

Self-Declaration Form for Tenants*

(to avail of the protections under Part 3 of the Planning and Development, and Residential Tenancies, Act 2020 (the PDRTA))

Before completing this Self-Declaration form, please read the information below.

Temporary protections are in place for tenants who are unable to pay their rent due to Covid-19. In July 2021, the Residential Tenancies (No.2) Act 2021 introduced an amendment to the PDRTA to extend the application of the tenancy protections for a further six months from 13 July 2021 to 12 January 2022.

Where the protections apply, a tenant is not required to vacate their accommodation before 13 January 2022 and is not required to pay an increase in rent during the period up to 12 January 2022. These protections came into effect on 11 January 2020 and apply to a tenant who makes a declaration that he or she is a relevant person (within the meaning of section 10(6) of the PDRTA) **and** as a result is at significant risk of losing his or her tenancy. A tenant is considered to be a “relevant person” if during the period from 1 August 2020 to 12 January 2022, he or she is in receipt of (or was entitled to receive):

- ▶ Illness Benefit for Covid-19 absence; **or**
- ▶ The Temporary Wage Subsidy or any other social welfare payment or State support paid as a result of loss of earnings due to Covid-19 (this includes the rent supplement or a supplementary welfare allowance).

and

- ▶ as a result, is at significant risk of losing his or her tenancy.

Before completing the Self-Declaration, it is important that you review information on what is meant by a “relevant person” in section 10(6) of the Planning and Development, and Residential Tenancies Act, 2020 (the PDRTA) and be satisfied that you meet this definition (see a summary of the definition in Appendix 1, page 5).

In addition to the requirements above, there are a number of other obligations, of which a tenant must be aware:

1. The PDRTA protections are based on the following requirements:

- ▶ That the Self-Declaration Form served upon the Residential Tenancies Board (RTB) is accompanied by a notice in writing requesting the RTB to assist the tenant to obtain advices from the Money Advice and Budgeting Service (MABS). **Please see Appendix 3 for the notice that a tenant must use to make this request.**
- ▶ That a tenant has, not later than 5 days after service of the Self-Declaration form upon their landlord, served a notice in writing on their landlord requesting the landlord to consult with the tenant for the purpose of making an agreement for payment of the rent due under the tenancy. **Please see Appendix 3 for the notice that a tenant must use to make this request.**

2. The PDRTA protections do not apply in the following circumstances:

- ▶ where on 10 January 2021, a tenant is in rent arrears of an amount equal to 5 months’ rent or more; or
- ▶ where a tenant does not serve a notice on the RTB seeking assistance to obtain MABS advice.

3. A tenant must include material or relevant information/documentation in/with the Self-Declaration Form:

- ▶ Where a tenant is sending a Self-Declaration form to the RTB and the landlord, the tenant must include with the Self-Declaration form such information or copies of documents which may be **material or relevant** to the question of whether or not the tenant is a relevant person within the meaning of section 10(6) of the PDRTA (see above).
- ▶ Please refer to **Appendix 2** for further information.

*Revised July 2021 to reflect the provisions of the Residential Tenancies (No.2) Act 2021.

Important notes

- ▶ **It is a criminal offence not to tell the truth on this form. You should be sure that the information you provide is correct. A person who makes a false declaration can be fined up to €4,000 and/or imprisoned for up to 6 months.¹**
- ▶ The tenant must send the original copy of the Self-Declaration to the Residential Tenancies Board (RTB) at PO Box 47, Clonakilty, County Cork or by email at rentarrears@rtb.ie. The tenant must also send to the RTB such information or documentation which is material or relevant to the Self-Declaration form (See above and **Appendix 2** for further information).
- ▶ A true copy of this Self-Declaration must also be sent to your landlord. The easiest way to serve a true copy is to photocopy the original. On the true copy, please write "*I declare this is a true copy*" in block print and sign and date it. If your landlord has appointed an authorised agent, you must still serve the Self-Declaration on your landlord. If you are not aware of your landlord's details, please ensure that you serve the Self-Declaration on the authorised agent and request that the agent in turn sends it to the landlord. The tenant must also send to their landlord such information or documentation which is material or relevant to the Self-Declaration form (See above and **Appendix 2** for further information).
- ▶ Both the Self-Declaration form and the true copy must be signed and dated.
- ▶ You should keep any proof that you have sent the declaration and **material or relevant information and documentation** to your landlord, e.g. by using registered post.
- ▶ **Please see Appendix 4 for sample letters that a tenant must use to serve the Self-Declaration form.**
- ▶ If you are in receipt of the Housing Assistance Payment (HAP), the RTB would encourage that you send a copy of the RTB acknowledgement letter of your Self-Declaration form to your local authority.
- ▶ Subject to the landlord's consent to the use of electronic correspondence, a tenant can email a true copy of the Self-Declaration form to his or her landlord. Otherwise, a tenant can use the postal service.
- ▶ Tenants are advised to keep copies of correspondence with their landlord and the RTB.
- ▶ If you have a dispute with your landlord, you may have to prove the Self-Declaration and **material or relevant information and documentation** was sent to both the RTB and the landlord. It is your responsibility, as the tenant, to prove this. Further information on proofs can be found at the end of this document.
- ▶ The RTB will send you and your landlord an acknowledgement that it has received a declaration. It is important that you keep your own proof that you have sent it.
- ▶ By law, this declaration does not need to be witnessed. However, if you wish to do so, a witness can also sign the declaration.

