



TRAVIESO EVANS

# MANAGERIAL ALERT

RENTAL PAYMENT SUSPENSION FOR  
REAL PROPERTY OF COMMERCIAL USE  
AND PRINCIPAL DWELLING HOUSES

## RENTAL PAYMENT SUSPENSION FOR REAL PROPERTY OF COMMERCIAL USE AND PRINCIPAL DWELLING HOUSES

Decree No. 4.279, issued by the President of the Republic, was published in Official Gazette No. 41.956 of September 2, 2020 (the "Decree"). The Decree suspended for 6 months the payment of rentals for real property of commercial use and real property used as principal dwelling house, in order to relieve the economic situation of lessees as a result of the coronavirus COVID-19 global pandemic.

During the period of time prescribed in the Decree, the corresponding rental payments and those overdue and unpaid will not be payable, nor any other pecuniary items established in the relevant real property lease agreements.

The application of article 91 of the Law for Regularization and Control of Dwelling House Lease, referred to the grounds for eviction, was suspended for up to 6 months after publication of the Decree in the Official Gazette.

During the same period of time, the application of letter "a" of article 40 of the Law of Regulation of Real Property Lease for Commercial Use, which establishes that lessee's failure to pay 2 rentals and/or two consecutive condominium or common expenses installments constitutes a ground for eviction, was suspended.

The parties to the respective lease agreements may establish by consensus special terms of the lease relationship in the period of time referred to in the Decree, in order to adapt the same to the suspension of payments; to that end, the relevant parameters for payment restructuring or refinancing may be established. In no case will the lessee be bound to pay the full amount of the rentals and other items accrued immediately upon the end of the period of suspension.

If no agreement is reached by the parties in relation to the restructuring of payment or refinancing of the lease agreement, their differences will be submitted to the National Superintendence of Dwelling House Lease (*Superintendencia Nacional de Arrendamiento de Vivienda - SUNAVI*) in the case of real property used as principal dwelling houses and to the National Superintendence for the Defense of Socioeconomic Rights (*Superintendencia Nacional para la Defensa de los Derechos Socioeconómicos - SUNDDE*), in the case of commercial real property, in order to settle said conflicts. If necessary, an intermediation will occur in the establishment of the new conditions that will be temporarily applicable to the parties.

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The suspension established in the Decree will not be applicable to the cases of resumption of the commercial activity before the maximum period of time established in the Decree and to the commercial establishments that, because of the nature of their activities and according to the guidelines of the National Executive, are operating or providing services under any of the exceptions to the cessation of activities decreed by reason of the State of Alarm.

The Decree became effective upon publication of the same in the Official Gazette.

In order to access the Decree, please click [here](#).

Should you have any question or comment or require further information, please contact the partner in charge of your account via email.

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