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IPOA News



**Official Newsletter of the Irish Property Owners' Association,
the National Landlords' Representative Organisation**

Editorial

IPOA members provide homes for rent or letting, this is the function of every buy to let investor. They assist the State in the provision of homes for its' citizens. Fair treatment legally and financially for both tenant/occupier and property owner is necessary to ensure the protection of both. Both sides need to be bound by quickly enforceable rules and obligations, and the investment in property has to make financial sense.

Housing policy has to be a long term consistent strategy that provides confidence and stability. Interference designed to provide relief historically causes lasting damage to the sector and ultimately damages the availability and quality of accommodation. Housing Assistance to the vulnerable is a State obligation and must be dealt with by the State, with the partial assistance of the private sector.

Affordable housing must be put in place for people with a long-term need but this needs to be funded by the State. Continual political interference in the sector leads to uncertainty and reduces confidence and stability.

Analysis carried out by the OECD and the IMF show that rent control generates a reduction of rental housing and "complex and multi-level rent regulation of housing negatively affects the interests of investors in investing in residential properties. This is causing an increasing drain on the exchequer, as lack of income for private investors causes maintenance and modernisation backlog in the rent controlled sector" Portugal commenced a phasing out of rent control in 2012.

There was an oversupply of accommodation in 2008, with rents falling and the State increased costs on property owners. The withdrawal of mortgage interest relief, on people who had already invested was fundamentally unfair, and together with other increasing costs made it uneconomical for many to remain letting property and has resulted in 1000's of units of accommodation being forced out of the market.

The length of time taken to remove non paying tenants allows arrears to continue to build up, making it difficult, if not impossible for property owners to pay their obligations. Court costs have to be paid, vulnerable tenants in receipt of State Aid will not be in a position to pay the arrears, and there is no sanction on them for over-holding. The result is not only the financial damage to a property owner but an increasing reluctance to take vulnerable tenants.

The continual interference, lack of stability and one size fits all needlessly complex legislation is fundamentally undermining the sector, and makes it unwise for a property owner to enter into a long-term lease with a



**Stephen
Faughnan
Chairman**

tenant. The very people that the Politicians are trying to help are being disadvantaged by their good intentions and this is set to continue. When will good sense prevail?

Is it time to consider alternative letting arrangements which IPOA have been outlining over the Years?

I would like to express our appreciation to the active IPOA members in Cork for meeting with Minister Coveney to outline the problems in the sector, and we would like to thank Minister English for meeting one of our members in his pre63 property in Dublin.

I would like to take the opportunity to thank our Staff, Sponsors, Committee, Advisors, Members and Consultants for their work and support and offer our best wishes for the Christmas Season and for 2017.

Stephen Faughnan

Chairman



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Best wishes for Christmas Season

We would like to take this opportunity to offer our best wishes for the Christmas Season and for 2017. We really appreciate your constant support. Thank you!

Budget Update

Living City Incentive (LCI)

The residential element is extended to lessors and the requirement for a building to be originally constructed for use as a dwelling is removed.

Secondly, the floor area restrictions for the residential element of the scheme are removed and the requirements in respect of certification will also apply to lessors.

Thirdly, eligible expenditure must exceed €5,000 to qualify for relief.

Fourthly, those in receipt of State grants are no longer excluded from the commercial element of the scheme. However, the amount of eligible expenditure qualifying for relief, on either the residential element, as it applies to lessors, or the commercial element of the scheme, will be reduced by a multiple of three times the amount of any grant received or receivable.

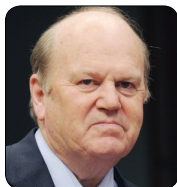
Finally, undertakings in difficulty will be explicitly excluded from the Initiative in line with State Aid rules.

Mortgage Interest Relief Residential Investments

The rate of tax relief for interest on borrowings used in the purchase, improvement or repair of residential rental property is increased from 75% to 80% in respect of interest accruing on or after 1 January 2017. It will increase by 5% every subsequent year until it reaches 100%.

