated RPZs until August 2023 and Galway County Council was not designated as an RPZ until September 2024: See Residential Tenancies Board, *How Rent Pressure Zones (RPZs) Work*. 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: *Residential Tenancies (Amendment) Act 2025* s. 3. The Housing Agency has published an interactive map to display the various RPZ designation dates.

December 2016. This growing gap between income growth and the rental costs over the years has made the cost of renting less affordable and has made it more difficult for tenants to save money for a deposit to purchase a home.[6]

Figure 6: Graph showing wage, rent and residential property price indices



Source: Parliamentary Budget Office, 2023

As the Economic and Social Research Institute has explained, an accepted indicator to assess housing affordability involves establishing (as a percentage) how much of net take-home income is spent on rental (or mortgage payments) and comparing that figure to the relevant threshold for housing affordability. A 35 per cent threshold is often accepted in Ireland, although it has been argued that a 30 per cent threshold could be applied, or the commonly used European standard of 40 per cent.[7]

In a 2023 Paper, the Economic and Social Research Institute found that across the whole rental sector, renters pay on average 20 per cent of their net income on rent, meaning that as a whole, renters in Ireland have the lowest rent-to-income ratios of the 15 countries analysed. However, these figures are highly skewed by the inclusion of lower-middle income renters, inclusive of those in social housing and those in receipt of housing allowances. Looking exclusively at renters in the middle and the higher income bands, these renters face rent-to-

[6] Parliamentary Budget Office, '**Housing Affordability for Private Household Buyers in Ireland**', *Publication 34 of 2023*, 5 October 2023, pp 5, 14-15.

[7] 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.

income ratios that are on average two to three percentage points higher than equivalent income bands living in Continental Europe.[8]

To put this in context, it is noteworthy that according to the most recent **Daft.ie Irish Rental Report Q3 2025,** on 1 November 2025, the average monthly rent for a two-bedroom apartment across the country was €2,080, while in Dublin that figure was €2,524.[9] While, according to the Central Statistics Office, Survey on Income and Living Conditions (SILC) 2024, the median annual household disposable income was €58,922, or approximately €4,910 per month (as of 31 December 2023).[10]

[8] 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. vii.

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

[10]The income reference period for SILC is the previous calendar year. Therefore, the income referenced for the 2024 survey spans the period from January to December 2023: Central Statistics Office, ***Survey on Income and Living Conditions (SILC) 2024***, 20 March 2025. Central Bank figures and projections suggest that gross disposable income has risen in the order of approximately five per cent per annum. However, in **real terms**, the actual rise was predicted to be in the order of one percent per annum: see Central Bank of Ireland, **Quarterly Bulletin No. 4 2025**.

Legislative context

Relevant 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*.

The effects of these legislative changes are discussed in the following sections.

Rent Controls

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.[11] A Local Electoral Area (LEA) or Local Authority area was designated as a RPZ if the following criteria were met:

- Rent increases in the area must have been more than seven per cent annually in at least four of the last six quarters.
- The average rent in the last quarter must be higher than the standardised average rent for that area.[12]

In 2016, when RPZs were first introduced, annual rent inflation was capped at the lower of the annual percentage increase in the Harmonised Index of the Consumer Price (HICP) or four per cent. On 11 December 2021, the four percent cap was reduced to two per cent, or the rate of inflation measured by the HICP through the *Residential Tenancies (Amendment) Act 2021*.[13]

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[11] 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.

[12] The Housing Agency, *Rent Pressure Zones*, June 2025 Update.

[13] *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.

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.[14]

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.[15] 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.[16] 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.[17]

Under the RPZ Scheme, it is possible for a landlord to apply for an exemption from the cap for rental properties located within a RPZ for a dwelling that:

- was not rented in the two years before the new tenancy start date.
- is a protected or proposed protected structure and was not rented for 12 months before the new tenancy start date; or
- has undergone substantial change, as defined by the legislation.[18]

Security of tenure

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.[19] Where the tenancy is for a continuous period of less than six months, a landlord may evict the tenant without providing any reasons. However, a tenancy of

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[14] 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.

[15] 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.

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

[17] *Residential Tenancies (Amendment) Act 2025* s. 3.

[18] *Residential Tenancies Act 2004* s. 19 (5), (5A).

[19] *Residential Tenancies Act 2004* s. 26.

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.[20]

A landlord can only end an ongoing Part 4 Tenancy (after the end of the fixed term) if:

- The tenant is in breach of their obligations.
- The property is no longer suited to the needs of the tenant.
- The landlord intends to sell the property within nine months.[21]
- 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 from residential to commercial.
- The landlord intends to refurbish the property substantially.
- 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.[22]

These rules are not applicable to a landlord that wishes to end a tenancy of student-specific accommodation (SSA).[23]

As a result of the *Residential Tenancies (Amendment) Act 2021*, for a tenancy of a private dwelling that began on or after 11 June 2022, 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). A TUD applies alongside a fixed term tenancy – the period of the fixed term does not affect the rights of a tenant to remain indefinitely after the initial six months have elapsed.[24] 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

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[20] *Residential Tenancies Act 2004* s. 28.

