

# LEGISLATIVE CHANGES

Summary of legislative changes affecting the private rented sector across the UK due to the Coronavirus pandemic.



ISSUE	IMPACT OF COVID-19	AMENDED RULES AND GUIDANCE
<b>Evictions</b>	Under the Coronavirus Act 2020, from 26 March 2020 until 30 September landlords will have to give all renters three months' notice if they intend to seek possession of the property.	When using either Section 8 or Section 21 notices to quit, landlords must give at least three months' notice before they can apply to the court for possession. This applies regardless of which ground is used for Section 8.
<b>Courts</b>	As well as the provisions in the Coronavirus Act 2020 all housing possession cases in the courts have been suspended.	<ul style="list-style-type: none"> <li>All new or existing claims for possession are suspended for a 90-day period from 27 March 2020.</li> <li>The legislation covering notice periods is in force until 30 September 2020. It is subject to review and may be extended.</li> </ul>
<b>Energy Performance Certificates (EPCs)</b>	The UK Government has released information confirming that the legal requirement to obtain an EPC when letting a property remains in place, but EPC assessments should only be conducted where they can be done in line with the safety guidance relating to Coronavirus.	<ul style="list-style-type: none"> <li>Where possible delay the EPC assessment until the stay-at-home measures to fight Coronavirus are no longer in place.</li> <li>If it is not possible to delay the assessment, and a valid EPC is not available from the EPC Register, an assessment may need to be carried out.</li> <li>Where an EPC assessment needs to be carried out, the UK Government's social distancing measures and guidance for carrying out work in people's homes must be adhered to.</li> <li>EPC assessments can continue where a property is empty.</li> </ul>
<b>Minimum Energy Efficiency Standards (fact sheet available)</b>	The rules were not impacted by COVID-19 and the remaining provisions came into force on 1 April 2020.	Since 1 April 2020, the ban on letting properties with an EPC rating of F and G was extended to cover all existing tenancies.



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<b>Move-ins</b>	Renters should, as far as possible, delay moving to a new property while emergency measures are in place to fight Coronavirus.	If moving is unavoidable for contractual reasons and the parties are unable to reach an agreement to delay, people must follow advice on maintaining social distancing to minimise the spread of Coronavirus.
<b>Maintenance and repairs</b>	Landlords' repair obligations have not changed.	<ul style="list-style-type: none"><li>• Access to a property is only recommended for serious and urgent issues.</li><li>• Where reasonable and safe, and in line with other Government guidance, agents should make every effort to review and address issues brought to their attention by tenants and keep records of their efforts.</li></ul>
<b>Gas Safety Certificates and inspections</b>	Landlords should make every effort to follow existing gas safety regulations.	Where a landlord cannot carry out their obligations, they must demonstrate they have taken all reasonable steps to comply.
<b>Electrical safety Standards in the Private Rented Sector (England) Regulations 2020 (fact sheet available)</b>	No impact from COVID-19. The rules are still scheduled to come into force for new tenancies from 1 July 2020 and all existing tenancies from 1 April 2021.	<ul style="list-style-type: none"><li>• Where landlords can show they have taken all reasonable steps to comply with the regulations, they will not be in breach of the rules—this includes a duty to comply with a remedial notice.</li><li>• Where agents are unable to gain access to a property, agents should document both their efforts to do so and all communication with tenants. Attempts to carry out the work should then start again once social distancing and self-isolation measures have been lifted.</li></ul>
<b>Right to Rent Checks</b>	As of 30 March 2020, the UK Government made temporary changes to ensure that Right to Rent checks continue in line with the Code of Practice - it remains an offence to knowingly rent premises to a person who is not lawfully in the UK.	<ul style="list-style-type: none"><li>• Checks can be carried out as video calls.</li><li>• Tenants can send scanned documents or a photo of documents for checks using email or a mobile app, rather than sending originals.</li><li>• Agents should use the Home Office Landlord's Checking Service where a tenant cannot provide documents.</li></ul>



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<b>Prescribed Forms</b>	The UK Government has changed Form 6A Notice seeking possession of a property let on an Assured Shorthold Tenancy to reflect the change in law under the Coronavirus Act 2020.	The Form 6A should be used by landlords in England up to 30 September 2020.
<b>Mortgages</b>	Mortgage lenders have agreed to offer payment holidays of up to three months where this is needed due to Coronavirus-related hardship, including for Buy-To-Let mortgages.	<ul style="list-style-type: none"><li>• The sum owed remains and mortgages continue to accrue interest during this period.</li><li>• Where a tenant is unable to pay their rent in full the landlord, if they have a mortgage, should discuss this with their lender.</li></ul>
<b>Licensing</b>	The UK Government is encouraging local authorities to take a common-sense, pragmatic approach to enforcement during these unprecedented circumstances.	Local authorities should be considering pausing the introduction of non-mandatory licensing schemes to allow limited resources to be focused where they are most needed.



