ACCOMMODATION

The information contained in this leaflet is a guide only and not a definitive interpretation of the law.

Before you agree to rent a property you should take the time to ensure the property is right for you by asking yourself:

- Can I afford the rent and other expenses?
- Is the property in good condition and suitable for my needs?
- Is it convenient to work, college, schools etc?
- What are the local transport options and amenities?

Where to look for accommodation

You can find accommodation on websites, through property agents, noticeboards, to let ads in newspapers, student services and word of mouth.

Property viewing checklist

- Does the key work in the door?
- Are the shower, cooker, toilets, washing facilities, heating all functioning?
- Are fire safety measures such as fire and carbon monoxide alarms, fire blankets and extinguishers provided?
- What is the Building Energy Rating (BER)?
- Have you full contact details for the landlord or agent?
- Who do you contact for day-to-day issues such as repairs?
- Will there be a written contract i.e. tenancy agreement?
- What is the deposit, rent, bills and other charges?
- Is the property in good condition?
- What items are supplied as part of the letting?

Do not hand over any money or sign anything until you are happy with the property and the terms and conditions of the letting. If you are unsure, get advice.

Rent scams

In some cases prospective tenants can be victims of rent scams. To reduce the risk of this:

- Do not agree to rent a property without viewing it
- Do not hand over cash, and only pay a deposit when you are happy with the property and the tenancy terms and conditions
- Make sure you get full contact details of the landlord and/or their agent
- Make sure you get a receipt for any money you hand over
- If you come across a scam, walk away and report it to the Gardaí immediately.

Renting and discrimination

Private rented accommodation is considered a service under the Equal Status legislation which prohibits discrimination, directly or indirectly, on nine grounds:

- Gender
- Marital status
- Family status
- Sexual orientation
- Religion
- Age
- Race
- Membership of the Traveler Community
- Disability.

You also cannot be discriminated against if you are getting help with your rent through rent supplement, HAP or other welfare payments. If you believe you have been discriminated against you can take further action through the Workplace Relations Commission - www.workplacerelations.ie.

Information that may be requested

When you are being offered a tenancy you should only be asked to provide some information. Examples of what you may be asked to provide include:

- A reference from your previous landlord.
- A reference from your employer.
- Proof of income, such as a bank statement or payslips.
- Photo ID such as a passport or driver’s licence.
- PPS number.

You do not have to provide any information where you feel uncomfortable in doing so. Any information about you obtained by your landlord or agent must be used in accordance with data protection legislation.

For further information see www.dataprotection.ie

Help with the Rent

You may be entitled to help with your rent through Housing Assistance Payment (HAP) or rent supplement.

HAP is a payment made by your local authority to your landlord and in turn you will pay an assessed contribution to the local authority. The amount of assistance you receive will depend on where you live and your household circumstances. For more visit www.HAP.ie

Whilst HAP has been introduced to replace rent supplement as the long-term housing support, you may still be in receipt of or entitled to rent supplement. This payment is administered by the Department of Employment Affairs and Social Protection (DEASP).

The rent cannot exceed set limits based on where you live and your household circumstances. If you are in receipt of rent supplement and experiencing difficulties with paying your rent, you should contact your nearest DEASP centre as they may be able to help. See www.welfare.ie for more.

Threshold also works with the DEASP and can apply on your behalf for an enhanced rent supplement payment if you are facing a rent increase and live in the following areas: Dublin, Kildare, Meath, Wicklow, Cork City and its environs and Galway City.

Registering your tenancy

Your landlord is required by law to register your tenancy with the RTB within one month of its commencement. If your tenancy is not registered you can report this to the RTB. A landlord who fails to register a tenancy will not be able to refer a dispute to the Residential Tenancies Board (RTB) as no tenancy has been created. Receipt of keys and access to the property will usually indicate that your tenancy has begun.

Paying a deposit

You will likely be asked for a security deposit when you agree to rent a property. There is no statutory limit as to how much a landlord can request from you but it is normally equivalent of one month’s rent. The deposit is held by the landlord, as security, to cover any rent arrears, outstanding bills in the landlord’s name or damage beyond normal wear and tear at the end of the tenancy.

Do not hand over a deposit until you are happy with the condition of the property and all the terms and conditions of the letting.

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Sharing

If you move into a property that you will be sharing with others it is important to know there is only one tenancy, and if there is a written agreement then you may be taking on responsibilities both individually and collectively. If, for example, four people share and one person decides to leave, fails to pay their portion of the rent or damages the property in any way, the other tenants may be held liable.

