

COVID-19 Emergency Response Measures

Social distancing measures (applies to all tenancies)

Measure	Description
Restricted access to premises	To restrict a landlord's right of access to premises in support social distancing measures. Landlords can only physically access premises: <ul style="list-style-type: none"> - With tenant's consent - To do urgent repairs - In accordance with an ACAT order
Virtual inspections	Places an obligation on tenants to facilitate virtual inspections. Unless the tenant agrees or has already vacated the premises any inspections must be done by audio visual means without the landlord physically accessing the premises. However, this does not apply if the tenant has reasonable access to audio visual or other electronic means to enable the virtual inspection and unreasonably refuses to provide assistance to the lessor in conducting the virtual inspection.
Relaxation of timeframes for non-urgent repairs	Extends time period for non-urgent repairs to a 'reasonable' timeframe having regard to the nature of the repair, the extent of access required and the hardship suffered by the tenant if no done

* the social distancing measures will be in place during the moratorium period.

Provisions in relation to rent

Measure	Description
Temporary rent reduction clause for COVID-19 impacted households	To support landlords and tenants to negotiate temporary rent reductions this provision creates an optional standard term, the COVID-19 temporary rent reduction clause , which can be inserted into a tenancy agreement. It provides the amount of rent reduced is not a debt owed and that a reversion to the previous rent is not an increase for the purpose of the Act. The declaration provides that if a rent reduction clause is included in the residential tenancy agreement, in a form other than the COVID-19 temporary rent reduction clause , the agreed clause is taken to be the COVID-19 rent reduction clause.
Temporary rent deferral clause	To support landlords and tenants to negotiate a temporary rent deferral, this provision creates an

	optional standard term, the COVID-19 temporary rent deferral clause which can be included in an existing tenancy agreement. It provides that if the clause is not in the form set out in the section, the agreed clause will be taken to be a COVID-19 rent reduction clause .
Temporary occupancy fee reduction	To support grantors and occupants to negotiate temporary occupancy fee reductions. This provision provides a reversion to a previous occupancy fee is not an increase for the purpose of the Act. It also provides the amount the fee is reduced by is not a debt due to the grantor.
Rent increase freeze for COVID-19 impacted households	To support tenants by preventing rent increases for impacted households* during the moratorium period. This provision does not apply if the residential tenancy agreement provides that they amount of rent payable is determined by reference to the income of the person or people responsible for payment the rent under the agreement.

Eviction prevention measures

Measure	Description
Eviction Moratorium	This measure provides a moratorium on evictions for rent arrears for impacted households* . This provision prevents landlords from giving a tenant a notice to vacate for rent arrears or to apply to ACAT for a Termination and Possession Order on the basis of a failure to pay rent or to apply for a warrant for eviction due to a failure to pay rent, regardless of when the failure to pay rent occur.
Ability to stay termination orders and suspend warrants issued prior to lockdown (where the tenant has not yet vacated the premises)	This measure prevents applications or orders for termination due to rent arrears from proceeding. It provides that where an application for termination has not yet been decided ACAT cannot make an order until the end of the moratorium. Where a termination order has been made but the tenant has not yet moved out the order is suspended, or the warrant stayed, until the end of the moratorium.
Transitional Protection	This measure prevents the eviction of tenants from impacted households * who have rent arrears from before the end of the moratorium so long as the tenant paid rent as and when it fell due during the moratorium period. If the tenant was unable to pay rent during the

	transition period, then the normal provisions of the Act apply.
Reconsideration of orders made before eviction moratorium	This measure applies to any orders that were made prior to the eviction moratorium and were suspended during the moratorium. It allows a tenant to apply to ACAT to reconsider the order if the tenant has repaid all or part of the arrears or is otherwise able to show their financial circumstances have improved.
Payment order provision	This measure provides that where a rent arrears termination application is being made against an impacted household* ACAT must consider making a payment order instead of a termination order. However, ACAT is only able to make a payment order if satisfied the tenant is reasonably likely to comply with the order. This provision covers households defined as impacted households under previous declarations and the current declaration.

