



BRIEFING PAPER

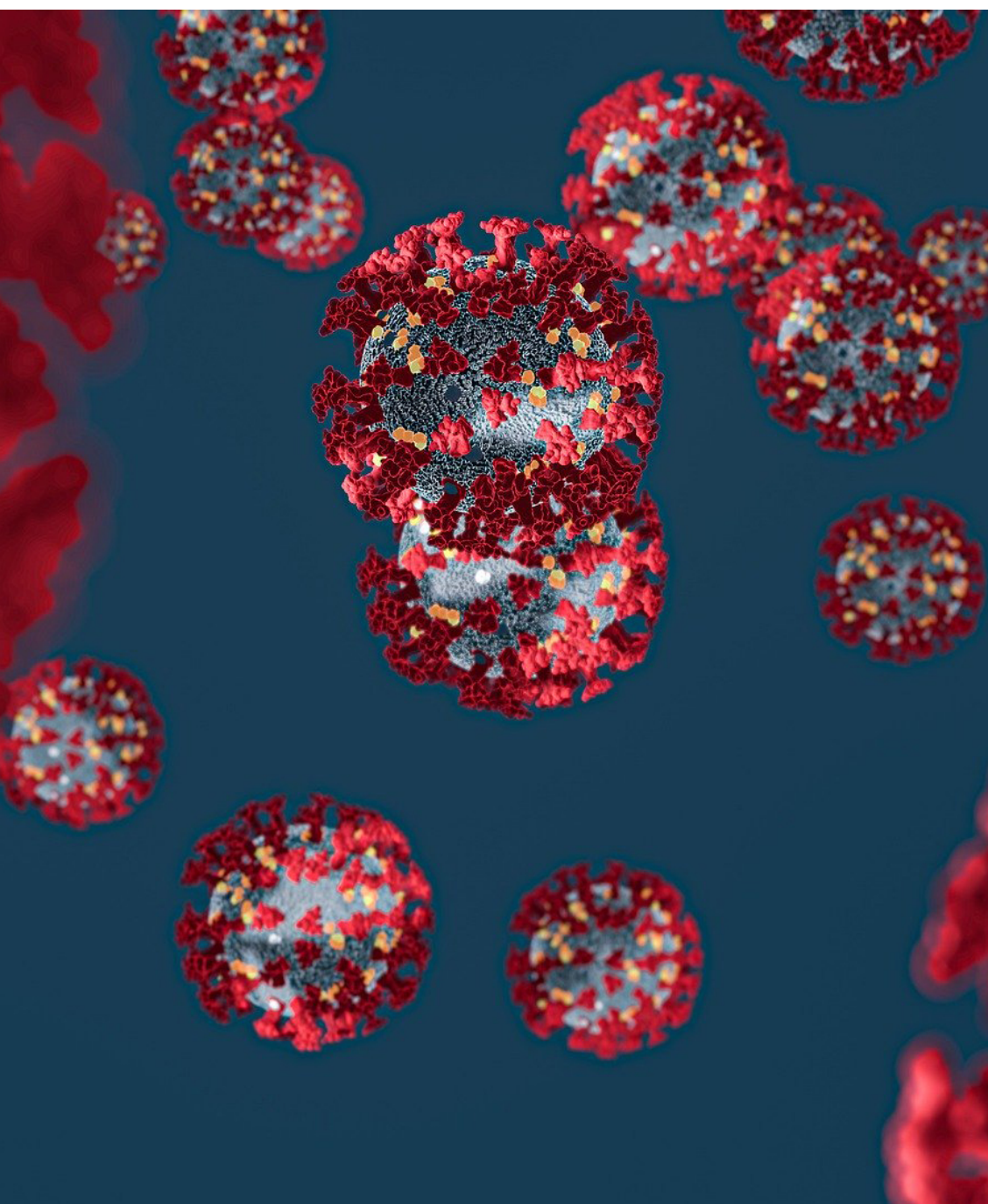
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Coronavirus: A ban on evictions and help for rough sleepers

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Summary

The coronavirus (Covid-19) outbreak has had significant implications for households' ability to retain their homes and, for those that are street homeless, to be able to secure a safe place in which to follow Public Health England's advice on self-isolation, social distancing and hygiene.

In response, the UK Government introduced a series of housing support measures, some of which have been temporarily extended:

- Provisions were included in the *Coronavirus Act 2020* to extend the notice periods that certain tenants in England and Wales are entitled to receive when a landlord is seeking to recover possession of their homes. The minimum notice period for tenancies within scope is three months – this applies to notices served in England from commencement (26 March) up to 30 September 2020 (but see below), and in Wales up to 23 July 2020. On 23 July 2020 the Welsh Government laid [Regulations](#) to temporarily increase notice periods from three to six months in respect of certain tenancies. The six month notice period in Wales applies to notices served on or after 24 July up to 30 September 2020, but this period may be extended.
- The Master of the Rolls issued a [Practice Direction](#) to suspend all ongoing housing possession action in England and Wales from 27 March 2020 for a period of 90 days. On 5 June 2020, the Secretary of State, Robert Jenrick, [announced](#) an extension of the moratorium on possession actions for a further two months. The [Government confirmed](#) that the courts would start to process repossession cases again from 24 August 2020 **but on 21 August a further 4-week suspension to 20 September was confirmed.** [The Civil Procedure Rules were amended](#) at short notice to achieve this.
- Also on 21 August, the [Government confirmed](#) that landlords will be required to provide tenants with 6 months' notice, except in cases involving serious issues such as anti-social behaviour and domestic abuse. An implementation date is awaited. Extended notices will remain in place in England until 31 March 2021.
- When the courts resume eviction hearings after 20 September, they will prioritise cases involving anti-social behaviour and where over a year's rent arrears have accrued.
- A new Practice Direction ([PD 55C](#)) was due to come into effect on 23 August 2020 in preparation for the lifting of the stay on possessions. This PD would have placed new requirements on claimants seeking a repossession order and would have remained in place until 28 March 2021 (subject to reviews). This PD could be amended with new dates to take effect from 20 September.
- Work is underway to provide that when the moratorium on evictions is lifted, private landlords in England and Wales will be required to adhere to a revised version of [The Pre-Action Protocol for Possession Claims by Social Landlords](#).
- The Chancellor announced an increase in Housing Benefit and Universal Credit "so that the local housing allowance will cover at least 30% of market rents" within a Broad Rental Market Area.
- The Financial Conduct Authority (FCA) issued guidance to lenders advising them to operate payment holidays for owner occupiers and buy-to-let landlords of up to 3 months. On the 22 May, the FCA proposed that firms should, as appropriate, extend mortgages holidays for a further three months. This advice was confirmed on 2 June 2020. Lenders have been advised to exercise forbearance during the crisis.

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The FCA has said that lenders should not take forward repossession claims before 31 October 2020.

- The Government announced £3.2 million in emergency funding for local authorities in England to support rough sleepers and other vulnerable homeless people into appropriate accommodation during the Covid-19 pandemic. By May nearly 15,000 vulnerable people who were sleeping rough, or at risk of sleeping rough, had been provided emergency accommodation.
- The Government has set up a rough sleeping taskforce to develop plans to ensure that as few people as possible return to life on the streets. To enable this the Next Steps Accommodation Programme is providing two distinct funding streams for local authorities and their partners in 2020/21:
 - £105 million for shorter-term/interim accommodation and immediate support; and
 - £161 million to deliver 3,300 units of longer-term, move-on accommodation and support.

Having welcomed the Government's commitment to introduce a "complete ban on evictions", following publication of amendments to the *Coronavirus Bill* several commentators said the changes fell short of the initial commitment. However, the suspension of ongoing housing possession action from 27 March was acknowledged as a significant step in providing security of tenure for most tenants in England and Wales during the Covid-19 outbreak. The Ministry of Housing, Communities and Local Government issued [guidance for landlords and tenants](#) (updated July 2020) and the Welsh Government published a series of guidance notes under the heading [Renting a home: coronavirus](#).

The **Scottish Government** legislated to strengthen tenants' security of tenure and a Bill introduced in the **NI Assembly** to apply a 12-week notice to quit period to all tenancies obtained Royal Assent on 4 May 2020. On 12 August, Nicola Sturgeon [said](#) that the Scottish Government intended, subject to parliamentary approval, to extend emergency provisions on notice periods to the end of March 2021. On 19 August, Communities Minister for Northern Ireland, Carál Ní Chuilín, [said](#) that emergency protections for tenants would be extended to 31 March 2021.

As the date on which the suspension of eviction action in England and Wales was due to end (25 June 2020) moved closer, questions were asked about the implications for landlords and tenants of the removal of protections. Homelessness charities warned of a surge in people becoming homeless as a result of the coronavirus emergency. The immediate pressure was resolved by the extension of the moratorium on repossession actions until 23 August. The extension was welcomed, but [confirmation](#) that possession action would start again from 24 August led commentators to call for more action to prevent a spike in evictions.

The extension on the eviction ban for a further 4 weeks to 20 September has been welcomed by tenant groups subject to the time being used to introduce more protections for those facing financial difficulties. The National Residential Landlords Association (NRLA) [described](#) the recent extension as "totally unacceptable" and called for "a comprehensive package of financial support to help landlords."

The Housing, Communities and Local Government Select Committee published the interim report of its [inquiry to assess the impact of the coronavirus crisis on homelessness, rough sleeping and the private rented sector](#) on 22 May 2020. The report urged the Government to implement six key measures to protect rough sleepers and renters:

- Provide local authorities with an annual £100 million dedicated funding stream to end rough sleeping in England once and for all.
- Compensate local authorities for provision offered to rough sleepers with no recourse to public funds as a result of the current crisis.
- Boost the immediate availability of appropriate supported housing, by providing targeted grant funding for local authorities and housing associations to acquire properties and removing restrictions on Right to Buy receipts.
- Amend existing housing legislation to give judges more discretion in eviction cases concerning rent arrears accrued as a result of the pandemic.
- Accelerate plans to introduce a Renters' Reform Bill to abolish section 21 'no fault' evictions.
- Maintain the Local Housing Allowance Rate (LHA) rate at the 30th percentile long-term and consider what the impact on renters and the wider rental market would be of raising LHA rates further.

[The Government's response](#) to the Committee was published on 25 June 2020.

1. Measures to protect tenants

1.1 Extended notice periods

On 18 March 2020, the Government announced that emergency legislation would “suspend new evictions from social or private rented accommodation while this national emergency is taking place”.¹

The *Coronavirus Bill 2019-21*, as introduced on 19 March 2020, did not contain emergency housing measures. The Government tabled a raft of amendments to the Bill on 23 March, including housing provisions, which were considered and agreed by a Committee of the whole House. **The provisions affecting residential tenancies extended to England and Wales.**

Section 81 of the Act, entitled **Residential tenancies: protection from eviction**, together with Schedule 29, extended the notice periods that certain tenants are entitled to receive when a landlord is seeking to recover possession of their homes.

Broadly, a landlord seeking to evict a tenant must first serve a notice in a prescribed form which gives tenants a certain period within which to vacate the premises. In normal circumstances notice periods vary depending on the status of the tenancy and the ground for possession the landlord is using. For example, a section 21 notice served on an assured shorthold tenant would normally give the tenant a minimum of 2 months’ notice to vacate. In some cases of anti-social behaviour, a council/housing association landlord could proceed to court immediately. In rent arrears cases a secure council tenant would usually get 4 weeks’ notice, while an assured housing association tenant may get 2 weeks’ notice.

If a tenant does not vacate on the expiry of the notice period, the landlord must obtain a court order for possession.

Three months’ notice required between 26 March and 30 September 2020

Extended notice periods **apply to notices served the day after the 2020 Act came into force, i.e. 26 March 2020 until 30 September 2020**; the Act allows for this period to be extended by regulations for up to six months. Notices served in England on or after 26 March 2020 up to 30 September must last for **a minimum of three months**.

¹ [Ministry of Housing, Communities and Local Government \(MHCLG\) Press Release](#), 18 March 2020

In Wales, notices served on or after 26 March up to **23 July 2020** must also give a minimum of three months' notice. On 23 July 2020 the Welsh Government laid [Regulations](#) to temporarily increase notice periods from three to six months in respect of certain tenancies.² **The six month notice period applies to notices served on or after 24 July up to 30 September 2020,**³ this period may be extended. Julie James MS, Minister for Housing and Local Government explained the reason for the extension:

The Welsh Government has introduced a six month notice period for those served on or after 24 July up to 30 September 2020.

The purpose of these temporary alterations is to ensure landlords give increased notice to tenants facing eviction from rented properties before landlords can issue proceedings for possession. The effect will be to further delay evictions during the ongoing public health emergency; fewer people will face eviction into homelessness at a time when local authorities are less able to respond to these situations; those renting their homes will benefit from increased security and reduced anxiety; and individuals at risk of eviction will be provided with increased time to seek support to resolve any problems.⁴

What about notices served before commencement?

These notices are still valid⁵ – **but see sections 1.2 and 2 below.**

Which tenancies are covered?

- Protected/regulated tenancies governed by the *Rent Act 1977*.⁶
- Assured shorthold tenancies governed by the *Housing Act 1988*.
- Assured tenancies governed by the *Housing Act 1988*.
- Secure tenancies governed by the *Housing Act 1985*.

The extended notice periods also apply to flexible, demoted and introductory tenancies, and notices served in relation to anti-social behaviour. Section 21 notices, which trigger the 'no fault' ground for eviction against assured shorthold tenants, have also been extended.

Guidance on amended notices was published by the Ministry of Housing, Communities and Local Government (MHCLG) on 26 March 2020 and has subsequently been updated.⁷

For those occupying under a licence agreement which is not covered by the notice extension, the Government guidance states:

² [The Coronavirus Act 2020 \(Assured Tenancies and Assured Shorthold Tenancies, Extension of Notice Periods\) \(Amendment\) \(Wales\) Regulations 2020](#)

³ Notices specifying Grounds 7A and 14 of Schedule 2 to the Housing Act 1988 are not covered by the six month requirement.

