



An Bille um Thionóntachtaí Cónaithe (Leasú), 2024
Residential Tenancies (Amendment) Bill 2024

Mar a tionscnaíodh

As initiated



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ACTS REFERRED TO

Planning and Development (Housing) and Residential Tenancies Act 2016 (No. 17)

Planning and Development Act 2000 (No. 30)

Qualifications and Quality Assurance (Education and Training) Act 2012 (No. 28)

Residential Tenancies Act 2004 (No. 27)



AN BILLE UM THIONÓNTACHTAÍ CÓNAITHE (LEASÚ), 2024
RESIDENTIAL TENANCIES (AMENDMENT) BILL 2024

Bill

entitled

An Act to amend the Residential Tenancies Act 2004 and to provide for related matters. 5

Be it enacted by the Oireachtas as follows:

Definitions

1. In this Act—

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

“Act of 2016” means the Planning and Development (Housing) and Residential Tenancies Act 2016. 10

Amendment of section 3 of Act of 2004

2. Section 3 of the Act of 2004 is amended in subsection (2) by the deletion of paragraph (g).

Amendment of section 5 of Act of 2004

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3. Section 5 of the Act of 2004 is amended—

(a) in subsection (1) by the insertion of the following definitions:

“ ‘licence’ means—

(a) an instrument in writing, whether or not under seal, given by the owner (in this Act referred to as the ‘licensor’) of the dwelling to the tenant (referred to as the ‘licensee’), 20

(b) created not earlier than one month after the commencement of this Act, and

(c) permitting the licensee to enter and reside in a dwelling in consideration of the making by any person (whether or not the licensee) of a payment or payments to the licensor; 25

‘licensee’ means any person renting a room in a dwelling where the licensor also resides and, where the context so admits, includes a person who has ceased to be entitled to that occupation by reason of the termination of his or her licence agreement. 30

‘owner’ has the meaning assigned to it by section 96 of the Planning and Development Act 2000;

‘student’ means any licensee undertaking full time undergraduate or postgraduate studies with a relevant provider, within the meaning of the Qualifications and Quality Assurance (Education and Training) Act 2012;” 5

and

(b) in subsection (2) by inserting the following paragraphs:

“(c) the licensor of a dwelling is a reference to the licensor under a license of the dwelling, and 10

(d) the licensee of a dwelling is a reference to the licensee under a license of the dwelling.”.

Amendment of Act of 2004

4. The Act of 2004 is amended by the insertion of the following section after section 12:

“Obligations of Licensors 15

12A. (1) In addition to the obligations arising by or under any other enactment, a licensor of a dwelling shall—

(a) allow the licensee to enjoy peaceful and exclusive occupation of the room in the dwelling they are renting, unless the licensee has agreed to vacate the room on specified days, and to grant the licensee reasonable access to the dwelling’s facilities, for example the kitchen, bathroom and garden, and 20

(b) allow the licensee a reasonable degree of privacy including permission for a locking system to be applied to the room being rented. 25

(2) If the licence stipulates that the licensor will provide the licensee with meals as part of the agreement, then the licensor must have reasonable regard to any allergies, dietary and nutritional requirements.”.

Amendment of Act of 2004

5. The Act of 2004 is amended by the insertion of the following section after section 14: 30

“Prohibition on penalisation of licensees

14A. (1) A licensor of a dwelling shall not penalise a licensee for—

(a) referring any dispute between the licensee and the licensor to the Board for resolution under Part 6,

(b) giving evidence in any proceedings under Part 6 to which the licensor is a party (whether the license is a party to them or not), 35

(c) making a complaint to a member of the Garda Síochána or to a public authority in relation to any matter arising out of, or in

connection with, the occupation of the dwelling or making an application regarding such a matter to a public authority, or

(d) giving notice of his or her intention to do any or all of the things referred to in the preceding paragraphs.

(2) For the purposes of this section, a licensee is penalised if they are subjected to any action that adversely affects his or her enjoying peaceful occupation of the room being rented and reasonable access to the dwelling's facilities. 5

(3) Such action may constitute penalisation even though it consists of steps taken by the licensor in the exercise of any rights conferred on him or her by or under this Act, any other enactment or the licence agreement concerned if, having regard to— 10

(a) the frequency or extent to which the right is exercised in relation to the licensee,

(b) the proximity in time of its being so exercised to the licensee doing the relevant thing referred to in subsection (1), and 15

(c) any other relevant circumstances,

it is a reasonable inference that the action was intended to penalise the tenant for doing that thing.

