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**Subject:** HOMELESSNESS AND EVICTION UPDATE

**Meeting and Date:** Scrutiny: 8 March 2021

**Report of:** Louise Taylor, Head of Housing

**Classification:** Unrestricted

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**Purpose of the report:** To brief members of the current rules applying to evictions and the action being taken by both the Housing Options Team and Housing Management (Income Recovery) Team to mitigate the numbers of households at risk of this.

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**Recommendation:** That the contents of the report be noted

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1) **Summary**

1.1 A raft of Government interventions have been introduced to help support and prevent tenants losing their homes during the national pandemic. These have offered greater protection to those at risk of eviction and have slowed the process for landlords seeking possession of their properties in both the public and private housing sectors. This report is intended to brief members on the impact that the restrictions are having upon the housing management and housing options services and the work they are doing with households at risk of eviction.

2) **Introduction and Background**

2.1 The Coronavirus Act 2020 provides greater protection for social and private tenants by delaying when landlords can start proceedings to evict them. The provisions of the Act have increased required notice periods and since 29 August 2020, apart from the most serious cases, landlords have been unable to start possession proceedings unless they have given their tenants 6 months notice. The serious cases that are the exception to this include significant anti-social behaviour, domestic abuse, false statement and where a tenant has accrued rent arrears to the value of over 6 months' rent.

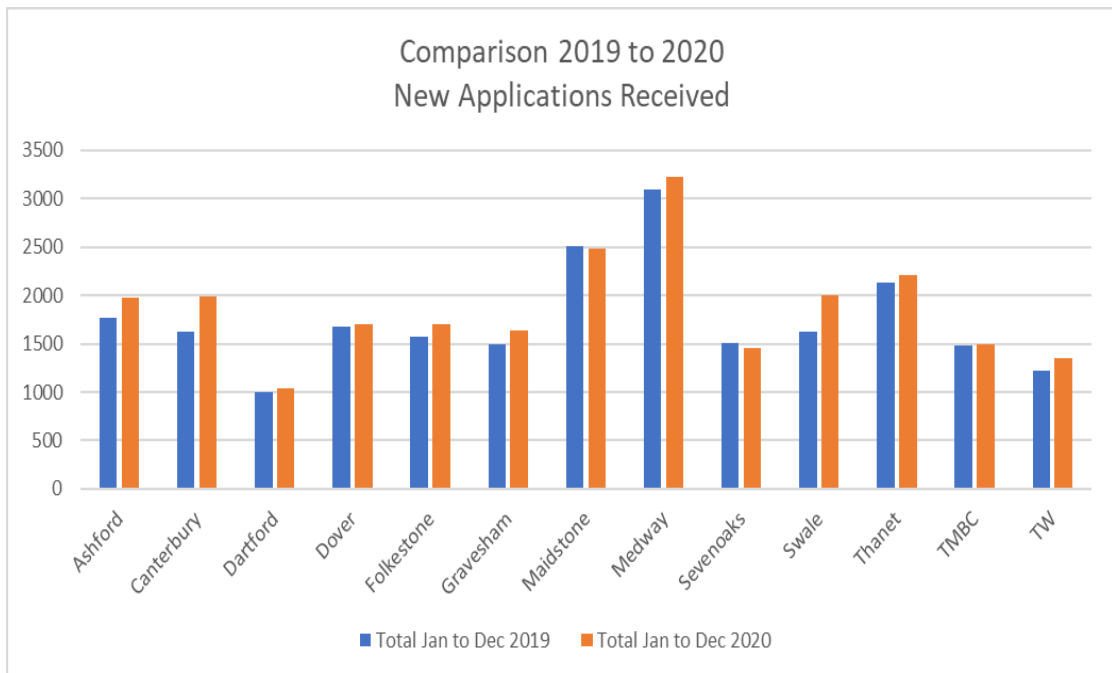
2.2 Until 20 September 2020 a stay on possession proceedings was in place and only since then have landlords been able to progress their possession claim through the courts. Courts continue to carefully prioritise the most egregious cases, such as those involving anti-social behaviour and other crimes.

