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trading standards law explained

Coronavirus bulletin



Business in Focus



Housing & Home Improvements



Housing & Home Improvements



Need to know:

The current picture

The multiple changes to everyday life driven by COVID-19 have introduced some real challenges for tenants, landlords, homeowners and the businesses that drive and support the sector.

Letting agents, estate agents and removal firms are now allowed to re-open following a change to the law and the Government's guidelines. Solicitors, the justice system and some associated trades remain closed for the time being.

Everyone should work from home, unless they cannot work from home.

New advice on working safely in other people's homes has been produced, which is helpful to tradespeople and to those involved in construction.

<https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19/homes>



“The UK property market has ground to a halt in one of its (usually) busiest times of the year”





I'm a Landlord - what are my responsibilities to my tenants?

A rented home should be a safe and decent place to live and your tenants' safety should be your first priority, as a landlord..

For example, your tenants will be concerned about not knowing where they stand legally for things like rental payments or being able to get essential or emergency repairs completed. Meanwhile, you as the landlord won't be able to carry out your usual routine and obligatory inspections in quite the same way.

Updated guidance from the Government (Ministry of Housing, Communities & Local Government) has been produced for Landlords and Tenants and can be accessed here: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/876500/Consolidated_Landlord_and_Tenant_Guidance_COVID_and_the_PRS_v4.2.pdf

This guidance on home moving during COVID-19 contains a few helpful paragraphs for letting agents and private landlords:

<https://www.gov.uk/guidance/government-advice-on-home-moving-during-the-coronavirus-covid-19-outbreak>

Scottish Government Guidance for Landlords and letting <https://www.gov.scot/publications/coronavirus-covid-19-landlord-and-letting-agent-faqs/>

Some of the important things you should know and should be doing for your tenants, are:



Keep communicating with your tenants - each of your tenants' circumstances will be different – some more able to continue paying rent than others. Tenants should do their best to continue paying rent and if they cannot manage it, should let you know. Try to agree a way forward if need be, which would include a plan to pay off arrears later on. There's financial support available for tenants here: <https://www.citizensadvice.org.uk/debt-and-money/>



Housing possessions - The Coronavirus Act 2020 introduces new provisions, including (until 30th September 2020) one which prevents landlords from starting possession proceedings without giving three months' notice (six in Scotland) and even then, to think carefully about this given that a tenant might be sick or facing other hardship due to COVID-19. After the three months' notice, a court order will be needed. Landlords are advised not to start this action without a very good reason for doing so. The courts will not be hearing housing possession cases for 90 days from 27th March 2020, so tenants are not expected to move for the time being.





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Make the most of technology where you can, for example, using video calling to inspect property issues. The Government has temporarily adjusted the rules around a landlord's right to rent checks, making it easier for them to be carried out. This includes the use of video calls and scanned documents (as opposed to originals). Note that checks on the prescribed documents are still necessary during the current situation and it remains an offence to knowingly lease premises to a person who is not lawfully in the UK. <https://www.gov.uk/guidance/coronavirus-covid-19-landlord-right-to-rent-checks>

The Government will advise on when these temporary measures will end, after which time, the usual checking processes as set out in the Code of Practice must resume (<https://www.gov.uk/government/publications/right-to-rent-landlords-code-of-practice/code-of-practice-on-illegal-immigrants-and-private-rented-accommodation-for-tenancies-starting-on-or-after-1-february-2016>)



Your obligations to your tenants regarding repairs have not changed. In the current climate, focus on urgent repairs only (e.g. a leaking roof, a broken boiler or fridge) and follow the guidance – this applies to tradespeople you might employ too: - <https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19>



The new electrical safety regulations coming into force in July 2020 take account of difficulties with access to the property providing you've taken 'all reasonable steps' (<http://www.legislation.gov.uk/ukdsi/2020/9780111191934>).

As do the Gas Safety (Installation and Use) Regulations 1998 (<https://www.hse.gov.uk/pubns/books/l56.htm>).

See the Coronavirus (COVID-19) Guidance for Landlords and Tenants for more information about what 'reasonable steps' means.



