

Alert

PROPERTY

COVID-19: Retail and Commercial Leasing Emergency Relief Prescribed Period 2

By William Esau & Marianna Danby

We refer to our [recent alert](#)¹ that was published on 9 September 2020.

The rent relief provisions under the [COVID-19 Emergency Response \(Commercial Leases No 2\) Regulations 2020](#)² are due to expire on 30 September 2020. However, a second prescribed period (**Period 2**) has now been legislated, which extends the rent relief provisions.

The [COVID-19 Emergency Response \(Commercial Leases No 2\) \(Prescribed Period\) Variation Regulations 2020](#)³ were gazetted on 25 September 2020 and come into effect on 1 October 2020. Therefore, Period 2 will start on 1 October 2020 and end on **3 January 2021**.

1 <https://www.dwfoxtucker.com.au/2020/09/covid-19-retail-and-commercial-leasing-emergency-relief-extension/>

2 [https://www.legislation.sa.gov.au/LZ/C/R/COVID-19%20EMERGENCY%20RESPONSE%20\(COMMERCIAL%20LEASES%20NO%202\)%20REGULATIONS%202020.aspx](https://www.legislation.sa.gov.au/LZ/C/R/COVID-19%20EMERGENCY%20RESPONSE%20(COMMERCIAL%20LEASES%20NO%202)%20REGULATIONS%202020.aspx)

3 [https://www.legislation.sa.gov.au/LZ/V/R/2020/COVID-19%20EMERGENCY%20RESPONSE%20\(COMMERCIAL%20LEASES%20NO%202\)%20\(PRESCRIBED%20PERIOD\)%20VARIATION%20REGULATIONS%202020_282.aspx](https://www.legislation.sa.gov.au/LZ/V/R/2020/COVID-19%20EMERGENCY%20RESPONSE%20(COMMERCIAL%20LEASES%20NO%202)%20(PRESCRIBED%20PERIOD)%20VARIATION%20REGULATIONS%202020_282.aspx)

The extension to the rent relief provisions under the *COVID-19 Emergency Response (Commercial leases No 2) Regulations 2020* will only apply to those that can prove they remain an affected lessee or have become one during Period 2.

An affected lessee will be a lessee who is suffering financial hardship as a result of the COVID-19 pandemic and has an annual turnover of less than \$50 million. A lessee will be automatically determined to be suffering from financial hardship if the lessee is eligible for a JobKeeper payment in respect of the business of the lessee. For more information relating to the JobKeeper criteria, please read our previous alert '[Administering the JobKeeper Vaccine for Employers](#)'⁴.

If you seek further information or advice about how this may affect your situation, please contact one of our property experts via the details provided below.

4 <https://www.dwfoxtucker.com.au/2020/04/administering-the-jobkeeper-vaccine-for-employers/>



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