2.3 The longer notice periods and new court rules apply during the national lockdown which is in force in England.

2.4 Tenants continue to be protected from eviction during the most recent national lockdown with the Government extending existing legislation to ensure bailiffs do not serve eviction notices, except in the most serious circumstances. The only exceptions to this are illegal occupation, false statement, anti-social behaviour, perpetrators of domestic abuse in the social sector, where a property is unoccupied following death of a tenant and serious rent arrears greater than 6 months' rent. This legislation will be in place at least until 31 March and will be kept under review.

3) **Housing options**

- 3.1 Throughout the pandemic the Housing Options service has continued to operate. All households approaching the Council as homeless or potentially homeless have been allocated to an Options Officer so that the necessary casework and investigations can be carried out.
- 3.2 In cases where the tenant has been served a Section 21 notice the correct advice regarding the new legislation relating to possession proceedings has been given and this has included checking that notices are valid and contacting landlords where appropriate.
- 3.3 In all cases, Personal Housing Plans have been completed and households have been offered financial support to secure alternative housing or where possible, to remain in their accommodation.
- 3.4 MHCLG statistics published in January 2021 show a national downward trend in homelessness cases during the period July to September 2020, and this picture is reflected locally.
- 3.5 Between 1 July and 30 September 2020, DDC housing options officers assessed the needs and circumstances of 139 households, down from 179 during the same period in 2019. Of these, 15 had received a S.21 Notice to Quit, a reduction of 28% from the previous year.
- 3.6 Of the 15, three were able to remain in their properties, two as a result of negotiations with the landlord, and the third was served an invalid notice which was subsequently withdrawn.
- 3.7 A further six households were helped to secure alternative accommodation. Of these, two were housed into secure DDC tenancies, three were assisted with a Discretionary Housing Payment (DHP) to fund a deposit and rent in advance and one found their own housing with no financial help from DDC.
- 3.8 The remaining six households have open cases, with possession proceedings ongoing and we continue to work closely with them.
- 3.9 Of the cases recorded by DDC for October to December 2020, there were only 7 cases where a S.21 notice had been served. This suggests that the downward trend is continuing but we will of course monitor the situation.
- 3.10 It is difficult to know whether there are households that have been served with S.21 notices and not yet approached the council for advice but given that we have offered full accessibility to the service since March 2020, it is felt unlikely that we will see a significant increase once restrictions on possession proceedings are lifted.
- 3.11 We have recently recruited to a new role of Landlord Liaison Officer, in an effort to engage with private landlords and agents. Since starting in post at the beginning of this year, the officer has secured 5 new properties, with the deposits and rent in advance being covered by DHP.
- 3.12 We are also monitoring the number of housing register applications coming into the section, to gauge the impact of the pandemic on the waiting list.
- 3.13 The table below shows that the effect, not only in Dover but across the county, is minimal. Once again, numbers continue to be monitored.



#### 4) Housing Management

4.1 During the pandemic the housing management service has needed to be responsive to the large number of changes to both pre-court action and the process for eviction. The team have regularly amended their operating processes, letters and notices in line with changed restrictions and a significant amount of work has been undertaken by our Money and Benefits Advisor to signpost to tenants for further support and help reduce the risk of them losing their homes.

4.2 Notices and notice periods have changed often and increased from 4 weeks to 3 months and are now currently 6 months with some exceptions. Far more detailed information about the effect of coronavirus on the tenants and their household and their ability to pay has been sought by the Court before re-activation of court cases alongside the ongoing requirement to evidence that the social landlord pre-action protocol for possession claims is being met.

4.3 In November a review stage was added to the arrears court process to be carried out with the Judge by telephone to all parties concerned, on a date given by the Court. This is to try to reach a settlement with the tenant but if this is not possible or the tenant does not engage, the case will progress to a substantive hearing at least 28 days later.

