



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

Mar a tionscnaíodh

As initiated



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ACTS REFERRED TO

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

Residential Tenancies (Amendment) Act 2019 (No. 14)

Residential Tenancies Act 2004 (No. 27)

Residential Tenancies and Valuation Act 2020 (No. 7)



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

Bill

entitled

An Act to provide for the conversion of certain residential tenancies to residential tenancies of unlimited duration; to make provision in relation to the setting of rents in rent pressure zones; to make provision in relation to the payment of fees in respect of the registration of certain tenancies; for those purposes to amend the Residential Tenancies Act 2004; and to provide for matters connected therewith. 5

Be it enacted by the Oireachtas as follows: 10

Definition

1. In this Act “Principal Act” means the Residential Tenancies Act 2004.

Amendment of section 6 of Principal Act

2. Section 6 of the Principal Act is amended, in subsection (1), by the substitution of “this Act, section 4 of the Residential Tenancies and Valuation Act 2020, section 10 or 11 of the Planning and Development, and Residential Tenancies, Act 2020 or *section 5* of the *Residential Tenancies (Amendment) Act 2021*” for “this Act, section 4 of the Residential Tenancies and Valuation Act 2020 or section 10 or 11 of the Planning and Development, and Residential Tenancies, Act 2020”. 15

Amendment of section 19 of Principal Act

3. (1) Section 19 of the Principal Act is amended— 20

(a) by the substitution of the following subsection for subsection (4):

“(4) (a) The setting (in this subsection referred to as the ‘next setting’) of a rent under the tenancy of a dwelling in a rent pressure zone at any time after the commencement of *section 3* of the *Residential Tenancies (Amendment) Act 2021* shall neither— 25

(i) result in such increase in rent as would cause the new rent under the tenancy to exceed the old rent by more than the relevant percentage, nor

- (ii) result in such increase in rent as would cause the ratio of the new rent under the tenancy to the old rent to exceed the ratio of the current HICP value to the previous HICP value.
- (b) In this subsection—
- ‘current HICP value’ means the HICP value published by the Board in accordance with subsection (4C) relating— 5
- (a) to the month immediately preceding the month in which the next setting takes place, or
 - (b) in a case in which the HICP value relating to the month first-mentioned in paragraph (a) is not so published on or before the next setting, to the month immediately preceding that month; 10
- ‘new rent’ means, in relation to the tenancy of a dwelling, the rent under the tenancy set at the next setting;
- ‘old rent’ means, in relation to the tenancy of a dwelling—
- (a) the rent under that tenancy set at the previous setting, or 15
 - (b) where that tenancy is a new tenancy, the rent under the tenancy (immediately preceding the new tenancy) of that dwelling set at the previous setting;
- ‘previous HICP value’ means—
- (a) in relation to a previous setting that took place before the commencement of *section 3 of the Residential Tenancies (Amendment) Act 2021*, the HICP value published by the Board in accordance with subsection (4C) relating to the month in which the previous setting took place, 20
 - (b) in relation to a previous setting that takes place on or after such commencement— 25
 - (i) the HICP value published by the Board in accordance with subsection (4C) relating to the month immediately preceding the month in which the previous setting took place, or
 - (ii) in circumstances where the HICP value referred to in subparagraph (i) was not so published by the time the previous setting took place, the HICP value so published relating to the month immediately preceding the month first-mentioned in that subparagraph; 30
- ‘previous setting’ means, in relation to the next setting of a rent under the tenancy of a dwelling, the most recent setting (before the next setting) of the rent under— 35
- (a) that tenancy of the dwelling, or
 - (b) where the next setting relates to a new tenancy of that dwelling, the tenancy of that dwelling immediately preceding the new tenancy; 40

‘relevant percentage’ means, in relation to the setting of the rent under the tenancy of a dwelling—