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<b>Rent Smart Wales</b>	On 23 March 2020, Rent Smart Wales closed its call centre. Agents wishing to speak with Rent Smart Wales are advised to use the online contact form: <a href="http://www.rentsmart.gov.wales/en/contact">www.rentsmart.gov.wales/en/contact</a>	<ul style="list-style-type: none"><li>• All classroom training courses have been cancelled for the foreseeable future and no bookings will be taken until further notice.</li><li>• Anyone with outstanding training requirements is advised to complete the Rent Smart Wales online training.</li><li>• Rent Smart Wales report that Coronavirus should not impact the time taken to process licence applications. Where there is a delay, applicants will be contacted.</li></ul>
<b>Repairs and maintenance</b>	On 26 March 2020, the Welsh Government released guidance for landlords and property agents: <a href="http://gov.wales/coronavirus-covid-19-guidance-landlords-and-managing-agents-private-rented-sector">gov.wales/coronavirus-covid-19-guidance-landlords-and-managing-agents-private-rented-sector</a>	<ul style="list-style-type: none"><li>• Any non-urgent visits to properties should be postponed and this includes property viewings and non-urgent repairs and/or maintenance.</li><li>• Where urgent access is required to a property and agents must visit a property the Welsh Government recommend checking with the tenant to understand whether they are self-isolating and follow medical advice.</li></ul>
<b>Prescribed forms</b>	The three-month notice period for evictions under the Coronavirus Act 2020 applies to Wales and England but the new Form 6A only applies in England.	Agents in Wales should continue to use the (old-style) Section 21 Possession Notice forms.



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<b>The Energy Efficiency (Domestic Private Rented Property) (Scotland) Regulations 2020</b>	The rules (from 1 October 2020 all new lets to have an EPC rating of E) have now been postponed indefinitely due to the COVID-19 crisis.	<ul style="list-style-type: none"> <li>• Kevin Stewart MSP, Minister for Local Government, Housing and Planning announced the delay stating that ‘given the current COVID-19 crisis, a decision has been made not to make the regulations’.</li> <li>• The Scottish Government have said that the work on improving energy efficiency in private rented housing will resume once the current COVID-19 crisis comes to an end.</li> </ul>
<b>Evictions</b>	The Coronavirus (Scotland) Act has been passed and adjusts the law on evictions and notice periods for most repossession grounds across the private and social rented sectors.	<ul style="list-style-type: none"> <li>• The rules increase the minimum notice period for private tenants to up to six months if there are not grounds involving antisocial or criminal behaviour, or if the landlord needs to move into the property themselves.</li> <li>• The new law applies in cases where a landlord serves notice on their tenant on or after 07 April 2020. Where a landlord has served notice on their tenant before 07 April 2020, the changes in the new law do not apply.</li> </ul>
<b>Housing and Property Chamber First-Tier Tribunal</b>	The First-Tier Tribunal for Scotland will not be sitting until 28 May 2020.	For ongoing cases, the FTT will be in contact with all parties involved.
<b>Move-ins</b>	Tenants are be allowed to move into properties where a tenancy has already been agreed or where absolutely necessary.	Face-to-face contact should be limited where possible and social distancing measures should take place.
<b>Safety certificates, property repairs and inspections</b>	The legal obligation to provide all relevant safety certificates and for properties to meet the Repairing Standard remain in place.	<ul style="list-style-type: none"> <li>• When carrying out urgent maintenance and inspections, social distancing measures should take place.</li> <li>• Where agents or landlords cannot get access to the property detailed records of dates and all communication to tenants and contractors must be kept.</li> </ul>



