



Service, Policy & Legislative Update: Housing SPC Dublin City Council

Planning and Development (Housing) and Residential
Tenancies Act 2016

Private Rented Sector

- 20% of households (Census 2011)
- No longer just a transitory sector
- 325,372 tenancies; 175,250 landlords; 705,465 people living in the sector (RTB)
- Social housing need 91,600 households nationally (September 2016)
- DCC: 19,811 households (+22.5% on 2013)
- Main need for social housing: dependent on Rent Supplement 39,296 households (43%)

- Security of tenure: move towards tenancies of indefinite duration, rent certainty (Pressure Zones)
- Improved Minimum Standards regulation
- Deposit Protection Scheme (not yet commenced)
- Social Housing supports: roll-out of HAP, increased stock and role for Approved Housing Bodies
- Receivers and buy-to-let properties



Tenancy Protection Service



- A targeted response to growing problem of family homelessness & use of commercial hotels.
- Delivered on behalf of Dublin Local Authorities in partnership with Dublin Regional Homeless Executive & other partners in sector.
- The TPS Dublin launched in June 2014; initially aimed at families at risk of homelessness but expanded to include all tenants at risk
- Launched in Cork City and surrounding areas January 2015.
- Expanded to commuter counties of Kildare, Meath & Wicklow April 2016
- Launched in Galway beginning of June 2016.
- National Rollout of Helpline **1st January 2017.**
- Changing nature of queries, flow of rent increase queries has slowed (legislative changes) increase in queries about notices, landlord selling or moving in etc.

How We Help



- We work to prevent families from losing their homes
- We provide an advice, advocacy and support service, we help resolve tenancy disputes and protect tenants rights, **sustainment** and **prevention** key to avoiding homelessness
- We negotiate and mediate directly with landlords and letting agencies
- We can help secure an increased Rent Supplement payment
- We help with applications to and representation at Residential Tenancies Board (RTB)
- We immediately respond to an eviction or threats of eviction
- Freephone 1800 454 45, Mon-Fri 9am – 9pm

Tenancy Sustainment Protocol (ITSP)

- Arrangement with Department of Social Protection to help tenants access an increased Rent Supplement payment on foot of a **valid rent review**
- Direct, secure email addresses for submitting documents, quick turnaround agreed
- **2,804** tenancies benefited from this additional support, (**3,815** adults with **4,915** children) did not need to access emergency accommodation
- Value for money: cost to DSP in terms of Rent Supplement payments to these families €35m versus €95 million if same families had to be accommodated in hotel

How many people have we helped

- **10,500** households contacted the service since it commenced
- **4,980** (47%) of these contacts needed advice, information and general support only
- **5,520** (53%) of these were deemed to be at risk of homelessness & tenancies protected by variety of interventions



Liaison Officer



- Direct contact point for queries and referrals for all public representatives
- Can provide information, advice and take direct referrals
- Laurence Kinch 086-1660433
- laurence.kinch@threshold.ie
- Training, awareness and outreach aspect to role (can attend community events etc.)



4%

RENT CERTAINTY

Section 19 Residential Tenancies Act 2004 - 2016

Prior to 24th December 2016

Rent increase only constrained by:

‘**Market Rent**’ (Comparison of three properties.)

In Q4 2016

- Dublin rents rising by almost 15% a year, the highest since the middle of 2014.
- Up 65% from their lowest point in 2010
- 14% higher than their previous peak at the start of 2008.

Two year 'Rent Freeze'

Residential Tenancies (Amendment) Act 2015

A landlord may review the rent once in any 24 month period, and cannot review within 24 months of the commencement of the tenancy except in limited circumstances.

