



New rental laws - important information for landlords and tenants.

If you are renting or working in the rental sector this leaflet will help you understand what the recent changes in rental law mean for you and what supports are available to help both landlords and tenants.

During the Covid-19 emergency period, rental protections were put in place for people affected by the pandemic under the Emergency Measures in the Public Interest (Covid-19) Act 2020. These protections ended on 1st August, which means that for most tenancies, the usual rules and protections apply again from 2nd August 2020. These rules are available on www.rtb.ie in the Good Landlord Tenant Guide.

On 1st August 2020, the Residential Tenancies and Valuation Act 2020 introduced new measures to deal with rent arrears (outstanding rent payments). This law protects tenants who have been economically affected by Covid-19 and cannot pay their rent and are consequently at risk of losing their tenancy.

If a tenant's ability to pay rent has been impacted by Covid-19 and the tenant meets specific criteria, new procedures and protections apply. Tenants who follow these procedures:

- cannot be made to leave their rental accommodation before 11th January 2021, and
- do not have to pay any increases in rent until after 10th January 2021.

Importance of Early and Open Communication

During the emergency period, rents were expected to be paid. However, for some people it may not have been possible to continue to pay rent as normal. When rent goes unpaid this is known as rent arrears. This can be a very difficult and distressing situation for both landlords and tenants.

When this situation arises, the most important thing to do is to talk to each other. It is possible for landlords and tenants to come to an agreement between themselves to manage the arrears. This could include an agreed payment plan to manage the arrears and a commitment to future rent payments when they are due. Or, landlords may consider a reduction in rent or a rent deferral. Here are some suggested tips on how to approach these discussions. We encourage tenants and landlords to be kind and patient during these discussions, as often through working together the tenancy and relationship can be sustained.

Useful tips for landlords and tenants

- If you would like to discuss a payment plan, select a day and time that will suit everyone.
- Come prepared to the discussion with key points you would like to discuss.
- Consider your personal financial situation and what you could offer.
- Tenants should consider a proposal for how they could clear any existing arrears whilst also continuing to pay their rent in full.
- Landlords should consider if there is an amount of arrears that could be waived, either partially or in full. Alternatively, you might agree to the arrears being paid back in instalments along with the upcoming rent.
- Sample payment plan templates can be found on www.rtb.ie.

How to avail of the new protections

You can avail of the new protections once you meet the criteria below and fill in the Self-Declaration form available on www.rtb.ie. The form must be sent to the Residential Tenancies Board and your landlord.

Criteria A

- Be in receipt of (or entitled to receive) Illness Benefit for Covid-19 absence. Further information is available at www.gov.ie/welfare; OR
- Be in receipt of (or entitled to receive) the temporary wage subsidy or any other social welfare payment or State support paid due to loss of earnings as a result of Covid-19 (this includes the rent supplement or a supplementary welfare allowance);

AND

Criteria B

- As a result, be at risk of losing your tenancy.

An original copy of the Self-Declaration form should be sent to the Residential Tenancies Board (RTB) at PO Box 47, Clonakilty, County Cork or to rentarrears@rtb.ie. A copy must also be sent to your landlord. **Please note it is a criminal offence not to tell the truth on this form.**

Money Advice and Budgeting Service (MABS)

Under the new law, a landlord must also provide the RTB with any written rent arrears Warning Notice that they issue to a tenant. Upon receipt, the RTB shall provide the tenant with information on the support available from MABS and will assist the tenant in engaging with MABS, if the tenant agrees. MABS will support tenants to assess the current rent arrears situation by exploring options to help sustain the tenancy. It is strongly encouraged that the tenant avails of this support service. MABS is available in 60 locations nationwide. Advice is also available online and by live chat on www.mabs.ie or by phone by calling the MABS helpline on 0761 07 2000 opening hours 9 a.m. to 8 p.m. Monday to Friday. MABS is non-judgmental, confidential and independent.

MABS has a proven track record in helping people achieve sustainable debt solutions. MABS will look at a person's overall financial situation and work with them to find the best solution available.

New rules when ending a tenancy

If a landlord wants to end a tenancy due to rent arrears they must do the following:

Warning Notice

From 1st August 2020, a landlord must issue a tenant and the RTB with a written rent arrears Warning Notice providing a minimum of 28 days for the rent arrears to be paid in full. If a landlord does not send the Warning Notice to the RTB, any related Notice of Termination (NoT) will be invalid. The 28-day warning notice period only begins to count down when both the tenant and the RTB have received the Warning Notice.

