

Information about private rented tenancies

Guidance on changes to evictions and new rules for landlords seeking possession

What is happening to private rented sector evictions?

Possession action on private tenancies has been paused during lockdown. The restrictions on evictions are due to be lifted. The current date the government are giving that possession actions can start is 21 September. The emergency law may be reviewed but this is the latest information we have.

Brighton & Hove City Council wants to provide support and information to both landlords and tenants. We must help to stop homelessness increasing in Brighton & Hove by working together within the new rules government has developed.

If you are a landlord wishing to end a tenancy or a tenant who has been served notice, please read this information and see the end of this document for links to the government's guidance.

The eviction process is not the same as it was prior to the Covid-19 lockdown. It's harder to get possession so landlords may wish to consider alternatives such as working with the council to help resolve problems.

What is the new guidance saying and what are the new rules?

All the guidance attempts to avoid evictions to prevent largescale homelessness during the pandemic. These are the main points to consider:

1. Government is appealing to landlords **not to serve notice** and **not to evict** – a lot of help is available to both parties to avoid the need for evictions.
2. Landlords and tenants are expected to discuss any difficulties they have and to resolve these so that eviction is not necessary. This can be by negotiating meaningful and affordable payment plans for arrears, for example. There is also guidance on how to deal with other breaches of tenancy such as anti-social behaviour.
3. If problems cannot be resolved, you are encouraged to take on formal mediation, and to contact the council's Early Prevention Team to help prevent homelessness.
4. In cases that do proceed to court, the notice period required will be **six months** for affected tenancies.

5. The government is yet to issue new legislation and detailed guidance but the **new rules** issued on 20 July require that courts will need to see:
 - a) a '**reactivation notice**' which must be applied for on any existing possession action. Both the court and the tenant must be informed of an intention to reactivate the action
 - b) more relevant information about the tenants' situations in context of the pandemic, ie consideration of the effect of the pandemic on the tenant and household, how vulnerable they are to the virus, whether they or someone in the household are shielded, etc
 - c) **a full history** of arrears **before** any court hearing
 - d) that landlords have worked with tenants to resolve the situation without the need for court action
 - e) that consideration has been given to formal mediation between landlords and tenants
6. **Civil Procedure (Amendment No.4) (Coronavirus) Rules 2020** is clear that all the above will need to be evidenced to the court. The guidance points out that 'this is to ensure that judges have all the information necessary to make just decisions and that the most vulnerable tenants can get the help they need.' Any resolved cases must be withdrawn from possession action.

What are the impacts of the new rules?

The country is still experiencing the Covid-19 pandemic and all guidance ensures that landlords cannot evict their tenants while this national emergency is taking place.

The reactivation notices and new rules will add time. Courts processes are likely to be longer. According to Landlord Action, there are already 5,700 cases in the system, nationally. Recent national news stories, based on research by Shelter, have estimated 225,000 additional cases where tenancies may be in jeopardy due to the pandemic.

How can the council help?

In view of the impacts of the new rules and the pandemic, there are real opportunities for resolving problems and avoiding evictions.

We can help with payment planning for arrears and to ensure tenants are getting full entitlement to Housing Benefit, Universal Credit or other Benefits. For many, getting back into work will resolve the problems, and we are able to help with supporting people who have lost their jobs to return to work.

Appropriate support can significantly help with anti-social behaviour and other disputes.

One new requirement is to look at mediation. The council can help with conflict resolution and mediation through independent organisations, such as the **Brighton & Hove Independent Mediation Service**.

Please get permission from your tenant to contact us with their name, address, contact details and a brief statement of what the problems are. You can email earlyintervention@brighton-hove.gov.uk. Tenants can be advised to contact the service direct at housing.advice@brighton-hove.gov.uk or on 01273 294400.

In all cases referred to us, we will seek to resolve problems so we can avoid homelessness wherever we can and ensure that tenants follow the terms of the tenancy. Since the introduction of the Homelessness Reduction Act 2017, this is a legal requirement **before** any alternative accommodation is offered.

Further information

An internet search of 'guidance on evictions; coronavirus' will bring up guidance issued by government and links to sites of organisations like Shelter, Citizens Advice etc.

Landlord information websites already provide information and comment on the impact of the new rules. iHOWZ is a landlords' association for the south of England and NRLA is a national landlords' association; both provide information which is available on the links below.

The council already works positively many local landlords and letting agents to find ways to collaboratively resolve current housing shortages and homelessness.

- iHOWZ: <https://ihowz-portal.co.uk/>
- National Residential Landlords Association: <https://news.rla.org.uk/courts-new-repossession-rule/>
- Commentary incorporating 'Landlord Action' estimates of cases: www.landlordzone.co.uk/news/get-ready-new-possession-hearing-rules-will-add-time-and-cost-to-existing-evictions-as-ban-end-looms

Information on new eviction rules

The latest announcement was made on 21 August but we need further detail to know exactly how this will affect the existing emergency laws & Covid-19 provisions. For details of the 21 August announcement, visit: www.gov.uk/government/news/jenrick-extends-ban-on-evictions-and-notice-periods

The rules issued on 20 July on evictions in private rented sector can be found at: www.legislation.gov.uk/ukSI/2020/751/memorandum/contents

There is also government guidance at www.gov.uk/evicting-tenants

The following contains specific packs of more detailed government information: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/903292/Landlord_and_Tenant_Guidance_July_Update_EComms_Copy_.pdf

Information on Covid-19

The latest NHS information about the Covid-19 pandemic can be found at: www.nhs.uk/conditions/coronavirus-covid-19/

The latest Covid-19 information from government is at: www.gov.uk/coronavirus

For Brighton & Hove, the latest Coronavirus information from Brighton & Hove City Council is at: www.brighton-hove.gov.uk/covid-19

If you would like this information in an alternative format, for example large print or easy read, or if you need help communicating with us, for example because you use British Sign Language, please let us know.

You can call us on 01273 294400 or email housing.advice@brighton-hove.gov.uk and make reference to this information leaflet.