(4) This section is without prejudice to any other liability (civil or criminal) the licensor may be subject to for doing a thing prohibited by this section.” 20

Amendment of Act of 2004

6. The Act of 2004 is amended by the insertion of the following section after section 16:

“Obligation of Licensees 25

16A. In addition to the obligations arising by or under any other enactment, a licensee of a dwelling shall—

(a) pay to the licensor or his or her authorised agent (or any other person where required to do so by any enactment)—

(i) the rent provided for under the licence agreement concerned on the date it falls due for payment, and 30

(ii) where the licence agreement provides that any charges or taxes are payable by the licensee, pay those charges or taxes in accordance with the agreement (unless provision to that effect in the agreement is unlawful or contravenes any other enactment), 35

(b) allow, at reasonable intervals, the licensor, or any person or persons acting on the licensor's behalf, access to the room (on a date and time agreed in advance with the licensee) for the purposes of inspecting the room,”

(c) notify the licensor or his or her authorised agent of any defect that 40

arises in the part of the dwelling the licence agreement pertains to that requires to be repaired so as to enable the licensor comply with his or her obligations, in relation to the dwelling or the license, under any enactment,

- (d) allow the licensor, or any person or persons acting on the licensor's behalf, reasonable access to part of the dwelling the licence agreement pertains to for the purposes of allowing any works (the responsibility for the carrying out of which is that of the licensor's) to be carried out, 5
- (e) not alter or improve the parts of the dwelling under licence agreement without the written consent of the licensor which consent the licensor may, in his or her discretion, withhold, 10
- (f) not behave within the dwelling, or in the vicinity of it, in a way that is anti-social,
- (g) not assign or sub-let the room under licence agreement without the written consent of the licensor (which consent the licensor may, in his or her discretion, withhold).". 15

Amendment of section 38 of Act of 2004

7. Section 38 of the Act of 2004 is amended by the insertion of the following subsection after subsection (5): 20

“(6) For the avoidance of doubt, the provisions of this section do not apply to license agreements.”.

Amendment of section 50 of Act of 2004

8. Section 50 of the Act is amended by the substitution of the following for subsection (7):

“(7) (a) A person who is lawfully in occupation of the dwelling concerned as a licensee of the tenant or the multiple tenants, as the case may be, during the subsistence of a Part 4 tenancy may, subject to section 3B(d) and subsection (7A), request the landlord of the dwelling to allow him or her to become a tenant of the dwelling. 25

(b) For the avoidance of doubt, paragraph (a) does not apply to license agreements where the licensor also resides in the dwelling.”. 30

Amendment of section 66 of Act of 2004

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

(a) in subsection (2), by the insertion of the following paragraphs after paragraph (b):

“(c) in the case of a termination by the licensor the period mentioned in column (2) of Table 3 will apply, and 35

(d) in the case of a termination by the licensee the period mentioned in column (2) of Table 4 will apply.”,

and

(b) by the insertion of the following Tables after Table 2:

“Table 3 Termination by Licensor

Duration of Tenancy (1)	Notice Period (2)	5
More than 6 months but less than 1 year	30 days	
Not less than 1 year but less than 7 years	60 days	
More than 7 years	75 days	10

Table 4 Termination by Licensee

Duration of Tenancy (1)	Notice Period (2)	15
More than 6 months but less than 1 year	30 days	
Not less than 1 year but less than 7 years	45 days	
More than 7 years	60 days	

”.

Amendment to section 68 of Act of 2004 20

10. The Act of 2004 is amendment by the substitution of the following section for section 68:

“Period of notice for termination by licensee where landlord is in default

68. (1) This section applies where—

(a) the license agreement is being terminated by the licensee by reason of the failure of the licensor to comply with any obligations of the licence agreement, and 25

(b) in a case falling within subsection (2)(b), the condition specified in subsection (3) in relation to a termination in such a case is satisfied.

(2) Where this section applies the period of notice to be given by the notice of termination is— 30

(a) 7 days, if the license agreement is being terminated by reason of behaviour of the licensor that poses an imminent danger of death or serious injury or imminent danger to the fabric of the dwelling or the property containing the dwelling, or

(b) 28 days, if the license agreement is being terminated for any other reason, regardless of the duration of the licence. 35

(3) The condition mentioned in subsection (1)(b) is—

- (a) the licensor has been notified in writing of the failure concerned by the licensee, and
 - (b) the licensor does not remedy the failure within a reasonable time after being so notified.
- (4) In subsection (3), ‘remedy the failure’ means— 5
- (a) in the case of a failure that does not result in financial loss or damage to the licensee or his or her property, to desist from the conduct that constitutes the failure, or if the failure consists of an omission to comply with an obligation, comply with that obligation, and 10
 - (b) in the case of a failure that does result in financial loss or damage to the licensee or his or her property—
 - (i) to pay adequate compensation to the licensee or repair the damage fully, and
 - (ii) unless the failure is not of a continuing nature, to desist from the conduct that constitutes the failure or comply with the obligation concerned, as the case may be. 15
- (5) This section is subject to section 69 (as amended).”.

