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**An Bille um Chinnteacht Cíos a agus um Easpa Dídine a Chosc, 2015**  
**Rent Certainty and Prevention of Homelessness Bill 2015**

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*Mar a tionscnaíodh*

*As initiated*

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**AN BILLE UM CHINNTEACHT CÍOSA AGUS UM EASPA DÍDINE A CHOSC, 2015**  
**RENT CERTAINTY AND PREVENTION OF HOMELESSNESS BILL 2015**

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ACTS REFERRED TO

Housing (Miscellaneous Provisions) Act 1992 (No. 18)

Housing Act 1988 (No. 28)

Residential Tenancies Act 2004 (No. 27)



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**AN BILLE UM CHINNTEACHT CÍOSA AGUS UM EASPA DÍDINE A CHOSC, 2015**  
**RENT CERTAINTY AND PREVENTION OF HOMELESSNESS BILL 2015**

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# **Bill**

*entitled*

An Act to amend the Housing Act 1988 and the Residential Tenancies Act 2004 to update the definition of “homelessness” and to more appropriately address the needs of people experiencing homelessness; to bring the task of homelessness prevention within the remit of the 1988 Act; and to provide for rent certainty in the private rental market and for related matters. 5

**Be it enacted by the Oireachtas as follows:** 10

## **Interpretation**

1. In this Act—

“Dwelling” has the same meaning as in section 4 of the Act of 2004;

“Housing authority” has the same meaning as in section 23 of the Act of 1992;

“The Act of 1988” means the Housing Act 1988; 15

“The Act of 1992” means the Housing (Miscellaneous Provisions) Act 1992;

“The Act of 2004” means the Residential Tenancies Act 2004

## **Amendment of Section 2 of the Housing Act 1988**

2. Section 2 of the Act of 1988 is deleted and replaced by the following:

“2. (1) A person shall be regarded by a housing authority as being homeless for the purposes of this Act if— 20

(a) there is no accommodation available which, in the opinion of the authority, he or she, together with any other person who normally resides with him or her or who might reasonably be expected to reside with him or her, can reasonably occupy or remain in occupation of, or 25

(b) he or she is living in a hospital, county home, night shelter or other such institution, and is so living because he or she has no accommodation of the kind referred to in paragraph (a), and he or she is, in the opinion of the authority, unable to provide accommodation from his or her own resources. 30

- (2) A person shall be regarded by a housing authority as being at risk of becoming homeless for the purposes of this Act if—
  - (a) a housing authority, or a body approved of by the Minister for the purposes of providing housing support, advice and information, is satisfied that, due to circumstances beyond that person’s control or due to the existence of unavoidable causative factors, it is likely that he will become homeless without positive preventative action being taken by the authority or such an approved body; or
  - (b) it is likely that he will become homeless within 28 days.”.

**Amendment to Section 10 of the Housing Act 1988**

3. Section 10 of the 1988 Act is deleted and replaced by the following:

- “10. (1) A housing authority may, subject to such regulations as may be made by the Minister under this section—
  - (a) make arrangements, including financial arrangements, with a body approved of by the Minister for the purposes of section 5 for the provision by that body of accommodation for a homeless person,
  - (b) provide a homeless person or a person who is at risk of becoming homeless with such assistance, which may include financial assistance, as the authority considers appropriate,
  - (c) rent accommodation, arrange lodgings or contribute to the cost of such accommodation or lodgings for a homeless person,
  - (d) provide or make arrangements, including financial arrangements, with a body approved of by the Minister for the purposes of section 5 for the provision by that body of such support, advice and information as is necessarily required for the purpose of assisting a homeless person with putting an end to his homelessness, or
  - (e) provide or make arrangements, including financial arrangements, with a body approved of by the Minister for the purposes of section 5 for the provision by that body of such support, advice and information as is necessarily required for the purpose of assisting a person who is at risk of becoming homeless with remaining in occupation of his accommodation.
- (2) A request for accommodation may be made to a housing authority by or on behalf of a homeless person and a person who is at risk of becoming homeless.
- (3) Where accommodation or lodgings are made available to a person by virtue of subsection (1), the housing authority may at any time specify a period for which the accommodation or lodgings are to be so made available to that person.
- (4) The Minister may, with the consent of the Minister for Finance and subject to such regulations as may be made by the Minister under this section, recoup, out of moneys provided by the Oireachtas, all or part

