



Rialtas na hÉireann
Government of Ireland

The Residential Tenancies Act 2020

What this Means for Landlords and Tenants

1 Residential Tenancies Act 2020

Introduction

Covid-19 continues to impact on many people across Ireland, whether as a result of contracting the virus or by temporarily or permanently losing employment as a result of lockdowns, such as the nationwide 5-kilometre restrictions on people's movement.

Recognising that severe restrictions on movement to reduce the spread of Covid-19 will make it difficult for tenants to find alternative accommodation and that it will have an impact on the well-being of persons and families and on the availability of vital public service functions in relation to housing, the Government signed the Residential Tenancies Act 2020 (RTA 2020) into law on 24 October 2020. The temporary measures introduced will help to reduce unnecessary travel and contacts during the pandemic.

The RTA 2020 introduces a temporary prohibition on tenancy terminations, except in limited circumstances, during an Emergency Period. A temporary prohibition applies during an Emergency Period when restrictions are imposed on travel outside of a 5-kilometre radius of a person's place of residence.

This guidance document sets out what the Residential Tenancies Act 2020 will mean for landlords and tenants, including information on latest income supports and RTB Dispute Resolution services.

What does the legislation cover?

In summary, the Residential Tenancies Act 2020 (RTA 2020) introduces:

- An Emergency Period, which operates in an area when restrictions are placed on travel outside of a 5-kilometre radius of a person's place of residence through Regulations made by the Minister for Health under section 31A of the Health Act 1947;
- A temporary moratorium on ending tenancies during an Emergency Period, subject to limited exceptions. These exceptions include evictions related to anti-social behaviour, unauthorised use of the dwelling or where there is a threat to the fabric of a dwelling (discussed further below);
- A revised termination date which factors in an Emergency Period and a 10-day grace period. A landlord can serve a Notice of Termination during an Emergency Period, but a tenant cannot be made to leave their accommodation during an Emergency Period;
- Necessary modifications to the operation of Part 4 security of tenure protections where a tenancy cannot be terminated during an Emergency Period; and
- An entitlement for tenants to remain in occupation of their dwelling until 10 days after the expiry of an Emergency Period, where their notice period expired prior to an Emergency Period but they remained in occupation on the commencement date of the Emergency Period.

Rules around ending a tenancy under the RTA 2020

Landlords and tenants can serve Notices of Termination (NoT) during the Emergency Period. Subject to limited exceptions, a NoT served by a landlord cannot take effect until after the expiry of an Emergency Period. The duration of any Emergency Period will not count as part of any termination notice period given.

A revised termination date will apply and shall factor in the Emergency Period and an extra 10-day grace period.

Effectively, a revised termination date will be calculated by counting:

- all, or the remainder, as may be appropriate, of the original termination notice given;
- all, or the remainder, as may be appropriate, of the Emergency Period; and
- the 10-day grace period.

Accordingly, the absolute earliest that a tenant can be made to leave their accommodation is 10 days after the expiry of an Emergency Period.

This also applies to tenants serving a NoT. For example, if a tenant has served a 28-day notice on 31st December 2020, there will still be 28 days remaining on the notice period after the Emergency Period. The revised termination date which provides a 10-day grace period will also apply to give a total of 38 days' notice to count down from the day after the expiry date of the Emergency Period.

The RTA 2020 also provides that if a second or subsequent Emergency Period comes into being on foot of future 5-kilometre restrictions on people's movement introduced in an area by the Minister of Health, then the notice periods within a NoT are paused and the Emergency Period will need to be taken into consideration when calculating any revised termination dates.

For example, a tenant with one week remaining on their notice period on the first day of the second Emergency Period will have one week and 10 days remaining at the end of the second Emergency Period (the one week remaining on their notice period plus the additional 10 days provided for in the RTA 2020).

The exceptions to the temporary prohibition on ending tenancies

A landlord is entitled to serve a NoT to terminate a tenancy following the usual rules during an Emergency Period. However, a tenant can only be made to leave their rented accommodation during an Emergency Period in the following limited circumstances of a breach of tenant obligations:

- Where a tenant behaves, or other occupiers/visitors are allowed to behave, in an anti-social manner;
- A tenant acts, or other occupiers/visitors are allowed to act, in a way that would invalidate a landlord's insurance;
- Where a rental property is being used for a purpose other than as a dwelling without the landlord's consent; and
- Where behaviour occurs that threatens the fabric of the dwelling.

Notices of Termination are only valid, if they:

- Are in writing.
- State the date on which the notice is served.
- Are signed by the landlord or real estate/ authorised agent, or tenant (if served by tenant).
- Say why the tenancy is ending (if the tenancy has existed for longer than 6 months).
- State the date when the tenant must leave the property.
- State that the tenant/landlord has 28 days to refer a dispute to the RTB if they have a question as to the validity of the Notice of Termination or the right to end the tenancy.

