

Questions for Full Council Monday 14th September, 2020

Question 9

Cllr. Smith to Cllr Hibbert

What help will be offered to 'private renters when evictions begin in September? How are we supporting survivors of domestic violence fleeing their homes but without finances to pay for a deposit?

Response

Last month, the Government extended its ban on evictions until 20 September 2020.

It also introduced new legislation requiring the majority of landlords to provide their tenants with at least 6 months' notice prior to seeking possession through the courts if they serve notice on or after 29 August 2020.

Notices that were served on or before 28 August 2020 are not affected by these changes, and must be for a period of at least 3 months.

Although the 6 months' notice requirement will apply to most new notices served on or after 29 August 2020 – including section 21 ('no fault') evictions and rent arrears of not more than 6 months – only 4 weeks' notice will be required in serious cases involving anti-social behaviour, domestic abuse or more than 6 months' rent arrears.

New court rules will come into force on 20 September 2020, requiring landlords to set out in their possession claim any relevant information about their tenant's circumstances, including information on the effect of the COVID-19 pandemic. If this information is not provided, judges will be allowed to adjourn proceedings.

Help and support for private tenants

The Council's Housing Advice & Options Team will continue to provide private tenants with expert advice on their housing rights, the validity of the notice they have received, and the range of housing options available to them.

The Housing Advisers will always try to prevent homelessness by negotiating with the landlord and finding a solution for any tenancy-related problems that have caused them to serve notice on their tenant and, where this is not possible, the Advisers will try to persuade the landlord to allow the tenant to remain in the accommodation for long enough to secure alternative accommodation.

Where a tenant has accrued rent arrears through no fault of their own or they need to move home and are unable to raise the deposit or rent-in-advance, a solution may be possible by the tenant applying for financial assistance through the Housing Advice & Options Team's Tenancy Sustainment Fund.

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Help for people fleeing domestic abuse

The Council's priority is to ensure that the victims of domestic abuse are able to remain safely in their home where it is their choice, and where it is safe to do so.

Where a perpetrator remains in the home and they continue to pose a risk to the person(s) they have been violent or abusive to, the Council will inform the victim of their legal options, including injunctions that order the perpetrator not to molest the victim(s) or not to live in the home or enter the surrounding area.

If the Council is the landlord, it will consider the scope for evicting the perpetrator and allowing the victim to remain in their home. However, where there is a probability of violence if the victim remains in their accommodation, the Council would not expect them to remain in, or return to, the accommodation until it is safe to do so. Temporary accommodation may be provided whilst action is taken to exclude or to arrest and detain a perpetrator.

Where a person is fleeing domestic abuse and requires financial assistance to secure alternative private rented accommodation, they may receive assistance through the Housing Advice & Options Team's Tenancy Sustainment Fund.

Cllr S Hibbert
Cabinet Member for Housing & Wellbeing