4.4 To date all of the review dates given have later been cancelled by the court and there have been no hearings listed. Two court orders were agreed by the court in January 21, but these were on the basis that the tenant agreed the terms of the order and a hearing was not necessary.

4.5 Evictions will now not be enforced until 31 March 2021 (and this is likely to be extended further) except in the most serious circumstances, such as ASB and Illegal occupation and with arrears of 6 months or more.

4.4 As a result of these restrictions the average arrears for each court case has increased from 2020 to 2021, from £2530 to £3484 and for eviction cases from £3286 to £4405.

4.5 Our focus is to support tenants in order to avoid court or eviction applications if possible and ensure ongoing rent and arrears are cleared as part of a reasonable payment arrangement. Our Money and Benefit Advisor is pivotal in this and all pre-court and eviction cases are referred to him before any applications are made. In all cases he attempts to establish contact with the tenant by phone, letter, text or email and for those that engage will do the following:

- Review household financial circumstances, signpost and/or assist to maximise benefits, assist to correct any incorrect benefits in payment. Frequently Council Tax Support is missing, and the Universal Credit Housing element is paying at the wrong rate due to failure to update rent charges or missing information re non-dependents etc. Signpost or assist to apply for non means tested Council tax discount's that are not in place.
- Signpost to minimise utility charges, particularly water charges.
- Signpost to qualified debt advise if there are wider problem debt issues.
- Discretionary Housing Payment application made when appropriate for rent arrears clearance or to mitigate against bedroom tax / benefit cap issues. Signpost to apply for housing register / mutual exchange were appropriate.
- In some cases that also have Council Tax Debt, assist to apply for a discretionary section 13(1)(A) write off.
- In cases of serious financial hardship refer to foodbank etc.
- In cases of vulnerability signpost or refer to Social Services / Mental health services, Live Well Kent etc.
- Negotiate payment arrangements or suggest Automatic Payment Applications for Universal Credit where useful.

4.6 During the period 1 April 2020 to 31 January 2021 32 Applications have been made for Discretionary Housing Payment and 28 have been successful with lump sums and ongoing weekly/monthly awards of £33719.68 in total. As a result of this and the work carried out above we have avoided a court referral for 5 cases, withdrawn court applications for 7 cases and withdrawn 2 eviction warrant applications.

4.7 In December 20 there were 14 court and 8 eviction cases totalling £76,422. At 31 January 2021 this figure stood at 11 court and 7 eviction cases totalling £69,169.12 a reduction in both case volumes and overall amount owed despite the significant restrictions in place.

4.8 At the end of January there were 7 eviction cases pending with a collective arrears total of £29,043.37. Six of these fell into the category of owing 6 months or more arrears,

introduced in January 21 and in these cases we have applied for eviction warrants. Of the 6 cases one tenant is believed to have already abandoned the property and as the unit is believed empty we anticipate the eviction will go ahead. A further case cleared rent arrears and court costs of £5445 in full at the end of February 2021 and has had the eviction warrant request withdrawn.

In 3 of the 4 remaining cases it is likely that the judge will agree to requests from the tenants to stay their eviction because this will be the first application they have made for this. The fourth case has however already been through this process and had the eviction delayed and there is a greater possibility that if the account is not cleared the eviction may go ahead.

4.9 In all cases tenants continue to be supported and have the opportunity to work with officers to manage their accounts. Advice is given about the process required to stay an eviction and the housing options team work proactively with those in this position to try to avoid a homeless situation.

4.9 In 2018-19 there were 6 evictions and in 2019-20 there were 7. In 2020-21 due to the intensive work carried out by the Income Team to sustain tenancies and avoid evictions there could potentially be 2 or 3. In 2021-22 the continued work should make it unlikely that we will see a significant increase in evictions once restrictions on possession proceedings are lifted.

4.10 Total current arrears in January 2020 were 4.56% of the projected annual rental income and in January 2021 they are 4.75%, a minimal increase of 0.19% which given the effects of a national pandemic is demonstrative of the robust work that is carried out by the team.

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