For Notice of Termination templates, you may visit the RTB website at www.rtb.ie.

Part 4 Security of Tenure

A landlord can serve a Notice of Termination (NoT) during an Emergency Period. However, the tenant cannot be made to leave, except under the limited circumstances mentioned above, until after the expiry of an Emergency Period.

A tenant will not acquire any security of tenure rights under Part 4 of the Residential Tenancies Act 2004 where a landlord could not give effect to a tenancy termination on foot of a tenant being allowed under the RTA 2020 to remain in occupation of a dwelling during the Emergency Period. This also applies to a Further Part 4 tenancy.

Entitlement to remain within the dwelling

A tenant served with a Notice of Termination (NoT) which has a termination date that falls before an Emergency Period starts, and who has still not vacated the dwelling when the Emergency Period started, can stay in the accommodation until 10 days after the expiry of the Emergency Period. During this time, they must continue to pay rent and observe the normal terms and conditions of their lease.

Landlord and tenant obligations

During an Emergency Period, landlords and tenants are required to comply with the terms of their lease and their obligations under the Residential Tenancies Act 2004 (the legislation that guides the rental sector in Ireland).

Tenants are required to pay rent during the Emergency Period.

For a full overview of the usual rental rights and responsibilities for landlords and tenants, please read the RTB's Good Landlord Tenant Guide [here](#).

Rent setting provisions are not affected by the RTA 2020

The RTA 2020 does not affect the provisions relating to rent in the Residential Tenancies Acts 2004-2020. This means that rent setting rules remain as normal during any Emergency Period.

Rent arrears provisions

On 1 August 2020, the Residential Tenancies and Valuation Act 2020 introduced enhanced tenancy protections for those who have been financially impacted by Covid-19 and are at risk of losing their tenancies due to rent arrears. The RTA 2020 does not impact upon the protections which apply to a tenant in rent arrears due to Covid-19 brought in by the Residential Tenancies and Valuation Act 2020. For a full overview of the measures introduced for rent arrears, please refer to the Guidance Document [here](#).

Unlawful termination of tenancies

An unlawful termination of tenancy, also known as an illegal eviction, occurs where a landlord, through force, intimidation or otherwise (such as cutting off utilities, changing the locks, etc.) prevents a tenant from accessing a rented dwelling or removes the tenant's belongings from the dwelling. The unlawful termination of a tenancy is a significant concern and one which the RTB takes very seriously. The RTB prioritises applications citing unlawful termination of tenancy.

Please be aware that carrying out an illegal eviction can result in damages of up to €20,000 being awarded to the tenant. The RTB can seek an injunction from the Courts to reinstate the tenant. For more information, please visit the RTB website [here](#). If you have been illegally evicted, please contact the RTB by visiting their website - www.rtb.ie - and availing of the web chat facility [here](#) or by emailing disputes@rtb.ie.

2 Available Income and Information Supports

The Department of Social Protection (DSP) introduced income support measures to help those who have seen their salaries reduced or terminated.

Enhanced Illness Benefit

- The 6-day waiting period does not apply for Enhanced Illness Benefit which can be paid to an employee or a self-employed person who has COVID-19 (Coronavirus) or is in medically-required self-isolation;
- The personal rate of Enhanced Illness Benefit is €350 per week for a maximum of 2 weeks of medically-required self-isolation or for the full duration of absence from work following a confirmed diagnosis of COVID-19;
- The normal social insurance requirements for Illness Benefit do not apply;
- Workers receiving enhanced Illness Benefit payment who still face financial distress can apply for additional emergency income support, in the form of Supplementary Welfare Allowance (based on a means test).

The Government has urged all employers to continue, as a minimum, to pay employees who cannot attend work due to COVID-19 illness or self-isolation, the difference between the enhanced Illness Benefit rate and their normal wages. Employers are also being asked to consider a range of flexible working arrangements with their employees such as:

- Compassionate leave;
- Allowing the employee to work remotely;
- Allowing the staff member to 'work-up' any time taken at a future date;
- Allowing the employee to avail of annual leave entitlements;
- Rearranging parental leave.

More information on this is available [here](#).

Employees who are laid off temporarily without pay due to a reduction in business activity, can apply for the COVID-19 pandemic unemployment payment. Employees who are put onto short-term working by their employer due to a reduction in business activity related to COVID-19 may apply for a Short-Term Work Support payment. Workers who are laid off temporarily or put on short-term working and who still face financial distress can apply for additional emergency income support, in the form of Supplementary Welfare Allowance (based on a means test). More information on this is available [here](#).