⁴ [Written Statement: Use of powers under the Coronavirus Act 2020](#), 23 July 2020

⁵ This statement assumes that the notices were correctly served, and that the landlord/agent had met all necessary requirements, e.g. the tenancy deposit protection requirements were met where a section 21 notice is served. For assured shorthold tenancies created after 1 October 2015 a section 21 notice will expire 6 months after service if possession proceedings have not been commenced.

⁶ With some very limited exceptions it has not been possible to create new protected tenancies since 15 January 1989.

⁷ For [secure tenancies](#) and for [assured tenancies](#).

We are urging the landlords of those on licences to occupy to follow the same guidance and to work with renters who may be facing hardship as a result of the response to COVID-19.⁸

The requirement for a six month notice period in Wales between 24 August and 30 September 2020 **does not apply** where a landlord is seeking possession and citing Grounds 7A or 14 of Schedule 2 to the *Housing Act 1988* - both Grounds concern anti-social behaviour.

Six months' notice periods to be introduced in England

On 21 August, Secretary of State Robert Jenrick announced:

The government also intends to give tenants greater protection from eviction over the winter by requiring landlords to provide tenants with 6 months' notice in all bar those cases raising other serious issues such as those involving anti-social behaviour and domestic abuse perpetrators, until at least the end of March.⁹

Detailed information on the implementation date and the tenancies to which this will apply is awaited.

1.2 Suspension of housing possession claims to 20 September

On 26 March 2020, MHCLG announced that the Master of the Rolls would issue a Practice Direction¹⁰ to suspend all ongoing housing possession action in England and Wales:

From tomorrow (27 March 2020) following a decision by the Master of the Rolls with the Lord Chancellor's agreement the court service will suspend all ongoing housing possession action – **this means that neither cases currently in the system or any about to go in to it can progress to the stage where someone could be evicted.**

This suspension of housing possessions action will initially last for 90 days, but this can be extended if needed. This measure will protect all private and social renters, as well as those with mortgages and those with licenses covered by the Protection from Eviction Act 1977. This will apply to both England and Wales.¹¹

On 5 June 2020, the Secretary of State, Robert Jenrick, confirmed that the Civil Procedure Rule Committee, on request of the Lord Chancellor, had agreed to extend the ban on eviction proceedings by a further 2 months.¹² The [statutory instrument](#) to bring the new rule into effect came into force on 25 June 2020.¹³

On 1 July 2020, Lord Greenhalgh said that the courts would begin to process repossession cases from 24 August in response to a PQ:

On 5 June the Government announced that the current suspension of evictions from social or private rented

⁸ MHCLG, [Coronavirus \(COVID-19\) Guidance for Landlords and Tenants](#), Updated July 2020, para 1.10

⁹ MHCLG, [Jenrick extends ban on evictions and notice periods](#), 21 August 2020

¹⁰ [Practice Direction 51Z at 26 March 2020](#)

¹¹ MHCLG, [Press Release](#), 26 March 2020

¹² MHCLG, [Press Release](#), 5 June 2020

¹³ [The Civil Procedure \(Amendment No. 2\) \(Coronavirus\) Rules 2020](#)

accommodation will be extended by two months until 23 August 2020.

From 24 August 2020, the courts will begin to process possession cases again. This is an important step towards ending the lockdown and will protect landlords' important right to regain their property. Work is underway with the judiciary, legal representatives and the advice sector on arrangements, including new rules, 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 when possession cases resume.¹⁴

However, on 21 August, Robert Jenrick confirmed a further 4-week extension to the ban on eviction hearings to 20 September 2020.¹⁵ [The Civil Procedure Rules were amended](#) at short notice to achieve this.¹⁶

The suspension of housing possession actions means that **landlords in England and Wales cannot obtain court orders for possession against tenants until 20 September at the earliest**. Eviction of a tenant without a court order can amount to illegal eviction, which is a criminal offence.

Which occupation agreements are covered by the suspension of possession cases?

This measure has wider application than the extension of notice periods for certain tenants (see section 1.1). Government guidance states that the suspension covers:

All tenants and licensees who benefit from protection from eviction under the Protection from Eviction Act 1977.¹⁷

This covers most social housing tenancies and private rented sector tenancies and *some* licensees. Lodgings, holiday lets, hostel accommodation and asylum seeker accommodation are **not** covered by the 1977 Act.

The initial [Practice Direction 51Z](#) was amended with effect from 20 April 2020. A new paragraph 2A was added to provide that the suspension does **not** apply to:

- a claim against trespassers to which rule 55.6 of the [Civil Procedure Rules Part 55 – Possession Claims](#) applies;
- an application for an interim possession order under Section III of Part 55, including the making of such an order, the hearing required by rule 55.25(4), and any application made under rule 55.28(1); or
- an application for case management directions which are agreed by all the parties.

¹⁴ [Private Rented Housing: Coronavirus: Written question - HL5966](#), 1 July 2020

¹⁵ MHCLG, [Jenrick extends ban on evictions and notice periods](#), 21 August 2020

¹⁶ [The Civil Procedure \(Amendment No. 5\) \(Coronavirus\) Rules 2020](#)

¹⁷ MHCLG, [Coronavirus \(COVID-19\) Guidance for Landlords and Tenants](#), Updated July 2020, para 2.3

The amended version clarified that applications for injunctive relief are not stayed and that possession claims can be issued even though they may be stayed while the Practice Direction is in force.

What if a possession order was granted before 27 March 2020?

Where a landlord obtained a possession order which was not enforced before 27 March 2020, court bailiffs are 'stayed' from executing a warrant for possession up to 20 September 2020.

What if a fixed-term tenancy ends during this period?

Most private sector tenants with an assured shorthold tenancy enter into a tenancy agreement for a fixed-term, e.g. six months or 12 months. During the Housing, Communities and Local Government Select Committee's [inquiry to assess the impact of the coronavirus crisis on homelessness, rough sleeping and the private rented sector](#) Bob Blackman MP asked about the impact of an extension of the moratorium on these tenancies:

Bob Blackman: Can I press you a bit further, then? Given that a large number of tenancies will come to an end at the end of June, in July or in August, if the moratorium is extended for a further three months, is the Ministry looking at automatic rollover or renewal of tenancies to prevent a cliff edge occurring?¹⁸

Where a fixed-term assured shorthold tenancy is not renewed and the tenants remain in situ it carries on as a periodic assured shorthold tenancy with the same terms – tenants continue to be liable for rent payments.

1.3 Social landlords

The notice extensions and restrictions on possession cases also apply to social landlords. Kate Henderson, the CEO of the National Housing Federation, the representative body of housing associations in England, said:

No one should be evicted because of the coronavirus. We are confident that no housing association will do this, and want anyone affected by the outbreak to be reassured they will not be evicted.

As charitable organisations housing associations recognize that a number of people living in social housing work for low or irregular wages in insecure employment and may be placed in serious difficulties as a result of the COVID-19 pandemic.

We urge anyone living in a housing association home who is worried about financial difficulties to get in touch with their housing association. Housing associations offer extensive financial help and support for people, including help claiming benefits. They are putting in extra support measures during this challenging time and will be doing everything they can to support residents.

We welcome the steps taken so far by government and its commitment to do whatever it takes to support jobs and

¹⁸ Oral evidence taken on 11 May 2020, HC (2019–21) 309, [Q25](#)

incomes. However, we urge that the government goes even further to strengthen the welfare system to ensure that everyone who needs it can quickly get help if their income drops.¹⁹

The Local Government Association also referred to councils' commitment to work with tenants in difficulty:

Councils are leading local efforts to support communities as they try and cope with the coronavirus outbreak. They will be working with tenants who are experiencing financial challenges as a result to support them to stay in their homes. Many are already suspending debt recovery and will try and use discretionary funding to support struggling household as quickly and effectively as possible.

Councils need the flexibility to ensure hardship funding announced by the Government is best-used to support economically vulnerable people and households and are also seeking clarity on how it can be integrated with other financial hardship support that is being provided locally and through the benefits system.

We are pleased the Government has committed to bringing forward measures to protect tenants from eviction and look forward to seeing the details. This needs to include urgently addressing the growing shortfall before housing benefit and private sector rents that has opened up.²⁰

It is reported that the financial impacts of rent arrears in the longer term is emerging as a key concern for social landlords' business plans. Data shared with *Inside Housing* by HouseMark in May 2020 reportedly estimated the level of social housing rent arrears as £100 million higher than at the same time in previous years – this is attributed to the impact of Covid-19.²¹

A group of housing associations in Scotland wrote to the Scottish Communities Secretary asking for an "in principle commitment" from the Scottish Government to "explore a mechanism for compensating social landlords for income lost as a result of protecting tenants during the crisis and which cannot realistically be recovered."²² These calls were renewed following the First Minister's announcement on 12 August 2020 (see section 1.4 below).

Robert Jenrick told the Housing, Communities and Local Government (HCLG) Select Committee that the Government would not compensate social landlords for rent arrears:

Robert Jenrick: It would be a matter for the councils or housing associations themselves to come to a conclusion on whether they can recover unpaid rent. We have encouraged them to work with tenants to come to sensible solutions and put in place reasonable repayment plans that meet the financial circumstances of the tenants. There is no plan for central Government to compensate

¹⁹ NHF, [No one should lose their home because of coronavirus](#), 19 March 2020

²⁰ [Coronavirus: LAG responds to renters' support pledge](#), 18 March 2020

²¹ *Inside Housing*, "Social housing rent arrears up £100m since coronavirus outbreak", 28 May 2020 [subscription required]

²² [Glasgow and West of Scotland Forum of Housing Associations: Letter to Aileen Campbell MSP](#), 24 March 2020

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housing associations for those costs. That is the normal course of business for a housing association.

Ben Everitt: If the unrecoverable rent was due to Government policies, would that still be the case?

Robert Jenrick: I am not sure exactly what you mean by that. If you mean as a result of the lockdown, then there is no plan for the Government to compensate housing associations or local councils if they choose to relieve tenants of their rent during that time, but we are in conversation with the National Housing Federation. Responsible housing associations are doing what they should be doing and ensuring that they protect tenants who are in financial distress and work out sensible payment plans when their circumstances allow.²³

1.4 Scotland and Northern Ireland

On 18 March 2020, **the Scottish Communities Secretary, Aileen Campbell**, set out a [support package for renters](#) during the pandemic which included:

- A call for landlords to be flexible and adaptable to tenants' needs.
- Tenants experiencing problems with rent payments should discuss the situation with their landlords – "We cannot have people being made, or at risk of being made, homeless at this difficult time".²⁴
- Social landlords had been written to and urged to be flexible and provide support and advice to tenants experiencing financial hardship. They are expected to meet that challenge.
- Amendments to the *Private Housing (Tenancies) (Scotland) Act 2016* to provide increased security for tenants who accrue rent arrears over a longer period:

We do not want private sector landlords to be disadvantaged by a lack of rent. However, the reality of what we face means that, if landlords do not support their tenants, it is not just the tenants who will be negatively impacted; all of society will pay the price.²⁵
- She commended mortgage lenders for agreeing to a three-month 'holiday' but said she would be writing to UK Finance and the UK Government to urge them to increase the holiday to six months.

The [Coronavirus \(Scotland\) Act](#) received Royal Assent on 6 April 2020. Section 2 and Schedule 1 of the Act provide enhanced security of tenure for tenants on a temporary basis with effect from 7 April 2020. [The briefing prepared by the Scottish Parliament Information Centre](#) provides details of the measures taken.²⁶ Essentially, certain mandatory grounds for eviction were made discretionary for a period and certain notice periods were extended up to 30 September 2020.

On 12 August 2020, First Minister Nicola Sturgeon said:

As I know Patrick Harvie is aware, the emergency legislation that we passed in the Parliament in effect halted eviction action for up to six months. He talks about applications, but no people can be

²³ Oral evidence taken on 4 May 2020, HC (2019–21) 302, [Q106 and 107](#)

²⁴ [SP OR 18 March 2020](#)

²⁵ Ibid.

²⁶ [The Coronavirus \(Scotland\) Bill – SPICe Briefing](#), 31 March 2020

evicted. That emergency legislation is currently in place until 30 September and, yesterday, we confirmed that, subject to the agreement of Parliament, it will be extended to March 2021. That underlines the continuing commitment of the Government to do everything that we can to protect tenants and prevent people from becoming homeless as a result of the pandemic. We also want to ensure that we continue our record investments in affordable housing, so that we are building the housing that is needed for this and future generations.

I am always willing to listen to views on where we can and should go further on these matters, but the protection against eviction that I have spoken about is in place right now and, if this Parliament agrees, it will be extended.²⁷

The Scottish Government intends to extend the protections in place from 7 April 2020 to the end of March 2021.

Following this announcement, it was reported that the Glasgow and West of Scotland Forum of Housing Associations had asked for a “rethink” on the basis of “emerging evidence” that some tenants no longer feel obliged to pay rent.²⁸

The [*Coronavirus \(Scotland\) \(No.2\) Act 2020*](#), which received Royal Assent on 26 May 2020, gave Scottish Ministers regulation making powers to introduce a pre-action protocol which would apply to private landlords seeking to evict tenants on certain rent arrears grounds where the notice is served after 7 April 2020.²⁹

The [Housing and Property Chamber \(HPC\) First-Tier Tribunal for Scotland](#) announced that all hearings and case management discussions would be postponed from 19 March to 28 May 2020 at the earliest. This meant that no new eviction orders could be granted until that date. On 22 May the postponement was extended to 9 July 2020.³⁰ On 26 June the Tribunal announced that Case Management Discussions would resume from 9 July:

We can now report that work has started in re-scheduling the postponed Case Management Discussions (CMDs). The rescheduled CMDs will commence from 9th July onwards by teleconference to allow the parties, representatives of parties, the tribunal judge and the tribunal clerk to participate remotely. Those parties affected will be contacted with an update of the position and this article provides information to the wider public.

