

Welcome to the South Essex & NRLA Landlord Forum

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Chair South Essex Private Housing Officers Group

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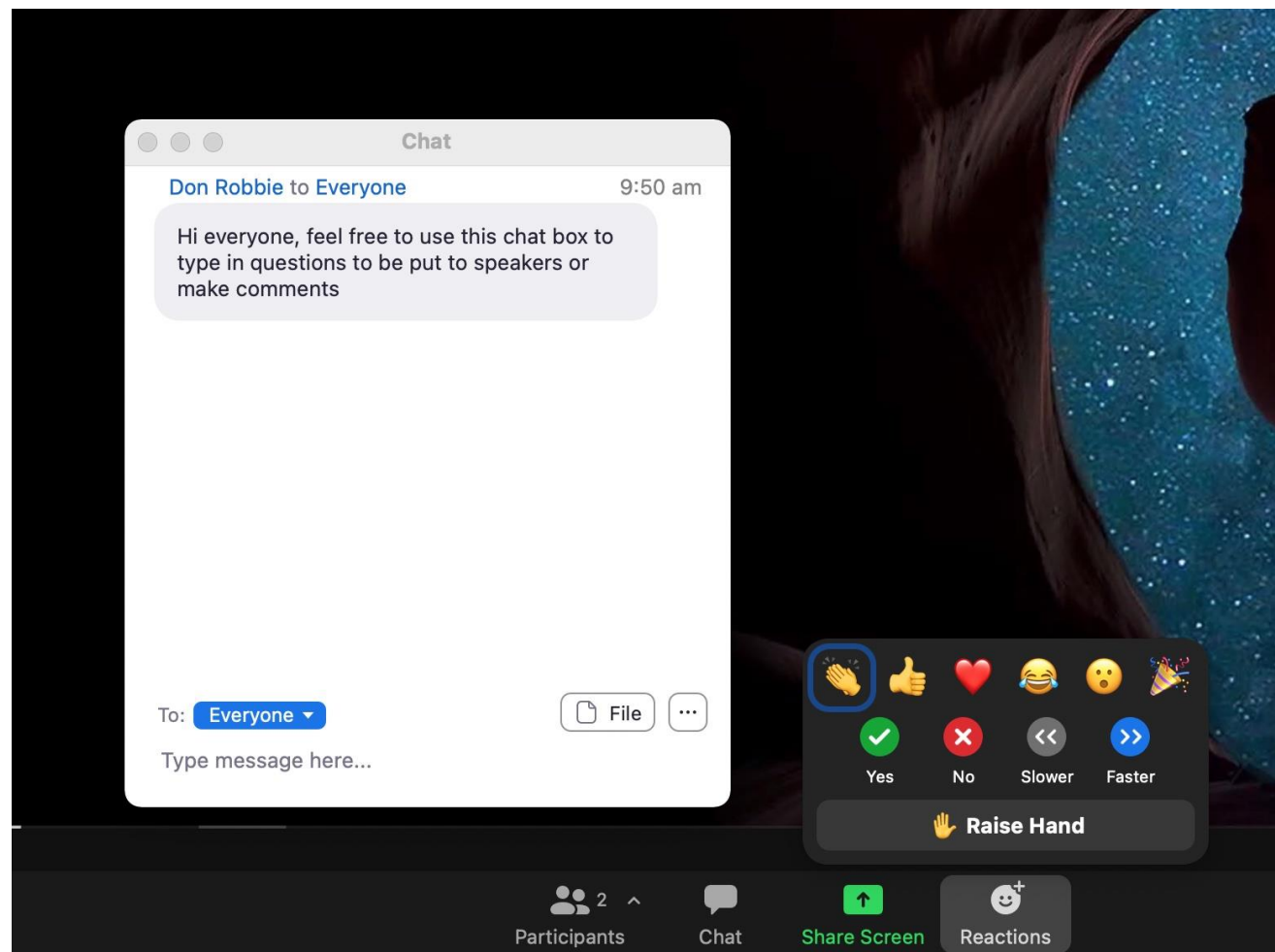
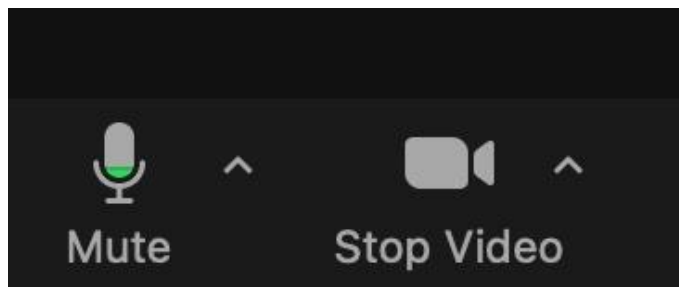
NRLA Representatives



Using Zoom Platform Control Panel

There are 4 key controls that delegates can use during a webinar..

