

To coincide with the extended stay and new notice period provisions, the Government has updated 3 pieces of non-statutory guidance that those advising landlords or tenants should be aware of. They are:

- Guidance for landlord and tenants
- Guidance for local authorities
- Technical guidance on eviction notices

All 3 can be accessed here: <https://www.gov.uk/government/publications/covid-19-and-renting-guidance-for-landlords-tenants-and-local-authorities>

These were first published on 28 March and this will be the third update, the last one being on 23 July 2020. The latest versions are summarised below but readers are urged to read the full document as they are quite helpful.

Guidance for landlord and tenants

This is a long (35 pages) document and deals with service of notices of seeking possession, the stay of possession proceedings and access to homes for repairs and inspections. It is set out as a series of questions on the topics both from the perspective of the tenant and landlord.

It confirms that tenants should continue to pay rent to the best of their ability and seek help at an early stage if they encounter difficulties. It encourages discussions between landlords and tenants and for landlords only to serve notices seeking possession when absolutely necessary during the pandemic.

It reminds landlords that they can take mortgage payment holidays which was extended on 2 June 2020 and applications can be made up to 31 October 2020.

It confirms that if a notice was served before 29 August 2020 and that notice period has now reduced, a landlord can revoke the previous notice and serve a fresh one on the shorter timescale.

It confirms that licences are not covered by the legislation so the usual rules and notice periods apply. However, the stay on possession proceedings will still apply so the notice can be served but no court hearing or eviction can take place until it is lifted. It confirms that the stay does not apply to trespassers.

The rules regarding reactivation notices for claims issued before 3 August 2020 and the information on new cases after that date (impact of COVID-19) remain. Interestingly it says that a reactivation form will be provided. We have not had sight of this yet. It again states that when proceedings resume, cases involving ASB and

domestic violence will be prioritised (presumably, over cases such as arrears of rent less than 6 months). Whether a county court bailiff or High Court Enforcement Officer is carrying out an eviction, notice of that eviction must be provided to the tenant.

We await the further guidance on resuming court hearings before the stay is lifted.

In respect of repairs and inspections, we have seen the guidance published about working safely in the home and that suggested that routine repairs in homes where people were shielding should be avoided unless urgent. However, the shielding programme was paused on 1 August and that guidance has also been updated to confirm that clinically extremely vulnerable groups or shielding households can now permit landlords and contractors to carry out routine repairs and inspections provided that the guidance is complied with.

It confirms that local authorities will continue to enforce where a tenant is living with serious hazards but landlords should not be unfairly penalised where COVID-19 restrictions may have prevented them from meeting some routine obligations. It is also acknowledged that there may be a backlog of repairs for which the landlord should not be penalised.

This guidance may be temporarily changed if a local lockdown is imposed.

This means that all routine external and internal work and inspections should now take place save for when someone in the household is self-isolating. Tradespeople and tenants should follow good hygiene and social distancing as set out in the amended guidance. Gas inspections rules remain unchanged. The new rules on electrical safety came into force for new tenancies commencing after 1 July 2020 and will be rolled out to all tenancies from 1 April 2021.

Guidance for local authorities

This relates to enforcement where serious hazards exist and confirms that (as set out above), local authorities should gain access to inspect and investigate. It advises local authorities to keep its policies and procedures under review at this time. It should give thought to dealing with tenants who are self-isolating but serious hazard exist including the use of PPE or alternative accommodation being provided.

The guidance confirms that only enforcement action that a local authority determines as “necessary” should be commenced and it may be appropriate to suspend low risk, routine enforcement action and notices served under the Housing Act 2004.

Technical guidance on eviction notices

This explains what was set out in my last article about the extended notice periods and sets it out in tabular form comparing the normal (pre-COVID-19) timescales, 26 March -28 August periods and 29 August – 31 March which is helpful. It also gives an overview of service of s21 notices.

It is also perhaps helpful in clarifying that where more than one ground is relied on for a secure or assured tenancy, the longer period of notice will apply unless the notice includes ground 14 (assured discretionary ASB ground) or ground 2 (secure discretionary ASB ground). In that case, it will be the shorter timescale (ie no notice unless the tenancy agreement gives a longer time period).

This guidance will be of use to housing practitioners advising landlords and tenants throughout this ever changing time.



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Whilst every effort has been taken to ensure that the law in this article is correct, it is intended to give a general overview of the law for educational purposes. Readers are respectfully reminded that it is not intended to be a substitute for specific legal advice and should not be relied upon for this purpose. No liability is accepted for any error or omission contained herein.