

Rental Strategy Amendments to the Residential Tenancies 2004 – 2015

Enacted but come into force tomorrow.

No	S of the 2016 Bill	S of the RTA 2004	Synopsis / Description	Extract from 2016 Bill	Date of Enactment
1.	33	12 insert (h)	<p>Rent Predictability Measures Rent setting measures for pressure zones when a tenancy commenced after Bill is enacted.</p> <p>Places an obligation on a Landlord to state what is previous rent was, plus date set and statement as to how the rent is going to be set.</p>	Section. 33	Enacted . Comes into force tomorrow
2.	34	19 2 (Insert 2	<p>Rent Predictability Measures Formula and Exclusions</p> <p>$R \times (1 + 0.04 \times t/m)$ where— m is— (a) 24, where section 24C(1)(a) applies, or (b) 12, in any other case,</p> <p>R is the amount of rent last set under a tenancy for the dwelling,</p> <p>t is the number of months between— (a) (i) the date the current rent came into effect under a tenancy for the dwelling, or</p> <p>(ii) where paragraph (a) does not apply but the dwelling was previously let, other than in circumstances to which subsection (5) applies, the date rent became payable under a tenancy for the dwelling as last so let, and</p> <p>(b) the date the rent for the tenancy of the dwelling will come into effect after its determination under this subsection.</p> <p>34 (5). This section includes exclusions from rent pressure zones where dwelling is not subject to a tenancy for 2 years or where there is substantial improvements.</p> <p>34 (6) allows that where a rent review has commenced or a notice served before enactment rent pressure zone does not apply.</p> <p>34 (7) states that rent pressure zones are prescribed by the Minister.</p>	Section.34	Enacted . Comes into force tomorrow

3.	35	22 (Insert F)	Rent Review Notice Requirement Additional requirement in the rent review notice to state how the rent was calculated and where its not a rent pressure zone state why it does not apply.	Section. 35	Enacted . Comes into force tomorrow
4.	36	24 (Insert 24 A)	Designation or Revocation of Rent Pressure Zone The Housing Authority in consultation with the Local Authority may make a proposal to the Minister about pressure zone, Minister requests the Director to make a report to the Minister on the data for 4 of the 6 quarters that average rent for the area is more than 7%. Also the average rent in the last quarter is above the average national rent in the last quarter The Director of the RTB is required to furnish a specified report to the Minister within 2 weeks of request Minister may ,on recommendation from the Housing Authority, revoke a zone. The Housing Authority shall consult with the Board and the Local Authority before recommending same Board shall publish as it sees fit a notice making an order by Minister of the rent pressure zones. Definitions of local electoral areas, Housing Agency, rent index	Section. 36	Enacted . Comes into force tomorrow
5.	36	24 Insert B	Areas deemed to be rent pressure zones Areas deemed to be rent pressure zones are administrative areas of each of the following housing authorities: (a) Cork City Council; (b) Dublin City Council; (c) Dun Laoghaire Rathdown County Council; (d) Fingal County Council; (e) South Dublin County Council; Each of those areas is deemed to be a rent pressure zone for a period of 3 years unless revoked.	Section. 36	Enacted . Comes into force tomorrow
6.	36	24 (Insert c)	Frequency or rent reviews (frequency with which rent reviews may occur) Rent Reviews Shall not be carried out until the next review then once per year thereafter	Section. 36	Enacted . Comes into force tomorrow
7.	37	28	4 year Tenancies becoming 6 year tenancies Part 4 tenancies and extension of period from 4 years to 6 years	Section. 37	Enacted . Comes into force tomorrow
8.	50	151	Quarterly statistical reports The functions of Board to include re report on rent pressure zone and publication of quarterly timelines	Section. 46 Section. 50	Enacted

