

Issue 109 December 2015

Guest edited by Hart District Council Housing Services

Local authority approaches to homelessness prevention

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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.

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

National Homelessness Advice Service

The National Homelessness Advice Service (NHAS) is a partnership between Shelter and Citizens Advice funded by the Department for 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 to local authorities, CABx and around 100 other advice agencies in England:

- a national telephone housing advice consultancy service for local authorities, CABx and around 100 other advice agencies in England. Call 0300 330 0517 9am–8pm, Monday to Friday, or send in an enquiry using the online enquiry form available on the members' areas of www.nhas.org.uk
- housing debt casework - specialist support for cases relating to mortgage arrears and other problems with housing affordability, including welfare benefits issues. Call 0300 330 0517 or use the online enquiries form (see above for details)
- free basic housing advice training courses to develop housing advice skills, covering the main housing advice presenting issues and how to advise households effectively on homelessness prevention options
- written briefings, articles in *Housing matters* and *Adviser*, information on housing issues and other written materials
- support in the implementation of new homeless prevention initiatives.

Contact details

For more information about NHAS training, please email JoanneK@shelter.org.uk or call 0344 515 1676.

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

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

What's new?

Housing and Planning Bill

The Government has published its Housing and Planning Bill. Included are provisions to:

- give local authorities greater powers to identify and tackle rogue landlords
- implement the Right to Buy for housing association tenants on a voluntary basis
- introduce new powers for landlords to repossess 'abandoned' property.

For a copy of documentation relating to the Bill, go to tinyurl.com/H-Pbill

Right to Rent checks roll-out

From 1 February 2016, all private landlords in England will have to carry out a 'right to rent' check on the immigration status of prospective tenants before renting out their property. For more information, see tinyurl.com/moreR2R

When the Immigration Bill 2015-16, currently going through Parliament, is enacted, it will be easier for landlords to evict tenants who don't have a right to rent. For a copy of the Bill, go to tinyurl.com/R2R2016

Improving the PRS - consultation outcome

The Department for Communities and Local Government (DCLG) has published a response to its consultation on measures to help improve standards in the private rented sector (PRS).

For a copy of the document which presents the views of key stakeholders, including local authorities and charities, and outlines the government's response, see tinyurl.com/prs-replies

Conditions in the PRS

New research from Shelter has found that nearly half a million privately rented homes have a problem with vermin and that 49 per cent of private renters had problems with poor conditions or disrepair in the last year. For a copy of the report, go to tinyurl.com/PRSconditions

Extending mandatory licensing of HMOs

The Government has set out options for extending the scope of mandatory licensing of Houses of Multiple Occupation (HMO) in a discussion paper which also sets out proposals to streamline the HMO licensing process. The deadline for responses is 18 December 2015. See tinyurl.com/HMO-mand

Section 21 notices - form corrected

The original prescribed form for a section 21 notice to be served to end an assured shorthold tenancy granted on or after 1 October 2015 contained an error. The Assured Shorthold Tenancy Notices and Prescribed Requirements (England) (Amendment) Regulations 2015 SI 2015/1725 has substituted a new form (Form 6A). The form, together with the accompanying notes, is available on Gov.uk at tinyurl.com/ASTnewform

Impact of sanctions on HB

In HB Bulletin U1/2015, the Department for Work and Pensions (DWP) clarifies that claimants of jobseeker's allowance or incapacity benefit who are subject to a sanction imposed by the DWP should continue to receive housing benefit (HB) without interruption. The Bulletin was issued following concerns raised by customers' representative groups. For a copy, go to tinyurl.com/sanction-hb

HB for 18-21s in supported housing

The Government has confirmed that universal credit (UC) claimants aged 18 to 21 living in 'specified' supported accommodation will continue to receive HB rather than the housing element of UC. See tinyurl.com/HB-18-21

LHA rates

The Rent Officers (Housing Benefit and Universal Credit Functions) (Local Housing Allowance Amendments) Order 2015 SI 2015/1753 provides that local housing allowance (LHA) rates will remain at the April 2015 levels (or be set at the 30th percentile point for local market rents, if this is lower). In the Summer Budget 2015, the Chancellor announced that these rates will be frozen from 2016/17 to 2019/20.