[21] 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.

[22] *Residential Tenancies Act 2004* s. 34.

[23] See Residential Tenancies Board, *Ending a student specific accommodation tenancy*.

[24] *Residential Tenancies Act 2004* s. 28.

June 2022. However, the first group will no longer exist by 10 June 2028, as after a cumulative period of occupation for six years the tenancy will be considered a TUD.[25]

Notice Periods

The notice period required for a valid Notice of Termination is incrementally greater for longer tenancies. Table 2 below outlines the requirements for notice periods by a landlord:[26]

Table 3: Notice periods required by landlords to meet the requirements of a valid Notice of Termination

Tenancy Length	Notice Period
Less than 6 months	90 days
6 months to 1 year	152 days
1 year to 7 years	180 days
7 years to 8 years	196 days
More than 8 years	224 days

Source: Residential Tenancies Board, 2025.

Shorter notice periods apply to situations where a tenant is in breach of their obligations. For example, if the tenant engages in serious anti-social behaviour or behaviour that threatens the structure of the property the landlord may end the tenancy by serving a Notice of Termination giving the tenant seven days' notice, with no other warning.[27]

If the tenant fails to pay the agreed rent on time, the landlord may send a rent arrears warning notice to the tenant, stating the amount they owe and giving them 28 days to pay the arrears. Then, if the rent arrears remain unpaid after 28 days, the landlord may send a Notice of Termination to the tenant, giving the tenant 28 days' notice of their intention to end the tenancy.[28]

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[25] *Residential Tenancies (Amendment) Act 2021* s. 5.

[26] See Residential Tenancies Board, 'How a landlord can end a tenancy'. The relevant notice periods for a tenant to end a tenancy are shorter than those of a landlord: see Residential Tenancies Board, 'How a tenant can end a tenancy'.

[27] *Residential Tenancies Act 2004* s. 67(2) .

[28] *Residential Tenancies Act 2004* s. 67(2).

For other breaches of obligations by a tenant, the landlord must send a warning notice to the tenant that gives them a reasonable time to rectify the breach. If the issue is not fixed within the reasonable period, the landlord may then send the tenant a Notice of Termination giving the tenant 28 days' notice of the landlord's intention to end the tenancy.[29]

Notices of Termination

To be valid, a written Notice of Termination must be sent to the Residential Tenancies Board (RTB) on the same day it is sent to the tenant.[30]

Where the reason for ending the tenancy is that the landlord is selling the property or needs the property for their own use or the use of an immediate family member, the Notice of Termination must be accompanied by a statutory declaration stating the intended reason for ending the lease. If the reason for ending the tenancy is that the property no longer suits the tenant's accommodation needs, or if the landlord intends to change the use of or substantially renovate the property, the landlord must make a formal statement to that effect and send it with the Notice of Termination.[31]

To be valid, a Notice of Termination must:

- Be signed by the landlord or their authorised agent, in writing and dated, as per the date it is sent or hand delivered.
- State the landlord's reasons for ending the tenancy and specify the date on which the landlord intends to end the tenancy, the date by which the tenant must vacate possession.
- Inform the tenant that they have 28 days from the date of receipt of the notice to refer to the RTB any issue as to the validity of the notice or the respective rights of the landlord or tenant. [32]

Section 6 of the *Residential Tenancies Act 2004* provides that a Notice of Termination must be served on or given to the tenant:

- by delivering it to them,
- by leaving it at or sending it by post in a prepaid letter to the address at which the tenant ordinarily resides or at an address provided, or

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[29] *Residential Tenancies Act 2004* s. 67(2), (3).

[30] Residential Tenancies Board, *Notice of Termination Guide*.

[31] Residential Tenancies Board, *Notice of Termination Guide*.

[32] *Residential Tenancies Act 2004* s. 62. A notice that contains a slip or omission that does not have a material effect on the notice may be deemed valid by the Residential Tenancies Board or the RTB Tribunal under Residential Tenancies Act 2004 s. 64A.

- where it appears that no person is in actual occupation of the dwelling, by affixing it in a conspicuous position on the outside of the relevant dwelling or property.

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.[33] 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.[34]

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.[35]
- Define and enforce a procedure for the registration of private residential tenancies, including the setting and collection of fees.[36]
- Exchange data with other public bodies.[37]
- 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 sanctions[38] and having them confirmed in relevant courts and establishing procedural rules.[39]

Policy background to the proposed legislation

In April 2025, the Housing Agency finalised a Report on the Review of Rent Pressure Zones and Consideration of Potential Policy Options for Rent Controls in the Private Rental Sector. The Report noted four different options:

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[33] Residential Tenancies Board, *Who we are*.

