

Measures to assist renters during COVID-19 pandemic

25 Mar 2020

Elise Archer, Minister for Building and Construction

The Tasmanian majority Liberal Government is introducing new laws to protect residential tenants, particularly those who are experiencing hardship from a loss of income as a result of COVID-19.

The Residential Tenancy Act 1997 will be amended for an 'emergency period' of an initial 120 days to put in place a moratorium on the eviction of tenants for failing to be able to pay their rent.

Any appeals from tenants for a notice to vacate due to rental arrears that are currently waiting to be heard by the Magistrates Court will be put on hold.

The Bill also ensures that tenants have the incentive to continue to pay rent during the emergency period, where they are able to do so.

Social distancing is key to reducing the likelihood that COVID-19 will spread within the community and, as such, measures are being taken to protect tenants, agents and landlords.

Therefore, the Bill includes common-sense amendments to reduce the need for third parties to enter a rental property.

It ensures that only emergency and urgent repairs for a rental property are required to be undertaken while also ensuring that rental inspections are only required in urgent and emergency situations.

We are also amending the Act to make clear that a residential tenancy agreement can be varied by mutual agreement of the tenant and landlord. This makes it absolutely clear that a tenant and landlord have the power to agree to changes to their agreement, such as a reduction in rent.

We have also introduced provisions to enable tenants or owners to break a fixed term lease if its continuation would cause the tenant severe hardship.

To access this, the tenant will need to make an application to the Residential Tenancy Commissioner, who will consider the application and can issue an order to terminate a lease.

The Bill includes an enabling provision to enable future action relating to commercial leases.

It will enable the Minister to issue a notice during the emergency period relating to a business or a class of businesses. The effect of this notice will be to prevent termination of commercial leases or rent increases for these businesses during the emergency period.

The emergency period will commence on the date the COVID-19 Disease (Emergency Provisions) Act 2020 commences, for an initial period of 120 days. The Minister may extend the period for 90 days by issuing an order under the Act.