Changes to Legislation: as of 3 November 2026, this Act is up to date with all changes known to be in force.



Number 27 *of* 2020

PLANNING AND DEVELOPMENT, AND RESIDENTIAL TENANCIES, ACT 2020

REVISED

Updated to 9 July 2021

This Revised Act is an administrative consolidation of the *Planning and Development, and Residential Tenancies, Act 2020*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including the *Residential Tenancies (No. 2) Act 2021* (17/2021), enacted 9 July 2021, and all statutory instruments up to and including the *Criminal Justice (Terrorist Offences) Act 2005 (Section 42) (Restrictive Measures concerning Certain Persons and Entities Associated with the ISIL (Da'esh) and Al-Qaida Organisations) (No.2) Regulations 2021* (S.I. No. 338 of 2021), made 9 July 2021, were considered in the preparation of this Revised Act.

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Number 27 *of* 2020

PLANNING AND DEVELOPMENT, AND RESIDENTIAL TENANCIES, ACT 2020

REVISED

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Number 27 *of* 2020

PLANNING AND DEVELOPMENT, AND RESIDENTIAL TENANCIES, ACT 2020

REVISED

Updated to 9 July 2021

An Act to amend section 11 of the Planning and Development Act 2000; to provide, in connection with the crisis occasioned by the spread of the disease known as Covid-19, for the disregard, during such period or periods as are specified by order or orders of the Government made in the public interest, of certain periods of time mentioned in the Planning and Development Act 2000 and certain other enactments; to amend Part XA of the Planning and Development Act 2000 for the purpose of requiring An Bord Pleanála to refuse an application for substitute consent in the absence of exceptional circumstances and enabling members of the public to make submissions and observations in relation to the question as to whether such circumstances exist; to increase notice periods in relation to notices of termination served on tenants under tenancies of dwellings during the period from 11 January 2021 to 12 April 2021 for failure to pay rent due and to prohibit increases in rents on tenancies of dwellings during that period and, for those purposes, to amend the Residential Tenancies Act 2004; and to provide for matters connected therewith.

[19*th December*, 2020]

WHEREAS the disease known as Covid-19 continues to present a serious risk to public health, and the transmission thereof has proven difficult to prevent;

WHEREAS it continues to be necessary for the State to be in a position to respond quickly to surges in transmission of the disease by the adoption of extraordinary measures and safeguards aimed at containing that disease and preventing, minimising and reducing the risk of infection of persons with the disease, and to put in place contingency measures in order to ensure the continued effective operation of certain enactments during any period or periods when such surges in transmission occur or such extraordinary measures and safeguards are in effect;

WHEREAS the crisis occasioned by the spread of the said disease is causing and will continue to cause significant harm to the economy of the State and has, thus far, resulted in a substantial increase in the number of persons who have become unemployed;

WHEREAS the rise in unemployment among persons who reside in residential tenancy accommodation has had an adverse impact on the ability of such persons to meet their obligations to pay rent due, thereby presenting an imminent risk that a significant number of residential tenancies will be terminated by landlords;

WHEREAS any significant increase in terminations of residential tenancies accommodation by landlords increases the likelihood that the former occupants of such accommodation would have great difficulty securing alternative accommodation which could cause acute aggravation of difficulties in the residential accommodation sector including difficulties relating to overcrowding, thereby presenting a substantial risk of spread of that disease with a consequent need for measures to counter its spread that would likely have further adverse economic consequences for the State;

WHEREAS the State has already taken significant measures to deal with the aforementioned crisis including measures to support the economy that have required and continue to require substantial disbursement and expenditure of public moneys;

WHEREAS the Oireachtas has, with regard to *sections 5* and *16* of this Act, taken account of the matters referred to in the first and second of the foregoing recitals; and

WHEREAS the Oireachtas has, with regard to *Part 3* of this Act, taken account of the matters referred to in the first, third, fourth, fifth and sixth of the foregoing recitals;

Be it enacted by the Oireachtas as follows:

PART 1

Preliminary and General

Short title, collective citations and commencement

1. (1) This Act may be cited as the Planning and Development, and Residential Tenancies, Act 2020.

(2) (a) The Planning and Development Acts 2000 to 2019, section 9 of the Emergency Measures in the Public Interest (Covid-19) Act 2020, Part II of the European Union (Waste Water Discharge) Regulations 2020 (S.I. No. 214 of 2020) and this Act may be cited together as the Planning and Development Acts 2000 to 2020.

(b) The Building Control Acts 1990 to 2014 and *section 5* may be cited together as the Building Control Acts 1990 to 2020.

(c) The Derelict Sites Act 1990 and *section 5* may be cited together as the Derelict Sites Acts 1990 and 2020.

(d) *Part 3* shall be included in the collective citation the Residential Tenancies Acts 2004 to 2020.

(3)*Part 3* shall come into operation on 11 January 2021.

Definitions

2. In this Act—

"Act of 2020" means the Health (Preservation and Protection and other Emergency Measures in the Public Interest) Act 2020;

"Covid-19" has the meaning assigned to it by the Emergency Measures in the Public Interest (Covid-19) Act 2020.