Rent Strategy Amendments to the Residential Tenancies

Not Yet Enacted

No	S of the 2016 Bill	S of the RTA 2004	Synopsis / Description	Extract from 2016 Bill	Date of Enactment
11.	31 & 32	3 (4)(b)(i) & 4 (1)(b)(i)	To provide for Approved Housing Bodies dwellings that are leased rather than just owned	Section. 31 Section. 32	Not Yet Enacted
1.	38 & 39	35 (8)	Amendment to grounds for termination by landlord in respect of selling. "Tyrellstown amendment". Declaration to include declaration of intention to enter into enforceable agreement following High Court decision. Declaration that the price to be obtained is more that 20% below market value that could be obtained with vacant possession and its too onerous or could cause undue hardship on a landlord	Section. 38 Section. 39	
2.	40	35 (insert A)	Amendment to grounds for termination by landlord in respect of selling. "Tyrellstown amendment". Restriction on termination of certain tenancies by landlords where selling 10 or more tenancy dwellings within a 6 month period unless landlord can show to satisfaction of the Board the sales of the properties will lead to 20% below market value which would be too onerous and would cause undue hardship and Market Value for selling is defined If a notice is served before enactment, then it is excluded from this requirement. Applies to all tenancies even ones commencing before enactment.	Section. 40	Enacted
12.	41	Repeal of S 42	Repeal of landlords right to terminate a tenancy without giving a reason within the first six months of a further part 4. Only applies after enactment	Section. 41	Not Yet Enacted
13.	42	62	Section 62 sets out the requirements for a valid notice of termination. As section 62(1)(e) refers to the requirement to insert a reason to terminate a Part 4 tenancy, this amendment ensures that you must also insert a reason when terminating a Further Part 4 tenancy.	Section. 42	Not Yet Enacted
14.	43	100	Appeal Period Reduced Appeal period reduced from 21 days to 10 working days	Section. 43	Not Yet Enacted

15.	44	103	<p>One person tribunal</p> <p>Allow for one person tribunals for certain categories of cases. Power of one person tribunal to refer the matter to three person tribunal.</p>	Section. 44	Not Yet Enacted
16.	48	121	<p>This enables the Director of the RTB to sign Determination Orders in place of a Board Member. A member of staff may be delegated with this power to sign in place of the Director so technically you could have single signature determination orders issuing – that is, a DO with just the signature of an AD or HEO.</p> <p>The new Act deletes the requirement for a DO to be issued under Seal so there will no longer be a requirement to have authorized signatories to authenticate the seal.</p>	Section. 48	Not Yet Enacted
17.	49	124	District court given powers to give possession orders to the RTB	Section. 49	Not Yet Enacted

No.	Extract from 2016 Bill
1.	Section 3 of the Act of 2004 is amended in subsection (4)(b)(i) by substituting “is provided by an approved housing body” for “is owned and provided by an approved housing body”. Back to top
2.	AHB deleting “owned by it” Back to top
3.	subsection (1) by substituting “complaint,” for “complaint.” in paragraph (h)(iii)
4.	<p>(i) in the case of a tenancy of a dwelling in a rent pressure zone (within the meaning given in section 19(7)), where the tenancy commences on or after the commencement of <i>section 33 of the Planning and Development (Housing) and Residential Tenancies Act 2016</i>, furnish the tenant, in writing, with the following information at the commencement of the tenancy:</p> <p>(i) the amount of rent that was last set under a tenancy for the dwelling;</p> <p>(ii) the date the rent was last set under a tenancy for the dwelling;</p> <p>(iii) a statement as to how the rent set under the tenancy of the dwelling has been calculated having regard to section 19(4).” Back to top</p>
5.	<p>(3) The setting of the rent under the tenancy of a dwelling that is carried out on or after the relevant date shall be subject to subsections (4) to (7).</p> <p>(4) Subject to subsection (5), in setting, at any particular time, the rent under a tenancy of a dwelling in a rent pressure zone, an amount of rent shall not be provided for that is greater than the amount determined by the formula—</p> $R \times (1 + 0.04 \times t/m)$ <p>where—m is—</p> <p>(a) 24, where section 24C(1)(a) applies, or</p> <p>(b) 12, in any other case,</p> <p>R is the amount of rent last set under a tenancy for the dwelling,</p> <p>t is the number of months between—</p> <p>(a) (i) the date the current rent came into effect under a tenancy for the dwelling, or</p> <p>(ii) where paragraph (a) does not apply but the dwelling was previously let, other than in circumstances to which subsection (5) applies, the date rent became payable under a tenancy for the dwelling as last so let, and</p> <p>(b) the date the rent for the tenancy of the dwelling will come into effect after its determination under this subsection.</p> <p>(5) Subsection (4) does not apply—</p> <p>(a) where a dwelling has not at any time been the subject of a tenancy during the period of 2 years prior to the date the area is prescribed under section 24A as a rent pressure zone or deemed to be so prescribed;</p> <p>(b) if, in the period since the rent was last set under a tenancy for the dwelling—</p> <p>(i) a substantial change in the nature of the accommodation provided under the tenancy occurs, and</p> <p>(ii) the rent under the tenancy, were it to be set immediately after that change, would, by virtue of that change, be different to what was the market rent for the tenancy at the time the rent was last set under a tenancy for the dwelling.</p> <p>(6) Where immediately before the relevant date a notice under section 22(2)—</p> <p>(a) has been served on the tenant, or</p> <p>(b) the rent review concerned has commenced,</p> <p>then subsections (3) and (4) shall not apply to the new rent, referred to in section 22(2), stated in that notice in</p>

