

Issue 135 April 2020

What's new?	1
Article Challenging the benefit cap	2
Article Care leavers - shared accommodation rate	4
Factsheet Covid-19 and housing	6

Shelter helps over a million people a year struggling with bad housing or homelessness – and we campaign to prevent it in the first place.

We're here so no-one has to fight bad housing or homelessness on their own.

Please support us at [shelter.org.uk](https://www.shelter.org.uk)

Until there's a home for everyone

Shelter
88 Old Street
London
EC1V 9HU

Telephone 0300 330 1234

[shelter.org.uk](https://www.shelter.org.uk)

© Shelter. All rights reserved.

The National Campaign for Homeless People Limited.
Registered charity in England and Wales (263710) and
in Scotland (SC002327). RH 465.56

Housing matters

Housing matters is produced by Shelter for the NHAS and aims to provide a source of up-to-date housing and homelessness news, focus on important case law, cover key legal issues, and produce information for public use.

Published by:

Shelter, 88 Old Street, London EC1V 9HU

Tel: 0344 515 2049

[shelter.org.uk](https://www.shelter.org.uk)

Edited by: Ewa Brem

Contributors: Sophie Earnshaw,
Gerard Hunter

Housing matters welcomes contributions from NHAS members. If you would like to provide an article or update for *Housing matters* please email Ewa_Brem@shelter.org.uk

National Homelessness Advice Service

The National Homelessness Advice Service (NHAS) is funded by the Ministry of Housing, Communities and Local Government.

The service aims to prevent homelessness and remedy other housing problems through increasing public access to high-quality housing advice in England, including online information on the NHAS website at www.nhas.org.uk

The NHAS provides the following services to local authorities, public authorities (such as the NHS, DWP and prisons/probation staff), local citizens advice and other voluntary agencies in England:

- **housing advice consultancy by phone or webchat:** call 0300 330 0517 Monday to Friday from 9am–6pm, access webchat or send in an enquiry using the online enquiry form available on the users' areas of www.nhas.org.uk.
- **housing debt advice:** within our consultancy team we have specialist housing debt and welfare benefits advisers who can advise where clients are struggling to pay their housing costs.
- **free housing advice training courses** to develop housing advice skills, covering the main housing and homelessness issues.
- **resources:** written briefings, articles in *Housing matters* and *Adviser*, information on housing issues and other written materials.

If you are unsure whether you can use our services, click [here](#) or contact us at 0344 515 2268.

Contact details

For general enquiries about NHAS services, please email nhas@shelter.org.uk or call 0344 515 2268.

Alternatively, please use the 'contact us' page at www.nhas.org.uk



Funded by
UK Government

Shelter

Registered charity in England and Wales (263710)
and in Scotland (SC002327).

What's new?

Covid-19: Extended minimum notice periods

From 26 March 2020, Schedule 29 of the [Coronavirus Act 2020](#) extends the minimum notice period to at least three months for the following tenancies: assured, assured shorthold (including starter tenancies), secure, flexible, demoted, introductory and contractual Rent Act 1977 regulated (protected). Landlords of statutory protected Rent Act tenants are required to serve a minimum of three months' notice of intention to commence proceedings. Shared owners are also protected, as long as their tenancy falls into one of the categories above. The extended notice period requirement applies only to notices served in the relevant period between 26 March and 30 September 2020 (inclusive of). Both the minimum notice requirement and the six months' protection period may be extended further, however any future changes will not affect notices already validly served.

Covid-19: Suspension of possession proceedings

From 27 March, all possession claims, including warrant/writ applications to enforce a possession order, are suspended for 90 days. This applies to proceedings under CPR Part 55, whether the property is rented or owned with a mortgage. Guidance is available from [Gov.uk](#). Practice Direction [51Z](#) clarifies the scope of the measures. Practice Direction [51Y](#) and HMCTS [guidance](#) provide information on telephone and video hearings in proceedings to which the 90 days' stay does not apply, such as injunctions relating to harassment and anti-social behaviour (ancillary to possession proceedings), unlawful evictions, urgent disrepair injunctions, and homelessness appeals.

