Changes to Legislation: as of 12 March 2024, this Act is up to date with all changes known to be in force.



Number 14 *of* 2019

RESIDENTIAL TENANCIES (AMENDMENT) ACT 2019

REVISED

Updated to 4 April 2022

This Revised Act is an administrative consolidation of the *Residential Tenancies (Amendment) Act 2019*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including the *Animal Health and Welfare and Forestry (Miscellaneous Provisions) Act 2022* (4/2022), enacted 4 April 2022, and all statutory instruments up to and including *Residential Tenancies (Amendment) Act 2019 (Commencement) Order 2022* (S.I. No. 167 of 2022), made 31 March 2022, were considered in the preparation of this Revised Act.

Disclaimer: While every care has been taken in the preparation of this Revised Act, the Law Reform Commission can assume no responsibility for and give no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided and does not accept any liability whatsoever arising from any errors or omissions. Please notify any errors, omissions and comments by email to revisedacts@lawreform.ie.

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RESIDENTIAL TENANCIES (AMENDMENT) ACT 2019

REVISED

Updated to 4 April 2022

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Number 14 *of* 2019

RESIDENTIAL TENANCIES (AMENDMENT) ACT 2019

REVISED

Updated to 4 April 2022

An Act to amend the Residential Tenancies Acts 2004 to 2016; to provide for powers to carry out investigations of landlords and impose administrative sanctions; to provide for offences in relation to non-compliance with rent increase restrictions in rent pressure zones; to increase the notice periods to be provided in the case of termination of a tenancy by a landlord; to provide for annual registration by landlords of tenancies and to amend the registration process; to provide for mandatory publication of determination orders by the Residential Tenancies Board; to provide that the letting of a house or part thereof for any period not exceeding 14 days in a rent pressure zone is a material change in the use of the house or part and for that purpose to amend the Planning and Development Act 2000; and to provide for related matters.

[24*th May*, 2019]

Be it enacted by the Oireachtas as follows:

PART 1

Preliminary and General

Short title, collective citation, construction and commencement

1. (1) This Act may be cited as the Residential Tenancies (Amendment) Act 2019.

(2) The Residential Tenancies Acts 2004 to 2016 and this Act (other than *section 38*) may be cited together as the Residential Tenancies Acts 2004 to 2019 and shall be construed together as one.

(3) The Planning and Development Acts 2000 to 2018 and *section 38* may be cited together as the Planning and Development Acts 2000 to 2019.

(4) This Act shall come into operation on such day or days as the Minister may by order or orders appoint either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.

Annotations

Editorial Notes:

E1 Power pursuant to subs. (4) exercised (4.04.2022) by *Residential Tenancies (Amendment) Act 2019 (Commencement) Order 2022* (S.I. No. 167 of 2022).

2. The 4th day of April 2022 is appointed to be the day on which the Residential Tenancies (Amendment) Act 2019 (No. 14 of 2019) shall, insofar as it is not already in operation, come into operation.

E2 Power pursuant to subs. (4) exercised (15.07.2019) by *Residential Tenancies (Amendment) Act 2019 (Commencement) (No. 3) Order 2019* (S.I. No. 354 of 2019).

2. The 15th day of July 2019 is appointed to be the day on which the following provisions of the Residential Tenancies (Amendment) Act 2019 (No. 14 of 2019) shall come into operation:

(*a*) sections 3, 4, 5, 18 and 37;

(*b*) subparagraphs (ii), (iii) and (iv) of paragraph (b) of subsection (1) of section 22;

(*c*) subparagraphs (ii) and (iii) of paragraph (b) of subsection (1) of section 23; and

(*d*) paragraph (a) (in so far only as it relates to paragraph (b) of subsection (1) of section 137 of the Residential Tenancies Act 2004 (No. 27 of 2004)) and paragraph (c) (in so far only as it relates to paragraph (b) of subsection (4) of the said section 137) of subsection (1) of section 25.

E3 Power pursuant to subs. (4) exercised (1.07.2019) by *Residential Tenancies (Amendment) Act 2019 (Commencement) (No. 2) Order 2019* (S.I. No. 286 of 2019).

2. The 1st day of July 2019 is appointed to be the day on which the following provisions of the Residential Tenancies (Amendment) Act 2019 (No. 14 of 2019) shall come into operation:

(*a*) sections 34, 35 and 38; and

(*b*) sections 6 and 28, in so far as they are not already in operation.

E4 Power pursuant to subs. (4) exercised (31.05.2019, 4.06.2019) by *Residential Tenancies (Amendment) Act 2019 (Commencement) Order 2019* (S.I. No. 236 of 2019).

2. In this Order –

"Act of 2019" means the Residential Tenancies (Amendment) Act 2019 (No. 14 of 2019);

"Principal Act" means the Residential Tenancies Act 2004 (No. 27 of 2004)

3. (1) The 31st day of May 2019 is appointed to be the day on which the following provisions of the Act of 2019 shall come into operation:

(*a*) sections 1, 2, 10, 11, 17, 27, 30, 31, 32, 33 and 36;

(*b*) section 28 (in so far only as it effects the insertion of sections 148R and 148AF of the Principal Act);

(*c*) paragraph (a) of section 29.

(2) The 4th day of June 2019 is appointed to be the day on which the following provisions of the Act of 2019 shall come into operation:

(*a*) section 6 (other than paragraphs (c) and (e) of subsection (1)) and paragraphs (c) and (e) of subsection (1) of that section (in so far only as they effect the insertion of subsections (5A) and (6A) of section 19 of the Principal Act);

(*b*) sections 7, 8, 9, 12, 13, 14, 15, 16, 19, 20 and 21;

(*c*) paragraph (a) of section 24.

Definitions

2. In this Act—

"Act of 2004" means the Residential Tenancies Act 2004;

"Minister" means Minister for Housing, Planning and Local Government.

PART 2

Amendment of Residential Tenancies Act 2004

Amendment of section 3 of Act of 2004

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

(a) by the insertion of the following subsection after subsection (1):

"(1A) (a) Subject to subsection (7), this Act also applies to every dwelling (the subject of a tenancy created not earlier than one month after the commencement of *paragraph (a)* of *section 3* of the *Residential Tenancies (Amendment) Act 2019*) situated in a building, or part of a building, used for the sole purpose (subject to subparagraphs (i), (ii) and (iii)) of providing residential accommodation to students during academic term times under a tenancy—

(i) whether or not the building or part of the building concerned is used for any other purpose outside of those times,

(ii) whether or not any such students are permitted to reside there outside of those times, and

(iii) whether or not any person other than a student resides there, provided that the purpose of the person's residing there serves the first-mentioned purpose,

but does not include a dwelling in a building or part of a building used for the first-mentioned purpose where the landlord (other than a landlord who is not an individual) also resides in the building or part of the building concerned.

(b) This subsection is without prejudice to subsection (1) and accordingly this Act shall, by virtue of that subsection—

(i) continue to apply to any dwelling to which it applied immediately before the commencement of *section 3* of the *Residential Tenancies (Amendment) Act 2019* in the same manner as it applied to such dwelling before such commencement, and

(ii) apply to any dwelling—

(I) occupied by a student under a tenancy created on or after such commencement, and

(II) to which this Act would apply had *ssections 3* and *s5* of the *Residential Tenancies (Amendment) Act 2019* not been enacted,

in the same manner as it would apply to a dwelling referred to in subparagraph (i).

(c) The definition of 'dwelling' in section 4 shall apply for the purposes of this subsection as if 'residential unit (whether or not self-contained)' were substituted for 'self-contained residential unit'.

(d) In this subsection 'student' means a person registered as a student with a relevant provider (within the meaning of the Qualifications and Quality Assurance (Education and Training) Act 2012).",

and

(b) by the insertion of the following subsection:

"(7) The following provisions of this Act shall not apply to a tenancy of a dwelling referred to in subsection (1A):

(a) paragraphs (k) and (n) of section 16, subsections (2) and (3) of section 78 and clause (II) of subparagraph (i) of paragraph (e) of subsection (4) of section 135;

(b) sections 70, 71, 72, 73, 81, 185, 186 and 195;

(c) Part 4; and

(d) Schedule 1.".

Amendment of section 3A of Act of 2004

4. Section 3A of the Act of 2004 is amended by the insertion of the following subsection:

"(5) This section applies to a dwelling referred to in subsection (1A) of section 3 as it applies to a dwelling referred to in subsection (4) of section 3 and, accordingly, references in the preceding subsections of this section to the second-mentioned dwelling shall be construed as including references to the first-mentioned dwelling.".