Amendment of section 75 of Act of 2004

11. Section 75 of the Act of 2004 is amended— 20

(a) by the substitution of the following subsection for subsection (3):

“(3) For the purposes of subsection (2), “disagreement” shall be deemed to include—

- (a) any issue arising between the parties with regard to the compliance by either with his or her obligations as landlord or tenant under the tenancy, or licensor or licensee under a license agreement, 25
- (b) any matter with regard to the legal relations between the parties that either or both of them requires to be determined (for example, whether the tenancy or license has been validly terminated),

and, without prejudice to the generality of the foregoing, shall be deemed to include a claim by the landlord or licensor for arrears of rent to which the tenant or licensee has not indicated he or she disputes this entitlement but which it is alleged the tenant or licensee has failed to pay.”. 30

and 35

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

“(4) References in this Part to a party, without qualification, are references to—

- (a) a party to the dispute or disagreement concerned,

- (b) in the case of proceedings referred to in section 23 to recover rent or other charges where the landlord, licensor or the person alleged to owe the rent or other charges is deceased, the personal representative of the landlord, licensor or that other person,
- (c) the personal representative of the landlord, licensor, tenant or licensee in any other case where, if the matter were a cause of action (within the meaning of the Civil Liability Act 1961), it would have survived for the benefit of, or against, the estate of the landlord or the tenant, 5
- (d) in the case of a complaint mentioned in section 76(4), the licensee and the landlord, and 10
- (e) in the case of a complaint mentioned in section 77—
 - (i) the complainant, and
 - (ii) the landlord or licensor of the dwelling concerned.”.

Amendment of section 77 of Act of 2004 15

12. Section 77 of the Act of 2004 is amended, in subsection (2), by the substitution of the following paragraph for paragraph (b):

- “(b) before making the reference, the referrer, by communicating or attempting to communicate, with the relevant parties or former parties to the tenancy or license agreement concerned, took all reasonable steps to resolve the matter (but this requirement shall not be read as requiring the institution of legal proceedings or those parties being given to understand that such proceedings might be instituted).”.

Amendment of section 78 of Act of 2004 25

13. Section 78 of the Act of 2004 is amended, in subsection (1)—

(a) by the substitution of the following paragraph for (d):

- “(d) an alleged failure by the tenant or licensee to comply with any of the obligations applicable to them, including those contained in any lease, tenancy or licence agreement,”.

(b) by the substitution of the following paragraph for (e):

- “(e) an alleged failure by the landlord or licensor to comply with any of the obligations applicable to them, including those contained in any lease, tenancy or licence agreement.”.

(c) by the substitution of the following paragraph for (h): 35

- “(h) the appropriate period of notice to be given by a notice of termination in respect of a tenancy or licence agreement,”.

(d) by the substitution of the following paragraph for (l):

“(l) a claim for recovery of costs or damages or both by a landlord, licensor, tenant or licensee, in respect of a failure to comply with his or her obligations applicable to the tenancy, lease of licence agreement,”

(e) by the substitution of the following paragraph for (o): 5

“(o) an allegation that a landlord or licensor has contravened section 14 and 15 (prohibition on penalisation of tenants and licensees),”

and

(f) by the substitution of the following paragraph for (q):

“(q) a claim by a landlord or licensor for arrears of rent or other charges.”. 10

Amendment of section 83 of Act of 2004

14. Section 83 of the Act of 2004 is amended by the insertion of the following subsection after subsection (2):

“(2A) The Board shall not deal with a dispute in relation to a license agreement referred to it under this Part by the licensor of the dwelling concerned if the licence agreement was not notified under Part 8 (as amended).” 15

Insertion of Part 7B into Act of 2004

15. The Act of 2004 is amended by the insertion of the following new Part 7B: 20

“PART 7B

NOTIFICATION OF LICENCE AGREEMENT

CHAPTER 1

Licence notification record

Licence notification record 25

149. (1) The Board shall, as soon as practicable after the passing of this Act, establish and maintain a notification record referred to in this Act as the ‘licence notification record’.

(2) There shall be recorded in the licence notification record that a licence agreement has been entered into for a dwelling in the State. 30

(3) The form of the licence notification record, the types of information to be contained in it, the format of any aspect of that information and any other matters relevant to the maintenance of the record shall be such as the Board determines from time to time.

