

Covid-19 Information Sheet – *Housing – Renters of Residential Properties*

This information sheet has been produced by students from BPP's Pro Bono Centre under the supervision of legally qualified staff members. The information contained in this document is accurate as of 13 April 2020

This information factsheet is applicable to both private and public renters of residential properties.

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Paying Rent

What if I can't pay my rent?

COVID-19 has had a big impact on most people's finances, but, our contractual liabilities to pay rent are unaffected. Some people may find rent payments tough to maintain during this period, there is support available for those people.

Firstly, you are encouraged to contact your landlord to explore ways to manage payment obligations. The government is supporting landlords, for example through mortgage payment holidays. This gives landlords breathing space on making payments to lenders, and the Government are encouraging them to maintain positive partnerships with their tenants to allow them similar breathing space. You should keep a record of the conversations that you have with your landlord, including any suggestions you make for alternative payment plans, and of all payments you make. Ensure you record any verbal conversations with a follow-up email. If discussions with your landlord are not fruitful you should continue to pay what you can afford.

You can also apply for Universal Credit, which now includes a housing element, to support your rent payments. As there is usually a 5 week wait for the first Universal Credit payment, you can apply for an advance if necessary. For further details about Universal Credit and other benefits you may be entitled to, please refer to the COVID-19 Information Sheet on Welfare Benefits produce by BPP Pro bono Centre: <http://probono.bppuniversity.ac.uk/blog/>.

Can I have a "rent holiday"?

A 'rent holiday' is a period during which a tenant does not have to pay rent to their landlord. Although there is public pressure on housing associations to offer rent holidays due to COVID-19, there is no confirmed rent holiday measures in place at the time of writing.

However, if you are struggling to afford your rent, you are encouraged to take the steps outlined above, speak to your landlord and try to arrange alternative payment taking your individual circumstances into account.

What if my landlord requests access to my home?

Due to COVID-19, the government has imposed restrictions on non-essential activities. Therefore, non-essential visits and inspections should be postponed. These include routine tenancy inspections and viewings of a property towards the end of a tenancy. However, access should be provided for essential repairs and safety inspections where it is safe to do so. This could be, for example, to deal with an electricity or gas cut-off, severe water leak or emergency works necessary to make your home safe.

Annual gas safety checks are recognised to be an important legal obligation on a landlord. Where an inspection cannot go ahead safely during the current lock-down, landlords should re-book them. Further guidance is expected from the Gas Safe Register regarding gas safety checks.

Where possible, social distancing should be observed whilst a landlord or worker is visiting.

Your landlord should always give you reasonable notice of an intended visit. Except for in an emergency, a landlord usually has to provide 24 hours notice in writing. However, you should check the requirements provided in your tenancy agreement.

Tenants' statutory right to quiet enjoyment is also unaffected by the COVID-19 pandemic and therefore your landlord can only visit/inspect your home at reasonable times. You can suggest an alternative time to visit if the time your landlord suggests does not suit you.

Evictions and Court Action

Can I get evicted during the COVID-19 pandemic?

Through Section 81 and Schedule 29 of the Coronavirus Act 2020, additional protection from eviction is given to tenants during the COVID-19 pandemic. The intended effect is that no renter of a social or private accommodation who has lost income due to the virus will be evicted.

In order to evict a tenant, landlords usually have to give a specific type of notice, dependent on the type of tenancy agreement in place. Schedule 29 of the Coronavirus Act 2020 extends the period a landlord must wait after serving that notice before they can issue their claim for possession in court. During the 'relevant period' (26 March 2020 - 30 September 2020) the minimum notice required is at least three months. This does not affect notice periods which are usually greater than three months. The Secretary of State can extend the 'relevant period'.

Shelter and Citizen's Advice can help you determine your type of tenancy and if you will be protected by the suspension on notice periods. Otherwise, you can take independent legal advice. You should seek legal advice if you are served a notice.

What if I already received a notice to quit before the relevant period?

Existing notices cannot progress to an eviction because housing possession claims have been suspended for 90 days from the 27 March 2020. Therefore, if you have already been issued a notice of your landlord's intention to seek possession, or are issued one before and including 25 June 2020, your landlord will have to wait before being able to proceed with their application in court.

It should be noted that the initial 90 days suspension can be extended if needed by the Master of the Rolls, a senior Court of Appeal judge.

What happens at the expiry of this suspension?

The suspension of housing possession claims is due to be lifted on 26 June 2020. Landlord's will then be able to follow the usual steps in obtaining possession of their properties. This process usually takes a minimum of 6-8 weeks but is likely to be much longer in the current circumstances and considering the backlog of claims being made.

It should be noted, and it will be noted by the courts, that the government has strongly encouraged landlords not to commence or continue possession proceedings unless they have a very good reason to do so. It has also recommended that landlords show compassion and allow tenants who are affected by the virus to remain in their homes wherever possible.