Supporting fixed-term social tenants

In light of reports that the Government is planning to require social landlords to grant only fixed-term tenancies, the Chartered Institute of Housing (CIH) has called for reflection on the experiences of those landlords already issuing fixed-term tenancies in order to learn from them ahead of a possible wider roll-out. Go to the CIH website for more information at tinyurl.com/CIHflexible

The PRS and local authorities: improving the relationship

In the current climate, small teams with small budgets wanting to work in partnership with the private rented sector (PRS) need to get creative.

In this article, Phil Turner discusses the challenges and solutions affecting Hart District Council, and shares good practice in working with PRS landlords.

Phil Turner is Head of Housing Services, Hart District Council.

Hart is the least deprived district in England and, according to the Halifax, for the past four years it offered the best quality of life anywhere in the country. Yet 630 households a year approach its housing options team as homeless or at risk of homelessness.

Whilst it may be an attractive place to live, for a small and mostly rural area, with no Council-owned housing stock and a high demand for affordable housing, low income families can struggle to access appropriate housing. The housing market is very competitive and public services are limited.

In recent years, the private rented sector (PRS) has been the Council's main option in terms of securing accommodation to prevent homelessness, with an annual average of 120 placements. In addition, 17 households had the main homelessness duty ended with a PRS offer in the last financial year. To date, Hart has rarely used the PRS to provide temporary accommodation, although that could change depending on future demand.

Strategic partners

In 2014, as part of the Preventing Homelessness Strategy review, we invited PRS landlords to join us as delivery partners in discussions about our strategic aims. We discussed the importance of the PRS in meeting our aims around preventing and tackling homelessness, and outlined the business case for PRS landlords to work with us. We were pushing an open door - we can contribute to landlords' prosperity and enable them to help people in need.

Customer relations

From the outset, we pledged to be honest in our relationship with landlords, both strategically and operationally, so that landlords can make informed decisions. Prospective tenants sign a consent form to facilitate information sharing and, where a tenancy history demonstrates a chequered past, information is shared. Disclosure is accompanied by advice about the support we can provide, such as settling in visits, to help a new tenancy succeed. Landlords need to know that we value them and will advocate with their interests, as well as the interests of tenants, in mind.

Marketing a flexible 'offer'

Hart's offer to its PRS landlords includes, at no cost to them:

- voluntary accreditation for landlords from the National Landlords' Association
- indemnity against arrears and damage (using a bond guarantee scheme)
- assistance with welfare benefits
- drafting of tenancy agreements and inventory service
- tenants' vetting, pre-tenancy training for tenants and settling in visits
- advice about fitness standards
- updates/advice on regulatory changes
- regular landlord's forums and ongoing feedback opportunities.

The offer is marketed and used as part of our wider 'sales pitch' when recruiting landlords. We make targeted use of literature and posters, adverts in local and regional publications, and flyers in the annual Council Tax billing service.

Conflicting interests?

We are honest with landlords about the type of advice we provide to tenants, such as their rights to repairs, and our responsibilities to enforce housing standards. This sometimes runs counter to what landlords may see as their own best interests. Helping landlords to understand this aspect of our functions has been important in building our relationship.

Listening to feedback

PRS landlords wanted less from us than we initially expected. For example, they didn't want complicated Private Sector Leasing arrangements. What they wanted was support with welfare benefits, named contacts, and the ability to access advice on a range of issues, such as their repairing obligations, when they needed it. Often we only needed to tweak what we were already doing – for example, we were already moving away from cash deposits and, with support from landlords, we completed the transition to bond guarantees overnight, generating savings and freeing up officers' time.

Facilitating contact

In order to meet landlords' needs we revised job descriptions and created two distinct roles. The first, a named point of contact for landlords. The second, a named point of contact for tenants. Landlords were pleased.

We also set up a 'Landlord Hotline' for them to call and discuss any issues they may be experiencing. In actual fact, we gave that name to an existing number into our service so it cost nothing. We publicised this at a Landlord's Forum, calling it a 'launch event'.