Covid-19: Temporary ban on mortgage repossessions

From 19 March 2020, homeowners who experience difficulties in paying their mortgage due to the coronavirus outbreak can ask their lender for up to three months' payment holiday, meaning that payments would be suspended and the amount owed repaid at a later date. The Financial Conduct Authority has issued [guidance](#) for lenders advising that borrowers in these circumstances should not be charged for arranging a payment holiday.

Covid-19: Repairs and safety

(1) In its latest [guidance](#) for landlords and tenants, the Ministry of Housing, Communities and Local Government advises that landlords should only

access the tenant's property if the repair and safety issues are 'serious and urgent' and if this is the case, tenants should take additional precautions, such as remaining in separate rooms during the landlord's visit. It advises that tenants living in hazardous properties should still be assured of the local authority support, that landlords prevented from meeting their routine obligations due to the COVID-19 restrictions should not be unfairly penalised, and that nobody can be removed from their home because of the virus. The guidance should be checked regularly for updates.

(2) The Gas Safe Register (GSR) has [confirmed](#) that that GSR inspections will only take place in high risk scenarios.

Covid-19: Universal Credit (UC) and Local Housing Allowance (LHA)

The [Social Security \(Coronavirus\) \(Further Measures\) Regulations SI 2020/371](#) and the [Employment and Support Allowance and Universal Credit \(Coronavirus Disease\) Regulations SI 2020/289](#) introduce a number of changes to welfare benefits, including:

- temporarily revoking the minimum income floor for self-employed people who need to apply for UC because of COVID-19 illness or self-isolation
- increasing the LHA rates, so that they are guaranteed to cover at least 30 per cent of local market rents
- increasing the standard UC allowances in the 2020-21 tax year.

Changes to welfare benefits have been previously announced in the DWP's [Coronavirus support for employees, benefit claimants and businesses](#).

Covid-19: Right to rent

The Home Office has published [guidance](#) for private landlords on conducting right to rent checks during the coronavirus pandemic. Landlords are not required to see original documents and are advised to accept scanned copies or photographs of the original documents sent via email or a mobile app and arrange an identity checking service via video call. The guidance also provides information on in what circumstances retrospective checks will be needed, once the Covid-19 emergency measures end.

Challenging the benefit cap

In this article, Sophie Earnshaw explains what benefit cap is and why it was challenged in the Supreme Court in *R (DA & Ors) v Secretary of State for Work and Pensions and R (DS & Ors) v Secretary of State for Work and Pensions* [2019] UKSC 21.

Sophie Earnshaw is a solicitor at Shelter.

In *R (DA & Ors) v Secretary of State for Work and Pensions and R (DS & Ors) v Secretary of State for Work and Pensions* [2019] UKSC 21, the Supreme Court gave a joint judgment in two cases challenging the lawfulness of the **benefit cap**, which limits the total amount of benefits a household can receive: (1) *DA & Ors v SSWP (DA)* concerned the impact of the revised benefit cap on lone parent families with children under the age of two; (2) *DS & Ors v SSWP (DS)* presented a wider challenge on behalf of lone parent families and children of any age or, in the alternative, lone parents and their children aged under five. On 15 May 2019, the Supreme Court found that the benefit cap was lawful.

The evolution of the benefit cap

When the amount of welfare benefits exceeds the threshold, housing benefit or the housing cost element of universal credit is capped, meaning the claimant will receive less than they would be otherwise entitled to. The result of this is that households are left with a shortfall in housing costs.

The original benefit cap was introduced by the Welfare Reform Act 2012¹ and brought into force on 15 April 2013. Purporting to 'restore fairness' to the welfare state,² the government capped social security for couples and lone parents to £500 per week (£26,000 per year), to reflect the estimated net average working wage, regardless of the size of the household.

The lawfulness of the original benefit cap was challenged before the Supreme Court in *R (on the application of SG and others (previously JS and others)) v SSWP* [2015] UKSC 16.

The Supreme Court accepted that the cap indirectly discriminated against lone parents, the majority of whom are women, however it held that the discrimination was justified and therefore lawful. The original cap was upheld with a majority of three to two.