1. Audio and Web Cam settings
2. Chat box facility
3. Reactions button
4. Red “Leave” button to end your connection to event



The New Domestic Abuse Act 2021

Michelle Williams

Domestic Abuse Coordinator Southend, Essex
and Thurrock Domestic Abuse Board (SETDAB)





Southend, Essex
& Thurrock Domestic
Abuse Board

Domestic abuse is everyone's business.

We all have a role to play in ending domestic abuse.

Definition & Key Statistics

- Domestic abuse can happen to anyone, regardless of age, social background, gender, religion, sexuality or ethnicity. The abuse can be physical, emotional, psychological, economic or sexual.
- It is characterised by a pattern of coercive control which often escalates in frequency and severity over time.
- There were 41,310 incidents of domestic abuse reported to Essex Police for 2020/21.
- 1 in 7 children and young people under the age of 18 will have lived with domestic abuse at some point in their childhood.

Domestic Abuse Act

- Raise awareness and understanding about the devastating impact of domestic abuse on victims and their families.
- Improve the effectiveness of the justice system in providing protection for victims of domestic abuse and bringing perpetrators to justice.
- Strengthen the support for victims by statutory agencies.

Key Housing Measures

- Place a duty on local authorities to provide accommodation based support to victims of DA and their children in refuges and other safe accommodation.
- All eligible homeless victims of domestic abuse automatically have “priority need” for homelessness assistance.
- Where a DA victim had a secure lifetime tenancy and the LA grants a new tenancy for reasons connected to DA this must also be a lifetime tenancy.



Southend, Essex
& Thurrock Domestic
Abuse Board

Why address domestic abuse in the private rented sector?

- Domestic abuse is just as prevalent in the PRS as any other tenure of housing.
- You can improve and potentially save lives by increasing your awareness of the signs of domestic abuse.

Private landlords and their agents can be the first to know that domestic abuse is occurring.

- This may be because a tenant has told you directly or it might come from a third party such as a neighbour or letting agent.
- Indicators of domestic abuse include as unexplained damage to a property; requests for repairs, especially recurring repairs; requests for lock changes or the presence of broken locks; noise complaints or anti-social behaviour reports; and rent arrears.
- Making the link between rent arrears and domestic abuse as early as possible can help prevent the generation of further arrears and the risk of eviction.

What steps landlords can take to support their tenants?

- Landlords are not expected to be specialists or 'hands on' however you could have a significant impact and improve outcomes for victims.
- Did you know- something as simple as sharing local and national support numbers could save a life? Provide information in your welcome pack.
- Some areas have Sanctuary Schemes open to private rented properties, agreeing to work can help keep someone safe.
- Ensure you are supporting your own staff who may be suffering domestic abuse by implementing a staff policy.

Raising your awareness



J9 training sessions delivered raise awareness and increase knowledge and understanding of domestic abuse.



Breaking the Cycle of Domestic Abuse through Awareness, Prevention and Effective and Safe Early Intervention in the Workplace.



DA Basic Awareness E'Learning

setdab.org

SETDAB Southend, Essex
& Thurrock Domestic
Abuse Board

Pathways for support



- A partnership of domestic abuse services providing a response in Essex. **0330 333 7 444** Helpline available from 8 am to 8 pm weekdays and 8 am to 1 pm weekends. Messages will be responded to within 24hrs. <https://www.essexcompass.org.uk/>
- **The National Domestic Violence Helpline** number is **0808 2000 247** (open 24 hours, 7 days a week)
<https://www.nationaldahelpline.org.uk/>

Legislation & News Update

Joanne Dron

NRLA Senior Local Representative



Topics covered

- Lifting of restrictions on possession
- Join our call for financial support for tenants facing Covid-related arrears
- Right to Rent
- Reminders



Phase 1 of Lifting of Restrictions

- As of 1st June 2021 the first phase of the reduction on eviction restrictions has come into effect with the Govt taking on board NRLA proposals of a roadmap out of Covid measures.
- This has now seen:
 - The moratorium on bailiff evictions has ended and bailiffs should resume enforcing possession orders
 - Notice periods have reduced;
 - Section 21 now carries a 4 months' notice
 - Section 8 Grounds 1-6, 9, 12, 13, 15 and 16 all require a minimum of four months' notice
 - Section 8 Grounds 7a and 14 remain as standard
 - Section 8 Grounds 8, 10 and 11 for rent arrears now carry a 4 week notice when arrears total more than 4 months and no other ground is relied upon, or 4 months' notice if the rent arrears are less than 4 months.
- For full details see: nrla.org.uk/resources/ending-your-tenancy
- Our golden rules for dealing with rent disputes: nrla.org.uk/resources/ending-your-tenancy/pre-action-plan-avoiding-possession-claims