Home Renovation Incentive (HRI)

The Home Renovation Incentive is extended for two more years, to end on 31 December 2018. This allows additional time for landlords and homeowners to make the necessary renovations to their properties, and provide additional support to the construction sector for another two years.



Minister Noonan

CAPITAL ACQUISITIONS TAX (CAT)

Tax-free Thresholds The Capital Acquisitions Tax Group tax-free thresholds are increased as follows:

Threshold Existing Level New Level A applies where the beneficiary is a child (including adopted child, step-child and certain foster children) or is a minor child of a deceased child of the disponer. Parents also fall within this threshold where they take an inheritance of an absolute interest from a child. Increased from €280,000 to €310,000

B applies where the beneficiary is a brother, sister, a nephew, a niece or lineal ancestor or lineal descendant of the disponer. Increased from €30,150 to €32,500

C applies in all other cases. Increased from €15,075 to €16,250

The new Group tax-free thresholds apply to gifts and inheritances taken on or after 12 October 2016.

Irish real estate funds (IREFs)

The Finance Bill introduces a new regime to provide for the taxation of Irish Real Estate Funds ("IREFs"). IREFs are investment undertakings (excluding UCITS) where 25% of the value of that undertaking is made up of Irish real estate assets. The proposal will ensure that the Irish tax base will be protected where Irish property transactions are taking place within collective investment vehicles. IREFs must deduct a 20% withholding tax on certain property distributions to non-resident investors. The withholding tax will not apply to certain categories of investors such as pension funds, life assurance companies and other collective investment undertakings. The amendment will apply to accounting periods beginning on or after 01 January 2017.

Meeting with Minister Coveney, Minister for Housing, Planning, Community and Local Government

The IPOA met with Minister Coveney and his officials on the 27th October in Leinster House.

The recent budgetary changes were discussed. IPOA are adamant that they would do little to help the situation in the context of the current market; not dealing with the mortgage interest relief restriction was wrong and the unfair tax burden was damaging to investors and to the sector.

Rent control was discussed and the resultant damage that occurs. Rent Certainty is another name for rent control

The IPOA outlined that more money from the budget should have been spent where it would have the most effect, and allowing legitimate expenses would prevent more landlords from leaving the market.

40,000 property owners have left the sector in recent years.

The problem with standards particularly the bedsit requiring integrated bathrooms is losing homes from the sector, this is not the reality. It can be reviewed quickly and would allow units previously closed to be homes again. There appears to be a belief that very few bedsits have been lost from the housing sector.

A discussion also took place around the fact that although there are only two parties to a tenancy, a landlord and a tenant, Charities with good intentions appear to have substantial influence on the housing strategy without any financial investment in the private rental sector.

The Minister stated that he wished to meet with representatives of the IPOA again.



Minister Coveney

Action Plan for Housing and Homelessness

The action plan for Housing and Homelessness was unveiled in July and outlined a plan under five Pillars:

- Address Homelessness,
- Accelerate Social Housing,
- Build More Homes,
- Improve the Rental sector, and
- Utilise Existing Housing.



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Rent Predictability Measure - Proposed Legislative Changes

Summary

Areas where rents are high and rising quickly will be identified and designated as Rent Pressure Zones (RPZ). In these areas annual rent increases will be limited to 4%. This limitation will remain in place for a maximum period of three years (which cannot be extended) and will apply both when rents are set at the start of a tenancy and when rents are reviewed during an ongoing tenancy. Properties that are new to the rental market or that have been substantially refurbished will be exempt. If rental market conditions improve in the area, the designation of the area as an RPZ can be lifted.



The measure will provide certainty to both tenants and landlords. It will allow reasonable growth in rents while preventing the instability and uncertainty caused by the volatility seen over the recent past. The time-bound nature of the measures (3 years) and the exemptions for properties that are new to the rental market are designed to prevent negative impacts on the supply of new rental units in areas of high demand.