	<p>accordance with that section.</p> <p>(7) In this section— ‘relevant date’ means the date <i>section 33</i> of the <i>Planning and Development (Housing) and Residential Tenancies Act 2016</i> comes into operation; ‘rent pressure zone’ means an area—</p> <p>(a) prescribed by the Minister by order under section 24A as a rent pressure zone under that section, or</p> <p>(b) in respect of an area to which section 24B relates, deemed to be so prescribed by the Minister under section 24A.”. Back to top</p>
6.	<p>(a) by substituting “paragraph (c)” for “paragraph (d)” in paragraph (d), and</p> <p>(b) by deleting “and” where it last occurs in paragraph (d), substituting “signed, and” for “signed.” in paragraph (e)</p> <p>“(f) where the dwelling is in a rent pressure zone (within the meaning given in section 19(7)), state how the rent set under the tenancy was calculated having regard to section 19(4) or, where section 19(4) does not apply, state why it does not apply.”</p> <p>Back to top</p>
7.	<p>“Rent pressure zones</p> <p>24A. (1) The Housing Agency, following consultation with the relevant housing authority, may make a proposal in writing to the Minister that an area be prescribed by order as a rent pressure zone.</p> <p>(2) As soon as practicable, but no later than 1 week after the date of receipt of the proposal under subsection (1), the Minister shall request the Director to make a report to the Minister (in this section referred to as a ‘rent zone report’), in such form as the Minister may approve, on whether, in so far as the area the subject of the proposal is concerned, the criteria specified in subsection (4) for designation as a rent pressure zone are satisfied.</p> <p>(3) Within 2 weeks after the date that the Minister made the request under subsection (2), the Director shall furnish the Minister with the rent zone report.</p> <p>(4) In making a rent zone report to the Minister, the Director shall confirm whether or not the following criteria have been met—</p> <p>(a) the information relating to the area concerned, as determined by reference to the information used to compile each Rent Index quarterly report, shows that the annual rate of increase in the average amount of rent for that area is more than 7 per cent in each of at least 4 of the 6 quarters (each being a period of 3 months that is contemporaneous with the period to which the Rent Index quarterly report concerned relates) preceding the period immediately prior to the date of the proposal by the Housing Agency to the Minister under subsection (1), and</p> <p>(b) the average rent for the area in the last quarter, as determined by reference to the manner referred to in paragraph (a), is above the average national rent (commonly referred to as the Rent Index national standardised rent) in the last quarter.</p> <p>(5) Where the Minister receives a rent zone report from the Director and the report confirms that the criteria in subsection (4) are satisfied, the Minister shall by order prescribe the area as a rent pressure zone for a specified period not exceeding 3 years.</p> <p>(6) Where a local electoral area is prescribed by order as a rent pressure zone and, subsequently, any local electoral areas are duly amended in a manner that affects the area of the local electoral area so prescribed, then the order shall continue to have effect as if the local electoral area concerned had not been so amended.</p> <p>(7) The Minister may, on a recommendation from the Housing Agency, by order revoke an order made under subsection (5) or a deemed order under section 24B and, accordingly, section 8(3) does not apply to any such order or deemed order.</p>

