



Ministry of Housing,
Communities &
Local Government

Rt Hon Christopher Pincher MP
Minister of State for Housing

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Clive Betts MP
House of Commons
London
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Dear Clive,

I am writing to outline the comprehensive measures the Government has put in place to protect renters over the national lockdown period. I know this is an issue which the committee has a keen interest in, particularly in light of your ongoing inquiry into the Covid-19 pandemic and its effect on homelessness and the private rented sector, and I am aware that my colleague Kelly Tolhurst MP, Parliamentary Under Secretary of State for Rough Sleeping & Housing will attend the next evidence session scheduled for 18 January. The measures we have put in place protect the most vulnerable tenants whilst ensuring that landlords can take possession action for the most serious cases when necessary.

The Government laid a Statutory Instrument on 8 January that extends existing protections for renters by continuing to prevent enforcement agents (bailiffs) from attending residential premises to enforce a writ or warrant of possession except in the most serious circumstances.

The purpose is to continue to protect public health during the new period of national lockdown restrictions by preventing people being evicted from their homes by enforcement agents, at a time when the risk of virus transmission is very high across the whole country, and to avoid placing additional burdens on the NHS and local authorities.

As before, the measure contains some limited exemptions. These exemptions are for:

- cases where the court is satisfied that the claim is against trespassers who are persons unknown;
- cases where the court is satisfied that the order for possession was made wholly or partly on the grounds of anti-social behaviour, nuisance or false statements, domestic abuse in social tenancies or substantial rent arrears equivalent to six months' rent; or
- where the property is unoccupied and the court is satisfied that the order for possession was made wholly or partly on the grounds of death of the tenant.

The Government has simplified the rent arrears exemption to remove the requirement for arrears to predate March 2020 and widened it so it applies in all cases where there are six months' rent arrears or more. Those landlords who have shown understanding to their tenants during this difficult time may not have been receiving rent for many months. Enabling landlords to enforce evictions where there are more than six months' arrears strikes the right balance between prioritising public health

and supporting the most vulnerable renters, whilst ensuring landlords can exercise their right to justice in the most serious cases.

Because of the urgency of the current situation, the SI will be made under the emergency procedures set out in section 45R of the Public Health (Control of Disease) Act 1984 (c. 22). It is therefore necessary to make this instrument without a draft having been laid before each House of Parliament. I trust that you understand the necessity of this. However, the instrument will cease to have effect after 28 days from the day on which it was made unless it is approved by a resolution of each House of Parliament during that time.

These provisions will remain in force for at least 6 weeks until the end of 21 February to cover the new national lockdown period which was announced by the Government on 4 January. This means that evictions are not expected to take place until at least 8 March. We will continue to keep the provisions under review, taking into account the latest public health data. The SI applies to England only.

This builds on protections for renters announced last year which remain in place, including the requirement for landlords in all areas of the country to provide tenants with at least six months' notice for all but the most serious cases. This means that renters served notice today can stay in their homes until July 2021, with time to find alternative support or accommodation. This requirement is in place until at least March 2021. We will review whether an extension to this measure is needed and we will be providing more detail on this.

The Courts will continue to remain open throughout the new period of national lockdown restrictions. The Court rules and procedures introduced in September to respond to the pandemic remain in place and will be regularly reviewed. The rules include a requirement for landlords to send the court information about the effect the pandemic has had on their tenant, and to 'reactivate' any existing claims that were in the system before 3 August. The Courts will continue to prioritise the most serious cases, such as anti-social behaviour or fraud and the deadline for the service of a reactivation notice has been extended to the end of April 2021. We have updated our guidance to support landlords and tenants in the social and private rented sectors to navigate the possessions process, which can be found at: <https://www.gov.uk/government/publications/understanding-the-possession-action-process-guidance-for-landlords-and-tenants>.

In addition, the Government is piloting a new mediation service as part of the possession action process to support landlords and tenants to resolve disputes before a formal court hearing takes place. This new service will be free for tenants and landlords that agree to use it. We anticipate the pilot rolling out in February for six months. It will help more tenants at an early stage of the possession process, mitigating the risk of tenants becoming homeless and helping to sustain tenancies where possible. We will provide more information on this in time.

We have taken action to prevent people getting into financial hardship by helping businesses to pay salaries, with the Job Retention scheme extended to the end of April, and boosted the welfare safety net by billions. This helps to ensure that tenants are able to pay their rent, minimising the effect on landlords.

To further support landlords with buy to let mortgages, the mortgage holiday has been extended with applications open to 31 March 2021. Borrowers that have been affected by Coronavirus and have not yet had a mortgage payment holiday will be entitled to a six-month holiday, and those that have already started a mortgage payment holiday will be able to top up to six months without this being recorded on their credit file.

Taken together, our package of protections for renters strikes the right balance between prioritising public health and supporting the most vulnerable renters, whilst ensuring landlords can exercise their right to justice in the most serious cases when needed.

A handwritten signature in blue ink, appearing to read 'Chris Pincher', is positioned above the printed name.

RT HON CHRISTOPHER PINCHER MP

A single, horizontal blue ink line with a small arrowhead pointing to the right, located below the printed name.