All private rented sector, civil proceedings and eviction cases are proceeding to CMDs in the first instance.³¹

On 1 April 2020, the Minister for Local Government, Housing and Planning, Kevin Stewart, told the Scottish Parliament that a fund would be established to help eligible private landlords:

The Scottish Government will establish a fund that eligible private landlords will be able to apply to if they experience difficulty securing rent as a result of the Covid-19 crisis. They will be offered an interest-free loan with deferred payments. The

²⁷ [SR OR 12 August 2020](#)

²⁸ HQN, [Housing associations write to minister to call for end to evictions ban](#), 17 August 2020

²⁹ Paragraphs 4 and 5 of Schedule 1 to the [*Coronavirus \(Scotland\) \(No.2\) Act 2020*](#).

³⁰ [Update#4: Further impact of Covid-19 pandemic, 22 May 2020](#)

³¹ [Update #6: Resumption of CMDs and Hearings](#), 26 June 2020

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intention is to take the pressure off landlords, in the short-term, if their tenants are having difficulty making rent payments. We expect to have that fund in place by the end of April, at the latest.³²

CIH Scotland, Homes for Good and the Scottish Association of Landlords (SAL) published joint [guidance for the private rented sector](#) on how to support tenants and protect rental income during the coronavirus outbreak.³³

On 6 April 2020, the **Department for Communities in Northern Ireland** said measures would be introduced to prevent evictions.³⁴ *The Coronavirus (Private Tenancies Modification) Bill 2020* was introduced on 21 April 2020 – the housing measures are described below:

The Private Tenancies (Northern Ireland) Order 2006 is the legislation governing the private rented sector. To begin the eviction process in Northern Ireland the landlord must issue the tenant with a notice to quit. The length of notice to quit varies depending on the length of tenancy. It is 4 weeks, if the tenancy has not been in existence for more than 5 years, 8 weeks, if the tenancy has been in existence for more than 5 years but not for more than 10 years and 12 weeks, if the tenancy has been in existence for more than 10 years. If the tenant refuses to leave the landlord will have to obtain a court order which is subsequently enforceable by the Enforcement of Judgments Office.

The right of a private landlord to bring a tenancy to an end through service of a written notice to quit of a specified period is prescribed by Article 14 of the Order. **The Bill seeks to temporarily modify the provisions of Article 14 during the emergency period to apply a 12 week notice to quit period to all tenancies, irrespective of the duration of the tenancy.**

The Bill provides that the emergency period commences on the day after Royal Assent and ends on 30 September 2020. However, this period may be extended up to 2 years from date of Royal Assent or shortened to a period specified by the Department. The Bill allows for the 12 week notice period to be altered to maximum period of six months. The Bill is not intended to have retrospective effect, so will not apply to notice served before Royal Assent.³⁵

The Bill completed its stages on 28 April and received Royal Assent on 4 May 2020.³⁶

On 19 August, Communities Minister Carál Ní Chuilín announced that measures to protect private renters from eviction during the pandemic would be extended to 31 March 2021.³⁷

On 31 March, the previous Northern Ireland Communities Minister, Deirdre Hargey,³⁸ announced that the Northern Ireland Housing

³² [SP OR, 1 April 2020](#)

³³ CIH Scotland, Homes for Good, SAL: [Maintaining tenancies – a guide for the private rented sector](#), 20 April 2020

³⁴ DfC, [Amend notice to quit through the Coronavirus \(Private Tenancies Modification\) Bill 2020](#)

³⁵ [NIA Bill 04/17-22 Explanatory and Financial Memorandum](#), paras 8-9

³⁶ DfC, ["Bill to protect private renters passed by Assembly"](#), 28 April 2020

³⁷ DfC, ["Minister Ní Chuilín announces extension of legislation to protect renters"](#), 19 August 2020

³⁸ Deirdre Hargey temporarily stepped aside as Communities Minister on 15 June 2020.

Executive (NIHE) and the region's housing associations had reached agreement with the Department for Communities (DfC) not to evict tenants struggling to pay their rent during the crisis.

The courts in Northern Ireland have started to move towards "full business recovery."³⁹ Where a court order is issued but the tenant does not vacate on the date stated in the order, enforcement is carried out by the Enforcement of Judgements Office (EJO). The EJO announced that "only urgent matters will be addressed by way of a court hearing until further notice."⁴⁰ The most recent [notice of 5 June 2020](#) does not refer to the resumption of enforcement work.

³⁹ See [CORONAVIRUS \(COVID-19\) PANDEMIC - Court Business Continuity Arrangements](#) [accessed on 18 August 2020]

⁴⁰ EJO, [Covid-19 – Guidance for Courts](#), 24 March 2020

2. The resumption of possession cases from 20 September

2.1 Prioritisation of “serious cases”

When announcing the 4-week extension of the stay on eviction hearings on 21 August, Robert Jenrick said:

When courts do resume eviction hearings they will carefully prioritise the most egregious cases, ensuring landlords are able to progress the most serious cases, such as those involving anti-social behaviour and other crimes, as well as where landlords have not received rent for over a year and would otherwise face unmanageable debts.⁴¹

2.2 Amendments to Civil Procedure Rules (not in force)

This section describes measures taken by the Government in preparation for lifting the stay on possession actions in the courts on 24 August.

The 4-week extension to the stay on possessions means that they have not come into effect. At the time of writing it is unclear whether implementation dates will be amended to take effect from 20 September.

New Practice Direction 55C

[*The Civil Procedure \(Amendment No. 4\) \(Coronavirus\) Rules 2020*](#) were due to come into effect on 23 August 2020. The rules amended the Civil Procedure Rules to add a new [Practice Direction 55C](#) which was due to come into effect at the end of the stay on possession actions.

[Practice Direction 55C](#) was to remain in force until 28 March 2021, subject to reviews during the period. It changed the requirements on claimants seeking to repossess properties. The explanatory memorandum to the Regulations provided a brief overview of the provisions:

The arrangements put in place will be temporary until 28 March 2021, with a facility to review in the meantime, and include—

- a requirement for a claimant to inform the court who wishes to resume stayed proceedings to inform the court and defendant in writing of this after the expiry of the stay in a “reactivation notice”;
- requiring the claimant to provide (in the particulars of claim reactivation notice or for the hearing as appropriate) any relevant information about the defendant’s circumstances to include information on the effect of the pandemic on the defendant and his/her dependants, which will enable the court to have regard to vulnerability, disability, and social security position, and those who are “shielding”;

⁴¹ MHCLG, [Jenrick extends ban on evictions and notice periods](#), 21 August 2020

- to allow the court to fix a date either on or after issue (so that hearings may be appropriately spread out and avoiding “bunching”).
- to suspend the standard period between issue of a claim form and hearing which usually would be not more than eight weeks, again to spread out hearings appropriately in particular having regard to court capacity;
- to require a claimant so far as practicable to produce the full arrears history in advance rather than at the hearing.⁴²

The main rationale appeared to be associated with case management concerns. The explanatory memorandum stated:

This instrument introduces temporary arrangements to protect the public and to ensure that appropriate arrangements are in place to protect all those involved when cases resume and to ensure that the civil justice system is “accessible, fair and efficient”. It addresses so far as practicable matters affecting litigants and the courts when the present stay on possession proceedings is lifted and promotes best practice and consistency in and related to possession proceedings in the continuing context of the pandemic and the economic situation whilst being mindful of the impact of Covid-19 on the courts and court procedures and the economy.⁴³

Housing lawyers commenting on PD 55C raised the following questions and concerns:

- Exactly what sort of information the landlord will be expected to supply with reference to the defendant’s circumstances and the impact of the pandemic. Will a statement saying ‘unknown’ be adequate?
- What will the implications of an invalid reactivation notice be?
- If a reactivation notice is not filed by 4pm on 29 January 2021 the claim is automatically stayed. Giles Peaker commented:

As far as I can see this leaves the possession claim hanging, with the risk to the tenant that the claim could be restored on application by the landlord at any point thereafter, because there is no ‘relief from sanction’ test so a simple application should do it.⁴⁴

The Housing Minister, Christopher Pincher, referred to the impact of PD 55C on 22 July 2020:

It is right that we normalise proceedings and procedures. To that effect, I have had conversations with the Master of the Rolls and with Sir Robin Knowles. They have been quite clear that they want to ensure that courts act properly to hear landlords’ and tenants’ concerns. They are also very clear that, should a landlord not provide requisite information to the courts about the effect of covid-19 on a tenant when the landlord brings forward an application, the courts will have power to adjourn the case, which will hit the landlord in the pocket—something that will focus the landlords’ minds.

⁴² [Explanatory Memorandum to *The Civil Procedure \(Amendment No. 4\) \(Coronavirus\) Rules 2020*](#)

⁴³ Ibid.

⁴⁴ [Nearly Legal: Housing Law News and Comment, Reactivation!](#), 21 July 2020

I have been told by many stakeholders and representatives, including the National Residential Landlords Association, that this will definitely be a wake-up call to landlords. It will also be of definite support to tenants, so I am convinced that we have struck the right balance between tenants' needs and the landlords' rights. I am convinced that we are supporting people to the best of our ability. I am pleased that we are now moving out of the epidemic and we are supporting people appropriately.⁴⁵

This interpretation of the impact of PD 55C was questioned.

Where a landlord is seeking to evict a tenant using a mandatory ground, such as section 21 of the *Housing Act 1988* or a ground 8 rent arrears claim, it was suggested that the provision of information on a tenant's circumstances could have no impact on the court's decision to grant the order.⁴⁶ Shelter said:

- Although the rules allow judges to adjourn where a landlord hasn't supplied certain information, the law dictates that a judge must grant a possession order in mandatory eviction cases (Section 21 and ground 8 claims). Judges have no choice but to follow the law and evict the tenant, or adjourn following guidelines. There is also the likelihood that a landlord will be able to challenge any decision where a judge adjourns a mandatory claim.
- A judge can adjourn the case if a landlord doesn't supply the information – but not if the information they provide shows that the tenant is vulnerable, in arrears because of COVID etc. It's a question of the landlord following a procedure, not building in protections for tenants. There is no detail available for how this would work in practice.
- Putting the onus on landlords to find out about their tenants' vulnerabilities is a real concern; vulnerable tenants should not be obligated to divulge personal information about their health and financial circumstances to a landlord. The scheme relies heavily on the landlord advising the court of the tenant's personal circumstances – with the disincentive that not providing the info will cause their mandatory claim to fail, it is inevitable that the system will be open to abuse.
- Adjourning cases risks adding further to the backlog in the court and would only serve to prolong the inevitable. Even if proceedings are delayed, ultimately the mandatory claim will succeed, and the person will be evicted. There's no scheme to support tenants with their arrears or issues of affordability to accompany the scheme.⁴⁷

2.3 Widening the pre-action protocol for possession claims

On 18 March 2020 the Government said: "No new possession proceedings through applications to the court to start during the crisis" and went on:

⁴⁵ [HC Deb 22 July 2020 cc2170-71](#)

⁴⁶ [Nearly Legal: Housing Law News and Comment, Reactivation!](#), 21 July 2020

⁴⁷ [Shelter Briefing: UO - The implications of the end of the evictions ban for people renting their home](#) [undated]

To support this announcement the government has worked with the Master of the Rolls to widen the 'pre-action protocol' on possession proceedings, to include private renters and to strengthen its remit. This will support the necessary engagement between landlords and tenants to resolve disputes and landlords will have to reach out to tenants to understand the financial position they are in.⁴⁸

[The Pre-Action Protocol for Possession Claims by Social Landlords](#) sets out a series of steps that a social landlord is expected to take regarding possession claims against tenants. The courts take account of whether the protocol has been adhered to when considering what orders to make. The Residential Landlord Association (RLA) has commented:

Where the landlord has unreasonably failed to meet the pre-action protocol the courts may take this into account and either make an order for costs, adjourn the claim, or strike it out entirely where possession is not sought on mandatory grounds.⁴⁹

The protocol has the following aims:

- (a) to encourage more pre-action contact and exchange of information between landlords and tenants;
- (b) to enable the parties to avoid litigation by settling the matter, if possible; and
- (c) to enable court time to be used more effectively if proceedings are necessary.

[Government guidance](#) describes the expected impact of the extension of the protocol:

- The Government has committed to work with the judiciary to explore the most effective way to encourage private landlords and tenants to work through issues together – such as agreeing an affordable rent repayment plan if tenants fall into rent arrears as a result of the COVID-19 outbreak – before taking action through the court.
- Ministers are working with the judiciary, legal representatives and the advice sector on arrangements, including new rules, which will mean that courts are better able to address the need for appropriate protection of all parties, including those shielding from coronavirus. 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.
- Where possible and appropriate, if disputes over rent or other matters persist, landlords and tenants are encouraged to consider mediation. Mediation allows an independent third-party to assist those involved to reach a mutually acceptable agreement to resolve their dispute, without the matter needing to go to court.⁵⁰

⁴⁸ [Ministry of Housing, Communities and Local Government \(MHCLG\) Press Release](#), 18 March 2020

⁴⁹ RLA, [Coronavirus – changes to repossession](#), 24 March 2020

⁵⁰ MHCLG, [Coronavirus \(COVID-19\) Guidance for Landlords and Tenants](#), Updated July 2020, section 1.9

Comment on the potential impact of revising and extending the pre-action protocol to private landlords is covered in section 4. At the time of writing the extended protocol had not been published.