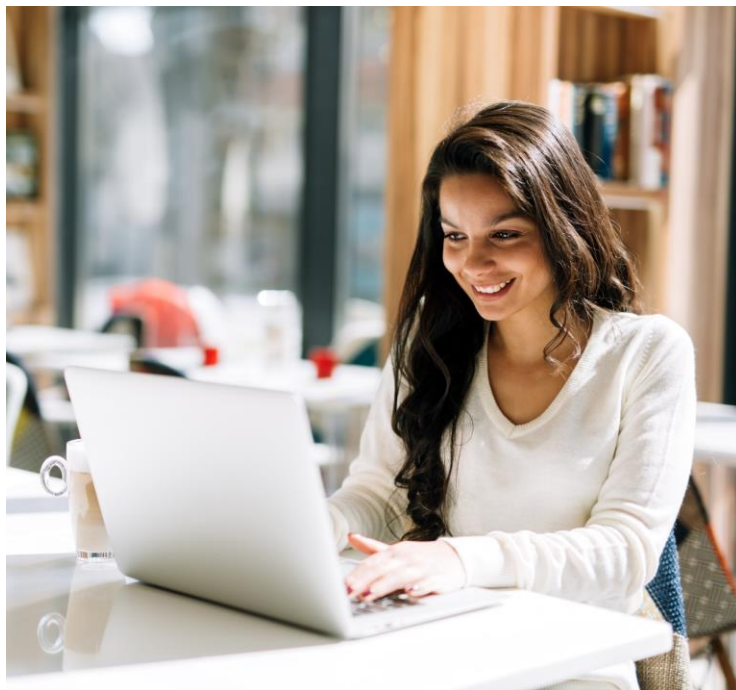


Roadmap Out of Restrictions – Key Dates

- 31st May 2021 – Moratorium on bailiff evictions set to end
- 1st June 2021 – Notice periods current set at 6 months will be reduced to 4 months
- 1st June 2021 – The definition of serious rent arrears will be reduced from 6 months' to 4 months' arrears
- 1st August 2021 – The notice period for 'non-serious' arrears will reduce from 4 months to 2 months
- 1st October 2021 – All extended notice periods to revert to pre-Covid rules.
- See full details at: nrla.org.uk/resources/ending-your-tenancy



Take action: contact your MP



- Write to them or speak to them at a constituency virtual surgery
- Ask them to write on your behalf to the Chancellor and Secretary of State for Housing to express your concerns
- Important to give your own experiences and how the changes affect you and your business
- Express your support for the NRLA campaign calls
- Write to your MP via our website:

nrla.org.uk/campaigns/write-to-my-mp



Right to Rent update

- The Government has extended temporary adjustments to Right to Rent checks introduced due to Covid until 20 June 2021. After this, the normal procedure for right to rent checks will resume.
- The requirement to conduct a retrospective check on those who had an adjusted check has now been removed.
- Full details: nrla.org.uk/news/right-to-rent-transition-period-extended



Right to Rent – Tenants from EEA (Pre-1st July)

- The new system for EEA tenants comes into force on 1st July 2021.
- Until this date, EEA citizens continue to enjoy permanent right to rent status. Any EEA citizen that has already demonstrated their permanent right to rent status before 1st July 2021 will not be required to re-affirm.
- If a tenant has applied for settled or pre-settled status then they should have a share-code which can be used to show their status on the new online checking service.
- It is worth checking in with any tenants currently residing in your property to ensure they have applied for the correct status in order to retain uninterrupted access to public welfare support and housing benefit if necessary.



Right to Rent – Tenants from EEA (Post-1st July)

- From 1st July 2021, permanent right to rent is not automatically available to all EU nationals. EU nationals will be expected to provide their visa documentation demonstrating their right to rent.
- EU Nationals can demonstrate temporary right to rent status by showing a passport and proof of entry to the UK within the last 6 months. This entitles them to up to 12 months without requiring a further right to rent check.
- Existing tenants before 1st July will not need to be re-checked.



