



An Bille i gcoinne Díshealbhuithe, 2018
Anti-Evictions Bill 2018

Mar a tionscnaíodh

As initiated



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ACTS REFERRED TO

Landlord and Tenant (Amendment) Act 1980 (No. 10)

Residential Tenancies Act 2004 (No. 27)

Residential Tenancies Acts 2004 to 2016



AN BILLE I GCOINNE DÍSHEALBHUITHE, 2018
ANTI-EVICTIONS BILL 2018

Bill

entitled

An Act to amend the Residential Tenancies Act 2004 to provide for greater security of tenure by extending tenancy rights for those with a licence to reside in student specific accommodation; by the inclusion of receivers and lenders that have taken possession of properties in the definition of a landlord; by the extension of notice periods for termination of new tenancies; by making all tenancies over two months Part 4 tenancies; by making Part 4 tenancies of indefinite duration; by removing sale of property as a ground for terminating a tenancy; by providing for compensation where a tenancy is terminated on the ground that the dwelling is required by the landlord or a relative of the landlord for their own occupation; by removing renovation and refurbishment as a ground for termination of a tenancy; and by the extension of notice periods for new rents and for the termination of tenancies.

Be it enacted by the Oireachtas as follows:

Interpretation

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

Amendment of section 5 of Act of 2004

2. Section 5(1) of the Act of 2004 is amended the substitution of the following:

(a) for the definition of “landlord”—

“ ‘landlord’ means the person for the time being entitled to receive (otherwise than as agent for another person, excepting where that person is acting as receiver) the rent paid in respect of a dwelling by the tenant thereof and, where the context so admits, includes a person who has ceased to be so entitled by reason of the termination of the tenancy. For the avoidance of doubt, ‘landlord’ also means any lender, financial institution, equity fund or investment fund that taken possession of a dwelling that is the subject of an existing tenancy but where no receiver has been appointed”,

(b) for the definition of “tenancy”—

“ ‘tenancy’ includes a periodic tenancy, a tenancy for a fixed term, a periodic licence to reside in student specific accommodation, or a licence to reside for

a fixed term in student specific accommodation, whether oral or in writing or implied, and, where the context so admits, includes a sub-tenancy and a tenancy, sub-tenancy or licence that has been terminated.”, and

(c) for the definition of “tenant”—

“ ‘tenant’ means the person for the time being entitled to the occupation of a dwelling under a tenancy or licence to reside at student specific accommodation 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 tenancy or licence.”. 5

Amendment of sections 27, 28(1), 28(3) and 50(3) of Act of 2004 - to extend Part 4 protections to all tenancies over two months in duration 10

3. (1) Section 27 of the Act of 2004 is amended by the substitution of—

(a) “continuous period of 2 months” for “continuous period of 6 months”, and

(b) “continuous period of 2 months” for “continuous period of 6 months”.

(2) Section 28(1) of the Act of 2004 is amended by the substitution of “continuous period of 2 months” for “continuous period of 6 months”. 15

(3) Section 28(3) of the Act of 2004 is amended by the substitution of “expiry of the period of 2 months” for “expiry of the period of 6 months”.

(4) Section 50(3) of the Act of 2004 is amended by the substitution of—

(a) “continuous period of 2 months” for “continuous period of 6 months”, and 20

(b) “expiry of that period of 2 months” for “expiry of that period of 6 months”.

Amendment of sections 28, 34, 55, 56, 57, Chapters 4 and 5 of Act of 2004 - to make Part 4 tenancies indefinite

4. (1) Section 28(2)(a) of the Act of 2004 is amended by the substitution of “for an indefinite period from” for “for the period of 6 years from”. 25

(2) Section 34(b) of the Act of 2004 is hereby repealed.

(3) Chapter 4 of the Act of 2004 is hereby repealed.

(4) Chapter 5 of the Act of 2004 is hereby repealed.

(5) Section 55(1) is amended by the deletion of “or a further Part 4 tenancy”.

(6) Section 55(2) is amended by the substitution of the following for subsection (2): 30

“(2) A termination under section 34 on one or more of the grounds specified in paragraphs 2 to 6 of the Table to that section of a Part 4 tenancy or a further Part 4 tenancy shall not be regarded as a termination of that tenancy for the purposes of section 17(1)(a) of the Landlord and Tenant (Amendment) Act 1980.”. 35

(7) Section 56(1)(a) is amended by the deletion of “, or under a further Part 4 tenancy,”.

(8) Section 57(b) is amended by the deletion of “or a further Part 4 tenancy”.

Amendment of section 34 and 56 of Act of 2004 - to abolish sale of a property as a ground for terminating a tenancy

5. (1) The Act of 2004 is amended by the deletion of paragraph 3 of the Table to section 34.
- (2) Paragraph 4(b)(ii) of the Table to section 34 is amended by the substitution of “the ground specified in paragraph 1, 2, or 6 of this Table” for “the ground specified in paragraph 1, 2, 3 or 6 of this Table”.
- (3) Section 56(c)(i) is hereby repealed.
- (4) The Act of 2004 is amended by the deletion of subparagraph (c)(i) of the Table to section 56.