3. Help with rent payments

[Government guidance](#) makes it clear that tenants should continue to pay their rent where possible:

- Tenants should continue to pay rent and abide by all other terms of their tenancy agreement to the best of their ability. The government has a strong package of financial support available to tenants, and where they can pay the rent as normal, they should do. Tenants who are unable to do so should speak to their landlord at the earliest opportunity.
- In many if not most cases, the COVID-19 outbreak will not affect tenants' ability to pay rent. If your ability to pay will be affected, it's important to have an early conversation with your landlord. Rent levels agreed in your tenancy agreement remain legally due and you should discuss with your landlord if you are in difficulty.⁵¹

The Guidance urges tenants who experience difficulties to have early conversations with their landlords.

3.1 A mortgage payment holiday for landlords

To support landlords who may suffer an interruption to their rental stream where tenants lose their jobs or are unable to work, the Government announced that a **3 month mortgage payment holiday (see section 5) will apply to buy-to-let landlords:**

Recognising the additional pressures the virus may put on landlords, we have confirmed that the 3 month mortgage payment holiday announced yesterday will be extended to landlords whose tenants are experiencing financial difficulties due to coronavirus. This will alleviate the pressure on landlords, who will be concerned about meeting mortgage payments themselves, **and will mean no unnecessary pressure is put on their tenants as a result.**

At the end of this period, landlords and tenants will be expected to work together to establish an affordable repayment plan, taking into account tenants' individual circumstances.⁵²

On 22 May 2020 the Financial Conduct Authority announced that the mortgage holiday period may be extended for a further three months – this extension was confirmed on 2 June (see section 5.1).

⁵¹ MHCLG, [Coronavirus \(COVID-19\) Guidance for Landlords and Tenants](#), Updated July 2020, para 1.1

⁵² [Ministry of Housing, Communities and Local Government \(MHCLG\) Press Release](#), 18 March 2020

3.2 Financial support for tenants

The Government announced a package of support for workers and changes to the welfare benefits system which may assist tenants in meeting their rent commitments. The measures are explained in several Library briefings> The situation is fast moving, and the briefings are updated regularly – as lockdown eases some of the assistance is being withdrawn:

[Coronavirus: Employment rights and sick pay \(update\)](#)

[Coronavirus: Increases to benefits payments](#)

[FAQs: Coronavirus Job Retention Scheme](#)

[Coronavirus: Self-Employment Income Support Scheme](#)

[Coronavirus: Support for household finances \(includes benefits information\)](#)

[Coronavirus: Withdrawing crisis social security measures](#)

Local Housing Allowance

On 20 March 2020, the Chancellor announced a further package of assistance which included **an increase in support through Local Housing Allowance (LHA)**:

As well as keeping people in work, and supporting those who lose their jobs or work for themselves, our plan for jobs and incomes will help keep a roof over your head.

I'm announcing today nearly £1bn pounds of support for renters by increasing the generosity of housing benefit and Universal Credit, so that the local housing allowance will cover at least 30% of market rents in your area.⁵³

LHA is a flat-rate allowance for different sizes of properties within a Broad Rental Market Area (BRMA) – it represents the maximum assistance a claimant might receive towards their rent. It provides help, subject to a means test, for low-income households living in private rented housing. Since April 2011 LHA rates within BRMAs have been based on the 30th percentile of local market rents.⁵⁴ In addition, LHA rates for different sizes of properties are subject to national caps. LHA rates were frozen in April 2016 for four years – the Government had announced that the freeze would end in April 2020 with an uprating of 1.7% in line with the Consumer Price Index.

Housing organisations, particularly those working with the homeless, have long linked the freeze in LHA rates with an increase in homelessness. The end of the freeze was welcomed but the point was made that LHA rates remained well below the 30th percentile of market rents in areas of high housing demand.⁵⁵

The 20 March announcement that LHA rates “will cover at least 30% of market rents” was described as reversing the four years of the freeze.

⁵³ [HM Treasury Press Release](#), 20 March 2020

⁵⁴ Prior to this they were set at median rent levels.

⁵⁵ See for example, Chartered Institute of Housing (CIH), [Ok for 2020 – but what about four years of freeze?](#) 21 January 2020

[Revised LHA rates for 2020/21](#) were published by the Department for Work and Pensions.

When questioned on assistance available for renters in meeting their rent commitments through the crisis, the Government has pointed towards benefit assistance and [Discretionary Housing Payments](#):

Support for rented housing costs are available through Universal Credit and Housing Benefit. Discretionary Housing Payments are also available, these payments are very flexible and can be considered where, in the local authority's opinion, further financial assistance towards housing costs is required.⁵⁶

Government guidance also refers to potential support for tenants from **a new funding stream**:

Local authorities can provide support for tenants to stay in their homes. If you are experiencing financial hardship, you may be able to access new funding; we have already made £500m available to fund households experiencing financial hardship and are determined to take action to support people in need.⁵⁷

The Government confirmed that this funding can be used to reduce the 2020/21 council tax bills of working age people receiving Local Council Tax Support.⁵⁸

⁵⁶ [Rents: Coronavirus: Written question – 30723](#), 25 March 2020

⁵⁷ MHCLG, [Coronavirus \(COVID-19\) Guidance for Landlords and Tenants](#), Updated July 2020, para 1.2

⁵⁸ MHCLG, [Government confirms £500 million hardship fund will provide council tax relief for vulnerable households](#), 24 March 2020

4. Comment on help for the rental sector

The sector welcomed the Government's commitment to introduce a "complete ban on evictions".⁵⁹ Following publication of amendments to the *Coronavirus Bill*, **several commentators said that the changes fell short of the initial commitment**. For example, Rt Hon John Healey, Labour's Shadow Housing Secretary at the time, responded to the amendments saying they did not amount to a ban on evictions.⁶⁰

MHCLG turned to [twitter](#) to defend the action taken.

However, the subsequent announcement of a suspension of housing possession cases for a period of 90 days from 27 March 2020 was acknowledged as a significant step in protecting most tenants from eviction during the Covid-19 outbreak. As the initial date on which the suspension was due to end moved closer (25 June 2020), questions were asked about the implications for landlords and tenants of the removal of protections. As previously noted, the immediate pressure was resolved by the extension of the moratorium on repossession actions until late August. The extension was welcomed, but confirmation that the courts will begin to consider repossession cases from 24 August led commentators to call for more action to prevent a spike in evictions. Citizens Advice described the extension to 23 August as "a sticking plaster not a cure".⁶¹

The further stay on repossession hearings until 20 September has been widely welcomed by tenant bodies and advice agencies subject to the additional time being used to put more protections in place for tenants with arrears. For example, Citizens Advice said:

During this extended pause on new eviction proceedings, we hope the government will work with Citizens Advice and others to put in place a series of protections which will help those who've built up rent arrears get back on their feet.

"We'd like to see funding for a dedicated set of protections, including measures such as grants for those in arrears due to coronavirus."⁶²

Giles Peaker, a partner with Anthony Gold Solicitors, commented:

It has to be hoped – fervently hoped – that this four week extension is to buy time for there to be a proper, long term solution to the issues presented by the end of the stay on possession claims. Parliament returns on 1 September and any serious address to the issues would require some form of legislation.

⁵⁹ [Ministry of Housing, Communities and Local Government \(MHCLG\) Press Release](#), 18 March 2020

⁶⁰ Labour: [Healey responds to government amendment to the Coronavirus Bill](#), 23 March 2020

⁶¹ [Citizens Advice Press Release](#), 5 June 2020

⁶² [Citizens Advice Press Release](#), 21 August 2020

A four week blanket extension of the stay on all possession claims (save against trespassers) is in itself, virtually pointless, unless that time is used for *something*.⁶³

The National Residential Landlords Association described the extension as “totally unacceptable” and called for “a comprehensive package of financial support to help landlords.”⁶⁴

4.1 Preventing a potential spike in eviction activity

Commentators have noted that when the suspension of housing possession cases is lifted, there could be a wave of eviction cases proceeding to court with implications for levels of homelessness.

The changes to the Civil Procedure Rules (CPR) outlined in section 2.2, if implemented from 20 September, would give the courts more flexibility over the management of possession cases. As previously noted, doubts have been expressed over the potential impact of the CPR changes in terms of protection offered to tenants:

What this is absolutely not is a means to address the impact of the pandemic, the lockdown and the economic consequences on renters. At best, it will mean delay in possession claims for court management reasons, and hopefully access to housing possession duty scheme assistance for tenants.⁶⁵

And:

These new rules will not protect renters from Covid evictions.⁶⁶

When asked about the potential spike in evictions the Government has referred to work to extend the [The Pre-Action Protocol for Possession Claims by Social Landlords](#) to apply to the private rented sector (see section 2.3) as providing additional protection to tenants. Robert Jenrick told the Housing, Communities and Local Government (HCLG) Select Committee that extending the protocol would put “a duty on the landlord to work in good faith with their tenant to see if there is a sensible way in which you can manage the situation before embarking upon eviction proceedings.”⁶⁷

Doubts have been cast on the effectiveness of this approach where possession of a property is sought under a mandatory ground for eviction following the service of a section 21 notice or section 8 notice citing a Ground 8 rent arrears claim under the *Housing Act 1988*. Evidence provided to the HCLG Select Committee’s inquiry into the impact of Covid-19 on homelessness and the private rented sector by Giles Peaker explained that in those circumstances:

⁶³ Nearly Legal: Housing Law News and Comment, [From March to September – possession stay extended](#), 21 August 2020

⁶⁴ NRLA, [Fury as evictions ban extended and new six month notice rule brought in](#), 21 August 2020

⁶⁵ [Nearly Legal: Housing Law News and Comment, Reactivation!](#), 21 July 2020

⁶⁶ [Shelter Briefing: UQ - The implications of the end of the evictions ban for people renting their home](#) [undated]

⁶⁷ Oral evidence taken on 4 May 2020, HC (2019–21) 302, [Q103](#)

...failure to comply with a PAP simply cannot prevent a possession order being made, or indeed result in a delay to a possession order being made to any significant degree.⁶⁸

Similarly, Citizens Advice told the Committee:

In theory, Courts should take into account whether this protocol has been followed when considering what orders to make in social housing. However, this only applies to discretionary grounds in practice. Private landlords rarely use only discretionary grounds—they may use either ground 8, section 8 of the Housing Act 1988 (a mandatory ground), or section 21, or both.⁶⁹

The evidence received led HCLG Committee to recommend urgent legislation to prevent eviction due to rent arrears where those arrears have arisen due to the coronavirus pandemic:

We recommend the Government bring forward legislation to amend the 1985 and 1988 Housing Acts to allow judges to use discretion where a tenant is in rent arrears due to the coronavirus crisis for the next 12 months at a minimum. Discretion could include consideration of whether a pre-action protocol has been complied with. These amendments should be delivered through a short Bill—such as we have proposed—which must be introduced to Parliament as soon as possible.⁷⁰

Landlords of assured shorthold tenants whose fixed-term has expired can seek an eviction order without having to prove fault on the part of the tenant – the requirement on the courts to issue a possession order is mandatory if the correct procedure has been followed. The Government committed to introduce a *Renters' Reform Bill* to abolish “no fault” evictions in England in the December 2019 Queen’s Speech.⁷¹

Commentators have called for the *Renters' Reform Bill* to be fast-tracked – these calls are supported by the HCLG Select Committee:

The Government must accelerate its plans to introduce the Renters’ Reform Bill to Parliament and abolish ‘no fault evictions’ under section 21 of the Housing Act 1988 within the next 12 months.⁷²

The Government response published on 25 June said:

The Government remains committed to bringing forward legislation to deliver its planned reforms to enhance renters' security, including by abolishing so-called 'no-fault' evictions. However, the proposals for tenancy reform would represent the largest change to renting in 30 years and it is only right that these reforms are taken forward in a considered manner.⁷³

The response did not address calls for additional interim legislation but said: “We expect to respond fully to the consultation on tenancy reform

The HCLG Committee called for urgent legislation to prevent eviction for rent arrears due to the coronavirus pandemic.

The HCLG Select Committee called for the abolition of no fault evictions to be fast-tracked.

⁶⁸ [HC 309. Protecting rough sleepers and renters: Interim Report. Housing, Communities and Local Government Select Committee First Report of Session 2019-21](#), 22 May 2020, para 21

⁶⁹ Ibid.

⁷⁰ Ibid., para 24

⁷¹ [Queen's Speech December 2019 - background briefing notes](#), p10

⁷² [HC 309. Protecting rough sleepers and renters: Interim Report. Housing, Communities and Local Government Select Committee First Report of Session 2019-21](#), 22 May 2020, para 28

⁷³ [Protecting rough sleepers and renters: government response to the Select Committee report](#), CP 248, 25 June 2020, p8

and set out planned next steps once the urgent concerns of this emergency have passed.”⁷⁴

On 9 May 2020 the Labour Party set out a [five-point emergency action plan](#) to protect renters which included a call to extend the temporary ban on evictions to allow time for legislation to abolish “no fault” evictions and “outlaw evictions on the grounds of rent arrears if the arrears were accrued because of hardship caused by the coronavirus crisis.”⁷⁵ The Shadow Secretary of State, Thangam Debbonaire, [wrote to Robert Jenrick](#) on 8 June calling for several measures to be introduced to protect tenants and homeless people.⁷⁶

The NRLA had previously welcomed confirmation that repossession cases would be considered from 24 August on the basis that this would provide more certainty for the rental market, and went on:

It is vital however that swift action can be taken against those tenants committing anti-social behaviour or domestic violence. We are calling also for priority to be given to cases where possession orders were granted prior to lockdown or where rent arrears have nothing to do with the COVID pandemic.⁷⁷

4.2 Tackling rent arrears

The lack of specific measures to address the potential accrual of rent arrears due to income loss/disruption has been criticised. Giles Peaker has said:

The huge issue, of coronavirus-caused rent arrears, remains to be resolved. Unless that is somehow dealt with, there will be a flood of evictions awaiting the lifting of suspensions. Landlords – quite rightly – get a 3 month (and maybe more) mortgage suspension, and can’t then face possession or receivers from the lender at the end of that three months if they don’t pay up immediately. Why is there no equivalent provision on coronavirus-related rent arrears?⁷⁸

If rent arrears accrue during the extended notice period it is possible that affected tenants may face possession claims once it ends. Some scepticism was expressed over whether private landlords would heed the Government’s plea to behave compassionately towards affected tenants. On 6 July, Shelter issued a press release containing the results of a survey conducted for the charity by YouGov, saying:

An estimated 227,000 adult private renters (3%) have fallen into arrears since the start of the pandemic, meaning they could lose their homes when the evictions ban ends on 23 August, new Shelter research shows.

