

CLAUSE NOTES

RESIDENTIAL TENANCY AMENDMENT (COVID-19) *BILL 2020*

- Clause 1: Short Title**
Sets out the name of the proposed Act.
- Clause 2: Commencement**
The Act is to commence on Royal Assent.
- Clause 3: Principal Act**
The *Residential Tenancy Act 1997* is referred to as the Principal Act.
- Clause 4: Section 3 amended (Interpretation)**
Inserts a definition of “subsequent COVID-19 emergency period” for the purposes of the Act.
- Clause 5: Section 3B inserted (Subsequent Emergency Period)**
Provides that if certain conditions are evident, the Minister by issuing an order, may declare a subsequent COVID-19 emergency period, specified in the order, to reinstate the Act’s COVID-19 protections during that period.
- Clause 6: Sections 24A and 24B inserted (Rent Arrears Payment Orders)**
Tenants suffering hardship and unable to pay rent during the emergency period or a subsequent emergency period, may apply to the Residential Tenancy Commissioner for a rent arrears payment order.

The tenant is obliged to pay rent according to the terms and duration of the order. The landlord receives a copy of the order.

Appeal rights are provided in a new section 24B, against a Commissioner’s decision to grant or to refuse an order.
- Clause 7: Section 32 amended (General repairs and maintenance)**
The Residential Tenancy Commissioner may decide that the prohibition in the Act preventing landlords carrying out or inspecting general repairs of residential premises during an emergency period, may be “ended earlier” by a notice in the Gazette. This notice can be made by the Commissioner before the emergency period, or a subsequent emergency period, has ended.
- Clause 8: Section 42 amended (Notice to vacate by owner)**
Provides that if a subsequent emergency period is declared, a landlord is unable to enforce a notice to vacate issued during that period.

Clause 9: Section 43 amended (Effect of notice to vacate)

Provides that a notice to vacate given on the grounds of a tenant's unpaid rent, is of no effect if a rent arrears payment order relates to that amount of unpaid rent.

However, for a tenant to gain this protection, they must comply with these requirements:

- Keep paying the rent amount specified in the order; and
- Not contravene any conditions of the order.

Clause 10: Section 56 amended (Right of entry)

Consistent with right of entry amendments made by the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*, during a declared subsequent emergency period, a landlord's right of entry to premises without the tenant's permission is significantly restricted.

However, entry is permitted for performing emergency or urgent repairs.

If required, this protection may be "ended sooner" during an emergency period, or a subsequent COVID-19 emergency period, by the Residential Tenancy Commissioner publishing a Notice in the Gazette.

Clause 11: Repeal of Act

This Act is repealed 12 months after its provisions commence.