You should only conduct viewings in properties where tenants are not symptomatic or self-isolating and these must be carried out in accordance with the guidelines on working in other people's homes and social distancing:

<https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19/homes>

<https://www.gov.uk/government/publications/staying-alert-and-safe-social-distancing/staying-alert-and-safe-social-distancing>



Remember that as a landlord, you are ultimately responsible for your property and the letting in the absence of your appointed letting agent.





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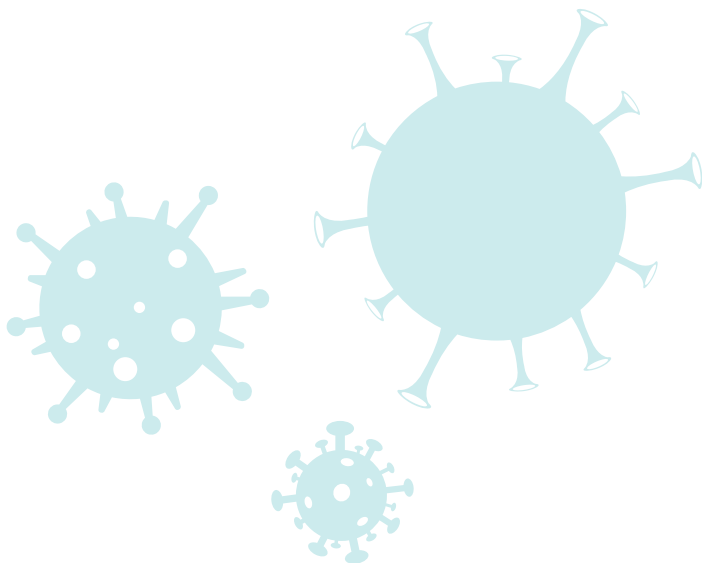


Will there be enforcement action against me?

You may be worried about enforcement action being taken against you if you're unable to run your property as normal.

Your obligations to your tenants have not changed. However, enforcement of housing legislation by local authorities will inevitably be scaled back to prioritise the most critical cases. You won't be unfairly penalised where COVID-19 restrictions prevent you from meeting some of your routine obligations providing you've done what you can and can prove it.

Local authority staff who deal with the enforcement of standards in the private rented sector will still be responding to complaints concerning health and safety risks and there are no measures to prevent the council from taking enforcement action in circumstances where there is serious risk to health and safety.



Buy-to-let mortgages

As a landlord, if you have a buy-to-let mortgage from a lender and can show that your tenant's income has been affected by the outbreak then you can access a three-month mortgage holiday. If you've been granted a mortgage holiday then you will need to offer your tenant a rent holiday too.

To arrange a mortgage holiday, check your lender's website in the first instance and then contact them directly. In the meantime, don't cancel your direct debit as this will be considered to be a missed payment rather than a payment holiday!





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Homeowners and the housing market

The effect of COVID-19 on the housing market is likely to be threefold:

- The impact it has on sentiment, making all but the most committed buyers more cautious in the short term;
- The practical impact it has on buyers' and sellers' ability to transact, as it limits people's ability to go about their normal business; and
- Its impact on the economy and the traditional drivers of affordability.

The extent of the impact is likely to mirror the rest of the economy. Traditionally, our property market is robust so a crash of prices is considered by many experts to be unlikely.

For most people wanting to move home, Government advice is that this is now possible, providing it happens safely.

Estate agents' doors are only just beginning to open. Video viewings remain the next-best solution, though purchases on the back of these, without a physical inspection, are not advised. The Property Ombudsman has advised agents that video viewings could be used as a 'filtering exercise' and serious buyers should be provided with an 'offer agreed subject to viewing' notice.

This Government guidance on home moving (<https://www.gov.uk/guidance/government-advice-on-home-moving-during-the-coronavirus-covid-19-outbreak>) covers activities like viewing properties, new arrangements for showing viewers around, cleaning, handwashing and social distancing. Vulnerable people or those shielding are advised to stay at home, avoid unnecessary contacts and this includes carefully

considering whether a move is a good idea at the current time. For those who have tested positive for coronavirus, moving home is not recommended given the high likelihood of transmitting the virus.