How it works

Designating a Rent Pressure Zone

The Housing Agency, in consultation with the relevant Local Authority, proposes that an area be designated as an RPZ. The Minister then requests the RTB to prepare a report indicating – based on the rent price data which the RTB collects and uses to compile the quarterly RTB Rent Index – whether the criteria for designation as an RPZ are satisfied.

The criteria for the designation of an area as an RPZ are whether, in the area concerned:

- annual rent inflation has reached or exceeded 7% in four of the last six quarters; and
- the average rent in the most recent quarter is above the national average rent.

If the RTB confirms to the Minister that these two criteria have been met, the Minister will then make an order designating the area.

The order designating an SDZ will have effect for a maximum of 3 years.

Areas to be designated

Immediately on enactment, the following areas will be designated as RPZs, as they already meet the criteria –

- Dublin (i.e. the administrative areas of the 4 Dublin local authorities);
- The Cork City Council administrative area.

Additional local authority areas may be proposed for designation over time, subject to the criteria for designation being satisfied. In due course, subject to the availability of more refined area-based rent data, areas smaller than local authority areas, such as local electoral areas, where significant localised rent pressures are being experienced, may be considered for designation.

Rent setting

The effect of an order designating a Rent Pressure Zone will be that annual rent increases in that area will be limited to 4% for a maximum of 3 years. This limitation will apply to rents set for new tenancies and to rent reviews within tenancies. When issuing a notice of rent increase to the tenant, the landlord will include information demonstrating that the rent increase is in line with the legislation (i.e. not more than 4% p.a. for the period since the rent was last set).

If the tenant feels that the rent set is not in line with the legislation, they may refer the matter to the RTB for a determination. Where an area is

designated as a Rent Pressure Zone, the 4% p.a. limit will apply to all notices of rent increase issued from the date of designation.

Exemptions

Certain rental properties within a Rent Pressure Zone will be exempt –

- those that are new to the rental market (i.e. they have not been rented at any time in the last two years), and
- those that have been substantially refurbished in the last two years.

Where a property is exempt from the measure, the landlord in issuing a notice of rent increase to the tenant will include information justifying the exemption.

If the tenant feels that the conditions for the exemption are not met, they may refer the matter to the RTB for a determination.

In addition, the provisions introduced in November 2015, whereby rent can only be reviewed every two years, will cease to apply in a Rent Pressure Zone when the next two-year review takes place – thereafter, annual rent reviews will apply.

The two-year rent review arrangements will continue to apply in other areas until the 2015 provision expires in 2019.

Suspension of Designation of a Rent Pressure Zone

Where the rental market has stabilised and the balance between supply and demand has improved, the Housing Agency, in consultation with the relevant Housing Authority, may recommend to the Minister that the designation of a particular area be lifted (before the expiration of the 3 year rent pressure zone period). The Housing Agency will make its recommendation on the basis of an assessment of the rental market conditions in the area concerned.

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Meeting with IPAV

A meeting was held on the 10th October with Pat Davitt CEO of the IPAV. Members of the IPAV managing properties have a number of difficulties in common with IPOA members. Numerous items were discussed including RTB, licence agreements and their uses, the IPOA Long Term Letting Agreement, Equal Status Acts, education and legislation generally. The IPOA and the IPAV have a number of goals in common.



Pat Davitt

Minister Kelly's Rental Variation

Varying rent has been made much more difficult and complicated by recent changes to legislation. Rent cannot be varied in the first 24 months of a tenancy, nor can it be reviewed within 24 months of the last review during the tenancy. The rent variation notice must contain certain items to be valid and needs to specify the rent sought for three comparable dwellings advertised in the previous 4 weeks. As a result of the decrease in properties available, this information is difficult, sometimes impossible to find.