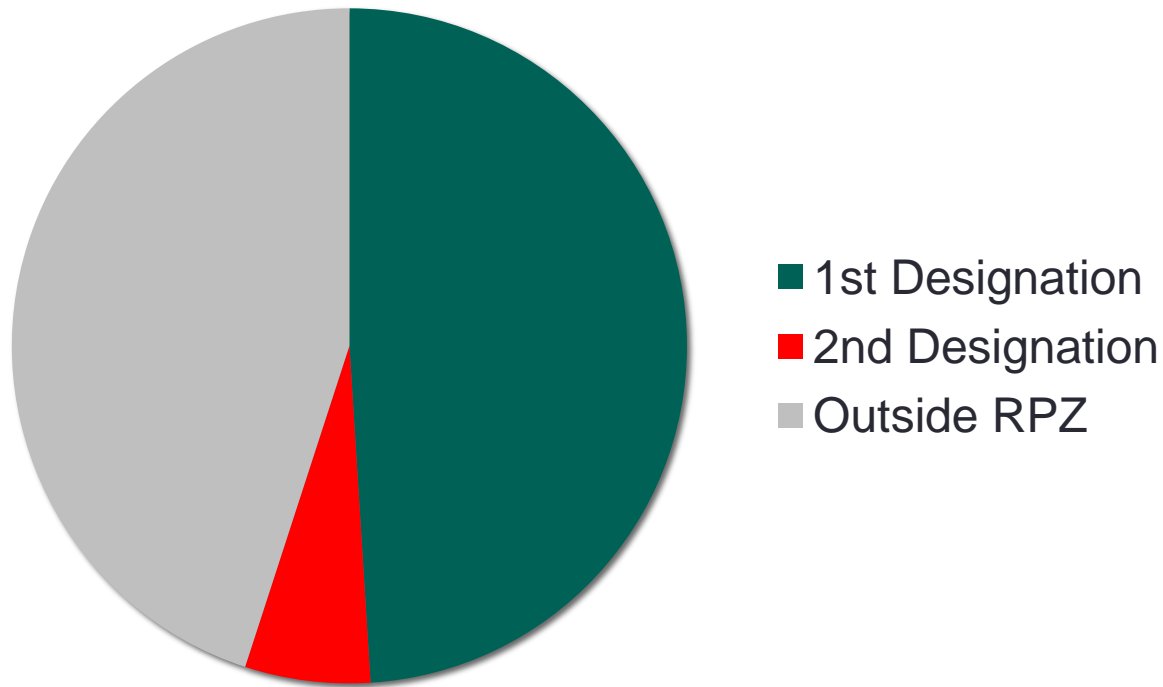
Period of frozen rent coming to an end for some

Introduced in 2015 for a period of **4 years**.

Replaced old rule whereby a review could take place every 12 months

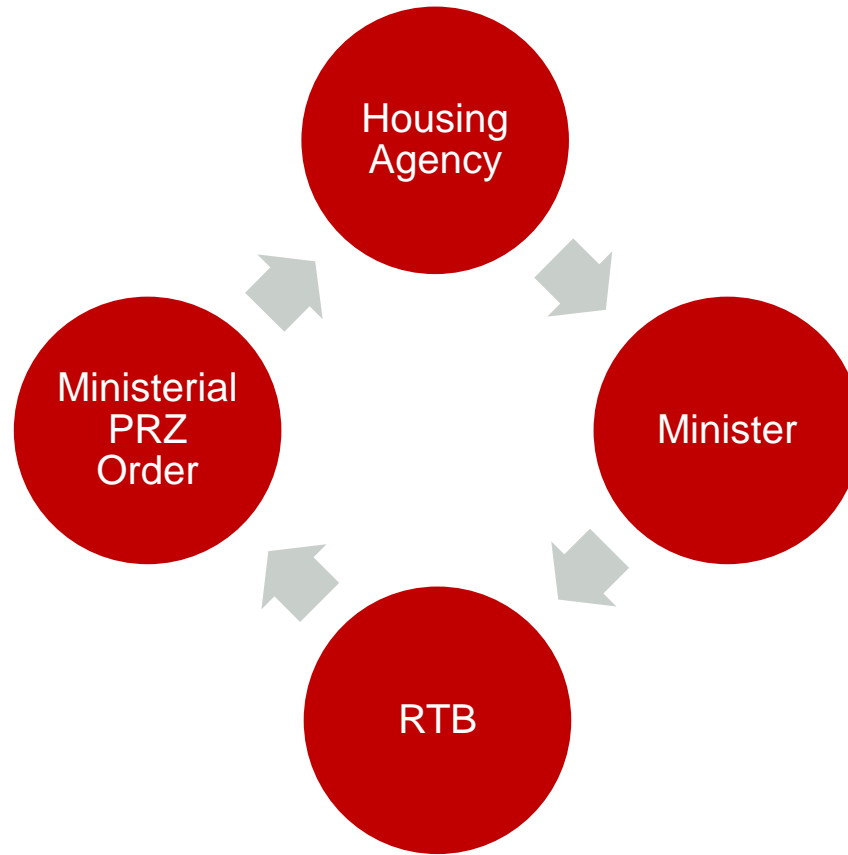


Registered Tenancies in Rent Pressure Zones



55% of Registered Tenancies are within the Rent Pressure Zones

Designation of Rent Pressure Zones



Rent Inflation

- The annual rate of rent inflation in the area must have been 7% or more in four of the last six quarters (i.e. over the previous 18 Months)

