



**Tithe an
Oireachtais
Houses of the
Oireachtas**

TITHE AN OIREACHTAIS

An Comhchoiste um Thithíocht, Pleanáil agus Rialtas Áitiúil

**Tuarascáil ón gComhchoiste ar Scém Ghinearálta an Bhille um
Thionóntachtaí Cónaithe (Leasú), 2018**

Iúil 2018

HOUSES OF THE OIREACHTAS

Joint Committee on Housing, Planning & Local Government

**Report of the Joint Committee on the General Scheme of the
Residential Tenancies (Amendment) Bill 2018**

July 2018

32/HPLG/12

PREFACE



On 10th May 2018, the Minister for Housing, Planning & Local Government, Mr. Eoghan Murphy T.D., submitted the General Scheme of the Residential Tenancies (Amendment) Bill 2018 to the Joint Committee on Housing, Planning & Local Government in accordance with Standing Orders for the purpose of pre-legislative scrutiny ('PLS') of the General Scheme.

The Joint Committee agreed to undertake pre-legislative scrutiny of the General Scheme and the Committee has endeavoured to scrutinise the proposed legislation and provide recommendations on areas where it believes change or amendments are warranted. The approach taken by the Committee in reporting on the scrutiny of the General Scheme was not to examine each part of the General Scheme, rather to identify the most critical issues and to focus on these.

The General Scheme of the Residential Tenancies (Amendment) Bill 2018 contains 17 heads. The proposed Bill aims to enhance the investigation and enforcement powers of the Residential Tenancies Board (RTB), provide for clarification of requirements (e.g. notifications related to registered tenancies) under the Residential Tenancies Act 2004, as amended (the 2004 Act or Act of 2004), change procedures and processes regarding provision of information to the RTB, extend the minimum notice periods of termination of tenancies by landlords and to provide for related offences.

The Committee has identified ten key issues and made recommendations on these issues which are explained in detail in the body of the Report. The Committee has made these recommendations in the hope that they will assist Minister Murphy and Department officials in improving this important piece of legislation.

I would like to thank all the individuals and groups who assisted and contributed to our consideration of this subject.



Maria Bailey TD
Chair of the Joint Committee
July 2018

INTRODUCTION

In line with Standing Order 146A the General Scheme of the Residential Tenancies (Amendment) Bill 2018 (the Bill) was referred to the Joint Oireachtas Committee on 10th May 2018 and a decision was made by the Joint Committee to undertake pre-legislative scrutiny. The Committee held pre-legislative scrutiny meetings on the Bill on Tuesday, 12th June 2018 and Thursday, 14th June 2018. The General Scheme of the Bill is comprised of 17 Heads.

The purpose of the proposed legislation is to -

- Provide for enhanced powers of investigation and enforcement to the Residential Tenancies Board (RTB).
- Insert new definitions into the Residential Tenancies 2004 Act, as amended, to provide for a new sanctions procedure.
- Provide for notification procedures and related offences on landlords in rent pressure zones.
- Amend wording of the 2004 Act to clarify that further Part 4 tenancies are to be treated as an extension of a Part 4 tenancy and not a new tenancy.
- Extend the minimum notice periods of termination of tenancies by landlords.
- Change the term 'duration of tenancy' to 'duration of occupation' for clarification purposes to ensure minimum notice periods are correctly applied.
- Provide for a technical amendment to the 2004 Act to require the RTB to publish a determination order.
- Remove a restriction to the disclosure of the amount of rent payable by rental property on the published register of tenancies produced by the RTB.
- Clarify that an address for both an agent and the landlord of a rental property must be provided to register a tenancy. In addition, it will be clarified that the address provided for registration may be used for other purposes such as for correspondence for enforcement proceedings for example.
- Make it an offence for failure to provide the RTB with information related to the particulars entered on the register of tenancies; provision of procedures to be followed by the RTB in pursuing outstanding information from the landlord; and, a requirement for a landlord or agent to notify the RTB of any changes entered in the register.
- Insert a new section to be clear that information or data collected by the RTB for a specific purpose may be used to discharge any or all of its functions.

