

Insight

Coronavirus: The return of evictions

Published Monday, 21 September, 2020

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This Insight explores the response from tenant and landlord bodies as the ban on hearing housing possession cases in courts in England and Wales ends.



The ban on hearing housing possession cases in courts in England and Wales ends today (21 September).

This Insight looks at the response from tenant and landlord bodies, the legal context and calls for more help to support both landlords and tenants who are struggling financially.

Prioritising hearings

On 10 September the Secretary of State, [Robert Jenrick, said](#) the judiciary will now prioritise: claims issued before the ban was introduced on 26 March, cases involving anti-social behaviour, extreme rent arrears, domestic abuse, fraud and deception, illegal occupiers, squatters and abandoned properties. “Extreme rent arrears” appears to be arrears of at least 12 months’, or 9 months’ rent for a private landlord if that amounts to at least 25% of their income.

New requirements for claimants

[Practice Direction 55C](#) came into effect on 20 September. It requires landlords to provide information about a tenant’s circumstances, including the impact of the pandemic, when bringing a claim to court.

Lawyers have [raised several questions about these provisions](#), including whether a statement saying “unknown” will be sufficient for the courts. Landlords must notify the court and their tenants if they wish to continue with a possession claim that was in the system before 3 August.

No evictions during local lockdowns and Christmas

On 10 September Robert Jenrick [announced](#) that bailiffs will not enforce evictions where local lockdown measures are in force which restrict access to premises. He also said that evictions over Christmas would be limited to the “most serious cases”.

A wave of evictions and homelessness?

The stay on eviction hearings had been due to end on 23 August but a further four-week extension was put in place at short notice. Prior to this, tenant bodies were [predicting a wave of evictions](#) and homelessness.

The homelessness charity [Shelter](#) estimates that 227,000 private renters (3%) have fallen into rent arrears since the start of the pandemic. These renters are at risk of losing their homes once the ban on evictions is lifted.

YouGov conducted a survey of 1,058 private renters in England between 4 and 11 June. Based on that survey, Shelter estimates that 174,000 tenants have already been threatened with eviction by their landlord or letting agency.

[Citizens Advice](#) reported an increase in debt advice requests of 332%. It's seen a “huge surge in private renters worried about arrears”.

In contrast, landlord bodies welcomed the return of repossession cases to provide “[greater certainty for the rental market](#)” and strongly refuted Shelter's claims.

The National Residential Landlords Association (NRLA) [cites its own survey evidence](#) showing that 87% of tenants have continued to pay rent since lockdown. A further 8% have agreed a rent reduction, rent deferral, or reached some other agreement with their landlord or agent. The survey found that just over 3% of tenants are building up arrears.

Notice periods have been extended

The extension of the stay on evictions was accompanied by a [Government commitment](#) to extend notice periods for tenants.

In England, changes to the law already ensured that most tenants receiving a notice to quit after 26 March would be entitled to a minimum of three months' notice.

This also applied in Wales, but in July the Welsh Government temporarily increased notice periods from three to six months for certain tenancies. A six-month notice period now applies in Wales to notices served on or after 24 July up to 30 September (this could be extended).

Broadly, since 29 August landlords in England who are **not** seeking to evict a tenant for anti-social behaviour, serious rent arrears, or where the tenant has no [right to rent](#), a minimum six months' notice period applies. These notice periods will remain in force until 31 March 2021.

Reactions and calls for reform

It's expected that extended notice periods and prioritisation by the courts will limit the number of eviction orders issued up to March 2021. [Commentators question](#) whether the measures are simply delaying the threat of homelessness for struggling tenants.

Although landlord and tenant bodies differ on the desirability of lifting the evictions ban, there are areas of agreement on improved financial support for tenants.

A coalition of bodies including Shelter, the NRLA, the Association of Residential Landlords (ARLA), Propertymark, Crisis, Citizens Advice, and Generation Rent [called for a package of measures on 28 August](#) including:

- Short-term emergency grants and loans worth £270 million to help renters who have lost income or been furloughed due to the pandemic.
- The funding would be used to help tenants pay off any unexpected rent arrears accrued since the start of the pandemic in March with the aim of keeping tenants in their homes. This would help landlords who rely on rental income for their livelihoods, and prevent an increase in homelessness.

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 were expected to be in place by September.

On 1 September the Scottish Government announced the creation of a £10 million [Tenant Hardship Loan Fund](#) offering interest-free loans to those unable to access other forms of support for housing costs. The fund is expected to open in the autumn.

Scotland also has [The Private Rent Sector Landlord \(non-business\) COVID-19 Loan Scheme](#) which opened for applications on 5 May.

Tenant bodies have emphasised a need for:

- urgent legislation to prevent eviction due to rent arrears where they have arisen due to the pandemic
- the fast-tracking of the Renters' Reform Bill to abolish [assured shorthold tenancies](#) in England and give tenants improved security of tenure

The HCLG Select Committee supported both these calls in its [May 2020 interim report](#). The [Government response](#) (June 2020) did not commit to implementing the committee's recommendations in this area.

On 24 July the Housing Minister [Christopher Pincher, said](#):

“

We will bring forward the Renters Reform Bill as a priority once the urgencies of responding to the pandemic have passed.”

Further reading

More detailed commentary can be found in: [Coronavirus: A ban on evictions and help for rough sleepers](#).

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