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*Number 22 of 2024*

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**Residential Tenancies (Amendment) Act 2024**

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ACTS REFERRED TO

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

Residential Tenancies Act 2004 (No. 27)

Residential Tenancies Acts 2004 to 2022

Student Support Act 2011 (No. 4)



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*Number 22 of 2024*

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## **RESIDENTIAL TENANCIES (AMENDMENT) ACT 2024**

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An Act to provide for arrangements to apply to tenancies of dwellings referred to in section 3(1A) of the Residential Tenancies Act 2004; in the case of those tenancies to permit advance payment of rent exceeding an amount equivalent to one month's rent only where a person is paying both rent and tuition fees to the same person; to limit the duration of those tenancies, other than at the request of the prospective tenant, to not more than 41 weeks; to apply sanctions for improper conduct by a landlord in relation to the duration of those tenancies; to enable a tenant of a dwelling referred to in section 3(1A) of that Act of 2004, whether or not a landlord has failed to comply with any obligations of the tenancy, to serve a notice of termination in the period between 1 May and 1 October in any year; and for those and other purposes to amend the Residential Tenancies Act 2004. [12th July, 2024]

**Be it enacted by the Oireachtas as follows:**

### **Definition**

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

### **Amendment of section 19B of Principal Act**

2. (1) Section 19B of the Principal Act is amended—
  - (a) in subsection (1), by the substitution of “Payment shall not be sought from a person or a person shall not be required,” for “A person shall not be required,”,
  - (b) in subsection (3), by the substitution of “Subject to subsection (3A) and notwithstanding” for “Notwithstanding”,
  - (c) by the insertion of the following subsection after subsection (3):

“(3A) An advance payment of rent may only be made in accordance with subsection (3) where the tenant is liable to pay both of the following to a single relevant provider:

    - (a) tuition fees;
    - (b) rent in respect of a tenancy.”,

and
  - (d) by the insertion of the following subsection after subsection (5):

“(6) In this section—

‘landlord’ in addition to the meaning assigned to it by section 5, includes a person holding himself, herself or itself out to have a dwelling available for occupation under a tenancy;

‘relevant provider’ has the meaning given to it by the Qualifications and Quality Assurance (Education and Training) Act 2012;

‘tuition fees’ has the meaning given to it by the Student Support Act 2011.”.

- (2) The amendments of section 19B of the Principal Act effected by *subsection (1)* shall only apply to a tenancy created after the date of the commencement of *subsection (1)* or in respect of a dwelling held out after that date as being available for occupation under a tenancy.

### **Duration of tenancy for dwellings referred to in section 3(1A)**

3. (1) The Principal Act is amended by the insertion of the following section after section 19B:

“19C. (1) The duration of a tenancy of a relevant dwelling shall not exceed a period of 41 weeks.

(2) A landlord shall not request that a person enters or require a person to enter into a lease or tenancy agreement in relation to a relevant dwelling the duration of which exceeds a period of 41 weeks.

(3) Notwithstanding subsection (1) or (2), a person may, at his or her request, and with the agreement of the landlord, enter into a lease or tenancy agreement in relation to a relevant dwelling the duration of which is a period of more than 41 weeks.

(4) In this section—

‘landlord’ in addition to the meaning assigned to it by section 5, includes a person holding himself, herself or itself out as having a relevant dwelling available for occupation under a tenancy;

‘relevant dwelling’ means a dwelling referred to in subsection (1A) of section 3.”.

- (2) The amendment of the Principal Act effected by *subsection (1)* shall only apply to a tenancy created after the date of the commencement of *subsection (1)* or in respect of a dwelling held out after that date as being available for occupation under a tenancy.

### **Amendment of section 58 of Principal Act**

4. (1) Section 58 of the Principal Act is amended—

- (a) in subsection (3)(c), by the insertion of “(but subject to subsection (4) where the tenancy is a tenancy referred to in subsection (1A) of section 3)” after “Part 4”, and
  - (b) by the insertion of the following subsection after subsection (3):
    - “(4) Notwithstanding the application of subsection (3) to a tenancy referred to in subsection (1A) of section 3, such a tenancy shall also be construed as including a term enabling its termination by the tenant, by means of a notice of termination that complies with this Part, during the period beginning on 1 May and ending on 1 October in any year, whether or not there has been failure by the landlord to comply with any obligations of the tenancy.”.
- (2) The amendments of section 58 of the Principal Act effected by *subsection (1)* shall only apply to a tenancy created after the date of the commencement of *subsection (1)*.

#### **Amendment of section 78 of Principal Act**

5. Section 78(1) of the Principal Act is amended by the insertion of the following paragraph after paragraph (o):

“(oa) an allegation that a landlord (within the meaning of section 19C) has contravened section 19C,”.

#### **Amendment of Schedule 2 to Principal Act**

6. (1) Schedule 2 to the Principal Act is amended—
- (a) in paragraph (ba), by the substitution of “the seeking or requiring by the landlord (within the meaning of section 19B) of” for “the seeking by the landlord of”, and
  - (b) by the insertion of the following paragraph after paragraph (ba):
    - “(bb) the requesting or requiring by the landlord (within the meaning of section 19C) of a person to enter into a lease or tenancy agreement in relation to a dwelling referred to in subsection (1A) of section 3 the duration of which is a period of more than 41 weeks in contravention of section 19C,”.
- (2) The amendments of Schedule 2 to the Principal Act effected by *subsection (1)* shall only apply to a tenancy created after the date of the commencement of *subsection (1)* or in respect of a dwelling held out after that date as being available for occupation under a tenancy.

#### **Short title, commencement, collective citation and construction**

7. (1) This Act may be cited as the Residential Tenancies (Amendment) Act 2024.
- (2) This Act shall come into operation on such day or days as the Minister for Housing, Local Government and Heritage 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 provisions.

- (3) The Residential Tenancies Acts 2004 to 2022 and this Act may be cited together as the Residential Tenancies Acts 2004 to 2024 and shall be construed together as one.