Rent Supplement

Rent supplement continues to play a key role in supporting families and individuals in private rented accommodation. The scheme provides short-term income support to eligible people living in private rented accommodation whose means are insufficient to meet their accommodation costs and who do not have accommodation available to them from any other source. The scheme ensures that for those who were renting, and due to temporary loss of employment, can continue to meet their rental commitments.

Details on how to apply are available on the Department of Social Protection page of the Government of Ireland website [here](#).

Revenue Support

Temporary Wage Subsidy Scheme

The Revenue Commissioners previously operated a Temporary Wage Subsidy Scheme (TWSS), which enabled employees, whose employers are affected by the pandemic, to receive significant supports directly from their employer.

The operation of the TWSS was available to employers who kept employees on the payroll throughout the COVID-19 pandemic, meaning employers could retain links with employees for when business picks up after the crisis. Additionally, the operation of the TWSS scheme helped to reduce the burden on the Department of Social Protection (DSP) which is managing the other COVID-19 related payments. For more information please visit the Revenue website [here](#).

Employment Wage Subsidy Scheme

A new Employment Wage Subsidy Scheme (EWSS) commenced from 1 July 2020 and runs until 31 March 2021. To qualify for the EWSS, the employer must be able to demonstrate that they reasonably anticipate a minimum of 30% reduction in turnover or customer orders in July to December 2020 compared with the same period in 2019. In the case of new businesses, this is based on a projected forward test. Where the employer is a registered childcare provider, the EWSS is available without the requirement to meet the 30% reduction in turnover or customer orders test. EWSS provides a flat-rate subsidy to qualifying employers, based on the number of qualifying employees on the payroll. For every employee paid between €203 and €1,462 gross per week, the level of subsidy is €203. For every employee paid between €151.50 and €202.99 gross per week, the subsidy is €151.50. No subsidy is paid for employees paid less than €151.50 or more than €1,462 gross per week. A 0.5% rate of employer's PRSI will apply for employments that are eligible for the subsidy.

The EWSS replaced the Temporary Wage Subsidy Scheme (TWSS) from 1 September 2020. The TWSS ended on 31 August 2020.

Fuller details on these and other Revenue supports are available [here](#).

3 Other Advice and Financial Supports

Threshold

With Government funding, the national housing charity, Threshold, operates the Tenancy Protection Service (TPS). The TPS is a national service providing advice and support to households living in private rented accommodation who are experiencing tenancy problems, including where a tenancy is at risk of termination. The TPS seeks to protect existing tenancies and keep tenants in their homes. The TPS operates a free helpline - 1800 454 454 – available from Monday to Friday, 9am to 9pm. Further information is also available at www.threshold.ie.

MABS

Any landlord or tenant facing financial difficulty can speak to MABS, the State's Money Advice and Budgeting Service. Funded and supported by the Citizens Information Board, MABS provides free, confidential and independent advice to people in debt or at risk of getting into debt. MABS works with people who have all types of personal debt, and many MABS clients will have multiple types of debt. MABS will look at a client's situation as a whole, seeking to find the best solution for that client. For more information on what MABS can do, office locations and contact details visit mabs.ie. Money advisers are available on our online chat facility or by calling the national MABS helpline on 0761 07 2000, Monday to Friday, 9am to 8pm.

Talk to your Bank or Credit Provider

Any landlord facing potential difficulties in making loan repayments because of COVID-19 is advised to contact their bank or credit servicer as early as possible. All of the existing protections for customers who face actual or potential financial difficulties continue to apply.

Abhaile

Landlords can also contact Abhaile, the State-funded mortgage arrears support scheme. Abhaile provides access to free financial and legal advice and support for people in long-term mortgage arrears and at risk of losing their home. Call the MABS Helpline on 0761 07 2000, Monday to Friday, from 9am - 8pm or visit mabs.ie/abhaile for more information.

Citizens Information

The Citizens Information Service (CIS) provides comprehensive information on public services and on the entitlements of the citizens of Ireland. Funded and supported by CIB, it also provides information, advice and advocacy on a broad range of public and social services.

The Citizens Information website, citizensinformation.ie, provides comprehensive information on public services and on the entitlements of citizens in Ireland. Information is gathered from various government departments and agencies and presented in an easy-to-understand way. The site has been specially designed around the needs of users for those times in life when they need information about their rights and how to apply for State services in Ireland.

Information is also available from the Citizens Information Phone Service (CIPS) by calling 0761 07 4000, Monday to Friday, 9am to 8pm. A national call back service is available by visiting citizensinformation.ie/callback to request a phone call from an information officer.

Please note, that in line with Government guidance and COVID-19, the drop-in services of both MABS and CIS are by appointment only and limited to offices that can implement the necessary protective measures. Visit citizensinformation.ie or mabs.ie for the latest information.