Reminders

- Electrical Safety certificate retrospective 1st April 2021
- MEES Consultation closed minimum C for all tenancies 2025 and retrospective 2028
- Renters Reform – Abolition of S21, lifetime deposits



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Any questions you have I will be able to answer
at the end of the meeting

Breathing Space Legislation

James Wood
NRLA Policy Officer



Breathing Space





Overview

- Came in from 4 May 2021
- Period of time where someone in unsustainable debt works with a debt advisor to find a suitable debt solution for them.
- During this breathing space, creditors cannot chase a debtor for their debts but they can suggest payment plans to the debt advisor.
- Two types of breathing space: standard breathing space and mental health crisis breathing space.





Why has it come in?

- Estimated 9 million people who are overindebted in the UK
- Only 1 in 9 seek financial advice, increasing the risk of debt spiralling uncontrollably
- Breathing space incentivises speaking to a debt advisor and finding a debt solution.
- Could end up being a positive for landlords as arrears are paid off, not written off.



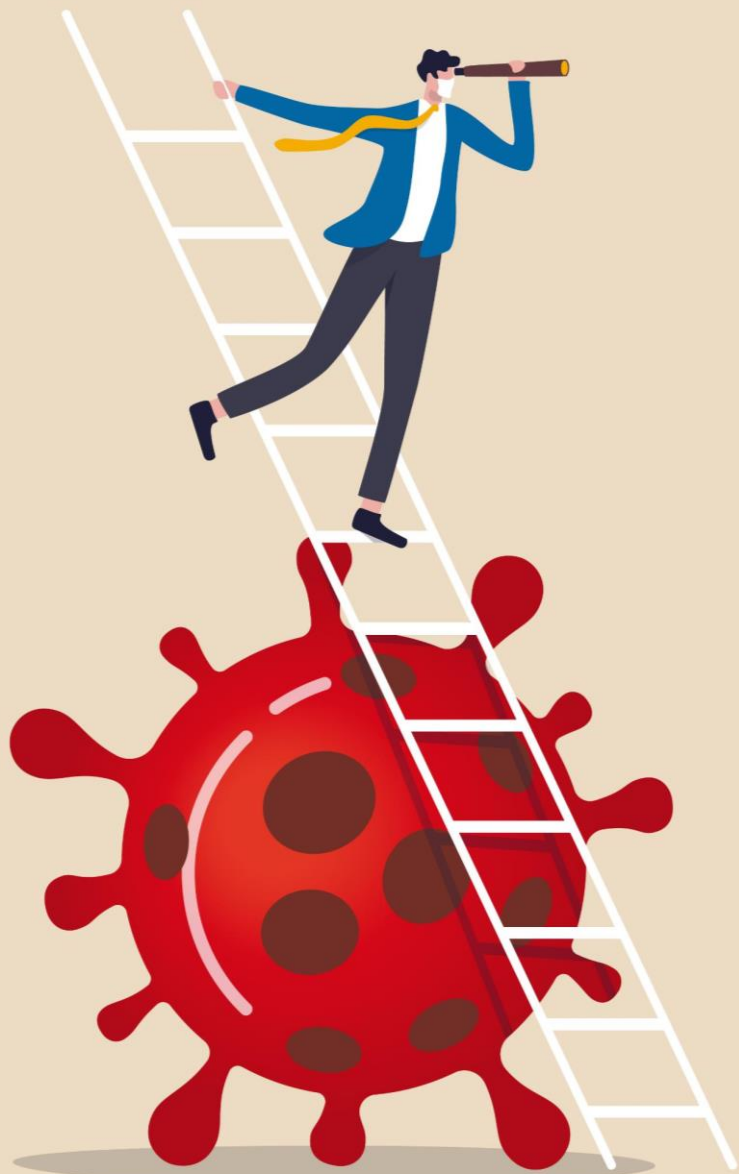
Different types of breathing space

- **Standard breathing space**
 - can be applied for by any individual tenants with unsustainable debt.
 - Lasts for 60 days, after which the tenant cannot enter another one for at least a year.
- **Mental health crisis breathing space**
 - only available in **extremely** limited circumstances.
 - Lasts for 30 days + the duration of the mental health crisis treatment.



Debt advisors





The role of the debt advisor

Debt advisors are key to breathing space.

They manage the breathing space register and decide whether a debtor is suitable for a breathing space.

They are the point of contact for any creditors and they are the person to contact if you want to discuss –

- a debt solution for the debtor
- asking for a review
- the debtor not meeting their obligations

They will work with you and the tenant to find a suitable debt solution.



Who is suitable for a standard breathing space?

Not everyone is suitable for a standard breathing space and only a debt advisor can determine whether it is the right choice for the debtor.

- has funds or income available to them to pay debts as they fall due
- would benefit from entering a debt solution
- may be eligible to enter a debt solution during, or as soon as possible after, the standard breathing space ends
- will be able to continue paying ongoing obligations like rent

The debt advisor should assess the evidence the tenant provides and decide whether it's the right option for them



Who is suitable for a mental health crisis breathing space?