- (a) 2 per cent of the old rent in respect of each year that has elapsed since the previous setting, and
 - (b) as respects any additional period that has elapsed between the previous setting and the next setting that is shorter than a year, such percentage as bears to 2 per cent the same proportion that that period bears to a year. 5
 - (c) For the purposes of this subsection, a tenancy immediately precedes a new tenancy if— 10
 - (i) it expired at any time—
 - (I) during the period of 2 years prior to the creation or coming into being of the new tenancy, or
 - (II) in the case of a new tenancy to which subparagraph (i) of paragraph (a) of subsection (5) applies, during the period of one year prior to the creation or coming into being of the new tenancy, 15
 - and
 - (ii) no other tenancy was created or came into being during the period between the expiration of that tenancy and the creation, or coming into being, of the new tenancy.”, 20
 - (b) the deletion of subsections (4A) and (4B),
 - (c) in subsection (4C), by the substitution, in paragraph (a), of “subsection (4)” for “the method set out in subsection (4B)”,
 - (d) in subsection (4D), by— 25
 - (i) the substitution of “subsections (4) and (4C)” for “subsections (4A) to (4C)”,
 - (ii) the insertion, in paragraph (b), of “and” after “subsection (4C)(b).”,
 - (iii) the substitution, in paragraph (c), of “table.” for “table, and”, and
 - (iv) the deletion of paragraph (d),
 - (e) in subsection (5), by the substitution of “Subsection (4) does not apply” for “Subsections (4) and (4A) do not apply”, 30
 - (f) in subsection (6), by the substitution of “subsections (3) and (4)” for “subsections (3), (4) and (4A)”,
 - (g) in subsection (6A), by the deletion of “or, as the case may be, (4A)”, and
 - (h) in subsection (7), by the deletion of the definition of “new date”. 35
- (2) The Minister shall—

- (a) not earlier than 12 months and not later than 15 months after the commencement of this section, conduct a review of the operation of subsection (4) of section 19 of the Principal Act, and
- (b) not later than 3 months after the commencement of that review, make a report in writing to each House of the Oireachtas of his or her findings and conclusions resulting from that review. 5

Amendment of Principal Act consequent upon section 3

4. The Principal Act is amended—

- (a) in section 22, by the substitution, in paragraph (g) of subsection (2A), of “section 19(4)” for “section 19(4A)” in each place that it occurs, and 10
- (b) in Schedule 2, by the substitution, in paragraph (a), of “subsection (4) or (5B) of section 19” for “subsection (4), (4A) or (5B) of section 19”.

Amendment of Part 4 of Principal Act

5. (1) Part 4 of the Principal Act is amended—

- (a) in section 28, by the substitution of the following subsection for subsections (1) and (2): 15
 - “(1) Where a person has been in occupation of a dwelling under a tenancy for a continuous period of 6 months and the condition specified in subsection (3) is satisfied, that tenancy shall, subject to Chapter 3, remain in existence for a period of unlimited duration from the date on which the first-mentioned period expires.”, 20
- (b) in section 34, by the deletion of paragraph (b), and
- (c) by the deletion of Chapters 4 and 5.
- (2) Subject to *subsection (3)*, Part 4 of the Principal Act shall have effect in relation to tenancies of dwellings created, or that came into being, before the commencement of this section as if this section had not been enacted. 25
- (3) (a) A landlord under a tenancy of a dwelling created, or that came into being, before the commencement of this section and in existence on such commencement may, by notice, in writing and in such form as shall be specified by the Board, inform the tenant under the tenancy that the landlord consents to the application of Part 4 of the Principal Act as amended by *subsection (1)* to that tenancy and, accordingly, upon receipt by the tenant of such notice, the said Part 4 as so amended shall have effect in relation to that tenancy. 30
- (b) A form specified in accordance with *paragraph (a)* shall include an explanation of the effect of the giving of a consent under that paragraph in relation to a tenancy of a dwelling. 35
- (4) This section shall come into operation on the day that falls 6 months after the date of the passing of this Act.

