

WA Commercial and Residential Tenancy Support Measures

Tuesday, 14 April 2020

Premier Mark McGowan yesterday announced new laws to provide support for commercial and residential tenants and landlords.

The legislation will address the impact of rental distress commercial and residential tenancies have experienced due to the COVID-19 lockdown.

The new laws will be introduced into State Parliament today.

The Commercial Tenancies (COVID-19 Response) Bill 2020 will introduce a moratorium on evictions for small commercial tenancies and provide a range of other measures to offer support for tenants in response to COVID-19, including the introduction of a code of conduct for landlords and tenants.

The Residential Tenancies (COVID-19 Response) Bill 2020 will introduce a moratorium on eviction for six months.

Exceptions will include:

1. if a tenant is causing serious damage to the property or injury to the landlord or a person in adjacent premises;
2. the landlord or tenant is experiencing undue hardship;
3. a tenant is experiencing family violence and the perpetrator needs to be evicted;
4. the tenant abandons the premises; or
5. the agreement is frustrated;

There will be a prohibition on rent increases during the emergency period. Fixed term tenancy agreements due to expire during the emergency period will continue as a periodic agreement. Lessors will not be obligated to carry out repairs if the reason they cannot do so is COVID-19 related financial hardship or a lawful restriction on movement. Tenants will be able to end a fixed term tenancy prior to its end date without incurring break lease fees, however tenants will still be liable for damage and rent arrears.

The laws will apply to tenants in public and private housing, park homes, boarders and lodgers.

Updated information relating to these changes is available on the Consumer Protection website.



Local Government

The Local Government Amendment (COVID-19 Response) Bill 2020 will also be introduced today. The bill will amend the *Local Government Act 1995* to allow modifications or suspension of legislative provisions; and amend local government local laws. The amendments will enable a local government to temporarily suspend all or some of a local law by council decision. The local governments will also be able to remove restrictions and reduce red tape to support businesses and households during the current pandemic and consequent recovery.

Further information

[Residential Tenancy](#)

[Commercial Tenancy](#)

For more information, please contact your Hawker Britton consultant Simon Banks on +61 419 638 587.

For further coverage of Labor Government Response Packages to the COVID-19 Pandemic see Hawker Britton Occasional Papers [here](#).

For further coverage of Liberal Government Response Packages to the COVID-19 Pandemic see Barton Deakin Briefs [here](#).