Linking teams

We linked the work of our Private Sector Housing team with the work of our Housing Options team to create a package of bespoke support, including advice on repairing and maintaining properties, energy efficiency, and the need to ensure accommodation is of a high standard for tenants. To further integrate our services, we have co-located Housing and Housing Benefits teams.

Reducing 'churn'

Over time we'd become experts in dealing with homelessness from the PRS by placing households elsewhere in the PRS. We shifted our focus to supporting tenants to remain in their existing homes where appropriate. We marketed a 'Ring Before You Serve Notice' practice to encourage landlords to contact the Council at the first sign of tenancy failure. This was a low cost, high impact measure designed to allow us to work with landlords and tenants to overcome problems. Where a landlord insisted that a tenant must leave, we used the early warning to offer a seamless tenant finder service while resolving the outgoing tenant's future housing.

Influencing perceptions

Effective tenant matching relies on landlords wanting to offer tenancies to people who need them. Like anyone else, PRS landlords watch television and read the news. They form opinions based on what they see and hear. We help landlords to have more realistic perceptions of local people needing homes. We told landlords that more than half of all households on our Housing Register are in work. The remainder includes pensioners and people unable to work due to disability.

Similarly, we have publicised information relating to universal credit (UC), which may address landlords' concerns about risk to their rental income from UC being paid direct to the tenant.¹

Overcoming barriers

Our service recognises landlords' particular dislikes, such as councils insisting that tenants facing eviction sit tight until the bailiffs come. We do not find someone intentionally homeless if they leave a property before the landlord has obtained a bailiff's warrant where they have been given notice through no fault of their own.

If we cannot secure suitable temporary accommodation immediately after the notice expires, we try to negotiate with landlords for extensions beyond the notice date. The extra time this buys may enable us to make an offer through the waiting list or secure appropriate PRS accommodation. Otherwise, if there are no reasonable temporary accommodation options available we may advise the client they should exercise their right to stay put.

We know that landlords don't appreciate heavy-handed enforcement notices, so we are not 'trigger happy', although sometimes notices must be served and an assertive approach adopted. We try to work with landlords to ensure properties are improved.

The Council's expectations

We expect our PRS landlords to:

- meet fitness and safety standards
- offer tenancies to people on low incomes and/or receiving benefits
- work with us to resolve any issues that arise during tenancies
- inform us before they take action to end a tenancy.

With limited resources, we think we're giving landlords a good deal. Most of our landlords don't think meeting these expectations is a high price to pay for a free service. We ask landlords for testimonials and publish them, and encourage them to share their experiences of working with us.

Further Information

The Hart model may not be appropriate everywhere. It builds on a historically positive working relationship with the PRS. Having said that, it is a simple approach and it can be delivered by a small team, and on a small budget, in a high cost housing market area.

For further information about how Hart District Council works with PRS landlords, please contact Phil Turner on 01252 774420 or email: phil.turner@hart.gov.uk

Footnotes

¹ For more information about universal credit, see the Department for Work and Pensions' Universal Credit guidance and toolkit at tinyurl.com/U-CrTool-kit

Tackling disrepair and rogue elements in the PRS

With increasing numbers of people renting in the PRS, tackling disrepair and rogue landlords requires a robust approach. When the going gets tough, the tough get going ...

In this article, Ian Wright, Environmental Health Service Manager at Oxford City Council, explains how Oxford is responding to a challenging PRS market.

Oxford's housing market is a pressure cooker. The City's urban footprint has changed little since the 1970s. It's constrained by tight boundaries and green belt. A rapidly growing population since 2001 has resulted in 18,000 people being accommodated by increasing housing density. Oxford is one of the least affordable cities in the UK. The proportion of homeowners has declined from 55% in 1991 to 47% in 2011 while the proportion of households in the private rented sector (PRS) has almost doubled from 16% to 28%.

This article looks at Oxford's response to the challenges of an overheated PRS, including houses in multiple occupation (HMOs) and 'beds in sheds'.

Licensing HMOs: challenges

HMOs are an inevitable result of housing pressure. The latest estimate suggests there could be as many as 7,000 HMOs in Oxford. Whilst mandatory licensing successfully improved standards in the licensed stock, rogue landlords then moved into HMOs that didn't require a licence.

