

# Rightmove News Hour with David Cox – June Edition

Your monthly update on the biggest news and legislative changes affecting agents

## **Covid Update and Evictions:**

Updated Covid Guidance available [Here](#).

Detailed Eviction Guidance available [Here](#).

From 1 June 2021, notice periods reduced to 4 months. This includes where the tenant has less than four months' rent arrears.

- From 1 August 2021, the notice period for cases where there are less than four months of unpaid rent, will reduce to two months' notice.
- The notice period for 'serious arrears' is four weeks' notice and 'serious arrears' is 'arrears equivalent to four or more months' rent.
- All notice periods at Annex A in eviction Guidance

From 1 June, bailiffs will be able to send out eviction notices and enforce evictions. Where an eviction does take place, this will be scheduled with at least 14 days' notice.

- Bailiffs will not carry out an eviction if they are made aware that anyone in the property is self-isolating or has coronavirus (COVID-19) symptoms. In these circumstances the eviction will be rescheduled with at least 14 days' notice.
- You can also apply as before to the High Court for a Writ of Possession and enforcement through an HCEO.
- Warrants of possession are valid for 12 months from date of issue.
  - If you have been unable to proceed to enforcement due to restrictions introduced as a result of the response to the coronavirus pandemic and your warrant has subsequently expired, you must complete a N244 and send it to the court.
  - The N244 must ask the court to 'extend the life of the warrant for a further 12 months as it expired due to COVID-19' and must include any change of circumstances of yourself (the landlord) and details of any communication with or change in circumstances for the tenant. The application will then be considered by a District Judge, you may be required to attend a hearing if the Judge deems it appropriate.
  - Applications to extend the life of an expired warrant which are filed within the 3-month window of 1 June 2021-31 August 2021 will not require the payment of a fee.

Court rules are currently in force which require landlords who are making a possession claim to set out any information they are aware of about how their tenant, or any dependant of their tenant, has been affected by the coronavirus (COVID-19) pandemic. Where the claim relates to rent arrears, landlords will also need to provide an updated rent account for the previous two years in advance of the hearing. Where any of this information is not provided, judges can adjourn proceedings until the requirement to provide it has been met.

Where a landlord is seeking possession as a result of suffering financial difficulty due to the pandemic, the landlord can draw that to the court's attention by marking the claim 'COVID-19'.

- Likewise, tenants who are challenging a possession claim can inform the court of how they have been impacted by the pandemic, marking their challenge 'COVID-19'. Information supporting the 'COVID-19' marking must be provided.

The judiciary are prioritising the most serious cases for action. As a guide, priority will be given to claims issued before the stay commenced in March 2020, and to cases involving anti-social behaviour, extreme rent arrears, domestic abuse, fraud and deception, illegal occupiers and squatters or abandonment of a property, unlawful subletting, and cases concerning what was allocated as temporary accommodation by an authority.

### **Rental Mediation Service:**

[www.gov.uk/guidance/rental-mediation-service](http://www.gov.uk/guidance/rental-mediation-service)

#### **New Eviction Process:**

Review stage ahead of substantive hearing. If (1) an agreement is not reached at Review stage, (2) both parties agree to the mediation, and (3) the case is deemed suitable, then the case will be referred to mediation. The court will arrange for the case to be mediated. If you are willing to mediate, you should tell the tenant at the Review (and vice versa).

#### **Offer Mediation:**

Mediation can be less stressful and expensive than going to a full hearing, where additional fees and expenses will apply. It can also be quicker than a full court hearing.

The Society of Mediators aims to conduct mediation remotely within 10 days of referral. Mediation will be conducted remotely, by telephone, across England and Wales. Mediation will not delay your ongoing court process. You must continue to comply with all court directions.

The session is confidential. The court will not be told any of the mediation details.

If mediation is successful, (1) you will sign an agreement, (2) the court will then be informed, (3) the agreement will be put in front of a judge for approval and (4) the case will be closed. You can apply to the court to enforce the agreement if it is broken by the other party.

If both parties cannot agree to a solution at mediation, the case will continue to a full hearing.

Mediation also available via:

- with an advice service, such as [Citizens Advice](#), [Shelter](#), or the [Money Advice Service](#);
- with your local council (you can use [this tool](#) to find your local council);
- with a private mediation service (such as TDS Resolution, PRS Mediation Service and Resolve by Flatfair); or
- with a legal professional.

## **Change in Forms:**

<https://www.gov.uk/guidance/assured-tenancy-forms#history>

Form 3, Form 6A and the notes to Form 6A have been changed in line with new requirements on notice periods which come into force on 1 June.

## **Right to Rent:**

<https://www.gov.uk/guidance/coronavirus-covid-19-landlord-right-to-rent-checks>

Until 20 June 2021, if you are carrying out a temporary adjusted check, you must:

- ask the tenant to submit a scanned copy or a photo of their original documents via email or using a mobile app
- arrange a video call with the tenant – ask them to hold up the original documents to the camera and check them against the digital copy of the documents
- record the date you made the check and mark it as “adjusted check undertaken on [insert date] due to COVID-19”
- if the tenant has a current Biometric Residence Permit or Biometric Residence Card or has been granted status under the EU Settlement Scheme or the points-based immigration system you can use the online right to rent service while doing a video call - the applicant must give you permission to view their detail

### **From 21 June:**

- check the applicant’s original documents, or
- check the applicant’s right to rent online

### **Online Right to Rent service:**

New service launched 25 November:

You can undertake a right to rent check in real time for tenants who have:

- a biometric residence card or permit
- settled or pre-settled status
- applied for a visa and used the ‘UK Immigration: ID Check’ app to scan their identity document on their phone

The online service allows checks to be carried out by video call. You do not need to see physical documents as the right to rent information is provided in real time directly from Home Office.

How it works:

1. Tenant accesses their Home Office Right to Rent Record and gets a share code
2. You then input the Share Code together with the tenant’s date of birth to access their Right to Rent Record

3. In the presence of the person (in person or via live video link), you must check that the photograph from their profile page is of them
4. The online service will confirm that no further check is required for someone who has a continuous right to rent. For someone with a time-limited right to rent the service will advise when a further check is required
5. You must then retain evidence of the online check; this should be the profile page confirming the person's right to rent. You have the option of printing the profile page or saving it.

Service available at: <https://www.gov.uk/view-right-to-rent>

Guidance available [HERE](#). Pages 22 – 26

### **Retrospective checks**

- You do not need to carry out retrospective checks on those who had a COVID-19 adjusted check between 30 March 2020 and 20 June 2021 (inclusive). This reflects the length of time the adjusted checks have been in place and supports landlords during this difficult time.
- You will maintain a defence against a civil penalty if the check you have undertaken during this period was done in the prescribed manner or as set out in the COVID-19 adjusted checks guidance.

### **Checking EU, EEA and Swiss citizens**

<https://www.gov.uk/check-tenant-right-to-rent-documents/how-to-check>

- If your tenant is an EU, EEA, or Swiss citizen, they can continue to use their passport or national identity card to prove they can rent in England until 30 June 2021.
- Continue checking their passport or national identity card as before. For family members of EU, EEA or Swiss citizens, follow the usual guidance for documents you can accept for right to rent checks.
- It's against the law to ask EU, EEA or Swiss citizens to show that they have settled status or pre-settled status when starting a new tenancy.
- You will not need to make retrospective checks for existing tenants from 2021.