Amendment of section 64B of Principal Act

6. (1) Section 64B of the Principal Act is amended by the insertion of the following subsection:

“(1A) (a) For the purposes of this Chapter—

(i) a tenancy (in this paragraph referred to as a ‘new tenancy’) of a dwelling created immediately following the expiration of a relevant Part 4 tenancy of that dwelling, and 5

(ii) that relevant Part 4 tenancy,

shall be treated as one tenancy if the parties to the new tenancy and the parties to that relevant Part 4 tenancy are the same, and references in this Chapter to duration of tenancy shall be construed accordingly. 10

(b) For the purposes of this Chapter—

(i) a tenancy (in this paragraph referred to as a ‘new tenancy’) of a dwelling created immediately following the expiration of a relevant further Part 4 tenancy of that dwelling, 15

(ii) that relevant further Part 4 tenancy, and

(iii) any Part 4 tenancy or further Part 4 tenancy of the dwelling concerned immediately preceding that relevant further Part 4 tenancy, 20

shall be treated as one tenancy if the parties to—

(I) the new tenancy, and

(II) that relevant further Part 4 tenancy,

are the same, and references in this Chapter to duration of tenancy shall be construed accordingly. 25

(c) In this subsection—

‘relevant Part 4 tenancy’ means a Part 4 tenancy that—

(a) came into being before the commencement of *section 5* of the *Residential Tenancies (Amendment) Act 2021*, and

(b) expired on or after such commencement; and 30

‘relevant further Part 4 tenancy’ means a further Part 4 tenancy that—

(a) came into being before the commencement of *section 5* of the *Residential Tenancies (Amendment) Act 2021*, and

(b) expired on or after such commencement.”. 35

(2) This section shall come into operation on the day that *section 5* comes into operation.

Amendment of section 134 of Principal Act

7. (1) Section 134 of the Principal Act is amended—
- (a) in paragraph (b) of subsection (3), by the substitution of “subsections (3B) and (4)” for “subsection (4)”, and
 - (b) by the insertion of the following subsection: 5
“(3B) A fee shall not be payable in respect of an application to register a further Part 4 tenancy in accordance with paragraph (b) of subsection (1) (inserted by paragraph (a) of subsection (1) of section 22 of the Residential Tenancies (Amendment) Act 2019) of section 134 if—
 - (a) an application to register the tenancy was made in accordance with 10
Part 7 before the commencement of paragraph (a) of section 23 of the Residential Tenancies (Amendment) Act 2019, and
 - (b) the fee in respect of that application is paid not later than one month after such commencement.”.
- (2) This section shall come into operation on such day as the Minister for Housing, Local 15
Government and Heritage may by order appoint.

Short title and collective citation

8. (1) This Act may be cited as the Residential Tenancies (Amendment) Act 2021.
- (2) This Act shall be included in the collective citation the Residential Tenancies Acts 2004 to 2021. 20

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

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do dhéanamh socrú maidir le tionóntachtaí cónaithe áirithe a chomhshó ina dtionóntachtaí cónaithe lena bhfuil ré neamhtheoranta; do dhéanamh socrú i ndáil le cíosa a shocrú i gcíosa brú cíosa; do dhéanamh socrú i ndáil le táillí a íoc i leith tionóntachtaí áirithe a chlárú; chun na gcíoch sin do leasú an Achte um Thionóntachtaí Cónaithe, 2004; agus do dhéanamh socrú i dtaobh nithe a bhaineann leis an méid sin.

*An Seanadóir Ríona Uí Dhochartaigh a thíolaic
thar ceann an Aire Tithíochta, Rialtais Áitiúil agus
Oidhreacht,*

15 Samhain, 2021

Residential Tenancies (Amendment) (No. 2)
Bill 2021

BILL

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*Presented by Senator Regina Doherty on behalf of
the Minister for Housing, Local Government and
Heritage,*

15th November, 2021

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
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