

# *Keeping your home: tenants*

What help can I get to pay my rent?

What should I do if I'm having problems paying my rent?

What happens if I can't pay my rent?

What can I do if I lose my home?



[keepingyourhome.ie](http://keepingyourhome.ie)

Citizens Information 

provided by the Citizens Information Board

 **mabs**  
Money Advice & Budgeting Service

# Information and supports: tenants

If you are finding it hard to keep up with your rent this leaflet gives information and advice on your options and the help available.

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## Finding out more...

**Keepingyourhome.ie**, a website from the Citizens Information Board and the Money Advice and Budgeting Service (MABS), provides comprehensive information on the services and entitlements available if you are having difficulties making your mortgage repayments or paying your rent.

This leaflet gives an overview and you can get more information from **keepingyourhome.ie** on all the topics covered here. There is also a leaflet for people who are having difficulty keeping up with their mortgage repayments.



# What help can I get to pay my rent?



**Rent Supplement** is a means-tested payment under the Supplementary Welfare Allowance Scheme for people living in private rented accommodation who cannot afford to pay the full rent themselves. Generally, if your only income is a social welfare or Health Service Executive (HSE) payment, you may qualify for a Rent Supplement. However, if you or your partner is in full-time employment (over 29 hours a week) you do not qualify for this payment.

## Who can get it?

You may be eligible for Rent Supplement if the accommodation is suitable for your needs and in the last 12 months:

- You have been assessed by a local authority as being eligible for and in need of social housing **or**
- You have been living in accommodation for homeless people for 6 months (183 days) **or**
- You are living in private rented accommodation for 6 months (183 days) **or**
- You are a tenant of accommodation provided under one of the social housing schemes

You must also be habitually resident in Ireland. You won't qualify for Rent Supplement if you:

- Are in full-time employment. However, if you are assessed as in need of housing under the Rental Accommodation Scheme and have been out of full-time employment for 12 months or more you may be entitled to Rent Supplement.
- Have refused a second offer of local authority accommodation in a 12-month period. In this case, you cannot claim Rent Supplement for 12 months.
- Are leaving local authority housing without reasonable cause.
- Are attending full-time education. However, if you are getting a Back to Education Allowance or participating in the Back to Education Programme you may be entitled to Rent Supplement.

The amount of Rent Supplement payable is calculated by the Community Welfare Officer (CWO) and will generally ensure that your income, after paying rent, does not fall below a minimum level. This level is the Supplementary Welfare Allowance minus €24. This means you must pay at least €24 towards your rent.

The rent paid to your landlord (that is, your contribution plus your Rent Supplement) must not be above the maximum rent level set for your county or area. If your actual rent is higher than the local maximum, you may be refused Rent Supplement. You can find the maximum rent levels on **[citizensinformation.ie](http://citizensinformation.ie)**. From 2011 landlords must supply their tax reference number for all new tenancies before Rent Supplement can be paid. This is to ensure that landlords are tax compliant. Landlords must supply tax reference numbers for existing tenancies when they come up for renewal.

You can appeal against a decision if you are not satisfied with the outcome of your claim. You should first ask your Community Welfare Officer for the reasons for the decision in writing. To appeal, you should write to the Appeals Officer at your Local Health Office. If your appeal is not successful, you can refer the appeal to the Social Welfare Appeals Office, [socialwelfareappeals.ie](http://socialwelfareappeals.ie).

## Rental Accommodation Scheme

If you have been getting Rent Supplement for more than 18 months and you need long-term housing, you may be eligible for the Rental Accommodation Scheme (RAS). The scheme is run by local authorities. Under the scheme local authorities draw up contracts with landlords to provide housing for people with a long-term housing need for an agreed term. The local authority pays the rent directly to the landlord (you may continue to contribute to your rent but you pay this contribution to your local authority, not to your landlord).

## Tax relief on rent

If you are paying tax you can claim tax relief at the standard rate of 20% on your rent. However Budget 2011 changes the rules on rent relief for tenants of private rented housing. The relief has been reduced and will be phased out over 8 years. If you were not renting on 7 December 2010 and subsequently enter into a rental agreement you will not be able to claim relief. The amounts in brackets show what the relief is worth to you.

Single	Married	Single (over 55)	Married or widowed (over 55)
€1,600 (€320)	€3,200 (€640)	€3,200 (€640)	€6,400 (€1,280)

# What should I do if I'm having problems paying my rent?

You may be able to ask your landlord for a reduction in the rent. (However you have to pay the amount agreed unless your landlord agrees to a reduction.) You can also look for cheaper accommodation. However if you want to terminate your tenancy and move out of your rented property, you must give the landlord notice in writing.


If you are renting from a local authority or a housing association, the rent is based on your ability to pay (called differential rents). So if your income is reduced your local authority can adjust your rent to take this into account. If you are in financial difficulty, the local authority or housing association should be able to come to an agreement with you so that you can pay a little bit off the rent arrears each week.

## Finding out more...

You can find more information on dealing with rent arrears at **[keepingyourhome.ie](http://keepingyourhome.ie)**.

MABS provides information and advice on dealing with rent arrears and other forms of problem debt.





