



An Bille um Thionóntachtaí Cónaithe (Uimh. 2), 2021
Residential Tenancies (No. 2) Bill 2021

Mar a tionscnaíodh

As initiated



AN BILLE UM THIONÓNTACHTAÍ CÓNAITHE (UIMH. 2), 2021
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ACTS REFERRED TO

Planning and Development, and Residential Tenancies, Act 2020 (No. 27)

Residential Tenancies Act 2004 (No. 27)



AN BILLE UM THIONÓNTACHTAÍ CÓNAITHE (UIMH. 2), 2021
RESIDENTIAL TENANCIES (NO. 2) BILL 2021

Bill

entitled

An Act to extend the emergency period specified in the Planning and Development, and Residential Tenancies, Act 2020; for that purpose to amend that Act; to provide for the giving of a minimum notice period by students; to restrict payments required to be made by tenants; for those purposes to amend the Residential Tenancies Act 2004; and to provide for matters connected therewith. 5

WHEREAS the disease known as Covid-19, and the emergence of variants of the disease, with evidence of increased transmissibility and the potential to evade immune response presents a serious risk to public health, and consequently it continues to be necessary for the State to adopt extraordinary measures and safeguards aimed at containing that disease and preventing, minimising and reducing the risk of infection of persons; 10 15

WHEREAS the rise in unemployment owing to the negative impacts of the public health emergency in the closing down of sectors of the economy has had an adverse impact on persons who reside in residential tenancy accommodation and, in particular, has adversely impacted on their ability to meet their rental obligations to pay rent due, thereby presenting a very serious risk that a significant number of residential tenancies will be terminated by landlords during the remainder of 2021; 20

WHEREAS any significant increase in termination of residential tenancies by landlords during the remainder of 2021 would cause acute aggravation of difficulties in the residential accommodation sector including difficulties relating to overcrowding, thereby presenting a substantial risk of increased spread of that disease; 25

WHEREAS measures are required to protect tenants, including students, from being required to pay excessive amounts of advance rent and to limit the period of notice that students are required to give;

WHEREAS the State has already taken significant measures to deal with the

aforementioned crisis including measures to support the economy and persons and businesses which have required and continue to require substantial disbursement and expenditure of public moneys and where such measures have enabled persons to meet obligations including rental obligations that they might not otherwise have been in a position to discharge;

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Be it enacted by the Oireachtas as follows:

Definitions

1. In this Act—

“Act of 2004” means the Residential Tenancies Act 2004;

“Minister” means the Minister for Housing, Local Government and Heritage.

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Amendment of Planning and Development, and Residential Tenancies, Act 2020

2. The Planning and Development, and Residential Tenancies, Act 2020 is amended—

(a) in section 9, by the substitution of “12 January 2022” for “12 July 2021” in the definition of “emergency period” in subsection (1),

(b) in section 10, by the substitution of “12 January 2022” for “12 July 2021” in paragraph (b) of the definition of “relevant person” in subsection (6),

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(c) in section 11, by the substitution of “12 January 2022” for “12 July 2021” in paragraph (b) of the definition of “relevant person” in subsection (6), and

(d) in section 12, by the substitution of “13 January 2022” for “13 July 2021” in:

(i) subparagraph (ii) of paragraph (a) of subsection (1);

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(ii) paragraph (a) of subsection (1A);

(iii) subparagraph (i) of paragraph (c) of subsection (1A);

(iv) paragraph (a) of subsection (2).

Amendment of section 3 of Act of 2004

3. Section 3 of the Act of 2004 is amended, in subsection (7), by the substitution of “sections 60, 70,” for “sections 70” in paragraph (b).

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Amendment of section 16 of Act of 2004

4. Section 16 of the Act of 2004 is amended, in paragraph (a)—

(a) by the substitution of “tenancy agreement” for “tenancy concerned” in subparagraph (i),

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(b) by the deletion of “and” between subparagraphs (i) and (ii),

(c) by the substitution of “other enactment), and” for “other enactment),” in subparagraph (ii), and

(d) by the insertion of the following after subparagraph (ii)—

“(iii) the deposit, if any, provided for under the tenancy agreement.”.