- The proposed new sanctioning mechanism under Part 2 of this Bill will apply in the event of contraventions of:
 - Application of the annual rent increase limit (4%) in Rent Pressure Zones (RPZ);
 - A new requirement, if requested, to provide the Board with a schedule of rents;
 - Failure to comply with the obligation to apply to register tenancy; and
 - Failure to update the RTB register with particulars of rent alteration information required or to provide sufficient reasons for not doing so.

The Bill's key aim is to enhance and strengthen the implementation of the Rent Pressure Zones and intends to address a number of key tenant protection issues, provide greater transparency arounds rents, as well as enhancing and strengthening the powers and functions of the RTB, particularly in investigating and enforcing tenancy law.

RESIDENTIAL TENANCIES (AMENDMENT) BILL 2018 – PRIVATE MEMBERS BILL

In January 2018 Deputy Róisín Shortall introduced a Private Members Bill (PMB) to Dáil Éireann entitled Residential Tenancies (Amendment) Bill 2018. The stated purpose of the PMB is to change legislation in order to strengthen rights of tenants and help reduce the risk of homelessness. The Bill was referred to the Select Committee on Housing, Planning & Local Government on 23rd January 2018. A comparison of the PMB's three proposed amendments to the 2004 Act, with Government's proposed legislation is provided below.

In a Dáil Debate¹ on 30 May 2018 Deputy Catherine Murphy stated that: "*The recent Residential Tenancies (Amendment) Bill proposed by the Social Democrats was largely adopted by Government*". Deputy Róisín Shortall had previously welcomed the Government's proposals.

1) A change to minimum notice periods for terminations by landlords

The PMB proposed a change to the legal minimum notice period for all tenancies of less than one year duration to 90 days and 120 days for all tenancies between one and five years duration. The Deputy stated that this would bring Ireland into line with other countries such

as France, the Netherlands, Sweden and Germany where generally a minimum notice period of three months or more is required.

While the General Scheme of the Government Bill takes account of this proposal, it does not propose to amend the minimum termination notice period to 90 days for tenancies of less than six months, as it is viewed as excessive in that context, whereby it might deter landlords from entering the market.

The General Scheme proposes the following minimum notice of termination periods;

Duration of Occupation	Notice Period in GS	Notice period in the PMB
Less than 6 months	28 days	90 days
6 or more months but less than 1 year	90 days	90 days
1 year or more but less than 2 years	120 days	120 days
2 years or more but less than 3 years	120 days	120 days
3 years or more but less than 4 years	120 days	120 days
4 years or more but less than 5 years	120 days	120 days
5 years or more but less than 6 years	140 days	140 days
6 years or more but less than 7 years	168 days	168 days
7 years or more but less than 8 years	196 days	196 days
8 or more years	224 days	224 days

2) Access to details on the amount of rent paid by prior tenants

The PMB proposes that to improve transparency, new tenants should have access (free of charge) to details of the amount of rent paid by previous tenants, on request to the RTB. This would mean, for example, that new tenants could be more assured that rent limits, such as those in rent pressure zones (RPZs), are being correctly applied.

The General Scheme proposes that the 2004 Act be amended so that landlords are required to provide details of rents charged^s to the RTB (if required by the RTB). It is an offence not to provide this information nor adhere to rent cap provisions.

Currently the RTB publishes a tenancy register, which includes information on the address of a tenancy, and number of bedrooms. The General Scheme proposes that the published register of tenancies can now include the rent payable.

This removes a restriction previously applied to disclosure of such information. The General Scheme says that while such information is personal to the landlord and tenants, the wider public interest is served in publishing this information to ensure rents do not exceed market rent. Tenants would thereby have access to reliable information on rents in a locality, and landlords can ensure that the rent they charge is not above the market rent.

The General Scheme also proposes to make it explicit that information it gathers for a specific purpose, such as registration, can be used by the RTB to discharge any or all of its functions under the Act.

3) Raising the fine for a summary conviction for an offence under the 2004 Act

The PMB proposed that the maximum penalty that applies for an offence under section 9 (offences) of the 2004 Act should be raised from €3,000 to €15,000.

The General Scheme proposes that a new sanctions regime (additional to that in section 9 of the 2004 Act) is inserted into the 2004 Act. The sanction can include a fine up of to €15,000 which is the maximum monetary amount within the jurisdiction of a District Court.