[34] Residential Tenancies Board, *Who we are*; Residential Tenancies Board, *RTB Statement of Strategy 2023-2025*.

[35] *Residential Tenancies Act 2004* Pt 7 Ch 1, 3.

[36] *Residential Tenancies Act 2004* Pt 7 Ch 2.

[37] *Residential Tenancies Act 2004* Pt 7 Ch 4.

[38] 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.

[39] *Residential Tenancies Act 2004* Pt 7A.

1. Modify the existing Rent Pressure Zone (RPZ) system to implement a national system of price controls under which rental prices may be adjusted with inflation within a tenancy and can be reset between tenancies to reflect market rents, with enhanced tenancy security measures to protect against economic evictions.
2. Continue with the RPZ system in its current form.
3. Do not continue with rent regulation and have market determined rents.
4. Introduce a completely new system of rent control.

The first option of a modified rent control system was the preferred option of the Housing Agency.[40]

The Housing Agency's Review of Rent Pressure Zones Report (the 'Review') found that rents were moderated in areas designated as Rent Pressure Zones (RPZs), but tenants living outside RPZs faced higher rent increases. The review also noted international research on rent controls which suggests that controlled rents deliver price reductions to sitting tenants but may lead to higher initial rents for new tenants. The review suggested that this two-tiered pricing system may have an impact on tenant mobility and investment in maintenance and refurbishment by landlords.[41] However, in the Review, the Housing Agency was cautious about linking rent controls to landlords leaving the rental market, stating:

> "The impact of rent control on landlord behaviour in terms of selling properties or leaving the market altogether is very difficult to determine. Much depends on the degree of rent regulation and the overall 'tightness' of the market. Rapidly rising house prices may encourage some landlords to sell up, but independent observers would generally agree that landlord surveys indicating that any significant rent regulation would encourage them to 'flee the market' must be taken with a pinch of salt."[42]

By contrast, a more recent Economic and Social Research Institute paper on the Supply Side Effects of Rent Controls has identified that since the introduction of rent controls in 2016, there has been a noticeable exit of individual landlords (not corporate) from the rental market, specifically after rent controls were tightened in 2021. This was evidenced by more sale listings and fewer rental listings and registrations over the relevant period in RPZs than outside RPZ designated areas.[43] The paper concludes:

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[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. 79.

[41] See the Housing Agency, 'Review of Rent Pressure Zones Report', *Publications*, 10 June 2025.

[42] The Housing Agency, Review of Rent Pressure Zones Report, p. 141.

[43] T Gillespie, J Kren, R Lyons and C O'Toole, 'The supply side effects of rent controls: Evidence from Ireland', *Journal of Housing Economics*, Vol 70, Dec 2025.

> "... we consistently find evidence that rent controls, specifically after they were tightened, brought about market exits, with RPZ status associated with significantly fewer rent listings and registrations and significantly more sale listings. ... We also find evidence that individual/household landlords (i.e. non-company) are driving the results".[44]

The Department has noted that while RPZs have successfully slowed rent increases in the relevant areas, in areas outside designated RPZs tenants have faced steeper rent hikes.[45]

The Department also acknowledges a correlation between stricter rent controls and reduced supply, citing it as a motivating factor behind some of its suggested rental market reforms.[46]

> "... the 2021 tightening of rent controls—especially the rule limiting increases when inflation exceeds 2% meant:
>
> - Below-market rents: Long-term tenants often paid significantly less than new market entrants, creating a gap that landlords couldn't legally close.
> - No reset on new tenancies: Even when a new tenant moved in, landlords were required to base the rent on the previous tenant's rent, limiting their ability to adjust to current market conditions.
> - Financial pressure: This made it harder for landlords to cover rising costs (e.g. maintenance, insurance, mortgage interest), especially during periods of high inflation.
> - Exit from the market: Many landlords cited this restriction as a key reason for selling their rental properties, contributing to a decline in rental supply." [47]

The Department has stated that supply issues are a primary motivation for introducing rental market reforms.[48] The other reasons cited are to protect tenants nationwide and improve security of tenure and to create a fairer system which balances tenant protections with landlords' needs.[49] The Department

In Figure 1 below, the infographic provides a summary of the supply issue:

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[44] T Gillespie, J Kren, R Lyons and C O'Toole, 'The supply side effects of rent controls: Evidence from Ireland', *Journal of Housing Economics*, Vol 70, Dec 2025.

[45] Department of Housing, Local Government and Heritage, 'Decision to make changes to the rental sector - Rental market reforms', *Publication*, 4 November 2025.