# What happens if I can't pay my rent?

Your landlord may ask you to leave or evict you. How easily you can be evicted by your landlord depends on the **type of tenancy** you have, and **how long you have been in the accommodation**. However your landlord must always give you notice when asking you to leave. Landlords can give less notice if you are not keeping your obligations. This includes not paying rent (four weeks or 28 days) or serious anti-social behaviour (one week or 7 days). Landlords can ask tenants to leave without giving any reason during the first six months of a tenancy.

If you do not pay your rent your landlord must first give you written notification of the amount owed. If you don't pay the rent within 14 days of this notification your landlord can serve you with a **notice of termination**. A valid notice of termination must:

- Be in writing
- Be signed by the landlord (or an authorised agent)
- Specify the date of termination
- State the reason for termination (if a tenancy has lasted more than six months)
- State that any issue with the notice must be referred to the Private Residential Tenancies Board (PRTB) within 28 days from the receipt of the notice

The notice can be posted to you, be given to you in person or left for you at the property.

## Illegal eviction

Even if you haven't paid your rent your landlord cannot lock you out or physically evict you. This is an illegal eviction. If your landlord does this you may be able to apply for an injunction to force the landlord to let you back into the property or you may apply to the Private Residential Tenancies Board (PRTB) to do so on your behalf. Similarly if your landlord cuts off water, gas or electricity, you may be able to take legal action to restore the supply. In either case, this is a big step and you should get legal advice and assistance before you proceed.

Your landlord cannot remove your possessions from your flat or house without a court order. If your landlord is going to take you to court, you should get legal advice. If you need a solicitor, you may be able to get civil legal aid.

## Living with your landlord

If you live with your landlord you are not covered by landlord and tenant legislation. (This also applies if you live with a child, spouse or or parent of your landlord and you do not have a tenancy agreement or written lease.) In these cases you have a 'Licensee Agreement' with your landlord. This means you are in the property by the landlord's consent or invitation and they can evict you without any formalities.

However, you can claim tax relief on the rent you pay, in the same way as other private tenants and you may be entitled to Rent Supplement if you fulfil the conditions.

## Local authority tenants and housing association tenants

If you cannot pay your rent and you fail to do anything about it, you may end up losing your home. If you fall behind in your local authority rent, the local authority must follow the code of practice for dealing with arrears. Some local authority rent schemes may allow for a rent reduction in cases of hardship.

If you don't pay your rent, the legal consequences can include:

- Being charged interest at a rate of 6% on the arrears as long as they remain unpaid
- Notice to quit, followed by repossession of your home
- Ineligibility for further social housing support

If a local authority wishes to repossess your home, it must follow certain procedures. It must first issue a 'notice to quit' and then apply to court for a possession order. If possession is not granted, the council can apply to the District Court for a warrant for possession. In practice most local authorities will support you to remain in your home if you make efforts to deal with the problem.

Although the legislation is different, housing associations in Ireland, like local authorities, can evict you without any reason as long as they follow the correct procedure. Again, however, in practice, housing associations do not evict their tenants without reason.

### Finding out more...

You can find the code of practice for dealing with arrears in local authority housing on **environ.ie**.

The Private Residential Tenancies Board, **prtb.ie**, registers tenancies and can also deal with disputes between landlords and tenants.

Threshold, **threshold.ie**, the national housing charity provides a free advisory and advocacy service.



# *What can I do if I lose my home?*

If you are faced with losing your home, whether through repossession, eviction or other circumstances, you will need somewhere to live.

You can apply to the housing department of your local authority (county or city council). The authority will assess your circumstances and may allocate you somewhere to live, based on their assessment of your need. If you get a local authority dwelling, the rent is based on your ability to pay. You can apply to more than one local authority – for example, a county council and an urban district council.

You can also apply to a housing association or to a housing co-operative. These are organisations which provide social housing for people who cannot afford to buy their own homes. Like the local authority, they will assess your circumstances and may offer you somewhere to live, based on their assessment of your need. Again, the rent is calculated on the basis of your ability to pay.

If you cannot find anywhere to live straight away, you can apply for emergency or temporary accommodation until you get something more permanent.



## Finding out more...

Contact the housing department of your local authority. You can find contact details for your local authority at [environ.ie](http://environ.ie).



## Useful contacts

### Private Residential Tenancies Board (PRTB)

Tel: (01) 6350 600  
[prtb.ie](http://prtb.ie)

### Department of Social Protection

Lo-call: 1890 66 22 44  
[welfare.ie](http://welfare.ie)

### The Revenue Commissioners

Lo-call (Form or leaflet request):  
1890 306 706  
[revenue.ie](http://revenue.ie)

### Threshold

Dublin: (01) 678 6096  
Cork: (021) 427 8848  
Galway: (091) 563 080  
[threshold.ie](http://threshold.ie)

# Citizens Information

## LOG ON

[www.citizensinformation.ie](http://www.citizensinformation.ie)

## LO-CALL

**1890 777 121**\*

Mon to Fri, 9am-9pm

## DROP IN

260 locations nationwide

\* rates charged for 1890 (Lo-call) numbers may vary between service providers.



MABS, the Money Advice and Budgeting Service, provides detailed advice on managing your debts. MABS can advise you in negotiations with lenders, including alternative repayment options for your debts and information on dealing with rent arrears. The MABS helpline **1890 283 438** is open from 9am to 8pm, Monday to Friday. MABS also operates a nationwide network of centres, staffed by specialist money advisers.

For copies of this leaflet contact:

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