

Insights

CORONAVIRUS ACT 2020 (ENGLAND AND WALES) RESIDENTIAL TENANCIES – PROTECTION FROM EVICTION (JUNE 2021)

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WHAT CHANGED?

At the start of the Covid-19 pandemic, the Government sought to ensure that renters, especially those who are vulnerable and on low-incomes, received the support they needed to see them through the pandemic, by imposing restrictions to ensure that they did not face the threat of eviction or homelessness as a result of the impact of coronavirus.

These restrictions are gradually easing with the roll-out of the vaccination programme.

The Government is taking a phased approach to the easing of restrictions on actions that landlords may take to evict tenants.

WHAT IS THE POSITION GOING FORWARD?

Notice periods

- From 1 June 2021 the minimum period for standard Section 21 (no-fault) eviction notices was reduced from 6 months to 4 months.*
- From 1 August 2021, in cases where a tenant has less than 4 months' rent arrears, the notice period will reduce to 2 months (until then it remains at 4 months' notice).*
- From 1 October 2021 (subject to the Government's general easing roadmap continuing to be successful), pre-pandemic notice periods will resume.

*The notice period for the most serious or urgent cases continues to be lower e.g. 4 weeks' notice where at least 4 months' rent arrears have accumulated.

Bailiff-enforced evictions

In order to protect vulnerable households who could lose their homes during the pandemic, and also to protect against COVID-19 transmission, the government imposed a ban on bailiffs enforcing residential evictions. This ban was lifted on 31 May 2021 (although if someone has Covid-19 symptoms or is self-isolating, bailiffs will not take steps to enforce and a new appointment would need to be sought). Whilst acknowledging that the ban cannot continue indefinitely, Councils around the country are concerned about families becoming homeless, and are endeavouring to work with the Government on a plan to support and protect households to stay in their homes in as many cases as possible.

WHICH RESIDENTIAL TENANCIES ARE AFFECTED?

The most common tenancies that continue to be affected by the extended notice periods (that are gradually returning to pre-pandemic periods) are:

- Rent Act tenancies (Rent Act 1977);
- Assured tenancies (Housing Act 1988); and
- Assured shorthold tenancies (Housing Act 1988) (most residential tenants hold these sorts of tenancies).

WHAT ARE THE EFFECTS?

From 1 June 2021, any notices that are served to terminate a residential tenancy must give at least 4 months' notice (which is a reduction of 2 months) except for serious or urgent cases*. Updated prescribed notices must be used.

Although notices to quit/terminate any of the tenancies can still be served, possession proceedings cannot be commenced until the notice period expires (subject to any extension).

WHAT IF I HAVE A POSSESSION ORDER THAT IS AWAITING ENFORCEMENT?

Although the enforcement of the order will now be possible (from 1 June 2021), the reality is that renters must be given at least 14 days' notice of eviction meaning the very earliest evictions will take place is mid-June (except in the most serious of circumstances).

You will need to secure a date for the eviction to take place with the court bailiffs and we expect the backlog to be significant, as the most urgent cases (involving fraud or anti-social behaviour) will continue to be prioritised by the courts.

IMPORTANT TO NOTE:

- Tenants are still liable for their rent.
- Court actions for possession can proceed.

- There is significant support available to renters aided by the Government.
- Landlords are still obliged to make sure properties meet the required legal standards – urgent, essential health and safety repairs should be carried out.
- The Government has announced that it is proposing to abolish “no-fault” residential evictions, which could have significant ramifications later this year. A white paper is expected in the autumn.

RELATED PRACTICE AREAS

- Real Estate Disputes

MEET THE TEAM



Jessica Parry

Co-Author, Manchester

jessica.parry@bclplaw.com

[+44 \(0\) 20 3400 3546](tel:+442034003546)



Lauren King

Co-Author, London

lauren.king@bclplaw.com

[+44 \(0\) 20 3400 3197](tel:+442034003197)

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