



Number 5 of 2021

Residential Tenancies Act 2021



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RESIDENTIAL TENANCIES ACT 2021

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Number 5 of 2021

RESIDENTIAL TENANCIES ACT 2021

An Act to extend the emergency period specified in the Planning and Development, and Residential Tenancies, Act 2020; for that purpose to amend that Act and the Residential Tenancies Act 2020; and to provide for matters connected therewith. [30th March, 2021] 5

WHEREAS the disease known as Covid-19 continues to present a serious risk to public health, and the transmission thereof has proven difficult to prevent, and it continues to be necessary for the State to adopt extraordinary measures and safeguards aimed at containing that disease and preventing, minimising and reducing the risk of infection of persons with the disease; 10

WHEREAS the rise in unemployment among persons who reside in residential tenancy accommodation has had an adverse impact on the ability of such persons to meet their obligations to pay rent due, thereby presenting an imminent risk that a significant number of residential tenancies will be terminated by landlords;

WHEREAS any significant increase in terminations of residential tenancy accommodation by landlords increases the likelihood that the former occupants of such accommodation would have great difficulty securing alternative accommodation, which could cause acute aggravation of difficulties in the residential accommodation sector including difficulties relating to overcrowding, thereby presenting a substantial risk of spread of that disease with a consequent need for measures to counter its spread that would likely have further adverse economic consequences for the State; 15 20

WHEREAS the crisis occasioned by the spread of the said disease is causing and will continue to cause significant harm to the economy of the State and has, thus far, resulted in a substantial increase in the number of persons who have become unemployed;

WHEREAS the State has already taken significant measures to deal with the aforementioned crisis including measures to support the economy that have required and continue to require substantial disbursement and expenditure of public moneys; 25

Be it enacted by the Oireachtas as follows:**Amendment of Planning and Development, and Residential Tenancies, Act 2020**

1. The Planning and Development, and Residential Tenancies, Act 2020 is amended—
- (a) in section 9, by the substitution of “12 July 2021” for “12 April 2021” in the definition of “emergency period” in subsection (1), 5
 - (b) in section 10, by the substitution of “12 July 2021” for “12 April 2021” in paragraph (b) of the definition of “relevant person” in subsection (6),
 - (c) in section 11, by the substitution of “12 July 2021” for “12 April 2021” in paragraph (b) of the definition of “relevant person” in subsection (6),
 - (d) in section 12, by— 10
 - (i) the substitution of the following paragraph for paragraph (a) of subsection (1):
 - “(a) Subject to paragraph (b) and subsection (1A)—
 - (i) section 67 of the Act of 2004 shall have effect in relation to a notice of termination to which this subsection applies as if the references in paragraphs (aa) and (b) of subsection (2) of that section to 28 days were references to 90 days, and 15
 - (ii) a notice of termination to which this subsection applies shall not specify a termination date that falls earlier than 13 July 2021.”,
 - (ii) the insertion of the following subsection: 20
 - “(1A)(a) Subject to paragraph (b), if a tenant under the tenancy of a dwelling is a tenant in relation to whom this Part applies, the termination date under any notice of termination to which this subsection applies served on that tenant during the emergency period shall, instead of the termination date specified therein, be deemed to be 13 July 2021. 25
 - (b) If this Part ceases to apply in relation to a tenant on whom a notice to which this subsection applies was served, then, upon the expiration of the period of 10 days from this Part’s ceasing to apply in relation to the tenant, paragraph (a) shall cease to apply to that notice. 30
 - (c) This subsection applies to a notice of termination served on a tenant during the emergency period that—
 - (i) specifies a termination date that falls on or after 13 April 2021 and before 13 July 2021, and 35

- (ii) cites as a reason for the termination concerned the failure by the tenant to pay an amount of rent due in respect of the tenancy of a dwelling.”,

and

- (iii) the substitution of “13 July 2021” for “13 April 2021” in paragraph (a) of subsection (2),

and

- (e) in section 16, by the substitution of “12 July 2021” for “12 April 2021”.

Amendment of Residential Tenancies Act 2020

- 2. The Residential Tenancies Act 2020 is amended— 10

- (a) in section 3, by—

- (i) the insertion of “(a),” after “paragraph” in subsection (2), and

- (ii) the deletion of subsection (6),

and

- (b) in section 4, by the insertion of the following subsection: 15

“(3) In this section ‘notice of termination’ does not include a notice of termination that cites as a reason for the termination concerned the failure by the tenant to comply with paragraph (a) of section 16 of the Act of 2004.”.

Short title and collective citation

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- 3. (1) This Act may be cited as the Residential Tenancies Act 2021.
- (2) The Residential Tenancies Acts 2004 to 2020 and this Act may be cited together as the Residential Tenancies Acts 2004 to 2021.