⁷⁴ Ibid., p9

⁷⁵ Labour Party Press Release, [Emergency action needed to protect renters](#), 9 May 2020

⁷⁶ [Thangam Debbonaire letter to Secretary of State for Housing, Communities and Local Government](#), 8 June 2020

⁷⁷ NRLA, [Courts WILL hear possession cases from 24th August](#), 1 July 2020

⁷⁸ [Nearly Legal: Housing Law News and Comment: All housing possession claims suspended from 27 March – Coronavirus update](#), 27 March 2020. For example, the Financial Conduct Authority has advised that mortgage holidays granted in the current circumstances should **not** be recorded as arrears, nor should they have any negative impact on the customer’s credit score.

[...]

What is worse, the polling, which was carried out by YouGov for Shelter, reveals that 174,000 private tenants have already been threatened with eviction by their landlord or letting agent (accounting for 6% who've had some contact or 2% of private tenants overall).

The total number of private renters in arrears reached 442,000 adults (5%) – double what it was in the same period last year. This demonstrates the terrifying impact of the pandemic on private renter's finances. This is only likely to get worse for many renters as the furlough scheme draws to a close, and millions could lose their jobs.⁷⁹

The National Residential Landlords Association (NRLA) refuted Shelter's findings in a press release issued on the same day:

...research commissioned by the NRLA suggested nine in 10 have been paying their rent as usual during the pandemic, with landlords working hard to support tenants.

Chris Norris, Policy Director for the National Residential Landlords Association said: "Throughout the lockdown, our surveys show that the vast majority of landlords have been doing all they can to keep people in their homes."⁸⁰

In May 2020 the NRLA reported on findings from a survey of over 4,500 private landlords which found that 90% of landlords who had received a request for support from a tenant had responded positively.⁸¹ Further research for the NRLA conducted by Dynata between 20 and 25 May recorded that, of the 2,027 tenants surveyed:

- 59% said their income had not been affected during the crisis.
- 84% had not needed to ask their landlord or letting agent for any support. Of those that did, three quarters received a positive response.
- Overall, 4% of tenants said that they had made a request for support which resulted in either no response from their landlord or letting agent, or had the request refused.⁸²

On 12 August the NRLA reported on new survey evidence showing that over 95% of tenants were paying their rent or had made an arrangement with their landlord:

Independent polling for the National Residential Landlords Association finds that 87 per cent of private tenants have paid their rent as normal throughout the pandemic. An additional eight per cent said that they had agreed a reduced rent, a rent-free period or made some other agreement with their landlord or letting agent.

Ahead of the courts beginning to hear possession cases from 24th August, the survey shows that just over three per cent of tenants are building arrears and are unable or unwilling to repay these.

⁷⁹ Shelter, [230,000 renters at risk of 'Covid-eviction' when government ban lifts](#), 6 July 2020

⁸⁰ NRLA, [Landlords Refute Evictions Claims by Shelter](#), 6 July 2020

⁸¹ NRLA Research Observatory, [Coronavirus and Landlords: a follow up survey](#), May 2020

⁸² NRLA, [Impact of coronavirus on private sector tenants and landlords](#), June 2020

Less than a third of all those with arrears (two per cent of the entire survey sample) have been served with a possession notice.

Further evidence that landlords are working to keep tenants in their homes comes from a survey which shows that 55 per cent of landlords who have granted at least one tenant a deferred rent or rent free period plan to absorb the losses from their own savings.⁸³

The Resolution Foundation also gathered [survey evidence](#) on how UK working-age adults in different housing tenures are coping with housing costs during the pandemic.⁸⁴ This research showed that while the earnings shock had been widely experienced across all tenures, the ability of individuals to cover their housing costs was “differentiated by tenure”. The survey findings show:

...while less than one-in-twelve (8 per cent) of home owners with a mortgage have failed to cover their housing costs in recent weeks, the rate rises to one-in-eight for private renters (13 per cent). Most strikingly, one-in-six (17 per cent) of social renters have fallen into (or further into) rent arrears, twice the rate of mortgaged home owners (with a worrying 3 per cent reporting failing to meet housing payments in their entirety).⁸⁵

There are calls for more financial support for tenants’ rent payments. Research commissioned by Shelter (reported in April 2020) found that an estimated 1.7 million adults in private rented housing (almost one in five) expected to become unemployed as a result of the pandemic.⁸⁶

When asked about the rental debt that was likely to accumulate over the three months between 26 March and 25 June (the initial date for the end of the moratorium on repossession action), and the possibility of a ‘rent holiday’ along the lines of that applied to mortgages, the Housing Minister, Christopher Pincher said:

No such estimate has been made at this time.

Those tenants who can afford to pay should continue to do so. By legislating to prevent landlords starting proceedings to evict tenants for at least a three-month period, we are removing the risk of people losing their homes because they are unable to pay rent – without creating a system where landlords must shoulder the financial responsibility and risk.

At the end of this period, landlords and tenants who had struggled financially will be expected to work together to establish an affordable repayment plan, taking into account the tenants’ individual circumstances.⁸⁷

On 30 March, the Government said they did not believe a rent holiday “is necessary at this stage”.⁸⁸

⁸³ NRLA, [Tenant survey dispels fears of eviction surge](#), 12 August 2020

⁸⁴ Resolution Foundation, Judge L: [Coping with housing costs during the coronavirus crisis](#), 30 May 2020

⁸⁵ Ibid.

⁸⁶ *Inside Housing*, “One in five private renters expect to lose their job in the next three months, says Shelter”, 16 April 2020

⁸⁷ [Private Rented Housing: Coronavirus – 32719](#), 25 March 2020

⁸⁸ [Rents: Coronavirus: Written question – HL2766](#), 30 March 2020

The increase in LHA rates was widely welcomed, with some caveats. For example, **Shelter and others** pointed out that covering only the 30th percentile of market rents leaves a majority of those potentially facing a drop in income with a shortfall in assistance:

It will make a huge difference to private renters claiming housing benefit, or those who will need support from the system in the coming months. As we [recently set out](#), after a decade of cuts and freezes, previous LHA rates in most areas are nowhere near the cost of renting a typical home. In fact, 97% of England is unaffordable to families on LHA. This broken system has led to spiralling homelessness and hardship for those who are reliant on it. And it would not meet the essential role needed in the fight against Covid19.

However, these are extraordinary times. Though many who are employed but cannot work are having most of their salaries paid by the government, many have already lost their jobs. Others, like the five million self-employed people, are likely to have substantially less or no income during this period. As a result, over [half a million people have applied for Universal Credit](#) in the last nine days alone.

And even with these changes, the majority of renters will not have their full rent covered by LHA, with 70% of private rented homes above the LHA rate. This will limit the power of housing benefit to prevent hardship and homelessness. It will place huge pressure on renters, most of whom will have no option to increase their income during this time. And remember, services are shutting down and everyone is being told to stay put, so people are very unlikely to be able to move to somewhere cheaper during this period.⁸⁹

There have been several calls for at least a temporary increase in LHA rates to cover median rents and for the national cap on LHA rates to be lifted so that high cost areas are not penalised.⁹⁰ These calls were reflected in evidence submitted to the HCLG Select Committee's inquiry into measures to protect rough sleepers and renters from bodies representing [both](#) landlords and tenants. When giving evidence to the Committee, the Minister for Rough Sleeping and Housing, Luke Hall, rejected a lift in LHA rates to the 50th percentile and referred to shortfalls being met by the Government's hardship fund and Discretionary Housing Payments.⁹¹ The Committee recommended:

The Government must ensure that the Local Housing Allowance (LHA) rate is set at a level that reflects real market rents and ensures those in need are able to afford properties in their areas. We call on the Government to guarantee that the LHA rate will be maintained at the 30th percentile long-term. We also ask the Government to conduct work on what the impact on renters and the wider rental market would be of raising LHA rates further.⁹²

The Government response published on 25 June said:

⁸⁹ Shelter, [New LHA rates: what do they mean?](#) 26 March 2020

⁹⁰ See for example: JRF, [Coronavirus – it's unthinkable that anyone should be made homeless now](#), 27 March 2020

⁹¹ [HC 309, Protecting rough sleepers and renters: Interim Report, Housing, Communities and Local Government Select Committee First Report of Session 2019-21](#), 22 May 2020, para 30

⁹² *Ibid.*, para 31

The increase in the Local Housing Allowance rate to the 30th percentile is not a temporary measure, it will remain in place for the duration of the year until March 2021. There are currently no plans to reverse the increase and decisions on Local Housing Allowance levels from April 2021 will be made through future fiscal events and DWP Rent Officers Orders in the normal way.

For those in receipt of Universal Credit or Housing Benefit who may require additional support in meeting rent payments, Discretionary Housing Payments are available. We have provided £180 million in Discretionary Housing Payment funding to Local Authorities to support vulnerable claimants with housing costs in the private and social rented sector in England and Wales for 2020/21. This includes an extra £40 million as announced last year at the spending round.

The Government will continue to consider the next steps on how best to support private renters through the recovery period following COVID-19.⁹³

Generation Rent called for a freeze on rent increases in addition to benefit changes to provide more support for renters during the Covid-19 outbreak:

- **A benefits system that protects renters from debt and homelessness.** The five-week wait for Housing Benefit must be scrapped, and Housing Benefit must actually pay the rent, so the government should raise it from the levels frozen since 2016 to the median local rent. This would prevent increasing numbers of renters claiming Housing Benefit from falling into arrears, or choosing between rent and other essential bills or food, protecting their health in a crucial period.
- **A freeze on rent hikes.** Renters already hand over almost half of their income to their landlords. Unaffordable rent hikes force tenants to move, often losing their community and support networks in the process. Freezing rent increases would protect renters whilst ensuring landlords can't exploit a new, higher housing benefit rate.⁹⁴

The Government rejected calls for a ban on rent increases:

The Government have no plans to ban rent increases during the COVID-19 outbreak as we have already announced extensive measures to protect renters affected by coronavirus.⁹⁵

On the five-week waiting period before Universal Credit is paid, the Government has emphasised that advance payments are available – these payments are recoverable. **Evidence submitted by Shelter** to the Treasury Committee's inquiry into the Government's coronavirus financial package called for the removal of the five-week wait and for advance payments to be paid as a grant rather than a loan.⁹⁶

⁹³ [Protecting rough sleepers and renters: government response to the Select Committee report](#), CP 248, 25 June 2020, p10

⁹⁴ [Generation Rent: How to protect renters affected by coronavirus](#), 17 March 2020

⁹⁵ [Rents: Coronavirus: Written question -33423](#), 21 April 2020

⁹⁶ [Submission: Treasury Committee inquiry into government's coronavirus financial package](#), Shelter, 20 March 2020

The Labour Party's [five-point emergency action plan](#) to protect renters includes the following proposals in respect of rent arrears:

- Give residential tenants the same protections as commercial tenants, by protecting them from being made bankrupt by their landlords for non-payment of rent.
- Once evictions are prevented, grant renters at least two years to pay back any arrears accrued during this period.
- Speed up and improve the provision of Universal Credit, as Labour recently called for, and consider a temporary increase to the Local Housing Allowance to help prevent risk of homelessness.⁹⁷

The point has been made that even if landlords face restrictions on their ability to evict for rent arrears due to Covid-19, this will not prevent them from pursuing debts through the courts.

On publication of the plan, the Labour Party faced criticism for not proposing a cancellation of rent arrears. The HCLG Committee considered the implications of such a move:

For social landlords, cancelling arrears would undermine the Housing Revenue Accounts of local authorities, which could cause repairs and new builds to stop. Housing associations also make business decisions predicated on rental income, and would face similar difficulties. For the private rented sector, the Government would almost certainly face a legal challenge based on the right to property under Protocol No. 1, Article 1 of the European Convention of Human Rights. The other more practical point is that the current structure of the private rented sector—whether or not one believes reform is necessary—means a majority of landlords own just one property, and would struggle to deal without rental income over a significant period of time.⁹⁸

The Committee urged the Government to consider other approaches, including the potential for long-term no-interest loans to cover rent arrears, replicating a policy adopted in Spain.⁹⁹

The Welsh Government has announced [Tenancy Saver Loans](#) for private tenants whose income has fallen due to the pandemic, meaning they cannot afford their rent. Loans will be paid to the landlord or agent and are expected to be in place by September.¹⁰⁰

The NRLA has drawn together survey evidence from landlords conducted during the Covid-19 outbreak and the MHCLG's Private Landlord Survey for England (January 2019), to outline the impact on the private rented sector with a particular focus on landlords.¹⁰¹ The briefing makes the point that many landlords rely on their rental income for their livelihood and that assistance via mortgage deferral will not help those without a mortgage, of which there are a significant number. The NRLA estimates that 48% of landlords expect to face some sort of hardship with a number having to sell some or all their

⁹⁷ Labour Party Press Release, [Emergency action needed to protect renters](#), 9 May 2020

⁹⁸ [HC 309, Protecting rough sleepers and renters: Interim Report, Housing, Communities and Local Government Select Committee First Report of Session 2019-21](#), 22 May 2020, para 33

⁹⁹ Ibid., para 34

¹⁰⁰ Welsh Government, [FAQs – What you need to know about Tenancy Saver Loans](#), August 2020

¹⁰¹ NRLA, Supporting tenants and landlords through the Covid crisis, April 2020

properties.¹⁰² Landlords are concerned about tenants vacating and leaving an empty property behind with the result that they face Council Tax and utility costs with no rental income.¹⁰³ Other challenges include carrying out routine maintenance and fulfilling statutory obligations, such as the annual gas safety check.