This sanction regime would apply to cases of contravention of:

Application of the annual rent increase limit (4%) in RPZs;

- A new requirement to provide the Board with a schedule of rents, if requested;
- Failure to comply with the obligation to apply to register a tenancy; and
- Failure to update the RTB register required or to provide sufficient reason for doing so.

Furthermore, the General Scheme states that (in terms of authorized officer powers for the purpose of investigation) a person withholding or destroying information, refusal to comply with requirements, obstructs or hinders an authorised officer is guilty of an offence liable on summary conviction to a class A fine or imprisonment not exceeding 12 months or both, or on conviction of indictment to a fine not exceeding €50,000 or imprisonment for a term not exceeding 5 years or both.

KEY ISSUES WITH THE PROPOSED LEGISLATION

In examining the General Scheme the Committee have identified areas where further consideration should be provided. These areas are outlined as key issues within this report.

KEY ISSUE 1: IMPACT OF REGULATORY MEASURES ON SUPPLY IN THE MARKET

There is a recognised shortage of supply in the private rental sector at present. With the proposed introduction of legislation that will impact the industry there is a need to be cognisant of the potential for unintended consequences on supply in the market, as a result of further regulatory measures imposed on the private rental market.

The Residential Tenancies Board (RTB) has stated that there are indications that some landlords are exiting the market. The number of private rental tenancies in the sector last year fell from approximately 319,000 to 316,000, while this is minimal, it is the first annual reduction in the total number registered with the RTB since 2010 and should be monitored.

The RTB stated that in terms of changes to minimum notice periods by landlords, it is important that this is balanced by providing quicker and more effective access to the judicial system. Where a landlord has served an invalid notice of termination, the remedying notice will only have to be for an additional 28 days (to the original notice). This, according to the RTB is important to allow a remedy for error or the market may become unattractive to landlords.

The Irish Property Owner's Association (IPOA) suggested that there is a concern that this legislation will result in market exit of landlords. The Irish rental market is dominated by small investors and the complexities of letting will lead to market exit as continual interference in the rental market has undermined the sector.

There are potential measures which could offset the potential impact of increasing regulation in the market. In this regard, Threshold and the IPOA suggested that the tax treatment of landlords needs to be examined in order for a rebalance to occur.

Recommendations

The Committee recommend that:

- consideration be given to the possible introduction of tax and subsidy incentives to encourage small scale landlords to remain or participate in the rental market.
- regular post-enactment reviews be undertaken to assess whether the proposed

legislative measures are working as intended and have not had a substantial negative impact on supply.

KEY ISSUE 2: CONSTITUTIONALITY / PROPORTIONALITY OF SANCTIONS REGIME

The focus of the proposed legislation is to provide the RTB with more effective powers to regulate the sector. The proposed legislation gives the RTB powers to directly investigate and sanction landlords for various proposed contraventions.

The RTB stated that the new powers are based on a civil sanctions regime which does not need to be referred to the courts. The RTB indicated that it will therefore be able to determine whether civil sanctions or criminal prosecution is appropriate.

The RTB acknowledged that they believe there to be a benefit to a sanctions model in that it is a civil based approach. For example, the RTB stated that for non-registration of tenancies, the RTB currently have to pursue the criminal route, which is difficult and means investigations are limited. The RTB hope to avail of the civil sanctions model provided for in the legislation as another means of enforcement.

However, the RTB indicated that Head 5 (Amendment to Section 19 of the Act of 2004) of the General Scheme suggests landlords should be obliged to tell the RTB about any changes to a tenancy, and failure to do so would be a criminal offence. In terms of enforcement this would not be practical, and in terms of proportionality, criminal sanctions for landlords who forget to tell the RTB of a rent review may be excessive.

The IPOA highlighted that they believe there to be constitutional issues with the proposals. The IPOA noted that giving powers of criminal sanctions to the RTB may be in contravention of the separation of powers in the Constitution. They argue that the provisions in the legislation “do not correspond with natural justice as they treat the RTB as judge, jury and prosecutor”.

