

**SUPPORT FOR RENTERS AND OWNER OCCUPIERS**

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**1. INCREASE TO LOCAL HOUSING ALLOWANCE**

On 20<sup>th</sup> March the Chancellor announced nearly £1bn of support for renters, by increasing Housing Benefit and Universal Credit, so that the Local Housing Allowance will cover at least 30% of market rents in each area.

The New regulations from 30<sup>th</sup> March 2020 provide:

*That rent officers must determine a local housing allowance in the private rented sector for each relevant category of accommodation in each broad rental market area on 31 March 2020 so that the allowance is set at the lower of rent at the 30th percentile of local rents and revised national caps (these determinations are to replace those made on 31 January 2020 and are to take effect for the 12 months beginning on 1 April 2020);*

The current LHA rates in South Ayrshire for April 2020 – March 2021 and comparative rates for the previous financial year are as follows:

**Local Housing Allowance – Rent levels South Ayrshire**

	<b>Apr 19 to Mar 20</b>	<b>Apr 20 to Mar 21</b>
1 room (with 1 shared room)	62.69	76.99

1 bedroom	80.55	80.55
2 bedrooms	97.81	97.81
3 bedrooms	115.07	115.07
4 bedrooms	158.90	159.95
5 bedrooms	N/A	N/A

## **2. EVICTIONS – CHANGES TO NOTICE PERIODS**

New regulations were brought in by The Scottish Government which extend the notice periods required to be given to tenants before landlords can start legal action to obtain an order for eviction. The change in the length of notice depends on the type of tenancy and what ground is used. See Section 3 for more information.

The new rules will be in place until at least 30 September 2020 and The Scottish Government has announced that they intend to extend these provisions for a further 6 months.

Visit [https://scotland.shelter.org.uk/get\\_advice/scottish\\_housing\\_advice\\_coronavirus\\_COVID\\_19](https://scotland.shelter.org.uk/get_advice/scottish_housing_advice_coronavirus_COVID_19) for up to date information.

If private landlords had already applied for and obtained eviction orders prior to the change in rules, they are being discouraged on enforcing these.

The First minister has stated that "...no one should face eviction because of rent arrears accrued as a result of the coronavirus." Also that the Scottish Government "will not hesitate" to intervene in issues "that put people in an unfair position" during the crisis.

Illegal eviction is a criminal offence - coronavirus doesn't change this.

If you are having difficulty paying your rent or should you receive notice, please contact the Advice Team at [advice@ayrhousingaidcentre.com](mailto:advice@ayrhousingaidcentre.com) or call 07549 603895 / 07760 750256.

## **3. PRIVATE RENTED SECTOR TENANTS - NOTICE TO LEAVE (PRT) AND NOTICE TO QUIT (ASSURED TENANCIES)**

Emergency legislation temporarily increased the minimum notice period for private and social tenants to up to six months (depending on the grounds used), helping to protect them from eviction. This will also suspend the mandatory grounds for eviction across tenancies.

## **PRT's**

In addition to the extending of the notice period needed, all grounds are now discretionary and it is down to the Tribunal to consider the reasonableness of the request of an eviction order.

The new notice periods for each ground are listed below:

### **6 months notice**

Ground 1: Landlord intends to sell

Ground 2: Property to be sold by the lender

Ground 3: Landlord intends to refurbish

Ground 6: Landlord intends to use for non-residential purposes

Ground 7: Property required for religious purposes

Ground 8: not an employee

Ground 9: No longer in need of supported accommodation

Ground 11: Breach of tenancy agreement

Ground 12: Rent arrears

### **3 months notice**

Ground 4: Landlord intends to live in the property

Ground 5: Family member intends to live in the property

Ground 13: Criminal behaviour

Ground 14: Anti-social behaviour

Ground 15: Association with a person who has a relevant conviction or engaged in relevant anti-social behaviour

Ground 16: Landlord has is not registered

Ground 17: HMO license has been revoked

### **28 days notice**

Ground 10: Tenant not occupying the property

The notice begins period begins on the day the tenant receives the notice from the landlord. After the notice period has expired your landlord will still need to get an eviction order from the First-tier Tribunal for Scotland Housing and Property Chamber.

## **SAT's (Short Assured Tenancies)**

From 7 April 2020 landlords have to give at least 6 months' notice in writing (a section 33 notice) indicating that they want the property back.

After the notice period has expired an eviction order from the First-tier Tribunal for Scotland Housing and Property Chamber will be required.

As previous, the Tribunal now has to consider the reasonableness of the request of an eviction order.

If you are unsure what type of tenancy you have please contact the Advice Team at [advice@ayrhousingaidcentre.com](mailto:advice@ayrhousingaidcentre.com) or call 07549 603895 / 07760 750256.

## **Assured Tenancies**

The new notice periods for Assured Tenants for each ground are listed below:

### **6 months notice**

- All grounds from 2 to 8, 10 to 14 and 16 or 17

### **3 months notice**

- Ground 1: Landlord wants property to be own home or the property was previously their own home
- Ground 15: Nuisance or annoyance

### **2 months notice**

- Ground 9: Suitable alternative accommodation available to the tenant.

After the notice period has expired landlords will still need to get an eviction order from the First-tier Tribunal for Scotland Housing and Property Chamber and the Tribunal now has to consider the reasonableness of the request of an eviction order.

## **4. SST'S (SCOTTISH SECURE TENANCIES)**

If you rent from a Registered Social Landlord such as a Council or Housing Association it is likely that you have either a SST or Short SST. If you are unsure please contact us for advice.