Amendment of section 34 of Act of 2004 - to require landlords terminating a tenancy on the ground of needing the dwelling for occupation by the landlord or by a member of the landlord’s family to pay compensation to the tenant

6. (1) The Act of 2004 is amended in paragraph 4 of the Table to section 34 by the insertion after “his or her family” of “and has paid the tenant an amount equivalent to six months’ rent in respect of the tenancy as compensation for the termination of the tenancy”.
- (2) The Act of 2004 is amended in paragraph 4 of the Table to section 34 by the insertion of the following subparagraph after subparagraph (b):
- “(c) and that the landlord is obliged to pay the tenant an amount equivalent to six months’ rent in respect of the tenancy as compensation for the termination of the tenancy.”.

Amendment of section 16 and section 34 of Act of 2004 - to abolish substantial refurbishment or renovation as ground for termination of a tenancy

7. (1) Section 16(a)(i) of the Act of 2004 is amended by the insertion of the following after “payment,”:
- “except in relation to periods when the property has been vacated for the purpose of substantial refurbishment or renovation,”.
- (2) The Act of 2004 is amended by the deletion of paragraph 5 of the Table to section 34.

Amendment of section 22(2) of Act of 2004 - to extend the notice period for new rents to 180 days

8. Section 22 of the Act of 2004 is amended in subsection (2) by substituting “180 days” for “90 days”.

Amendment of section 66 of Act of 2004 - to extend the notice periods for termination of a tenancy by a landlord

9. Section 66 of the Act of 2004 is amended by substituting the following Table for Table 1:

“TABLE 1
Termination by Landlord

Duration of Tenancy (1)	Notice Period (2)
1 or more months but less than 3 months	28 days
3 or more months but less than 6 months	60 days
6 or more months but less than 1 year	90 days
1 year or more but less than 3 years	180 days
3 years or more but less than 5 years	270 days
5 years or more	365 days

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”

Short title, collective citation and commencement

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10. (1) This Act may be cited as the Anti-Evictions Act 2018.

(2) This Residential Tenancies Acts 2004 to 2016 and this Act may be cited together as the Residential Tenancies Acts 2004 to 2018 and shall be construed together as one.

(3) This Act shall come into operation on such day as the Minister for Housing, Planning and Local Government may by order appoint not being later than 90 days from its promulgation by the President.

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BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do leasú an Achta um Thionóntachtaí Cónaithe, 2004 chun socrú a dhéanamh maidir le ráthaíocht tionachta níos mó trí chearta tionóntachta a leathnú chucu siúd a bhfuil ceadúnas acu chun cónaí i gcóiríocht atá go sonrach do mhic léinn; trí ghlacadóirí agus iasachtóirí a mbeidh seilbh glactha acu ar mhaoine a áireamh sa mhíniú ar thiarna talún; trí thréimhsí fógra a fhadú i leith tionóntachtaí nua a fhoirceannadh; trí thionóntachtaí faoi Chuid 4 a dhéanamh de gach tionóntacht os cionn dhá mhí; trí thionóntachtaí ré éiginnte a dhéanamh de thionóntachtaí faoi Chuid 4; trí dheireadh a chur le díol maoinne mar fhoras le tionóntacht a fhoirceannadh; trí shocrú a dhéanamh maidir le cúiteamh i gcás go ndéanfar tionóntacht a fhoirceannadh ar an bhforas go bhfuil an teaghais ag teastáil ón tiarna talún nó ó ghaol leis an tiarna talún lena háitiú acu féin; trí dheireadh a chur le hathchóiriú agus le hathfheistiú mar fhoras le tionóntacht a fhoirceannadh; agus trí thréimhsí fógra a fhadú i leith cíosanna nua agus i leith tionóntachtaí a fhoirceannadh.

Na Teachtaí Ruth Coppinger, Micheál de Barra agus Pól Ó Murchú, a thug isteach,
29 Samhain, 2018

BILL

(as initiated)

entitled

An Act to amend the Residential Tenancies Act 2004 to provide for greater security of tenure by extending tenancy rights for those with a licence to reside in student specific accommodation; by the inclusion of receivers and lenders that have taken possession of properties in the definition of a landlord; by the extension of notice periods for termination of new tenancies; by making all tenancies over two months Part 4 tenancies; by making Part 4 tenancies of indefinite duration; by removing sale of property as a ground for terminating a tenancy; by providing for compensation where a tenancy is terminated on the ground that the dwelling is required by the landlord or a relative of the landlord for their own occupation; by removing renovation and refurbishment as a ground for termination of a tenancy; and by the extension of notice periods for new rents and for the termination of tenancies.

Introduced by Deputies Ruth Coppinger, Mick Barry and Paul Murphy,
29th November, 2018

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

Le ceannach díreach ó

FOILSEACHÁIN RIALTAIS,

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