Discretionary licensing must not be the automatic default option for tackling problems in the PRS. Organisations representing landlords regularly complain that councils place extra burdens on all landlords instead of targeting enforcement on the non-compliant part of the sector.

Taking a tough stance

Oxford's Environmental Health Service embarked on a period of tough enforcement from 2007-2009, which saw the Council issue more summonses¹ against managers and owners of HMOs than all the inner London authorities combined.² When officers reviewed options to tackle poor management of HMOs across the City in 2010, we could demonstrate that we'd already tried other avenues. Additional HMO licensing was the only viable option.

Citywide licensing

England's first citywide designation to license every HMO was subsequently introduced in 2011. Oxford's target was to license 3,500 properties by January 2017. This figure has already been achieved.

The scheme introduced one-year licences under which landlords are contacted annually, and regular checks made, to ensure compliance is achieved and sustained.

We inspected every HMO before issuing a licence. This approach had been successfully applied to HMOs subject to mandatory licensing. It also dispelled any criticism that licensing was an ineffectual paper exercise.

Resourcing a robust scheme

The long time it takes to process licenses creates a resource pressure - the licensing system is bureaucratic and multi-staged, and landlords are reluctant participants (only 56% submitted complete applications).

Oxford Council tackled the resource demands of inspection and enforcement using a combination of contractors to inspect low risk properties and Council's officers to tackle the high risk HMOs. Nearly 20,000 visits have been made to HMOs since 2011. Around 49,000 discretionary conditions were included on licences:

- 12,600 for fire safety
- 35,000 for health and safety, eg disrepair
- 1,600 for amenities and facilities, such as kitchen and bathroom improvements.

Over 90% of our licensed HMOs required works to comply with minimum standards. We estimate that £3.2m has been invested into the HMO sector. Full compliance with licence conditions has, however, been patchy and in 2014/15 over 30% still had outstanding licence conditions, and 11% required additional conditions. Since 2011, there have been 52 prosecutions, 39 formal cautions and £226,289 in fines and costs.

Fit and proper person?

The impact of the fit and proper test for landlords³ to hold a licence has been hampered by a lack of case law in this area. We have not been able to prevent some landlords who we have had concerns about from becoming licence holders.

We advise landlords when we do not consider them fit and proper persons and encourage them to find another licence holder who can act on their behalf.

This is a practical alternative to processing and refusing applications. We successfully persuaded one landlord to use a reputable letting agent, and put sufficient pressure on two substandard letting agents to force them out of the market.

Keep licensing under review

Oxford's Additional Licensing Scheme has been through an internal review this year and, following a consultation exercise, a new Scheme was designated in October 2015 to take effect in January 2016. New licences will be for two or five years⁴ which will benefit better landlords and help reduce the administrative burden. There will be a greater focus on rooting out the numerous unlicensed HMOs that remain in the City.

The Scheme won this year's Association for Public Service Excellence (APSE) Award in Housing, Regeneration and New Build.⁵

Health and Safety Rating System

To avoid the requirements imposed by large scale licensing of HMOs, certain rogue landlords moved into the non-HMO rented market. As a result, the Council made extra funding available to enable proactive inspections of non-HMO properties.

The aim was to ensure a message reached the PRS - the Council would not ignore landlords dropping out of the HMO licensing process because their property was in a poor condition. They would be dealt with under the Housing Health and Safety Rating System (HHSRS) instead.⁶ In one case, we used this system to fully inspect the entire unlicensed stock of nearly 30 properties belonging to a known rogue landlord.

Keeping proactive and thorough

When tenants report poor conditions we respond by inspecting the whole house from top to bottom using the HHSRS and take enforcement action to remove any hazards. Tenants may raise only those matters that they perceive to be a problem, when there are actually far more serious issues with their property that they are not aware of.

This approach began in 2013/14 with a target of improving 220 properties a year. This has been increased to 250 for 2015/16. The level of enforcement activity has increased significantly when compared to the previous approach of only dealing with the issue raised by the tenant. In 2012/13 only eight legal notices were served compared to 94 in 2013/14 and 209 in 2014/15.