Pre-action Protocol for Possession Claims by Social Landlords

The pre-action protocol prescribes specific procedures to be followed by landlords before issuing possession claims. Its aims are:

- to encourage more pre-action contact and exchange of information between landlords and tenants;
- to help parties avoid litigation by settling the matter; and
- to enable efficient management of court time if proceedings cannot be avoided.

The government is working with Senior Judges to extend and strengthen the 'pre-action protocol' on possession proceedings for Social Landlords. The aim is to widen the protocol to include private renters and to strengthen its remit. This is to ensure landlords contact their tenants to understand their financial position before issuing possession proceedings. This will encourage landlords to work with their tenants to agree an affordable rent repayment plan where possible.

Council Tax and Other Bills

What if I am struggling to pay my Council Tax?

As part of the Government's response to COVID-19, the Local Government Secretary confirms a £500 million Hardship Fund will provide support, including council tax relief, in 2020 to 2021 to vulnerable people and households to help those affected most by coronavirus.

Reduction in council tax liability:

The government expects billing authorities to provide a further reduction of £150 to all work-age recipients of local council tax support (LCTS) during the financial year of 2020-2021, outside their formal LCTS scheme. This reduction will be provided whether the recipient is directly or indirectly affected by COVID-19.

More information is available at <https://www.gov.uk/government/news/government-confirms-500-million-hardship-fund-will-provide-council-tax-relief-for-vulnerable-households>

Additional support:

The Government expects each local authority to establish their own local approach to use any remaining grant to assist those in need. In doing so, local authorities may consider using their remaining grant allocation as part of wider local support mechanisms. These may include, but are not restricted to:

- a) Council tax relief using existing discretionary discount/hardship policies (adapted where necessary in order to capture those most likely to be affected by COVID-19);
- b) Additional support outside of the council tax system through Local Welfare or similar schemes; and
- c) A higher level of council tax reduction for those working age LCTS recipients whose annual liability exceeds £150.

Are there any reliefs available for my Utility bills?

Currently, all utility bills are expected to be paid as usual. However, some companies such as British Gas, Power, EDF etc are making efforts to help struggling customers. Citizens Advice urges that you should speak to the organisation you are meant to make payments to, as soon as you can. They may be able to help, for example, by setting up a payment plan to spread cost.

BPP Pro Bono Centre has produced an 'Information for Homeowners and Landlords' factsheet which explains in more detail assistance with utility bills available during COVID-19. This is available on the Pro Bono Centre website: <http://probono.bppuniversity.ac.uk/blog/>

Further Information

BPP Pro Bono Centre has produced a series of Factsheets looking at how COVID-19 impacts on a range of different people. All of our factsheets can be viewed on the Pro Bono Centre Blog here: <http://probono.bppuniversity.ac.uk/blog/>

Help and Advice

Legal Aid may be available if you are at risk of homelessness. Please contact a solicitor in your local area in order to ascertain whether you are eligible. A list of solicitors can be found on the Law Society's website: <http://solicitors.lawsociety.org.uk>

Alternatively you can have a look at the Legal Aid eligibility calculator to find out whether you would be eligible for Legal Aid: <http://civil-eligibility-calculator.justice.gov.uk/>

Shelter provide information and advice related to a range of housing matters.



Website: <https://england.shelter.org.uk>

Webchat service: https://england.shelter.org.uk/get_help/webchat (9am - 5pm weekdays)

Housing Advice Line: 08088004444 (8am – 8pm weekdays and 9am – 5pm at weekends; for those with nowhere to sleep, at risk of homelessness and those who are or could be at risk of harm)

Shelter are developing a section of their website dedicated to “Coronavirus and Housing”: https://england.shelter.org.uk/housing_advice/coronavirus

They also provide information about the notice requirements for each type of tenancy at https://england.shelter.org.uk/legal/security_of_tenure/notices

The Leasehold Advisory Service is a government funded service set up to help leaseholders understand their rights and obligations: www.lease-advice.org.uk

Citizens Advice <https://www.citizensadvice.org.uk/housing>

LawWorks maintains a list of services including Law Centres and other free Legal Advice Clinics that may be able to provide you with support: www.LawWorks.org.uk

Information and Updates

The UK Government publishes a number of documents and updates as part of the ongoing response to Covid-19. These can be found on the UK Government website here: <https://www.gov.uk/coronavirus>

The Ministry of Housing, Communities and Local Government have also produced guidance for landlords and tenants in response to the Covid-19 pandemic: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/876500/Consolidated Landlord and Tenant Guidance COVID and the PRS v4.2.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/876500/Consolidated_Landlord_and_Tenant_Guidance_COVID_and_the_PRS_v4.2.pdf)

Wellbeing

This is an extremely difficult time for everyone. There is much uncertainty and a lot of anxiety. Along with your physical health, it is important to look after your emotional wellbeing during this period.

If you need support, contact:

Mind - 0300 123 3393 (Monday to Friday, 9am to 6pm) www.mind.org.uk