PART 2

Planning and Development

Definitions (*Part 2*)

3. In this Part "Act of 2000" means the Planning and Development Act 2000.

Amendment of section 11 of Principal Act

4. Section 11 of the Act of 2000 is amended by the substitution, in subsection (3), of the following paragraph for paragraph (b):

"(b) Without prejudice to the generality of paragraph (a), a planning authority—

(i) shall consult with members of the public in such manner (which shall include the holding of a public meeting or an online public meeting) as it considers appropriate, and invite submissions in writing from members of the public, in relation to a proposed development plan, and

(ii) may invite oral submissions from members of the public in relation to a proposed development plan.".

Emergency periods

5. (1) An emergency period shall be disregarded when calculating an appropriate period, a specified period or any other period of time mentioned in a relevant enactment to which that emergency period applies by virtue of an order under *subsection (2)*.

(2) Subject to this section, the Government may, from time to time and at 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,

by order specify such period (in this section referred to as an "emergency period") for the purposes of this section as the Government considers appropriate.

(3) (a) An order under *subsection (2)* may specify—

(i) an emergency period in respect of one or more than one relevant enactment, and

(ii) different emergency periods in respect of different relevant enactments.

(b) An order under *subsection (2)* may specify—

(i) an emergency period in respect of one or more than one administrative area, and

(ii) different emergency periods in respect of different administrative areas.

(4) The Government shall not make an order under *subsection (2)* unless they are satisfied that the making of such order is in the public interest having regard to—

(a) the nature and potential effect of Covid-19 on individuals, society and the State,

(b) the need to eliminate or reduce the threat to public health of Covid-19,

(c) the policies and objectives of the Government relating to the protection of the public from Covid-19,

(d) the need to mitigate the adverse economic effects resulting from the spread of Covid-19 and the measures adopted to prevent its spread, and

(e) the need to eliminate or reduce the impact of Covid-19, and the measures adopted to prevent its spread, on the effective performance of functions under those enactments.

(5) (a) The Government shall not make an order under *subsection (2)* unless they are satisfied that the making of such order is in the public interest having regard to the need—

(i) in the case of sections 4(4), 6 and 17(6) of the Act of 1990 or any instrument thereunder, to—

(I) ensure the effective operation of that Act, and

(II) protect the health, safety and welfare of occupants of, and visitors to, buildings and persons for the time within the curtilage or immediate vicinity of buildings,

and

(ii) in the case of any other relevant enactment, to ensure—

(I) the effective operation of such enactment, and

(II) proper planning and sustainable development.

(b) This subsection is in addition to, and not in substitution for, *subsection (4)*.

(6) An order under this section shall not specify an emergency period that expires after the day on which Part 3 of the Act of 2020 ceases to have effect by virtue of subsection (3) of section 2 of that Act.

(7) For the avoidance of doubt, the Government may make an order under *subsection (2)* in respect of a relevant enactment notwithstanding the expiration of an emergency period specified in respect of that enactment by an earlier such order.

(8) Every order under this section 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.

(9) In this section—

"Act of 1990" means the Building Control Act 1990;

"administrative area" has the meaning assigned to it by the Local Government Act 2001;

"relevant enactment" means—

(a) sections 4(4), 6 and 17(6) of the Act of 1990,

(b) the Derelict Sites Act 1990,

(c) the Act of 2000,

(d) Part 2 of the Urban Regeneration and Housing Act 2015,

(e) Chapter 1 of Part 2 of the Planning and Development (Housing) and Residential Tenancies Act 2016,

(f) an instrument under any of the foregoing enactments, or

(g) a provision of any such enactment or instrument.

Amendment of section 177E of Act of 2000

6. Section 177E of the Act of 2000 is amended, in subsection (2), by—

(a) the deletion of paragraph (g), and

(b) the insertion of the following after paragraph (f):

"(g) be received by the Board within the period specified in section 177B, 177D or 261A, as appropriate,

and the said application may be accompanied by any other documents that the applicant considers would be of assistance to the Board in making a decision in relation to his or her application.".

Amendment of section 177H of Act of 2000

7. Section 177H of the Act of 2000 is amended by the substitution of the following subsection for subsection (1):

"(1) Any person (other than the applicant for substitute consent) or a planning authority may make submissions or observations (including submissions or observations as to the existence or absence of exceptional circumstances justifying a grant of substitute consent) to the Board in relation to an application for substitute consent, and any such submissions or observations shall be in writing.".

Amendment of section 177K of Act of 2000

8. Section 177K of the Act of 2000 is amended by—

(a) the substitution of the following subsection:

"(1) Where an application is made to the Board for substitute consent in accordance with this Act and regulations under this Act—

(a) the Board shall ensure that it has, or has access to, sufficient expertise to enable it to examine the remedial environmental impact assessment report and ensure its adequacy, and

(b) the Board may, subject to subsection (1A)—

(i) grant substitute consent (with or without conditions) in respect of the development concerned, or

(ii) refuse substitute consent in respect of the development concerned.",

and

(b) the insertion of the following subsections:

"(1A) (a) The Board shall not grant substitute consent (whether subject to conditions or not) unless it is satisfied that exceptional circumstances exist that would justify the grant of such consent by the Board.