Some of the initiatives the NRLA is calling for are in line with those supported by tenant bodies, e.g. a temporary suspension of the five-week wait for the first payment of UC; the conversion of advance payments into grants; and an increase in LHA rates to the 50th percentile. In addition, the NRLA would like to see:

- At least a temporary period where the housing element of UC is automatically paid direct to the landlord.¹⁰⁴
- A commitment that landlords will not be liable for Council Tax on empty properties.
- Postponement until April next year of the full restriction of mortgage interest relief to the basic rate of income tax
- A six month extension to the validity of all gas and electrical safety certificates expiring over the six months from 1 April 2020.
- Delay to the introduction of mandatory routine Electrical Installation Condition Reports (in force from 1 July 2020) until 2021 to take account of social distancing/isolation requirements.
- Consideration of an interest free loan scheme for landlords who are struggling along the lines of the Scottish scheme.¹⁰⁵
- A tenant loan scheme to help pay off arrears due to the coronavirus.¹⁰⁶
- Prioritisation by the courts of the cases involving anti-social behaviour or long-standing rent arrears unrelated to the pandemic.”¹⁰⁷

Following Robert Jenrick’s announcement on 21 August the CEO of the NRLA, Ben Beadle said:

A blanket extension is unacceptable, especially so close to the deadline.

An enormous amount of work has gone into finding a balance between supporting tenants who have been affected by the pandemic and preventing significant financial harm to landlords, in accordance with the Government’s promise. This announcement satisfies no one.

Landlords have been left powerless in exercising their legal right to deal with significant arrears unrelated to Covid-19, anti-social behaviour and extremely disruptive tenants who make life miserable for their neighbours and housemates.

¹⁰² Ibid.

¹⁰³ Ibid.

¹⁰⁴ The default position is that it is paid to the tenant.

¹⁰⁵ NRLA, Supporting tenants and landlords through the Covid crisis, April 2020

¹⁰⁶ NRLA, [Tenant survey dispels fears of eviction surge](#), 12 August 2020

¹⁰⁷ Ibid.

Private landlords cannot be expected to foot the bill for government failure. There must now be a plan to support households to pay their bills and to compensate landlords fully for their lost income.

Only this will give both tenants and landlords security and reduce the risk of widespread tenancy failure.¹⁰⁸

On 2 July the NRLA published [Arrears Guidance and Coronavirus – working together to sustain tenancies](#) which was developed in partnership with the Chartered Institute of Housing, The Property Redress Scheme, My Deposits, the Tenancy Deposit Scheme and ARLA PropertyMark. The guide “reiterates the need for both parties to flag up any problems that might be arising early on, along with advice about measures that can be taken such as agreeing rent deferrals, reductions and suspensions.”

5. Owner occupiers

5.1 Mortgage payment holidays

On 17 March 2020, the Chancellor announced a series of measures to help businesses and individuals, including the following commitment by mortgage lenders:

Mortgage lenders have agreed they will support customers that are experiencing issues with their finances as a result of Covid-19, including through payment holidays of up to 3 months. This will give people the necessary time to recover and ensure they do not have to pay a penny towards their mortgage in the interim.¹⁰⁹

Subsequently, on 22 May 2020 the Financial Conduct Authority (FCA), which regulates homeowner mortgages, proposed that firms should continue to offer support which could include “extending a payment holiday by a further three months.”¹¹⁰ The extension of mortgage payment holidays was confirmed on 2 June 2020.

The FCA issued [guidance](#) in March which was intended:

...to describe the standards of skill and care we consider may reasonably be expected of lenders in the mortgages market in the current exceptional circumstances of coronavirus. **If, therefore, a lender does not follow this guidance, that could call into question whether it is meeting the requirements of the 2008 Regulations, even if the lender is not regulated under FSMA.**¹¹¹

The guidance stated that once a lender is notified that an individual may experience payment difficulties as a result of Covid-19, and that they wish to receive a payment holiday, “**a firm should grant a customer a payment holiday for the 3 monthly payments that follow that**

¹⁰⁸ NRLA, [Fury as evictions ban extended and new six month notice rule brought in](#), 21 August 2020

¹⁰⁹ [HM Treasury Press Release](#), 17 March 2020

¹¹⁰ [FCA Announces support for customers who are struggling to pay their mortgage due to coronavirus](#), 22 May 2020

¹¹¹ FCA, [Mortgages and Coronavirus: our guidance for firms](#), 20 March 2020

interaction."¹¹² Alternative payment holiday periods may be considered in the best interests of the customer. This could include a payment holiday of fewer than 3 months if requested by a customer. Lenders are not prevented from offering customers more favourable forms of assistance. Lenders should ensure that **no additional fees or charges (other than accrued interest)** should be levied as a result of the payment holiday.¹¹³

Following the announcement on 22 May, the FCA advised that support should still be offered where needed and this could involve an extension of the mortgage holiday period for an additional three months. Homeowners have up to 31 October 2020 to request a payment holiday.¹¹⁴ The [latest FCA guidance](#) was updated on 31 July 2020.¹¹⁵

Affected customers are advised to contact their lender to request a payment holiday. There is no specific process for contacting lenders. Lenders should also proactively ask customers if they are interested in a mortgage holiday if, during an interaction, the customer states that they may potentially experience payment difficulties. The guidance states that there is "no expectation that the firm investigates the circumstances surrounding a request for a payment holiday".¹¹⁶ The requirement for the lender to assess affordability does not apply.

Regarding repayment, lenders are advised that they should:

...ensure that the manner in which it will seek to recover any sums covered by a payment holiday and any increase in the total amount payable under the mortgage contract once the payment holiday has ended is compatible with Principle 6.¹¹⁷

Mortgage holidays granted in the current circumstances should not be recorded as arrears, nor should they have any negative impact on the customer's credit score.¹¹⁸

The guidance applies regardless of whether a customer has outstanding mortgage arrears and makes clear "Customers in payment shortfall should not receive less favourable treatment than other customers."¹¹⁹

Outside of the FCA guidance, the specific terms of a mortgage holiday will be a matter for the lender to determine.

It is possible that a firm that contravenes the above-stated principles may be subject to regulatory action.

¹¹² Ibid.

¹¹³ Ibid.

¹¹⁴ [FCA Announces support for customers who are struggling to pay their mortgage due to coronavirus](#), 22 May 2020

¹¹⁵ FCA, [Mortgages and coronavirus: updated guidance for firms](#), 31 July 2020

¹¹⁶ FCA, [Mortgages and Coronavirus: our guidance for firms](#), 20 March 2020

¹¹⁷ i.e. A [firm](#) must pay due regard to the interests of its [customers](#) and treat them fairly.

¹¹⁸ FCA, [Mortgages and Coronavirus: our guidance for firms](#), 20 March 2020

¹¹⁹ Ibid.

On 28 April 2020, [UK Finance reported](#) that lenders had granted over 1.6 million mortgage payment holidays to support customers facing financial difficulties due to coronavirus:

One in seven mortgages are now covered by payment holidays following steps taken by lenders to help households whose finances have been affected by the Covid-19 crisis. For the average mortgage holder, the payment holiday amounts to £755 per month of suspended payments.¹²⁰

[According to HM Treasury](#), over 1.8 million mortgage payment holidays had been taken up by 22 May 2020.

5.2 Repossessions

The aforementioned FCA guidance advises lenders to exercise forbearance during the period of this crisis:

Firms should not commence or continue repossession proceedings against customers at this time, given the unprecedented uncertainty and upheaval they face, and Government advice on social distancing and self-isolation. This applies irrespective of the stage that repossession proceedings have reached and to any step taken in pursuit of repossession. Where a possession order has already been obtained, firms should refrain from enforcing it.

We consider that commencing or continuing repossession proceedings at this time is very likely to contravene Principle 6 and MCOB 2.5A.1R - absent exceptional circumstances (such as a customer requesting that proceedings continue). We will not hesitate to take appropriate action where necessary.

Firms should also ensure that their customers are kept fully informed, and discuss with them the potential consequential impacts of their suspending any moves towards repossession. For example, the effect of remaining in the property on the customer's remaining equity should be explained. See our information for consumers regarding mortgages during the coronavirus situation.¹²¹

The announcement on 22 May said that the ban on repossessions would continue to 31 October 2020 to "ensure people are able to comply with the government's policy to self-isolate if they need to."¹²² The current FCA guidance states:

Firms should not commence or continue repossession proceedings against customers before 31 October 2020, given the unprecedented uncertainty and upheaval they face, and Government advice on social distancing and self-isolation. This applies irrespective of the stage that repossession proceedings have reached and to any step taken in pursuit of repossession. Where a possession order has already been obtained, firms should refrain from enforcing it.

We consider that commencing or continuing repossession proceedings at this time is very likely to contravene Principle 6 and MCOB 2.5A.1R - absent exceptional circumstances (such as a

¹²⁰ [UK Finance Press Release](#), 28 April 2020

¹²¹ FCA, [Mortgages and Coronavirus: our guidance for firms](#), 20 March 2020

¹²² [FCA Announces support for customers who are struggling to pay their mortgage due to coronavirus](#), 22 May 2020

customer requesting that proceedings continue). We will not hesitate to take appropriate action where necessary.¹²³

The JRF called for a reduction in the waiting period for eligible homeowners to be able to access [Support for Mortgage Interest](#) (SMI) to immediately after the three-month holiday period (now extended for a further three months as noted above).¹²⁴

5.3 Help to Buy

On 18 March 2020, the Government announced that people who have benefited from a Government-backed Help to Buy Equity Loan “will be offered interest payment holidays if they are struggling to pay due to coronavirus”.¹²⁵

6. Homelessness

£1.6 billion of the £5 billion Covid-19 fund announced in the [Budget 2020](#) was allocated to local authorities to help them respond to Covid-19 pressures across all their services.¹²⁶ On 18 April 2020 the Government announced an additional £1.6 billion for local authorities.¹²⁷ A package of additional funding support measures, including a further £500 million for local authorities, was announced on 2 July 2020.¹²⁸ This brought the total un-ringfenced emergency funding for local authorities to £3.7 billion.¹²⁹

The Government implemented a raft of welfare and employment support measures, which together with legislation to protect tenants from being evicted were intended to help prevent a rise in homelessness during the coronavirus (Covid-19) outbreak.

On 28 March 2020, the Home Office also announced the suspension of all evictions from asylum accommodation (sometimes known as NASS accommodation) for three months. This measure was intended to help relieve pressure on local authorities.¹³⁰ The three month period has not been extended; it has been reported that individuals who have received a positive asylum decision will be supported into move on accommodation over the coming weeks.¹³¹

¹²³ FCA, [Mortgages and coronavirus: updated guidance for firms](#), 31 July 2020

¹²⁴ JRF, [Coronavirus – it’s unthinkable that anyone should be made homeless now](#), 27 March 2020

¹²⁵ [Ministry of Housing, Communities and Local Government \(MHCLG\) Press Release](#), 18 March 2020

¹²⁶ [Written Question 29818](#), 23 March 2020

¹²⁷ MHCLG, [Communities Secretary Robert Jenrick on COVID-19 response](#), 18 April 2020

¹²⁸ [HCWS333 2 July 2020](#)

¹²⁹ MHCLG’s webpage on [Coronavirus \(COVID-19\): emergency funding for local government](#) provides information about the allocations of this additional funding.

¹³⁰ *Inside Housing*, [Home Office announces it will not evict asylum seekers during coronavirus crisis](#), 31 March 2020 [subscription required]

¹³¹ *Inside Housing*, [Charities warn hundreds of asylum seekers are at risk of homelessness as Home Office ends eviction ban](#), 23 June 2020 [subscription required]

On 29 June 2020 the Ministry of Housing, Communities and Local Government (MHCLG) updated the statutory [Homelessness code of guidance for local authorities](#), advising local authorities to account for the impact of Covid-19 on vulnerability when assessing those in priority need for accommodation.¹³²

However, concerns remain about the impact of the Covid-19 pandemic on rough sleepers and other people experiencing homelessness.

6.1 Rough sleepers (England)

Those sleeping rough are especially vulnerable during the Covid-19 outbreak; rough sleepers are more likely to have underlying health conditions than the wider population and face difficulties in following Public Health England's advice on self-isolation, social distancing and hygiene. They can also face barriers in accessing healthcare and public health information.

'Everyone In' Initiative

On 17 March 2020 the Government [announced £3.2 million in emergency funding for local authorities to help rough sleepers](#) during the Covid-19 outbreak.

Local authorities in England will be reimbursed for the cost of providing accommodation and services to rough sleepers, and those at risk of rough sleeping, who are at risk of, or who have been diagnosed with, Covid-19. Authorities will be notified of the provisional maximum amount they will be entitled to claim back, which will be based on the number of rough sleepers reported in the [Autumn 2019 snapshot](#).

Announcing the emergency funding, the Communities Secretary, Robert Jenrick, said:

Public safety and protecting the most vulnerable people in society from coronavirus is this government's top priority. We are working closely with councils and charities to ensure they have the support they need throughout this period.

The initial funding that I've announced today will ensure councils are able to put emergency measures in place to help some of the most vulnerable people in our society to successfully self-isolate.

