



STATUTORY INSTRUMENTS.

S.I. No. 137 of 2019



HOUSING (STANDARDS FOR RENTED HOUSES) REGULATIONS 2019

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I, EOGHAN MURPHY, Minister for Housing, Planning and Local Government, in exercise of the powers conferred on me by section 5 (as amended by section 24 of the Housing (Miscellaneous Provisions) Act 1992 (No. 18 of 1992)) of the Housing Act 1966 (No. 21 of 1966) and by section 18 (as amended by section 8 of the Housing (Miscellaneous Provisions) Act 2009 (No. 22 of 2009)) of the Housing (Miscellaneous Provisions) Act 1992 (No. 18 of 1992) (as adapted by the Environment, Community and Local Government (Alteration of Name of Department and Title of Minister) Order 2016 (S.I. No. 394 of 2016)), hereby make the following regulations:

Citation and commencement

1. (1) These Regulations may be cited as the Housing (Standards for Rented Houses) Regulations 2019.

(2) These Regulations come into operation on 1 May 2019.

Interpretation

2. (1) In these Regulations—

“habitable room” means a room used for living or sleeping purposes but does not include a kitchen having a floor area of less than 6.5 square meters.

(2) Any requirement of these Regulations with respect to repair shall be construed as requiring a standard of repair that is reasonable in all the circumstances and, in determining the appropriate standard of repair, regard shall be had to the age, character and prospective life of the house.

(3) Nothing in these Regulations shall be taken—

(a) as requiring or authorising anything to be done in connection with a water supply, drainage system or the supply of gas or electricity other- wise than in accordance with the enactments relating thereto,

(b) as creating an obligation to—

(i) take any action which is the responsibility of a local authority or statutory undertaker, other than such action as may be necessary to bring the matter to the attention of the local authority or statutory undertaker concerned, or

(ii) repair or maintain in good repair, working order or in a clean condition anything which a tenant is entitled to remove from a house.

(4) Regulation 2(3) shall not be construed as exempting a housing authority from their duties under these Regulations as respects a house let or available for letting by them.

(5) In this Regulation:

“local authority” has the meaning assigned to it by the Local Government Act 2001 (No. 37 of 2001);

“statutory undertaker” means a person authorised by or under statute to construct, work, or carry on a railway, canal, inland navigation, dock, harbour, gas, electricity, telephone, postal, water, wastewater or other public undertaking.

Application

3. (1) Subject to paragraph 2, these Regulations shall apply to every house let, or available for letting, for rent or other valuable consideration solely as a house unless the house is let or available for letting—

- (a) to a person only for the purpose of conferring on that person the right to occupy the house for a holiday,
- (b) by the Health Service Executive or by an approved body, as accommodation with sanitary, cooking or dining facilities provided for communal use within the building which contains the house, or
- (c) by a housing authority pursuant to any of their functions under the Housing Acts 1966 to 2014, and is a caravan, mobile home or a structure or a thing (whether on wheels or not) that is capable of being moved from one place to another (whether by towing, transport on a vehicle or trailer, or otherwise).

(2) In Regulation 3(1) (b) “approved body” means—

- (a) a body standing approved of under section 6 of the Housing (Miscellaneous Provisions) Act 1992, or
- (b) a voluntary body standing approved of by the Minister for Health or by the Health Service Executive for the purposes of providing accommodation for elderly persons or persons with a mental handicap or psychiatric disorder.

Structural Condition

4. (1) A house to which these Regulations apply (hereinafter referred to as “the house”) shall be maintained in a proper state of structural repair.

(2) For the purposes of Regulation 4(1) ‘a proper state of structural repair’ means 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.

(3) Where a window has an opening section through which a person may fall, and the bottom of the opening section is more than 1400mm above external ground level, suitable safety restrictors shall be fitted. Safety restrictors shall restrain the window sufficiently to prevent such falls.

(4) Where necessary, adequate provision shall be made to prevent harbourage or ingress of pests or vermin.

Sanitary Facilities

5. (1) There shall be provided within the same habitable area of the house, for the exclusive use of the house:

- (a) A water closet, with dedicated wash hand basin adjacent thereto with a continuous supply of cold water and a facility for the piped supply of hot water, and
- (b) A fixed bath or shower with continuous supply of cold water and a facility for the piped supply of hot water.

(2) The requirements of Regulation 5(1) shall:

- (i) be maintained in a safe condition and good working order,
- (ii) have safe and effective means of drainage,
- (iii) be properly insulated,
- (iv) have minimum capacity requirements for hot and cold water storage facilities, and
- (v) be provided in a room separated from other rooms by a wall and a door and containing separate ventilation.

Heating Facilities

6. (1) Every room used, or intended for use, by the tenant of the house as a habitable room, and any bathroom, or shower-room shall contain a permanently fixed:

- (a) heat emitter,
- (b) heat distribution system, or
- (c) heat producing appliance,

capable of providing effective heating.

(2) Every room referred to in Regulation 6(1) shall contain suitable and adequate facilities for the safe and effective removal of fumes and other products of combustion to the external air where a heat producing appliance is used.

(3) A heat producing appliance referred to in Regulation 6(1)(c) shall be so installed that there is an adequate supply of air to it for combustion, to prevent overheating and for the efficient working of any flue pipe or chimney serving the appliance.