(b) When deciding whether or not to grant substitute consent, the Board shall not—

(i) be bound by,

(ii) take account of, or

(iii) otherwise have regard to,

any decision of the Board under section 177D as to the existence of exceptional circumstances in relation to an application under section 177C.

(c) A member (including the chairperson) of the Board who participated in the making of a decision by the Board under section 177D to grant leave to apply for substitute consent shall not participate in the consideration of, or the making of a decision under this section in relation to, an application under section 177E made pursuant to the grant of leave concerned.

(1B) Subsection (1A) shall apply to the following applications for substitute consent under section 177E:

(a) applications made on or after the commencement of *Part 2* of the *Planning and Development, and Residential Tenancies, Act 2020*; and

(b) applications pending before the Board upon such commencement.

(1C) (a) The Board shall, in relation to an application referred to in paragraph (b) of subsection (1B), invite the applicant concerned to give to the Board such information as the applicant considers material for the purposes of the Board's satisfying itself as to the matter referred to in paragraph (a) of subsection (1A), and any such information shall be given to the Board by the applicant within such period as is specified in the invitation concerned.

(b) The Board may—

(i) in relation to an application referred to in paragraph (b) of subsection (1B), and

(ii) in addition to any other information given, or required to be given, to the Board, in accordance with this Part,

require the applicant concerned to give to the Board (within such period as is specified in the requirement) such information as the Board may reasonably require for the purposes of its satisfying itself as to the matter referred to in paragraph (a) of subsection (1A).

(c) If an applicant for substitute consent fails or refuses to comply with a requirement under paragraph (b), the applicant shall be

deemed to have withdrawn his or her application for such consent.

(1D) The Board shall, in relation to an application for substitute consent referred to in paragraph (b) of subsection (1B)—

(a) require the applicant concerned to publish a notice (which shall include notice of any information received by the Board pursuant to an invitation or requirement under subsection (1C)) in relation to the application concerned in accordance with regulations under section 177N (notwithstanding the publication of any other notice by the applicant at any time before the commencement of *Part 2* of the *Planning and Development, and Residential Tenancies, Act 2020*),

(b) cause a copy of the application and any information received by the Board pursuant to an invitation or requirement under subsection (1C) to be made available—

(i) at the offices of the Board during normal business hours, for—

(I) inspection by members of the public, and

(II) purchase by members of the public for such fee not exceeding the reasonable cost of making such copy,

and

(ii) on the internet website of the Board,

(notwithstanding the application's already having been made available for inspection or purchase by members of the public at any time before the commencement of *Part 2* of the *Planning and Development, and Residential Tenancies, Act 2020*),

(c) give notice (which shall include notice of any information received by the Board pursuant to an invitation or requirement under subsection (1C)) in accordance with regulations under section 177N to the prescribed bodies of the application concerned (notwithstanding the giving of notice of the application to the prescribed bodies at any time before the commencement of *Part 2* of the *Planning and Development, and Residential Tenancies, Act 2020*),

(d) give a copy of any information received by the Board pursuant to an invitation or requirement under subsection (1C) to the planning authority concerned (notwithstanding compliance by the Board with subsection (5) of section 177E before the commencement of *Part 2* of the *Planning and Development, and Residential Tenancies, Act 2020*),

(e) request the planning authority concerned—

(i) to take account of any information received by the Board pursuant to an invitation or requirement under subsection (1C) when submitting a report to the Board in accordance with section 177I, or

(ii) in circumstances where such report was submitted in accordance with section 177I before the making of the request, to—

(I) amend the report so submitted, taking account of that information, and

(II) submit the report as so amended to the Board not later than 5 weeks after receipt by the planning authority of that request,

and

(f) require the applicant to—

(i) erect on the land on which the development concerned is situated, or affix to any structure on such land, a site notice in accordance with regulations under section 177N, and

(ii) submit to the Board a copy of the said site notice,

notwithstanding the erection on such land, or the affixing to any structure on such land, of a site notice in accordance with regulations under section 177N at any time before the commencement of *Part 2* of the *Planning and Development, and Residential Tenancies, Act 2020*.

(1E) A person who has made an application for substitute consent to which paragraph (b) of subsection (1B) applies shall comply with a requirement of the Board under subsection (1D).

(1F) A planning authority of whom a request is made under subsection (1D) shall comply with that request.

(1G) A planning authority shall enter in the register any information given to it by the Board under subsection (1D).

(1H) The Board shall, in the making of a decision to grant or refuse substitute consent, consider any submissions or observations made in accordance with regulations under section 177N, including any such submissions or observations made in relation to an application for substitute consent referred to in paragraph (b) of subsection (1B) after compliance—

(a) by the Board with subsection (1D),

(b) by the applicant concerned with a requirement of the Board under that subsection, and

(c) by the planning authority concerned with a request of the Board under that subsection.

(1I) The Board may, for the purposes of enabling a planning authority to comply with subparagraph (i) of paragraph (e) of subsection (1D), extend the period under section 177I within which the planning authority shall submit a report to the Board in accordance with that section.".