Government policy now enables mortgage holidays for up to three months for those homeowners who are up to date on their mortgage payments but who are concerned about their ability to meet repayments. Lenders should not charge additional fees for a payment holiday nor will affordability testing be required.

Credit scores will not be affected, say the credit reference agencies (Experian, Equifax and TransUnion). A temporary deferral of interest payments is another alternative, as is moving to interest-only payments for a period. Check out your lender's website in the first instance then make contact directly.

Housing market businesses

Such as estate agents, conveyancers, surveyors and removals firms etc. – all significantly affected by the impact of COVID-19 in the sector. The 'home moving' guidance contains helpful information for these businesses too.

Your trade association or local Chamber of Commerce may be able to help you too.





I work in the home improvement business, can I still work in people's homes?

Government guidance on whether construction/tradespeople should continue to work, changes frequently.

At the time of writing, any work you carry out in people's homes, such as repairs and maintenance, can continue, provided that you are well and have no symptoms. No work should be carried out in any household which is isolating, unless it is to remedy a safety issue, e.g. emergency plumbing or repairs and you are willing to do the work.

If you have coronavirus symptoms, you should not work in anyone's home, however mild your symptoms are.

Call ahead to check on the health of the household before you arrive.

Working Safety guidance has been issued specifically for people working in, visiting or delivering to other people's homes: <https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19/homes>

For construction work outdoors, new guidance has been issued to help those involved work safely: <https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19/construction-and-other-outdoor-work>

The Scottish Government has produced further information for the construction sector, here: <https://www.gov.scot/publications/coronavirus-covid-19-construction-sector-guidance/pages/overview/>

Cancelled works

Works being cancelled by clients and tradespeople began to occur a few weeks ago and though lockdown restrictions are beginning to ease, it is likely that cancellations and postponements will be commonplace for a while longer.

Citizens Advice provides some useful legal advice on cancelling building or decorating work and their website has been updated with Coronavirus restrictions in place: <https://www.citizensadvice.org.uk/consumer/getting-home-improvements-done/cancelling-building-or-decorating-work/>

Further information about contracts made off-premises (in peoples homes) can be found here <https://www.businesscompanion.info/en/quick-guides/off-premises-sales/consumer-contracts-off-premises-sales>

Making the most of lockdown

If you're thinking of buying or selling later this year, here are some tips on things you can be doing: <https://www.which.co.uk/news/2020/04/buying-or-selling-a-house-after-the-coronavirus-six-things-you-can-do-during-the-lockdown/>



**Published:**
18. 06. 2020Make sure you keep up to date with the latest information by checking www.businesscompanion.info/focus/coronavirus*This bulletin is from Business Companion - impartial, government-backed information and guidance*Reading page **7 of 7**

Further information

Citizens Advice provides a considerable resource on housing matters:

<https://www.citizensadvice.org.uk/housing/>

Action Fraud for reporting of incidents (consumer or business):

<https://www.actionfraud.police.uk/>

A statement from the CMA on its activities to monitor pricing practices can be found here:

<https://www.gov.uk/government/news/covid-19-sales-and-pricing-practices-during-coronavirus-outbreak>

Government Guidance for Landlords and Tenants:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/876500/Consolidated_Landlord_and_Tenant_Guidance_COVID_and_the_PRS_v4.2.pdf

CTSI has issued advice to the public on utility work performed during Covid-19:

<https://www.journaloftradingstandards.co.uk/consumer/ctsi-warns-on-repair-opportunists/>

You can report a business behaving unfairly during COVID-19, here:

<https://www.coronavirus-business-complaint.service.gov.uk/>

Advice for buyers and renters on moving house is here:

<https://www.gov.uk/guidance/government-advice-on-home-moving-during-the-coronavirus-covid-19-outbreak>

In Scotland contact:

<https://www.gov.uk/guidance/government-advice-on-home-moving-during-the-coronavirus-covid-19-outbreak>