The Scottish Federation of Housing Associations (SFHA) confirmed in May that no housing association tenant will be evicted due to experiencing financial hardship as a result of the coronavirus outbreak.

If a landlord intends to commence proceedings against you, they have to issue you and anyone living in your house who is over 16 a notice of proceedings, before they can apply to the Court for a hearing date to request a Decree for Eviction.

Emergency legislation by the Scottish Government extends the Notice periods for Scottish Secure Tenants as follows:

### **6 months notice**

required for all grounds apart from the ones listed below.

### **3 months notice**

Ground 2: Using the house for immoral or illegal purposes or other criminal offences

Ground 6: Tenant made a false statement to obtain the property

Ground 7: Antisocial behaviour or conduct amounting to harassment

Ground 8: Nuisance, annoyance or conduct amounting to harassment

### **4 weeks notice**

Ground 5: You are absent from the property

Even if the correct notice above has been issued, your landlord will still have to get an order from the Court before you can be legally evicted.

## **5. ROUTINE MAINTENANCE AND SERVICING**

The Scottish Government has issued updated guidance on gas, fire and electrical safety checks which states that private landlords and letting agents should postpone routine certification requirements during the current coronavirus pandemic.

The Government has issued guidelines to social housing providers on maintaining operations during this time. <https://www.gov.scot/publications/coronavirus-guidance-for-social-landlords/>

In [non-statutory guidance](#) for landlords and tenants in the private and social rented sectors issued by the UK Government, a “pragmatic approach to enforcement” of repairs and gas safety checks during the outbreak is recommended, noting that, if landlords have taken all reasonable steps to carry out safety checks, including gas, they were not in breach of the law.

The current COVID-19 epidemic means that no unnecessary visits to tenants' homes should be taking place. Unless work is essential for the safety and security of occupiers, or for homes to be fit for human habitation, it should be postponed.

It is recommended that access to a property is only proposed for serious and urgent issues, which might include but would not be limited to:

- If there is a problem with the fabric of the building, for example, the roof is leaking
- If the boiler is broken, leaving tenants without heating or hot water
- If there is a plumbing issue, meaning tenants don't have washing or toilet facilities

Emergency repairs should be reported as normal and a risk assessment will be carried out.

## **6. HELP FOR OWNER OCCUPIERS**

Mortgage payment 'holidays' were introduced at the start of the pandemic in March, and were extended in early June. This allowed customers to have a temporary break from having to make mortgage payments during this time.

Interest is still charged during the payment holiday but then added to the total cost so it is spread over the remaining duration of the mortgage once payments start again.

Payment holidays have to be agreed with lenders formally. If payments are stopped without warning they will normally be recorded as a late payment, which will not only create arrears but will also likely affect a person's credit scoring profile.

On 4 June 2020, the FCA issued further guidance which said lenders should:

- provide borrowers with options when their current payment deferral comes to an end to ensure that they continue to get support if they need it
- ensure that, where a borrower has not yet had a payment deferral, but needs one, they can still have one.
- not start or continue repossession proceedings before 31 October 2020

For more information check the [FCA website](#).

## **7. £5 MILLION LOAN FUND FOR PRIVATE-SECTOR LANDLORDS**

The Scottish Government announced a £5 million loan fund for private-sector landlords whose tenants are unable to pay their rent during the coronavirus (COVID-19) outbreak.

The Private Rent Sector Landlord COVID-19 Loan Scheme will support private-sector landlords who are not classified as businesses, have five or less properties to rent, and that it will offer eligible landlords up to 100 per cent of lost rental income for a single property.

Housing Minister Kevin Stewart said -

“We want to ensure no one loses their home during this unprecedented public health pandemic which is why we passed legislation to protect tenants against any eviction action for six months”.

'While all tenants should pay their rent if they can, we recognise the financial pressure people are facing. The Scottish Government encourages landlords to talk to their tenants about rent payment issues. We also expect landlords to be as flexible as possible with their tenants, discuss managing rental payments and help them find sources of financial support and advice.'

For more information, see [Aid for private rental landlords](#) from gov.scot

### **14<sup>th</sup> June 2020 - Scotland's Housing Minister calls for urgent action from UK Government to support tenants affected by coronavirus pandemic**

Scotland's Housing Minister has written to the Work and Pensions Secretary Thérèse Coffey calling for urgent action to support tenants affected by the coronavirus (COVID-19) pandemic.

In his letter to the Secretary of State, Housing Minister Kevin Stewart outlines the steps taken in Scotland to support renters - including increasing the amount available for discretionary housing payments by £5 million to almost £16 million - and highlights that the housing elements of social security remain a crucial part of the support needed by tenants facing financial difficulty as a result of the pandemic, and that these remain reserved to the UK Government.

As a result, Mr Stewart calls for urgent action from the government, including to -

- lift local housing allowance rates further than the 30th percentile of local rents applicable from April 2020 to make more homes affordable to renters;
- suspend the bedroom tax, particularly as a spare room becomes essential when larger families need space to isolate;
- suspend the benefit cap;
- suspend the shared accommodation rate for under-35s; and
- extend the backdating of benefits for those who might not have realised they were eligible as a result of the pandemic, and relax the criteria under which backdating is allowed.

For more information, and the full text of Mr Stewart's letter, see Action needed to help renters from [gov.scot](#)

If you have any further questions about any of the above topics,  
or if you require Housing Advice or Information

Email [advice@ayrhousingaidcentre.com](mailto:advice@ayrhousingaidcentre.com) or call, text or whatsapp us on 07549 603895 /  
07760750256 or contact us via facebook at <https://www.facebook.com/ayrhac>