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**An Bille um Thionóntachtaí Cónaithe (Dátaí Foirceanta  
Tionóntachtaí Áirithe a Iarchur), 2023**  
**Residential Tenancies (Deferment of Termination Dates  
of Certain Tenancies) Bill 2023**

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*Meabhrán Míniúcháin*  
*Explanatory Memorandum*

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

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**EXPLANATORY MEMORANDUM**

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**Purpose of the Bill**

This Bill introduces:

- emergency provision to defer the termination dates of certain residential tenancies that fall, or would fall, during the period beginning on the day after the date of the passing of this Bill 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; and
- phased arrangements 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.

**Provisions of the Bill**

*Sections 1 and 5* contain standard provisions dealing with the interpretation, short title and collective citation of the Bill. The ‘winter emergency period’ is defined to mean the period commencing on the day after the passing of this Bill and ending on 31 January 2024.

*Section 2* provides for the deferral of a Notice of Termination where it has been served by a landlord on or before the date of the passing of the Act which specifies a termination date that falls during the winter emergency period, or where a dispute in relation to the termination of a tenancy is referred to the Residential Tenancies Board (RTB) under Part 6 of the Residential Tenancies Act 2004 and a determination order issued in relation to the dispute, specifies a termination date that falls during the winter emergency period.

The deferral does not apply to a Notice of Termination served before or during such a winter emergency period where:

- the termination is grounded on the tenant’s failure to meet his or her obligations under section 16 of the Act of 2004, or
- the landlord states that the reason for the termination is
  - on the ground of a breach of tenant obligations (other than to pay rent);
  - on the ground of a breach of a tenant’s obligation to pay rent;

- on the ground that the accommodation no longer suits the tenant's accommodation needs having regard to the number of bed spaces and the size of the household.

*Section 2(3)* of the Bill sets out how the deferment of relevant tenancy terminations will operate.

*Section 3* of the Bill proposes that, where a tenant is not in breach of his or her obligations, any notice of termination served by a landlord in respect of a tenancy of less than 6 months duration during the emergency period shall not specify a termination date that falls earlier than 18 April 2024 and any such Notice of Termination that specifies a termination date that falls earlier than 18 April 2024 shall be invalid.

*Section 4* of the Bill provides for its interoperability with the Residential Tenancies Act 2020, should a stay on evictions come into effect in the event of peoples' movements being restricted on public health grounds to within 5km of their home under Section 31A Health Regulations made by the Minister for Health.

*Eoin Ó Broin, TD,*  
*Márta, 2023.*