PART 3

Residential Tenancies

Interpretation (*Part 3*)

9. (1) In this Part—

"Act of 2004" means the Residential Tenancies Act 2004;

"Act of 2005" means the Social Welfare Consolidation Act 2005;

"emergency period" means the period from 11 January 2021 to F1**[**12 January 2022**]**.

(2) In this Part—

(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 the meaning of the said section 37, and

(c) references to tenancy shall be construed as including references to licence within the meaning of the said section 37.

(3) A word or expression that is used in this Part and in the Act of 2004 shall have the meaning in this Part that it has in that Act.

Annotations

Amendments:

F1 Substituted (9.07.2021) by *Residential Tenancies (No. 2) Act 2021* (17/2021), s. 2(a), commenced on enactment.

Editorial Notes:

E1 Previous affecting provision: subs. (1) substituted (30.03.2021) by *Residential Tenancies Act 2021* (5/2021), s. 1(a), commenced on enactment, substituted as per F-note above.

Application of Part

10. (1) Subject to this Part, this Part applies in relation to—

(a) a tenant who, in relation to the tenancy of a dwelling, serves a declaration in writing (in such form as may be specified by the Board) made by him or her on the Board, and a true copy thereof on the landlord, stating that—

(i) he or she is a relevant person, and

(ii) as a consequence thereof, there is a significant risk that that tenancy of the dwelling will be terminated by the landlord,

and

(b) a relevant person who is a tenant in relation to whom Part 2 of the Residential Tenancies and Valuation Act 2020 applied on 10 January 2021,

and references in this Part to tenant or tenancy of a dwelling shall be construed accordingly.

(2) A declaration referred to in *paragraph (a)* of *subsection (1)* shall be accompanied by a notice in writing requesting the Board to assist the tenant concerned in obtaining advice of the type referred to in paragraph (ca) (inserted by paragraph (a) of section 28 of the Social Welfare (Miscellaneous Provisions) Act 2008) of subsection (1) of section 7 of the Act of 2000.

(3) (a) A person who makes a declaration referred to in *paragraph (a)* of *subsection (1)* that is false or misleading in any material respect shall be guilty of an offence.

(b) For the purposes of this subsection, the making of a declaration that is false or misleading in a material respect includes a failure to disclose in that declaration information that a reasonable person would consider to be material to the question with regard to whether or not—

(i) the maker of the declaration is a relevant person, or

(ii) as a consequence of his or her being a relevant person, there is a significant risk that the tenancy of the dwelling concerned will be terminated by the landlord.

(4) (a) A tenant in relation to whom this Part applies by virtue of his or her having served a declaration referred to in *paragraph (a)* of *subsection (1)* shall, not later than 5 days after the service by him or her of that declaration, serve a notice in writing on the landlord concerned requesting the landlord to consult with the tenant for the purpose of the tenant's making an arrangement with the landlord for the payment of the rent due in relation to the tenancy of the dwelling concerned.

(b) Subject to *paragraphs (c)* and *(d)*, a tenant to whom this Part applies by virtue of his or her being a relevant person referred to in *paragraph (b)* of *subsection (1)* shall, not later than 5 days after the commencement of this Part—

(i) serve a notice in writing on the Board requesting the Board to assist him or her in obtaining advice of the type referred to in paragraph (ca) of subsection (1) of section 7 of the Act of 2000, and

(ii) serve a notice in writing on the landlord concerned requesting the landlord to consult with the tenant for the purpose of the tenant's making an arrangement with the landlord for the payment of the rent due in relation to the tenancy of the dwelling concerned.

(c) A tenant shall not be required to comply with *subparagraph (i)* of *paragraph (b)*, if he or she—

(i) was given a notification under subsection (3) of section 67 of the Act of 2004, and

(ii) obtained advice of the type referred to in paragraph (ca) of subsection (1) of section 7 of the Act of 2000 following the provision of information to him or her by the Board in accordance with subsection (3A) of the said section 67.

(d) A tenant shall not be required to comply with *subparagraph (ii)* of *paragraph (b)*, if—

(i) he or she was given a notification under subsection (3) of section 67 of the Act of 2004,

(ii) he or she obtained advice of the type referred to in paragraph (ca) of subsection (1) of section 7 of the Act of 2000 following the provision of information to him or her by the Board in accordance with subsection (3A) of the said section 67, and

(iii) after obtaining such advice, he or she made an arrangement with the landlord concerned for the payment of the rent due in relation to the tenancy of the dwelling concerned.

(5) For the purposes of this section, a document is a true copy of a declaration referred to in *subsection (1)* if it is certified in writing by the person who made the declaration to be a true copy of that declaration.

