



Number 34 of 2022

**Residential Tenancies (Deferment of Termination Dates of Certain Tenancies)
Act 2022**



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**RESIDENTIAL TENANCIES (DEFERMENT OF TERMINATION DATES OF
CERTAIN TENANCIES) ACT 2022**

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[No. 34.]

*Residential Tenancies (Deferment of
Termination Dates of Certain Tenancies) Act 2022.*

[2022.]

ACTS REFERRED TO

Residential Tenancies (Amendment) Act 2019 (No. 14)

Residential Tenancies Act 2004 (No. 27)

Residential Tenancies Act 2020 (No. 17)



Number 34 of 2022

RESIDENTIAL TENANCIES (DEFERMENT OF TERMINATION DATES OF CERTAIN TENANCIES) ACT 2022

An Act to make emergency provision to defer the termination dates of certain tenancies that fall, or would fall, during the period beginning on the day after the date of the passing of this Act and ending on 31 March 2023 in order to mitigate the risk that persons whose tenancies would otherwise be terminated during that period would be unable to obtain alternative accommodation; to make such provision on a phased basis to enable tenancies affected to be terminated over a period of time to assist in managing demands on housing services as a result of such deferred termination; and to provide for related matters. [29th October, 2022]

Be it enacted by the Oireachtas as follows:

Interpretation

1. (1) In this Act—

“Act of 2004” means the Residential Tenancies Act 2004;

“winter emergency period” means the period beginning on the day after the date of the passing of this Act and ending on 31 March 2023.

(2) In this Act—

(a) references to landlord shall be construed as including references to licensor within the meaning of section 37 of the Residential Tenancies (Amendment) Act 2019,

(b) references to tenant shall be construed as including references to licensee within such meaning, and

(c) references to tenancy shall be construed as including references to licence within such meaning.

(3) A word or expression that is used in this Act and in the Act of 2004 shall, unless the context otherwise requires, have the same meaning in this Act as it has in the Act of 2004.

Deferment of termination dates of certain tenancies

2. (1) Subject to *subsection (2)*, where—

- (a) a notice of termination served by a landlord on or before the date of the passing of this Act specifies a termination date that falls during the winter emergency period, or
- (b) a dispute in relation to the termination of a tenancy is referred to the Residential Tenancies Board under Part 6 of the Act of 2004 and a determination order issued pursuant to section 121 of that Act in relation to the dispute specifies a termination date that falls during the winter emergency period,

the termination date shall be deemed to be the deferred termination date specified in *subsection (3)*.

(2) *Subsection (1)* shall not apply to a notice of termination served by a landlord where—

- (a) there is a failure by the tenant to comply with one or more than one of his or her obligations under section 16 of the Act of 2004, or
- (b) the notice of termination cites as a reason for the termination concerned a ground specified in paragraph 1, 1A or 2 of the Table to section 34 of the Act of 2004.

(3) Where *subsection (1)* applies to a termination date that falls during a period referred to in *column (2)* of the table at a reference number in *column (1)* in respect of a tenancy the duration of which is referred to in *column (3)* at the same reference number, the deferred termination date is the date referred to in *column (4)* at the same reference number.

Table

Reference Number (1)	Period during which termination date falls (2)	Tenancy duration (3)	Deferred termination date (4)
1	Beginning on the day after the date of the passing of Act and ending on 31 January 2023	Less than 6 months	1 May 2023
2	Beginning on 1 February 2023 and ending on 31 March 2023	Less than 6 months	18 June 2023
3	Beginning on the day after the date of the passing of Act and ending on 31 January 2023	Not less than 6 months but less than 1 year	1 May 2023
4	Beginning on 1 February 2023 and ending on 31 March 2023	Not less than 6 months but less than 1 year	1 June 2023

Reference Number (1)	Period during which termination date falls (2)	Tenancy duration (3)	Deferred termination date (4)
5	Beginning on the day after the date of the passing of Act and ending on 31 January 2023	Not less than 1 year but less than 7 years	15 April 2023
6	Beginning on 1 February 2023 and ending on 31 March 2023	Not less than 1 year but less than 7 years	1 May 2023
7	Beginning on the day after the date of the passing of Act and ending on 31 March 2023	Not less than 7 years	1 April 2023

- (4) A person shall not, by virtue of the operation of this section, acquire any rights under Part 4 of the Act of 2004.

Notice of termination served during winter emergency period

3. (1) Notwithstanding Chapters 2 and 3 of Part 5 of the Act of 2004, a notice of termination, other than a notice of termination referred to in *section 2(2)*, in respect of a tenancy of less than 6 months duration that is served by a landlord during the winter emergency period shall not specify a termination date that falls earlier than 18 June 2023.
- (2) A notice of termination served in contravention of *subsection (1)* shall be invalid.
- (3) A person shall not, by virtue of the operation of this section, acquire any rights under Part 4 of the Act of 2004.

Revised termination date under Residential Tenancies Act 2020

4. Where section 3 of the Residential Tenancies Act 2020 applies to a notice of termination to which *section 2(1)* applies, the termination date of the notice of termination concerned shall be deemed to be the later of the revised termination date (within the meaning of section 3 of that Act) and the deferred termination date specified in *section 2(3)*.

Short title and collective citation

5. (1) This Act may be cited as the Residential Tenancies (Deferment of Termination Dates of Certain Tenancies) Act 2022.
- (2) The collective citation the Residential Tenancies Acts 2004 to 2022 includes this Act.