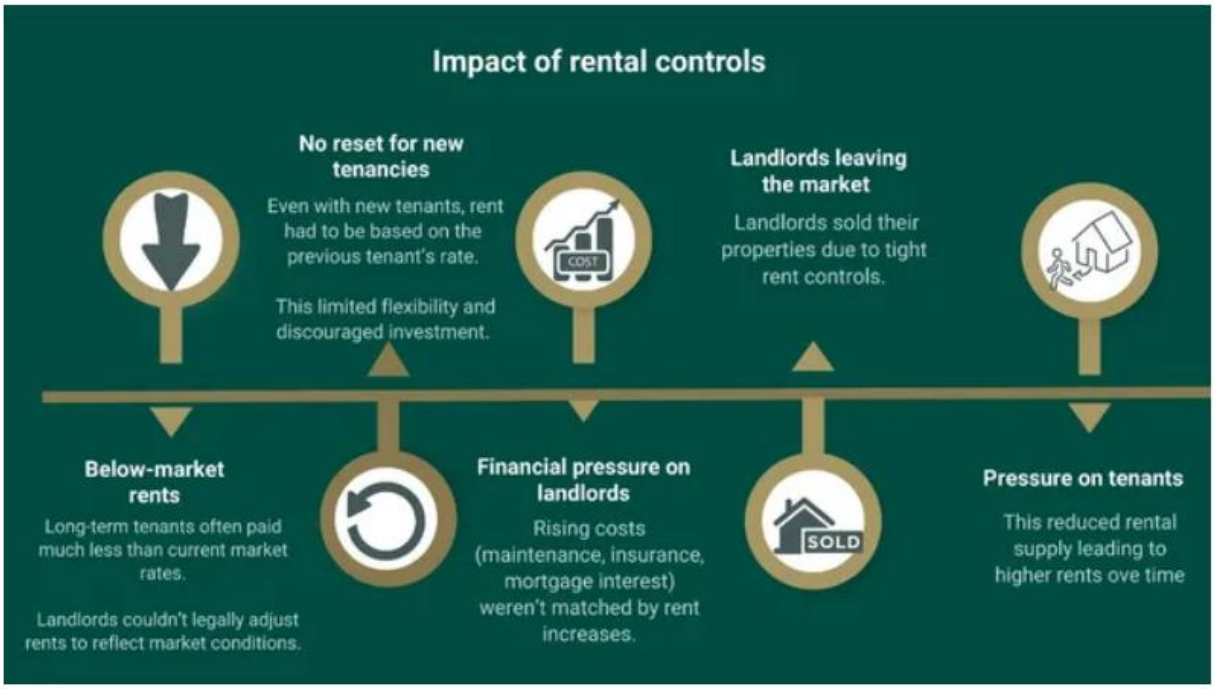
[46] Department of Housing, Local Government and Heritage, 'Decision to make changes to the rental sector - Rental market reforms', *Publication*, 4 November 2025.

[47] Department of Housing, Local Government and Heritage, 'Decision to make changes to the rental sector - Rental market reforms', *Publication*, 4 November 2025.

[48] Department of Housing, Local Government and Heritage, 'Decision to make changes to the rental sector - Rental market reforms', *Publication*, 4 November 2025.

[49] Department of Housing, Local Government and Heritage, 'Rental market reforms information', *Collection*, 4 November 2025.

Figure 7 Infographic showing impact of rental controls on behaviour of stakeholders in the rental market



Source: Department of Housing, Local Government and Heritage. 2025

A further factor not considered in this infographic that may influence the capacity of a corporate landlord to exit the rental market involves the changes to the planning code made in 2018, for purpose-built rental housing. These legislative reforms meant that sale of individual properties in a larger rental development was not possible during the initial 15 years of the life of the development.[50]

[50] T Gillespie, J Kren, R Lyons and C O'Toole, 'The supply side effects of rent controls: Evidence from Ireland', *Journal of Housing Economics*, Vol 70, Dec 2025.

Legal context

Article 34.1 of the Constitution provides:

> "Justice shall be administered in courts established by law by judges appointed in the manner provided by this Constitution, and, save in such special and limited cases as may be prescribed by law, shall be administered in public."

Article 37 of the Constitution expands this by allowing a person or body, duly authorised by law, to exercise prescribed judicial functions and powers, in matters other than criminal matters.

In the 2021 Supreme Court case of *Zalewski v Workplace Relations Commission*[51] Justice O'Donnell 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.[52]

The Residential Tenancies (Amendment) (No 3) Bill 2024 was introduced in the Daíl on 24 July 2024. According to the Explanatory Memorandum to that Bill, Part of the Bill proposed amendments to the 2004 Act to ensure that RTB hearings, in the context of adjudication and sanctioning, can be heard in public to ensure compliance with Article 34 of the Constitution and the Zalewski judgment.[53]

The Bill did not enter the second stage, having lapsed on 8 November 2024, on the dissolution of the Daíl.[54]

The Department has indicated that the proposed legislation will include amendments to the *Residential Tenancies Act 2004* (the '2004 Act') as proposed in the lapsed Residential Tenancies (Amendment) (No 3) Bill 2024. This would ensure that determinations and hearings of the Residential Tenancies Board (RTB) may be held in public, aligning the 2004 Act with Article 34 of the Constitution and the *Zalewski* judgment.[55]

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[51] [2021] IESC 24.

