

Maintaining tenancies – a guide for the private rented sector (January 2021)

Governments across the UK have announced different measures to prevent or delay the eviction of tenants from the private rented sector (PRS) due to Coronavirus (COVID-19). While these may provide short term relief to tenants, there have been concerns that measures will lead to significant increases in rent arrears and an inevitable rise in evictions when restrictions are lifted.

This practice guide was developed with [Homes for Good](#), Scotland's first social enterprise letting agency and the [Scottish Association of Landlords](#), Scotland's largest representative body for the PRS. It sets out practical advice for how private landlords and letting agents can protect their income and support tenants to avoid evictions after restrictions are lifted.

Information on legal requirements and government guidance for private landlords in:

- Scotland is available [here](#)
- England is available [here](#)
- Wales is available [here](#)
- Northern Ireland is available [here](#)

Landlords and letting agents should also keep up to date with the latest advice on travel, social contact, health and hygiene from the government and public health agencies in their area.

Detailed guidance on the rights of migrants who are PRS tenants, including updates on COVID-19, is available from the [CIH housing rights website](#) for England and Wales and for Scotland.

Supporting tenants and avoiding evictions

Governments across the UK have taken steps to prevent tenants from being evicted during the COVID-19 outbreak. You can find details about the different approaches being taken across the UK [in this CIH fact sheet](#). This guidance sets out some immediate actions that private landlords and letting agents can take to support tenants, protect rental income and prevent evictions taking place at a later date.

Communication

Clear communication with tenants at this time is essential and you should be making information available in as many forms as possible. If you have a website, make sure it includes links to government advice and information and instructions on how tenants can get in touch if needed.

Guidance for:

- England
- Wales
- Scotland
- Northern Ireland

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Information can also be shared via text message, email or through the post. If you know that a tenant may be at risk because of their age or a health problem, a phone call can be reassuring for the tenant and ensure that they have received the information.

Whatever method of communication is being used, it should make it clear that rent does still need to be paid unless a specific agreement has been made to reduce rent or defer payments. See the section below on 'rent holidays'. It should also be made clear that support is available for any tenant who has difficulty paying rent because of COVID-19. More information on support for tenants is set out below.

Early intervention

Proactive communication can help to prevent arrears from happening in the first place. If possible, contact tenants by phone to ask how they are managing and if they think they might need some help. A text, letter or email is easier to ignore than a phone call. If you know of any tenants that might be particularly at risk (for example, if they have been in arrears before) you might want to prioritise contacting them first.

If a tenant does fall into arrears get in touch with them as soon as possible to discuss options which could include claiming a benefit or accessing local support networks and agreeing an arrears repayment schedule. See below for more details.

Support for tenants

A number of national and local measures have been put in place to support people who are affected by COVID-19 and this includes help to cover rent and other essentials.

Tenants may be eligible for:

- 80 percent of their pay, up to £2,500 per month, to be covered by the UK Government [through the Coronavirus Job Retention Scheme](#) if they have been furloughed by their

employer. People who are self-employed can receive 80 percent of their taxable profit through the [Self-Employment Income Support Scheme](#).

- [Universal Credit](#) if they are on low pay or are unemployed.
- A short term grant such as a Discretionary Housing Payment or crisis grant. In Scotland, tenants can apply to the [Scottish Welfare Fund](#) through their local authority. In Wales, the Housing Support Grant funds services that supports tenants to live well in their homes. These services are provided on a tenure-neutral basis through the local authority.
- The Scottish Government has introduced a zero interest tenant hardship loan fund to provide assistance to tenants who are not eligible for other forms of support. More information and the application is available [here](#).

While some measures have been put in place to help people access benefits during COVID-19, demand has increased significantly which may lead to delays in claims being processed and people being paid. This means that even if your tenant is eligible for support, they may still fall into rent arrears in the short term. For many tenants, this could be the first time they have had to access benefits and this can be a bit daunting. Homes for Good has developed [guidance](#) to help tenants navigate the Universal Credit system that can be used as a template for landlords and letting agents.

Information about other changes to benefits are set out in this [CIH fact sheet](#).

Other sources of support that may help tenants include:

- Advice on reducing energy use to save money on bills. The [National Energy Agency](#) has information on the support available online as well as local advice for [Scotland](#), [Wales](#) and [Northern Ireland](#).
- Foodbanks can help people who are struggling to cover the basics and might be particularly helpful if a tenant is waiting for a benefit payment to come through. The [Trussell Trust](#) supports a network of foodbanks across

the UK or your local authority may be able to advise on others operating in your local area or voluntary services that have been set up specifically to respond to COVID-19.

- Support for free school meals is also available while schools are closed. In Scotland, provision is being coordinated by local authorities and you can search for information on local arrangements [here](#). Guidance in England is [here](#).

For general advice on housing and support services, tenants can get in touch with their local authority. [Crisis](#) provides information, advice and support in England, Scotland and Wales. [Shelter](#) and [Citizens Advice Bureau](#) work across the UK.

Some tenants may also be struggling with their mental health during social isolation and there are lots of tools and materials available to help. [Age UK](#) has information and a helpline for older people as well as links to local services in Scotland, Wales and Northern Ireland. [MIND](#) provides mental health support in England and Wales, [SAMH](#) in Scotland and [Inspire Wellbeing](#) or [AWARE](#) in Northern Ireland.

'Rent holidays'

There have been lots of stories in the media about landlords supporting tenants by offering 'rent holidays' during COVID-19. While it is great to see landlords supporting tenants in this way, it is essential that both parties understand what is being offered. If a landlord is considering offering financial help to a tenant in this way they must make it clear what is meant by a 'rent holiday'.

- Is it a reduction in rent that **will not** have to be paid back? Or
- Is it a reduction in rent that **will** have to be paid back at a later date?