- (4) The operation of any:
- (a) heat emitter,
 - (b) heat distribution system, or
 - (c) heat producing appliance

as referred to in Regulation 6(1) shall be capable of being independently manageable by the tenant.

(5) All appliances under Regulation 6(1) shall be maintained in a safe condition and in good working order and good repair.

(6) Each house shall contain, where necessary, suitably located devices for the detection and alarm of carbon monoxide.

Food Preparation and Storage and Laundry

7. (1) Notwithstanding paragraph (4), paragraphs (2) and (3) shall not apply where the house is let or available for letting –

- (i) by a housing authority under the Housing Acts 1966 to 2014,
- (ii) by a housing body approved under Section 6 of the Housing (Miscellaneous Provisions) Act 1992, or
- (iii) for a minimum lease period of 10 years under a tenancy agreement.

(2) Subject to paragraph (1), there shall be provided, within the same habitable area of the house, for the exclusive use of the house:

- (a) 4 ring hob with oven and grill,
- (b) Suitable facilities for the effective and safe removal of fumes to the external air by means of a cooker hood or extractor fan,
- (c) Fridge and freezer or fridge-freezer,
- (d) Microwave oven,
- (e) Sink, with a piped supply of potable cold water taken direct from the service pipe supplying water from the public main or other source to the building containing the house and a facility for the piped supply of hot water, and an adequate draining area,
- (f) Suitable and adequate number of kitchen presses for food storage purposes,
- (g) Washing machine, or access to a communal washing machine facility within the curtilage of the building, and
- (h) Where the house does not contain a garden or yard for the exclusive use of that house, a dryer (vented or recirculation type) or access to a communal dryer facility.

(3) All facilities under Regulation 7(2) shall be maintained in a safe condition and in good working order and good repair.

(4) Responsibility for maintenance of facilities under Regulation 7(2) shall rest with the landlord.

(5) Where a house is let or available for letting:

- (a) by a housing authority under the Housing Acts 1966 to 2014,
- (b) by a housing body approved under Section 6 of the Housing (Miscellaneous Provisions) Act 1992, or
- (c) for a minimum lease period of 10 years under a tenancy agreement,

there shall be provided, within the same habitable area of the house, for the exclusive use of the house:

- (i) facilities for the installation of cooking equipment,
- (ii) Sink, with a piped supply of potable cold water taken direct from the service pipe supplying water from the public main or other source to the building containing the house and a facility for the piped supply of hot water, and an adequate draining area,
- (iii) Suitable facilities for the effective and safe removal of fumes to the external air by means of a cooker hood or extractor fan, and
- (iv) Suitable and adequate number of kitchen presses for food storage purposes.

Ventilation

8. (1) Every room used, or intended for use, by the tenant of the house as a habitable room shall have adequate ventilation.

(2) All means of ventilation shall be maintained in good repair and working order.

(3) Adequate ventilation shall be provided for the removal of water vapour from every kitchen and bathroom.

Lighting

9. (1) Every room used, or intended for use, by the tenant of the house as a habitable room, shall have adequate natural lighting.

(2) Every hall, stairs, and landing within the house and every room used, or intended for use, by the tenant of the house shall have a suitable and adequate means of artificial lighting.

(3) The windows of every room containing a bath or shower and a water closet shall be suitably and adequately screened to ensure privacy.

Fire Safety

10. (1) Each house shall contain a suitable self-contained fire detection and alarm system.

(2) Each house shall contain a suitably located fire blanket.

(3) Each self-contained house in a multi-unit building shall contain a suitable fire detection and alarm system and an emergency evacuation plan.

(4) A suitable fire detection and alarm system shall be provided in common areas within a multi-unit building.

(5) Emergency lighting shall be provided in all common areas within a multi-unit building.

(6) Fire detection and alarm systems and emergency lighting systems required under Regulation 10(4) and 10(5) shall be maintained in accordance with current standards.

(7) In this Regulation:

“Current standards” means standards produced by the National Standards Authority of Ireland for Fire Detection and Fire Alarm Systems in Buildings and for Emergency Lighting.

“Multi-unit building” means a building that contains 2 or more houses that share a common access.

Refuse Facilities

11. The house shall have access to suitable and adequate pest and vermin proof refuse storage facilities.

Gas, Oil and Electricity Installations

12. Installations for the supply of gas, oil and electricity including pipework, storage facilities and electrical distribution boxes shall be maintained in good repair and safe working order.

Information

13. Sufficient information shall be provided to the tenant about the rented property, the fixed building services, appliances and their routine maintenance requirements so that the occupant can operate them correctly.

Revocation

14. (1) The Housing (Standards for Rented Houses) Regulations 2017 (S.I. No. 17 of 2017) are revoked.



GIVEN under my Official Seal,

1 April, 2019.

EOGHAN MURPHY,

Minister for Housing, Planning and Local Government.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation)

These Regulations require landlords of rented houses (including flats and maisonettes), with some exceptions, to ensure that such houses meet certain minimum standards. The standards relate to, inter alia, structural condition, provision of sanitary facilities, food preparation, storage and laundry, availability of adequate heating, lighting and ventilation, safety of oil, electricity and gas installations, fire safety and refuse facilities. The Regulations come into operation generally on 1 May 2019. The Regulations replace the Housing (Standards for Rented Houses) Regulations 2017.

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