¹ Pursuant to Section 9 of the Residential Tenancies Act 2004 (as amended).

Self-Declaration Form

This declaration may be made in accordance with the Planning and Development, and Residential Tenancies, Act 2020.

Before making this declaration, please ensure that you are a “relevant person” and as a result, you are at significant risk of losing your tenancy. You should read the summary in **Appendix 1** (page 5) and the definition of “relevant person” in the Planning and Development, and Residential Tenancies, Act 2020 carefully and satisfy yourself that you are a “relevant person”.

It is a criminal offence to make a misleading declaration and you should be sure that the contents of the declaration are correct. A person who commits a criminal offence shall be liable on summary conviction to a fine not exceeding €4,000 and/or imprisonment for a term not exceeding 6 months².

This declaration does not need to be witnessed although it is open to you to have a witness sign it or to bring it your solicitor for the same purpose.

First Name

Surname

Rental Address

County

Eircode

Registered Tenancy (RT) Number

Tenant contact details

Phone number

Email

PPSN

Landlord / agent details

First Name (if individual)

Surname or Company Name

I of the above address, being aged 18 years and upwards, declare that for the purposes of the Planning and Development, and Residential Tenancies, Act 2020, I am:

1. A ‘relevant person’; and
2. As a consequence, there is a significant risk that my tenancy will be terminated by the landlord.

I confirm that I understand it is a criminal offence for me to make this declaration if it is false or misleading.

² Pursuant to Section 9 of the Residential Tenancies Act 2004 (as amended).

I can confirm that, having read and understood the definition of a 'relevant person' in the Planning and Development, and Residential Tenancies, Act 2020, (a summary of the list of relevant persons is set out in **Appendix 1** (page 5), I am a 'relevant person' for the purposes of the Planning and Development, and Residential Tenancies, Act 2020³.

I further confirm that I understand that I have an obligation to serve a true copy of this declaration on my landlord. I understand that if I do not serve a true copy of this declaration on my landlord that this declaration may be deemed invalid.

Please note that failure to complete actions outlined in Appendix 3 and 4 (page 7-8) along with filling in this Self-Declaration will invalidate the Self-Declaration form and you will no longer have the protections under the Planning and Development, and Residential Tenancies, Act 2020.

Signed

Dated [date declaration was dated]

The RTB respects your privacy and is committed to complying with Data Protection law. For information on how the RTB handle your personal data, please refer to the RTB Privacy Statement at <https://www.rtb.ie/privacy-statement>.

³ Section 11(2)(c) of the Planning and Development, and Residential Tenancies Act 2020.

Further information

Note / Appendix 1

Summary Definition of “Relevant Person”

Section 10 of the Planning and Development, and Residential Tenancies, Act 2020 provides a legal definition of a “relevant person” for the purposes of making a declaration.

In summary, a “relevant person” is anyone who is unable to pay their rent due to their landlord because during the period from 1 August 2020 to 12 January 2022, he or she is/was in receipt of/entitled to receive:

- ▶ Illness Benefit for Covid-19 absence, **or**
- ▶ the Temporary Wage Subsidy, **or**
- ▶ any other social welfare payment or State support paid as a result of loss of earnings due to Covid-19 (this includes the rent supplement or a supplementary welfare allowance).

And

- ▶ as a result, he/she is at significant risk of losing their tenancy.

Please note: This is a summary of the definition of “relevant person” only. The purpose of the summary is to assist you in determining if you are a relevant person, but it is your responsibility to satisfy yourself that you are a “relevant person”.

The following links might be of further assistance to you:

- ▶ Section 10 of the Planning and Development, and Residential Tenancies, Act 2020: www.rtb.ie
- ▶ Section 5 of the Health (Preservation and Protection and other Emergency Measures in the Public Interest) Act 2020: <http://www.irishstatutebook.ie/eli/2020/act/1/section/5/enacted/en/html#sec5>

Note / Appendix 2

Include material or relevant information/documentation in/with the Self-Declaration Form:

- ▶ As noted above, where a tenant is sending a Self-Declaration form to the RTB and the landlord, the tenant must provide in/with the Self-Declaration form such information or documentation which may be **material or relevant** to the question of whether or not the tenant is a relevant person within the meaning of section 10(6) of the PDRTA (see above) **and** as a result, is at significant risk of losing his or her tenancy.
- ▶ Failure to provide information or documentation which is material or relevant may result in the Self-Declaration form being held to be false or misleading, which is an offence punishable by a fine of up to €4,000 and/or imprisonment for up to 6 months.
- ▶ The tenant should submit copies of relevant information or documentation only. A tenant should keep original information or documentation safely as it may be required at a later date, for example, in Dispute Resolution.
- ▶ The onus is on the tenant to block out any personal contact details or other sensitive information within the information or documentation that is provided in/with the Self-Declaration form.
- ▶ It is also the responsibility of the tenant to ensure that they obtain all necessary consents from third parties, referred to within information/documentation that is provided in/with the Self-Declaration form, before submitting such information or documentation to the RTB and the landlord.
- ▶ The following examples may be considered as information or documentation which is material or relevant:
 1. Rent Arrears Payment Plan agreed between the landlord and the tenant;
 2. Proof of receipt of, or entitlement to, illness benefit for Covid-19 absence at any time during the period from 1 August 2020 to 12 January 2022;
 3. Proof of receipt of, or entitlement to, the Temporary Wage Subsidy on or after 1 August 2020;
 4. Proof of receipt of, or entitlement to, any other social welfare payment paid for loss of earnings due to Covid-19 (this includes rent supplement or a supplementary welfare allowance) at any time during the period from 1 August 2020 to 12 January 2022;
 5. Such other information as the tenant may consider material or relevant to the question of the tenant is a relevant person within the meaning of section 10(6) of the PDRTA (see above) **and** as a result, is at significant risk of losing his or her tenancy.

Note / Appendix 3

Notice for issue to the Residential Tenancies Board requesting assistance to obtain advices from MABS.

Residential Tenancies Board
Po Box 47
Clonakilty
County Cork

Dear RTB,

In accordance with section 10 of the Planning and Development, and Residential Tenancies, Act 2020, I am giving you notice of my request that you assist me in obtaining advice from MABS.

I confirm that I give my consent to the RTB to share my contact and tenancy details with MABS to assist me in obtaining advice from MABS.

I also confirm that I give my consent to MABS to contact me directly to provide me with rent arrears advice related to my tenancy.

Please note that my up-to-date contact details are:

Full Name:	
Address of rental dwelling:	
Email address:	
Telephone number:	

Yours sincerely,
[Insert Name]
[insert Date]

Notice for issue to landlord requesting him or her to consult with the tenant for the purpose of making an agreement for payment of the rent due under the tenancy.

[Insert Landlord Name]
[Insert Address]
[Insert Address]

Date: [Insert date]

Re: Request to seek a Consultation to make Arrangement to Pay Rent Arrears in relation to the Tenancy at:

[Insert rented dwelling address]

Dear [Insert],

I am writing to you in relation to the Self-Declaration Form which I sent to you and the Residential Tenancies Board (RTB).

I am in the process of obtaining / I have received advice from the Money Advice and Budgeting Service (MABS) in relation to the options available to me to pay the rent due to you at my current tenancy.

In accordance with new obligations provided by law, I would like to consult with you, at your earliest convenience, the opportunity to set up an arrangement for me to pay the rent due to you.

You may contact me in the following ways listed below so that we may consult on making an arrangement relating to my rent payments due:

By telephone:	
By email:	
By post:	
Other:	

Yours sincerely,
[Insert Name]
[insert Date]

Note / Appendix 4

A letter template for issue to your landlord with a true copy of your Self-Declaration form

A true copy of the Self-Declaration form must be served on your landlord. You may use the letter template below when serving your landlord with the declaration. **When sending a true copy to your landlord we would suggest that you send a copy of the declaration and sign and date this document and keep it for your own records.**

Dear [Insert name of landlord],

Pursuant to section 10 of the Planning and Development, and Residential Tenancies, Act 2020, I have served a Declaration on the RTB stating that I am;

1. A 'relevant person'; and
2. As a consequence, there is a significant risk that my tenancy at [insert address of rented dwelling] will be terminated by the landlord.

I am serving a true copy of the said declaration on you.

Yours sincerely,
[Insert Name]
[insert Date]

If you are not aware of your landlord's details please ensure that you serve the declaration on your landlord's authorised agent and request that the agent, in turn, sends it to the landlord by using the following wording for your cover letter.

Dear [Insert name of agent],

Pursuant to section 10 of the Planning and Development, and Residential Tenancies Act 2020, I have served a Declaration on the RTB stating that I am;

1. A 'relevant person'; and
2. As a consequence, there is a significant risk that my tenancy at [insert address of rented dwelling] will be terminated by the landlord.

I am serving a true copy of the said declaration on you. I am calling on you to send this declaration to the landlord of the property.

Yours sincerely,
[Insert Name]
[insert Date]

Onus of proof

If you are making a declaration in writing (and not by email), the Residential Tenancies Board (RTB) recommends that you retain proof of postage. You can do so by way of registered post. It is a matter for you as the tenant to ensure that you have proof that your declaration was served. If you subsequently have a dispute with your landlord, you may be required to prove that the declaration was sent to both the RTB and your landlord. It will be a matter for you as the tenant to prove this and the RTB, as part of its independent dispute resolution function, will take no responsibility for providing your Self-Declaration form to a decision maker appointed to resolve any dispute arising in your case.

The RTB may send you an acknowledgement that it has received a declaration and also write to your landlord that it has received a declaration. The RTB has no obligation to do so and this may not constitute conclusive proof that a declaration has been properly served.