(6) In this section—

"Act of 2000" means the Comhairle Act 2000;

"relevant person" means a tenant who is not able to comply with his or her obligations under the Act of 2004 in relation to the payment of rent due in respect of the tenancy of a dwelling by reason of—

(a) his or her being a person—

(i) to whom subsection (7) (inserted by section 5 of the Act of 2020) of section 40 of the Act of 2005 applies, or

(ii) belonging to a category prescribed under subsection (8) of the said section 40,

(b) his or her having, at any time during the period commencing on 1 August 2020 and ending on F2**[**12 January 2022**]**, been a person—

(i) to whom the said subsection (7) applied, or

(ii) belonging to such category,

or

(c) his or her being, or having been, in respect of the period referred to in *paragraph (b)* or any part of that period, in receipt of or entitled to receive—

(i) the temporary wage subsidy (within the meaning of section 28 of the Emergency Measures in the Public Interest (Covid-19) Act 2020),

(ii) supplementary welfare allowance (within the meaning of Chapter 9 of Part 3 of the Act of 2005) or a supplement under subsection (3) of section 198 of the Act of 2005, paid for the purpose of alleviating financial hardship resulting from the loss of employment occasioned by—

(I) the spread, or risk of spread of, Covid-19, or

(II) measures adopted by the State to prevent the spread of that disease,

or

(iii) any other payment out of public moneys provided for by or under statute, paid for the purpose of alleviating financial hardship resulting from the loss of employment occasioned by—

(I) the spread, or risk of spread of, Covid-19, or

(II) measures adopted by the State to prevent the spread of that disease.

Annotations

Amendments:

F2 Substituted (9.07.2021) by *Residential Tenancies (No. 2) Act 2021* (17/2021), s. 2(b), commenced on enactment.

Editorial Notes:

E2 Previous affecting provision: subs. (6)(b) substituted (30.03.2021) by *Residential Tenancies Act 2021* (5/2021), s. 1(b), commenced on enactment, substituted as per F-note above.

Disapplication of Part

11. (1) This Part shall not apply in relation to a tenant—

(a) who makes a declaration referred to in *subsection (1)* of *section 10* but does not comply with *subsection (2)* of that section, or

(b) if any rent owed by the tenant in respect of the tenancy of the dwelling concerned is, on 10 January 2021, in arrears for—

(i) a period of 5 months or more, or

(ii) periods the aggregate of which is 5 months or more.

(2) This Part shall cease to apply in relation to a tenant—

(a) who fails or refuses to provide to the Board or any other person such information or documentation as the Board or that person may reasonably require for the purposes of the giving of advice of the type referred to in *subsection (4)* of *section 10* to the tenant, within such period as the Board or that other person, as the case may be, shall specify,

(b) who fails or refuses to comply with the terms of an arrangement referred to in *paragraph (a)*, *(b)* or *(d)* of the said *subsection (4)*, or

(c) if, in relation to the tenancy of the dwelling concerned, the landlord serves a declaration in writing (in such form as may be specified by the Board) made by him or her on the Board, and a true copy thereof on the tenant, stating that—

(i) any rent owed by the tenant in respect of the tenancy of the dwelling concerned is, on the date of the making of the declaration, in arrears for—

(I) a period of 5 months or more, or

(II) periods the aggregate of which is 5 months or more,

(ii) the tenant has failed or refused to provide the Board or other person with such information or documentation as the Board or that other person may reasonably require for the purposes of the giving of advice of the type referred to in *subsection (4)* of *section 10* to the tenant, within such period as the Board or that other person, as the case may be, shall specify,

(iii) the tenant has failed or refused to comply with the terms of an arrangement referred to in *paragraph (a)*, *(b)* or *(d)* of the said *subsection (4)*, or

(iv) the application of this Part to the tenant would cause undue financial hardship to the landlord.

(3) (a) A person who makes a declaration referred to in *subsection (2)* that is false or misleading in any material respect shall be guilty of an offence.

(b) For the purposes of this subsection, the making of a declaration that is false or misleading in a material respect includes—

(i) in the case of a declaration to which *subparagraph (i)* of *paragraph (c)* of *subsection (2)* applies, a failure to disclose in that declaration information that a reasonable person would consider to be material to the question with regard to whether or not any rent owed by the tenant in respect of the tenancy of the dwelling concerned is, on the date of the making of the declaration, in arrears for—

(I) a period of 5 months or more, or

(II) periods the aggregate of which is 5 months or more,

(ii) in the case of a declaration to which *subparagraph (ii)* of *paragraph (c)* of *subsection (2)* applies, a failure to disclose in that declaration information that a reasonable person would consider to be material to the question with regard to whether or not the tenant has failed or refused to provide the Board or other person with such information or documentation referred to in the said *subparagraph (ii)*,

(iii) in the case of a declaration to which *subparagraph (iii)* of *paragraph (c)* of *subsection (2)* applies, a failure to disclose in that declaration information that a reasonable person would consider to be material to the question with regard to whether or not the tenant has failed or refused to comply with the terms of an arrangement referred to in *paragraph (a)*, *(b)* or *(d)* of the said *subsection (4)* of *section 10* , and

(iv) in the case of a declaration to which *subparagraph (iv)* of *paragraph (c)* of *subsection (2)* applies, a failure to disclose in that declaration information that a reasonable person would consider to be material to the question with regard to whether or not the application of this Part in relation to the tenant would cause undue financial hardship to the landlord.

(4) For the purposes of this section, the application of this Part in relation to a tenant would cause undue financial hardship to a landlord where—

(a) the landlord is a relevant person,

(b) the rent in respect of the tenancy of the dwelling concerned is the landlord's sole or main income, or

(c) the dwelling concerned is subject to a mortgage and the landlord is unlikely to be able to comply with his or her obligations in relation to the mortgage if the rent in respect of the tenancy of the dwelling remains unpaid for the duration of the emergency period.

