

Landlords Forum Newsletter – September 2020 - Issue No 25

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Welcome to the latest edition of Huntingdonshire Landlords Forum Newsletter and I sincerely hope that all our landlords are keeping well during these challenging times.

You have received a copy because you elected to join the landlord's forum. I would encourage you to make use of our services by attending meetings, advertising properties on our web pages and communicating with us regarding issues you would like to be discussed. There is no charge for this all we ask in return is that you work with us to improve the quality and management of private rented accommodation in the district. Please note however, we cannot take on the management of your property but what we can do is give you accurate and timely information and offer advice and support to prevent problems arising. And help you to deal with any problems or situations as they occur in connection to your rented property.

For more information go to our website or even better come along to our next landlord's forum to be held in Huntingdon on **18 March 2021 (6:30 – 8pm) restrictions permitting**. Save the date and come along to meet other landlords to discuss common issues and listen to useful presentations. We will also try to do our best to answer any questions and research information for you which can then be shared with all landlords registered with the forum.

Please let me know if there is a subject you wish to raise or if you require information that can be shared at the forum.

[huntingdonshire.gov.uk/housing/advice-for-landlords](https://www.huntingdonshire.gov.uk/housing/advice-for-landlords)

I hope to see you at our next Landlords Forum on the 18th March 2021. In the meantime, I hope you have a good Christmas and I look forward to seeing you in the New Year.



1. COVID-19

As winter approaches, we will be spending more time indoors. This will increase the risk of coronavirus spreading. Coronavirus can live for more than 24 hours indoors. You could pick up or pass on the virus by touching a contaminated surface.

Washing your hands with soap and water, or using hand sanitiser, regularly throughout the day will reduce the risk of catching or passing it on. Coronavirus can be found in tiny droplets coming out of your nose and mouth.

Wearing a face covering over your nose and mouth reduces the spread of droplets carrying the virus. This means if you have it, you are less likely to pass it on to others. Larger droplets can land on other people or on surfaces they touch. Spreading the virus through droplets is most likely to happen when you are less than 2m apart.

Smaller droplets called aerosols can stay in the air for some time, especially if there is no ventilation. So, when you are with people not from your household, you must keep at least 2m apart. The risk of spreading the virus through smaller droplets is much less outdoors, where there is more ventilation.

Wash your hands, cover your face, make space. These are the three most effective ways we can all control the spread of the virus. Remember if you have any coronavirus symptoms; high temperature, a new continuous cough, or a loss or change in your sense of taste or smell, get a free test by calling 119 or visiting NHS.uk. Together, we will control the virus and stop the spread.



We urge all landlords and tenants to abide by the latest Government guidance on COVID-19, which can be found at: <https://www.gov.uk/coronavirus>.

2. Next landlord's forum 2021?

COVID-19 prevented the March 2020 from taking place. I had hoped to provide more information on Community Safety including a presentation from Community Support and the local Police Superintendent.

It is my hope that we will be able to arrange a Forum in March 2021 and provide the information and presentations that we missed in 2020.

3. Changes to Notice Requirements from 29 August and the end of Court Possession Action Suspension on 30 September 2020

Along with the rest of the country, and indeed the world, those of us who work in housing in Huntingdonshire have been facing extraordinary times during the Covid-19 pandemic. Although the crisis is not yet over, we would like to remind landlords of the services that Huntingdonshire District Council can potentially offer to your tenants who live within HDC-boundaries and may be facing possession action for rent arrears. This is considering the lifting of the current suspension of Court proceedings (PD51Z) on 20 September 2020, and the changes to the legal requirements around the serving of Notices of Seeking Possession in effect from 29 August 2020.

As you will no doubt be aware, the Government announced changes to the Coronavirus Act 2020 on 28 August, brought into effect from 29 August, that dictate

the amount of notice tenants must receive on the serving of a notice under S 21 of The Housing Act 1996, or S 8 of The Housing Act 1988 (among others).

It is now law that the length of notice, in most cases, must be six months, an extension from the previous three months' notice brought in on 26 March 2020. There are some exceptions to this new ruling, namely in cases of anti-social behaviour, domestic violence or where rent arrears are already more than six months' rent.

This means that you may have tenants subject to notice of varying lengths at the present time. Pre-March notices required two months, 26 March to 28 August required three months and from 29 August onwards six months' notice is required. The rules relating to the length of validity of notice have also been extended from six months to ten months, to accommodate this most recent change.

The legal position is, therefore, quite complex. It is worth noting that all the usual requirements relating to the service of EPCs, GSCs and HTR leaflets remain in force, as do the regulations regarding the protection of deposits and service of Prescribed Information within 30 days of the tenancy start.

You will, no doubt, be seeking advice on these changes from your usual legal advisers, but we would draw your attention to the following guidance from Central Government which outlines the most recent changes in more detail:

www.gov.uk/government/publications/covid-19-and-renting-guidance-for-landlords-tenants-and-local-authorities

As a major part of the Council's duties to those threatened with homelessness under The Homelessness Reduction Act 2017, we would like to invite you to contact us as soon as possible to see if we can assist your tenants resolve their difficulties, with the hope that serving a notice, and then Court proceedings may no longer be necessary.