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

[53] 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).

[54] 'History of this Bill', Residential Tenancies (Amendment) (No 3) Bill 2024 (Bill 63 of 2024).

[55] 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

Although the General Scheme of the Residential Tenancies (Amendment) (No 2) Bill has not been published it is possible to get an understanding of the legislative proposals in the General Scheme through policy announcements made by the Department of Housing, Local Government and Heritage (the 'Department') and through the public hearings the Joint Committee on Housing, Local Government and Heritage (the 'Committee') held on 18 November 2025 and 2 December 2025 as part of its pre-legislative scrutiny (PLS) process. The Committee also published its Report on Pre-Legislative Scrutiny (PLS) of the General Scheme of the Residential Tenancies (Amendment) (No 2) Bill on 7 January 2026.

It appears that the General Scheme of the Residential Tenancies (Amendment) (No 2) Bill proposes to amend the *Residential Tenancies Act 2004* (the '2004 Act') to establish a rent regime with stronger security of tenure and new rent controls, affecting new tenancy agreements entered into after 1 March 2026 (the day after the extended RPZ scheme is due to expire). The General Scheme also appears to include a number of technical amendments affecting the work of the Residential Tenancies Board, many of which derive from the Residential Tenancies (Amendment) (No 3) Bill 2024 initiated in July 2024 but having lapsed with the dissolution of the Dáil Éireann on 8 November 2024.[56] The majority of proposed technical amendments will not be covered in this paper.

Proposed changes to security of tenure and rent controls

The Department has confirmed that the legislative proposal would only apply to new tenancies. It does not seek to affect the rent control rules and security of tenure protections applicable to tenancy agreements that exist on 28 February 2026.[57]

Under the proposals, every tenancy commencing on or after 1 March 2026 (a 'new tenancy') that continues for six or more months in duration would be treated as a tenancy of minimum duration (TMD). A TMD would be a rolling six-year tenancy that benefits from protections from eviction. The proposed new tenant protections would not apply to local authority tenancies or situations where the renter shares the property with the owner (such as where the tenant rents a room in the landlord's home).[58] The security of tenure provisions will not affect Student Specific Accommodation (SSA) as student tenancies are generally expected to change every

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[56] 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.

[57] 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.

[58] Department of Housing, Local Government and Heritage, 'Rental market reforms information -What tenancies do these rules not apply to?', *Collection*, 4 November 2025.

year.[59] An existing tenancy will not become a new tenancy in the case of a subletting agreement or if a tenancy relationship is transferred from one tenant to a new tenant, it is only to be considered a new tenancy upon the signing and registration of a new rental agreement.[60]

The nature of the proposed tenant protections would differ based on the category in which the tenant's landlord falls. The Department has suggested that category of landlord to which a landlord belongs will be based on the number of tenancies they have – individuals with three or fewer tenancies would be classified as smaller landlords, while corporate landlords and those with four or more tenancies would be considered as larger landlords.[61] Under the proposed legislation, a tenancy would refer to a dwelling that is subject to a rental agreement, and therefore a single building may host a number of tenancies, where that building has been split into self-contained units.[62]

According to the Department the legislative proposal will mean:

"Larger landlords (4+ tenancies):

- Must provide rolling 6-year tenancies (TMD).
- Can only end a tenancy for specific reasons (breach of tenant obligations, property no longer suitable).
- Will no longer be able to terminate a tenancy just because they want to sell the property, move in themselves, or allow a family member to do so, substantially renovate the property or change the use of the property.
- If a tenant leaves of their own accord, the landlord may use the property as they wish.

Smaller landlords (3 or fewer tenancies):

- Must provide rolling 6-year tenancies (TMD).
- Can only end a tenancy during the 6 years 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).

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[59] Department of Housing, Local Government and Heritage, '**Rental market reforms information -How will the changes apply to Student Specific Accommodation (SSA)?**', *Collection*, 4 November 2025.

[60] Department of Housing, Local Government and Heritage, '**New rules to protect tenants - Rental market reforms - If one tenant leaves the property and 2 others remain, is this tenancy under the 'old' or 'new' rules**', Publication, 4 November 2025.

[61] Department of Housing, Local Government and Heritage, '**Rental market reforms information - Is the category of landlord type based on the number of properties or tenancies? '**, *Collection*, 4 November 2025.

