

Rent arrears protocol

If your landlord is a council or housing association, they must follow certain steps if they want to evict you for rent arrears.

If you are a tenant you must pay your rent. If your council or housing association landlord wants to evict you for rent arrears, they must follow the steps set out in the rent arrears protocol (also known as the 'pre-action protocol') before going to court.

The protocol tries to avoid the need to go to court by ensuring there is contact between you and your landlord.

Get advice as soon as you have problems paying your rent, as this will greatly increase your chances of keeping your home. Eviction should be your landlord's last resort.

Before serving notice

If your landlord wants to take you to court because you have not paid the rent, they must serve you with a legal notice. Before it does this, your landlord should contact you to:

- discuss why you have rent arrears
- look at whether you are entitled to any benefits
- help you with any claim for housing benefit, universal credit or a discretionary housing payment.

Reaching an agreement

Your landlord should try to agree affordable amounts for you to pay towards your rent arrears. If appropriate, they can arrange for direct payments to be made from your welfare benefits. If you have other debts, your landlord should advise you to get independent advice.

If you are a vulnerable person (eg very ill or have a disability) or you have difficulty understanding information, your landlord must consider what further help you need.

Your landlord should not take you to court if you have already made a claim for benefits, you have provided all the information and documents you were asked for, and you are likely to be entitled to housing benefit or universal credit.

After your landlord serves notice

If your landlord has sent you a legal notice telling you that they are taking you to court, they must then try to contact you to discuss

your rent arrears, and look again at whether it is possible to agree affordable payments.

If you come to an agreement and keep to it, your landlord should not start court proceedings.

Court proceedings

If your landlord does take you to court, then at least 10 days before the court hearing, your landlord must give you an up-to-date rent statement and tell you what housing benefit or universal credit (housing element) you are entitled to. It must also tell you:

- the time and date of the court hearing
- what it wants from the court (eg an order to evict you, or an order suspended on condition you make certain payments)
- to attend the court hearing.

If you have made an agreement to pay the arrears since court proceedings started, and have stuck to it, your landlord should agree to adjourn the hearing to a later date.

At court

If your landlord has not followed the steps in the protocol, the judge can dismiss or adjourn the claim for possession of your home. Alternatively the judge may refuse to order you to pay court costs (if you lose you normally have to pay some costs).

If you have not kept to an agreement or have not cooperated with your landlord, the judge may be more likely to make an order for possession of your home.

Exceptions

The protocol does not apply to you if the council is your landlord and you are a 'non-secure' tenant (eg if you are in temporary accommodation).

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.



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Note

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