An MHCBS requires certification by an Approved Mental Health Professional that the tenant is -

- detained in hospital under the Mental Health Act 1983, or has been moved under the powers given to the police under the same act.
- receiving crisis, acute or emergency treatment or care in hospital, or in the community, from a specialist mental health service in relation to a mental disorder of a serious nature.

Not open for more common forms of mental illness and tenants can't self-certify to apply for it.



How a breathing space works



Entering a breathing space

Once the debt advisor decides the tenant can enter a breathing space, they will notify you in writing.

This notification will give you an end date if it is a standard breathing space and the contact details for the debt advisor in both cases.

From that point onward, until the breathing space ends you must stop any enforcement action for the collection of the debt

During that time, you, the debt advisor and the tenant will work on finding a debt solution to start once the breathing space ends



What do we mean by enforcement action?

In relation to a breathing space debt you cannot -

- Contact the tenant directly in relation to the debt;
- Collect a breathing space debt;
- Obtain a warrant in relation to the debt;
- Serve a notice seeking possession because of the debt;
- Sell on the debt to a third party;
- Charge interest on the debt over the period covered by the breathing space;
- Apply for a judgement in relation to the debt;
- Enforce an existing money judgement for the debt;
- Take control of the tenant's belongings during the breathing space;
- Start bankruptcy proceedings;

Note that these restrictions also apply to any joint tenants who have not entered the breathing space.



Discussing debt solutions

The aim of the breathing space is to find a suitable debt solution at the end of the breathing space

If you want to propose a debt solution you can do so but you must contact the debt advisor and not the tenant.

If the tenant comes to the landlord with a debt solution proposal then the landlord may respond to the tenant.



What can you do during a breathing space?

- Ask for a review
- Serve Section 21 notices and apply to court on that basis.
- Serve Section 8 notices on grounds that are not related to the debt (ground 14 for example) and apply to court for them
- Contact the tenants to discuss maintenance, repairs or fulfilling any other obligation not related to the debt.
- Contact a guarantor to have them pay off the debt
- Discuss a debt solution



What does the tenant have to do during a standard breathing space?

For standard breathing spaces, tenants have their own obligations as well –

- Work with the debt advisor to find a suitable debt solution;
- Pay their ongoing obligations (like rent)
- Not apply for any additional credit
- Provide accurate information to the debt advisor

Failure to do this can lead to the breathing space being cancelled at the review stage.



Does the tenant have obligations during a mental health crisis breathing space?

- As tenants are dealing with a mental health crisis the same obligations to pay rent, etc don't apply during a MHCBS
- Once the breathing space ends, enforcement powers return and landlords can take action so still in the interests of the tenants support network to pay ongoing obligations.
- Likely to see tenants leave a MHCBS and then move into a standard breathing space afterwards to deal with debt.



Reviews and cancellations



Reviewing and challenging a breathing space

- For a standard breathing space the debt advisor is required to perform a midway review.
- If you believe the breathing space should be cancelled you should request a review and provide evidence within 20 days of the start of the standard breathing space.
- If you're still unsatisfied you can challenge it in court but given the current wait times this is pretty unlikely.



When can a standard breathing space be cancelled?

The debtor has not met one or all of their obligations. For landlords this will typically mean the tenant has missed a rent payment.

If all parties have agreed a debt solution. Pays to be proactive.

Where the debtor has stopped talking to the debt advisor about their debt.

Where you have challenged the breathing space on the basis that-


- the breathing space unfairly prejudices your interests. For example, you think that there has been discriminatory treatment in respect of you, or your debt
- the debtor does not meet at least one of the eligibility criteria for a breathing space
- any of the debts included in the breathing space do not qualify
- the debtor has enough funds to repay their debts



Final thoughts



Final thoughts

- While breathing space can seem challenging, landlords should think of this as a potential opportunity.
 - Currently, if a tenant goes into arrears the likelihood is the debt will never be paid back.
 - If the tenant is working with a debt advisor they should be moving to a suitable debt solution, helping to sustain tenancies and see the arrears paid back over time.
 - If the tenant doesn't stick to the breathing space obligations and debt keeps growing then the breathing space should be cancelled early + you should have good evidence that the tenant is not looking to repay the arrears should you need to go to court later on.
- 

Questions



Basildon Council -

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Castle Point Council –

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Breakout Rooms

1. Amy Desmond – Basildon Council
2. Louisa Moss & Louise Tillett – Rochford Council
3. Carla Okikiade – Castle Point Council