A tenancy under the Residential Tenancies Acts as amended is for a period of 4 years (provided the tenants stay for this period) and if it is not terminated with a valid notice of termination after the 4 years a new tenancy commences. You cannot review the rent in the first 24 months of a tenancy. This means that if your tenancy rolls automatically into a further par 4, you will not legally be able to vary the rent until after 24 months of the new tenancy. In situations where an individual tenant is leaving a tenancy where all parties are jointly and severally liable, it is advisable to notify the new tenant who is replacing the leaving tenant that they are taking on the balance of the rights and obligations of the tenant that has left. In this situation, the rent review will be on the tenancy and the new tenant's rent may vary when the tenancy's rent is reviewed. This could mean that the new tenant's rent could be reviewed within weeks or months of moving in. Being clear at the outset can avoid confusion.

At the time of going to print Minister Coveney has outlined his plan to introduce Rent Predictability Measures. See Page 3. These measures are a disaster for the sector if they come in, more interference, a year after they brought in Minister Kelly's measures. Sadly the result of this will be further loss of accommodation, landlords that kept their rent reasonable will be disadvantaged and new investors will think twice. Investors have long memories.

UIPI Update

The UIPI has been working hard for its member countries. The office in Brussels set up 7 years ago is very involved in lobbying on issues that affect property owners in Europe including Ireland. IPOA is a member of the UIPI and realise the importance of its role in Europe. Defending the rights of property owners, outlining the difficulties faced by them and helping to ensure that European Commission fully understand the difficulties that are being experienced by the sector.

The Commission published the Clean Energy Union which is intended to revise the Energy Efficiency Directive, the Energy Performance in Buildings Directive and the Renewable Energy Directive. These contain obligations and targets around energy and will affect property owners in Europe. UIPI will be scrutinising and reacting to help ensure fair play for property owners. The UIPI has worked together with other groups to create a factsheet on the Real Estate and Built Environment Life Cycle. This was aimed to show the life cycle of a building the financial implications and importance of the sector. The 44th UIPI Congress will be held in Berlin in June 2017.



Irish Green Building Council

The Association have attended a number of meetings throughout the year working for members with the Irish Green Building Council to ensure that property owners position in the private rental sector's is understood.



The strategy has 10 points for a better national renovation strategy and an effective implementation plan

1. **Plan the roadmap, use backcasting (Work back from desired outcome position).**
2. **Take a long term holistic approach**
Retrofitting requires cross sector cooperation and an integrated cross departmental approach.
3. **Invest in deep renovation now**
4. **Enable innovative financial financing tools and mobilise private funds**
5. **Raise awareness**
6. **Make deep renovation as easy as possible**
7. **Make sure we have the right skills**
8. **Set the right standards**
9. **Develop quality data**
10. **Collaborate and engage**

More information on the IGBC can be found at <https://www.igbc.ie/>.



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Dwelling House Relief Changes

There was an expectation within Tax circles that the Revenue Commissioners would amend the provisions relating to dwelling-house relief in the latest budget. When the Finance Bill, which gives legal effect to Budget measures, was originally published there was no amendments to the dwelling-house relief. It was hoped that the relief may have received a stay of execution for a further year. However, significant amendments were introduced in respect of the relief at the committee stage of the Finance Bill as it was making its way through the Houses of the Oireachtas.



The effect of those changes is to fundamentally change the relief in its application. The new relief is more precise to the circumstance in which it is available. The changes have the effect of restricting the relief to only apply in circumstances where an individual takes a benefit of a shared house, and that shared house was the home of both the person leaving the house and the person receiving the house at the date of death of the person who is leaving the house. It is also necessary for the person who has received the house to have lived in it for three years prior to that date. Finally, the person receiving the house cannot have an interest in a dwelling already.

Gifts of property are no longer eligible for dwelling-house relief, except in the rare circumstance where a house is provided to a dependant relative. A dependant relative is one who is permanently and totally incapacitated, or an individual over the age of 65.