Restrictions on amounts payable

5. The Act of 2004 is amended by the insertion of the following section after section 19A:

- “19B. (1) A person shall not be required, for the purpose of securing a tenancy, to make any payment other than—
- (a) an advance payment of rent, which shall be no greater than the amount of rent payable under the tenancy agreement in respect of a period of one month, and
 - (b) a deposit of an amount no greater than that payable under the tenancy agreement as rent in respect of a period of one month.
- (2) A tenancy agreement shall not provide for an advance payment of rent, during the currency of the tenancy, which exceeds an amount that is payable under the tenancy as rent in respect of a period of one month and any payment made under paragraph (a) of subsection (1) shall be treated as an advance payment of rent for the purposes of this subsection.
- (3) Notwithstanding subsections (1)(a) and (2), a tenant of a dwelling referred to in subsection (1A) of section 3 may, if he or she so wishes, and with the agreement of his or her landlord, make an advance payment of rent which exceeds an amount that would be payable under the tenancy as rent in respect of a period of one month.
- (4) Nothing in this section shall prevent a landlord from requiring a tenant to pay to him or her any monies arising from any outstanding legal obligations, whether on foot of the tenancy agreement, any previous tenancy or otherwise.
- (5) This section shall apply to a tenancy created not earlier than one month after the passing of the *Residential Tenancies (No. 2) Act 2021*.”.

Amendment of section 57 of Act of 2004

6. Section 57 of the Act of 2004 is amended, in paragraph (a), by the substitution of “(by reason of the operation of sections 3(7)(c) or 25)” for “(by reason of the operation of section 25)”.

Amendment of section 58 of Act of 2004

7. Section 58 of the Act of 2004 is amended, in subsection (2)—

- (a) by the deletion of “or” between paragraphs (a) and (b),
- (b) by the substitution of “applies, or” for “applies” in paragraph (b), and
- (c) by the insertion of the following paragraph after paragraph (b):

“(c) a tenancy of a dwelling referred to in subsection (1A) of section 3.”.

Amendment of section 65 of Act of 2004

8. Section 65 of the Act of 2004 is amended by the insertion of the following subsection after subsection (4)— 5

“(5) In the case of a tenancy of a dwelling referred to in subsection (1A) of section 3 a period of notice of more than 28 days may be given by a tenant in accordance with subsection (2C) of section 66.”.

Amendment of section 66 of Act of 2004

9. Section 66 of the Act of 2004 is amended— 10

(a) by the substitution of “by the landlord” for “by the landlord or tenant” in subsection (2B), and

(b) by the insertion of the following subsection after subsection (2B):

“(2C) Where this section applies, the period of notice to be given in respect of a tenancy referred to in subsection (1A) of section 3 by the tenant and specified in the notice of termination shall be 28 days or such longer period as the tenant chooses.”. 15

Amendment of section 78 of Act of 2004

10. Section 78 of the Act of 2004 is amended by the insertion of the following paragraph after paragraph (a): 20

“(aa) any payment made to which section 19B applies.”.

Amendment to Schedule 2 to Act of 2004

11. Schedule 2 to the Act of 2004 is amended by the insertion of the following paragraph after paragraph (a):

“(aa) the seeking by the landlord of a payment to him or her of an amount or amounts in contravention of section 19B.”. 25

Short title and collective citation

12. (1) This Act may be cited as the Residential Tenancies (No. 2) Act 2021.

(2) This Act shall be included in the collective citation “Residential Tenancies Acts 2004 to 2021”. 30

An Bille um Thionóntachtaí Cónaithe
(Uimh. 2), 2021

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht d'fhadú na tréimhse éigeandála a shonraítear san Acht um Pleanáil agus Forbairt agus um Thionóntachtaí Cónaithe, 2020; chun na críche sin, do leasú an Achta sin; do dhéanamh socrú maidir le tréimhse fógra íosta a bheidh le tabhairt ag mic léinn; do shrianadh íocaíochtaí is gá do thionóntaí a dhéanamh; chun na gcríoch sin, do leasú an Achta um Thionóntachtaí Cónaithe, 2004; agus do dhéanamh socrú i dtaobh nithe a bhaineann leis an méid sin.

*An tAire Tithíochta, Rialtais Áitiúil agus
Oidhreacht a thíolaic,*

17 Meitheamh, 2021

Residential Tenancies (No. 2) Bill 2021

BILL

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An Act to extend the emergency period specified in the Planning and Development, and Residential Tenancies, Act 2020; for that purpose to amend that Act; to provide for the giving of a minimum notice period by students; to restrict payments required to be made by tenants; for those purposes to amend the Residential Tenancies Act 2004; and to provide for matters connected therewith.

*Presented by the Minister for Housing, Local
Government and Heritage,*

17th June, 2021