Recommendations

The Committee recommend that:

- an assessment of the constitutionality of the proposed sanctions regime be undertaken.

KEY ISSUE 3: DATA PROTECTION

The General Scheme proposes that additional information requirements are imposed on landlords, and that the provision of information for a specific purpose may be used by the RTB to discharge any of its functions under the 2004 Act (Head 16). The RTB indicated that it is important that with GDPR compliance, the drafting of the Bill gives the RTB explicit powers to publish rents at tenancy level.

Recommendation

The Committee recommend that:

- consideration be given as to whether the information required is excessive or proportionate, and whether its use is compatible with issues of data privacy and GDPR.

KEY ISSUE 4: COMPLEXITY OF THE REGULATORY FRAMEWORK

The RTB, IPOA and Threshold indicated that the regulatory framework for the rental sector (under the 2004 Act) is complicated and it is important that the legislation and framework is simplified. For example, the RTB indicated that a technical issue with the current framework is the need for landlords to provide three comparable rents in a rent review notice. Many landlords, when trying to obey the law, are being found not in compliance with this requirement. The RTB believe this requirement should be removed and replaced with something more appropriate.

The RTB stated that in terms of termination notices, in 2015 69% were found to be invalid for technical reasons. This has reduced to 40% through an RTB education programme. 77% of rent reviews are found to be invalid. The RTB believe that tenants and landlords are unsure of what they can go to the RTB about and what their rights and obligations are.

Threshold made a general point that two further amendment Acts are expected in the near future which they believe may add to the complexity of the regulatory framework.

The IPOA stated that the 2004 Act is needlessly complex and that there should be a pause to allow for a detailed review on the subject of the private rental sector in the interest of supply.

Recommendation

The Committee recommend that:

- fast tracking of a revision or consolidation of the 2004 Act with the intention of making the Act easier to navigate and more understandable be undertaken.
- consideration be given to a public information campaign as a way to promote understanding of tenant and landlord rights and obligations.

KEY ISSUE 5: TENANCY REGISTRATION

The RTB raised concerns regarding publication of rents information. The RTB noted that the publication of rental information is only effective if annual registration is introduced. A landlord is currently required to register every new tenancy or a further Part 4 with the RTB. The RTB said that it needs annual data so it can identify rents registered every year as data may otherwise be misleading (i.e. out of date).

The proposed legislation seeks to address this by requiring landlords to notify the RTB of rent reviews and any other updates to a tenancy, making it a criminal offence not to do so. The RTB indicate this may be unreliable as they will not know if a landlord has changed the rent and not notified the RTB. Furthermore, making it a criminal offence not to notify the RTB of a rent review is seen as not proportionate or effective.

The RTB suggested that annual registration is simpler and more effective. The RTB noted that if data was available on an annual basis, the RTB could determine what rent increases were above 4%, and what properties were exempt.

The General Scheme amends section 139 of the 2004 Act to place an onus on landlords to come forward and tell the RTB of every rent review. The RTB have highlighted that this may involve a lot of work to confirm this. The RTB suggested that writing to every landlord every year would cost €174,000 and the RTB see annual registration as more effective.

Recommendations

The Committee recommend that:

- an analysis be undertaken as to whether a requirement for landlords to register their tenancies each year is a more effective approach to regulation and outweighs any potential additional burden that would be placed on landlords.

KEY ISSUE 6: REALIGNMENT OF RENT PRESSURE ZONE RENTS

The RTB stated that the current Rental Pressure Zone (RPZ) incentivises chasing the market and can make some rental stock unattractive to investors (where rent charged was below market rents at the time of implementation of the RPZ). A way of addressing the issue is to allow for the periodic realignment of rents.

The IPOA were also of the view that the Bill should address an issue for landlords who were charging below market rent before implementation of RPZs and that the Bill should include a method for bringing rents below market rent to market rent levels.

Recommendations

The Committee recommend that:

- consideration be given as to whether it is appropriate or not to introduce a mechanism for realignment of rents below market rent in RPZs to market rent levels.