(5) For the purposes of this section, a document is a true copy of a declaration referred to in *subsection (2)* if it is certified in writing by the person who made the declaration to be a true copy of that declaration.

(6) In this section "relevant person" means—

(a) a person—

(i) to whom subsection (7) (inserted by section 5 of the Act of 2020) of section 40 of the Act of 2005 applies, or

(ii) belonging to a category prescribed under subsection (8) of the said section 40,

(b) a person who has, at any time during the period commencing on 1 August 2020 and ending on F3**[**12 January 2022**]**, been a person—

(i) to whom the said subsection (7) applied, or

(ii) belonging to such category,

or

(c) a person who, in respect of the period referred to in *paragraph (b)* or any part of that period, is, or has been, in receipt of or entitled to receive—

(i) the temporary wage subsidy (within the meaning of section 28 of the Emergency Measures in the Public Interest (Covid-19) Act 2020),

(ii) supplementary welfare allowance (within the meaning of Chapter 9 of Part 3 of the Act of 2005) or a supplement under subsection (3) of section 198 of the Act of 2005, paid for the purpose of alleviating financial hardship resulting from the loss of employment occasioned by—

(I) the spread, or risk of spread of, Covid-19, or

(II) measures adopted by the State to prevent the spread of that disease,

or

(iii) any other payment out of public moneys provided for by or under statute, paid for the purpose of alleviating financial hardship resulting from the loss of employment occasioned by—

(I) the spread, or risk of spread of, Covid-19, or

(II) measures adopted by the State to prevent the spread of that disease.

Annotations

Amendments:

F3 Substituted (9.07.2021) by *Residential Tenancies (No. 2) Act 2021* (17/2021), s. 2(c), commenced on enactment.

Editorial Notes:

E3 Previous affecting provision: subs. (6)(b) substituted (30.03.2021) by *Residential Tenancies Act 2021* (5/2021), s. 1(c), commenced on enactment, substituted as per F-note above.

Notices of termination

12. (1) F4**[**(a) Subject to *paragraph (b)* and *subsection (1A)*—

(i) section 67 of the Act of 2004 shall have effect in relation to a notice of termination to which this subsection applies as if the references in paragraphs (aa) and (b) of subsection (2) of that section to 28 days were references to 90 days, and

(ii) a notice of termination to which this subsection applies shall not specify a termination date that falls earlier than F5**[**13 January 2022**].]**

(b) If this Part ceases to apply in relation to a tenant on whom a notice that specifies a termination date in accordance with *paragraph (a)* was served, the termination date specified in the notice shall, instead of the termination date specified therein, be deemed to be the date that falls 10 days after—

(i) the earliest termination date that could lawfully have been specified in the notice had the tenant not been a tenant in relation to whom this Part applied when the notice was served, or

(ii) the day on which this Part so ceased to apply in relation to the tenant,

whichever occurs later.

(c) This subsection applies to a notice of termination served on a tenant during the emergency period that cites as a reason for the termination concerned the failure by the tenant to pay an amount of rent due in respect of the tenancy of a dwelling.

F6**[**(1A) (a) Subject to *paragraph (b)*, if a tenant under the tenancy of a dwelling is a tenant in relation to whom this Part applies, the termination date under any notice of termination to which this subsection applies served on that tenant during the emergency period shall, instead of the termination date specified therein, be deemed to be F5**[**13 January 2022**]**.

(b) If this Part ceases to apply in relation to a tenant on whom a notice to which this subsection applies was served, then, upon the expiration of the period of 10 days from this Part's ceasing to apply in relation to the tenant, *paragraph (a)* shall cease to apply to that notice.

(c) This subsection applies to a notice of termination served on a tenant during the emergency period that—

(i) specifies a termination date that falls on or after 13 April 2021 and before F5**[**13 January 2022**]**, and

(ii) cites as a reason for the termination concerned the failure by the tenant to pay an amount of rent due in respect of the tenancy of a dwelling.**]**

(2) (a) Subject to *paragraph (b)*, if a tenant under the tenancy of a dwelling is a tenant in relation to whom this Part applies, the termination date under any notice of termination to which this subsection applies served on that tenant before the emergency period shall, instead of—

(i) the termination date specified therein, or

(ii) the termination date applicable by virtue of subsection (4) of section 5 of the Residential Tenancies and Valuation Act 2020,

as the case may be, be deemed to be F5**[**13 January 2022**]**.

(b) If this Part ceases to apply in relation to a tenant on whom a notice to which this subsection applies was served, then, upon the expiration of the period of 10 days from this Part's ceasing to apply in relation to the tenant, *paragraph (a)* shall cease to apply to that notice.

(c) This subsection applies to a notice of termination served on a tenant before the emergency period that specifies a termination date that—

(i) falls during the emergency period, or

(ii) by virtue of subsection (4) of section 5 of the Residential Tenancies and Valuation Act 2020, is deemed to fall during that period,

and that cites as a reason for the termination concerned the failure by the tenant to pay an amount of rent due in respect of the tenancy of a dwelling.