[62] Department of Housing, Local Government and Heritage, '**Rental market reforms information - Registering your tenancy/tenancies with the Residential Tenancies Board (RTB) '**, *Collection*, 4 November 2025.

- After each 6-year term, they may end a tenancy for broader reasons (e.g. selling, substantial refurbishment/renovation, landlord/family member use, change of use)."[63]

Under the proposed legislation, as per the existing rules, a tenant will be able to end their tenancy at any time by giving written notice with the required notice period.[64]

Landlords will be able to sell their property at any time under the proposed legislation, but not necessarily with vacant possession. Only a Smaller Landlord may terminate a tenancy of minimum duration (TMD) during its six-year duration on the ground of intention to sell. However, this justification may only be used if:

1. the landlord requires the proceeds of sale for consideration to provide a principal private residence for the landlord or their spouse or civil partner; or
2. a sale with vacant possession is necessary, having regard to all the circumstances of the case, to avoid undue hardship for the landlord or their spouse or civil partner (including the risk of homelessness).[65]

It appears that the proposed legislation will also amend the current system of rent control. The system of rent pressure zones will be dismantled to be replaced with a system of nationwide rent control. For existing tenancies of a duration of six months or more (tenancies of unlimited duration (TUDs) and tenancies entered into prior to 11 June 2022) landlords will be limited to annual rent increases of two per cent or the rate of the Consumer Price Index (CPI), whichever is lower.[66]

A landlord of a tenancy of minimum duration (TMD) (a new tenancy entered into on or after 1 March 2026) is also limited to an annual rent increase of two per cent or the rate of the CPI, whichever is lower. However, landlords of a TMD may reset the rent to market rent on a six-year cycle starting from the date of the new tenancy agreement.[67]

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[63] Department of Housing, Local Government and Heritage, 'New rules to protect tenants - Rental market reforms', Publication, 4 November 2025.

[64] Department of Housing, Local Government and Heritage, 'Rental market reforms information - How does a tenant end a Tenancy of Minimum Duration (TMD)?', *Collection*, 4 November 2025.

[65] Department of Housing, Local Government and Heritage, 'Rental market reforms information - Will landlords be able to sell their properties?', *Collection*, 4 November 2025.

[66] Department of Housing, Local Government and Heritage, 'Changes to rent increase rules - Rental market reforms', *Publication*, 7 November 2025. See also, 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.

[67] Department of Housing, Local Government and Heritage, 'Changes to rent increase rules - Rental market reforms', *Publication*, 7 November 2025. See also, 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.

From 1 March 2026, all landlords will be allowed to reset rent to market rent in respect of new tenancies created (first-time tenancy between parties) 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' (such as where the tenant is evicted for a failure to meet their obligations or where the tenant leaves voluntarily). [68]

Under the proposals, rent increases will be linked to inflation according to the CPI, not the harmonised index of consumer prices (HICP), as is currently used in the 2004 Act. According to the Central Statistics Office, both the Consumer Price Index (CPI) and the Harmonised Indices of Consumer Prices (HICP) are designed to measure the change in the average level of prices paid for goods and services. The main difference between the two measures is that the CPI does not include imputed rentals for housing in its computations, while the HICP does.[69]

Newly built apartments and SSA commenced after 10 June 2025 will not be subject to the two per cent cap. Rather, their rent increases will follow CPI only. Moreover, landlords of SSAs will be allowed to reset to market rent on a three-year cycle.[70]

Issues and implications

The proposed legislation may face several issues. It has been reported that critics, including members of Opposition parties, have argued that the proposal will result in significantly higher rents across the private rental market.[71] It is suggested that rental increases will particularly affect Student Specific Accommodation (SSAs) as students tend to commit to new tenancies at the start of each academic year.[72] Significant increases in rent over the medium term may also have the effect of diluting or negating the proposed security of tenure provisions, as unaffordable rent increases may force sitting tenants to voluntarily terminate a tenancy and seek cheaper accommodation.[73] It has been reported that Sinn Féin's Housing Spokesman Eoin Ó Broin TD has said that the price of rents is:

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[68] Department of Housing, Local Government and Heritage, 'Changes to rent increase rules - Rental market reforms', *Publication*, 7 November 2025. See also, 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.

[69] Central Statistics Office, 'Comparison between the CPI and the HICP', *Information Notice*, March 2016.

[70] Department of Housing, Local Government and Heritage, 'Changes to rent increase rules - Rental market reforms', *Publication*, 7 November 2025.

[71] See J Gash, '"Rip off rents will raise even higher" with new laws – SF', *RTE*, 21 January 2026.

[72] See J Gash, '"Rip off rents will raise even higher" with new laws – SF', *RTE*, 21 January 2026.

[73] See J Gash, '"Rip off rents will raise even higher" with new laws – SF', *RTE*, 21 January 2026.