Under the new rules, applicable from 7 November 2016,³ the maximum amount of benefits a household can receive has been reduced to £23,000 a year in London or £20,000 elsewhere. The cases of *DA* and *DS* related to the application of the lower cap. The government claims the revised cap's

principal aim is to incentivise parents into work, ensure 'fairness' of the social security system and make savings to the public purse.⁴ In its own impact assessments, the government estimated that 88,000 households would be affected by the lower benefit cap, with 63 per cent being lone parents, 78 per cent of whom have a child under five.⁵

There are a number of exceptions to the cap, including households in receipt of certain disability-related benefits and households who either get **working tax credit (WTC)** or, in the case of UC claimants, have net earnings of £569 per month.⁶ In order to be eligible for WTC, single parents must work a minimum of 16 hours per week.

Legal challenge: impact on lone parent families

With the reduced benefit cap putting lone parent families in even greater financial hardship, and the justification of discrimination against them arguably weaker than before, the issue returned to the Supreme Court in a challenge under the Human Rights Act 1998.

DA concerned lone parent households with children under the age of two. Child Poverty Action Group (CPAG) brought the wider challenge on behalf of *DS*, concerning families with children of any age and, in the alternative, lone parent households with a child under the age of five. Shelter, the Equality Human Rights Commission (EHRC) and Just Fair intervened in the case.

In the case of *DA*, the High Court originally held that the revised cap unlawfully discriminated against lone parents and children under the age of two. In his judgment, Mr Justice Collins noted that 'real misery is being caused to no good purpose'.⁷ The Court of Appeal allowed the government's appeal,⁸ setting aside this decision. Finally, the case was brought before the Supreme Court.

In *DS*, which concerns lone parent mothers with children of any age, or in the alternative under the age of five, the High Court dismissed the claims but granted a 'leapfrog' certificate to appeal directly to the Supreme Court for the two challenges to be heard together.⁹ A seven-judge panel of the Supreme Court

heard the appeals on 17-19 July 2018.

The judgment

DA and DS argued that:

- the revised benefit cap breached article 8 (the right to private and family life), article 14 (the prohibition of discrimination) and article 1 protocol 1 (the peaceful enjoyment of possessions) of the European Convention on Human Rights (ECHR)
- the cap unlawfully discriminated against lone parent mothers with young children who, due to childcare responsibilities, would find it more difficult to work 16 hours or more a week to qualify for WTC and escape the cap
- they were subject to a difference in treatment in comparison to other households, specifically couples and lone parents with children over the age of five and children in these households, and
- that this difference in treatment was unjustified and therefore amounted to unlawful discrimination.

In addition, DA and DS claimed that the government's policy and application of the revised cap was in breach of article 3 of the UN Convention on Rights of the Child (UNCRC) which requires public authorities to place the best interests of the child as a primary consideration in all actions concerning children.

DA and DS submitted that the application of the revised cap unlawfully discriminated against young children of lone parents: since 90 per cent of lone parents are women and 65 per cent of capped household are lone female parent families, the cap disproportionately affects women and children in lone parent households. (para 22) It was put to the Court that these groups should be exempt from the cap.

The fact that the benefit cap indirectly discriminated against lone parent families and had a disproportionate and discriminatory impact on women as the main carers of dependent children was not contested. The issue for the Supreme Court was whether the discrimination was objectively justified and therefore lawful.

The government argued that the discrimination was justified by its social obligations to move households into work, which they claimed would improve long-term outcomes for children, and therefore it was a reasonable foundation for applying the benefit cap to families with children under five or children under two. The government mitigated

the detrimental impact of the reduced benefit cap with the existence of discretionary housing payments (DHPs), which could cover any shortfall in rent.

In a majority of five to two, the Supreme Court dismissed the appeals. For matters relating to social security and the justification of discrimination, the test applied is whether discrimination is manifestly without reasonable foundation. The Court decided that the revised benefit cap, and decision to treat lone parents the same as other households, were not manifestly without reasonable foundation. Therefore, it was lawful.

