



An Bille i gcoinne Díshealbhuithe, 2016
Anti-Evictions Bill 2016

Mar a tionscnaíodh

As initiated



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ACT REFERRED TO

Residential Tenancies Act 2004 (No. 27)



**AN BILLE I GCOINNE DÍSHEALBHUITHE, 2016
ANTI-EVICTIONS BILL 2016**

Bill

entitled

An Act to amend the Residential Tenancies Act 2004 to provide for greater security of tenure by making all tenancies over two months Part 4 tenancies, by making Part 4 tenancies of indefinite duration, removing sale of property as a ground for terminating a tenancy, providing for compensation where a tenancy is terminated on the ground that the dwelling is required by the landlord or a relative of the landlord for their own occupation, extension of notice periods for new rents and for the termination of tenancies, and inclusion of receivers and lenders that have taken possession of properties in the definition of a landlord. 5 10

Be it enacted by the Oireachtas as follows:

Interpretation

1. In this Act, “Act of 2004” means the Residential Tenancies Act 2004. 15

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

2. (1) Section 27 of the Act of 2004 is amended by the substitution of—
- (a) “continuous period of 2 months” for “continuous period of 6 months”, and
 - (b) “continuous period of 2 months” for “continuous period of 6 months”. 20
- (2) Section 28(1) of the Act of 2004 is amended by the substitution of “continuous period of 2 months” for “continuous period of 6 months”.
- (3) Section 28(3) of the Act of 2004 is amended by the substitution of “expiry of the period of 2 months” for “expiry of the period of 6 months”.
- (4) Section 50(3) of the Act of 2004 is amended by the substitution of— 25
- (a) “continuous period of 2 months” for “continuous period of 6 months”, and
 - (b) “expiry of that period of 2 months” for “expiry of that period of 6 months”.

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

3. (1) Section 28(2)(a) of the Act of 2004 is amended by the substitution of “for an indefinite period from” for “for the period of 4 years from”.
- (2) Section 34(b) of the Act of 2004 is hereby repealed. 5
- (3) Chapter 4 of the Act of 2004 is hereby repealed.
- (4) Chapter 5 of the Act of 2004 is hereby repealed.
- (5) Section 55(1) is amended by the deletion of “or a further Part 4 tenancy”.
- (6) Section 55 is amended by the substitution of the following for subsection(2):
- “(2) A termination under section 34 on one or more of the grounds specified in paragraphs 2 to 6 of the Table to that section of a Part 4 tenancy or a further Part 4 tenancy shall not be regarded as a termination of that tenancy for the purposes of section 17(1)(a) of the Landlord and Tenant (Amendment) Act 1980.” 10
- (7) Section 56(1)(a) is amended by the deletion of “, or under a further Part 4 tenancy,”. 15
- (8) Section 57(b) is amended by the deletion of “or a further Part 4 tenancy”.

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

4. (1) The Act of 2004 is amended by the deletion of paragraph 3 of the Table to section 34.
- (2) Paragraph 4(b)(ii) of the Table to Section 34 is amended by the substitution of “the ground specified in paragraph 1, 2, or 6 of this Table” for “the ground specified in paragraph 1, 2, 3 or 6 of this Table”. 20
- (3) Section 56(c)(i) is hereby repealed.
- (4) The Act of 2004 is amended by the deletion of subparagraph (c)(i) of the Table to section 56. 25

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

5. (1) The Act of 2004 is amended in paragraph 4 of the Table to section 34 by the insertion after “his or her family” of “and has paid the tenant an amount equivalent to six months’ rent in respect of the tenancy as compensation for the termination of the tenancy”. 30
- (2) The Act of 2004 is amended in paragraph 4 of the Table to section 34 by the insertion of the following subparagraph after subparagraph (b):
- “(c) and that the landlord is obliged to pay the tenant an amount equivalent to six months’ rent in respect of the tenancy as compensation for the termination of the tenancy.” 35

Amendment of section 22 of Act of 2004 — to extend the notice period for new rents to 180 days

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

Amendment of section 66 of Act of 2004 — to extend the notice periods for termination of a tenancy by a landlord 5

7. Section 66 of the Principal Act is amended by substituting the following for Table 1:

“TABLE 1

Termination by Landlord

Duration of Tenancy (1)	Notice Period (2)	10
1 or more months but less than 3 months	28 days	
3 or more months but less than 6 months	60 days	
6 or more months but less than 1 year	90 days	
1 year or more but less than 3 years	180 days	15
3 years or more but less than 5 years	270 days	
5 years or more	365 days	

”.

Amendment of section 5 of Act of 2004 (“relevant date”, “landlord”, “tenant”, “lease”, etc.) 20

8. Section 5(1) of the Act of 2004 is amended by the substitution of the following for the definition of “landlord”:

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

Short title and commencement

9. (1) This Act may be cited as the Anti-Evictions Act 2016.
- (2) This Act shall come into operation on such day as the Minister for Housing, Planning, Community and Local Government may by order appoint not being later than 90 days from its promulgation by the President. 35

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do leasú an Achta um Thionóntachtaí Cónaithe, 2004 chun socrú a dhéanamh maidir le ráthaíocht tionachta níos mó trí thionóntachtaí faoi Chuid 4 a dhéanamh de gach tionóntacht os cionn dhá mhí, trí thionóntachtaí ré éiginnte a dhéanamh de thionóntachtaí faoi Chuid 4, trí dheireadh a chur le díol maoinne mar fhoras le tionóntacht a fhoirceannadh, do dhéanamh socrú maidir le cúiteamh i gcás go ndéanfar tionóntacht a fhoirceannadh ar an bhforas go bhfuil an teaghais ag teastáil ón tiarna talún nó ó ghaol leis an tiarna talún lena háitiú acu féin, do dhéanamh socrú maidir le tréimhsí fógra a fhadú i leith cíosanna nua agus i leith tionóntachtaí a fhoirceannadh, agus go n-áireofar glacadóirí agus iasachtóirí a mbeidh seilbh glactha acu ar mhaoine sa mhíniú ar thiarna talún.

Na Teachtaí Ruth Coppinger, Mick Barry, Pól Ó Murchú, Risteard Buíd Bairéid, Brid Smith agus Gino Kenny a thug isteach,

15 Nollaig, 2016

BILL

(as initiated)

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

Introduced by Deputies Ruth Coppinger, Mick Barry, Paul Murphy, Richard Boyd Barrett, Brid Smith and Gino Kenny,

15th December, 2016

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

Le ceannach díreach ó

FOILSEACHÁIN RIALTAIS,

52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2.

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