> "... driving homelessness, it's driving emigration of young people, it's forcing young people to move back into the box bedroom of their parents' homes, it's also creating a real nightmare for people approaching pension age in the private rental sector".[74]

The Opposition members of the Committee on Housing, Local Government and Heritage refused to sign the Committee's Pre-legislative Scrutiny Report, instead choosing to publish a dissenting report.[75] In this dissenting report, Opposition members of the committee expressed their concerns that evidence which had been presented during committee hearings on the legislation suggested that the proposed legislation would lead to dramatic increases in rents for private renters and student renters.[76] The members also argued that the proposed rules designed to improve security of tenure are "difficult to understand and near impossible to enforce". Further, the report stated that the effective removal of existing rent controls will leave those renters who frequently move between rental properties exposed to higher increases.[77] The dissenting members requested substantial amendments to the committee report that were not included in the majority report.[78]

In the PLS hearings, Threshold, a national housing charity and advocacy group representing tenants, were largely supportive of the proposed changes, but they voiced concerns about the provisions relating to rent setting, market rent, and the rent register. In their opening statement, the charity stated that the proposal to allow market rent resets between tenancies would allow landlords to reset rents to market levels at certain points between tenancies, potentially undermining affordability and security of tenure.[79] Threshold stated:

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[74] See J Gash, '"Rip off rents will raise even higher" with new laws – SF', *RTE*, 21 January 2026.

[75] 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.

[76] E Ó Broin TD, R Hearne TD, R Boyd Barrett TD, C Sheehan TD, Minority Report on Pre-Legislative Scrutiny of the General Scheme of the Residential Tenancies (Amendment) (No. 2) Bill 2025. See also J Horgan-Jones, 'Opposition parties refuse to sign off housing committee report examining Government's plans', *Irish Times*, 22 January 2026.

[77] E Ó Broin TD, R Hearne TD, R Boyd Barrett TD, C Sheehan TD, Minority Report on Pre-Legislative Scrutiny of the General Scheme of the Residential Tenancies (Amendment) (No. 2) Bill 2025. See also J Horgan-Jones, 'Opposition parties refuse to sign off housing committee report examining Government's plans', *Irish Times*, 22 January 2026.

[78] E Ó Broin TD, R Hearne TD, R Boyd Barrett TD, C Sheehan TD, Minority Report on Pre-Legislative Scrutiny of the General Scheme of the Residential Tenancies (Amendment) (No. 2) Bill 2025. See also J Horgan-Jones, 'Opposition parties refuse to sign off housing committee report examining Government's plans', *Irish Times*, 22 January 2026.

[79] Threshold, Opening Statement to the Joint Committee on Housing, Local Government and Heritage Pre-legislative Scrutiny of the General Scheme of the Residential Tenancies (Amendment) (No 2) Bill.

> "... this mechanism risks creating steep rent hikes, incentivising constructive evictions; pricing families and vulnerable renters out of their homes." [80]

Another issue that was raised during PLS hearings included that there is currently no definition of 'rent' in the ***Residential Tenancies Act 2004***. It was observed by one academic witness, during the PLS hearings, that the current understanding of rent would not necessarily include fees and charges affecting the dwelling, that are passed on to tenants. This means that the amount of rent notified to the Residential Tenancies Board may not reflect the full financial burden on the tenant, and these ancillary charges may be missed by the proposed rent controls.[81]

A further issue that was raised during the PLS hearings was that under the legislative proposals it is the rights of the landlord that are determined by whether they are a larger or a smaller landlord. The security of tenure offered to the tenant is consequential upon the landlord's rights. A representative of the Department confirmed that under the proposed changes, the tenant's security of tenure is tied to the classification of the landlord. Therefore, the tenant's security of tenure may change mid-tenancy if a larger landlord becomes a smaller landlord or vice versa, through the sale or acquisition of other properties in the landlord's portfolio, or if the property is sold by a larger landlord to a smaller landlord or vice versa.[82]

As noted during the PLS hearings by a representative of the Institute of Professional Auctioneers and Valuers, the legislative proposals would result in a very complicated system of regulation for the private rental sector. There would be multiple tenancy types, adhering to multiple tenancy rules, depending on when the tenancy agreement was signed and registered.[83]

In their opening statement to the Committee, the Irish Property Owners' Association argued:

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[80] Threshold, **Opening Statement to the Joint Committee on Housing, Local Government and Heritage Pre-legislative Scrutiny of the General Scheme of the Residential Tenancies (Amendment) (No 2) Bill**.

[81] L Sirr, '**General Scheme of the Residential Tenancies (Amendment) (No. 2) Bill 2025: Discussion**', *Joint Committee on Housing, Local Government and Heritage debate*, 2 December 2025.

[82] 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.