Amendment of section 4 of Act of 2004

5. Section 4 of the Act of 2004 is amended by the deletion of paragraph (g) in the definition of "public authority".

Amendment of section 19 of Act of 2004

6. (1) Section 19 of the Act of 2004 is amended—

(a) in subsection (4) by the substitution of "subparagraph (i)" for "paragraph (a)" where it occurs in paragraph (a)(ii) in the definition of "t",

(b) in subsection (5), by—

(i) the substitution of the following paragraph for paragraph (a):

"(a) to the rent first set under the tenancy of a dwelling, provided that no tenancy in respect of that dwelling subsisted during the period of 2 years immediately preceding the date on which the tenancy concerned commenced,",

and

(ii) the substitution, in subparagraph (ii) of paragraph (b), of "greater than" for "different to what was",

(c) by the insertion of the following subsections after subsection (5):

"(5A) For the purposes of paragraph (b) of subsection (5), a substantial change in the nature of the accommodation provided under the tenancy shall only have taken place where—

(a) the works carried out to the dwelling concerned—

(i) consist of a permanent extension to the dwelling that increases the floor area (within the meaning of Article 6 of the Building Regulations 1997 (S.I. No. 497 of 1997)) of the dwelling by an amount equal to not less than 25 per cent of the floor area (within such meaning) of the dwelling as it stood immediately before the commencement of those works,

(ii) in the case of a dwelling to which the European Union (Energy Performance of Buildings) Regulations 2012 (S.I. No. 243 of 2012) apply, result in the BER (within the meaning of those Regulations) being improved by not less than 7 building energy ratings, or

(iii) result in any 3 or more of the following:

(I) the internal layout of the dwelling being permanently altered;

(II) the dwelling being adapted to provide for access and use by a person with a disability, within the meaning of the Disability Act 2005;

(III) a permanent increase in the number of rooms in the dwelling;

(IV) in the case of a dwelling to which the European Union (Energy Performance of Buildings) Regulations 2012 (S.I. No. 243 of 2012) apply and that has a BER of D1 or lower, the BER (within the meaning of those Regulations) being improved by not less than 3 building energy ratings; or

(V) in the case of a dwelling to which the European Union (Energy Performance of Buildings) Regulations 2012 (S.I. No. 243 of 2012) apply and that has a BER of C3 or higher, the BER (within the meaning of those Regulations) being improved by not less than 2 building energy ratings,

and

(b) the works carried out under paragraph (a) do not solely consist of works carried out for the purposes of compliance with section 12(1)(b).

(5B) Where, in setting, at any particular time, the rent under the tenancy of a dwelling in a rent pressure zone, a landlord seeks to rely on subsection (5), the landlord shall—

(a) serve a notice in the prescribed form together with all relevant supporting information on the Board setting out the reasons why, in the landlord's opinion, subsection (4) does not apply to the dwelling,

(b) specify in the notice the rent set under the tenancy of the dwelling and the amount of rent last set under the tenancy of the dwelling, and

(c) serve the notice and information under paragraphs (a) and (b) within 1 month from the setting of the rent under the tenancy of the dwelling.",

(d) by the substitution for subsection (6) of the following:

"(6) Where—

(a) a notice under section 22(2) has been served on the tenant, or

(b) the review of the rent concerned has commenced,

before the relevant date, or, if an order is made by the Minister under section 24A(5) in respect of an area where the dwelling concerned is situate, before the date of the coming into operation of the order, then subsections (3) and (4) shall not apply to the new rent, referred to in section 22(2), stated in that notice in accordance with that section.",

and

(e) by the insertion of the following subsections after subsection (6):

"(6A) A person who fails to comply with the requirements of subsection (4) shall be guilty of an offence.

(6B) A person, who in purported compliance with subsection (5B), furnishes information to the Board which is false or misleading in a material respect knowing it to be so false or misleading or being reckless as to whether it is so false or misleading shall be guilty of an offence.

(6C) A person who fails to comply with the requirements of subsection (5B) shall be guilty of an offence.".

(2) The amendment of section 19 of the Act of 2004 under *paragraph (c)*, in so far as it inserts subsection (5A) of section 19, of *subsection (1)* shall not apply in respect of a tenancy of a dwelling where works required to effect a substantial change to the dwelling began prior to the commencement of *subsection (1)*.

Amendment of section 20 of Act of 2004

7. Section 20 of the Act of 2004 is amended—

(a) in subsection (5), by the substitution of "1 January 2022 and from that day" for "the day immediately before the fourth anniversary of the day on which section 25 of the Residential Tenancies (Amendment) Act 2015 came into operation and, on and from the first-mentioned day", and

(b) in subsection (6), by the substitution of "31 December 2021" for "the day immediately before the fourth anniversary of the day on which that section came into operation".

Amendment of section 24A of Act of 2004

8. (1) Section 24A of the Act of 2004 is amended—

(a) in subsection (4), by the substitution of the following paragraph for paragraph (b):

"(b) the average rent (determined by reference to the information specified in paragraph (a)) in the area in respect of the 3 months

to which the most recent Rent Index quarterly report applies is—

(i) in the case of the county of Kildare, the county of Meath, the county of Wicklow or a local electoral area in any one of those counties, above the average rent in the State (other than the Dublin Area) specified in that report, or

(ii) in the case of any—

(I) other county or local electoral area, or

(II) any city, city and county or local electoral area situated in such city or city and county,

above the average rent in the State (other than the Greater Dublin Area) specified in that report.",

and

(b) in subsection (10), by the insertion of the following definitions:

" 'Dublin Area' means—

(a) the city of Dublin, and

(b) the counties of South Dublin, Fingal and Dún Laoghaire-Rathdown;

'Greater Dublin Area' means—

(a) the Dublin Area, and

(b) the counties of Kildare, Wicklow and Meath;".

(2) Notwithstanding subsection (5) of section 24A of the Act of 2004 or any order made thereunder, the period specified in any such order to be the period during which an area shall stand prescribed as a rent pressure zone shall expire on F1**[**31 December 2024**]**.

Annotations

Amendments:

F1 Substituted (9.07.2021) by *Residential Tenancies (No. 2) Act 2021* (17/2021), s. 18, commenced on enactment.

Amendment of section 24B of Act of 2004

9. Section 24B of the Act of 2004 is amended by the substitution of "during the period commencing on the relevant date and ending on 31 December 2021" for "from the relevant date for a period of 3 years".

Relevant area within meaning of Local Government Act 2019 deemed to be rent pressure zone

10. The Act of 2004 is amended by the insertion of the following section:

"Relevant area within meaning of Local Government Act 2019 deemed to be rent pressure zone

24BA. (1) For the purposes of section 24B, the administrative area of Cork City Council shall include the relevant area and, accordingly, the reference in that section to relevant date shall, in so far as that section applies to the relevant area, be construed as a reference to the transfer day.

(2) In this section—

'Act of 2019' means the Local Government Act 2019;

'relevant area' has the meaning assigned to it by the Act of 2019; and

'transfer day' has the meaning assigned to it by the Act of 2019.".

Amendment of section 32 of Act of 2004

11. Section 32 of the Act of 2004 is amended in subsection (1) by the substitution of "Schedule 1" for "The Schedule".

Amendment of section 34 of Act of 2004

12. (1) Section 34 of the Act of 2004 is amended, in paragraph (a), by—

(a) the deletion in subparagraph (i), of "and",

(b) the substitution of the following subparagraph for subparagraph (ii):

"(ii) the notice of termination cites as the reason for the termination the ground or grounds concerned and contains or is accompanied—

(I) in the case of paragraph 2, 5 or 6 of that Table, by the statement referred to in that paragraph, and

(II) in the case of paragraph 3 or 4 of that Table, by the statutory declaration referred to in that paragraph,

and",

and

(c) the insertion of the following subparagraph:

"(iii) in the case of a notice of termination that cites as the reason for the termination the ground specified in paragraph 5, the notice of termination contains or is accompanied by a certificate in writing of a registered professional (within the meaning of the Building Control Act 2007) stating that—

(I) the proposed refurbishment or renovation works would pose a risk to the health or safety of the occupants of the dwelling concerned and should not proceed while the dwelling is occupied, and

(II) such a risk is likely to exist for such period as is specified in the certificate which shall not be less than 3 weeks,".

(2) The Table to section 34 of the Act of 2004 is amended—

(a) in paragraph 3, by the substitution of "9 months" for "3 months",

(b) in clause (i) of subparagraph (b) of paragraph 4, by the substitution of "12 months" for "6 months",

(c) in subparagraph (b) of paragraph 5, by the substitution of the following clause for clause (i):

"(i) the dwelling becomes available for reletting by reason of the completion of the works of refurbishment or renovation, and",

and

(d) in clause (i) of subparagraph (b) of paragraph 6, by the substitution of "12 months" for "6 months".

Amendment of section 35 of Act of 2004

13. Section 35 of the Act of 2004 is amended—

(a) in subsection (5), by—

(i) the substitution of "paragraph (aa) of subsection (8) and paragraph 4(b), 5(b) and 6(b) of the Table" for "paragraph 4(b), 5(b) and 6(b) of the Table", and

(ii) the insertion of "statutory declaration or" before "statement concerned",

(b) in subsection (6), by the substitution of "paragraph (aa) of subsection (8), or paragraph 4(b), 5(b) or 6(b) of the Table," for "paragraph 4(b), 5(b) or 6(b) of the Table",

(c) in subsection (8), by—

(i) the deletion, in paragraph (a), of "and", and

(ii) the insertion of the following paragraph:

"(aa) a declaration that the landlord, by virtue of the notice, is required to offer to the tenant a tenancy of the dwelling if the following conditions are satisfied:

(i) the contact details requirement is complied with;

(ii) the landlord does not enter into an enforceable agreement of the type referred to in paragraph 3 of the Table within the period specified in that paragraph commencing—

(I) on the expiration of the period of notice required to be given under subparagraph (i) of paragraph (a) of section 34, or

(II) in circumstances where a dispute in relation to the validity of the notice is referred to the Board under Part 6 for resolution, on the final determination of that dispute;

and

(iii) the tenancy to which the notice relates has not otherwise been validly terminated by virtue of the citation in the notice of the ground specified in paragraph 1, 2 or 6 of the Table,

and",

and

(d) the insertion of the following subsection:

"(11) Where, in respect of a tenancy, a landlord serves on a tenant a notice of termination that cites, as a reason for the termination, a ground specified in the Table, the landlord shall give a copy of the notice of termination to the Board not later than 28 days after the expiration of the period of notice given by the notice of termination.".