Some additional amendments have also been introduced in regard to clawback provisions whereby there can be a clawback of the relief if the house is sold within six years of the date of the gift or inheritance. The clawback under the original legislation didn't arise where an individual is over 55 years of age. That age has been increased to 65 under the new legislation.

The Minister clarified that it will be effective from when the Bill is enacted which will happen when the President signs the Bill into law.

The Minister also clarified that no transitional measures will be introduced to deal with circumstances whereby a person was in the process of trying to meet the conditions of the relief.


The effect of the amendments is to reduce the reliefs attractiveness and flexibility in terms being used for the purposes of reducing inheritance tax liabilities.

Cathal Lawlor, Lawlor Partners
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Housing Assistance Payment (HAP)

HAP is a new form of housing support. It is designed for people who will require rental assistance for long periods. Rent Supplement is designed for short term. Under HAP, local authorities will make payments, subject to rent limits, on behalf of the HAP recipient directly to the landlord in respect of rent. The HAP recipient will then pay a rent contribution to the local authority. The rent contribution is a differential rent – that is, a rent set by the local authority based on income and ability to pay. HAP is paid in arrears and if the tenant does not pay their contribution to the local authority then the payment stops to the landlord. HAP appears to be paid on the same date each month and tenancies commence on different dates. If the rent is not paid on the due date the tenant goes into arrears. HAP to be effective going forward needs to address these issues.






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Planning and Development (Housing) and Residential Tenancies Bill 2016

Amendments to the Residential Tenancies Act 2004 (sections 24 to 37) as initiated.

Part 3 of the Bill gives effect to the commitment in Pillar 4 of Rebuilding Ireland - Action Plan for Housing and Homelessness to amend the Residential Tenancies Acts by providing for measures to prevent a future recurrence of situations where large numbers of residents in a single development are simultaneously served with termination notices. Part 3 also provides for the enhancement of the Residential Tenancies Board's (RTB's) enforcement and dispute resolution powers and for the abolition of a landlord's right, during the first 6 months of a further Part 4 tenancy, to terminate that tenancy for no stated ground.

Section 24 relates to definitions within Part 3, and the Schedule, of the Bill and defines the "Act of 2004" as meaning the Residential Tenancies Act 2004 (the 2004 Act).

Section 25 amends the 2004 Act to ensure that dwellings leased by Approved Housing Bodies (AHBs) from private owners are treated in the same way under the Residential Tenancies Act as dwellings owned by AHBs and dwellings leased by AHBs from local authorities.

Section 26 amends the definition of Approved Housing Body in section 4(1) of the 2004 Act by removing the words "owned by it" from the definition so as to also include AHBs which only lease dwellings from private owners (and don't own any dwellings), and to provide consistency with the amendment in section 25 above.

Section 27 corrects a typographical error in section 22(2A)(d) of the 2004 Act - 'paragraph (d)' should read 'paragraph (c)'.

Section 28 is a consequential amendment to section 34 (grounds for termination by landlord) of the 2004 Act, made on foot of the amendment in section 29 of the Bill.

Section 29 - Section 35 of the 2004 Act provides that where a landlord is terminating a tenancy under paragraph 3 of the Table to section 34, the notice of termination must be accompanied by a statutory declaration, made by the landlord, stating that they intend to sell the dwelling. Section 29 of the Bill provides for additional declarations that must be included in the statutory declaration where section 35A(2) of the 2004 Act - as inserted by section 30 of the Bill - does not apply.

Section 30 inserts a new section 35A into the 2004 Act and provides that where a landlord proposes to sell 20 or more units within a single multi-unit development, at the same time, the sale will be subject to the existing tenants remaining in situ, other than in exceptional circumstances.