	<p>(8) In making a recommendation under subsection (7), the Housing Agency shall consider and provide a report to the Minister, on such matters as may be prescribed having regard to—</p> <p>(a) the operation of the rental market, (b) the operation of the housing market, and (c) changes in rent levels in the period since the area concerned was designated as a rent pressure zone;</p> <p>and, before making such a recommendation and providing a report under this subsection, the Housing Agency shall consult with the Board and the housing authority concerned on the matter.</p> <p>(9) The Board shall publish, in such manner as it thinks fit, a notice of the making of an order by the Minister under subsection (5) or (7).</p> <p>(10) In this section— ‘area’ means— (a) the administrative area of a housing authority, or (b) a local electoral area within the meaning of section 2 of the Local Government Act 2001;</p> <p>‘Housing Agency’ has the same meaning as it has in the Pyrite Resolution Act 2013;</p> <p>‘Rent Index quarterly reports’ has the meaning given in the definition of ‘Rent Index’; ‘Rent Index’ means the publication known as the Residential Tenancies Board Rent Index which is published by the Board in respect of each successive period of 3 months in every calendar year (in this section referred to as ‘Rent Index quarterly reports’) pursuant to its functions under section 151(1)(e) and includes any other publication that it replaced or may replace it for the purposes of those functions. Back to top</p>
8.	<p>24B. With effect from the relevant date (within the meaning of section 19(7)) and notwithstanding anything to the contrary in section 24A, orders under subsection (5) of that section shall be deemed to have been made in respect of the administrative areas of each of the following housing authorities:</p> <p>(a) Cork City Council; (b) Dublin City Council; (c) Dun Laoghaire Rathdown County Council; (d) Fingal County Council; (e) South Dublin County Council;</p> <p>and, accordingly, each of those areas is deemed to be a rent pressure zone from the relevant date for a period of 3 years. Back to top</p>
9.	<p>24C. (1) Where a tenancy commenced before the relevant date (within the meaning of section 19(7)) and the area in which the tenancy is situated is in a rent pressure zone (within the meaning of that section), then—</p> <p>(a) the first rent review after the relevant date shall be carried out in accordance with section 20, and</p> <p>(b) any subsequent rent review shall be carried out as if subsections (4) to (6) of section 20 had not been enacted.</p> <p>(2) Where a tenancy commences on or after the relevant date (within the meaning of section 19(7)), and the area in which the tenancy is situated is in a rent pressure zone (within the meaning of that section), then any rent review after that date shall be carried shall be as if subsections (4) to (6) of section 20 had not been enacted.”. Back to top</p>
10.	<p>Part 4 tenancies and extension of period from 4 years to 6 years</p> <p>37. (1) Section 28 of the Act of 2004 is amended in subsection (2) by substituting “6 years” for “4 years” in both places where it occurs.</p> <p>(2) The provisions of the Act of 2004 referred to in column (2) of Part 1 of the Schedule are amended in the manner referred to in column (3) of that Part opposite the reference in column (2) to the provision concerned.</p> <p>(3) This section applies to all tenancies created after the coming into operation of this section. Back to top</p>
11.	<p>Section 34 of the Act of 2004 is amended by substituting “Subject to section 35A, a Part 4 tenancy” for “A Part 4 tenancy”. Back to top.</p>