4 | RTB Supports and Services

RTB Disputes Resolution Services

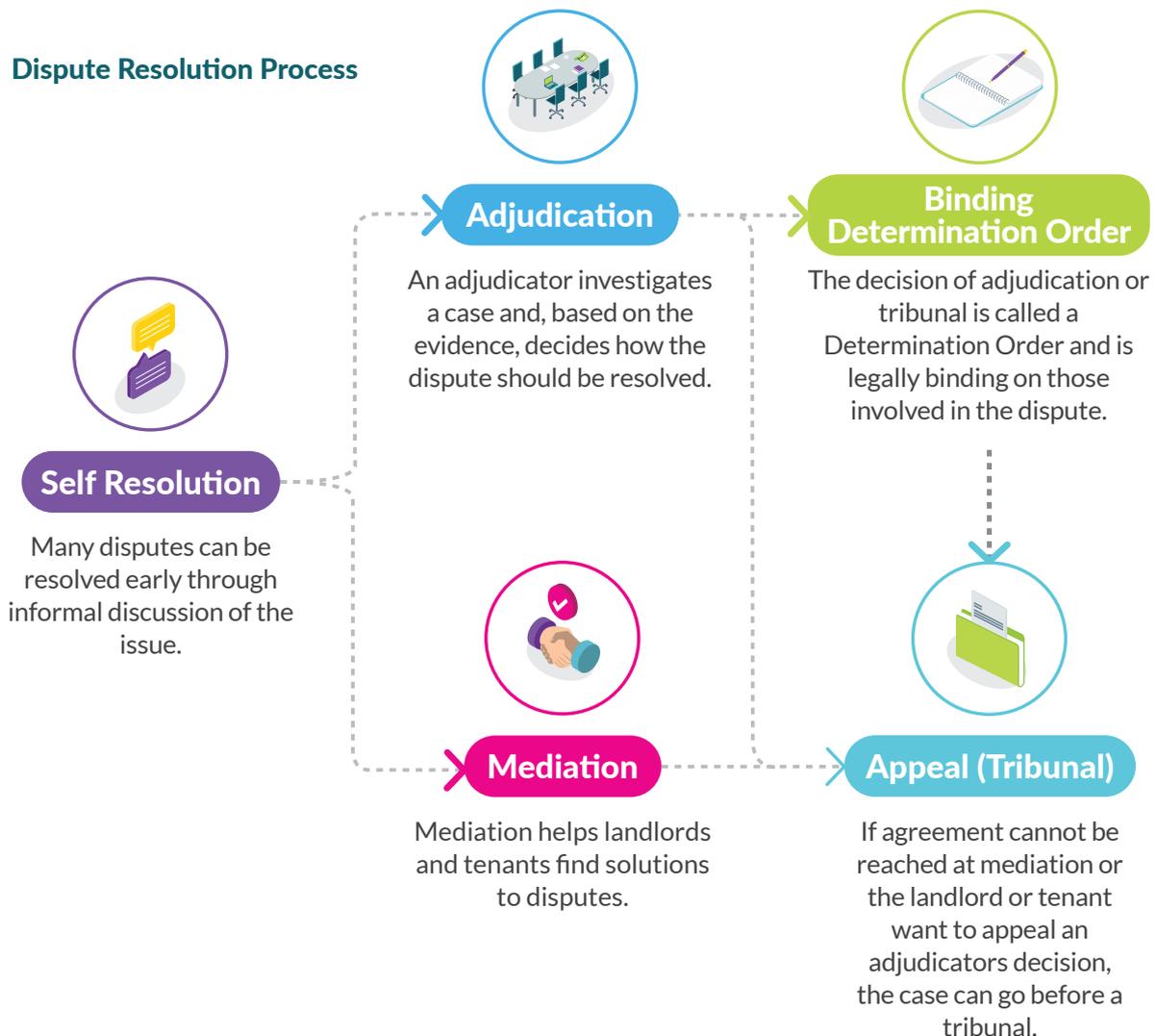
If you are still unable to resolve your tenancy related issues, you can apply for dispute resolution with the RTB at www.rtb.ie. The RTB would also advise that parties use the online [dispute application](#) services during this time as it is the fastest and most convenient manner to apply for dispute resolution.

The RTB offers a free telephone mediation service with a high success rate for agreements. Whilst some Dispute Resolution Services have been affected as face to face hearings have been unable to take place due to health restrictions, telephone mediation continues to be a quick and confidential way of resolving a dispute. For more information, visit www.rtb.ie.

Contacting the RTB

For more information or to speak to an RTB Customer Service agent, the RTB operates its call centre from 9am to 5pm. Where possible, customers are requested to use online services such as webchat and email, as there may be some delays on phone lines. For email contacts for all RTB Business Units and access to the RTB webchat facility, please visit the RTB website [here](#).

Dispute Resolution Process





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