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<b>Legal obligations to provide regular gas, electrical and fire safety inspections.</b>	Routine certification requirements should be postponed during the crisis and carry them out as soon as possible after it is over.	Where inspections have already been carried out, documents can be provided by post or as digital copies.
<b>Mortgages.</b>	Mortgage lenders have agreed to offer payment holidays of up to three months.	Landlords should contact their lender.
<b>Landlord interest-free loan fund.</b>	The Scottish Government is to establish a fund for private landlords who have trouble securing rent as a result of the COVID-19 crisis.	<ul style="list-style-type: none"><li>• Eligible private landlords who apply to the fund will be offered an interest-free loan with deferred payments</li><li>• The Scottish Government have said that a loan fund will be in place by the end of April.</li></ul>



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<b>Evictions</b>	Private Tenancies (Coronavirus Modifications) Bill 2020.  The Committee for Communities met on 6 April 2020.	The Department for Communities intend to temporarily extend the notice to quit periods set out in Article 14 of Private Tenancies (Northern Ireland) Order 2006.
<b>Courts</b>	The Lord Chief Justice announced from 26 March 2020 the courts will only be listing urgent matters.	<ul style="list-style-type: none"> <li>• Application for an urgent hearing must be accompanied by the relevant form: <a href="http://www.judiciaryni.uk/covid-19">www.judiciaryni.uk/covid-19</a></li> <li>• All other matters will be determined by a judge without a hearing.</li> </ul>
<b>Accessing property, repairs and inspections</b>	All emergency situations will need to be dealt with but postpone any inspections until it is safe to carry them out.	<ul style="list-style-type: none"> <li>• Always get permission before entering a tenanted property and inform any other tenants in the property or anyone who will need to access the building if any of the occupants is sick or self-isolating.</li> <li>• If you are unable to get work done, try to think of anything else you can do to make the situation better for the tenant.</li> </ul>
<b>Mortgages</b>	The Chancellor announced that mortgage lenders will offer at least a three-month holiday for Buy to Let mortgages.	Landlords should contact their lender.
<b>Universal Credit</b>	An increase in Local Housing Allowance rates from 1 April will provide additional financial support for private tenants in receipt of Housing Benefit or the housing costs element of Universal Credit.	<ul style="list-style-type: none"> <li>• Anyone experiencing difficulties paying their rent can get help with their housing costs by applying for Universal Credit online - housing costs are paid directly to landlords.</li> <li>• Anyone who has lost their job and who signs on to Universal Credit can apply for a Discretionary Housing Payment to have their full rent paid for 13 weeks.</li> </ul>



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<p><b>Universal Credit</b></p>	<p>Local Housing Allowance rates have been increased to the 30th percentile of market rents. This applies to all private renters who are new or existing Universal Credit housing element claimants, and to existing Housing Benefit claimants. More information: <a href="http://www.understandinguniversalcredit.gov.uk/coronavirus">www.understandinguniversalcredit.gov.uk/coronavirus</a></p>	<ul style="list-style-type: none"> <li>• Tenants can apply for Universal Credit online and can receive up to a month's advance upfront without physically attending a jobcentre.</li> <li>• If individuals are suffering from Coronavirus or are required to stay at home and want to apply for Employment Support Allowance (ESA), the usual seven-day waiting period for new claimants will not apply. ESA will be payable from day one <a href="http://www.gov.uk/apply-universal-credit">www.gov.uk/apply-universal-credit</a></li> <li>• If an individual cannot work due to Coronavirus and is eligible for Statutory Sick Pay (SSP), they will get it from day one, rather than from the fourth day of their illness. This applies retrospectively from 13 March 2020.</li> <li>• People receiving benefits do not have to attend jobcentre appointments for three months, starting from 19 March 2020.</li> <li>• The government has increased the standard allowance in Universal Credit and the basic element in Working Tax Credit for one year.</li> <li>• If individuals are already receiving Personal Independence Payments, ESA, Universal Credit or Industrial Injuries Disablement Benefit they will continue to receive their current payments as normal.</li> </ul>





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<b>Rent payments</b>	Tenants have been advised to continue to pay rent and abide by all other terms of their tenancy agreement to the best of their ability.	<ul style="list-style-type: none"> <li>• Landlords should offer support and understanding to tenants who may start to see their income fluctuate.</li> <li>• An early conversation between landlord and tenant can help both parties to agree a plan if tenants are struggling to pay their rent—this can include reaching a temporary agreement not to seek possession action for a period of time and instead accept a lower level of rent, or agree a plan to pay off arrears at a later date.</li> </ul>
<b>Deposits</b>	No change to how the schemes operates and rules apply.	Check with your scheme provider.