Beds in sheds

Following an increase in reports of beds in sheds, in 2011/12 a small pilot survey was carried out and 60 dwellings with large outbuildings were identified using Google Street View. A third of these properties warranted enforcement action under planning and/or housing legislation. Council funding for this was match funded by DCLG.⁷

Unlawful developments

In March 2014, a citywide, aerial survey using Light Detection and Ranging (LiDAR) technology and thermal imaging was commissioned and completed.

The number of unlawful developments identified was far more than expected. They were spread across the city, concentrated in areas where the building and land type lent itself to that use. The total figure was in excess of 5,000 with approximately 2,700 having a suspicious heat profile. The list was refined using databases such as planning, council tax, housing benefit, and the electoral register.

Approximately 140 of the unlawful developments were identified as beds in sheds located at licensed HMOs. These were revisited and licence conditions were amended to exclude the use of the unlawful structure as residential accommodation.

A total of 861 visits were made to investigate potential unlawful dwellings. These investigations have shown that approximately 10% of those properties built without planning and building regulation approval are, or were, being used illegally as residential accommodation.

Legal action has been taken in 96 cases, with 43 Planning Enforcement Notices resulting in three demolitions and seven unlawful dwellings no longer being in use. Funding for future work in this area is under review.

Conclusion

Our enforcement policy and practice has been uncompromising. The better landlords in Oxford want tough action and there is cross party support for our approach. We have achieved significant improvements, but there is still some distance to travel.

For further information about Oxford City Council's approach to licensing and enforcement in the private rented sector, contact Ian Wright on 01865 252553 or email: iwright@oxford.gov.uk

Footnotes

¹ According to figures from the Chartered Institute of Public Finance (CIPFA).

² Most offences were under s. 234 Housing Act 2004 relating to the Management of Houses in Multiple Occupation (England) Regulations 2006 SI 2006/372.

³ s.64 Housing Act 2004.

⁴ The duration of the licence depends on factors such as whether or not the landlord is accredited.

⁵ tinyurl.com/APSE-award-15

⁶ The HHSRS, introduced under the Housing Act 2004, is the system local authorities use to assess housing conditions. It replaced the previous test of fitness for human habitation found in s.604 of the Housing Act 1985.

⁷ Funding was applied for under the Department for Communities and Local Government's (DCLG) Rogue Landlord Programme. Current DCLG funding is targeted at the 65 authorities with the most significant rogue landlord problems. For more details see tinyurl.com/DCLGRogueLL

Homelessness prevention: debt and money advice

When people can no longer meet their housing costs, it can be difficult to know where to turn. Proactive housing services don't wait for residents to turn up at their door, they act before it's too late.

Gemma Thompson explains how debt advice is integrated into the housing options approach in the Metropolitan Borough of Solihull.

Gemma Thompson is Housing Strategy Officer for Solihull MBC.

In the Metropolitan Borough of Solihull, housing options services are provided on the Council's behalf by an arm's-length management organisation (ALMO) - Solihull Community Housing (SCH).

Preventing homelessness is a key aim of Solihull's Homelessness Strategy. A large contributor to successful prevention in the borough is the provision of money and debt advice, enabling households to remain in their existing homes. In 2014/15, 42% of Solihull's 322 homelessness preventions were achieved through debt advice.

Money Advice

Where a household that is homeless, threatened with homelessness or in housing need identifies mortgage/rent arrears or other debt as part of their housing options assessment, they are referred to the in-house Money Advice Team (MAT), or the Citizen's Advice Bureaux (CAB).

MAT is part of the Housing Options service. It is licensed to give debt advice by the Financial Conduct Authority (FCA), and also has a Community Legal Services (CLS) Quality Mark in 'General Help with Casework in Debt and Welfare Benefits'.

A number of staff are approved 'Debt Relief Order Intermediaries' (DROIs).¹ There is always a member of MAT available for on-the-day appointments. Direct referrals can be made where prompt intervention is required because a household is due to be evicted imminently.