Average National Rent

- The average rent for those tenancies, registered with the RTB in the previous quarter, must be above the average national rent for the quarter.



$$R \times (1 + 0.04 \times t/m)$$



R = The amount of rent last sent under the tenancy (i.e. the current rent)



t = The number of months between the date the current rent came into effect and the date the new rent will come into effect.



m = Either 12 or 24

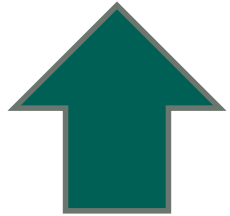
Landlord who had not raised the rent since 2011

2011 Rent = 900 euros.

- Date tenancy commenced: 01/03/2011
- Date previous rent set: 02/03/2011
- Date new rent to take effect: 01/04/2017

$$\mathbf{\text{€}900 \times (1 + 0.04 \times 72/24) = \text{€}1008.00}$$





Number of calls



Invalid Notices

RTB has seen a **135%** increase in disputes since December. Between December 24 and February 20 the RTB received **117** disputes citing “rent more than the market rent”



Notice of Termination



Valid Notice

NOTICE OF TERMINATION

To: John Smith

The tenancy of the dwelling at 14 Anyroad Lane, Dublin 3, will terminate on 10/03/2017. You must vacate and give up possession of the dwelling on or before the termination date.

The reason for the termination of the tenancy is due to the fact that the landlord intends to enter into a binding contract for sale within three months of the termination of the tenancy and to enter into an enforceable agreement for the transfer for full consideration of his or her interest in the premises.

You have the whole of the 24 hours of the termination date to vacate and give up possession of the above dwelling.

Any issue as to the validity of this notice or the right of the landlord to serve it, must be referred to the Residential Tenancies Board under Part 6 of the Residential Tenancies Acts 2004 to 2015 within 28 days from the date of receipt of it.

This notice is served on 05/01/2017.

Signed:

A. N. Other
Landlord

Please note - In order to ensure that there is no delay on returning the deposit, I would suggest carrying out inspections on (Insert Date) and (Insert Date) at (Insert Time). Please let me know if this time is convenient for you.



Invalid Notice

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To: John Smith

The tenancy of the dwelling at 14 Anyroad Lane, Dublin 3, will terminate on 10/03/2017. You must vacate and give up possession of the dwelling on or before the termination date.

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You have the whole of the 24 hours of the termination date to vacate and give up possession of the above dwelling.

Any issue as to the validity of this notice or the right of the landlord to serve it, must be referred to the Residential Tenancies Board.

This notice is served on 15/02/2017.

Signed:

A. N. Other
Landlord

Please note - In order to ensure that there is no delay on returning the deposit, I would suggest carrying out inspections on (Insert Date) and (Insert Date) at (Insert Time). Please let me know if this time is convenient for you.

Declaration.

Statutory Declarations Act, 1938 (as amended)

Required where:

- The landlord intends to sell the property.
- Where the landlord intends to occupy the dwelling or have a family member occupy the dwelling.

Sample Statutory Declaration for Landlord intending to sell the dwelling

I, [Insert Name], do solemnly and sincerely declare that I intend, within a period of three months after the termination date, to enter into an enforceable agreement to transfer to another, for full consideration, the whole of my interest in the dwelling or the property containing the dwelling and I make this solemn declaration conscientiously believing the same to be true and accurate.

[Declarant to Sign Here]

Declared before me a [practising solicitor] [notary public] [commissioner for oaths] [peace commissioner] [person authorised by [insert authorising statutory provision] to take and receive statutory declarations] by [Insert Name of Declarant]

Who is personally known to me / who has been identified to me by who is personally known to me and who has certified to me his/her personal knowledge of the declarant.

Or

The identity of the declarant has been established by me by reference to a [Insert Identifying document*] containing a photograph of the declarant.