Most disputes between tenants are not covered by law but can usually be resolved by sitting down together and trying to find a solution. When sharing, therefore, it may be useful for you to draw up written house rules covering issues like cleaning, kitty, having guests, how bills are split, etc.

In shared accommodation there is often a turnover of tenants, with people moving in and out over a period of time. Where there is a change of tenants during a tenancy you should inform the landlord of the changes and the transfer of the deposit should be done through the landlord and not through the tenants, as this will avoid difficulties in getting back the deposit at the end of the tenancy.

Agents

Your landlord may have an agent who looks after the tenancy on their behalf. The services provided by an agent may vary; some may only let the property, whilst others may manage the tenancy on a day-to-day basis, for example looking after repairs. It is important to clarify this at the start of the tenancy.

Where there is an agent you should have their full contact details.

Property agents must be licensed with the Property Services Regulatory Authority (PSRA) which also provides a code of practice. You can make a complaint about a letting agent or auctioneer to the PSRA.

Letting agents who are members of a professional body such as the Institute of Professional Auctioneers and Valuers (IPAV) or the Society of Chartered Surveyors Ireland are obliged, under the terms of their membership, to hold a current licence and they must abide by a code of practice. Again, if you encounter problems you may be able to make a complaint to the relevant body.

Renting from the tenants

Sometimes when you move in to shared accommodation you may be renting from the tenant(s). This is known as a licence arrangement and the normal landlord and tenant laws do not apply. However, after six months you can request to be recognised as a tenant and join the existing terms and conditions of the tenancy. If this is refused you may be able to refer a dispute to the RTB.

Sharing with a property owner

If you move in to a property where you are sharing with the owner, this is also known as a license arrangement. The normal landlord and tenant laws do not cover this situation and disputes which arise cannot be referred to the RTB. In a licence arrangement it is still advised that you and the owner draw up a written agreement to cover issues such as deposits, rent, bills, house rules and notice requirements.

Written tenancy agreement

If you are given a written tenancy agreement as part of your tenancy, you should read it carefully before signing and, if necessary, get advice from Threshold. All agreements must comply with the law and cannot take away your rights.

If your agreement is for a fixed term, such as 12 months, notice to leave cannot be given during this period unless:

- There is a break clause;
- The other party is in breach; or
- Both you and the landlord agree at the time to end the tenancy (you should get this in writing).

If none of these apply and you break the tenancy agreement you do not automatically forfeit your deposit, but your landlord may make deductions to cover any loss or costs they incur such as lost rent or re-letting fees. You should seek invoices/receipts for these.

Rent book

Your landlord must provide you with a rent book or other document such as written tenancy agreement at the start of the tenancy. This is used to record important details of the tenancy and rent and other payments.

It is important that you have written proof of the fact that you have paid your rent, particularly if a dispute over alleged non-payment of rent arises.

Rent books can be purchased directly from Threshold or from most stationery shops.

Making an inventory and taking photographs

Your rent book or lease must contain an inventory list of everything provided in the property. Anything provided should be fit for purpose and in good working order.

When you move in to take photos of the property to show the condition you received it in. These may be useful if you have difficulty getting back your deposit at the end of the tenancy.

Need further help?

Contact us on our national free phone helpline
1800 454 454 Mon-Fri 9am-9pm
Visit www.threshold.ie

Or get in touch with your nearest office:

Cork
22 South Mall, Cork
advicecork@threshold.ie

Dublin
21 Stoneybatter, Dublin 7
advice@threshold.ie

Galway
5 Prospect Hill, Galway
advicegalway@threshold.ie

Guides are also available on Resolving Problems During Your Tenancy and Ending a Tenancy.

Private Rented Accommodation Checklist

Is the property within your budget?  [ ]
Are all the services you require in the area?  [ ]
Is designated car parking provided?  [ ]
Is the property in good physical condition?  [ ]
Is it free from damp?  [ ]
Does it have fixed heating which you can control?  [ ]
Are there facilities for running hot and cold water?  [ ]
Is there a bath/shower?  [ ]
Are there facilities for preparation, cooking and storage of food?  [ ]
Is there proper ventilation and lighting?  [ ]
Are all gas and electric installations in good working order?  [ ]
Has a BER Cert been provided?  [ ]
Is a deposit required?  [ ]
Is there a lease/rent book?  [ ]
Are you clear on the amount of rent and when it is to be paid?  [ ]
Are you clear on bills/service charges you will have to pay?  [ ]
Do you have contact details for the landlord/agent?  [ ]
Do you know who to contact for repairs and other tenancy issues?  [ ]