(4) Save under and in accordance with this Act and, subject to subsection (5), no information contained in the record shall be disclosed to any 35

person.

- (5) Subsection (4) does not apply to a disclosure of information contained in the licence notification record by—
- (a) a member of the Board,
 - (b) a member of a committee of the Board, 5
 - (c) a member of staff of the Board,
 - (d) a mediator or adjudicator, or
 - (e) a person whose services are provided to the Board under section 167, in the performance of any of his or her functions under the Act of 2004, being a disclosure the making of which is necessary for the performance by him or her of any such function. 10
- (6) The Board may publish details concerning the private rented sector derived from the record, being details of an aggregated nature.

CHAPTER 2

Procedure for notification 15

Obligation to notify

- 150.** (1) The licensor shall notify the Board that a licence agreement has been entered into, within 1 month from the commencement of the agreement.
- (2) The Board shall assign a unique number to each notification made to record a licence agreement. 20
- (3) An acknowledgement, in such form as the Board considers appropriate, shall be given to a licensor that notification has been received.

Particulars to be specified in notification 25

- 151.** (1) A notification shall contain the following particulars—
- (a) the address of the dwelling, the name and personal public service number (if any) of the licensor,
 - (b) the name and, unless it cannot be ascertained by reasonable inquiry, personal public service number of the licensee, 30
 - (c) the date the licence agreement commenced,
 - (d) the parts of the dwelling which the licensee agreement grants access to,
 - (e) if the agreement is for a fixed term, the period of that term,
 - (f) if the dwelling must be vacated on specified days, then the days this applies to, 35
 - (g) the amount of the rent payable under the licence agreement, the frequency with which it is required to be paid and any taxes or

- other charges required to be paid by the licensee,
(2) There shall be no fee attached to making a notification.”.

Amendment of section 151 of Act of 2004

16. Section 151 of the Act of 2004 is amended—

- (a) in subsection (1) by the substitution of the following paragraphs for paragraphs (a) and (b): 5

“(a) the resolution of disputes between tenants and landlords, licensors and licensees in accordance with the provisions of Part 6,

(b) the registration of particulars in respect of tenancies in accordance with the provisions of Part 7, and the notification of licence agreements in accordance with the provisions of Part 8 (as amended),” 10

and

- (b) by the substitution of the following subsection for subsection (4):

“(4) In this section, ‘private rented sector’ means— 15

(a) the sector of commercial activity in the State consisting of the letting of dwellings,

(b) the letting of approved housing bodies, and

(c) the renting of rooms under licence agreement.”.

Insertion of section 152A into Act of 2004 20

17. Part 8 of the Act of 2004 is amended by the insertion of the following section after section 152:

“Model licence

152A. (1) Guidelines published under section 151(1)(d) may include a precedent for a model licence agreement for part of a dwelling. 25

(2) Such a precedent shall—

(a) contain all of the provisions necessary to make the licence agreement for part of the dwelling concerned an instrument which is consistent with this Act and any other relevant enactments,

(b) be worded, so far as is practicable, in plain language, and 30

(c) to the extent necessary having regard to the requirements of paragraph (a), contain provisions best calculated to ensure harmonious relations between the parties to the licence as regards their conduct towards one and another in their capacity as such parties.”. 35

Amendment of Part 3 of Act of 2016

18. Part 3 of the Act of 2016 is amended by the insertion of the following section after section 36:

“Application of Rent Pressure Zones to license agreements

36A. For the avoidance of doubt, the Part 3 provisions related to rent pressure zones will also apply to licence agreements.”. 5

Short title and commencement

19. (1) This Act may be cited as the Residential Tenancies (Amendment) Act 2024.

(2) This Act comes into operation 1 month after the date of its passing or on such earlier date or dates than the said 1 month as the Minister may by order appoint and different dates may be so appointed for different purposes and different provisions. 10

An Bille um Thionóntachtaí Cónaithe
(Leasú), 2024

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do leasú an Achta um Thionóntachtaí Cónaithe,
2004 agus do dhéanamh socrú i dtaobh nithe
gaolmhara.

Na Teachtaí Mairéad Ní Fhearghail agus Eoin Ó
Broin a thug isteach,
20 Feabhra, 2024

Residential Tenancies (Amendment) Bill
2024

BILL

(as initiated)

entitled

An Act to amend the Residential Tenancies Act 2004
and to provide for related matters.

Introduced by Deputies Mairéad Farrell and Eoin Ó
Broin,
20th February, 2024