In particular, the Court considered the impact on the children, with respect to whether there was a breach of Article 3 of the UNCRC and the best interests of the child: 'Insofar as in the present appeals the children themselves claim a violation of rights of their own under article 14, taken with article 8, their rights should be construed in the light of the UNCRC as an international convention which identifies the level of consideration which should have been given to their interests before subjecting their households to the revised cap.' (para 76)

The Court put weight on the government's defence that the long-term social objectives justify the discrimination as children will have improved lives with one working parent in the family. In its decision, the Court was also referred to the provision of DHPs for households to access to 'top up' their housing benefit. However, DHP provision was described as 'just about adequate' (para 88) and Lord Kerr, dissenting, stated that 'DHPs are not tailored to deal with the spectrum of difficulties which the appellants face, merely one aspect of them: housing costs.' (para 189).

Lord Kerr and Lady Hale dissented, allowing the appeals and finding the revised benefit cap unlawful. In Lady Hale's judgment which emphasises the detriment to children and their parents, she states: 'it seems to me a clear case where the weight of the evidence shows that a fair balance has not been struck between the interests of the community and the interests of the children concerned and their parents.' (para 157)

Current position

The challenge to the revised benefit cap may be heard before the European Court of Human Rights (ECHR). Anyone affected by the benefit cap should be advised to apply for a DHP to cover the shortfall in rent.¹⁰

Shelter Legal

Benefit cap

Footnotes

¹ ss 96 and 97 Welfare Reform Act 2012; art 2(2)(b) Welfare Reform Act 2012 (Commencement No.5) Order 2012 SI 2946/2012.

² See, for example [The benefit cap: a review after the first year](#), DWP, December 2014 (pdf).

³ s.8 Welfare Reform and Work Act 2016; reg 2 Welfare Reform and Work Act 2016 (Commencement No.3) Regulations 2016 SI 2016/910.

⁴ See, for example, the DWP press release on 2 February 2017: <https://www.gov.uk/government/news/benefit-cap-restores-fairness-to-the-system>.

⁵ See: [Welfare Reform and Work Act: Impact Assessment for the benefit cap](#), DWP, August 2016 and [The estimated impact of the benefit cap on parents, by age of youngest child](#), DWP, 6 July 2017 (pdf).

⁶ reg 75E Housing Benefit Regulations 2006 SI 2006/213; reg 82(1) Universal Credit Regulations 2013 SI 2013/376, see also: <https://www.gov.uk/benefit-cap/when-youre-not-affected>.

⁷ R (on the application of DA) v Secretary of State for Work and Pensions [2017] EWHC 1446 (Admin), para 43.

⁸ R (on the application of DA) v Secretary of State for Work and Pensions [2018] EWCA Civ 504.

⁹ R (on the application of DS) v Secretary of State for Work and Pensions [2018] EWHC 698 (Admin).

¹⁰ It is also crucial to check whether the claimant might be exempt from the benefit cap, either because of their circumstances, or because they are entitled to a benefit that would lead to an exemption. See Shelter Legal for an overview of [claimant exemptions and benefits that are disregarded](#) when calculating the cap.

Care leavers - shared accommodation rate

In this article, Gerard Hunter outlines the circumstances in which care leavers may be exempt from the shared-accommodation rate of LHA or UC housing cost element and sets out options for those at risk of having their entitlement reduced when they turn 22.

Gerard Hunter is a Consultancy Line Adviser at the NHAS Consultancy Service.

The shared accommodation (single room) rate of the [local housing allowance](#) (LHA) limits the amount of [housing benefit](#) (HB) or the housing costs element of [universal credit](#) (UC) a single person under the age of 35 can claim towards the cost of renting their home from a private landlord.¹

There are a few exceptions to this rule, including claimants under the age of 22 who were formerly in social services care – they will receive the one-bedroom self-contained rate.² However, unless exempt, when a care leaver reaches the age of 22, they will usually be subject to the shared accommodation rate.

Risk of homelessness

A common thread has emerged in conversations with support workers of care leavers – many are at risk of becoming homeless when they turn 22, because of the sudden financial shortfall that can lead to rent arrears accruing quickly and landlords starting possession proceedings. The risk is further exacerbated where there is no guarantee that an application for a [discretionary housing payment](#) (DHP) will be accepted. Even if it is, DHP is unlikely to continue indefinitely, putting the claimant in a position of uncertainty.