KEY ISSUE 7: RESIDENTIAL TENANCIES BOARD RESOURCES

The RTB noted the importance of being given time to recruit and put a system in place to support implementation of regulations. Additionally the RTB indicated that it currently has sanction for 61 staff, with 8 vacancies at present and noted some difficulties in retaining staff. There is a need to ensure that regulations introduced are adequately resourced to allow its effective implementation in a timely manner.

The RTB indicated that work on an external workforce plan is ongoing. The RTB noted that they have received support from the Minister and the Department on the matter.

Threshold also indicated to the Committee that it is important that the enforcement regime is adequately resourced.

Recommendation

The Committee recommend that:

- the workforce plan currently under consideration should be fast tracked, and that any resources identified and agreed upon as being required should be implemented as soon as possible.

KEY ISSUE 8: CLARIFICATION OF THE WORDING IN HEAD 9 - AMENDMENT TO SECTION 66 OF THE 2004 ACT

Threshold raised concerns regarding the wording in Head 9 (Amendment to Section 66 of the 2004 Act) of the General Scheme on termination notice periods by landlords and the additional (to the existing original statutory required notice period) 28 day notice period that applies where a notice period has been found to be invalid.

Threshold expressed concerns that this could be open to mis-interpretation and lead to a situation where an invalid notice is issued by a landlord and then a 28 day notice period is only required.

Recommendation

The Committee recommend that:

- clarity be provided on the wording of the amendment to ensure there is no misunderstanding of its intention.

KEY ISSUE 9: STUDENT ACCOMMODATION APPLICABILITY TO THE 2004 ACT

The Union of Students of Ireland (USI) highlighted that the right of students under licences is absent from the Bill. The USI stated that many of the issues relating to purpose built student accommodation were outlined in Deputy Eoin O’Broin’s Private Members Bill (PMB). The stated aim of this PMB is to amend the 2004 Act to give students in student specific accommodation, under licence, the full protections of the 2004 Act.

The RTB stated that it believes that a lot of student accommodation that is purpose built in the private sector comes within the RTB remit. Purpose built accommodation publicly funded by the Higher Education Authority (HEA) is specifically excluded from RTB legislation, as public bodies do not come within remit.

The RTB further stated that lease length times depend on what people sign up to. Short durations e.g. 9 month lease, usually suit students as they are not around during summer months. When a student leaves college for work there would be little student accommodation available if they stayed in their accommodation. The only difference between student accommodation and regular tenancies is a person does not have a Part 4 right to stay on.

However, the RTB indicated that it would welcome any clarity legislation can provide.

Recommendations

The Committee recommend that:

- clarity be provided on the definition of student accommodation and licences and how the 2004 Act applies to them.
- consideration be given to introducing a section in this legislation to alleviate the confusion in this area.

KEY ISSUE 10: DEPOSIT RETENTION SCHEME

The question of the introduction of a deposit retention scheme in Ireland arose during committee hearings. Section 12 of the 2004 Act states that a landlord shall return or repay promptly any deposit paid by the tenant to the landlord on entering into the agreement for the tenancy or lease, subject to compliance by the tenant with rent arrears, damage above normal wear and tear etc.

The RTB stated that deposit retention is the third most common dispute type they encounter. The percentage of deposit retention disputes that come to the RTB is 1% - 2% of the overall market. The RTB stated that it had concerns regarding the implementation of a deposit protection scheme provided for in legislation in terms of bureaucracy and how easy it would be to implement.

Within the current legislative framework the RTB can not avail of models similar to models used in the UK as the legislation only provides for the RTB implementing the scheme. If legislation was introduced, it would be difficult for the RTB to manage. In addition the RTB have no treasury management ability in current legislation.

If both parties do not agree to return the deposit then the issue must go through the RTB dispute resolution process. The RTB indicated there are changes that could be made to the legislation to make it more effective and that they have previously sent a submission to the Department regarding this. The IPOA suggested that a tenant should lodge rent with the RTB prior to a dispute so the board has the ability to compensate the landlord if the tenant loses the case.

Recommendation

The Committee recommend that:

- an analysis be undertaken on the most appropriate model for a deposit retention scheme and whether amendments to existing legislation should be introduced.

