



An Bille um Thionóntachtaí Cónaithe (Cearta Tionóntaí), 2021
Residential Tenancies (Tenants' Rights) Bill 2021

Mar a tionscnaíodh

As initiated



AN BILLE UM THIONÓNTACHTAÍ CÓNAITHE (CEARTA TIONÓNTAÍ), 2021
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ACTS REFERRED TO

Residential Tenancies Act 2004 (No. 27)

Residential Tenancies Acts 2004 to 2020



AN BILLE UM THIONÓNTACHTAÍ CÓNAITHE (CEARTA TIONÓNTAÍ), 2021
RESIDENTIAL TENANCIES (TENANTS' RIGHTS) BILL 2021

Bill

entitled

An Act to amend the Residential Tenancies Acts 2004 to 2020 so as to provide for greater security of tenure and rent certainty for tenants, and to provide for connected matters. 5

Be it enacted by the Oireachtas as follows:

Short title, collective citation and commencement

1. (1) This Act may be cited as the Residential Tenancies (Tenants' Rights) Act 2021. 10
- (2) The collective citation, the Residential Tenancies Acts 2004 to 2021 includes this Act.
- (3) This Act, and such provisions of the Residential Tenancies Acts 2004 to 2021 as have not yet come into operation, come into operation on such day, being no later than 6 months after the passing of this Act, as the Minister for Housing, Planning and Local Government may appoint by order or orders either generally or with reference to any particular purpose or provision; and different days may be so appointed for different purposes or different provisions. 15

Interpretation

2. In this Act, "Principal Act" means the Residential Tenancies Act 2004.

Model tenancy agreements 20

3. The Principal Act is amended by the insertion of the following after section 3C:

"Model agreements

- 3D. (1) The Minister may prepare or revise model tenancy agreements for the purpose of this Act, and different model agreements may be prepared in relation to different classes of tenancy agreement. 25
- (2) The Minister may request the Board to provide advice in relation to the preparation or revision of model tenancy agreements.
- (3) Where a model tenancy agreement has been prepared or revised, as the case may be, for the purpose of this Act, the provisions of the relevant model agreement shall be deemed to apply to a tenancy to which this Act applies, unless and to the extent that the parties have otherwise 30

agreed in writing.”.

Definition of landlord

4. Section 5 of the Principal Act is amended in subsection (1), by the substitution of the following for the definition of “landlord”:

“ ‘landlord’ means—

(a) the person for the time being entitled to receive (otherwise than as agent for another person) the rent paid in respect of a dwelling by the tenant thereof and, where the context so admits, includes a person who has ceased to be so entitled by reason of the termination of the tenancy,

(b) where legal proceedings in respect of a dwelling have commenced, any person having the benefit of a charge or lien in respect of that dwelling, and

(c) any person appointed to be a receiver of the income in respect of a dwelling, or to exercise any powers delegated by the mortgagee or other person to the receiver;”.

Right of tenant to opt for unfurnished dwelling

5. Section 12(1) of the Principal Act is amended by the insertion of the following paragraph after paragraph (a):

“(aa) (save in the case of a tenancy the duration of which is a period of less than 6 months) allow the tenant, if the dwelling is let as a furnished dwelling, to opt at the same rent for occupation of the dwelling in an unfurnished state,”.

Deposit not to exceed one month’s rent

6. Section 12 of the Principal Act is amended by the insertion of the following subsection after subsection (5):

“(6) A deposit (howsoever described, being money payable on entering into an agreement for the tenancy of a dwelling and intended to be held as security for the performance of any obligations, and the discharge of any liabilities, of the tenant under or in connection with the tenancy) shall not in any case exceed the monthly rent (or, if the rent is not payable monthly, the amount that the tenant pays in rent as calculated pro rata on a monthly basis) set under that tenancy.”.

Conditions restricting peaceable enjoyment of tenancy

7. The Principal Act is amended by the insertion of the following section after section 12:

“Conditions restricting peaceable enjoyment of tenancy

12A. (1) The landlord of a dwelling shall not prohibit a tenant, by provisions contained in a lease or tenancy agreement or otherwise, from hanging

clothes belonging to members of the household to dry in the garden or on the balcony of the dwelling concerned.