[83] G McGuirk, '**General Scheme of the Residential Tenancies (Amendment) (No. 2) Bill 2025: Discussion**', *Joint Committee on Housing, Local Government and Heritage debate*, 2 December 2025. For example, a tenancy signed and registered before 11 June 2022 (of less than six years duration) is a tenancy of limited duration, if signed or registered on or after 11 June 2022 it is a tenancy of unlimited duration, and both of these would be subject to a 2% cap that cannot be reset to market rent, but the tenant may be the subject of a no fault eviction under Part 4 of the 2004 Act. However, if it is signed and registered on or after 1 March 2026 the protections are different for tenants depending on whether the landlord is classified as a smaller or a larger landlord.

> "... higher levels of rents being charged by larger institutional landlords are distorting the market to the extent that working professionals and public servants - including Gardai, Nurses, Teachers, Civil Servants - cannot afford this level of rent. This is at the same time that supply is dwindling because of the excessive regulation being imposed on non- institutional landlords."[84]

At the same time, it has been reported that the proposed changes to the rent cap proposed to come into effect on 1 March 2026 would not be enough to materially attract institutional investors to the Irish residential property market.[85]

Representatives of landlords have stated that the proposed legislative changes would not be effective at increasing supply.[86] Mr Colm Lauder, a property-strategy consultant, writing in the Business Post argues:

> "Investors depend on flexibility, on rents that can adjust with costs and finance rates, and on exit options when circumstances change. A six-year lock-in, coupled with a 2 per cent cap, is not flexibility but sclerosis.
>
> For developers, linking rents solely to inflation is equally problematic. Construction and finance costs have consistently risen faster than consumer inflation.
>
> Under this regime, even the inflation-exempt new builds face uncertainty: they must be commenced after a specific date, narrowing the window for qualifying projects."[87]

In his article, Mr Lauder also compared the proposed new system to that introduced in Scotland, earlier in 2025, allowing annual rent increases of inflation plus one percent, capped at six per cent per annum. He argues that the Scottish system is "clear, measurable, and regionally flexible" and he suggests that the Irish system could integrate similar elements, while establishing a:

> "... tenancy-linked rent control system, rather than one tied to the property, would allow rents to reset at turnover while ensuring affordability through wage-linked in-tenancy increases. ... This model, common in Germany and the Netherlands, aligns

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[84] Irish Property Owners' Association, **Opening Statement to the Joint Committee on Housing, Local Government and Heritage Pre-legislative Scrutiny of the General Scheme of the Residential Tenancies (Amendment) (No 2) Bill**.

[85] K Gallagher, '**Institutional investment in Irish housing still not "viable" says Elkstone**', *Business Post*, 18 November 2025.

[86] See G McGuirk, Institute of Professional Auctioneers and Valuers, and M Deverell, Irish Property Owners Association, '**General Scheme of the Residential Tenancies (Amendment) (No. 2) Bill 2025: Discussion**', *Joint Committee on Housing, Local Government and Heritage debate*, 2 December 2025. Both witnesses highlight the trend of smaller landlords leaving the private rental sector market.

[87] C Lauder, '**Ireland needs rental reform that builds investor confidence, not fear**', Business Post, 10 November 2025.

> rent growth with household capacity rather than arbitrary inflation caps. It gives tenants predictability and landlords the confidence to maintain and invest."[88]

Finally, during the PLS Hearings, an academic witness suggested that the most complex aspect of the proposals is the manner in which the residential tenancies board will regulate the use of the hardship clause by smaller landlords to terminate a tenancy of minimum duration. If this clause is not properly policed, it could be used by smaller landlords to evict tenants at will.[89]

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[88] C Lauder, '**Ireland needs rental reform that builds investor confidence, not fear**', Business Post, 10 November 2025.

[89] Dr M Byrne, 'General Scheme of the Residential Tenancies (Amendment) (No. 2) Bill 2025: Discussion', *Joint Committee on Housing, Local Government and Heritage debate*, 2 December 2025.

Conclusion

On 14 October 2025, the Cabinet approved the General Scheme of the Residential Tenancies (Amendment) (No 2) Bill (the 'Bill') as the basis for priority legal drafting of a Bill to amend the *Residential Tenancies Act 2004* (the '2004 Act').

According to the Government Legislative Programme, Spring 2026, the purpose of the Bill is:

> "... 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 proposed legislation looks to overhaul the current system of rent pressure zones, replacing it with a system of nationwide rent controls, while implementing new provisions on security of tenure.

The proposals have been met with criticisms from politicians and stakeholders representing the interests of both tenants and landlords. Those who consider that the proposed legislation will be onerous on tenants argued that the proposed changes will allow for significant rent rises, effectively diluting the effectiveness of the proposed security of tenure provisions. While representatives and advocates of landlords have argued that the proposed legislation will affect the liquidity of rental investments and the rate of return on investment. All parties have highlighted that the proposed changes will result in a high level of complexity in the regulation of the private rental sector.