RECOMMENDATIONS

The Committee recommends that:

- consideration be given to the possible introduction of tax and subsidy incentives to encourage small scale landlords to remain or participate in the rental market.
- regular post-enactment reviews be undertaken to assess whether the proposed legislative measures are working as intended, and have not had a substantial negative impact on supply.
- an assessment of the constitutionality of the proposed sanctions regime be undertaken.
- consideration be given as to whether the information required is excessive or proportionate, and whether its use is compatible with issues of data privacy and GDPR.
- fast tracking of a revision or consolidation of the 2004 Act with the intention of making the Act easier to navigate and more understandable be undertaken.
- consideration be given to a public information campaign as a way to promote understanding of tenant and landlord rights and obligations.
- an analysis be undertaken as to whether a requirement for landlords to register their tenancies each year is a more effective approach to regulation and outweighs any potential additional burden that would be placed on landlords.
- consideration be given as to whether it is appropriate or not to introduce a mechanism for realignment of rents below market rent in RPZs to market rent levels.
- the workforce plan currently under consideration should be fast tracked, and that any resources identified and agreed upon as being required should be implemented as soon as possible.
- clarity be provided on the wording of the amendment to ensure there is no misunderstanding of its intention.
- clarity be provided on the definition of student accommodation and licences and how the 2004 Act applies to them.
- consideration be given to introducing a section in this legislation to alleviate the confusion in this area.
- an analysis be undertaken on the most appropriate model for a deposit retention scheme and whether amendments to existing legislation should be introduced.

APPENDIX 1 – ORDERS OF REFERENCE

a. Functions of the Committee – derived from Standing Orders [DSO 84A; SSO 70A]

- (1) The Select Committee shall consider and report to the Dáil on—
 - (a) such aspects of the expenditure, administration and policy of a Government Department or Departments and associated public bodies as the Committee may select, and
 - (b) European Union matters within the remit of the relevant Department or Departments.
- (2) The Select Committee appointed pursuant to this Standing Order may be joined with a Select Committee appointed by Seanad Éireann for the purposes of the functions set out in this Standing Order, other than at paragraph (3), and to report thereon to both Houses of the Oireachtas.
- (3) Without prejudice to the generality of paragraph (1), the Select Committee appointed pursuant to this Standing Order shall consider, in respect of the relevant Department or Departments, such—
 - (a) Bills,
 - (b) proposals contained in any motion, including any motion within the meaning of Standing Order 187,
 - (c) Estimates for Public Services, and
 - (d) other matters

as shall be referred to the Select Committee by the Dáil,
and

- (e) Annual Output Statements including performance, efficiency and effectiveness in the use of public monies, and
- (f) such Value for Money and Policy Reviews as the Select Committee may select.

(4) The Joint Committee may consider the following matters in respect of the relevant Department or Departments and associated public bodies:

(a) matters of policy and governance for which the Minister is officially responsible,

(b) public affairs administered by the Department,

(c) policy issues arising from Value for Money and Policy Reviews conducted or commissioned by the Department,

(d) Government policy and governance in respect of bodies under the aegis of the Department,

(e) policy and governance issues concerning bodies which are partly or wholly funded by the State or which are established or appointed by a member of the Government or the Oireachtas,

(f) the general scheme or draft heads of any Bill,

(g) any post-enactment report laid before either House or both Houses by a member of the Government or Minister of State on any Bill enacted by the Houses of the Oireachtas,

(h) statutory instruments, including those laid or laid in draft before either House or both Houses and those made under the European Communities Acts 1972 to 2009,

(i) strategy statements laid before either or both Houses of the Oireachtas pursuant to the Public Service Management Act 1997,

(j) annual reports or annual reports and accounts, required by law, and laid before either or both Houses of the Oireachtas, of the Department or bodies referred to in subparagraphs (d) and (e) and the overall performance and operational results, statements of strategy and corporate plans of such bodies, and

(k) such other matters as may be referred to it by the Dáil from time to time.