Protections for people directed to quarantine

Measure	Description
Ability to extend a notice to vacate if a tenant or a member of the household is directed to quarantine	<p>This measure applies if a tenant or a member of the household is directed to quarantine* and the lessor has issued a notice to vacate, and it takes effect on a day in the quarantine period*. It provides that the tenant will not be required to vacate the premises during the quarantine period and must vacate on a day nominated by the tenant not more than 2 weeks after the quarantine period ends or if the tenant does not nominate a day – the day 2 weeks after the end of the quarantine period or any later day as nominated by the lessor.</p> <p>This measure also clarifies that where a tenant has issued a notice of intention to vacate which is due to take effect during the quarantine period* the tenant may withdraw the notice of intention.</p>
Ability to suspend termination orders if a tenant or member of the household is directed to quarantine	This measure prevents termination orders (for any reason under the Act) from proceeding if a tenant or a member of the household is directed to quarantine* . It provides that where a tenant or a member of the household is directed to quarantine* under a public health direction and a termination order is in place the tenant may apply to ACAT to suspend the

	termination order or stay a warrant for up to 2 weeks after the quarantine period* ends.
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Other protections

Measure	Description
Restriction of listing on tenancy database	This measure prevents tenants from being listed on a 'blacklist' database due to COVID-19 rent arrears where the tenant is a member of an impacted household*
Early termination of Fixed Term tenancy	This measure supports tenants from impacted households* who wanted to leave a fixed term tenancy early due to financial hardship or to take up employment elsewhere. It allows them to terminate, without penalty, by providing 3 weeks' notice and evidence that they are from an impacted household* to the landlord

Definition of *impacted household* under the declaration

impacted household means a household—

- (a) impacted by the COVID-19 pandemic under section 7(see below); or
- (b) a member of which became eligible, on or after 12 August 2021, for payment of—
 - (i) the COVID-19 Disaster Payment from the Commonwealth; or
 - (ii) if the member is a sole trader—the COVID-19 Business Support Grant from the ACT Government.

household, in relation to premises the subject of a residential tenancy agreement, means the tenants and any other people living in the premises.

impacted -

- (1) For this instrument, a household is **impacted** by the COVID-19 pandemic if—
 - (a) 1 or more rent-paying household members have stopped earning income, or had a reduction in income, because—
 - (i) the member, or another member, is ill with COVID-19; or
 - (ii) the member has carer responsibilities for a family member who is ill with COVID-19; or
 - (iii) of a law introduced or other measure taken by the Territory, a State or the Commonwealth in response to the COVID-19 pandemic; and
 - (b) either—
 - (i) the household's weekly gross income is, on or after 12 August 2021, at least 20% less than the household's weekly gross income before the income of any of the rent-paying household members was stopped or reduced; or

- (ii) a rent-paying household member's weekly gross income is, on or after 12 August 2021, at least 20% less than the member's weekly gross income before 12 August 2021; or
- (iv) a rent-paying household member's weekly hours of work are, on or after 12 August 2021, 8 or more hours fewer than the member's weekly hours of work before 12 August 2021.

Note State includes the Northern Territory (see Legislation Act, dict, pt 1).

- (2) In working out weekly gross income before 12 August 2021 for this section, for a member of a household who has irregular weekly gross income, the person's income is the average of the person's actual weekly gross income in each week income was earned in the 12-week period before 12 August 2021.
- (3) If a household is impacted by the COVID-19 pandemic at any time within the moratorium period, the household is taken to be impacted for the moratorium period.
- (4) In this section:

rent-paying household member, in relation to premises the subject of a residential tenancy agreement, means a member of a household who regularly pays a share of the rent payable under the agreement.

weekly gross income, of a household, means the total of the weekly gross income, including any government payment, received by each rent-paying household member.

Definition of quarantine direction and quarantine period

- (1) In this part:

quarantine direction, for a person—

- (a) means a requirement under a public health direction for a person to self-isolate or quarantine because they—
 - (i) have, or may have, been infected with COVID-19; or
 - (ii) have, or may have, been in contact, directly or indirectly, with a person who is, or may have been, a source of COVID-19 infection; butExamples—par (a)
 - 1 a direction to self-isolate under the Public Health (Diagnosed People and Close Contacts) Emergency Direction 2021 (No 2) (NI2021-500)
 - 2 a direction to undertake a period of quarantine under the Public Health (COVID-19 Affected Areas) Emergency Direction 2021 (No 10) (NI2021-424)
- (b) does not include a general public health direction that generally applies to people to reduce the risk of transmission of COVID-19 infection in the community.
Example—par (b) a direction to stay at home under the Public Health (Lockdown Restrictions) Emergency Direction 2021 (No 4) (NI2021-496)

quarantine period, for a person, means the period for which the person is directed to self-isolate or quarantine under a quarantine direction.

- (2) In this section:

COVID-19 declaration means—

- (a) a declaration of a state of emergency under the Emergencies Act 2004, section 156 because of the coronavirus disease 2019 (COVID-19); or
- (b) a declaration of an emergency under the Public Health Act 1997, section 119 (including any extension or further extension) because of the coronavirus disease 2019 (COVID-19).

public health direction means a direction given by the chief health officer under the Public Health Act 1997, section 120 in relation to the COVID-19 declaration