Amendment of section 56 of Act of 2004

14. Section 56 of the Act of 2004 is amended—

(a) in paragraph (c) of subsection (1), by the substitution of the following subparagraph for subparagraph (i):

"(i) in case the ground cited is that specified in paragraph 3 of that Table—

(I) an enforceable agreement of the type referred to in that paragraph is not entered into within the period specified therein,

(II) the notice of termination is not accompanied by the statutory declaration referred to in section 35, or

(III) the offer referred to in paragraph (aa) of subsection (8) of section 35 is not made in circumstances where the conditions specified in the said paragraph (aa) are satisfied,",

and

(b) in subparagraph (c) of the Table to subsection (6), by the substitution of the following clause for clause (i):

"(i) in case the ground cited is that specified in paragraph 3 of that Table—

(I) an enforceable agreement of the type referred to in that paragraph is not entered into within the period of 9 months after the tenant ceases to occupy the dwelling following the final determination of the dispute in relation to the validity of the notice of termination, or

(II) an enforceable agreement of the type referred to in that paragraph is not entered into within that period and the conditions specified in paragraph (aa) of subsection (8) of section 35 are not satisfied,".

Amendment of Chapter 3 of Part 5 of Act of 2004

15. Chapter 3 of Part 5 of the Act of 2004 is amended by the insertion of the following section:

"Duration of tenancy for purposes of this Chapter

64B. (1) For the purposes of this Chapter, a Part 4 tenancy and any further Part 4 tenancy entered into following the expiration of—

(a) the said Part 4 tenancy, or

(b) a further Part 4 tenancy,

shall be treated as one tenancy, and references in this Chapter to duration of tenancy shall be construed accordingly.

(2) This section is without prejudice to subsection (2) of section 61.".

Amendment of section 66 of Act of 2004

16. (1) Section 66 of the Act of 2004 is amended—

(a) in subsection (2) by the substitution of "Subject to subsection (2A), where" for "Where",

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

"(2A) (a) Where, on the hearing of a complaint under Part 6 in respect of a notice of termination served by a landlord or a tenant (the 'original notice'), an adjudicator or the Tribunal, as the case may be, makes a determination that—

(i) the original notice is invalid due to a defect contained in, or occurring during the service of, the original notice,

(ii) the defect concerned does not prejudice, in a material respect, the original notice, and

(iii) the original notice is otherwise in compliance with the provisions of this Act,

the adjudicator or the Tribunal shall make a further determination that the landlord or tenant, as may be appropriate, may remedy the original notice in accordance with paragraph (b).

(b) In the circumstances set out in paragraph (a), the following shall apply:

(i) the landlord or tenant, as may be appropriate, shall be permitted to remedy the original notice to cure the defect identified by the adjudicator or Tribunal, as the case may be, by serving a new notice (the 'remedial notice');

(ii) the remedial notice shall be served within 28 days of the issue of the determination order under section 121;

(iii) where, on the date of service of the remedial notice, the period of notice to be given by the original notice has expired, the period of notice to be given by the remedial notice is 28 days;

(iv) where, on the date of service of the remedial notice, the period of notice to be given by the original notice has not expired, the period of notice to be given by the remedial notice is the cumulative period of—

(I) the period of notice to be given by the original notice which remains unexpired on the date of service of the remedial notice, and

(II) 28 days;

(v) this Part applies, with any necessary modifications, to a remedial notice in the same way as it applies to an original notice;

(vi) an adjudicator or Tribunal shall not permit the landlord or tenant, as the case may be, to remedy the original notice under subparagraph (i) if satisfied that the original notice was served by the landlord or tenant, as the case may be, knowingly in contravention of this Act.",

(c) by the insertion of the following subsection:

"(2B) 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 landlord or tenant and specified in the notice of termination shall be not less than 28 days.",

and

(d) by the substitution of the following Table for Table 1:

"Termination by Landlord

Duration of Tenancy	**Notice Period**
(1)	**(2)**
Less than 6 months	28 days
Not less than 6 months but less than one year	90 days
Not less than one year but less than 3 years	120 days
Not less than 3 years but less than 7 years	180 days
Not less than 7 years but less than 8 years	196 days
Not less than 8 years	224 days

".

(2) The amendment of Table 1 to section 66 of the Act of 2004 under *subsection (1)(d)* shall apply to a period of notice to be given in a notice of termination served by a landlord on a tenant on or after the commencement of *subsection (1)*.

(3) The Minister shall—

(a) not earlier than 2 years and not later than 3 years after the coming into operation of *subsection (1)*, commence a review of the operation of the amendments of section 66 effected by that subsection,

(b) not later than 6 months after the commencement of the review, prepare a report in writing of the findings of the Minister resulting from the review and his or her conclusions drawn from the findings, and

(c) cause a copy of the report referred to in *paragraph (b)* to be laid before each House of the Oireachtas.

Amendment of section 75 of Act of 2004

17. Section 75 of the Act of 2004 is amended in subsection (2) by the substitution of "Schedule 1" for "the Schedule".

Amendment of section 78 of Act of 2004

18. Section 78 of the Act of 2004 is amended, in subsection (1), by the substitution of the following paragraph for paragraph (f):

"(f) an allegation that the landlord has sought to—

(i) terminate a tenancy (other than a tenancy referred to in subsection (1A) of section 3) other than in accordance with Part 4, or

(ii) terminate a tenancy referred to in subsection (1A) of section 3 other than in accordance with Part 5,".

Amendment of section 93 of Act of 2004

19. (1) Section 93 of the Act of 2004 is amended by the deletion of subsection (2A).

(2) The amendment of section 93 of the Act of 2004 under *subsection (1)* shall not apply in respect of mediation where the Residential Tenancies Board requested the consent of the parties under section 93(1) prior to the commencement of *subsection (1)*.

Amendment of section 109 of Act of 2004

20. Section 109 of the Act of 2004 is amended in subsection (2)(c) by the deletion of "other than the procedure referred to in section 93(1) and 93(2)".

Amendment of section 123 of Act of 2004

21. Section 123 of the Act of 2004 is amended in subsection (7) by the substitution of "shall" for "may".

Amendment of section 134 of Act of 2004

22. (1) Section 134 of the Act of 2004 is amended—

(a) by the substitution of the following subsection for subsection (1):

"(1) The landlord of a dwelling shall apply to the Board in accordance with this Part to register the tenancy of the dwelling—

(a) on the commencement of the tenancy, and

(b) annually during the tenancy.",

(b) in subsection (2), by—

(i) the substitution of "paragraph (a) of subsection (1)" for "this section",

(ii) the insertion, in paragraph (a), of "(other than a tenancy to which paragraph (aa) applies)" after "in the case of a tenancy",

(iii) the insertion of the following paragraph:

"(aa) in the case of a tenancy to which subsection (1A) of section 3 applies that commences during the period of 3 months from the commencement of *section 3* of the *Residential Tenancies (Amendment) Act 2019*, not later than 4 months from the commencement of the tenancy, and",

and

(iv) the insertion, in paragraph (b), of "and one to which subsection (1A) of section 3 applies that commences after the period of 3 months

from the commencement of *section 3* of the *Residential Tenancies (Amendment) Act 2019*" after "passing of this Act",

(c) in subsection (2A), by the substitution of "paragraph (a) of subsection (1)" for "this section" in each place that it occurs,

(d) by the insertion of the following subsections after subsection (2A):

"(2B) An application under subsection (1)(b) shall be made within 1 month from each anniversary of the date of the commencement of the tenancy.

(2C) A landlord shall comply with subsection (1) in respect of a tenancy that commenced before, on or after the commencement of *section 22* of the *Residential Tenancies (Amendment) Act 2019*.",

(e) in subsection (3)(b)—

(i) by the substitution of "subsection (4)" for "subsections (4) and (7)",

(ii) in subparagraph (i), by the substitution of "section 137(1)" for "section 137(1)(b)(ii)", and

(iii) in subparagraph (ii), by the substitution of "section 137A(1)" for "section 137A(1)(a) or as the case may be, the fee specified in section 137A(1)(b)",

(f) in subsection (4), by the substitution of "paragraph (a), (aa) or (b) of subsection (2), paragraph (a), (b) or (c) of subsection (2A) or subsection (2B)" for "subsection (2)(a), (2)(b), (2A)(i), (2A)(ii) or (2A)(iii)", and

(g) in subsection (5), by the substitution of the following paragraph for paragraph (a):

"(a) an application, if made pursuant to subsection (2) or (2B) accompanied by the fee specified in section 137(1), or, if made pursuant to subsection (2A) or (2B) accompanied by the fee specified in section 137A(1), has been made by the applicant in respect of the relevant dwelling within the period specified in paragraph (a), (aa) or (b) of subsection (2), paragraph (a), (b) or (c) of subsection (2A), or subsection (2B),".

F2**[**(2) (a) If a tenancy (other than a tenancy to which *subsection (1A)* of *section 3* applies) commences within 3 months from the coming into operation of *subsection (1)* (other than *subparagraphs (ii)*, *(iii)* and *(iv)* of *paragraph (b)*), the application in respect thereof under paragraph (a) of subsection (1) of section 134 of the Act of 2004 shall, notwithstanding clause (II) of subparagraph (ii) of paragraph (b) of subsection (2) of that section, be made not later than 4 months from the said coming into operation.

(b) If the anniversary of the commencement of a tenancy falls within 3 months from the coming into operation of *subsection (1)* (other than *subparagraphs (ii)*, *(iii)* and *(iv)* of *paragraph (b)*), the application in respect thereof under paragraph (b) of subsection (1) of section 134 of the Act of 2004 shall, notwithstanding subsection (2B) of that section, be made not later than 4 months from the said coming into operation.**]**

Annotations

Amendments:

F2 Substituted (4.04.2022) by *Local Government Rates and Other Matters Act 2019* (24/2019), s. 26(a), S.I. No. 164 of 2022.