(5) Without prejudice to the generality of paragraph (1), the Joint

Committee appointed pursuant to this Standing Order shall consider, in respect of the relevant Department or Departments—

- (a) EU draft legislative acts standing referred to the Select Committee under Standing Order 114, including the compliance of such acts with the principle of subsidiarity,
 - (b) other proposals for EU legislation and related policy issues, including programmes and guidelines prepared by the European Commission as a basis of possible legislative action,
 - (c) non-legislative documents published by any EU institution in relation to EU policy matters, and
 - (d) matters listed for consideration on the agenda for meetings of the relevant EU Council of Ministers and the outcome of such meetings.
- (6) The Chairman of the Joint Committee appointed pursuant to this Standing Order, who shall be a member of Dáil Éireann, shall also be the Chairman of the Select Committee.
- (7) The following may attend meetings of the Select or Joint Committee appointed pursuant to this Standing Order, for the purposes of the functions set out in paragraph (5) and may take part in proceedings without having a right to vote or to move motions and amendments:
- (a) Members of the European Parliament elected from constituencies in Ireland, including Northern Ireland,
 - (b) Members of the Irish delegation to the Parliamentary Assembly of the Council of Europe, and
 - (c) at the invitation of the Committee, other Members of the European Parliament.

b. Scope and Context of Activities of Committees (as derived from Standing Orders) [DSO 84; SSO 70]

- (1) The Joint Committee may only consider such matters, engage in such activities, exercise such powers and discharge such functions as are specifically authorised under its orders of reference and under Standing Orders.
- (2) Such matters, activities, powers and functions shall be relevant to, and shall arise only in the context of, the preparation of a report to the Dáil and/or Seanad.
- (3) The Joint Committee shall not consider any matter which is being considered, or of which notice has been given of a proposal to consider, by the Committee of Public Accounts pursuant to Standing Order 186 and/or the Comptroller and Auditor General (Amendment) Act 1993.
- (4) The Joint Committee shall refrain from inquiring into in public session or publishing confidential information regarding any matter if so requested, for stated reasons given in writing, by—
 - (a) a member of the Government or a Minister of State, or
 - (b) the principal office-holder of a body under the aegis of a Department or which is partly or wholly funded by the State or established or appointed by a member of the Government or by the Oireachtas:

Provided that the Chairman may appeal any such request made to the Ceann Comhairle / Cathaoirleach whose decision shall be final.
- (5) It shall be an instruction to all Select Committees to which Bills are referred that they shall ensure that not more than two Select Committees shall meet to consider a Bill on any given day, unless the Dáil, after due notice given by the Chairman of the Select Committee, waives this instruction on motion made by the Taoiseach pursuant to Dáil Standing Order 28. The Chairmen of Select Committees shall have responsibility for compliance with this instruction.

APPENDIX 2 – COMMITTEE MEMBERSHIP

Deputies: Maria Bailey – Chair (FG)
Pat Casey – Vice Chair (FF)
Ruth Coppinger (Solidarity-PBP)
Darragh O'Brien (FF)
Mattie McGrath (IND) – Rural Independent Technical Group
Eoin O Broin (SF)
Fergus O'Dowd (FG)

Senators: Victor Boyhan (IND)
Martin Conway (FG)
Jennifer Murnane O'Connor (FF)
Grace O'Sullivan (GP)

Notes:

1. Deputies nominated by the Dáil Committee of Selection and appointed by Order of the Dáil of 16 June 2016.
2. Senators nominated by the Seanad Committee of Selection and appointed by Order of the Seanad on 21 July 2016.
3. Elected Vice Chair on 24 May 2017

APPENDIX 3 – LIST OF WITNESSES

❖ **Residential Tenancies Board**

Ms Caitríona Walsh

Ms Rosalind Carroll

Ms Kathryn Ward

Ms Caren Gallagher

❖ **Threshold**

Mr John-Mark McCafferty

Mr Gavin Elliott

❖ **Irish Property Owners Association**

Mr Tom O'Brien

Ms Margaret McCormick

❖ **The Union of Students in Ireland**

Mr Michael Kerrigan

Ms Amy Kelly

APPENDIX 4 – LINKS TO MEETING TRANSCRIPTS

[Meeting of 12 June 2018](#)

[Meeting of 14 June 2018](#)

APPENDIX 5 – LINKS TO SUBMISSIONS & OPENING STATEMENTS

- ❖ Residential Tenancies Board
- ❖ Threshold
- ❖ Irish Property Owners Association
- ❖ The Union of Students in Ireland

