

REAL ESTATE

COVID-19 Practical Considerations: Legislative Measures to Assist Residential Tenants

26 March 2020

The Emergency Measures in the Public Interest (COVID-19) Bill 2020 was published on 25 March 2020. The Bill amends the Residential Tenancies Acts to implement the measures to assist renters announced by the Government last week.

Further to our briefing last week (linked [here](#)), the Emergency Measures in the Public Interest (Covid-19) Bill 2020 (the "Bill") was published on 25 March 2020. The Bill is linked [here](#). The Bill, amongst other things, amends the Residential Tenancies Acts to introduce emergency measures to prevent:

- the service of termination notices; and
- rent increases,

during an emergency period of three months from the date of enactment (subject to extension at the request of the Minister for Housing, Planning and Local Government) (the "Emergency Period").

Termination Notices

The effect of the Bill is that:

- notices terminating existing tenancies (including notices terminating tenancies on the grounds of anti-social behaviour or behaviour that threatens the fabric of a dwelling) cannot be served during the Emergency Period; and
- the notice periods under termination notices served before the Emergency Period are extended by the length of the Emergency Period (as well as any balance of the notice period outstanding on the date the Bill is enacted).

Where a notice of termination was served before the Emergency Period on the ground that the tenant breached its tenancy obligations, and the notice

specifies a termination date that falls during or after the Emergency Period, where the reason for service of that notice is disputed, the termination is effective only upon the expiration of 10 days from the making of a determination by an adjudicator or on the making of a determination by the Tribunal (on an appeal).

Tenants who received termination notices before the beginning of the Emergency Period and who have remained in occupation of a dwelling beyond the expiration of the notice period, will be entitled to continue in occupation until the end of the Emergency Period unless a determination of an adjudicator or the Tribunal (on an appeal) finds that they must vacate.

The 14 day warning notice which landlords must issue to tenants where a non-Part 4 tenancy is being terminated for non-payment of rent is extended to 28 days by the Bill. Accordingly, it appears that, in such cases, landlords can still issue warning notices during the Emergency Period, but they cannot then serve the termination notice during that period. Similarly, the Bill does not prevent landlords from serving warning notices in respect of breaches of Part 4 tenancies during the Emergency Period.

As matters currently stand, the Residential Tenancies Board will continue to run dispute resolution services during the Emergency Period, but the requirement

for Tribunal proceedings to be public has been removed by the Bill.

Rent Increases

Rent increases due to take effect during the Emergency Period will not apply.

Renewal Rights

The Bill ensures that tenants, notwithstanding extended periods of occupancy that may arise as a result of the measures, will not acquire Part 4 tenancy rights that they would not otherwise acquire if these emergency measures had not been introduced.

Student Accommodation Licences

The measures set out above also apply to licences of student accommodation.

Tenants will be expected to continue to pay rent and comply with all other tenancy obligations during the Emergency Period.

Absent further legislation, residential tenancies will revert to the current legislative arrangements when the Emergency Period ends.

The Bill is expected to go through all stages of Dáil Éireann today, 26 March 2020. A further briefing will be issued to confirm this and any amendments to measures set out above.

The authors would like to thank Niamh Flynn for her contribution to this article.

Key Contacts

REAL ESTATE



Kenneth Egan
Partner
+353 1 920 1130
kenneth.egan@arthurcox.com



Deirdre Sheehan
Partner
+353 1 920 1759
deirdre.sheehan@arthurcox.com



Dearbhla Considine
Professional Support lawyer
+353 1 920 1108
dearbhla.considine@arthurcox.com