

Coronavirus (COVID-19) Guidance for Tenants

Countrywide Tenant Update April 16th 2020

The Ministry of Housing, Communities and Local Government (MHCLG) recently published a statutory guidance document for landlords and tenants.

It centred on three key areas:

1. Seeking possession as amended by the Coronavirus Act.
2. Court action on possession during the outbreak.
3. Property access and health and safety obligations in the context of the outbreak.

Below are a number of key messages that we have taken from the guidance document. It is not an exhaustive list.

A copy of the full guidance can be found here: [Coronavirus \(COVID-19\) guidance for landlords and tenants](#)

Over the coming days and weeks we will be issuing further updates via our website as advice and guidance from government changes.

1. Rent, mortgage payments and possession proceedings

- The requirement for you to pay rent during the current crises remains. **There is no automatic suspension of rental payments.**
- You should continue to make rental payments to the best of your ability as they remain legally due throughout the outbreak.
- If you are having trouble paying rent you should either speak with your landlord direct, or us where we manage the property and collect rent.
- If you are having trouble in paying rent there is an expectation from government (**but no legal requirement**) that, where reasonably possible, your landlord will offer you support. This might include agreeing not to seek possession for a certain period and allowing you to make reduced/ deferred payments by way of a written payment plan.
- **Please Note: Only your landlord can agree to any flexibility around your rental payments. We are unable to act without your landlord's authority.**
- Where a payment plan is agreed you shouldn't breach the terms of that plan.
- If you are in difficulty and need further help, this is available from local authorities, Shelter, Citizens Advice and The Money Advice Service.
- Landlords have been asked by government not to issue a notice seeking possession if a tenant is having difficulty in paying.

- Where Notices are served they will, for an initial 90 days from March 27th, be for 3 months rather than the usual 2.
- Please see below and refer to our FAQs for differences around longer notice periods applicable in Scotland.
- In an effort to help landlords with buy-to-let mortgages, “mortgage holidays” of 3 months have been agreed in cases of Coronavirus hardship. These will not however apply to all landlords in all cases.

2. Court action on housing possession cases during the coronavirus outbreak.

- Possession claims, including those underway, have been suspended for an initial 90 days from March 27th.
- Therefore for an initial 90 days from March 27th no tenant will be expected to move and no landlord will be able to take possession.
- Notices for possession must be for a period of 3 months.
- Legislation covering notice periods remains in force until September 30th and may be extended.
- Scotland - The Coronavirus (Scotland) Act 2020 increased notice periods to up to six months. A number of previously mandatory grounds for possession, including rent arrears, are now discretionary. This allows those hearing claims to take into consideration the tenants personal circumstances.

3. Property access for health and safety obligations

- You landlord’s repairing obligations are unchanged.
- Both you and your landlord are expected to be reasonable and sensible around any non-urgent maintenance issues and to engage constructively around the condition of the property.
- You should, where reasonable and safe, allow access for urgent health and safety issues. Examples might include: i. a leaking roof ii. a central heating boiler not working iii. a fridge or washing machine not working iv. a security issue such as broken door or window.
- Sensible social distancing precautions should be taken when a contractor visits. You do not need to have direct contact with the person undertaking the repairs.
- Your landlord is still required to make every effort to comply with the gas safety regulations which includes the preparation of an annual Gas Safety Record. The annual Gas Safety Record is prepared to help keep you and your family safe.

Please do not hesitate to contact us if we can be of help or assistance.

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