I would urge anyone who is concerned about someone sleeping rough to use the government's StreetLink app¹³³ to alert local support services who can reach out to those in need at this difficult time.¹³⁴

On 26 March 2020 local authorities and homeless charities received an email from Dame Louise Casey, who was appointed to spearhead the Government's response to rough sleeping, calling on them to ensure rough sleepers were "inside and safe" by the weekend. "These are unusual times so I'm asking for an unusual effort," she wrote. "Many

¹³² MHCLG, [Updates: Homelessness code of guidance for local authorities](#), 29 June 2020, new paragraphs 8.44 and 8.45

¹³³ StreetLink can be accessed via the app or online: www.streetlink.org.uk/.

¹³⁴ MHCLG, [£3.2 million emergency support for rough sleepers during coronavirus outbreak](#), 17 March 2020

areas of the country have already been able to 'safe harbour' their people, which is incredible. What we need to do now is work out how we can get 'everyone in'. "¹³⁵

On the same day the Minister for Rough Sleeping and Housing, Luke Hall, [wrote to local authority leaders](#) to update them on plans to protect rough sleepers during the Covid-19 pandemic. The letter asked local authorities to **"bring in those on the streets to protect their health and stop wider transmission"** and to **support rough sleepers and other vulnerable homeless into appropriate accommodation by the end of the week.**

The letter set out the following principles and actions for local authorities:

The basic principles are to:

- focus on people who are, or are at risk of, sleeping rough, and those who are in accommodation where it is difficult to self-isolate, such as shelters and assessment centres
- make sure that these people have access to the facilities that enable them to adhere to public health guidance on hygiene or isolation, ideally single room facilities
- utilise alternative powers and funding to assist those with no recourse to public funds who require shelter and other forms of support due to the COVID-19 pandemic
- mitigate their own risk of infection, and transmission to others, by ensuring they are able to self-isolate as appropriate in line with public health guidance

This should be done by taking the following programme of actions:

1. Convening a local coordination cell to plan and manage your response to COVID and rough sleeping involving the local authority (housing, social care and public health) and local NHS partners together. This would then report in to wider local COVID structures.
2. Seeking to stop homeless people from congregating in facilities such as day centres and street encampments where there is a higher risk of transmission.
3. Urgently procuring accommodation for people on the streets if you have not already done so – MHCLG will support you to do so if you are struggling to procure sufficient units.
4. Triaging people where possible into three cohorts driven by medical advice:
 - those with symptoms of COVID19;
 - those with pre-existing conditions but without symptoms; and
 - those without any of the above.

¹³⁵ ['Homeless swap the streets for hotel suites during coronavirus lockdown'](#), The Times, 26 April 2020

Attached to this letter is additional guidance on the approach that agencies should be taking to triaging agreed with NHS England and Public Health England.

5. Getting the social care basics such as food, and clinician care to people who need it in the self-contained accommodation. It is likely that you will need to utilise your commissioned homeless services to provide support to people in this accommodation and we urge you to work with the commissioned and non-commissioned sector to make sure there are adequate levels of support provided.

6. If possible, separating people who have significant drug and alcohol needs from those who do not.¹³⁶

Public Health England (PHE) and the Ministry of Housing, Communities and Local Government (MHCLG) published [COVID-19: guidance for commissioners and providers of hostel services for people experiencing homelessness and rough sleeping](#) on 7 August 2020.

PHE and the Department of Health and Social Care (DHSC) also published [COVID-19: guidance for commissioners and providers of services for people who use drugs or alcohol](#) (last updated 31 July 2020).

Sector response

In response to the Minister's [letter to local authority leaders](#) of 26 March 2020, the Chair of the Local Government Association, Cllr James Jamieson, said that this would be "a huge task".¹³⁷ The chief executive of Crisis, Jon Sparkes, described the Government's request as a "landmark moment – and the right thing to do". However, he said that questions remained about how local authorities would be supported and funded.¹³⁸

Local authorities across the country have sought to secure accommodation for those who are sleeping rough or in accommodation where it is difficult to self-isolate, in some cases block-booking hotel rooms or other en-suite accommodation (e.g. B&Bs, student accommodation, holiday rentals etc).¹³⁹ By the end of July, the Greater London Authority had procured nearly 1,700 rooms in hotels across the capital.¹⁴⁰ Under the Government's emergency coronavirus measures, this type of accommodation was allowed to remain open when providing rooms to support homeless and other vulnerable people.¹⁴¹

Local authorities have also worked with existing services for rough sleepers, health services and the voluntary sector to ensure that rough

¹³⁶ MHCLG, [Letter from Minister Hall to local authorities on plans to protect rough sleepers](#), 27 March 2020

¹³⁷ *Inside Housing*, ['Government 'tells councils to house all rough sleepers by the weekend''](#), 27 March 2020 [subscription only]

¹³⁸ ['Councils told to house all rough sleepers in England by weekend'](#), The Guardian, 27 March 2020

¹³⁹ See for example: *Inside Housing*, [Greater Manchester to put 1,000 rough sleepers in hotels amid coronavirus outbreak](#), 26 March 2020 [subscription required]

¹⁴⁰ *Inside Housing*, [Number of people seen sleeping rough in London increased by 33% during pandemic](#), 12 August 2020 [subscription only]

¹⁴¹ CO & MHCLG, [Coronavirus guidance – closing certain businesses and venues](#), updated 27 March 2020

sleepers who use this emergency accommodation have the support, medical care and food they need.

On 18 April 2020 the Government reported that in England **over 90% of rough sleepers (more than 5,400) known to local authorities at the beginning of the crisis had been offered accommodation** as a result of the 'Everyone In' initiative to protect rough sleepers during the Covid-19 pandemic.¹⁴²

The Government later stated that **at May 2020 a total of 14,610 people in England who were sleeping rough or at risk of sleeping rough had been provided emergency accommodation in response to the Covid-19 pandemic**. The data includes people coming in directly from the streets, people previously housed in shared night shelters and people who have become vulnerable to rough sleeping during the pandemic. It is based on management information provided by local authorities and is not comparable to the Government's official annual statistics on rough sleeping.¹⁴³

The Office for National Statistics (ONS) [reported](#) that of deaths involving the coronavirus (Covid-19) in England and Wales registered up to 26 June 2020, 16 were identified as of people who were homeless. All 16 of the identified deaths were in England and most were of men.¹⁴⁴ Responding to the data the chief executive of Crisis, Jon Sparkes, said:

Every one of these deaths is a tragedy - behind these figures are individuals, each with families, hopes and dreams. When the outbreak started, it was a stark reminder of the risk people who are homeless face from the virus – with no access to a place to self-isolate nor, in some cases, basic sanitation.

The situation could have been much worse had the government, local councils and charities not worked to quickly move many people sleeping rough and in night shelters into hotels, providing safe, emergency accommodation. This undoubtedly saved lives. We must now build on this...¹⁴⁵

'Next steps' accommodation for rough sleepers

On 2 May 2020 the Government [announced](#) a **specialist taskforce**, headed by Dame Louise Casey, would lead the next phase of the Government's support for rough sleepers during the Covid-19 pandemic.

The taskforce will work with local authorities, charities, faith groups and other partners on plans to ensure the rough sleepers accommodated during the coronavirus emergency can receive the physical and mental health support they need and are able move into long-term

¹⁴² MHCLG, [Communities Secretary Robert Jenrick on COVID-19 response](#), 18 April 2020

¹⁴³ [HCWS263 3 June 2020](#) and MHCLG, [Coronavirus \(COVID-19\) emergency accommodation survey data: May 2020](#), 3 June 2020

¹⁴⁴ Office for National Statistics, [Coronavirus and deaths of homeless people. England and Wales: deaths registered up to 26 June 2020](#), 10 July 2020

¹⁴⁵ 'ONS release number of deaths of people experiencing homelessness involving coronavirus during outbreak – Crisis response', Crisis News Release, 10 July 2020

accommodation once the immediate crisis is over - ensuring as few people as possible return to life on the streets.¹⁴⁶

The Minister for Rough Sleeping and Housing, Luke Hall, [wrote to local authority chief executives in England](#) on 28 May 2020 asking them to set out next-step plans for accommodating and supporting rough sleepers brought off the streets during the pandemic. Authorities were requested to carry out individual assessments and consider a range of options to ensure people's housing, health and care needs are met:

...I am now asking that you put in place a plan of support for all rough sleepers accommodated in hotels and other forms of emergency accommodation during the response to the pandemic.

I understand that designing and delivering these plans represents another big challenge, and that many of you have begun this preparation. We currently have an opportunity for an unprecedented level of engagement with individuals who might otherwise be sleeping rough. Understanding people's needs now and planning the next steps will be crucial for continuing to save lives and supporting some of the most vulnerable people.

[...]

We are asking for these initial plans to be set out by 11 June in a co-production process with our team. Where appropriate, you should start moving people into accommodation as soon as they are able to do so, following the completion of a joint housing, health and care plan. I know that several of you have already begun this planning in earnest and initial discussions have taken place.

I appreciate that these are challenging timescales and that your plans will develop over time – but we need this information so we can work with you to support your next steps work over the coming weeks.¹⁴⁷

The Government's **Next Steps Accommodation Programme (NSAP)**¹⁴⁸ will provide funding to local authorities and their partners to ensure that the rough sleepers, and those at risk of rough sleeping, who were provided with emergency accommodation during the pandemic continue to have a safe place to stay and are helped into longer term accommodation. The programme is comprised of two distinct funding streams:

i) £105 million in revenue funding for shorter-term/interim accommodation and immediate support.

On 24 June 2020 the Government [announced £105 million for local authorities in England in 2020/21](#) to enable them to provide immediate accommodation and support to the approximately 15,000 vulnerable people who were provided with emergency accommodation during the pandemic.¹⁴⁹

¹⁴⁶ MHCLG, [Dame Louise Casey to spearhead government taskforce on rough sleeping during pandemic](#), 2 May 2020

¹⁴⁷ MHCLG, [Letter from the Minister for Rough Sleeping and Housing to all Local Authority Chief Executives in England](#), 28 May 2020

¹⁴⁸ MHCLG, [Jenrick launches £266 million housing fund for vulnerable people](#), 18 July 2020

¹⁴⁹ [HCWS311 24 June 2020](#)

The funding can cover a range of interventions:

The following types of short-term accommodation will be considered eligible for funding under the programme. Funding can be used for both the provision of new accommodation, and the extension of existing accommodation:

- **Accommodation owned by a university, RP or private landlord and available for interim use.**
 - **PRS Access.** This includes guaranteed rent or deposit schemes, mediation support and training, or landlord incentives.
 - **Supported Housing.** Additional support can be offered to enable access to supported accommodation or social housing.
 - **Modular housing units** where these can be made available with necessary facilities, including power and waste connections. These can usually be placed with temporary planning permission.
 - **Hotels.** This includes funding to extend contracts, where this is the only or best solution to keep people in safe accommodation.
 - **Other forms of short-term accommodation** to ensure that no one returns to the streets. Bidders are encouraged to be creative in their proposed response to reflect the expressed needs of individual rough sleepers.
 - **Employment support and training** either to access work directly or to improve individuals' employability.
 - **Reconnections with friends and family**, including local, national and international reconnections.
 - **Other forms of immediate support** including tenancy sustainment support and immigration advice.¹⁵⁰
- ii) **£161 million for longer-term move-on accommodation and support linked to this accommodation.**

The March 2020 budget had allocated £381 million over four years for rough sleeping services (comprised of £237 million for accommodation for up to 6,000 rough sleepers and £144 million for associated support services).¹⁵¹

On 24 May 2020, the Government [announced](#) that this funding would be increased to £433m, **with £161 million¹⁵² brought forward to 2020/21 to enable 3,300 units of longer-term, move-on accommodation to be delivered in the next 12 months.**¹⁵³ Of the £161 million, £130 million is capital funding for the acquisition or renovation of homes and £31 million is revenue funding for tenancy-sustainment support.¹⁵⁴

¹⁵⁰ MHCLG, [Next Steps Accommodation Programme: Guidance](#), 18 July 2020, para 31

¹⁵¹ [HC 121, March 2020](#), para 2.63, p75

¹⁵² Nb. The MHCLG press notice referred to £160 million in funding the Next Steps Accommodation Programme guidance refers to £161 million in funding.

¹⁵³ [Written Question 52570, 4 June 2020](#)

¹⁵⁴ MHCLG, [Next Steps Accommodation Programme: Guidance](#), 18 July 2020, para 11

The following types of accommodation will be eligible for funding:

- **Purchase and repair of properties, either as freehold or on a long lease**, where repairs may be required to bring the properties up to good standard to be let.
- **Refurbishment and repurposing of existing stock**. This includes purchasing white goods and furnishings for ready to use units. This could include schemes such as conversion of a former sheltered housing scheme into supported or move-on accommodation.
- **Private Sector Leasing**. i.e. where the bidder enters into a contract with a Private Sector Landlord agreeing to rent units over multiple years.
- **Development of new build properties**. Bidders should take account of the potential use of modular housing. In some instances, this can be commissioned and built faster than traditional house building, especially where units are ordered in bulk. Many types of units can be moved between sites depending on demand, and using temporary planning permission, or used as regular housing stock.
- **Contribution towards social investment programmes that deliver the aims of the Next Steps Accommodation Programme**. This applies only to local authorities who should consider blending grant with their own sources of funding for onwards investment to deliver housing. For example, there are a variety of property funds and initiatives that have the expertise to help deliver the programme's objectives while providing a revenue return on investment. These may include one or more of the types of accommodation listed above. Local authorities should explore this approach with their adviser before continuing.¹⁵⁵

The Ministry of Housing, Communities and Local Government's (MHCLG) ambition is that this part of the NSAP fund is used "to secure a long-term national asset, maintained in perpetuity as supported move-on homes for people recovering from rough sleeping".¹⁵⁶

Homes England will work with local authorities and the housing sector to fast-track delivery of the 3,300 units by 31 March 2021.¹⁵⁷

Bids for funding from the NSAP had to be submitted by 20 August 2020. MHCLG's [Next Steps Accommodation Programme: guidance and proposal templates](#) provide details of the bidding process.