(3) A tenant under the tenancy of a dwelling referred to in paragraph (b) of subsection (2) of section 67 of the Act of 2004 shall not, by virtue of the operation of this section, acquire any rights under Part 4 of that Act.

Annotations

Amendments:

F4 Substituted (30.03.2021) by *Residential Tenancies Act 2021* (5/2021), s. 1(d)(i), commenced on enactment.

F5 Substituted (9.07.2021) by *Residential Tenancies (No. 2) Act 2021* (17/2021), s. 2(d)((i)-(iv), commenced on enactment.

F6 Inserted (30.03.2021) by *Residential Tenancies Act 2021* (5/2021), s. 1(d)(ii), commenced on enactment.

Editorial Notes:

E4 Previous affecting provision: subs. (d)(iv) substituted (30.03.2021) by *Residential Tenancies Act 2021* (5/2021), s. 1(a), commenced on enactment, substituted as per F-note above.

Prohibition on rent increases during emergency period

13. Notwithstanding the Act of 2004—

(a) an increase in the rent under the tenancy of a dwelling that, but for this section, would take effect during the emergency period shall not take effect during that period, and

(b) an increase (other than an increase that came into effect before 11 January 2021) in the rent under the tenancy of a dwelling shall not be payable in respect of the emergency period or any period falling during the emergency period.

Service of declaration under *section 10* or *11*

14. (1) A declaration under *section 10* or *11* or a true copy (within the meaning of that section) thereof shall be addressed to the person on whom it is required to be served by name, and may be so served on the person in one of the following ways:

(a) by delivering it to the person;

(b) by leaving it at the address at which the person ordinarily resides or, in a case in which an address for service has been furnished, at that address;

(c) by sending it by post in a prepaid registered letter to the address at which the person ordinarily resides or, in a case in which an address for service has been furnished, to that address; or

(d) by electronic means—

(i) in accordance with such requirements as may be specified by the Board, in the case of a declaration under *section 10* or *11* , or

(ii) with the consent in writing of—

(I) the landlord, in the case of a true copy within the meaning of *section 10* , or

(II) the tenant, in the case of a true copy within the meaning of *section 11* .

(2) For the purpose of this section, a company within the meaning of the Companies Act 2014 shall be deemed to be ordinarily resident at its registered office, and every other body corporate and every unincorporated body of persons shall be deemed to be ordinarily resident at its principal office or place of business.

(3) Subsection (2) of section 6 of the Act of 2004 shall apply in relation to the service of a true copy referred to in *subsection (1)* subject to any necessary modifications.

Amendment of Act of 2004

15. (1) Section 6 of the Act of 2004 is amended, in subsection (1), by the substitution of "this Act, section 4 of the Residential Tenancies and Valuation Act 2020 or *section 10* or *11* of the *Planning and Development, and Residential Tenancies, Act 2020* " for "this Act or section 4 of the Residential Tenancies and Valuation Act 2020 ".

(2) Section 9 of the Act of 2004 is amended—

(a) in subsection (1), by the substitution of "this Act, section 4 of the Residential Tenancies and Valuation Act 2020 or *section 10* or *11* of the *Planning and Development, and Residential Tenancies, Act 2020* " for "this Act or section 4 of the Residential Tenancies and Valuation Act 2020 ",

(b) in subsection (2), by the substitution of "this Act, section 4 of the Residential Tenancies and Valuation Act 2020 or *section 10* or *11* of the *Planning and Development, and Residential Tenancies, Act 2020* " for "this Act or section 4 of the Residential Tenancies and Valuation Act 2020 ",

(c) in subsection (3), by the substitution of "this Act, section 4 of the Residential Tenancies and Valuation Act 2020 or *section 10* or *11* of the *Planning and Development, and Residential Tenancies, Act 2020* " for "this Act or section 4 of the Residential Tenancies and Valuation Act 2020 ", and

(d) in subsection (5), by the substitution of "this Act, section 4 of the Residential Tenancies and Valuation Act 2020 or *section 10* or *11* of the *Planning and Development, and Residential Tenancies, Act 2020* " for "this Act or section 4 of the Residential Tenancies and Valuation Act 2020 ".

Proceedings before Tenancy Tribunal under Act of 2004

16. Subsection (1) of section 106 of the Act of 2004 shall not have effect during the period from 11 January 2021 to F7**[**12 July 2021**]**.

Annotations

Amendments:

F7 Substituted (30.03.2021) by *Residential Tenancies Act 2021* (5/2021), s. 1(e), commenced on enactment.