- (2) A condition imposed on a tenant, by provisions contained in a lease or tenancy agreement or otherwise, that absolutely prohibits the tenant from keeping domestic pets in the dwelling shall have effect as if it were a condition prohibiting the keeping of domestic pets without the consent of the landlord, which consent shall not be unreasonably withheld. 5
- (3) A dispute between a landlord and a tenant in relation to the application of subsection (1) or (2) may be referred to the Board for resolution under section 76.” 10

Rent increase in rent pressure zone following substantial alterations

8. Section 19 of the Principal Act is amended by the insertion of the following subsection after subsection (5B):

“(5C) A dispute between a landlord who seeks to rely on subsection (5) and a tenant as to the appropriate increase in rent following upon a substantial change in the nature of the accommodation provided under the tenancy may be referred to the Board for resolution under section 76.”. 15

State deemed to be rent pressure zone

20

9. The Principal Act is amended by the insertion of the following section after section 24B:

“24BA. With effect from the date section 10 of the Residential Tenancies (Tenants’ Rights) Act 2021 comes into operation and notwithstanding anything to the contrary in section 24A, orders under section 24A(5) shall be deemed to have been made in respect of those administrative areas of housing authorities in the State which on that date are not, and are not deemed to be, rent pressure zones; accordingly, each of those areas is deemed to be a rent pressure zone from that date for a period of 3 years.”. 25

Grounds for termination by landlord

10. Section 34 of the Principal Act is amended— 30

(a) by deleting paragraph (b), and

(b) in the Table—

(i) by deleting paragraph 3, and

(ii) in paragraph 5, by substituting “, no reasonable measures can be taken to maintain the dwelling fit for human habitation during the refurbishment or renovation” for “in a way which requires the dwelling to be vacated for that purpose”. 35

Amendment of section 35 of Principal Act

11. Section 35 of the Principal Act is amended by the substitution of the following subsection for subsection (4):

“(4) In paragraph 4 of the Table the reference to a member of the landlord’s family is a reference to— 5

- (a) a spouse or civil partner of the landlord, or
- (b) a child (including a stepchild, foster child or adopted child) of the landlord.”.

Private residential tenancies register: publication of certain details

12. Section 128 of the Principal Act is amended by the substitution of the following subsection for subsection (4): 10

“(4) The published register—

- (a) shall not contain any information, as respects a particular dwelling, that discloses or could reasonably lead to the disclosure of the identity of the landlord or the tenant of the dwelling, 15
- (b) shall disclose, as respects every dwelling—
 - (i) the number and duration of any previous tenancies in respect of the dwelling,
 - (ii) the date and duration of any works of refurbishment or renovation that were the subject of a notice under paragraph 5 of the Table to section 34, 20
 - (iii) the date and duration of any works causing a substantial change in the nature of the accommodation provided under the tenancy in relation to which the landlord sought to rely upon section 34(5), and 25
 - (iv) the amount of the rent payable under the current tenancy and any previous tenancies of the dwelling.”.

Statement of compliance with rented housing standards

13. Section 136(1) of the Principal Act is amended by the insertion of the following paragraph after paragraph (a): 30

“(aa) a statement that the dwelling complies with the Housing (Standards for Rented Houses) Regulations 2019 (S.I. No. 137 of 2019),”.

Failure to register tenancy or update particulars

14. The Principal Act is amended by the substitution of the following section for section 144:

“**Failure to apply to register or to update particulars** 35

144. A person who fails, neglects or refuses to comply with the requirements of section 134 or 139 is guilty of an offence and is liable on summary

conviction to a class A fine or imprisonment for a term not exceeding 12 months or both.”.

An Bille um Thionóntachtaí Cónaithe
(Cearta Tionóntaí), 2021

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do leasú na nAchtanna um Thionóntachtaí Cónaithe, 2004 go 2020 chun socrú a dhéanamh maidir le ráthaíocht tionachta níos mó agus cinnteacht cíosa le haghaidh tionóntaí, agus do dhéanamh socrú i dtaobh nithe comhghaolmhara.

An Teachta Ivana Bacik a thug isteach,

16 Meán Fómhair, 2021

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BILL

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Introduced by Deputy Ivana Bacik,

16th September, 2021

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