Subsection (1) provides for the definition of the terms 'development' and 'relevant period of time' for the purpose of the new section 35A. The term 'development' is intended to include all multi-unit residential developments, including housing estates, apartment blocks and mixed use developments. The term 'relevant period of time' is defined as any period of 6 months between the offering for sale of the 1st dwelling the subject of a tenancy and ending with the offering for sale of the last dwelling the subject of a tenancy.

Subsection (2) provides that a landlord may not terminate a tenancy on the ground that they wish to sell a dwelling in circumstances where a) they are selling more than 20 dwellings, b) at the same time, and c) in the same development.

Subsection (3) provides that subsection (2) does not apply where the landlord can show that the application of subsection (2) would be unduly onerous or cause unfairness or hardship on that landlord.

Subsection (4) provides that section 35A will not apply to a relevant notice of termination served prior to the commencement of the section. Subsection (5) provides that section 35A applies to all tenancies, including tenancies that were created before the coming into operation of the section.

Section 31 of the Bill provides for the repeal of section 42 of the Residential Tenancies Act 2004. The 2004 Act provides that where a tenancy lasts in excess of 6 months, a tenant acquires the right to a four year tenancy meaning that they may continue to rent the dwelling for a further 3½ years. The landlord may only terminate that tenancy on specific grounds set out in section 34 of the 2004 Act. Where that tenancy lasts in excess of 4 years, the tenant acquires the right to a "further Part 4 tenancy".

Section 42 of the 2004 Act provides that a six month probationary period applies at the beginning of each further Part 4 tenancy during which the landlord may terminate the tenancy without stating any reason.

Subsection (1) provides for the repeal of section 42 of the 2004 Act and will extinguish the landlord's right of termination in this situation. The landlord will retain the right to terminate the tenancy at the end of each four year period or on the grounds set out in the Table to section 34 of that Act.

Subsection (2) provides that where a further Part 4 tenancy has already commenced and is within its first 6 months before the coming into operation of this section, section 42 shall continue to apply to that tenancy.

Subsection (3) provides that where a notice of termination has been served on a tenant prior to the coming into operation of this section, section 42 shall continue to apply to that tenancy.

Subsection (4) provides for a number of consequential amendments to this section as set out in Part 1 of the Schedule to the Bill.13

Section 32 is a consequential amendment to the amendment in section 31 of the Bill and amends section 62(1)(e) of the 2004 Act to provide that, if a tenancy is a "further Part 4 tenancy", the notice of termination, where the termination is by the landlord, must include the reason for the termination.

Section 33 amends section 100 of the 2004 Act by reducing the time for a party to appeal to the Tribunal against a determination of an adjudicator from 21 days to 10 days.

Section 34 provides that the Minister may prescribe by regulation particular types of dispute that may be determined by a Tribunal made up of 1 rather than 3 members. This section inserts 4 new subsections into section 103 of the 2004 Act.

Subsection (1A) gives the Minister the power to make regulations to provide for the type of case that may be heard by a 1 member Tribunal.

Subsection (1B) provides that where a 1 member Tribunal considers that the matter would be more appropriately heard by a 3 member Tribunal, the matter may be adjourned and the Board may refer to the dispute to a 3 member Tribunal.

Subsection (1C) provides that subsections (4) appointment of a Chairperson and (7) majority decisions, do not apply to a 1 member Tribunal. Subsection (1D) provides that where 2 or more matters are the subject of one dispute and one of those matters is not prescribed for the purpose of being heard by a 1 member Tribunal, that the dispute shall be referred to a 3 person Tribunal.

Section 35 provides for consequential amendments to section 104 of the 2004 Act (which contains the principal provisions regarding the

procedures to be adopted by the Tribunal in relation to the determination by it of a dispute), arising from section 34.