The work that we can do with clients often precedes a Court hearing, and we always look for opportunities to resolve issues between landlords and their tenants that negate the need for escalation to Notice or Court, with the heightened risk of homelessness and increased costs to the tenant (and landlord) that this incurs.

We can assist clients to resolve issues with benefits, help with applications for Discretionary Housing Payments, and in some cases, with financial support from the

Homelessness Prevention Fund. We can also be a useful “second voice” to reinforce messages around tenant responsibilities and can refer on to partner organisations for ongoing support with financial issues, drug or alcohol concerns or general tenancy-sustainment support.

We invite you to refer any tenants you may have, who are at risk of possession action, at whatever stage, to us as soon as the problem becomes apparent. We hope that this form of partnership working can make a real difference to the prevention of homelessness within our District, and assist you in your attempts to resolve rent arrears cases satisfactorily, without the need to evict your tenant(s).

If you have tenants who you would wish to refer, please send details to:

Housingadvice@huntingdonshire.gov.uk

marked as a referral to the Court Officer. We would be grateful for name, address, tenancy documents (notice, supporting documents etc.) along with any other information you think we may find useful. We would then contact the tenant to offer our services.

4. Court Possession Hearings

No landlord, including those who only rent out a single property, has had access to the courts since March, including to regain possession in cases where the tenant has broken the law. So, it is right that landlords can access justice, alongside measure to protect the vulnerable.

From 21 September courts started to hear possession hearings again. When cases are heard again these will be subject to new court processes and procedures which the Judiciary have developed. These include:

- The prioritisation of cases, such as those involving anti-social behaviour and other crimes, as well as extreme rent arrears where landlords would otherwise face unmanageable debts.
- No cases from before 3 August 2020 will immediately proceed to hearing but will have to be ‘re-activated’ by the landlord and then subject to a new review hearing, at least four weeks before the substantive hearing.

- Landlords will also need to provide the courts and Judges with information on how tenants have been affected by the pandemic. Where this information is not provided, judges will be able to adjourn proceedings until the information is provided.

There will also be a ‘winter truce’ on the enforcement of evictions, with no evictions permitted in England and Wales in the run up to and over Christmas except in the most serious circumstances, such as cases involving anti-social behaviour or domestic abuse. This will ensure vulnerable tenants are not forced from their homes at a time when public and local authorities may be dealing with the usual level of increased demand for services during this time. To achieve this, guidance will be issued to bailiffs that they should not enforce possession orders in the weeks of Christmas.

Housing Secretary Rt Hon Robert Jenrick MP said: “We have protected renters during the pandemic by banning evictions for 6 months – the longest eviction ban in the UK. To further support renters we have increased notice periods to 6 months, an unprecedented measure to help keep people in their homes over the winter months”.

“It’s right that we strike a balance between protecting vulnerable renters and ensuring landlords whose tenants have behaved in illegal or anti-social ways have access to justice. Our legislation means such cases will be subject to shorter notice periods and then prioritised through the judiciary’s new court processes.”

The government has taken unprecedented action to support renters during the pandemic, preventing people getting into financial hardship and helping businesses to pay salaries.

Most landlords have shown understanding and leadership, taking action to support tenants despite facing hardship themselves. According to independent research, 87% of tenants have continued to pay full rent since the start of the pandemic, with a further 8% agreeing reduced fees with their landlords.

The government is committed to striking the right balance in the relationship between landlords and tenants and new guidance will be published before the stay on possession proceedings ends to help both understand their rights under the court system and the financial support available.

Restarting possession proceedings is an important step towards transitioning out of emergency measures and allowing the market to operate while ensuring people have appropriate access to justice.

The stay on possession proceedings was introduced at the end of March in response to the pandemic to protect public health. The stay was extended in June and was due to expire on 23 August 2020. On 21 August, this stay on proceedings was extended for a further month, bringing the suspension to a total of six months. No action to evict a tenant will proceed in the courts before 21 September 2020.

Where tenants do experience financial difficulties as a result of the pandemic, the government is clear that landlords and tenants should work together and exhaust all possible options – such as flexible payment plans which take into account a tenant’s individual circumstances – to ensure cases only end up in court as an absolute last resort. Please may I refer you to the previous article 3.

The government has said that it is very conscious of the pressure on landlords and does not want to exacerbate this. It is important to stress therefore, that tenants who can do so must continue to pay their rent. They also understand that there are some cases where it is right that landlords should be able to start progressing cases quicker, because of the pressure they place on landlords, other tenants, and local communities.

Therefore, notice periods for the most serious circumstances have been shortened. From 29 August, notice periods must be at least 4 weeks where over six months of rent is due (if less than 6 months is owed, then 6 months’ notice must be given).

Eviction hearings have now resume in courts in England and Wales - but the most serious cases will be given priority.