Amendment of section 135 of Act of 2004

23. Section 135 of the Act of 2004 is amended—

(a) by the deletion of subsection (1), and

(b) in subparagraph (i) of paragraph (e) of subsection (4), by—

(i) the insertion of the following clause—

"(IA) the obligation on the landlord to pay fees to the Board on an application to register a tenancy at its commencement and annually during the tenancy,",

(ii) the substitution of the following clause for clause (II):

"(II) security of tenure under Part 4 (other than in the case of a tenancy referred to in subsection (1A) of section 3),",

and

(iii) the substitution of the following clauses for clause (III):

"(III) the termination of tenancies (other than tenancies referred to in subsection (1A) of section 3) under Part 4, and

(IV) the termination of tenancies under Part 5,".

Amendment of section 136 of Act of 2004

24. Section 136 of the Act of 2004 is amended in subsection (1)—

(a) in paragraph (b) by the substitution of "the name, address where the landlord ordinarily resides, any other address for correspondence the landlord may wish to provide and the personal public service number (if any) of the landlord" for "the name, address for correspondence and personal public service number (if any) of the landlord", and

(b) by the insertion of the following paragraph after paragraph (b):

"(ba) if the application relates to registration on the commencement of a tenancy or annual registration during a tenancy,".

Amendment of section 137 of Act of 2004

25. (1) Section 137 of the Act of 2004 is amended—

(a) by the substitution of the following subsection for subsection (1):

"(1) (a) Subject to subsections (2) and (6) and section 137A, the fee to accompany an application under section 134 shall—

(i) in the case of an application (other than an application referred to in paragraph (b)) made during the period of 12 months after the commencement of *section 25* of the *Residential Tenancies (Amendment) Act 2019*, be €40, and

(ii) in the case of an application (other than an application referred to in paragraph (b)) made after that period—

(I) be €40, or

(II) where an amount stands declared for the time being under subsection (1) of section 138 for the purposes of this paragraph, be a fee of that amount.

(b) Subject to subsections (2) and (6) and section 137A, the fee to accompany an application under section 134 shall—

(i) in the case of an application in respect of a tenancy to which subsection (1A) of section 3 applies made during the period of 12 months after the commencement of *section 3* of the *Residential Tenancies (Amendment) Act 2019*, be €40, or

(ii) in the case of an application in respect of a tenancy to which subsection (1A) of section 3 applies made after that period—

(I) be €40, or

(II) where an amount stands declared for the time being under subsection (1) of section 138 for the purposes of this paragraph, be a fee of that amount.",

(b) in subsection (2), by the substitution of "that a fee referred to in subsection (1)" for "for a fee specified in this section to",

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

"(4) (a) The amount of the single fee referred to in subsection (2) shall—

(i) if the applications (other than an application referred to in paragraph (b)) concerned are made during the period of 12 months after the commencement of *section 25* of the *Residential Tenancies (Amendment) Act 2019*, be €170, or

(ii) if the applications (other than an application referred to in paragraph (b)) concerned are made after that period—

(I) be €170, or

(II) where an amount stands declared for the time being under subsection (1) of section 138 for the purposes of this paragraph, be a fee of that amount.

(b) The amount of the single fee referred to in subsection (2) shall—

(i) if the applications concerned are in respect of a tenancy to which subsection (1A) of section 3 applies made during the period of 12 months after the commencement of *section 3* of the *Residential Tenancies (Amendment) Act 2019*, be €170, or

(ii) if the applications concerned are in respect of a tenancy to which subsection (1A) of section 3 applies made after that period—

(I) be €170, or

(II) where an amount stands declared for the time being under subsection (1) of section 138 for the purposes of this paragraph, be a fee of that amount.",

(d) in subsection (5), by the substitution of "subsection (2) or (2B) of section 134" for "section 134 (2)(a) or (b)",

(e) by the substitution of the following subsection for subsection (6):

"(6) If an application under subsection (1) of section 134 is made after the expiration of the period specified in subsection (2) or subsection (2B), as may be appropriate, the fee required to accompany that application shall be of such amount as is equal to the aggregate of—

(a) the fee that would have been payable had the application been made before the expiration of that period, and

(b)€10 in respect of each month or part of a month falling after such expiration.".

F3**[**(2) The amendment of section 137 of the Act of 2004 effected by this section shall not apply in relation to an application under subsection (1) of section 134 of that Act—

(a) made after the commencement of *paragraph (a)* (as it relates to paragraph (a) of subsection (1) of the said section 137) of *subsection (1)*, and

(b) that was required to have been made at any time before such commencement.**]**

Annotations

Amendments:

F3 Substituted (4.04.2022) by *Local Government Rates and Other Matters Act 2019* (24/2019), s. 26(b), S.I. No. 164 of 2022.

Amendment of section 137A of Act of 2004

26. (1) Section 137A of the Act of 2004 is amended—

(a) by the substitution of the following subsection for subsection (1):

"(1) Subject to subsections (2) and (6), the fee that is required to accompany an application referred to in subsection (2A) of section 134 shall—

(a) in the case of an application made during the period of 12 months after the commencement of *section 26* of the *Residential Tenancies (Amendment) Act 2019*, be €20, or

(b) in the case of an application made after that period—

(i) be €20, or

(ii) where an amount stands declared for the time being under subsection (1) of section 138 for the purposes of this paragraph, be a fee of that amount.",

(b) in subsection (2), by the substitution of "that a fee referred to in subsection (1)" for "for a fee specified in this section to",

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

"(4) The amount of the single fee referred to in subsection (2) shall—

(a) if the applications concerned are made during the period of 12 months after the commencement of *section 26* of the *Residential Tenancies (Amendment) Act 2019*, be €85, or

(b) if the applications concerned are made after that period—

(i) be €85, or

(ii) where an amount stands declared for the time being under subsection (1) of section 138 for the purposes of this paragraph, be a fee of that amount.",

(d) in subsection (5), by the substitution of "subsection (2A) or (2B), as may be appropriate, of section 134" for "paragraph (a), (b) or (c) of section 134(2A)", and

(e) by the substitution of the following subsection for subsection (6):

"(6) If an application referred to in subsection (2A) of section 134 is made after the expiration of the period specified in that subsection, the fee required to accompany that application shall be of such amount as is equal to the aggregate of—

(a) the fee that would have been payable had the application been made before the expiration of that period, and

(b)€5 in respect of each month or part of a month falling after such expiration.".

F4**[**(2) The amendment of section 137A of the Act of 2004 effected by this section shall not apply in relation to an application to which subsection (2A) of section 134 of that Act applies—

(a) made after the commencement of this section, and

(b) that was required to have been made at any time before such commencement.**]**

Annotations

Amendments:

F4 Substituted (4.04.2022) by *Local Government Rates and Other Matters Act 2019* (24/2019), s. 26(c), S.I. No. 164 of 2022.

Enforcement of requirement to update particulars

27. The Act of 2004 is amended by the insertion of the following section after section 144:

"144A. (1) As soon as practicable after it has formed the opinion that a landlord under a tenancy has failed to comply with section 139(1), the Board shall serve the notice referred to in subsection (2).

(2) The notice shall—

(a) inform the landlord of the Board's opinion, and

(b) request the landlord to, within the period specified in the notice—

(i) comply with section 139(1), or

(ii) furnish to the Board the reasons why the landlord considers (if such be the case) that the opinion is not well founded.

(3) If the landlord, within the period specified in the notice—

(a) does not comply with section 139(1), or

(b) does not furnish the reasons to the Board or furnishes reasons which do not result in the Board altering its opinion,

the Board shall serve a further notice on the landlord stating that the landlord is required to comply with section 139(1) and that the Board's opinion has not altered and that, if he or she fails to do so within 14 days from the receipt by him or her of the notice, the landlord shall be guilty of an offence.

(4) A person who fails to comply with a notice under subsection (3) within 14 days from the receipt by him or her of the notice shall be guilty of an offence.".

Part 7A of Act of 2004

28. The Act of 2004 is amended by the insertion of the following Part after Part 7:

"Part 7A

Complaints, Investigations and Sanctions

Interpretation (Part 7A)

148R. In this Part—

'authorised officer' means a person appointed under section 164A to be an authorised officer;

'complainant' means a person who makes a complaint under section 148T;

'decision maker' means a person appointed under section 164A to be a decision maker;

'decision notice' means a notice given by the Board under section 148Y;

'improper conduct' in relation to a landlord, means conduct specified in Schedule 2;

'investigation' means an investigation under section 148X;

'investigation report' in relation to an investigation, means a report in writing, following the completion of the investigation by the authorised officer appointed under section 148U(1) to carry out the investigation;

'records' has the meaning assigned to it by section 148S(19);

'sanction' has the meaning assigned to it by section 148X(11).