12.	<p>“(8) The statutory declaration that is to accompany a notice of termination in respect of a termination referred to in paragraph 3 of the Table shall include—</p> <p>(a) a declaration that the landlord intends to enter into an enforceable agreement to transfer to another, for full consideration, of the whole of his or her interest in the dwelling or the property containing the dwelling, and</p> <p>(b) where section 35A(3)(a) applies, a declaration that section 35A(2) does not apply to the said notice of termination as the price to be obtained by selling at market value the dwelling that is the subject of an existing tenancy to which Part 4 applies is more than 20 per cent below the market value that could be obtained for the dwelling with vacant possession, and that the application of that subsection would, having regard to all the circumstances of that case be unduly onerous on, or would cause undue hardship on, that landlord.”. Back to top</p>
13.	<p>“35A.(1) In this section—</p> <p>‘development’ means a development consisting of land upon which there stands erected a building or buildings comprising a unit or units where, as respects such unit or units, it is intended that amenities, facilities and services are to be shared;</p> <p>‘relevant period of time’ means any period of 6 months within the period—</p> <p>(a) beginning with the offering for sale in the development concerned of the first dwelling the subject of a tenancy, and</p> <p>(b) ending with the offering for sale in that development of the last dwelling the subject of a tenancy.</p> <p>(2) Except where subsection (3) or (4) applies, a Part 4 tenancy shall not be terminated by the landlord on the ground specified in paragraph 3 of the Table to section 34 where the landlord intends to enter into an enforceable agreement—</p> <p>(a) in respect of dwellings situated within the development concerned,</p> <p>(b) for the transfer to another, for full consideration, of the whole of his or her interest in 10 or more of those dwellings, each being the subject of such a tenancy, and(c) to so transfer during a relevant period of time.</p> <p>(3) (a) Subsection (2) does not apply where the landlord can show to the satisfaction of the Board—</p> <p>(i) that the price to be obtained by selling at market value the dwelling that is the subject of an existing tenancy to which Part 4 applies is more than 20 per cent below the market value that could be obtained for the dwelling with vacant possession, and</p> <p>(ii) that the application of that subsection would, having regard to all the circumstances of that case—</p> <p>(I) be unduly onerous on that landlord, or</p> <p>(II) would cause undue hardship on that landlord.</p> <p>(b) In paragraph (a)(i), the reference to the market value of the dwelling is a reference to the estimated amount that would be paid by a willing buyer to a willing seller in an arm’s-length transaction after proper marketing (where appropriate) where both parties act knowledgeably, prudently and without compulsion.</p> <p>(4) Where, before the commencement of section 40 of the Planning and Development (Housing) and Residential Tenancies Act 2016, a notice under section 34 of this Act has been served on a tenant specifying as one of the grounds for termination the ground in paragraph 3 of the Table to section 34, then that section shall continue to apply to that notice as if the said section 40 had not been enacted.</p>