Section 36 - A determination order is the written record of an RTB determination. Section 121 of the 2004 Act gives the Board, inter alia, the power to draft and issue the determination order, affixed with the seal of the Board. This power is limited in practice as the Board does not have the power to change the terms of a determination order. Section 36 of the Bill provides that the drafting and issue of determination orders under section 121 of the 2004 Act will now be carried out by the Director, rather than the Board, of the RTB. This section also inserts a new section 121(5A) into the 2004 Act to provide for the receipt of RTB determination orders, signed by the Director, in any proceedings in court. A number of consequential amendments to this section are provided for in Part 2 of the Schedule to the Bill.

Section 37 - Section 124 of the Residential Tenancies Act 2004 provides a mechanism for the enforcement of RTB orders in the Circuit Court.

Section 57 of the Residential Tenancies (Amendment) Act 2015, which has not yet been commenced, transfers the enforcement of RTB determination orders under section 124 to the District Court. Section 37 provides for an express power under section 124 of the Residential Tenancies Act 2004 to enable the District Court to make orders of possession when enforcing RTB determination orders under section 124 of that Act.

Better Energy Homeowner Grants

Better Energy Homes is a Government programme which gives fixed cash grants for insulation and heating system upgrades, helping to make homes more comfortable and cheaper to run. It is available to all owners of homes built before 2006.

What grants are available?

Energy Efficient Works		Grant Value
Insulation	Attic	€300
	Wall - Cavity	€300
	Wall - Internal Dry Lining	
	Apartment (any) <u>or</u> Mid-terrace House	€1,200
	Semi-detached <u>or</u> End of Terrace	€1,800
	Detached House	€2,400
	Wall - External	
	Apartment (any) <u>or</u> Mid-terrace House	€2,250
	Semi-detached <u>or</u> End of Terrace	€3,400
	Detached House	€4,500
Heating System	Heating Controls with Boiler (Oil or Gas) Upgrade	€700
	Heating Controls Upgrade only	€600
	Solar Heating	€1,200
Bonus Grant	For 3 rd measure	€300
	For 4 th measure	€100
Building Energy Rating (BER)		€50

Items in the rental strategy will be good for the rental market but the rent control measures are absolutely not. It is damaging to restrict the rent where rents are at market rent, however restricting the people who have rents substantially below the market is unforgivable and unacceptable. The constitutionality of this is in question. It is reduction in the value of an investors interest without compensating the investor. The Supreme Court previously held that rent control was an unfair restriction of the property rights of one group of individuals, for the purpose of implementing a social policy favouring a different group. Apart from the constitutionality, the interference in the market will have a long term effect on the psychic of investors and will result in property owners being wary of leaving rent go substantially below market rent, this will not help tenants.

Strategy for Renal Sector announced 13th December 2016

Below is a list some of the measures that will affect property owners and the timeline:-

- Introduce a Rent Predictability measure to stabilise rent levels in areas of high demand (Immediate)
- Provide a fast track process for effective termination procedures in cases of non-payment of rent (Quarter 4 2017)
- Introduce tenancy in-situ requirements in cases of multiple units in a single development being sold at the same time (Immediate)
- Encourage banks and landlords borrowers to agree sustainable solutions to buy-to-let arrears (On going)
- Examine scope for amending legislation to provide for greater protection of tenants' rights through receivership process (Quarter 4 2017)
- Improve the enforcement of Determination Orders issued by RTB (Quarter 1 2017)
- Encourage longer term letting by amending standards regulations to allow for unfurnished lettings, as in other jurisdiction in the case of long leases (Quarter 2 2017)
- Amend the Residential Tenancies Act to provide for 6 year tenancies as part of a transition to tenancies of indefinite duration (Immediate)
- Establish a Working Group on Tax and fiscal treatment of rental accommodation providers (Quarter 1 2017)
- Accelerate the national roll-out of the "repair and lease" and "buy and renew" schemes (Quarter 2 2017)
- Provide clarity in relation to the appropriate regulatory approach, from a planning perspective for short term tourism-related lettings (Initial guidance immediate)
- Introduce new regulations governing standards in rental accommodation and issue guidelines
- Take measures to increase inspection coverage and strengthen compliance, including through specific ring-fenced funding and annual inspections targets (Quarter 2 2017)
- Develop a more efficient and effective approach to inspections through a shared services model (Quarter 4 2017)
- Accelerate dispute resolution timeframes (Quarter 4 2017)
- Establish an online RTA One Stop Shop to provide information (Quarter 2 2017)
- Work with relevant partner bodies to improve planning and housing policy knowledge and understanding of the rental sector (On going)
- Simplify the regulatory framework for the rental sector (Quarter 4 2017)
- Offer a voluntary landlord accreditation scheme on best practice, a comprehensive understanding of the rights and obligations of landlords and tenants. This will be offered as a voluntary service by the RTB rather than mandatory obligation. (Quarter 3 2017)
- Review the current legislative provisions for Deposit Protection (Quarter 4 2017)
- Ensure that the RTB is adequately resourced as its role evolves