A backlog has built up during a six-month ban on proceedings in place during the coronavirus outbreak.

Cases involving domestic violence or anti-social behaviour will be heard first. Restrictions also exist in local lockdown areas and over Christmas.

There have been warnings from charities and health bodies about the dangers during the pandemic of people being made homeless and living in overcrowded conditions.

A recent survey by homelessness charity Shelter suggested that more than 170,000 private tenants had been threatened with eviction by their landlord or letting agent, while 230,000 in England have fallen into arrears since the pandemic started.

However, the government and landlord groups have said that they do not expect a wave of eviction notices.

What protections are there for landlords?

- Landlords with tenants experiencing financial difficulties due to the pandemic have been able to apply for a mortgage payment holiday, which ends in October.
- Landlords can refer tenants to Huntingdonshire Housing Advice Service (Please see above article 3)
- Landlords have still been able to issue possession and eviction notices during the ban, with extended notice periods.
- In England, the government says that allowing eviction hearings to resume is an important step towards protecting landlords' rights.

5. Advertising your property for rent

Landlords and property letting agencies advertise homes to let on their websites and in local newspapers. Did you know HDC also have a page on this website where landlords can advertise homes to rent?

Go to the HDC webpage; www.huntingdonshire.gov.uk

Then search, rented/homes-to-rent-from-private- landlords

Your property details will be listed for prospective tenants to see and contact you directly to discuss the terms and conditions.

Rest assured all personal information that you provide to us is managed in accordance with our Privacy Policy. Please visit the Privacy Notice where you can find information about how we handle your personal information and your rights of access.

The properties listed are for rent from private landlords. The council does not inspect the properties and gives no warranty as to the accuracy of any details given in respect of the properties, their condition or suitability for rental whatsoever. The Council accepts no liability is accepted for any loss, damage or inconvenience caused because of reliance on such information.

6. Useful Contact Numbers

Keith Tayler, Private Sector Housing, HDC - **01480 388 237**

Sue Questier, Housing Environmental Health Officer, HDC - **01480 388 286**

Housing Assistants, preventing homelessness - **01480 388227**

Rent Solutions – **Abigail: 07710 075 034 / Dan: 07710 075 037**

Julia Blackwell, Energy & Efficiency Officer, HDC - **01480 388 288**

John Ingmire, Assistant Benefit Manager, HDC - **01480 388 092**

Council Tax, HDC - **01480 388388**

Association of Residential Letting Agents (ARLA) - **0845 345 5752**

National Landlords Association (NLA) - **020 7840 8937**

Eastern Landlords Association (ELA) - **01603 767 101**

Tenancy Deposit Protection Team - **0207 944 4400**

Energy Saving Advice Service - **0300 123 1234**

Valuation Office Agency – **03000 501 501**

Ground Floor Ferrers House, Castle Meadow Road, Nottingham, NG2 1AB

The Landlords Forum is organised and delivered by the Council's Private Housing Section which is a division of Strategic Housing Services. The section may be contacted by private landlords and tenants seeking general advice on landlord and tenant law. The opinions and views expressed in the landlord's newsletter are not necessarily those of the Huntingdonshire District Council and all information is accepted in good faith at the time of going to press.

Advice is also available online at huntingdonshire.gov.uk

The Huntingdonshire Landlords' Forum is a central part of the housing service the Council provides to private sector landlords. The Forum exists so that landlords can meet Officers and other landlords to share their experiences. The Council is there to arrange the meetings, invite along guest speakers, listen to what landlords have to say and, where it is needed, offer support and advice.

What do we get in return? We get good feedback about what landlords think of the services the Council provides and landlords use: Housing Benefits; Environmental Health Services, Landlord and Tenant Advice. We also get good information about how an important group of local housing providers run their businesses. All this helps

us to plan services to the private sector that are rooted in an understanding of what the key issues are for landlords, their tenants, and prospective private tenants. Hopefully, this will help us to raise our standards and in so doing help raise standards across the local lettings industry.

The Forum is not a Council-sponsored talking shop. Landlords' views are canvassed and considered when we review and produce our policies and we can sometimes introduce suggested changes.

If you are a landlord or a prospective landlord, the Forum is for you. Join our mailing list by phoning 01480 388237 or email keith.tayler@huntingdonshire.gov.uk

We will let you know about our programme of meetings and send you a copy of our free newsletter. If you are new to the industry, we will also send you a copy of our landlord pack which is full of the information you will need to help you make a success of your business.

This department may also be contacted for information about.

- Landlord and Tenant Law
- Tenancy Agreements
- Finding a suitable tenant for your accommodation
- Advertising available property for rent
- Registered Rents and Local Housing Allowance
- Tenancy Deposit scheme
- How to set up and end a tenancy

For information or advice please call Keith Tayler, Private Sector Housing Officer - 01480 388237.

We hope to hold the next landlord's forum in March 2021 at Pathfinder House Huntingdon 6.30 pm – 8 pm (confirmation will be sent 4 weeks before).

If you wish to have an item included onto the agenda, please contact us on the number above.

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