MAT's interventions to support customers to remain in their homes include:

- investigating affordability and help with budgeting
- benefit checks and assistance with applying for benefits
- negotiating affordable and sustainable repayments with creditors
- advocating with mortgage lenders
- exploring cheaper fuel tariffs
- advice on Debt Relief Orders (DROs), bankruptcies or Individual Voluntary Arrangements (IVAs) where appropriate.

Working with Income and Awards

SCH and the Council's Income & Awards team (including Housing Benefit and Council Tax teams) work jointly to identify vulnerable households, maximise income, and prevent homelessness. In particular, where SCH notifies Income and Awards that a tenant is at risk of eviction for rent arrears, and possession is being sought, Income and Awards can help with a benefits claim, review the availability of grants such as discretionary housing payments, and/or refer to other organisations for support.

Homelessness Prevention Fund

The Council's Homelessness Prevention Fund, administered by SCH, can provide financial assistance with rent or mortgage arrears, or support other arrangements for a set period to allow sustainable interventions to be identified for people working with SCH.

Tackling poverty in partnership

The Council leads a Financial Inclusion Group (FIG) made up of agencies from the statutory and voluntary sectors including CAB, Age UK, DWP, Credit Union and accommodation and support providers. FIG's focus is on tackling poverty and debt. It arranges activities to target vulnerable groups, such as regular events at local schools to promote the financial assistance available to parents.

It also promotes a range of initiatives to help people improve their financial circumstances, employment opportunities and health. One initiative is 'Support to Success'² which promotes local advice and support across six key areas (including getting into work, setting up a bank account and accessing help with debt and budgeting support) to frontline customer contact points and two Community Advice Hubs.³

All frontline services across the Borough share a referral 'route map' for customers in financial difficulty. This is promoted to all frontline organisations through the FIG and encourages referrals between agencies to be sent to the most appropriate service.

Further information

If you would like more information, call Gemma Thompson on 0121 704 8187.

Footnotes

¹ DROIs are able to process Debt Relief Orders on behalf of their clients, sending authorised applications directly to the Insolvency Service.

² tinyurl.com/Solihull-S2S

³ tinyurl.com/Solihull-hubs

Harassment and illegal eviction: a formal approach

Feature

In Mendip, a rural authority in Somerset, we believe that the vast majority of private rented sector (PRS) landlords act lawfully when taking action to repossess their properties. Nonetheless, a minority do harass or illegally evict their tenants, and this requires an effective response.

The law

The Protection from Eviction Act 1977 makes harassment and illegal eviction a criminal offence. A further offence of harassment exists under the Protection from Harassment Act 1997. Councils have the power to investigate and prosecute landlords who they believe have committed an offence.

Mendip's formal policy

Mendip's new Illegal Eviction and Harassment Policy:¹

- ensures a fast, clear and co-ordinated response to allegations of harassment and illegal eviction
- sets out the support we offer to tenants and landlords
- outlines enforcement action we may take.

Our policy raises the profile of harassment and illegal eviction within the Council and makes clear our commitment to investigating all allegations. We believe that this will have a deterrent effect on any landlord who may contemplate taking such action.

Reporting

Tenants, organisations and third parties can now easily report allegations of harassment and illegal eviction using the new reporting form on our website, or by ringing the Council's contact centre.

Staged approach to enforcement

Harassment and illegal eviction can often be prevented through mediation with landlords, so we use a three-stage approach:

- mediation and negotiation
- formal caution
- prosecution.

Housing options staff speaking to landlords accused of unlawful actions take a non-confrontational approach to maintain positive relationships with the PRS.

Staff training

We train housing options staff to identify the signs of harassment and illegal eviction by effectively probing clients at an early stage using set questions. We also train staff in our contact centre, Housing Benefit, Council Tax, Environmental Health, and Private Sector Housing departments to be aware of the issue and how to advise tenants about what to do if they experience problems.

Support for landlords and tenants

The support we offer includes:

- housing advice and education for tenants and landlords on their rights and responsibilities
- tenancy accreditation schemes²
- awareness raising literature, such as NHAS publications.

Working with partners

We provide training to organisations we work closely with to help them identify cases and understand the law, support and enforcement options available.

We have established good links with the police and offer them training. Police officers are often asked by landlords to attend evictions but, if they don't understand the law, they may inadvertently support an illegal eviction by being present when a landlord conducts one.

