



**An Bille um Thionóntachtaí Cónaithe (An Cosc ar Dhíshealbhuithe a Fhadú),
2020**

Residential Tenancies (Extension of Eviction Ban) Bill 2020

Mar a tionscnaíodh

As initiated



**AN BILLE UM THIONÓNTACHTAÍ CÓNAITHE (AN COSC AR
DHÍSHEALBHUITHE A FHADÚ), 2020
RESIDENTIAL TENANCIES (EXTENSION OF EVICTION BAN) BILL 2020**

Mar a tionscnaíodh

As initiated

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ACTS REFERRED TO

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

Residential Tenancies Act 2004 (No. 27)

Residential Tenancies and Valuation Act 2020 (No. 7)



AN BILLE UM THIONÓNTACHTAÍ CÓNAITHE (AN COSC AR
DHÍSHEALBHUITHE A FHADÚ), 2020
RESIDENTIAL TENANCIES (EXTENSION OF EVICTION BAN) BILL 2020

Bill

entitled

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An Act to extend the ban on evictions and rent increases and for that purpose to amend the Residential Tenancies Act 2004.

Be it enacted by the Oireachtas as follows:

Interpretation

1. (1) In this Act— 10
- “Act of 2004” means the Residential Tenancies Act 2004;
- “Act of 2020” means the Residential Tenancies and Valuation Act 2020;
- “emergency period” means—
- (a) the period of 6 months commencing on the enactment of this Act, and
- (b) such other period (if any) as may be specified by order under *section 3*. 15
- (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 20
- (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 have the meaning in this Act that it has in that Act. 25

Repeal of sections 3, 4, 5, 6, 7, 8, 9, 11, 12 and 13 of Act of 2020

2. Sections 3, 4, 5, 6, 7, 8, 9, 11, 12 and 13 of the Act of 2020 are repealed.

Extension of emergency period

3. (1) The Government may, on the request of the Minister for Housing, Local Government

and Heritage made—

(a) after consultation with the Minister for Health, and

(b) with the consent of the Minister for Public Expenditure and Reform,

from time to time, by order extend the emergency period for such period as they consider appropriate if they are satisfied that, having regard to—

(i) the threat to public health presented by Covid-19,

(ii) the highly contagious nature of that disease,

(iii) the need to restrict the movement of persons in order to prevent the spread of the disease among the population, and

(iv) the need to tackle the housing emergency in the State,

the making of such order is in the public interest.

(2) Every order under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either such House within the next 21 days on which that House sits after the order is laid before it, the order shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

Notices of termination under Act of 2004

4. (1) A landlord shall not serve a notice of termination in relation to the tenancy of a dwelling during the emergency period.

(2) (a) Subject to *paragraph (b)*, where a notice of termination (that cites as a reason for the termination concerned the ground specified in paragraph 1 of the Table to section 34 of the Act of 2004) served before the emergency period specifies a termination date that falls during or after the emergency period, the termination date under that notice shall be deemed to be the revised termination date.

(b) If a dispute or complaint in respect of a matter that occasioned the giving of a notice to which *paragraph (a)* applies is referred to the Board in accordance with section 78 of the Act of 2004, that paragraph shall cease to have effect in relation to that notice—

(i) upon the expiration of 10 days from the making of a determination by an adjudicator under subsection (4) of section 97 of the Act of 2004 in relation to the dispute or complaint concerned save where an appeal from that determination is brought before the Tribunal, or

(ii) upon the making of a determination by the Tribunal under section 108 (other than a decision referred to in subsection (2) of that section) of the Act of 2004 in respect of such an appeal.

(3) Where a notice of termination (other than a notice of termination to which *subsection (1)* applies) referred to in section 34 of the Act of 2004 served before the emergency period specifies a termination date that falls during or after the emergency period, the termination date under that notice shall be deemed to be the revised termination date.

(4) Where a notice of termination in respect of a tenancy of a dwelling of less than 6

months duration served before the emergency period specifies a termination date that falls during or after the emergency period, the termination date under that notice shall be deemed to be the revised termination date.

- (5) Section 67 of the Act of 2004 shall have effect during the emergency period as if, in subsection (3), “28 days” were substituted for “14 days”. 5
- (6) In this section “revised termination date” means, in the case of a notice of termination served before the emergency period, the date immediately following the expiration of a period that consists of the aggregate of—
 - (a) the period of notice that remains unexpired on the commencement of the emergency period, and 10
 - (b) the emergency period.
- (7) (a) Notwithstanding any of the provisions in this section, all proposed evictions in all tenancies in the State, including those not covered by the Act of 2004, are prohibited during the operation of the emergency period.
 - (b) For the avoidance of doubt, this section applies to all Local Authority and Approved Housing body dwellings. 15
 - (c) For the avoidance of doubt, all Travellers who are currently resident in any location should not during this crisis be evicted from that location except where movement is required to ameliorate hardship and provide protection and subject to consultation with the Travellers involved. 20

Prohibition on rent increases under Act of 2004

- 5. Notwithstanding the Act of 2004, an increase in the rent under the tenancy of a dwelling—
 - (a) that, but for this section, would take effect during the emergency period shall not take effect during that period, and 25
 - (b) shall not be payable in respect of any period falling during the emergency period.

Entitlement to remain in occupation of dwelling during emergency period

- 6. 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 30
 - (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 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, unless— 35
- (i) the tenant is required to vacate the dwelling in accordance with a determination

of an adjudicator under subsection (4) of section 97 of the Act of 2004, or

- (ii) where an appeal from that determination is brought, the tenant is required to vacate the dwelling in accordance with a determination of the Tribunal under section 108 of that Act.

Short title and citation

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- 7. This Act may be cited as the Residential Tenancies (Extension of Eviction Ban) Act 2020.

An Bille um Thionóntachtaí Cónaithe (An
Cosc ar Dhíshealbhuithe a Fhadú), 2020

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht d'fhadú an choisc ar dhíshealbhuithe agus ar
mhéaduithe cíosa agus, chun na críche sin, do
leasú an Achta um Thionóntachtaí Cónaithe,
2004.

*Na Teachtaí Pól Ó Murchú, Micheál de Barra,
Risteard Buidé Bairéid, Gino Ó Cionaoith agus Brid
Nic Gabhann a thug isteach,
22 Deireadh Fómhair, 2020*

Residential Tenancies (Extension of Eviction
Ban) Bill 2020

BILL

(as initiated)

entitled

An Act to extend the ban on evictions and rent
increases and for that purpose to amend the
Residential Tenancies Act 2004.

*Introduced by Deputies Paul Murphy, Mick Barry,
Richard Boyd Barrett, Gino Kenny and Brid Smith,*

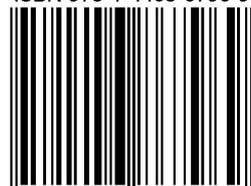
22nd October, 2020

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