Number 27 *of* 2020

PLANNING AND DEVELOPMENT, AND RESIDENTIAL TENANCIES, ACT 2020

REVISED

Updated to 9 July 2021

About this Revised Act

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

Planning and Development Acts 2000 to 2020: this Act, part 2, ss. 4-11 and ss. 15-17, is one of a group of Acts included in this collective citation, to be construed together as one (*Planning and Development, Heritage and Broadcasting (Amendment) Act 2021)*, s. 1(2)). The Acts and statutory instruments in this group are:

- *Planning and Development Act 2000* (30/2000)
- *Local Government Act 2001* (37/2001), ss. 2, 5(3) and Schedule 4 (in so far as they relate to the Act of 2000) and s. 247
- *Planning and Development (Amendment) Act 2002* (32/2002), Parts 2 and 3
- *Housing (Miscellaneous Provisions) Act 2004* (43/2004), s. 2
- *Planning and Development (Strategic Infrastructure) Act 2006* (27/2006)
- *Water Services Act 2007* (30/2007), ss. 1(6) and 114
- *Harbours (Amendment) Act 2009* (26/2009), ss. 7(1) and (2) and 21(3)
- *Compulsory Purchase Orders (Extension of Time Limits) Act 2010* (17/2010)
- *Planning and Development (Amendment) Act 2010* (30/2010), other than Part 3
- *Environment (Miscellaneous Provisions) Act 2011* (20/2011), Part 5
- *Electoral, Local Government and Planning and Development Act 2013* (27/2013), Part 8
- *Local Government Reform Act 2014* (1/2014), ss. 1(8), 5(7) and sch. 2 part 4
- *Urban Regeneration and Housing Act 2015* (33/2015)
- *Planning and Development (Amendment) Act 2015* (63/2015)
- *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016), other than s. 1(2)(b) and (c), Parts 3 to 5 and sch.
- *Planning and Development (Amendment) Act 2017* (20/2017)
- *Planning and Development (Amendment) Act 2018* (16/2018), other than Part 4 and sch. 3 ref. nos. 12-18
- *European Union (Planning and Development) (Environment Impact Assessment) Regulations 2018* (S.I. No. 296 of 2018), Parts 2, 3, 4 and schs. 1 and 2
- *Aircraft Noise (Dublin Airport) Regulation Act* (12/2019), Part 3
- *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 38
- *Local Government Rates and Other Matters Act 2019* (24/2019), ss. 23, 24
- *Emergency Measures in the Public Interest (Covid-19) Act 2020* (2/2020), s. 9
- *European Union (Waste Water Discharge) Regulations 2020* (S.I. No. 214 of 2020), Part II (reg. 5)
- *Planning and Development, and Residential Tenancies, Act 2020* (27/2020)

- *Planning and Development, Heritage and Broadcasting (Amendment) Act 2021* (11/2021), Part 2, ss. 4-11 and ss. 15-17

Building Control Acts 1990 to 2020: this Act, s. 5, is one of a group of Acts included in this collective citation, to be construed together as one (*Planning and Development, and Residential Tenancies, Act 2020* (27/2020), s. 1(2)(b)). The Acts in this group are:

- *Building Control Act 1990* (3/1990)
- *Building Control Act 2007* (21/2007)
- *Local Government Reform Act 2014* (1/2014), ss. 1(7), 5(5) and sch. 2, part 3 in so far as it relates to the Building Control Act 1990
- *Planning and Development, and Residential Tenancies, Act 2020* (27/2020), s. 5

Derelict Sites Acts 1990 and 2020: this Act, s. 5, is one of a group of Acts included in this collective citation, to be construed together as one (*Planning and Development, and Residential Tenancies, Act 2020* (27/2020), s. 1(2)(c)). The Acts in this group are:

- *Derelict Sites Act, 1990* (14/1990)
- *Planning and Development, and Residential Tenancies, Act 2020* (27/2020), s. 5

Residential Tenancies Acts 2004 to 2021: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Residential Tenancies (No. 2) Act 2021* (17/2021), s. 19(3)). The Acts in this group are:

- *Residential Tenancies Act 2004* (27/2004)
- *Residential Tenancies (Amendment) Act 2009* (2/2009)
- *Housing (Miscellaneous Provisions) Act 2009* (22/2009), s. 100
- *Residential Tenancies (Amendment) Act 2015* (42/2015), other than s. 1(3) and ss. 15, 85 and 87
- *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016), s. 1(2)(b), part 3 and sch.
- *Residential Tenancies (Amendment) Act 2019* (14/2019), other than s. 38
- *Local Government Rates and Other Matters Act 2019* (24/2019), ss. 25 and 26
- *Residential Tenancies and Valuation Act 2020* (7/2020), other than s. 14
- *Residential Tenancies Act 2020* (17/2020)
- *Planning and Development, and Residential Tenancies, Act 2020* (27/2020), part 3 (ss. 9-16)
- *Residential Tenancies Act 2021* (5/2021)
- *Residential Tenancies (No. 2) Act 2021* (17/2021)

Annotations

This Revised Act is annotated and includes textual and non-textual amendments, statutory instruments made pursuant to the Act and previous affecting provisions.

An explanation of how to read annotations is available at www.lawreform.ie/annotations.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to if one is available.

A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.

Acts which affect or previously affected this revision

- *Residential Tenancies (No. 2) Act 2021* (17/2021)
- *Residential Tenancies Act 2021* (5/2021)

All Acts up to and including *Residential Tenancies (No. 2) Act 2021* (17/2021), enacted 9 July 2021, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

None

All statutory instruments up to and including *Criminal Justice (Terrorist Offences) Act 2005 (Section 42) (Restrictive Measures concerning Certain Persons and Entities Associated with the ISIL (Da'esh) and Al-Qaida Organisations) (No.2) Regulations 2021* (S.I. No. 338 of 2021), made 9 July 2021, were considered in the preparation of this revision.