Warning Notices must always be in writing. A text message or email is not suitable. Sample Warning Notices and Notices of Termination can be found on www.rtb.ie.

Notices of Termination (NoT)

A NoT is the official document which ends a tenancy.

If you have received a Self-Declaration form from your tenant, the tenancy cannot be ended before 11th January 2021 and the tenant must be given a minimum 90-day notice period to vacate.

If you have not received a Self-Declaration form, you can proceed to serve a 28-day Notice of Termination. Please note, if eligible, the tenant can serve a Self-Declaration form in respect of the period ending on 10th January 2021. If this happens, as above, the tenancy cannot be ended before 11th January and the tenant must be given a minimum 90-day notice period.

Dispute Resolution

If you are still unable to resolve your tenancy related issues, landlords registered with the RTB and all tenants can apply for dispute resolution with the RTB at www.rtb.ie.

Arrears Process: Step-by-Step Guide

The landlord issues a 28-day rent arrears Warning Notice to the tenant and the RTB (failure to do so will invalidate any related Notice of Termination)

The tenant has 28 days to pay the full amount

The RTB will seek the tenant's consent to put them in touch with MABS and to tell them about the Self-Declaration form

The tenant, if eligible, can fill out a Self-Declaration form (this can happen at any point of the process)

If the rent is not paid within 28 days, the landlord can issue a NoT ensuring the correct notice period and termination date is applied in accordance with the new rules

Landlords must send the NoT to the tenant and RTB on the same day

The RTB, on receipt of the NoT, will write to the tenant to notify them of their rights (including to refer a dispute to the RTB) and responsibilities

Information and Support

There are many Government departments, agencies and organisations that are available to support landlords and tenants during this time. They can provide further information, advice and income supports to those who are facing financial difficulty.

Abhaile, the State funded mortgage arrears support scheme, provides access to free financial and legal advice and support for people in long term mortgage arrears and at risk of losing their home.

For more information, visit www.mabs.ie/abhaile or call 0761 07 2000. Opening hours are 9 a.m. to 8 p.m. Monday to Friday.

Citizens Information Service provides comprehensive information on public services and on the entitlements of the citizens of Ireland.

For more information, visit www.citizensinformation.ie or call 0761 07 4000. Opening hours are 9 a.m. to 8 p.m. Monday to Friday.

Department of Housing, Planning and Local Government provides information about the housing sector in Ireland.

For more information, visit www.housing.gov.ie

Department of Employment Affairs and Social Protection (DEASP)

introduced income support measures to help those who have seen their salaries reduce or terminated due to Covid-19.

For more information, visit www.gov.ie/welfareandwork

Phone number: 01 704 3000

MABS (Money Advice and Budgetary Service) funded and supported by the Citizens Information Board, provides free, confidential and independent advice to people in debt or at risk of getting into debt. For more information, visit www.mabs.ie or call the MABS Helpline on 0761 07 2000.

Opening hours are 9 a.m. to 8 p.m. Monday to Friday.

Residential Tenancies Board (RTB) is a public body set up to support and develop a well-functioning rental housing sector. The RTB's role is to regulate the rental sector, provide information and research to inform policy and maintain a national register of tenancies. The RTB also helps resolve disputes between tenants and landlords, can initiate an investigation into conduct by a landlord, and provide information to the public to ensure tenancies run smoothly and no issues arise.

For more information, visit www.rtb.ie

Revenue Commissioners manage the Temporary Wage Subsidy Scheme.

For more information, visit www.revenue.ie

Threshold, the national housing charity, operates the Tenancy Protection Service (TPS), which provides free advice and support to households living in private rented accommodation who are experiencing tenancy problems, including where a tenancy is at risk of termination. Threshold operate a free national helpline on 1800 454 454 (9 a.m. -9p.m. Monday to Friday). Or you can contact them by completing an online contact form or via the new webchat service (9 a.m. -5 p.m. Monday to Friday). For more information, visit www.threshold.ie

Any landlord facing difficulties in making loan repayments because of Covid-19 is advised to contact their bank or credit service provider as early as possible.