	<p>(5) Subject to subsection (4), this section applies to all tenancies, including a tenancy created before the coming into operation of this section.”. Back to top</p>
14.	<p>41. (1) Section 42 of the Act of 2004 is repealed.</p> <p>(2) Where a further Part 4 tenancy has commenced on or before the commencement of this section, then section 42 shall continue to apply to that tenancy as if <i>subsections (1) and (4)</i> had not been enacted.</p> <p>(3) Where, before the commencement of this section, a notice under section 42 of the Act of 2004 has been served on a tenant, then that section shall continue to apply to that notice as if <i>subsections (1) and (4)</i> had not been enacted.</p> <p>(4) The provisions of the Act of 2004 referred to in <i>column (2)</i> of <i>Part 2</i> of the <i>Schedule</i> are amended in the manner referred to in <i>column (3)</i> of <i>that Part</i> opposite the reference in <i>column (2)</i> to the provision concerned. Back to top</p>
15.	<p>42. Section 62 of the Act of 2004 is amended by inserting in subsection (1)(e) “or the tenancy is a further Part 4 tenancy,” after “6 months.”. Back to top</p>
16.	<p>Section 100 of the Act of 2004 is amended in subsection (2) by substituting “10 working days” for “21 days”. Back to top</p>
17.	<p>(b) by inserting the following subsections after subsection (1):</p> <p>“(1A) (a) In respect of such matters as may be prescribed, the Tribunal shall, except where subsection (1B) applies, be composed of one member.</p> <p>(b) Without prejudice to the generality of paragraph (a), prescribed matters for the purposes of that paragraph may include any of the following matters:</p> <p>(i) the retention or refund of a deposit;</p> <p>(ii) the amount that ought to be initially set (in compliance with section 19 or 19A, as the case may be) as the amount of rent under a tenancy;</p> <p>(iii) the time at which a review of rent referred to in Part 3 should take place or the amount of rent that should be determined on foot of that review;</p> <p>(iv) an alleged failure by the tenant to comply with any of the obligations applicable to the tenant, including those contained in any lease or tenancy agreement;</p> <p>(v) an alleged failure by the landlord to comply with any of the obligations applicable to the landlord, including those contained in any lease or tenancy agreement;</p> <p>(vi) a claim by a landlord for arrears of rent or other charges.</p> <p>(c) There may be included in the same reference to a Tribunal to which this subsection relates disputes and, where appropriate, complaints, in respect of 2 or more matters prescribed for the purposes of this subsection.</p> <p>(1B) (a) Where—</p> <p>(i) a matter that consists of or includes a dispute is referred to the Tribunal, and that Tribunal is composed of one member, and</p> <p>(ii) the Tribunal, at any stage, considers that in the particular circumstances it would be appropriate to adjourn the hearing by Back to top</p>
18.	<p>45. Section 104 of the Act of 2004 is amended in subsection (1) by deleting “or” in paragraph (b), by substituting “the matter, or” for “the matter.” in paragraph (c) and by inserting the following after paragraph (c):</p> <p>“(d) has been referred to it by the Board under section 103(1B).”.</p>
19.	<p>46. The Act of 2004 is amended by inserting the following new section after section 114:</p>

	<p>“114A. The Board shall publish statistics, including average waiting times and such other statistics as may be prescribed, in relation to the performance of its functions under section 151(1)(a) in respect of each successive period of 3 months in every calendar year.”. Back to top</p>
20.	<p>Section 115(2) of the Act of 2004 is amended in paragraph (b)— (a) by substituting “subsection (1) or (4) of section 19” for “section 19(1)” where it first occurs, and (b) by substituting “with either of those subsections” for “with section 19(1)” where it last occurs. Back to top</p>
21.	<p>48. (1) Section 121 of the Act of 2004 is amended— (a) in subsection (1), by substituting “by the Director and issued by him or her” for “by the Board and issued by it”, (b) in subsections (2) to (5) by substituting “Director” for “Board” in each place where it occurs, (c) in paragraphs (a) and (b) of subsection (4) by substituting “to him or her” for “to it”, (d) by inserting the following after subsection (5): “(5A) A document purporting to be a determination to which this section relates and to be signed by— (a) the Director under this section, or (b) a member of the staff of the Board, pursuant to the function of the Director under this section being delegated to the member under section 161(2), shall, unless the contrary is proved, be deemed to be a determination duly made and shall be received in any proceedings in any court without further proof of— (i) the determination, (ii) the signature of the Director or the person to whom paragraph (b) relates, as the case may be, or (iii) where relevant, the delegation to which paragraph (b) relates.”, and (e) by deleting subsection (6). (2) <i>The provisions of the Act of 2004 referred to in column (2) of Part 3 of the Schedule are amended in the manner referred to in column (3) of that Part opposite the reference in column (2) to the provision concerned.</i> Back to top</p>
22.	<p>49. Section 124 of the Act of 2004 is amended in subsection (7) by inserting “, including an order for possession of a dwelling the subject of a determination order,” after “ancillary or other orders”. Back to top</p>
23.	<p>50. Section 151 of the Act of 2004 is amended by inserting the following paragraph after paragraph (c): “(ca) the making of reports to the Minister under section 24A, (cb) the publication of statistics under section 114A,”.</p>