The 2016 care leavers strategy [Keep on caring](#) noted that outcomes for care leavers ‘remain much worse than their counterparts’ and that achieving financial stability for care leavers was vital. The report also found that care leavers were not sufficiently prepared for the realities of living independently. Difficulties in budgeting, household maintenance and accessing universal services were the main concerns. One of the key recommendations of the strategy was that care leavers should achieve financial stability, because unstable income could have a serious adverse effect on the young person’s ability to manage independently. The strategy mentioned a proposal to increase the cut-off age for the exemption for care leavers from 22 to 25.³

Almost three years later, the House of Commons briefing paper [Support for care leavers](#) recognised that past attempts to increase the cut-off exemption age for care leavers had not been successful.⁴

Practical impact of the shared accommodation rate

Broad Rental Market Areas (BRMA) are used to determine the rates of LHA in different locations. While shared accommodation rates are lower than the one-bedroom self-contained rates in all BRMAs, one example of a significant decrease in the LHA rates is the Inner North London BRMA, where the one-bedroom self-contained rate currently pays £276.51 per week, while the shared accommodation rate pays £106.89 per week. This is a 61 per cent decrease in LHA, amounting to a loss of £169.62 per week, which the claimant will have to cover out of their own income in order to avoid falling into rent arrears.⁵

Exemptions for disabled claimants

The following groups of care leavers will continue to be entitled to one-bedroom self-contained rate even when they turn 22:

- HB only: any claimant who is in receipt of the [severe disability premium](#) (SDP)⁶
- UC only: claimants who are under 35 and in receipt of the mid or high care component of [disability living allowance](#) (DLA), daily living component of [personal independence payment](#) (PIP) or [attendance allowance](#).⁷

While claimants in the latter group are likely to be financially disadvantaged by the loss of SDP,⁸ their entitlement to the higher rate continues irrespective of whether there is someone claiming carer’s allowance/care element of UC for looking after them.

If the claimant is in receipt of UC, there are two things to check:

- whether they are entitled to the mid or high care component of DLA or daily living component of PIP. If an application can be successfully made, their entitlement to the self-contained one-bedroom rate will continue
- if the former does not apply, whether they may be entitled to transitional protection which could provide additional funds to cover any shortfall in rent.⁹ It is likely that specialist benefits advice will be needed to establish this.

What options are there?

Below is an overview of options that may be available to care leavers who are not exempt from the shared accommodation rate once they turn 22.

Financial assistance from social services

Care leavers are entitled to various types of support until they reach the age of 25. This is usually provided in the form of a personal adviser. They can also be exempt from paying council tax and, in some cases, obtain 'moving on' grants of up to £2000.¹⁰

'Staying put'

The 2014 Children and Families Act also introduced the 'staying put' duty.¹¹ This requires local authorities to support young people to remain with their former foster carers until they turn 21, provided that both the young person and carer wish for the arrangement to continue. However, care leavers who move out of their foster carers' accommodation at the age of 21 will only have one year before the LHA rate is reduced.

Social housing

Rents in the social housing sector, especially in local authority housing, are controlled and therefore more affordable than rents in the private rented sector. It is worth exploring this option and applying to join the local council waiting list, even if the applicant is not facing possession proceedings at the moment. Even though care leavers are not entitled to reasonable preference by law,¹² some local authorities operate discretionary schemes that may give them some priority on the waiting list.

Homelessness assistance from the housing authority

Care leavers who find themselves homeless or threatened with homelessness as a result of a sudden reduction in their housing cost entitlement may approach the housing authority for assistance. It is worth noting that where accommodation is genuinely unaffordable, the person should be seen as statutorily homeless regardless of whether the landlord has started possession action.¹³

By introducing the new prevention and relief duties, the Homelessness Reduction Act 2017 aims to prevent the antiquated practices of those with no automatic priority need being turned away with no assistance.¹⁴

Where current accommodation is unaffordable, the local authority should help the applicant

find somewhere more affordable. If a drop in the entitlement to housing-related benefits is an issue likely to arise in the near future, the housing authority will have to take it into account. Consideration should be given to the particular needs of the applicant, including any physical or psychological conditions that may affect their ability to live in shared accommodation. The authority will be under a duty to record the applicant's housing needs and devise a personalised housing plan (PHP) – an individualised plan of action with steps for both the authority and the applicant to follow.¹⁵

