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*Number 17 of 2020*

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**Residential Tenancies Act 2020**

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**RESIDENTIAL TENANCIES ACT 2020**

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CONTENTS

Section

1. Interpretation
2. Emergency period
3. Notices of termination under Act of 2004
4. Entitlement to remain in occupation of dwelling during emergency period
5. Short title and collective citation

ACTS REFERRED TO

Health Act 1947 (No. 28)

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

Residential Tenancies Act 2004 (No. 27)

Residential Tenancies Acts 2004 to 2019

Residential Tenancies and Valuation Act 2020 (No. 7)



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*Number 17 of 2020*

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## **RESIDENTIAL TENANCIES ACT 2020**

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An Act, to make exceptional provision, in the public interest and having regard to the manifest and grave risk to human life and public health posed by the spread of the disease known as Covid-19; in order to mitigate, where practicable, the effect of the spread of that disease and to limit the adverse consequences resulting, or likely to result from the spread of that disease; and having regard to the burden caused by that risk to the normal functioning of society; and recognising the likelihood that necessary restrictions imposed in order to reduce that spread and its effect on society will impede the ability of tenants to find alternative accommodation and the consequent impact on the well-being of persons and families and on the availability of vital public service functions in relation to housing; to make provision in relation to the operation of certain provisions of the Residential Tenancies Act 2004 during a period of restrictions imposed upon travel to, from or within certain geographical locations pursuant to regulations under section 31A of the Health Act 1947; and to provide for related matters.

[24th October, 2020]

**Be it enacted by the Oireachtas as follows:**

### **Interpretation**

1. (1) In this Act—

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

“affected areas order” means an order made by the Minister for Health under section 31B of the Health Act 1947;

“emergency period” shall be construed in accordance with *section 2*.

(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 that it has in the Act of 2004.

### **Emergency period**

2. (1) An emergency period, in relation to the tenancy of a dwelling, shall be a period in respect of which the Minister for Health makes relevant regulations which impose restrictions on travel outside a 5 kilometre radius of a person's place of residence, being the dwelling concerned, during a period specified in the relevant regulations.
- (2) An emergency period shall include an emergency period in respect of which the Minister for Health made relevant regulations before the coming into operation of the Act and which emergency period has not expired on that coming into operation.
- (3) In this section, "relevant regulations" means regulations made under section 31A of the Health Act 1947 which operate, subject to conditions contained in the regulations, to impose restrictions on travel in an area or region to which an affected areas order applies.

### **Notices of termination under Act of 2004**

3. (1) Where a notice of termination served before or during an emergency period specifies a termination date that falls during or after the emergency period, the termination date shall be deemed to be the revised termination date.
- (2) *Subsection (1)* shall not apply to a notice of termination served by a landlord that cites as a reason for the termination concerned failure by the tenant to comply with one or more than one of his or her obligations under paragraph (h), (i) or (m) of section 16 or behaviour of the tenant that falls within subparagraph (2)(a)(ii) of section 67 of the Act of 2004.
- (3) A person shall not, by virtue of the operation of this section, acquire any rights under Part 4 of the Act of 2004.
- (4) In this section, "revised termination date" means the date that falls 10 days after the date referred to in paragraph (a) or (b):
- (a) in the case of a notice of termination served before the emergency period where the period of the notice has not ended before the commencement of the emergency period, that date immediately following the expiration of a period that consists of the aggregate of—
- (i) the period of the notice given in the notice of termination that remains unexpired on the commencement of the emergency period, and
- (ii) the emergency period;
- (b) in the case of a notice of termination served during the emergency period, the date immediately following the expiration of a period that consists of the aggregate of—

- (i) the period of notice given in the notice of termination, and
  - (ii) the unexpired period of the emergency period remaining on the date that the notice was served.
- (5) Any second or subsequent emergency period affecting a notice of termination served in respect of the tenancy of a dwelling shall be included as appropriate in calculating the revised termination date under *subsection (4)*.
- (6) This section shall not apply to a tenancy of a dwelling to which Part 2 of the Residential Tenancies and Valuation Act 2020 applies.

#### **Entitlement to remain in occupation of dwelling during emergency period**

**4.** (1) A tenant—

- (a) upon whom a notice of termination was served in accordance with the Act of 2004 before the commencement of the emergency period, and
- (b) who has remained in occupation of the dwelling to which the notice relates from the expiration of the required period of notice (whether or not with the consent of the landlord concerned) until the date of the commencement of the emergency period,

shall be entitled to remain in occupation of the dwelling until the date that is 10 days after the expiration of the emergency period subject to terms and conditions that shall be the same as the terms and conditions that applied in respect of the tenancy of the dwelling concerned immediately before the service of that notice.

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

#### **Short title and collective citation**

- 5.** (1) This Act may be cited as the Residential Tenancies Act 2020.
- (2) The Residential Tenancies Acts 2004 to 2019, the Residential Tenancies and Valuation Act 2020 (other than section 14 of that Act) and this Act may be cited together as the Residential Tenancies Acts 2004 to 2020.