- of any payment made by a housing authority by virtue of subsection (1).
- (5) Where accommodation or lodgings are made available to a person by virtue of subsection (1), the housing authority may require that person to pay to them such charge as they see fit, having regard to the means of the person, the cost to the authority of such accommodation or lodgings and such other matters as the authority consider appropriate. 5
- (6) A charge due to a housing authority under subsection (5) shall be recoverable by them as a simple contract debt in any court of competent jurisdiction. 10
- (7) A charge under subsection (5) shall not be subject to the terms of any rent scheme in relation to houses let by the housing authority.
- (8) Where accommodation or lodgings are made available to a person by virtue of subsection (1) and—
- (a) the circumstances of that person change to the extent that, in the opinion of the housing authority— (i) if the accommodation or lodgings being made so available were no longer available, the person would not be homeless, or (ii) the person is now able to provide accommodation from his own resources, or 15
- (b) that person has failed to pay a charge under subsection (5), 20
- the authority may cease to have such accommodation or lodgings made so available and may require the person to vacate the accommodation or lodgings.
- (9) Where accommodation or lodgings are made available or assistance is provided to a person by virtue of subsection (1), such person shall not be precluded for that reason from being included in an assessment under section 9 or being accepted for inclusion in the next such assessment. 25
- (10) A housing authority may, while making enquiries to enable them to determine if a person is homeless, exercise the powers provided for in subsection (1). 30
- (11) Regulations under this section may, in particular, but without prejudice to the generality of subsections (1) and (4), make provision in relation to all or any one or more of the following:
- (a) the manner in which housing authorities exercise their powers under this section; 35
- (b) the amount and conditions of recoupmets under subsection (4) ;
- (c) the notification by a housing authority of the decision on a request for accommodation and the reasons there for;
- (d) the furnishing of information to a housing authority in relation to a request for accommodation or assistance from the authority; 40

- (e) such other incidental, consequential or supplementary provisions as may appear to the Minister to be necessary or expedient.”.

### **Rent Certainty**

4. The Residential Tenancies Act 2004 is amended by deleting section 19 and replacing it with the following: 5
- “19. (1) In setting, at any particular time, the rent under the tenancy of a dwelling, an amount of rent shall not be provided for that is greater than the amount set in the previous rent review plus or minus the rate of inflation.
- (2) The reference in this section to the setting of the rent under a tenancy is a reference to— (a) the initial setting of the rent under the tenancy, and (b) any subsequent setting of the rent under the tenancy by way of a review of that rent.” 10

### **Short title, collective citations and commencement**

5. (1) This Act may be cited as the Rent Certainty and Prevention of Homelessness Act, 2015. 15
- (2) This Act comes into operation on such day or days as the Minister may appoint by order or orders.



An Bille um Chinnteacht Cíos a agus um  
Easpa Dídine a Chosc, 2015

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# BILLE

*(mar a tionscnaíodh)*

*dá ngairtear*

Acht do leasú Acht na dTithe, 1988 agus an Achta um Thionóntachtaí Cónaithe, 2004 chun an míniú ar “easpa dídine” a uasdátú chun aghaidh a thabhairt, ar shlí níos oiriúnaí, ar riachtanais daoine atá gan dídean, do thabhairt an taise arb éard é easpa dídine a chosc faoi réim Acht na dTithe, 1988, agus do dhéanamh socrú maidir le cinnteacht cíos sa mhargadh príobháideach cíos a agus le haghaidh nithe gaolmhara.

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*An Teachta Deasún Mac Eilis a thug isteach,  
25 Samhain, 2015*

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Rent Certainty and Prevention of  
Homelessness Bill 2015

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# BILL

*(as initiated)*

*entitled*

An Act to amend the Housing Act 1988 and the Residential Tenancies Act 2004 to update the definition of “homelessness” to more appropriately address the needs of people experiencing homelessness, to bring the task of homelessness prevention within the remit of the Housing Act 1988, and to provide for rent certainty in the private rental market and for related matters.

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*Introduced by Deputy Dessie Ellis,  
25th November, 2015*

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