Powers of authorised officer

148S. (1) For the purposes of carrying out an investigation, an authorised officer may—

(a) subject to subsections (12) and (13), at all reasonable times enter, inspect, examine and search any premises where he or she has reasonable grounds for believing that any activity in connection with the letting or tenancy of a dwelling is carried on,

(b) at such premises inspect and take copies or extracts from records relating to the activity referred to in paragraph (a) which he or she finds or with which he or she is provided in the course of his or her inspection,

(c) remove any such records from the premises and retain them for such period as he or she reasonably considers to be necessary for the purposes of his or her functions under this Part,

(d) require any person at the premises or the owner or person in charge of the premises and any person employed there to give to him or her such assistance and information and to produce to him or her such records (and in the case of records in non-legible form, produce to him or her a legible reproduction thereof) that are in that person's possession or control or within that person's procurement, as he or she may reasonably require for the purposes of his or her functions under this Part,

(e) be accompanied by a member of the Garda Síochána if there is reasonable cause to apprehend any serious obstruction in the performance of any of the authorised officer's functions under this subsection, and

(f) require a landlord to provide an explanation of a decision, course of action, system or practice or the nature or content of any records.

(2) A requirement under paragraph (d) or (f) of subsection (1) shall specify a period within which, or a date and time on which, the person the subject of the requirement is to comply with it.

(3) For the purposes of an investigation, an authorised officer—

(a) may require a person who, in the authorised officer's opinion—

(i) possesses information that is relevant to the investigation, or

(ii) has any records within that person's possession or control or within that person's procurement as the authorised officer may reasonably require for the purposes of his or her functions under this Part,

to provide that information or those records, as the case may be, to the authorised officer, and

(b) where the authorised officer thinks fit, may require that person to attend before the authorised officer for the purpose of so providing that information or those records as the case may be.

(4) The person who is the subject of a requirement under subsection (3) shall comply with the requirement.

(5) A requirement under subsection (3) shall specify—

(a) a period within which, or a date and time on which, the person the subject of the requirement is to comply with the requirement, and

(b) as the authorised officer concerned thinks fit—

(i) the place at which the person shall attend to give the information concerned or to which the person shall deliver the records concerned, or

(ii) the place to which the person shall send the information or the records concerned.

(6) A person required to attend before an authorised officer under subsection (3)(b)—

(a) is also required to answer fully and truthfully any question put to the person by the authorised officer, and

(b) if so required by the authorised officer, shall answer any such question under oath or affirmation.

(7) Where it appears to an authorised officer that a person has failed to comply or fully comply with a requirement under subsection (1), (3) or (6), the authorised officer may, on notice to that person and with the consent of the Board, apply in a summary manner to the District Court for an order under subsection (8).

(8) Where satisfied after hearing the application about the person's failure to comply or fully comply with the requirement in question, the District Court may, subject to subsection (11), make an order requiring that person to comply or fully comply, as the case may be, with the requirement within a period specified by the Court.

(9) The administration of an oath referred to in subsection (6)(b) by an authorised officer is hereby authorised.

(10) Any statement or admission made by a person pursuant to a requirement under subsection (1), (3) or (6) is not admissible against that person in criminal proceedings other than criminal proceedings for an offence under subsection (16), and this shall be explained to the person in ordinary language by the authorised officer concerned.

(11) Nothing in this section shall be taken to compel the production by any person of any records which he or she would be exempt from producing in proceedings in a court on the ground of legal professional privilege.

(12) An authorised officer shall not, other than with the consent of the occupier, enter a private dwelling without a warrant issued under subsection (13) authorising the entry.

(13) A judge of the District Court, if satisfied on the sworn information of an authorised officer that—

(a) there are reasonable grounds for suspecting that any information or records, as the authorised officer may reasonably require for the purposes of his or her functions under this Part, is or are held on any premises or any part of any premises, and

(b) an authorised officer, in the performance of his or her functions under this subsection, has been prevented from entering the premises or any part thereof,

may issue a warrant authorising the authorised officer, accompanied if necessary by other persons, at any time or times within 30 days from the date of issue of the warrant and on production if so requested of the warrant, to enter, if need be by reasonable force, the premises or part of the premises concerned and perform all or any of the functions conferred on the authorised officer under this section.

(14) For the purposes of an investigation, an authorised officer may, if he or she thinks it proper to do so, of his or her own volition or at the request of the landlord to whom the investigation relates, conduct an oral hearing.

(15) Part 1 of Schedule 3 shall have effect for the purposes of an oral hearing referred to in subsection (14).

(16) Subject to subsection (10), a person who—

(a) withholds, destroys, conceals or refuses to provide any information or records required for the purposes of an investigation,

(b) fails or refuses to comply with any requirement of an authorised officer under this section, or

(c) otherwise obstructs or hinders an authorised officer in the performance of functions imposed under this Part,

is guilty of an offence and liable—

(i) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months or both, or

(ii) on conviction on indictment, to a fine not exceeding €50,000 or imprisonment for a term not exceeding 5 years or both.

(17) An application under subsection (7) shall be made to a judge of the District Court for the time being assigned to the District Court District within which the person in respect of whom the application is made resides or carries on any profession, trade or business.

(18) An application for a warrant under subsection (13) shall be made to a judge of the District Court for the time being assigned to the District Court District within which the premises in respect of which the application is made is situated.

(19) In this section 'records' includes books, accounts or other documents or any written or printed material or copies thereof, in any form including material created, stored, maintained or preserved by means of any mechanical or electronic device whether or not created, stored, maintained or preserved in non-legible form.

Complaint

148T. (1) A person (in this section referred to as a 'complainant') may make a complaint in writing to the Board alleging that improper conduct by a landlord has occurred or is occurring.

(2) Where the Board receives a complaint, it shall cause an investigation of the matter the subject of the complaint to be carried out unless, following the making of such inquiries as it thinks fit, the Board is satisfied that—

(a) insufficient information is provided with the complaint to enable the Board to form a view whether the complaint should be investigated,

(b) the complaint does not relate to improper conduct,

(c) the complaint is not made in good faith,

(d) the complaint is frivolous or vexatious or without substance or foundation, or

(e) the complaint should be referred to the Board for resolution under Part 6.

(3) Where the Board decides that a complaint falls within paragraph (a), (b), (c), (d) or (e) of subsection (2), it shall give notice in writing to the complainant and the landlord of the decision and the reasons for the decision.

(4) Where a complaint is withdrawn by a complainant before the decision maker has made a decision under section 148X(4) or (5), the Board may proceed as if the complaint had not been withdrawn if it is satisfied that there is good and sufficient reason for so doing.

(5) Where, pursuant to subsection (4), the Board proceeds as if a complaint had not been withdrawn, the investigation concerned shall thereupon be treated as an investigation initiated by the Board, and other provisions of this Part shall be construed accordingly.

Board to appoint authorised officer and decision maker

148U. (1) Subject to section 148T(2) and (4) the Board shall, following receipt of a complaint and may, of its own volition, cause an investigation to be carried out and decided upon under this Part and for that purpose shall appoint an authorised officer and a decision maker.

(2) The Board may appoint more than one authorised officer to carry out an investigation but, in any such case, the investigation report concerned shall be prepared jointly by the authorised officers so appointed and the other provisions of this Part shall, with all necessary modifications, be construed accordingly.

(3) The terms of appointment of an authorised officer may define the scope of the investigation to be carried out by the authorised officer, whether as respects the matters or the period to which it is to extend or otherwise, and, in particular, may limit the investigation to matters connected with particular circumstances.

Notice of investigation

148V. (1) The authorised officer appointed by the Board under section 148U shall, subject to subsection (2), as soon as is practicable after being so appointed—

(a) if the investigation arises following receipt of a complaint by the Board—

(i) give notice in writing to the landlord in relation to whose improper conduct the complaint relates of the receipt of the complaint and setting out particulars of the complaint,

(ii) give the landlord copies of any documents relevant to the investigation, and

(iii) without prejudice to the generality of section 148S, afford to the landlord an opportunity to respond within 21 days from the date on which the landlord received the notice referred to in subparagraph (i), or such further period not exceeding 21 days as the authorised officer allows, to the complaint,

(b) if the investigation arises on the volition of the Board—

(i) give notice in writing to the landlord concerned of the matters to which the investigation relates,

(ii) give the landlord copies of any documents relevant to the investigation, and

(iii) without prejudice to the generality of section 148S, afford the landlord an opportunity to respond, within 21 days from the date on which the landlord received the notice referred to in subparagraph (i), or such further period not exceeding 21 days as the authorised officer allows, to the matter to which the investigation relates.

(2) The notice under paragraph (a) or (b) of subsection (1) shall advise the landlord that he or she may acknowledge a contravention under section 148W.

(3) Where an investigation arises following receipt of a complaint by the Board, the authorised officer appointed to carry out the investigation—

(a) shall, as soon as is practicable, give the complainant a copy of the notice referred to in subsection (1)(a)(i) given to the landlord in relation to whose improper conduct the complaint relates, and

(b) shall make reasonable efforts to ensure that the complainant is kept informed of progress on the investigation.

Acknowledgment of contravention

148W. (1) A landlord may, within 21 days of receipt of a notice under section 148V(1), acknowledge to the authorised officer that improper conduct by the landlord has occurred or is occurring.

(2) On receipt of an acknowledgment by the landlord under subsection (1) the authorised officer shall submit a copy of the notice to the landlord under paragraph (a) or (b) of section 148V(1), together with the acknowledgment of the landlord to the decision maker appointed by the Board under section 148U.

(3) On receipt of the documents and information under subsection (2) the decision maker shall determine, in accordance with this Part, what if any sanction shall be imposed on the landlord.

Investigation report and decision

148X. (1) Subject to subsection (3), where an authorised officer has completed an investigation, the authorised officer shall, as soon as is practicable after having considered, in so far as they are relevant to the investigation, any information or records provided to the authorised officer pursuant to any requirement under

section 148S, any statement or admission made by any person pursuant to any requirement under that section, any submissions made and any evidence presented (whether at an oral hearing referred to in section 148S(14) or otherwise)—

(a) prepare a draft of the investigation report, and

(b) give to the landlord to whom the investigation relates and, if the investigation arose following receipt of a complaint, the complainant—

(i) a copy of the draft of the investigation report,

(ii) a copy of this section, and

(iii) a notice in writing stating that the landlord and complainant (if any) may, not later than 21 days from the date on which the notice was respectively received by them, or such further period not exceeding 21 days as the authorised officer allows, each make submissions in writing to the authorised officer on the draft of the investigation report.

