

**Opening Statement of Owen Keegan,
Interim Director, Residential Tenancies Board (RTB) to the**

**Joint Oireachtas Committee on Housing, Local Government & Heritage
2 July 2024**

Introduction

Thank you, Chairperson and Members, for the invitation to attend this afternoon. I am Owen Keegan, and I am the Interim Director of the Residential Tenancies Board. I am accompanied by my colleagues Ms Louise Loughlin and Ms Lucia Crimin, both Deputy Directors at the RTB. We will be happy to answer Members' questions, but first I would like to read a short Opening Statement and respond to the specific issues raised in your letter of invitation.

RTB Role and Remit

The RTB was established under the Residential Tenancies Act, 2004. It is an independent, public body operating under the aegis of the Department of Housing, Local Government and Heritage. Our role covers four key areas as follows:

- (i) Maintaining a register of tenancies.
- (ii) Providing a dispute resolution service, primarily for landlords and tenants.
- (iii) Ensuring compliance with rental law and
- (iv) Providing information, research, data, insights, and policy advice related to the rental market.

RTB Data

The RTB is in a unique position to discharge its data related functions as it holds a comprehensive rental dataset and other relevant information, which is collected primarily through the annual registration of private, approved housing body, student specific accommodation and cost rental tenancies. The RTB uses this data and information to promote a better understanding of the rental sector, monitor trends, assess their impacts, and inform policy and outcomes based on evidence. Key RTB research publications include the RTB *Quarterly Rent Index*, the *Quarterly Data Bulletin*, and the *Tenant Research Survey*. In addition, the RTB's interactive Research and Data Hub provides the public with access to a wide range of data collected by the RTB.

We plan to publish by the end of July, a new detailed data series on the '*Profile of the RTB Register*' with details of the number of registered tenancies at the end of each quarter, from Q2 2023 and relevant breakdowns (e.g. by area, dwelling type, no of bedrooms, no of occupants) as well as details of landlords by size.

I would now like to comment briefly on the specific issues raised in your letter of invitation as follows:

1. RTB Registration Process and IT System

A key regulatory function of the RTB is the maintenance of an accurate register of residential tenancies. Since April 2022, landlords have been required to renew the registration of their tenancies on an annual basis. To facilitate annual registration and to provide new functionality and improved customer service, the RTB redesigned its registration system in 2021. During 2022, issues arose with system performance which caused serious difficulty for landlords seeking to register their tenancies. Over the last two years, we have worked hard to stabilise the system and we have successfully introduced changes to improve the customer experience and our data quality.

The Board of the RTB recently gave outline approval for a further investment programme, which is intended to systematically upgrade our existing ICT systems, to address current system deficiencies, to improve efficiency, to enhance security and provide better service to RTB customers.

In May 2024, the RTB introduced a new virtual agent/web chat service. Feedback from stakeholders and the public so far is positive.

2. Difference between RTB Data and CSO Data

In October 2023, the RTB appeared before this Committee, along with the CSO, to discuss the apparent difference between RTB published figures on the number of registered private tenancies and the CSO figure from the 2022 Census on the number of households in private rented accommodation. Both organisations have engaged on the matter since then, and as I advised the Committee, the CSO are finalising a report on the difference between the two datasets, which I understand will be published before the end of July.

3. Implementation of Rent Pressure Zones (RPZ)

RPZs, which are intended to cap rent increases in certain designated areas, were introduced in 2016. The relevant legislation also provides for certain exemptions from the RPZ requirements. Since their introduction, the caps on rent increases have been changed on several occasions. Currently, rents in a RPZ cannot be increased by more than 2% per annum pro rata or if it is lower, by the increase in the rate of inflation as recorded by the Harmonised Index of the Consumer Prices (HICP). This restriction applies to new and existing tenancies in RPZs (unless an exemption applies). RPZs are designated by the Minister for Housing, Local Government & Heritage.

The RTB has role in the following aspects of RPZs:

- (i) For an area to be designated an RPZ, certain rent increase criteria must be met. The quarterly Rent Index produced by the RTB is used to assess areas against these criteria and
- (ii) The RTB investigates potential breaches by landlords of RPZ rules.

4. Enforcement

The RTB supports compliance through information provision and by processes designed to make compliance as straightforward as possible. The three main areas of RTB enforcement activity are set out below:

(i) ***Prosecution***

The RTB invokes formal compliance action in those cases where this is in the public interest. Non-compliant landlords damage the reputation of the responsible landlords across Ireland who comply with the law and who work every day to ensure their tenants are treated fairly and with respect. The RTB is committed to ensuring that these non-compliant landlords are identified, held to account, and do not continue to undermine public confidence in the operation of the residential rental sector.

In keeping with our policy to support compliance, the RTB writes to landlords where non-registration is suspected and gives the landlord a reasonable opportunity to comply before a prosecution is initiated. Landlords receive two Notices from the RTB before any legal letters are issued.

Under the Act, a person who does not comply with their responsibility to register their tenancy/tenancies faces a criminal conviction and a fine of up to €4,000 and/or 6 months imprisonment if convicted.

(ii) ***Improper Conducts***

Under the Act the responsibility for compliance with rental law lies, principally, with landlords. Once a tenancy comes into effect, the landlord must abide by the rental rules and requirements as set out in the Act. Most landlords comply with their responsibilities in a timely manner. The RTB is committed to ensuring that non-compliant landlords are identified and held to account. In cases where voluntary compliance is not forthcoming or where there are clear and serious breaches of rental law, the RTB has powers to investigate and sanction landlords who commit certain breaches of rental law called '*improper conducts*,' as defined in the Act. These '*improper conducts*' include failure to:

- comply with Rent Pressure Zone (RPZ) requirements,
- register a tenancy,
- notify the RTB of changes to the particulars of a tenancy,

- notify the RTB when claiming an exemption to RPZ requirements or seeking to rely on an exemption to the RPZ requirements that does not comply with those requirements,
- offer a tenancy back to the tenant, where specific grounds of termination are no longer relevant,
- providing false or misleading reasons for ending a tenancy,
- or seeking a deposit/advance payment in excess of one month's rent, (this applies in the case of a tenancy created from 9 August 2021 onwards).

Sanctions for '*improper conduct*' may include a written caution and/or a fine of up to €15,000 and costs of up to €15,000. Income from all monetary sanctions is transferred by the RTB to the Exchequer.

(iii) *Enforcement of Determination Orders*

When landlords, tenants or third parties access the RTB dispute resolution service through mediation, adjudication, and/or the Tenancy Tribunal, they generally receive a legally binding Determination Order. When non-compliance with a Determination Order is reported, the RTB can assist parties who are seeking compliance by:

- Facilitating the party in pursuing their own Order Enforcement proceedings in the District Court or
- Directly assisting the party by funding a solicitor to pursue the Order Enforcement proceedings in the District Court.

Detailed information on of all RTB enforcement activity is set out in the RTB's Annual Report. A copy of the RTB's Annual Report for 2023, which is due to be published this week, will be circulated to all members of the Committee.

28 June 2024