

Self-Declaration Form

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

New temporary protections are in place for tenants who are unable to pay their rent due to Covid-19. If the tenant meets the criteria below, they are not required to vacate their accommodation before the 10th of January 2021 and are not required to pay an increase in rent during the period up to 10th of January 2021. These protections came into effect on 1st August 2020.

To be able to avail of these protections you must meet Criteria A and B:

Criteria A

- ▶ You are in receipt of (or entitled to receive) Illness Benefit for Covid-19 absence, during the period of 9th March 2020 to 10th January 2021; OR
- ▶ You are in receipt of (or entitled to receive) during the period of 9th March 2020 to 10th January 2021:
 - the Temporary Wage Subsidy, Employment 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

Criteria B

- ▶ As a result, you are at significant risk that your tenancy will be ended by your landlord.

A tenant meeting the above criteria is referred to in law as a 'relevant person'¹ and can fill out the Self-Declaration form, and benefit from new protections. Before completing the Self-Declaration, it is important that you review information on what is meant by a 'relevant person' in the Residential Tenancies and Valuation Act 2020 and that you meet this definition (see a summary of the definition in Appendix 1, page 3).

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 six months².**
- ▶ **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 rentarrear@rtb.ie.**
- ▶ **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.**
- ▶ **Both the Self-Declaration and the true copy forms must be signed and dated.**
- ▶ **You should keep any proof that you have sent the declaration to your landlord e.g. by using certified post.**
- ▶ **If you are in receipt of the Housing Assistance Payment (HAP) Scheme the RTB would encourage that you send a copy of the RTB acknowledgement letter of your Self-Declaration form to your local authority.**
- ▶ **A true copy can only be sent to a landlord electronically if the landlord gives consent to you in writing.**
- ▶ **If you have a dispute with your landlord, you may be required to prove the Self-Declaration was sent to both the RTB and the landlord. It is your responsibility, as the tenant, to prove this.**
- ▶ **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 If you meet these criterion, you are referred to as a 'relevant person' in accordance Section 4 of the Residential Tenancies and Valuation Act 2020.

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

Self-Declaration Form

This declaration may be made in accordance with the Residential Tenancies and Valuation Act 2020³.

Before making this declaration, please ensure that you are a 'relevant person'. You should read the summary in Appendix 1 (page 3) and the definition of 'relevant person' in the Residential Tenancies and Valuation Act 2020⁴ 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 months⁵.

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

Eircode

Registered Tenancy (RT) Number

Tenant contact details

Phone number

Email

PPSN

Landlord / agent details

I of the above address, being aged 18 years and upwards, declare that for the purposes of section 4 of the Residential Tenancies and Valuation Act 2020⁶, I am;

1. A 'relevant person'; and
2. As consequence, I believe that there is a significant risk that my tenancy at

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.

I can confirm that I have read the definition of a 'relevant person' in the Residential Tenancies and Valuation Act 2020 (a summary of the list of relevant persons is set out in Appendix 1 (page 3)) and I do believe that I am a 'relevant person' for the purposes of the Residential Tenancies and Valuation Act 2020⁷.

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 this declaration may be deemed invalid.

Signed

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 If you meet these criterion, you are referred to as a 'relevant person' in accordance Section 4 of the Residential Tenancies and Valuation Act 2020.

⁴ Section 4 of the Residential Tenancies and Valuation Act 2020.

⁵ Pursuant to section 9 of the Residential Tenancies Act 2004 (as amended).

⁶ Section 4 of the Residential Tenancies and Valuation Act, 2020.

⁷ Section 4 of the Residential Tenancies and Valuation Act, 2020.

Further information

Note / Appendix 1

Summary of Definition of 'Relevant Person'

Section 4(6) of the Residential Tenancies and Valuation 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 of 9th March 2020 to 10th January 2021 he or she is/was in receipt of/entitled to receive:

- ▶ Illness benefit for COVID-19 absence,
- ▶ the Temporary Wage Subsidy or Employment Wage Subsidy, or
- ▶ any other social welfare payment paid for loss of earnings due to Covid-19 (this includes 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 4 of the Residential Tenancies and Valuation Act 2020: <http://www.irishstatutebook.ie/eli/2020/act/7/section/4/enacted/en/html#sec4>
- ▶ 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

A sample letter template to issue to your landlord

A true copy of the declaration must be served on your landlord. A true copy is a photocopy of the original document. The easiest way to serve a true copy is to photocopy the original and write on it 'I declare this is a true copy.' in block print and sign and date it. You can also send a cover letter with the Self-Declaration to explain what the Self-Declaration is to your landlord. A sample cover letter can be found below. **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 record.**

Dear [Insert name of landlord]

Pursuant to section 4 of the Residential Tenancies and Valuation Act 2020, I have served a Declaration on the RTB stating that I am;

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

I am enclosing 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 4 of the Residential Tenancies and Valuation Act 2020, I have served a Declaration on the RTB stating that I am;

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

I am enclosing 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 ensure and retain proof of postage. You can do so by way of certified post. It is a matter for you as the tenant to ensure that you have proof that the declaration was served. If you subsequently have a dispute with your landlord, you may be required to prove the declaration was sent to both the RTB and the landlord. It will be a matter for you as the tenant to prove this and the RTB, as an impartial adjudicator and regulator, will take no responsibility for providing a declaration to a decision maker.

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, therefore it is very important you keep copies and proofs of all relevant documentation safe.