Alongside the NSAP funding, MHCLG is making available the expertise from MHCLG's Rough Sleeping Initiative (RSI) and Homelessness Advice and Support (HAST) Adviser Teams to help coproduce plans for accommodation provision and related support services, under the oversight of the taskforce.

¹⁵⁵ MHCLG, [Next Steps Accommodation Programme: Guidance](#), 18 July 2020, para 40

¹⁵⁶ Ibid., para 41

¹⁵⁷ MHCLG, [6,000 new supported homes as part of landmark commitment to end rough sleeping](#), 24 May 2020

The Government has also **made £23 million available in 2020/21 to tackle the substance dependence treatment needs of rough sleepers**.¹⁵⁸ This funding will be administered by Public Health England.

It was [reported](#) on 20 August 2020 that Dame Louise Casey had stepped down from her role as head of the specialist taskforce which is leading the next phase of the Government's support for rough sleepers during the Covid-19 pandemic.¹⁵⁹

6.2 Support for the voluntary sector

The voluntary sector plays a key role in providing emergency accommodation and other support services, including food assistance, to those experiencing homelessness.

The Government included 'charities and workers delivering key frontline services' in the [list of key workers](#) who are critical to the Covid-19 response. Schools and childcare providers were asked to continue to provide care for children of these key workers, if required.

On 8 April 2020 the Chancellor, Rishi Sunak, announced a £750 million package of support for frontline charities across the UK.¹⁶⁰ £6 million of this funding has been allocated to support **frontline** homelessness charities. A total of 132 homelessness charities have successfully bid for funding from the [Covid-19 Homelessness Response Fund](#).¹⁶¹ According to Inside Housing magazine, an additional £5.5 million has subsequently been made available for homelessness charities (£4.82m from The National Lottery Community Fund and £680,000 from Comic Relief).¹⁶² The funds are being administered by Homeless Link, the largest national membership charity for frontline homelessness services.

A number of initiatives have emerged to help charities access pools of volunteers and emergency funds. The charity Crisis, for example, established an [emergency grants fund](#) to support local groups who provide services to those experiencing homelessness. Homeless Link has collated current information on potential funding sources: [Homelessness and Covid-19 funding opportunities](#).

6.3 Comment

The additional funding to help local authorities respond to the Covid-19 pandemic has been welcomed. However, the Local Government Association (LGA) warned that without further support the financial

¹⁵⁸ Ibid.

¹⁵⁹ '[Fears over 'vacuum' as top UK homelessness adviser steps down](#)', The Guardian, 20 August 2020

¹⁶⁰ HM Treasury, [Chancellor sets out extra £750 million coronavirus funding for frontline charities](#), 8 April 2020

¹⁶¹ MHCLG, [Charities to benefit from support for rough sleepers during pandemic](#), 7 June 2020 and Homeless Link, [COVID-19 Homelessness Response Fund to provide £6 million to charities](#), 14 May 2020

¹⁶² '[Additional £5.5m in funding made available for homelessness charities](#)', Inside Housing Magazine, 14 July 2020 [subscription only]

pressures resulting from Covid-19 could impact on local authorities' capacity to prevent or reduce homelessness:

Councils have welcomed the £3.2 million worth of additional funding to support rough sleepers, as well as the £3.2 billion to help councils through this period. However, they need a commitment that the extraordinary costs incurred by all services to date – as well as the costs from delivering “business as usual” services with reduced income flows – will be met. Without this, the sustainability of council services, including homeless services, will be jeopardised in the short and medium-term.¹⁶³

The LGA's housing spokesperson, Cllr David Renard, welcomed the additional £105 million for local authorities (announced on 24 June 2020 – see section 6.1), and called for further measures to protect those with no recourse to public funds and to enable authorities to keep receipts from Right to Buy sales:

We are pleased the government has announced further much-needed funding to help councils continue supporting rough sleepers and keeping them off the street.

[...]

We would now like to see the government follow this announcement by temporarily removing the no recourse to public funds condition during the current crisis to reduce public health risks and pressures on homelessness services by enabling people to access welfare benefits.

In addition, allowing councils to be able to keep 100% of receipts from Right to Buy sales and extending the deadline to spend the money to at least five years will allow councils to get on with the job of building the new homes that people in their areas desperately need.¹⁶⁴

Homelessness charities have warned of a surge in people becoming homeless as a result of the coronavirus emergency:

- A survey of 150 charities and organisations supporting people experiencing homelessness, carried out by the charity Crisis, found that over half (53%) of frontline services had seen a rise in homelessness in the wake of the coronavirus pandemic, with nearly three-quarters saying demand for their services had increased since the start of the pandemic.¹⁶⁵
- The charity Shelter reported that its free emergency helpline received 36,667 calls for housing assistance between 23 March and 2 June 2020, with over a third (38%) from people already homeless and nearly a third (31%) from those at risk of homelessness.¹⁶⁶

¹⁶³ Local Government Association, [Briefing for House of Lords debate on Plans to support people who were previously homeless into permanent housing after the COVID-19 pandemic](#), 14 May 2020, p1

¹⁶⁴ LGA, [LGA responds to rough sleeping funding announcement](#), 24 June 2020

¹⁶⁵ Crisis, [Over half of frontline services have seen a rise in homelessness](#), 4 June 2020

¹⁶⁶ Shelter, [Shelter launches 'Work for Home' week after emergency helpline receives almost 37,000 calls since lockdown](#), 2 June 2020

- The charity CentrepoinT has also seen an increase of around 50% in calls to its helpline from young people in crisis.¹⁶⁷
- The charity Streetlink reported that alerts by members of the public about rough sleepers increased by 36% year on year between April and June 2020.¹⁶⁸

There is a concern that homelessness levels may increase further once the full economic impact of the pandemic starts to bite, emergency measures preventing tenant evictions are lifted (see section 4), and emergency accommodation used for the 'Everyone In' initiative, such as hotels and B&Bs, reverts to its formal commercial use.

There is particular concern about how those with no recourse to public funds (NRPF) because of their immigration status will be supported once the Covid-19 emergency accommodation is no longer available.¹⁶⁹ A broad range of Parliamentarians and external stakeholders have called on the Government to suspend NRPF conditions in response to the pandemic.

The Government has asserted that:

Local authorities have powers to use their judgment in assessing what support they may lawfully give to each person on an individual basis, considering that person's specific circumstances and support needs. Local authorities will already be used to making such judgements on accommodating individuals who might otherwise be ineligible, during extreme weather for example, where there is a risk to life.

Local authorities also have powers to provide basic safety net support, regardless of immigration status, if it is established that there is a genuine care need that does not arise solely from destitution, for example, where there are community care needs, migrants with serious health problems or family cases.¹⁷⁰

The Commons Library briefing paper CBP08888: [Coronavirus: Calls to ease No Recourse to Public Funds conditions](#) provides further information on the support available for people subject to NRPF.

The Government has temporarily suspended an EU derogation to allow a specific group of job seeking EEA nationals who are rough sleeping to access certain non-statutory homelessness services. This will extend to emergency accommodation and floating support for a maximum of 12 weeks.¹⁷¹ The suspension will remain place until 31 December 2020

¹⁶⁷ CentrepoinT webpage: [The worst crisis in our history has only just begun](#) [Accessed 10 July 2020]

¹⁶⁸ 'Reports of rough sleeping in UK rose sharply during lockdown', The Guardian, 18 August 2020

¹⁶⁹ See for example: Citizens UK, [Open letter to the Secretary of State for Housing, Communities and Local Government Robert Jenrick](#), 12 June 2020 and 'London councils call on Government to suspend NRPF immigration status', The Guardian, 8 July 2020

¹⁷⁰ [Government Response to the Housing, Communities and Local Government Select Committee Report on Protecting Rough Sleepers and Renters](#), CP 248, 25 June 2020, p7

¹⁷¹ MHCLG, [Letter from the Minister for Rough Sleeping and Housing to all Local Authority Chief Executives in England](#), 24 June 2020

(until the end of the transition period), at which point new rules will apply under the new immigration system.

The charity Crisis has launched a [‘Home for All’ campaign](#) calling on the Government to protect people experiencing homelessness and prevent homelessness for the duration of the pandemic through:

- The introduction of a new duty on local authorities in England, backed by funding, to provide emergency accommodation for people with nowhere safe to stay in the next 12 months;
- The national roll-out of Housing First in England;
- Changes to ensure no one across Britain is left without a safe place to stay because of their immigration status; and
- Changes to the UK welfare system, and protections for private renters alongside increased investment in the provision of homes for social rent in England to ensure everyone can afford a home.¹⁷²

Crisis, supported by over 40 other homelessness and migrant organisations, has also called for [emergency homelessness legislation](#) to protect people from homelessness during the Covid-19 crisis.¹⁷³ The Bill, drafted by Garden Court Chambers on behalf of the charity, includes provisions to temporarily:

- a) extend the provision of accommodation to all those who have nowhere safe to stay for a period of 12 months after the Minister’s instruction of 26 March 2020 is withdrawn and providing that people accommodated under this duty are eligible for public funds without restrictions being imposed by reference to their immigration status or nationality;
- b) give the Courts the flexibility to refuse to make possession orders or to make those possession orders suspended on terms where rent arrears have accrued due to financial pressure on the tenant as a result of the Covid-19 emergency; and
- c) suspend the operation of the benefit cap for the period of the public health emergency to assist tenants in paying their rent.¹⁷⁴

The [interim report](#) of the Housing Communities and Local Government (HCLG) Select Committee’s inquiry into the Impact of Covid-19 on homelessness and the private rented sector (published on 22 May 2020), urged the Government to implement three key measures to protect rough sleepers against the impact of coronavirus:

- **Use this crisis to end rough sleeping in England once and for all.**

The Government’s taskforce must take advantage of this golden opportunity to ensure every single person taken from the streets does not return to rough sleeping. The Government must estimate the cost of a housing-led solution with appropriate wrap-

¹⁷² Crisis, [Home for All](#), 3 June 2020

¹⁷³ Crisis, [Home For All: emergency legislation](#), 30 June 2020; Crisis, [Open letter to the Prime Minister calling for emergency homelessness legislation](#), 7 July 2020

¹⁷⁴ Crisis, [Homelessness and the Prevention of Homelessness \(Covid-19 Response\) Bill: Explanatory Notes](#), 30 June 2020

around support, likely to be at least £100m a year, and provide this as a dedicated funding stream to councils.

- **We appeal on humanitarian grounds for the Government to improve its support to councils for people with no recourse to public funds during this crisis, or hundreds will return to the streets with potentially disastrous consequences.**

We recommend that the Government should guarantee it will compensate councils for provision offered to rough sleepers with no recourse to public funds as a result of the current crisis. The Government needs to urgently publish guidance on councils' use of discretion in these circumstances and clarify what people can or cannot claim when they have no recourse to public funds.

- **The Government must ensure that rough sleepers do not end up back on the streets due to a lack of suitable housing.**

The Government needs to act to boost the immediate availability of appropriate supported housing, by providing targeted grant funding for councils and housing associations to acquire properties, using the National Clearing House Scheme from 2008 as a starting point. We also ask the Government to remove restrictions on Right to Buy receipts to provide councils with more flexibility.¹⁷⁵

[The Government's response](#) to the Committee was published on 25 June 2020.¹⁷⁶

6.4 Scotland, Wales and Northern Ireland

The Scottish Government, Welsh Government and Northern Ireland Executive are working with the UK Government to respond to the Covid-19 pandemic.

Housing policy is a devolved area and further information on the Covid-19 response in Scotland, Wales and Northern Ireland is available online:

Scotland - the Scottish Government [provided £350 million](#) for local authorities, charities, businesses and community groups to support "welfare and wellbeing" in local communities. £300,000 of this fund has been [allocated](#) to the homelessness charity, Simon Community Scotland, to provide hotel accommodation for all rough sleepers in Edinburgh and Glasgow during the pandemic, with "move on plans" for everyone. The Scottish Government has also published: [Coronavirus \(COVID-19\): information for homelessness services](#) (31 March 2020). The reconvened Homelessness and Rough Sleeping Action Group (HARSAG) has published a [report on tackling homelessness in Scotland following the coronavirus pandemic](#) (14 July 2020). The Scottish Government has [accepted](#) all HARSAG's recommendations in principle.

Wales - the Welsh Government [announced](#) initial funding for local authorities of up to £10 million to help secure accommodation for

¹⁷⁵ House of Commons Housing Communities and Local Government Committee, [Protecting rough sleepers and renters: Interim Report](#), First Report of Session 2019–21, HC 309, 22 May 2020, Summary, p3

¹⁷⁶ [Government Response to the Housing, Communities and Local Government Select Committee Report on Protecting Rough Sleepers and Renters](#), CP 248, 25 June 2020

rough sleepers and those in temporary accommodation, and published guidance on: [COVID-19 Response – Homelessness and Rough Sleepers](#) (20 March); [COVID-19: guidance for substance misuse and homelessness services](#) (Updated 7 May 2020); and [Coronavirus \(COVID-19\): local authority support for rough sleepers](#) (Updated 12 May 2020). The Welsh Government has allocated £50 million to [phase 2 of its homelessness response](#), and asked local authorities to develop plans to ensure that no-one in emergency shelter during the coronavirus crisis has to return to the streets or unsuitable accommodation.

Northern Ireland - the Northern Ireland Executive has published [COVID-19: Guidance for Homeless Providers in Northern Ireland](#) (Updated 26 June 2020) and [Housing support crucial in this crisis](#) (27 March 2020).

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