



An Bille um Thionóntachtaí Cónaithe (Dátaí Foirceanta Tionóntachtaí Áirithe a Iarchur), 2023

Residential Tenancies (Deferment of Termination Dates of Certain Tenancies) Bill 2023

Mar a tionscnaíodh

As initiated



**AN BILLE UM THIONÓNTACHTAÍ CÓNAITHE (DÁTAÍ FOIRCEANTA
TIONÓNTACHTAÍ ÁIRITHE A IARCHUR), 2023
RESIDENTIAL TENANCIES (DEFERMENT OF TERMINATION DATES OF
CERTAIN TENANCIES) BILL 2023**

Mar a tionscnaíodh

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ACTS REFERRED TO

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

Residential Tenancies Act 2004 (No. 27)

Residential Tenancies Act 2020 (No. 17)



**AN BILLE UM THIONÓNTACHTAÍ CÓNAITHE (DÁTAÍ FOIRCEANTA
TIONÓNTACHTAÍ ÁIRITHE A IARCHUR), 2023
RESIDENTIAL TENANCIES (DEFERMENT OF TERMINATION DATES OF
CERTAIN TENANCIES) BILL 2023**

Bill

5

entitled

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 January 2024 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.

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Be it enacted by the Oireachtas as follows:

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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 January 2024.

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(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

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(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.

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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)	Differed termination date (4)
1	Beginning on the day after the date of the passing of Act and ending on 30 June 2023	Less than 6 months	1 March 2024
2	Beginning on 1 July 2023 and ending on 31 August 2023	Less than 6 months	18 April 2024
3	Beginning on the day after the date of the passing of Act and ending on 30 June 2023	Not less than 6 months but less than 1 year	1 March 2024
4	Beginning on 1 July 2023 and ending on 31 August 2023	Not less than 6 months but less than 1 year	18 April 2024
5	Beginning on the day after the date of the passing of the Act and ending on 30 June 2023	Not less than 1 year but less than 7 years	15 February 2024
6	Beginning 1 July 2023 and ending on 31 August 2023	Not less than 1 year but less than 7 years	1 March 2024
7	Beginning on the day after the date of the passing of Act and ending on 31 August 2023	Not less than 7 years	15 February 2024

- (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 April 2024. 5
- (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. 10

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)*. 15

Short title and collective citation

5. (1) This Act may be cited as the Residential Tenancies (Deferment of Termination Dates of Certain Tenancies) Act 2023.
- (2) The collective citation the Residential Tenancies Acts 2004 to 2023 includes this Act.

An Bille um Thionóntachtaí Cónaithe (Dátaí
Foirceanta Tionóntachtaí Áirithe a Iarchur),
2023

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do dhéanamh socrú éigeandála maidir le dátaí foirceanta tionóntachtaí áirithe a iarchur, ar dátaí iad, nó ar dhátaí iad le linn na tréimhse dar tosach an lá tar éis dháta rite an Achta seo agus dar críoch an 31 Eanáir 2024, d'fhonn maolú a dhéanamh ar an mbaol nach mbeadh daoine a bhfoirceannfaí a dtionóntachtaí le linn na tréimhse sin murach sin in ann cóiríocht ionadúil a fháil; do dhéanamh an tsocraithe sin ar bhonn céimnithe chun a chumasú tionóntachtaí dá ndéanfar difear a fhoirceannadh thar thréimhse ama chun cabhrú le héilimh ar sheirbhísí tithíochta de thoradh foirceannadh iarchurtha den sórt sin a bhainistiú; agus do dhéanamh socrú i dtaobh nithe gaolmhara.

An Teachta Eoin Ó Broin a thug isteach,
23 Márta, 2023

Residential Tenancies (Deferment of
Termination Dates of Certain Tenancies) Bill
2023

BILL

(as initiated)

entitled

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 January 2024 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.

Introduced by Deputy Eoin Ó Broin,
23rd March, 2023

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
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nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
MOUNTSHANNON ROAD, KILMAINHAM,
DUBLIN, D08 XAO6.
Tel: 046 942 3100
Email: publications@opw.ie
or through any bookseller.

€1.27

