



Irish Council for Social Housing

Residential Tenancies (Amendment) Act 2015 and the Impact on Housing Associations Leasing Properties from a Third Party

There are generally two scenarios that arise in relation to properties that are not owned by a housing association in regard to the Residential Tenancies Act. The first is where the properties are leased by the housing association from the owner (e.g. Local authority or private owner) which the housing association then lets to a household from the waiting list. The second is where the housing association manages the properties on behalf of an owner (e.g. Local authority or private owner) usually through some form of service level agreement but the owner remains as the landlord. The following gives general information on how these scenarios are impacted by the Residential Tenancies Act.

Properties Leased from a Local Authority or Private Owner by a Housing Association where the housing association is the landlord.

Generally, in this scenario the owner enters into a lease with the housing association for the properties for a period of time. The housing association then lets these properties to a household from the waiting list and has a tenancy agreement in place between the tenant and the housing association. The housing association usually carries out the functions of landlord through collection of rent, maintenance responsibilities etc. In this case the tenancies come under the remit of the Residential Tenancies Act and as such you would register those tenancies with the Residential Tenancies Board.

Properties Managed by a Housing Association on behalf of an owner (e.g. Local Authority)

In this scenario a housing association enters into an agreement (service level agreement) with an owner to provide management services to the owner in respect of their properties. The owner remains the landlord and has a tenancy agreement in place with the tenants. The housing association will usually provide services such as maintenance, rent collection on behalf of the landlord. In some cases, the housing association will retain the rent under their agreement with the local authority as payment for maintenance services. Where a housing association is merely providing an agency service and is clearly not the landlord, then they should not register those properties as the Local Authority/owner is the landlord.

- ▶ In assessing your obligations in regard to leased units it would be important to examine the legal agreements in place with the owner and the tenants. Also it is recommended that you seek legal advice.

Disclaimer note: The content in this guidance note is provided for general information purposes only. If you are unsure about any of the information contained in the Act, please seek legal advice.

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