Where the care leaver is already homeless, the local authority will offer emergency (interim) accommodation only if it has a reason to believe that they are in priority need.¹⁶ Certain groups of care leavers aged between 18 and 20 are automatically in priority need,¹⁷ but those over the age of 22 are not and, unless in automatic priority need for another reason,¹⁸ will be entitled to this emergency housing assistance only if the housing authority has a reason to believe they are vulnerable, meaning more likely to come to harm, if street homeless, than an ordinary person would be.¹⁹

Increasing the exemption age limit to 25

Care leavers may need to live in self-contained accommodation due to the issues they have experienced in the past, and to help them function independently. Raising the upper age limit for one-bedroom self-contained accommodation to 25 would allow for more stability, long-term support planning, including time to build up the skills required to manage on their own.

Further advice

The NHAS Consultancy Line provide 2nd tier advice on housing possession proceedings, as well as housing-related benefits, including LHA, HB, and the housing cost of UC. NHAS advisers can be contacted by phone (0300 330 0517 Monday to Friday from 9am – 6pm), webchat or by sending an on-line enquiry form available on the users' areas of www.nhas.org.uk. To check whether your agency can use the NHAS Consultancy Line, click [here](#) or call 0344 515 2268.

Clients at risk of losing their home can contact Shelter for advice on their options. See the last page (the factsheet) for contact details.

Shelter Legal

[Restrictions on eligible rents: Private rented sector tenants](#)

Footnotes

¹ Before January 2012 the shared accommodation rate affected only those who were 25 years old or younger.

² Schedule 4, Part 4, para 29(2) Universal Credit Regulations 2013 SI 2013/376; para 2.070 [Local Housing Allowance Guidance 2014](#) (pdf).

³ [The Care Leavers Strategy, Keep on Caring: Supporting young people from care to independence](#) (pdf), HM Government, July 2016, p. 8.

⁴ [Support for Care Leavers](#), House of Commons Library, 28 October 2019, p.27.

⁵ Search carried out on <https://lha-direct.voia.gov.uk/>. See the Local Housing Allowance (LHA) rates applicable from April 2019 to March 2020 on gov.uk: <https://www.gov.uk/government/publications/local-housing-allowance-lha-rates-applicable-from-april-2019-to-march-2020>.

⁶ reg 13(5)(b) The Housing Benefit Regulations 2006 SI 2006/21; para 2.080 of the [Local Housing Allowance Guidance 2014](#) (pdf).

⁷ Schedule 4, Part 4, para 29(5)(a)-(c) Universal Credit Regulations 2013 SI 2013/376.

⁸ See, for example [R \(TP, AR, SXC\) v SSWP \[2020\] EWCA Civ 37](#).

⁹ The Universal Credit (Managed Migration Pilot and Miscellaneous Amendments) Regulations 2019 SI 2019/1152.

¹⁰ See para 3.83 [Keep On Caring - Supporting Young People from Care to Independence](#) (pdf) July 2016 and <https://www.gov.uk/leaving-foster-or-local-authority-care>.

¹¹ s.98 Children and Families Act 2014.

¹² s.166A(3) Housing Act 1996, as inserted by s.147(4) Localism Act 2011; see also S. Durrant 'Avoiding unlawful decisions', *Housing matters* 134 February 2020.

¹³ Homelessness (Suitability of Accommodation) Order 1996 SI 1996/3204; *R v Hillingdon LBC, ex parte Tinn* (1988) 20 HLR 305, QBD; *Odunsi v Brent LBC* [1999] Willesden CC, Legal Action August 1999; *Carthew v Exeter CC* [2012] EWCA 1913; *Farah v Hillingdon LBC* [2014] EWCA Civ 359; see also considerations in relation to affordability in *Samuels v Birmingham CC* [2019] UKSC 28.

¹⁴ See the [prevention and relief duties](#) under ss. 195 and 189B of the Housing Act 1996, as inserted by ss. 4 and 5 of the Homelessness Reduction Act 2017 respectively.

¹⁵ s.189A Housing Act 1996.

¹⁶ s.188 Housing Act 1996.

¹⁷ art 2 and 4 The Homelessness (Priority Need for Accommodation) (England) Order 2002 SI 2002/2051.