It must be made clear how long any arrangement will last for and, if repayments are to be made, how and when this will happen. The agreement should be set out in writing but this can be done electronically to limit physical contact.

Landlords may also want to check their mortgage conditions or seek financial advice before entering into any agreement which will reduce their rental income for a period of time. A mortgage broker may be able to help with this.

Financial support for landlords and letting agents

The UK Government has put in place a range of measures to support businesses and individuals during the Coronavirus outbreak. These include:

- Up to date information on UK Government support for businesses including loans, grants and VAT deferral is available [here](#). The Scottish Government has also set up an information page for businesses in Scotland [here](#) and a helpline will be operating Monday to Friday 08:30 – 17:30 on 0300 303 0660. In Wales, the Welsh Government has established a helpline in addition to resources to support businesses available [here](#).
- The UK Government and UK Finance have also agreed that mortgage holidays should be available for three months for owners, including buy-to-let landlords, who are experiencing difficulties because of COVID-19. Landlords will need to apply through their mortgage lender but should ensure they consider whether this is the best option before going ahead. Some useful information and FAQs is available on the [UK Finance website](#).
- Organisations with staff may have to consider furloughing staff through the [Coronavirus Job Retention scheme](#) which will cover 80 percent of wages for those eligible up to £2,500 per month.
- The Scottish Government has introduced a £5 million loan fund to support some landlords who have lost income due to COVID-19. The loan will be available to landlords who rent out five properties or fewer and will cover the loss of rental income for up to three properties. More information is available [here](#).

Starting new tenancies

While people across the UK are being urged to minimise any unnecessary activities, moving home and any support needed to do so (such as employing a removals company) is still permitted. However, if you are letting a home, there are some steps that should be followed to make sure landlords, letting agents and tenants all stay as safe as possible.

- Landlords should consider leaving vacated properties empty for a few days between the previous tenant moving out and anyone entering the property. This will help to reduce the chance of the virus remaining on surfaces.
- Ensure that the property is thoroughly cleaned and that any necessary safety checks have been carried out before a new tenant moves in.
- Remote viewings - take a video of the property so that prospective tenants can 'walk through' the property online, reducing the need for viewings in person.
- You should not conduct any viewings while the current tenant is still living in the property, especially if they have indicated that they are not comfortable with the arrangements.
- If viewings are being conducted in person, if possible, the prospective tenant should be able to view the property while the landlord or letting agent waits outside. In these situations, it may be useful to be able to speak to the prospective tenant on a mobile or video call as they view the property in order to answer any questions.
- If you do need to enter the property for the viewing, make sure you maintain social distancing while inside.
- In Scotland, new tenants must be provided with a written copy of their Private Rented Tenancy (PRT). You can use the [Scottish Government's online template](#) or create your own tenancy as long as it complies with Private Rented Housing (tenancies) (Scotland) Act 2016. This written tenancy can be provided by email and both parties can

also 'sign' the document by entering their names and emailing the document. Signing the tenancy electronically can help to reduce unnecessary contact. Companies such as [Signable](#) also offer electronic signature technology.

- Take the opportunity of starting a new tenancy to provide information about support if the tenant is affected by COVID-19 or needs support at any point in the future. Consider including contact details for organisations such as [Shelter](#), [Crisis](#) and [Citizens Advice Bureau](#) which the tenant can contact for general advice at any point if they need it.

When awarding a new tenancy, landlords and letting agents should not discriminate on grounds of race, nationality, religion or other characteristics of prospective tenants. For landlords in England, Right to Rent Checks still need to be carried out and UK Government advice on carrying out checks during COVID-19 is available [here](#).

Property condition and necessary activities

Repairs that are essential for health and safety should still be carried out but minor issues should be arranged for a later date. The UK Government advice on what is absolutely necessary is not entirely clear. The Scottish Association of Landlords has made some useful suggestions [here](#) but they also stress that it is up to individual landlords and letting agents to decide how to manage their business during this time. This [CIH Factsheet](#) specifically relates to gas safety checks.

The Scottish Government has also published [guidance](#) for working safely in other people's homes.

Furnishing and decoration

Making sure that properties are kept to a high standard of repair and decoration can help with marketing and letting and lead to longer tenancies by keeping tenants happy. Some tenants will value a furnished tenancy where everything they need is provided. This might be particularly attractive to single people, students or transient workers who may not have their own furniture. Other tenants may prefer an unfurnished tenancy, bringing their own belongings with them.

Landlords and letting agents should know the market they are operating in and cater accordingly to their tenants' needs. However, if someone is moving home during COVID-19 they are less likely to have their own furnishings, either because they are homeless or because removal companies are not operating during this time. If the property they are moving into is unfurnished, local charities or the local authority will be able to help.

What if a tenant is not following COVID-19 restrictions?

During the COVID-19 outbreak, restrictions have been placed on people leaving their homes and meeting people from outside their household. However, there is a lack of guidance on the role of landlords in preventing or intervening if tenants are in breach of the restrictions set out by government. If a landlord or letting agent becomes aware that a tenant

is ignoring government advice on social distancing and is hosting gatherings in their home, the tenant should be contacted in the first instance and asked to follow government guidance. If behaviour persists, the police should be contacted.

While evictions from the PRS are currently on hold or delayed across the UK, it is important that tenants understand that there will still be consequences for their actions, particularly if they are causing harm to others. Any incidents of antisocial behaviour should be recorded using the usual procedures.

Keeping up to date with further changes

The Scottish Association of Landlords will keep [their website](#) up to date with the latest developments and guidance for private landlords and letting agents.

You can take a look at the approach Homes for Good are taking on their website [here](#).

All CIH publications relating to COVID-19 across the housing sector are [available online](#) and will continue to be updated.