(2) Subject to subsection (3), an authorised officer who has complied with subsection (1) shall, as soon as is practicable after—

(a) the expiration of the period referred to in subsection (1)(b)(iii), and

(b) having—

(i) considered the submissions (if any) referred to in subsection (1)(b)(iii) made before the expiration of that period on the draft of the investigation report concerned, and

(ii) made any revision to the draft of the investigation report which, in the opinion of the authorised officer, is warranted following such consideration,

prepare the final form of the investigation report and submit it to the decision maker appointed by the Board under section 148U with any such submissions annexed to the report.

(3) Where an authorised officer states, whether in a draft of the investigation report or in the final form of the investigation report, that he or she is satisfied that improper conduct by the landlord has occurred or is occurring, the authorised officer shall not make any recommendation, or express any opinion, in the report as to the sanction that he or she thinks ought to be imposed on the landlord in respect of such improper conduct in the event that the decision maker is also satisfied that improper conduct by the landlord has occurred or is occurring.

(4) Subject to subsection (6), where the decision maker has considered an investigation report (and any submissions annexed thereto) submitted to him or her under subsection (2), he or she shall decide to do one of the following:

(a) if he or she is satisfied that improper conduct by the landlord has occurred or is occurring, may, subject to subsection (9) and section 148Z impose a sanction on the landlord as he or she thinks fit in the circumstances of the case;

(b) if he or she is not satisfied that improper conduct by the landlord has occurred or is occurring but is of the opinion that

a further investigation of the landlord is warranted, shall direct the Board to cause a further investigation on the matters to which, in the opinion of the decision maker the further investigation should relate;

(c) if he or she is not satisfied that improper conduct by the landlord has occurred or is occurring and is not of the opinion that a further investigation of the landlord is warranted, and the investigation arose—

(i) following the receipt of a complaint by the Board, shall dismiss the complaint,

(ii) on the volition of the Board, shall decide that no further action under this Part is warranted.

(5) Subject to subsection (7), where the decision maker has considered an acknowledgment by a landlord under section 148W(1) submitted to him or her under section 148W(2) he or she may decide, subject to subsection (9) and section 148Z, to impose a sanction on the landlord as he or she thinks fit in the circumstances of the case.

(6) Where the decision maker has considered an investigation report (and any submissions annexed thereto) submitted to him or her under subsection (2), the decision maker may, if he or she considers it proper to do so for the purposes of assisting him or her to make a decision under subsection (4), or for the purposes of observing fair procedures, for those purposes—

(a) conduct an oral hearing and give to the landlord and, if the investigation arose following receipt of a complaint, the complainant—

(i) a copy of the investigation report (and any submissions annexed thereto), and

(ii) a notice in writing stating that the landlord and complainant may, not later than 14 days from the date on which the notice was respectively received by them, or such further period not exceeding 14 days as the decision maker allows, each make submissions in writing to the decision maker on the investigation report,

or

(b) give to the landlord and, if the investigation arose following receipt of a complaint, the complainant a copy of the investigation report and the notice referred to in paragraph (a)(ii).

(7) Where the decision maker has considered an acknowledgment under section 148W(1) submitted to him or her under section 148W(2) the decision maker may, if he or she considers it proper to do so for the purposes of assisting him or her to make a decision under subsection (5) or for the purposes of observing fair procedures—

(a) conduct an oral hearing and give to the landlord and, if the investigation arose following receipt of a complaint, the complainant—

(i) a copy of the acknowledgment by the landlord, and

(ii) a notice in writing stating that the landlord and complainant may, not later than 14 days from the date on which the notice was respectively received by them, or such further period not exceeding 14 days as the decision maker allows, each make submissions in writing to the decision maker on the acknowledgment by the landlord under section 148W(1),

or

(b) give to the landlord and, if the investigation arose following receipt of a complaint, the complainant a copy of the acknowledgement by the landlord and the notice referred to in paragraph (a)(ii).

(8) Part 2 of Schedule 3 shall have effect for the purposes of an oral hearing referred to in subsection (6)(a) or (7)(a).

(9) Where subsection (4)(a) or (5) applies, the decision maker shall in deciding the sanction to be imposed on the landlord take into consideration the matters referred to in section 148AD.

(10) The decision maker shall, as soon as practicable after making a decision under subsection (4) or (5), give notice in writing of the decision and the reasons for it to the Board.

(11) In this section, 'sanction' in relation to improper conduct, means one, more than one, or all of the following:

(a) a direction in writing to the landlord to pay to the Board a sum specified in the direction not exceeding €15,000, by way of financial penalty for the improper conduct by the landlord specified in the direction;

(b) a direction in writing to the landlord to pay to the Board a sum specified in the direction not exceeding €15,000, being all or part of the costs incurred by the Board in investigating the matter to which the direction relates;

(c) the giving of a caution in writing to the landlord.

Receipt of decision by Board

148Y. (1) On receipt of the notice of the decision under section 148X(10) the Board shall prepare a written record of it (in this section referred to as a 'decision notice') and issue it to the landlord.

(2) If the decision maker has made a decision to impose a sanction under subsection (4)(a) or (5) of section 148X the decision notice shall set out—

(a) the sanction imposed on the landlord for the improper conduct by the landlord in respect of which the decision maker is satisfied under subsection (4)(a) or (5) of section 148X, and

(b) the reasons for the imposition of the sanction as the case may be.

(3) If the decision maker has given a direction to the Board under section 148X(4)(b) the Board shall cause a further investigation to be carried out under section 148V(1).

(4) The decision notice under subsection (2) shall inform the landlord when, subject to section 148Z, the decision under subsection (4)(a) or (5) of section 148X shall become binding.

(5) Where the decision of the decision maker under section 148X(4) or 148X(5) relates to an investigation which arose following receipt of a complaint by the Board, the Board shall give the complainant a copy of the decision notice given or to be given to the landlord at the same time as the notice is given to the landlord or as soon as practicable thereafter.

Decision and requirement of confirmation

148Z. (1) The landlord has a right to appeal the decision to impose a sanction under subsection (4)(a) or (5) of section 148X in accordance with section 148AA.

(2) The decision to impose a sanction under subsection (4)(a) or (5) of section 148X shall not take effect unless it is confirmed by the Circuit Court on appeal under section 148AA, or under section 148AB.

Appeal to Circuit Court against decision to impose sanction

148AA. (1) A landlord the subject of a decision under subsection (4)(a) or (5) of section 148X by the decision maker to impose a sanction on the landlord may, not later than 21 days from the giving by the Board to the landlord of the decision notice, appeal to the Circuit Court against the decision.

(2) The Circuit Court may, on the hearing of an appeal under subsection (1) by a landlord, consider any evidence adduced or argument made, whether or not adduced or made to an authorised officer or the decision maker.

(3) Subject to subsection (4), the Circuit Court may, on the hearing of an appeal under subsection (1) by a landlord—

(a) either—

(i) confirm the decision the subject of the appeal,

(ii) set aside the decision the subject of the appeal, or

(iii) set aside that decision and replace it with such other decision as the Court considers appropriate, which may be a decision—

(I) to impose a different sanction on the landlord, or

(II) to impose no sanction on the landlord,

and

(b) make such order as to costs as it thinks fit in respect of the appeal.

(4) The Circuit Court shall, for the purposes of subparagraph (i) or (iii)(I) of subsection (3)(a), take into consideration the matters referred to in section 148AD.

(5) An appeal under subsection (1) shall be brought before a judge of the Circuit Court for the time being assigned to the Circuit in which the appellant resides or carries on any profession, trade or business.

Application to Circuit Court to confirm decision to impose sanction

148AB. (1) Where a landlord does not, within the period allowed under section 148AA(1), appeal to the Circuit Court against a decision under subsection (4)(a) or (5) of section 148X by the decision maker to impose a sanction on the landlord, the Board shall, as soon as is practicable after the expiration of that period and on notice to the landlord, make an application in a summary manner to the Circuit Court for confirmation of the decision.

(2) The Circuit Court shall, on the hearing of an application under subsection (1), confirm the decision under subsection (4)(a) or (5) of section 148X the subject of the application unless the Court considers that there is good reason not to do so.

(3) An application under subsection (1) shall be made to a judge of the Circuit Court for the time being assigned to the Circuit in which the landlord to whom the decision concerned applies resides or carries on any profession, trade or business.

Provisions supplementary to sections 148AA and 148AB

148AC. (1) The decision of the Circuit Court on an appeal under section 148AA or an application under section 148AB is final except that the Board or the landlord the subject of the decision may, by leave of the Circuit Court, appeal against the decision to the High Court on a point of law.

(2) Where the Circuit Court confirms or gives a decision under section 148AA(3) or 148AB(2), the Board shall, as soon as is practicable after the decision is confirmed or given, as the case may be, give notice in writing of the decision to the landlord.

(3) The Board may recover, as a simple contract debt in any court of competent jurisdiction, from the person by whom it is payable any amount due and owing to the Board pursuant to a decision confirmed or given under section 148AA(3) or 148AB(2) by the Circuit Court.