This day of 2016 at [insert place of signature]

[Signature of Witness]

*Approved Identifying Documents

1. Passport issued by the authorities of an issuing State that is recognised by the Irish Government [passport number, date of issue and issuing State must be inserted]
2. National Identity Card issued by the authorities of an issuing State which is an EU Member State, the Swiss Confederation or a Contracting Party to the EEA Agreement [national identity card number, date of issue and issuing State must be inserted]
3. Aliens Passport issued by the authorities of an issuing State that is recognised by the Irish Government [passport number, date of issue and issuing State must be inserted]
4. Refugee Travel document issued by the Minister for Justice, Equality and Law Reform [document number and date of issue must be inserted]
5. Travel document (other than a refugee travel document) issued by the Minister for Justice, Equality and Law Reform [document number and date of issue must be inserted]



SECURITY OF TENURE

Tyrrelstown Amendment

Part Four increase

Termination within first six months of a further Part Four

Changes to Part Four



Prior to 24th December 2016 a person who had lived in a property for six months was entitled to stay for a further 3 and a half years. This has now been extended to 5 and a half years.

Applies to all new tenancies after 24th December 2016 (including a further part four begun after this date.)

Tenants who are currently on a four year cycle will 'see out' the four year Part Four before beginning a six year Part Four.

A Part Four tenancy may not be terminated where the landlord intends to sell:

10 or more units

In a single development

In a six month period

Exceptions

- Market value would be 20% or more below the market value which could be obtained with vacant possession.

AND

- In all the circumstances applying the restriction would be *unduly onerous* **or** *would cause undue hardship*.

Section 42

Prior to 17th January 2016 a Landlord could terminate a tenancy in the first six months of a Further Part Four tenancy without having to have a reason.

As of January 17th 2017 termination of a further Part Four in the first six months, for no reason, is no longer permitted

The other grounds for termination still apply. It is only termination for no stated reason which has been abolished.



Minimum Standards

Come into operation on **1 July 2017**

Headline changes

- Carbon monoxide detectors.
- Windows that are located above a certain height will have to be fitted with safety restrictors.
- Landlords will have to provide a permanently fixed heater in each bathroom/shower.



What's missing?

- Connection to telecoms.
- Entitlement to copies of inspection reports
- Definition of 'structurally sound' should include security (e.g doors that can lock)
- Overcrowding.
- Energy Efficiency

Overcrowding

- Update definition in 1966 Housing Act and bring it under minimum standards legislation.
 - May not have survived the enactment of the 34th Amendment to the Constitution.
- Create offence of permitting overcrowding which applies to both tenant and landlord (e.g. UK model)
- Greatly Increase the number of inspections carried out by Local Authorities. The aim of achieving a 25% annual inspection coverage rate by 2021 is sufficient, but should be prioritised.



“Great multitudes of poor people inhabiting small rooms, being therein heaped together and in a sort smothered in one house ; if plague or sickness came amongst them it would possibly spread through the whole city and confines.”

Energy Efficiency

More than **55 %** of private rented dwellings have poor energy efficiency, with a Building Energy Rating (BER) between D and G

The **poorest** are paying **most** to keep warm. Households living in energy inefficient properties spend €160-€419/yr more on energy than households in a home rated with a BER of B.

A one grade improvement in BER is associated with a 4-10% change in household energy expenditure.



'NCT' for private rental property

'NCT' for rented housing whereby the burden of proof for compliance with minimum standards would rest with the landlord who would be required to provide a certificate of fitness to the local authority.

- Landlords would have to prove compliance with minimum standards and fire safety standards before a property could be rented.
- A certificate would be valid for fixed period.
- The landlord would be required to supply the RTB with the details of certification as part of the tenancy registration process.
- The certification scheme could be rolled out on a phased basis for existing rented properties, in a similar way to recent changes in standards regulations, a four-year rollout period would be appropriate.
- An indicative fee structure can be established in advance through professional bodies.

Deposit Protection Scheme



Enacted by s.12 of the Residential Tenancies Act 2015, **but never commenced**

Under the scheme, Landlords:

- Lodge tenancy deposits with the RTB at the same time as they are registering the tenancy.
- The RTB will hold these deposits for the duration of the tenancy and will retain the interest generated on the deposit funds towards funding the costs of operating the scheme.
- At the end of the tenancy, where there is agreement, the deposit will be repaid to the tenant.
- Where there is disagreement, the parties may use the RTB for dispute resolution.

Third most prevalent issue for RTB adjudications

Other Schemes: Custodial v Insurance

Contact Threshold

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Thresholdire