Enforcement

Our policy emphasises that enforcement action is the last resort - decisions to pursue a landlord must be balanced and proportionate, and in the public interest.

Monitoring

We have introduced a new monitoring system within Housing Options to capture accurately the number of allegations of harassment and illegal eviction. This data will inform future strategies and local approaches. Our previous monitoring was restricted by case management software.

Further information

For further information please call Peter McGuire or Jai Vick on 01749 341377, or email: Peter.McGuire@Mendip.gov.uk

This year, Mendip District Council adopted an illegal eviction and harassment policy to highlight and reinforce its proactive approach to the problem. Peter McGuire and Jai Vick explain the background to the policy and its key elements.

Peter McGuire is Project and Service Development Officer, and Jai Vick is Housing Options Manager at Mendip DC.

Footnotes

¹ Illegal Eviction and Harassment Policy September 2015. See tinyurl.com/mendip-policy

² Tenancy accreditation schemes are run by Mendip YMCA, see tinyurl.com/mendip-YMCA

Possession proceedings: being evicted

This is the third of a series of three leaflets about landlords' possession proceedings and eviction.

This leaflet looks at what happens when your landlord asks the bailiffs to evict you.

A Shelter and Citizens Advice service. Funded by UK Gov.



Registered charity number 279057.

Shelter

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



Funded by UK Government



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

If your landlord obtains a possession order, the court will set a date when you should move out. If you do not leave, your landlord must apply to the court to get the bailiffs to evict you. You can legally stay in the property until the bailiffs evict you. Any attempt by your landlord to get you to leave, such as changing the locks when you're out or threatening you, will be illegal.

Get advice

You might be able to get the court to stop or delay your eviction at any stage of the possession process, even up to the date set for the bailiffs to evict you. Get legal advice as soon as possible.

If you are eligible for legal aid a housing solicitor could represent you at court. Check if you're eligible by calling the Civil Legal Advice helpline on 0345 345 4 345.

Bailiffs' warrants

Your landlord can ask the court to issue a bailiffs' (or 'eviction') warrant if you:

- don't move out by the date set out in an 'outright' possession order
- break the conditions attached to a 'suspended' possession order.

The warrant lets your landlord arrange for bailiffs appointed by the court to evict you.

Notice of eviction

County court bailiffs will send you a 'Notice of Eviction' (Form N54) to tell you the date and time they are coming.

Your landlord might use a High Court bailiff (known as enforcement officers or sherrifs) to evict you instead. In this case you could get no warning at all of your eviction date.

Can you stop the eviction?

The court can't always stop the bailiffs coming. It depends on the type of tenancy you have and the reason why your landlord wants to evict you. The court may have the power to:

- suspend the warrant if you can show that you are dealing with the problems that caused the possession action in the first place, eg paying off rent arrears

- postpone ('stay') the warrant if you need time to sort out a problem such as welfare benefits
- cancel ('set aside') the warrant if it was made unfairly.

When the bailiffs arrive

Ask to see identification. The bailiffs will ask you and anyone else in the property to leave immediately. They might give you time to leave if you or anyone else is elderly or disabled, but they don't have to. You should hand the keys to the bailiffs.

Bailiffs must not use physical violence or offensive language. They can't break in but can walk in if the front door is unlocked. If you refuse to leave, they will probably get the police to attend.

Your belongings

If you leave any belongings behind, the bailiffs will either put them outside, or lock them in the property. They must not damage your things. They need separate permission from the court to take them in payment of rent arrears. Ask to see it.

Your landlord must look after your belongings for a reasonable time after your eviction, but could charge you. Contact the landlord to arrange to collect them.

After eviction

Your landlord will probably change the locks after you've been evicted. If you try to move back in, you will be committing a criminal offence and can be arrested.

When should you leave?

If the council may have to house you after you are evicted, stay in the property until the bailiffs come unless the council gives you written permission to leave earlier.

Further advice

You can get further advice from Shelter's free* housing advice helpline (0808 800 4444), a local Shelter advice service or Citizens Advice bureau, or by visiting shelter.org.uk/advice or adviceguide.org.uk

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