(4) All payments made to the Board of any amount due to the Board pursuant to a decision confirmed or given under section 148AA(3) or 148AB(2) by the Circuit Court shall be paid into or disposed of for the benefit of the Exchequer in such manner as the Minister for Public Expenditure and Reform may direct.

(5) Where an investigation arose following receipt of a complaint by the Board, the Board shall give to the complainant a copy of a notice given or to be given under subsection (2) to a landlord at the same time as the notice is given to the landlord or as soon as is practicable thereafter.

Matters to be considered in determining nature of sanction

148AD. The Circuit Court or the decision maker, as appropriate, in considering the sanction (if any) to be imposed on a landlord pursuant to subsection (4)(a) or (5) of section 148X or confirmed or given under section 148AA(3) or 148AB(2), shall take into account the circumstances of the improper conduct concerned (including the factors occasioning it) and, without prejudice to the generality of the foregoing, may have regard to—

(a) the need to ensure that any sanction imposed—

(i) is appropriate and proportionate to the improper conduct,

(ii) if applicable, will act as a sufficient incentive to ensure that any like improper conduct will not occur in the future, and

(iii) if applicable, will act in the public interest to encourage compliance with this Act,

(b) the seriousness of the improper conduct,

(c) if the landlord has, under section 148W(1), acknowledged the improper conduct,

(d) the extent of any failure by the landlord to co-operate with the investigation concerned of the improper conduct by the landlord,

(e) any explanation by the landlord for the improper conduct or failure to co-operate with the investigation concerned,

(f) any gain (financial or otherwise) made by the landlord or by any person in which the landlord has a financial interest as a consequence of the improper conduct,

(g) the amount of any loss suffered or costs incurred as a result of the improper conduct and any steps taken by the landlord to remediate the loss suffered or costs incurred,

(h) the duration of the improper conduct,

(i) if applicable, a re-occurrence of the improper conduct by the landlord,

(j) if applicable, the continuation of the improper conduct after the landlord was notified of the investigation concerned,

(k) if applicable, the extent and timeliness of any steps taken to end the improper conduct and any steps taken for remedying the consequences of the improper conduct, and

(l) whether a sanction has previously been imposed under this Part on the landlord on foot of a similar occurrence of improper conduct.

Publication of sanctions

148AE. The Board shall publish particulars, in such form and manner and for such period as it thinks fit of any imposition of a sanction on a landlord under section 148AA(3) or 148AB(2).

Procedural rules

148AF. (1) The procedure to be followed under this Part in relation to an investigation shall, subject to this Part, be such as shall be determined by the Board by rules made by it with the consent of the Minister.

(2) Without prejudice to the generality of subsection (1), rules under this section may—

(a) specify any forms to be used under this Part by a complainant, landlord, authorised officer or decision maker, and

(b) specify the period within which, in relation to a complaint the Board shall appoint an authorised officer or decision maker under section 148U.

(3) Subject to this Part and rules under this section, the procedure for carrying out an investigation by an authorised officer or making a decision by a decision maker shall be such as the authorised officer or decision maker considers appropriate in all the circumstances of the case.

(4) The authorised officer or decision maker shall perform his or her functions without undue formality where that is consistent with the due performance of those functions.

Relationship between investigation and criminal proceedings

148AG. (1) If a sanction is imposed on a landlord under section 148AA(3) or 148AB(2) and the improper conduct in respect of which the sanction is imposed is an offence under this Act, the landlord is not liable to criminal proceedings for the offence in respect of the improper conduct concerned.

(2) If criminal proceedings have been or are being brought against a landlord and the offence in respect of which the proceedings have been or are being brought is improper conduct, a sanction may not be imposed on the landlord under section 148AA(3) or 148AB(2) in respect of the offence concerned.

(3) An acknowledgment by a landlord under section 148W(1) is not admissible against the landlord in criminal proceedings other than criminal proceedings for an offence under section 148S(16).".

Amendment of section 151 of Act of 2004

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

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

"(ba) the investigation of landlords and the imposition of sanctions in accordance with the provisions of Part 7A,",

and

(b) by the insertion of the following subsection:

"(2A) (a) The Minister shall, not earlier than 12 months and not later than 15 months after the commencement of *section 22* of the *Residential Tenancies (Amendment) Act 2019*, request the Board to provide him or her with such information in relation to prevailing rent levels in the rented sector (other than lettings referred to in paragraph (b) of the definition of that term) as he or she may specify by such date (which shall be a date that falls not later than 3 months after the date of the request concerned) as he or she may specify.

(b) The Board shall comply with a request under paragraph (a).

(c) The Minister shall, not later than 3 months after the date specified under paragraph (a) in respect of the request concerned—

(i) prepare a report in relation to prevailing rent levels in the rented sector (other than lettings referred to in paragraph (b) of the definition of that term), and

(ii) lay a copy of that report before each House of the Oireachtas.".

Authorised officers and decision makers

30. The Act of 2004 is amended by the insertion of the following section after section 164:

"164A. (1) For the purposes of Part 7A the Board shall appoint, as it thinks fit—

(a) a person to be an authorised officer, and

(b) a person to be a decision maker.

(2) A person appointed under subsection (1)(a) may be a member of staff of the Board.

(3) A person shall not at the same time stand appointed as both an authorised officer and a decision maker.

(4) The Board shall form 2 panels, one comprising the names of persons who stand appointed as authorised officers and one comprising the names of persons who stand appointed as decision makers.

(5) Other than an appointment of a person referred to in subsection (2), an appointment under subsection (1) shall be for such period and subject to such terms (including terms as to remuneration and allowances for expenses) as the Board, with the approval of the Minister and the consent of the Minister for Public Expenditure and Reform, may determine.

(6) Each authorised officer or decision maker shall be given a warrant of appointment by the Board and when exercising a power conferred on him or her under Part 7A shall, if requested by a person affected by the exercise of the power, produce the warrant or a copy of it together with a form of personal identification.

(7) An authorised officer or decision maker may at any time resign from his or her appointment as an authorised officer or decision maker.

(8) An appointment under this section as an authorised officer or decision maker shall cease—

(a) if the Board revokes the appointment,

(b) if the appointment is for a fixed period, on the expiry of that period, or

(c) if the authorised officer or decision maker resigns.".

Amendment of section 168 of Act of 2004

31. Section 168 of the Act of 2004 is amended by the insertion, in subsection (2), of the following paragraph:

"(da) an authorised officer or decision maker appointed under section 164A,".

Amendment of section 176 of Act of 2004

32. Section 176 of the Act of 2004 is amended in subsection (5), by the substitution of "Minister for Public Expenditure and Reform" for "Minister".

Amendment of Schedule to Act of 2004

33. The Schedule to the Act of 2004 is amended by the substitution of "Schedule 1" for "Schedule" where it first occurs.

Improper conduct

34. The following Schedule is inserted into the Act of 2004 after Schedule (1):

"Schedule 2

Section 148R

Improper conduct in relation to a landlord means—

(a) the commission by the landlord of a contravention of subsection (4) or (5B) of section 19, subsection (1) of section 134 or subsection (1) of section 139,

(b) the seeking by the landlord to rely on subsection (5) of section 19 in respect of a dwelling that does not comply with the requirements of that subsection,

(c) the citing by a landlord in a notice of termination of a reason for the termination of the tenancy concerned that is, and that he or she knows to be, false or misleading in a material respect,

(d) the failure by a landlord, who has served a notice of termination that cites the ground specified in paragraph 3 of the Table to section 34 as a reason for the termination of the tenancy concerned, to make an offer referred to in paragraph (aa) of subsection (8) of section 35 in circumstances where the conditions referred to in the said paragraph (aa) are satisfied,

(e) the failure by a landlord, who has served a notice of termination that cites the ground specified in paragraph 4 of the Table to section 34 as a reason for the termination of the tenancy concerned, to make an offer referred to in subparagraph (b) of that paragraph in circumstances where the conditions referred to in that subparagraph are satisfied,

(f) the failure by a landlord, who has served a notice of termination that cites the ground specified in paragraph 5 of the Table to section 34 as a reason for the termination of the tenancy concerned, to make an offer referred to in subparagraph (b) of that paragraph in circumstances where the conditions referred to in that subparagraph are satisfied, or

(g) the failure by a landlord, who has served a notice of termination that cites the ground specified in paragraph 6 of the Table to section 34 as a reason for the termination of the tenancy concerned, to make an offer referred to in subparagraph (b) of that paragraph in circumstances where the conditions referred to in that subparagraph are satisfied.".

Oral hearings

35. The following Schedule is inserted into the Act of 2004 after Schedule 2 (inserted by *section 34* of the *Residential Tenancies (Amendment) Act 2019*):

"Schedule 3

Section 148S or 148X

Provisions applicable to Oral Hearings conducted pursuant to section 148S or 148X

Part 1

Oral Hearing conducted by authorised officer pursuant to section 148S(15)

1. The authorised officer conducting the oral hearing for the purposes of an investigation may take evidence on oath, and the administration of such an oath by the authorised officer is hereby authorised.

2. The authorised officer may by notice in writing require any person to attend the oral hearing at such time and place as is specified in the notice to give evidence in respect of any matter in issue in the investigation or to produce any relevant documents within his or her possession or control or within his or her procurement.

3. Subject to paragraph 4, a person required to attend under paragraph 2 may be examined and cross-examined at the oral hearing.

4. A person required to attend under paragraph 2 shall be entitled to the same immunities and privileges in respect of compliance with any requirement referred to in that paragraph as if the person were a witness before the High Court.

