

What are the Minimum Standards to which a Tenant is entitled to in Rented Accommodation?

Minimum standards are set out in the Housing (Standards for Rented Houses) Regulations 2008 and the Housing (Standards for Rented Houses) (Amendment) Regulations 2009. These regulations specify requirements in relation to a range of matters such as structural repair, absence of damp and rot, sanitary facilities, heating, ventilation, light and safety of gas and electrical supply. Full details are available on the Department's website www.environ.ie.

All landlords have a legal obligation to ensure that their rented properties comply with these regulations and Local Authorities are responsible for the enforcement of the regulations.

What are the main features of the new Regulations?

➤ Article 5 - Structural Condition

- All rental accommodation must be maintained in a proper state of structural repair. This means that the dwelling must be essentially sound, internally and externally, with roof, roofing tiles and slates, windows, floors, ceilings, walls, stairs, doors, skirting boards, fascia, tiles on any floor, ceiling and wall, gutters, down pipes, fittings, furnishings, gardens and common areas maintained in good condition and repair and not defective due to dampness or otherwise.

➤ Article 6 - Sanitary Facilities

- All rental accommodation must contain the following self-contained sanitary facilities:
 - Water closet (toilet), with wash hand basin adjacent to it supplied with hot and cold water
 - Fixed bath or shower, supplied with hot and cold water
- These facilities must be provided in a room separate from other rooms by a wall and door and contain separate ventilation.

➤ Article 7 - Heating Facilities

- All habitable rooms must contain a fixed appliance (or appliances) capable of providing effective heating. The tenant must be able to control the operation of the heating appliance.

➤ Article 8 - Food Preparation and Storage and Laundry

- All rental accommodation shall contain the following self-contained facilities:
 - 4 ring hob with oven and grill
 - Provision for the effective and safe removal of fumes to the external air by means of cooker hood or an extractor fan
 - Fridge and freezer
 - Microwave oven
 - Sink with a draining area
 - Adequate number of kitchen presses for food storage purposes
 - Washing machine within the dwelling unit or access to a communal washing machine facility within the curtilage of the building
 - In cases where the accommodation does not contain a garden or yard for the exclusive use of this accommodation, a dryer must be provided.

➤ Article 9 - Ventilation

- All habitable rooms must have adequate ventilation, maintained in good repair and working order. Kitchens and bathrooms must be provided with adequate ventilation for the removal of water vapour to the external air.

➤ Article 10 - Lighting

- All habitable rooms must have adequate natural lighting
- All rooms (including every hall, stairs and landing) must have a suitable and adequate means of artificial lighting.
- The windows of every room containing a bath and/or shower and a water-closet shall be suitably and adequately screened to ensure privacy

➤ Article 11 - Fire Safety

- (i) Multi-unit dwellings are required to contain a mains-wired smoke alarm, a fire blanket, emergency lighting in common areas and an emergency evacuation plan.
- (ii) Rental units that do not form part of a multiple unit must have a fire blanket and either a mains-wired smoke alarm or at least two 10-year self-contained battery-operated smoke alarms.

➤ Article 12 - Refuse Facilities

- The Regulations require access for tenants to proper, pest and vermin-proof refuse storage facilities. The use of communal storage facilities, where appropriate, will be considered to comply with the regulations.

➤ Article 13 - Electricity and Gas

- Installations in the house for electricity and gas supply must be maintained in good repair and safe working order.
- There must also be, where necessary, provision for the safe and effective removal of fumes to the external air.

Do the regulations apply to all rental accommodation?

Yes, the revised regulations will apply to all rental accommodation with the exception of the following:

- holiday homes
- accommodation provided by the HSE or an approved housing body containing communal sanitary, cooking and dining facilities. This kind of accommodation usually houses people with disabilities or the elderly and provides support for people with special needs who require assistance to live in the community
- demountable (e.g. mobile homes) housing provided by a housing authority
- accommodation let by a housing authority or an approved housing body will be exempt from the requirements for food preparation, storage and laundry purposes. In this kind of accommodation

the tenant usually provides these goods, retaining ownership of them when they move to new accommodation (all other articles of the Regulations apply to both housing authorities and to approved housing bodies.)

When did the new regulations come into effect?

- The Regulations took effect in their entirety for all newly rented properties being let for the first time from 1 February, 2009. However, as Articles 6, 7 and 8 of the Regulations could necessitate significant refurbishment works for existing tenancies (defined as properties let at any time from the 1 September, 2004 to the 31 January, 2009), a four year phasing in period was afforded to these properties to facilitate any improvement works that needed to be carried out.
- On 1 February, 2013, Articles 6, 7 and 8 of the Housing (Standards for Rented Houses) Regulations, 2008 and 2009 came into effect for all existing residential rented accommodation.

Do the regulations apply to older “protected structures” or listed buildings?

- Listed buildings are required to meet the requirements of the Regulations. The owner or occupier of a protected structure is entitled to ask the planning authority to identify works that would, or would not, require planning permission in the case of their particular building. Landlords will be advised to contact the conservation officer in the local authority for advice when considering undertaking works.

How are the Regulations enforced?

- Responsibility for the enforcement of the regulations rests with the relevant local authority and it is a matter for each individual local authority to decide the specific details of its enforcement strategy and inspection arrangements. Local authority inspectors inspect rental properties for the purpose of ensuring they comply with the regulations and where a

property does not comply, can engage a series of sanctions against a landlord.

- An Improvement Notice sets out the works a landlord must carry out, within a set timeframe, to remedy any breach of the regulations. Where an Improvement Notice is not complied with, a housing authority may issue a Prohibition Notice, which directs a landlord not to re-let a property until the breach of the regulations has been rectified.
- A person who obstructs an authorised person in the lawful exercise of their powers or who contravenes the regulations is guilty of an offence under the Housing (Miscellaneous Provisions) Act 1992. Failure to comply with an Improvement Notice or a Prohibition Notice is also an offence.
- The maximum fine for an offence is €5,000 and €400 for each day of a continuing offence. Where a person is guilty of an offence under this Act, the court shall, unless there are particular reasons for not doing so, order that person to pay the costs and expenses incurred by the housing authority in relation to the prosecution of the offence.

Complaints or queries regarding the minimum standards for rented accommodation should be directed to the Housing Section of your Local Authority

Contact details for your local authority, along with a technical information guide and copies of the Housing (Standards for Rented Houses) Regulations, can be found on the Department of the Environment, Community and Local Government’s website www.environ.ie.



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A Guide to Minimum Standards in Rented Accommodation

