

More lockdown, more rent relief regulations

Way back in April 2020 the NSW government created regulations bringing into effect the *National Cabinet Mandatory Code of Conduct* (the Code) which regulated the negotiation of rent relief (among other things) for tenants affected by COVID-19 shutdowns. We wrote about it [here](#).

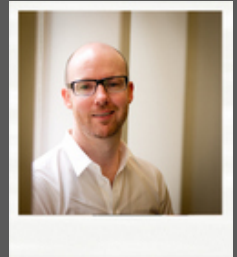
Eighteen months on and the regulations have been extended, amended and repealed more times than we've cancelled our holiday plans.

In response to the latest Delta-inspired lockdown, everything old is new again as NSW resuscitates the principles of the Code. Here are the key takeaways for this time around:

- It applies to tenants with 20/21 turnover of less than \$50 million, and who qualify for either of the 2021 COVID-19 Microbusiness Grant; 2021 COVID-19 Business Grant; or 2021 JobSaver payment.
- The applicable period is from 13 July 2021 to 13 January 2022.
- A tenant has the right to request a landlord to negotiate proportional rent relief, based on the decline in the tenant's turnover.
- At least half of any rent relief should be a waiver, with the remainder being a deferral.
- Landlords cannot increase rent during the period.
- Landlords cannot terminate a lease for non-payment of rent without trying mediation first.

But wait, there's more! This time there is a sweetener for landlords. A landlord who provides rent relief to a qualifying tenant will receive a waiver of their land tax for the same amount as the rent relief.

Questions? Give us a call.



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