5. Where a person required to attend under paragraph 2 does not comply or fully comply with a requirement referred to in that paragraph, the authorised officer may apply in a summary manner to the District Court on notice to that person, for an order requiring the person to comply or fully comply, as the case may be, with the requirement within a period to be specified by the Court, and the Court may make the order sought or such other order as it thinks fit or refuse to make any order.

6. The jurisdiction of the District Court in respect of an application referred to in paragraph 5 may be exercised by a judge of the District Court for the time being assigned to the District Court district where the person required to attend the oral hearing ordinarily resides or carries on any profession, business or occupation.

7. The oral hearing shall be held otherwise than in public.

8. The authorised officer may, with the consent of the Board and out of moneys at its disposal, direct that the whole or part of the reasonable travelling and subsistence expenses that will be or have been incurred by a person required to attend under paragraph 2 in so attending, shall, as the authorised officer thinks appropriate, be paid to the person required to attend whether prior to attending or by way of reimbursement.

Part 2

Oral Hearing conducted by decision maker pursuant to section 148X(6) or (7)

1. The decision maker, in conducting the oral hearing for the purposes of assisting him or her to make a decision under section 148X(4) or 148X(5) or for the purposes of observing fair procedures, may take evidence on oath, and the administration of such an oath by the decision maker is hereby authorised.

2. The decision maker may by notice in writing require any person to attend the oral hearing at such time and place as is specified in the notice to give evidence in respect of any matter in issue in the making of the decision under section 148X(4) or 148X(5) or to produce any relevant documents within the possession or control of the person summoned or within his or her procurement.

3. Subject to paragraph 4, a person required to attend under paragraph 2 may be examined and cross-examined at the oral hearing.

4. A person referred to in paragraph 2 shall be entitled to the same immunities and privileges in respect of compliance with any requirement referred to in that paragraph as if the person were a witness before the High Court.

5. Where a person required to attend under paragraph 2 does not comply or fully comply with a requirement referred to in that paragraph, the Board may apply in a summary manner to the District Court on notice to that person, for an order requiring the person to comply or fully comply, as the case may be, with the requirement within a period to be specified by the Court, and the Court may make the order sought or such other order as it thinks fit or refuse to make any order.

6. The jurisdiction of the District Court in respect of an application referred to in paragraph 5 may be exercised by a judge of the District Court for the time being assigned to the District Court district where the person required to attend the oral hearing ordinarily resides or carries on any profession, business or occupation.

7. The oral hearing shall be held otherwise than in public.

8. The decision maker may, with the consent of the Board and out of moneys at its disposal, direct that the whole or part of the reasonable travelling and subsistence expenses that will be or have been incurred by a person required to attend under paragraph 2 in so attending, shall, as the authorised officer thinks appropriate, be paid to the person required to attend whether prior to attending or by way of reimbursement.".

PART 3

Miscellaneous Provisions

Repeal of certain provisions of Residential Tenancies (Amendment) Act 2015

36. The following provisions of the Residential Tenancies (Amendment) Act 2015 are repealed:

(a) paragraph (g) of section 16;

(b) paragraphs (d) and (e) of section 17;

(c) paragraphs (b), (c) and, in so far as it relates to the insertion of subsection (8) into section 139 of the Act of 2004, paragraph (d) of section 63.

Application of Act of 2004 to certain licences

F5[**37.** (1) The Act of 2004 shall apply to licences to which this section applies and licence agreements as it applies to tenancies of dwellings referred to in subsection (1A) of section 3 of that Act and tenancy agreements relating to such tenancies, subject to the following, and any other necessary, modifications:

(a) references to tenancy shall be construed as references to licence to which this section applies;

(b) references to tenancy agreement shall be construed as references to licensing agreement;

(c) references to landlord shall be construed as references to licensor;

(d) references to tenant (other than a tenant to whom the definition of 'multiple tenants' in subsection (1) of section 48 applies) shall be construed as references to licensee;

(e) references to dwelling shall be construed as references to a residential unit (whether or not self-contained) situated in student accommodation;

(f) references to rent shall be construed as references to payments or charges (howsoever described) payable under a licence agreement to the licensor by any person (whether or not the licensee) in consideration of the licence concerned; and

(g) the deletion, in paragraph (a) of subsection (1) of section 12, of the words 'and exclusive'.

(2) This section does not apply to a licence in respect of student accommodation in which the licensor (other than a licensor who is not an individual) resides, and references in this section to licence to which this section applies shall be construed accordingly.

(3) In this section—

'licence' means a licence—

(a) given by the owner (in this section referred to as the 'licensor') of student accommodation to a student (in this section referred to as the 'licensee'), and

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

permitting the licensee to enter and reside in a residential unit (whether or not self-contained) within that student accommodation in consideration of the making by any person (whether or not the licensee) of a payment or payments to the licensor;

'licence agreement' means an agreement (whether or not in writing) between the owner of student accommodation and a student giving a licence to which this section applies to the student;

'owner' means, in relation to student accommodation, any person (other than a mortgagee not in possession) who has an estate or interest in that accommodation;

'student' means a person registered as a student with a relevant provider (within the meaning of the Qualifications and Quality Assurance (Education and Training) Act 2012);

'student accommodation' means a building, or part of a building, used for the sole purpose (subject to *paragraphs (a)*, *(b)* and *(c)*) of providing residential accommodation to students during academic term times—

(a) whether or not the building or part of the building concerned is used for any other purpose outside of those times,

(b) whether or not any such students are permitted to reside there outside of those times, and

(c) whether or not any person other than a student resides there, provided that the purpose of the said person's residing there serves the first-mentioned purpose.**]**

Annotations

Amendments:

F5 Substituted (15.07.2019) by *Local Government Rates and Other Matters Act 2019* (24/2019), s. 26(d), S.I. No. 355 of 2019.

Amendment of Planning and Development Act 2000

38. The Planning and Development Act 2000 is amended by the insertion of the following section:

"Short term lettings

3A. (1) The use of a house or part of a house situated in a rent pressure zone for short term letting purposes is a material change in use of the house or part thereof, as the case may be.

(2) For the purposes of this section, the Minister may make regulations requiring such persons as are specified in the regulations to provide a planning authority with such information as may be so specified and at such intervals as may be so specified in relation to short term lettings in the administrative area of the planning authority.

(3) A person who contravenes a provision of regulations under this section that is described in the regulations as a penal provision shall be guilty of an offence and shall be liable, on summary conviction, to a class A fine.

(4) This section shall not operate to abrogate or amend the law with regard to—

(a) lettings (including short term lettings) outside a rent pressure zone, or

(b) lettings (other than short term lettings) in a rent pressure zone.

(5) In this section—

'rent pressure zone' means—

(a) any area standing prescribed for the time being under section 24A of the Residential Tenancies Act 2004, or

(b) an administrative area deemed to be a rent pressure zone under section 24B of that Act;

'short term letting' means the letting of a house or part of a house for any period not exceeding 14 days, and includes a licence that

permits the licensee to enter and reside in the house or part thereof for any such period in consideration of the making by any person (whether or not the licensee) of a payment or payments to the licensor.".

Number 14 *of* 2019

RESIDENTIAL TENANCIES (AMENDMENT) ACT 2019

REVISED

Updated to 4 April 2022

About this Revised Act

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

Residential Tenancies Acts 2004 to 2021: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Residential Tenancies (No. 2) Act 2021* (17/2021), s. 19(3)). The Acts in this group are:

- *Residential Tenancies Act 2004* (27/2004)
- *Residential Tenancies (Amendment) Act 2009* (2/2009)
- *Housing (Miscellaneous Provisions) Act 2009* (22/2009), s. 100
- *Residential Tenancies (Amendment) Act 2015* (42/2015), other than s. 1(3) and ss. 15, 85 and 87
- *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016), s. 1(2)(b), part 3 and sch.
- *Residential Tenancies (Amendment) Act 2019* (14/2019), other than s. 38
- *Local Government Rates and Other Matters Act 2019* (24/2019), ss. 25, 26
- *Residential Tenancies and Valuation Act 2020* (7/2020), other than s. 14
- *Residential Tenancies Act 2020* (17/2020)
- *Planning and Development, and Residential Tenancies, Act 2020* (27/2020), Part 3 (ss. 9-16)
- *Residential Tenancies Act 2021* (5/2021)
- *Residential Tenancies (No. 2) Act 2021* (17/2021)

Annotations

This Revised Act is annotated and includes textual and non-textual amendments, statutory instruments made pursuant to the Act and previous affecting provisions.

An explanation of how to read annotations is available at www.lawreform.ie/annotations.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this

revision but will be reflected in a revision of the amended legislation if one is available.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to if one is available.

A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.

Acts which affect or previously affected this revision

- *Residential Tenancies (No. 2) Act 2021* (17/2021)
- *Local Government Rates and Other Matters Act 2019* (24/2019)

All Acts up to and including *Animal Health and Welfare and Forestry (Miscellaneous Provisions) Act 2022* (4/2022), enacted 4 April 2022, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *Residential Tenancies (Amendment) Act 2019 (Commencement) Order 2022* (S.I. No. 167 of 2022)
- *Residential Tenancies (Amendment) Act 2019 (Commencement) (No. 3) Order 2019* (S.I. No. 354 of 2019)
- *Residential Tenancies (Amendment) Act 2019 (Commencement) (No. 2) Order 2019* (S.I. No. 286 of 2019)
- *Residential Tenancies (Amendment) Act 2019 (Commencement) Order 2019* (S.I. No. 236 of 2019)

All statutory instruments up to and including *Residential Tenancies (Amendment) Act 2019 (Commencement) Order 2022* (S.I. No. 167 of 2022), made 31 March 2022, were considered in the preparation of this revision.