¹⁸ Automatic categories of priority need are: applicants with dependent children, pregnant women, care leavers aged 18-20, 16-17 year-olds who are not 'children in need', applicants who have lost their home due to fire, flood or another disaster; for more information, see [Priority need](#) on Shelter Legal.

¹⁹ *Hotak v Southwark LBC*; *Kanu v Southwark LBC*; *Johnson v Solihull BC* [2015] UKSC 30.

Covid-19 and housing

This factsheet explains what help you may be able to get if your housing situation has been affected by the coronavirus (Covid-19) pandemic.

This factsheet explains what help is available if your housing situation has been affected by the coronavirus (Covid-19) pandemic. For general advice on coronavirus (Covid-19) and when to self-isolate, visit [NHS.uk](https://www.nhs.uk) and [gov.uk](https://www.gov.uk).

Right to a longer notice

If you rent from a private landlord, a housing association, or your local council, and you get a notice from your landlord on or after 26 March 2020, the notice must give you a minimum of three months. This applies even if you are in rent arrears. Currently the requirement for longer notices applies only between 26 March and 30 September 2020, but it may be extended in the future. You're not protected if you're a lodger or if you're staying in emergency accommodation awaiting a decision on your homeless application.

Suspended possession proceedings

If you received a notice before 26 March 2020, the landlord won't be able to get a court order straight away. This is because from 27 March 2020 the courts have suspended all possession proceedings for 90 days. This applies to anyone who has the right to a court order and a warrant, including homeowners who have a mortgage, tenants, and service occupiers. It doesn't apply to lodgers.

Homeowners: payment holiday

If you're struggling to pay your mortgage because of coronavirus, for example you've lost your income or you can't work because you're sick and/or self-isolating, you can ask the bank for a 'payment holiday', meaning you'd be able to temporarily suspend payments for up to 3 months and repay the amount at a later date. You'd have to contact them directly to discuss this and they may suggest other options that would be better in your case.

Repairs and safety

The pandemic doesn't mean your landlord isn't responsible for repairs to your home. However, some delays may be inevitable. The government has advised landlords to only go into tenants' homes if the repairs of safety issues are urgent and serious. If your landlord has to come in to deal with an urgent problem, make sure you follow the advice on social distancing, for example stay in a separate room. Tell your landlord if you don't want them to come in, you may be able to negotiate a different solution.

Benefits

If you can't work because you or someone in your household has developed symptoms of Covid-19 and self-isolating, and you qualify for [Statutory Sick Pay](#) (SSP), you will get it from day one.

If you don't qualify for SSP, you may be able to apply for other benefits, such as [Universal Credit](#) (UC) or [Employment and Support Allowance](#) (ESA). Get benefits advice if you're unsure what to claim. If you're self-employed and you need to claim UC, the minimum income floor won't apply to you, meaning the amount you'll get will be worked out using your actual earnings.

Starting from 19 March 2020, job centre appointments and assessments have been suspended for 3 months, so if you need to be interviewed, it may be postponed or done over the telephone.

If you already get help with your council tax, you may be entitled to further reductions, so ask your local council about that.

Homelessness

If you have nowhere to stay, you can make a homeless application to your local council. The council may have temporary safety measures in place, but they must not refuse to take your application. You can also search for hostels on the [Homeless Link](#). For more information on how to apply and what the council will look at, see the factsheets in the [Homelessness](#) section.

If you're an asylum seeker in Home Office (UKVI) accommodation and you've received a decision on your asylum application, you won't have to move out straight away as evictions have been suspended for 3 months. This applies even if the Home Office has rejected your asylum claim.

Moving houses

The government has asked everyone to postpone moving houses if possible, so if you've been house-hunting, you may have to wait until the pandemic is over.

Further advice

You can get further advice from [england.shelter.org.uk/housing_advice](#), local Shelter advice service or local Citizens Advice. If you have nowhere to sleep tonight, are at risk of harm or losing your home within the next 2 months, call Shelter Helpline on **0808 800 4444** for advice and information on your options.*

*Calls are free from UK landlines and main mobile networks.



Note
Information contained in this factsheet is correct at the time of publication. Please check details before use.