More information is available on the strategy on the IPOA website.

A Property Owners Story

In February 2016, an ad was placed on Daft and a family responded from the direct provision centre in Mosney. They had been living in direct provision for 9 years at that stage. This was a family of 5, two parents and three children 23, 22 & 18 who were about to start college. The house was a 4 bed in Lucan and the asking rent was €2000 per month. Under 'Social Welfare' €400 per adult was allowable so the house seemed an ideal fit for the family. In addition around that time to incentivise landlords to take tenants in receipt of Social Welfare Payments, mortgage interest relief was revised upwards to 100%.

The deposit was paid quickly and all forms were completed and sent back, we were told it would take one week and mistakenly not having dealt with a tenant in receipt of a Social Welfare benefit before I allowed the family move in on March 11. I contacted Crosscare who deal with asylum seekers and they advised the family to get FOCUS Ireland to look into the case.

After numerous revisions of paperwork, and lots of phone calls and no sign of ANY rent being paid I went with the family to INTREO in

Clondalkin on May 23. They have good English but I was keen to find out what was going on. I pleaded with INTREO to expedite paying rent as there was no money to pay the mortgage and threatening calls were coming from the lending institution. It was also established at this meeting that the family were without Social Welfare for 6 weeks after moving out of the provision centre and were borrowing money to buy basic food.

At this meeting I was told emergency payments would be made that the family needed to apply to be put on Dublin City Council Housing List and the appointment was set up for the end of July. I got the distinct impression nobody knew what to do with them. Eventually on 20 July HAP paid €2000 the first money since the deposit was paid.

Payment has been sporadic, there are still delays with paperwork and we have been reassured once this is sorted payments will be regular, this has taken 9 months to sort out and without the assistance of Focus Ireland and threatening to evict the family it still would not be sorted.

This is an impossible situation for both tenant and landlord and totally unacceptable.

Housing Standards for Rented Housing Regulations

The housing standards are currently under review. The IPOA made a submission in respect of the standards. We will update members on the changes via email and on the website when they come in. We will also include them in the next newsletter. Meanwhile when inspecting your property ensure that you bear the current standards in mind. If replacing windows it may be prudent to place restrictors on them to protect children and also consider the energy efficiency of the windows. The current Housing Standards Regulations are on the IPOA Website. Below are some of the requirements that frequently cause properties to fail inspections.

Fire Safety

(i) Multi-unit dwellings are required to contain a mains-wired smoke alarm, a fire blanket, emergency lighting in common areas and an emergency evacuation plan.

(ii) Rental units that do not form part of a multiple unit must have a fire blanket and either a mains-wired smoke alarm or at least two 10-year self-contained battery-operated smoke alarms.

Heating Facilities

All habitable rooms must contain a fixed appliance (or appliances) capable of providing effective heating. The tenant must be able to control the operation of the heating appliance.

Ventilation

All habitable rooms must have adequate ventilation, maintained in good repair and working order. Kitchens and bathrooms must be provided with adequate ventilation for the removal of water vapour to the external air.



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