

# The rental law has changed

## What are the changes and what do they mean for your rights and responsibilities?



## Rules for ending a tenancy

### Changes in place from 4th June 2019

#### Notice periods increased

The 2019 Act increased the notice periods needed when a landlord ends a tenancy (see below).

#### When a rental property is being sold

A tenancy can be ended if a landlord intends to enter into a contract to sell the property within nine months of ending the tenancy. If the sale does not occur or if they decide to re-let the tenancy, the landlord must offer the tenant an opportunity to re-let the property within the following nine months.

#### When a landlord is substantially refurbishing a rental property

A tenancy can be ended where a landlord intends to carry out substantial refurbishment to the property. There are changes to the law that have added criteria to be satisfied and information to be provided when serving this type of notice.

All landlords must state:

- > if planning permission is provided
- > the name (if any) of the contractor
- > the dates on which the works are to be carried out
- > the proposed duration of the works.

#### What's new

Landlords must also ensure the notice contains or is accompanied by a certificate (in writing) of a registered professional stating:

- > the works would pose a threat to the health and safety of the occupants
- > the property should be vacated while the works are taking place
- > the length of time the property should be vacated to complete the works (this must be longer than three weeks).

A landlord must now also offer the property back to the original tenant when the works have been completed.

#### New Notice Periods



#### When a landlord plans to move into a property or requires it for a family member or if the landlord plans to change the use of the property

A landlord must now offer the property back to the tenant if it becomes available for re-let within 12 months of the expiry of the notice period.

**Tenants must provide their contact details in writing to their landlord within 28 days of receiving a notice of termination if they wish to be offered to re-let the property if it becomes available to rent.**

#### A landlord must now send Notices of Termination to the RTB

Where a tenancy has lasted more than six months, and a landlord is ending the tenancy, a copy of Notice of Termination with the required form must be sent to the RTB within 28 days of the tenancy ending.

Sample notices and the required cover form can be found on [www.rtb.ie](http://www.rtb.ie) and can be sent by email to [registrations@rtb.ie](mailto:registrations@rtb.ie) or by post to **RTB, PO Box 47, Clonakilty, Co Cork.**

#### Remedial Notice

This is a new type of notice to allow landlords or tenants to serve a new shorter notice where they make a mistake provided the landlord or tenant gets the full benefit of the notice period. For more information on remedial notices see [www.rtb.ie](http://www.rtb.ie)

# Rent setting, rent reviews and Rent Pressure Zones (RPZ)

A Rent Pressure Zone is a designated area where rent can only be increased in either existing properties or properties being re-let by up to 4% per year, and the rent cannot be more than market rent. The 4% restriction applies to new and existing tenancies.

**All existing Rent Pressure Zones have been extended until 31st December 2021** and there are new criteria in place for the designation of new Rent Pressure Zones. A number of new Rent Pressure Zone areas have met the new criteria and are now designated Rent Pressure Zone areas.

Landlords and tenants should use the **RTB Rent Calculator** which is a useful tool to check whether a tenancy is in a Rent Pressure Zone and what the correct rent amount should be.

## Exemptions to Rent Pressure Zone measures

There are three exemptions to the Rent Pressure Zone limits that apply to:

- ▶ Properties that are new to the market and have not been let for two years prior to the start date of the tenancy.
- ▶ Properties that are (or are in) protected structures and have not been rented within the previous 12 months prior to the start date of the tenancy.
- ▶ Properties that have had a substantial change in the nature of the accommodation.

## New rules

1. If a landlord wants to claim an exemption from the rent restriction in an RPZ area they must notify the RTB within one month of setting the rent by completing an RPZ Exemption Form and sending by email to **registrations@rtb.ie** or by post to **RTB, PO Box 47, Clonakilty, Co Cork**.
2. When reviewing the rent, a landlord must use a new prescribed Notice of Rent Review form available on **www.rtb.ie**

## Properties that have had a substantial change in the nature of the accommodation

A 'substantial change' in the nature of the accommodation has been defined in law and an exemption will only apply where the below criteria is met:

A permanent extension to the property that increases the floor areas by not less than 25% **or** work that has improved the BER rating and it has increased by at least 7 energy ratings **or any 3 or more of the following:**

1. A permanent alteration of the internal layout of the property;
2. Adaptation of the property to provide for access and use by a person with a disability;
3. A permanent increase in the number of rooms in a dwelling;
4. An improvement in the BER rating by at least three energy ratings; or
5. The improvement by two energy ratings where the property had a BER of C3.

## Outside Rent Pressure Zones

Outside Rent Pressure Zones landlords can only review the rent 24 months after the tenancy commencement date or 24 months after the date of service of the last valid rent review. The rent review notice that must be used when carrying out a rent review is available on **www.rtb.ie**

# Other important changes

## Investigation and Sanctions

Since **1st July 2019**, the RTB now has a more proactive regulatory role to directly investigate landlords and apply a proportionate sanction where appropriate for specific breaches of the law:

- ▶ not following Rent Pressure Zone rent restrictions;
- ▶ providing false and misleading information on notices of termination, or where properties have not been offered back to the tenant in certain circumstances;
- ▶ not registering a tenancy.

For more information you can contact us on our dedicated Investigations and Sanctions Information Helpline –

**0818 77 62 97 or 023 883 2811**

## Student Specific Accommodation

All student specific accommodation provided by education authorities and private providers for students during the academic term are under the remit of the RTB. This means that all tenancies / licenses entered into on or after the **15th August 2019** must be registered with the RTB. It also means that both landlords and student tenants have access to the RTB Dispute Resolution Service including a free mediation service and have certain rights and responsibilities.

## Changes still to come - Annual Registration

The new legislation will change how tenancies are registered in 2020 - moving from registering every new tenancy to registering a tenancy annually. The RTB will give landlords advanced notice of when this part of the legislation commences.

The existing system of registration remains in place, and all landlords should continue to register as normal. Landlords must continue to update any existing registrations where there are changes, by completing the Tenancy Registration Update form. Further information on registration and registration updates are at **www.rtb.ie**.

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**.