

2019 changes to the law - how they affect you



What are the key changes to the law and when do they come into effect?

The Residential Tenancies (Amendment) Act 2019 makes changes to the rights and responsibilities of those living and working in the rental sector*.

** There are a number of relevant dates for implementation over the coming weeks and months.*

Changes to laws for ending a tenancy - Effective 4th June 2019

The legislation provides for the following changes when ending a tenancy.

- ▶ Notice periods for ending a tenancy have been extended (see table below);
- ▶ Where a landlord intends to sell a property and issues a notice of termination, they must enter into a contract for sale within 9 months of the termination date and must offer to re-let the property to the tenant if it becomes available again for let within the following 12 months;
- ▶ Where a landlord intends to substantially refurbish the dwelling, they must provide certification by a registered professional stating that the works proposed would pose a threat to the health and safety of the occupants of the dwelling and would take at least 3 weeks to complete. The landlord must offer the property back to the original tenant when the works have been completed;
- ▶ Where a landlord intends to move into the property or requires it for family, and where the landlord intends to change the use of the dwelling, they must offer the property back to the tenant if it becomes available for let from 12 months from the expiry of the notice of termination;
- ▶ Introduction of the remedial notice - if a notice of termination has been ruled invalid as a result of a minor defect during the dispute resolution process, landlords do not have to start over again when issuing a new notice of termination under certain conditions. Instead, an Adjudicator or Tribunal can allow the original notice to be remedied by serving a remedial notice within 28 days of a Determination Order issuing.

Duration of Tenancy	Notice Period
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





Changes to Rent Pressure Zone measures, rent reviews, and rent setting provisions - Effective 4th June 2019

Important changes have been made to the exemptions that landlords can use when reviewing and setting rent in Rent Pressure Zones.

- ▶ **Exemption 1:** a property must be new to the market, having not been let in the 2 years prior to the immediate tenancy commencement date. The exemption applies for the initial rent review, but the Rent Pressure Zone rules apply for following rent reviews.
- ▶ **Exemption 2:** a 'substantial change' in the nature of the accommodation has been defined and will only be deemed to have taken place where specific criteria have been met.

Other changes relating to Rent Pressure Zones that have come into effect from the 4th June 2019 include:

- ▶ All Rent Pressure Zone designations from 2016 have been extended until the 31st December 2021.

- ▶ The introduction of new criteria to be used when designating Rent Pressure Zones.
- ▶ Rent certainty measures outside of Rent Pressure Zones (24 months between rent reviews) have also been extended until the 31st December 2021.

Effective 1 July 2019

- ▶ If a landlord uses one of two RPZ exemptions when setting the rent, they need to notify the RTB of the exemption within one month of the rent setting.
- ▶ A new prescribed form for Notice of Rent Reviews have been introduced and must be used by all landlords.

Investigation and Sanctions function - Effective 1st July 2019

- ▶ The new Act provides the RTB with more effective powers to directly regulate the rental sector by establishing a complaints, investigations and sanctions process that will allow the RTB to proactively monitor and enforce the legislation in terms of:
 - Failing to comply with RPZ requirements including attempting to increase the rent above 4% in an RPZ and seeking to falsely rely on the exemptions contained in the Act;
 - Failing to register a tenancy on a yearly basis and/or failing to notify the RTB where the amount of rent changes during the year; and
 - Failing to offer a tenant their tenancy back where it has been terminated for certain specific grounds which are no longer relevant e.g. property not sold.

Other legislative changes to come

The following changes are provided for in the legislation but have not commenced yet. More information will be provided on these changes when they commence.

Student Specific Accommodation - TBC

- ▶ Landlords who provide residential accommodation to students during the academic term will come under the remit of the RTB, with all landlords required to register their accommodation. This includes accommodation provided by educational institutions and private providers. Registered landlords and student tenants will now have access to the RTB Dispute Resolution Service and will have certain rights and responsibilities.

Annual Registration - Effective Q1 2020

- ▶ Changes to the Act have introduced a system of annual registration, whereby landlords will be required to register their tenancies on an annual basis on the anniversary of the date the tenancy commenced.

Visit www.rtb.ie to find out more information on the legislative changes and how they affect you, or contact us on 0818 30 30 37 (lo-call) or 01 702 8100.



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