



STATUTORY INSTRUMENTS

S.I. No. 534 of 2008



HOUSING (STANDARDS FOR RENTED HOUSES) REGULATIONS
2008

(Prn. A8/1982)

HOUSING (STANDARDS FOR RENTED HOUSES) REGULATIONS
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S.I. No. 534 of 2008

HOUSING (STANDARDS FOR RENTED HOUSES) REGULATIONS
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In exercise of the powers conferred on the Minister for the Environment, Heritage and Local Government by section 5 of the Housing Act 1966 (No. 21 of 1966), as amended by section 24 of the Housing (Miscellaneous Provisions) Act 1992 (No. 18 of 1992), and by section 18 of the Housing (Miscellaneous Provisions) Act 1992 (as adapted by the Environment and Local Government (Alteration of Name of Department and Title of Minister) Order 2003 (S.I. No. 233 of 2003) which powers are delegated to me by the Environment, Heritage and Local Government (Delegation of Ministerial Functions) (No. 2) Order 2008 (S.I. No. 225 of 2008), I, Michael Finneran, Minister of State at the Department of the Environment, Heritage and Local Government hereby make the following Regulations—

Citation

1. These Regulations may be cited as the Housing (Standards for Rented Houses) Regulations 2008.

Commencement

2. (a) Subject to sub-article (b), these Regulations shall come into operation on the 1st day of February 2009.

(b) In respect of an existing tenancy, Articles 6 to 8 of these Regulations shall come into operation on the 1st day of February 2013.

Interpretation

3. (1) In these Regulations:

- (i) “existing tenancy” means a house let for rent or other valuable consideration solely as a dwelling at any time from the 1st day of September 2004 to the 31st day of January 2009,
- (ii) “house” includes any building or part of a building used or suitable for use as a dwelling and any outoffice, yard, garden or other land appurtenant thereto or usually enjoyed therewith,
- (iii) “landlord” means the person for the time being entitled to receive (otherwise than as agent for another person) the rent paid in respect of a house by the tenant thereof,
- (iv) “tenant” means the person for the time being entitled to the occupation of a house under a tenancy, and

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 16th December, 2008.*

(v) “tenancy” includes a periodic tenancy and a tenancy for a fixed term, whether oral or in writing or implied.

(2) In these Regulations, any reference to a sub-article is a reference to a sub- article of the article in which the reference occurs.

(3) 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.

(4) 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 otherwise 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.

(5) Sub-article (4) shall not be construed as exempting a housing authority from their duties under these Regulations as respects houses let by them.

(6) In this Article:

“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 or other public undertaking.

Application

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

(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 2004, and is a demountable house.
- (2) In sub-article (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 and Children 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

5. (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 sub-article (1), “a proper state of structural repair” means essentially sound, with roof, floors, ceiling, walls and stairs in good repair and not subject to serious dampness or liable to collapse because they are rotted or otherwise defective.

Sanitary Facilities

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

- (a) A watercloset, 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 sub-article (1) shall:

- (i) be maintained in good working order,
- (ii) have safe and effective means of drainage,
- (iii) be properly insulated and secured,
- (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

7. (1) Every room used, or intended for use, by the tenant of the house as a habitable room shall contain:

- (a) a permanently fixed appliance or appliances capable of providing effective heating,
- (b) suitable and adequate facilities for the safe and effective removal of fumes and other products of combustion to the external air.

(2) The operation of any appliance referred to in sub-article (1)(a) shall be capable of being independently manageable by the tenant.

Food Preparation and Storage and Laundry

8. (1) Notwithstanding Article 4, this Article shall not apply where the house is let by a housing authority under Section 56 of the Housing Act 1966 (as amended) or by a housing body approved under Section 6 of the Housing (Miscellaneous Provisions) Act 1992.

(2) Subject to sub-article (1), there shall be provided, within the 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 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).

(3) All facilities under sub-article (2) shall be maintained in good working order and good repair.

(4) Responsibility for maintenance of facilities under sub-article (2) shall rest with the landlord.

Ventilation

9. (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 kitchens and bathrooms.

Lighting

10. (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 and/or shower and a water-closet shall be suitably and adequately screened to ensure privacy.

Fire Safety

11. (1) Subject to sub-article (2), the house shall contain a fire blanket and either a mains-wired smoke alarm or at least two 10-year self-contained battery-operated smoke alarms.

(2) Each self-contained house in a multi-unit building shall contain a mains-wired smoke alarm, a fire blanket and an emergency evacuation plan.

(3) Emergency lighting, linked to the fire alarm system, shall be provided in all common areas within a multi-unit building.

Refuse Facilities

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

Electricity and Gas

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

Revocation

14. (1) The Housing (Standards for Rented Houses) Regulations 1993 (S.I. No. 147 of 1993) are revoked.

(2) Notwithstanding sub-article (1), Articles 6 and 7 of the Housing (Standards for Rented Houses) Regulations 1993 (S.I. No. 147 of 1993) shall continue to apply and have effect in relation to existing tenancies until the 1st day of February 2013.

(3) Notwithstanding sub-articles (1) and (2), Article 7 of the Housing (Standards for Rented Houses) Regulations (S.I. No. 147 of 1993) shall continue to apply and have effect where the house is let by a housing authority under Section 56 of the Housing Act 1966 (as amended) or by a housing body approved under Section 6 of the Housing (Miscellaneous Provisions) Act 1992.

GIVEN under my hand,
10 December 2008

MICHAEL FINNERAN.
Minister of the State at the Department of the Environment,
Heritage 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 electricity and gas installations, fire safety and refuse facilities. The Regulations come into operation generally on 1 February 2009. In respect of existing tenancies, Articles 6 to 8 come into operation on 1 February 2013. The Regulations replace the Housing (Standards for Rented Houses) Regulations 1993. Articles 6 and 7 of the Housing (Standards for Rented Houses) Regulations 1993 shall continue to have effect in relation to existing tenancies until 1 February 2013. Article 7 of the Housing (Standards for Rented Houses) Regulations 1993 shall continue to have effect where the house is let by a housing authority under section 56 of the Housing Act 1966 (as amended) or by a housing body approved under section 6 of the Housing (Miscellaneous Provisions) Act 1992.

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PUBLISHED BY THE STATIONERY OFFICE
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