

# **CORONAVIRUS** (COVID-19)



## **HOUSING GUIDANCE** FOR SOCIAL HOUSING LANDLORDS AND TENANTS

**Version 2 - revised July 2020**



**DfC**

Department  
for Communities  
[www.communities-ni.gov.uk](http://www.communities-ni.gov.uk)



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# Introduction from the Minister for Communities, Deirdre Hargey MLA



As Communities Minister I wanted to take this opportunity to provide advice and to reassure tenants and landlords around the measures that have been put in place to ensure that people continue to remain safe and secure in their homes during the COVID-19 pandemic. I have put in place arrangements to support social renters and landlords, as well as crucial support for those experiencing homelessness. This guidance will be regularly reviewed and updated or replaced in response to changing circumstances.

I know that some households in social homes will face difficulties with paying their rent which are beyond their control and related directly to the COVID-19 emergency. I can assure these households who may be facing additional financial pressures during these unprecedented times that their home is secure and they will not be evicted due to rent difficulties arising as a result of COVID-19. Both the Housing Executive and all of our Housing Associations have given a commitment to treat all rent issues with sensitivity. They will support tenants through this difficult period. My Department will work with Housing Associations and the Housing Executive to help them to keep tenants in their homes and to ensure that the welfare system can provide help to them as fast as possible.

- **Both the Housing Executive and all of our Housing Associations have given a commitment to treat all rent issues with sensitivity**
- **Tenants should continue to pay their rent and work closely with their landlord should difficulties arise**
- **An agreement is in place with the Housing Executive and Housing Associations that any social housing tenant facing rent difficulties due to the COVID-19 emergency will not be evicted**
- **Landlords should not engage in possession proceedings in relation to rent difficulties due to the COVID-19 emergency**
- **Tenants should continue to receive all the support they need to ensure their home remains safe and secure at this time**

The potential for arrears in rental payment due to COVID-19 is restricted to the minority of social tenants whose rent is not funded in full by Housing Benefit or Universal Credit. This is a group of about 35,000 to 40,000 tenants. Anyone experiencing difficulties paying their rent, through loss of employment for example, can get help with their housing costs by applying for relevant benefits, including applying for Universal Credit online. I would also encourage an early conversation with your landlord about rent difficulties caused by COVID-19 so that both parties can agree a plan. Landlords have committed to support tenants and treat rent issues with sensitivity.

For all other social tenants whose rent is fully funded by Housing Benefit or Universal Credit, this will of course continue and there should be no arrears issue whatsoever.

The Housing Executive has a central COVID-19 team in place and will continue to fulfil its statutory homeless obligations during this period. It has sourced additional

accommodation and is working with partners in the Public Health Agency and Trusts (which have set up a nurse-led team) and the Department of Health to implement surge plans, which will ensure the safety of those in homeless accommodation settings and respond to staffing and capacity pressures presented by COVID-19. I will continue to work with my Executive colleagues to secure appropriate PPE for the sector.

I again offer my sincere thanks to all those across housing, those in government, the statutory, community or voluntary sectors for all the vital support they are providing to our citizens at this time. I join with those right across government and our Health Service to urge everyone to stay safe and stay at home.<sup>1</sup>



Deirdre Hargey MLA  
**Minister for Communities**

1. This introduction was published on 17 June 2020 and will not reflect the most up-to-date position regarding changes in legislation and public health guidance. The body of the guidance will be amended as required to reflect these changes.

# General Guidance for Social Housing Tenants and Landlords

The purpose of this guidance document is to help landlords and tenants understand some of the measures put in place to protect the public during the COVID-19 outbreak, including how legislation around the protection of public health applies to social housing. This guidance will be kept under regular review and updated or replaced in response to changes to the measures in place during the pandemic.

The guidance seeks to outline the rights and obligations both of tenants and landlords, which may have changed in the current circumstances following the outbreak of COVID-19. The guidance also reflects sources of advice on accessing social security benefits in relation to your home.

## COVID-19 Community Helpline

A freephone helpline to help those in vulnerable groups to access information, advice and guidance in relation to COVID-19 is open 9am to 5pm, seven days a week. The helpline is local, and is managed by Advice NI. You can contact the helpline by calling the freephone number: **0808 802 0020**. You can also get in touch by email and text message email: [covid19@adviceni.net](mailto:covid19@adviceni.net) or text: **ACTION** to **81025**

**Northern Ireland Housing Executive tenants** can find the latest information from the Housing Executive here: <https://www.nihe.gov.uk/Home/News/Get-in-touch-Report,-apply-and-pay-online>

This includes access to information on:

- reporting an emergency repair
- paying your bills
- applying for or making a change to a Housing Benefit claim
- other online services

To date the Housing Executive has prioritised emergency repairs including the following:

- Heating systems that have failed or if a household cannot heat water
- Unsafe gas supplies/installation
- Burst water pipes
- Lack of electrical supply or unsafe electrics
- People who have become stuck in an elevator
- Blocked drains
- Shower not working (if it is the only one in the property)

There is now no legal restriction on contractors entering people's homes to carry out inspections and non-essential works.

Completion of work inside the properties of other people is now considered low risk if both tradesmen and residents of the property maintain social distancing and maintain adequate hand hygiene, respiratory hygiene and environmental hygiene.

With restrictions having been in place there is a considerable backlog of repair requests and housing bodies will be addressing the most urgent works first. This will mean that normal service standards will be set aside over the next few months while housing bodies address this backlog. Check your landlord's website for further details.

**Housing Association tenants** should access the relevant Housing Association website for the most up-to-date advice/guidance. Links to each Housing Association website, which includes details on how to contact your Housing Association, are available at the nidirect website: <https://www.nidirect.gov.uk/contacts/housing-associations>

Housing Associations tenants can expect similar arrangements to those outlined by the Housing Executive. Housing Association tenants should contact their Housing Association directly for any queries.



# 1. Rent, Payments and Support

**This section provides some general advice for both Tenants and Landlords.**

## 1.1. I am a tenant: should I stop paying rent during the outbreak?

- All tenants must continue to pay rent and abide by all other terms of their tenancy agreement. Where difficulties in paying rent arise due to COVID-19, tenants should speak to their landlord at the earliest opportunity
- The potential for arrears in rental payment due to COVID-19 is restricted to the minority of social tenants whose rent is not fully funded by Housing Benefit or Universal Credit
- A strong package of financial support is being made available to tenants, and where they can pay the rent as normal, they must do so. Tenants who are unable to do so should speak to their landlord at the earliest opportunity
- For those social tenants whose rent is fully funded by Housing Benefit or Universal Credit, this will of course continue and there should be no arrears issue whatsoever
- The Department has an agreement in place with all social housing landlords (Housing Executive and Housing Associations) that

any social housing tenant facing difficulties paying rent due to the COVID-19 emergency will not be evicted. The Department will continue to work with Housing Associations and the Housing Executive to help them keep tenants in their homes and to ensure that the welfare system can provide help to their tenants as quickly as possible

## 1.2. What can I do if I fall into rent arrears?

- Tenants must continue to pay rent and abide by all other terms of their tenancy agreement. Where difficulties in paying rent arise due to COVID-19, tenants should speak to their landlord at the earliest opportunity
- As part of the national effort to respond to the COVID-19 outbreak it's important that landlords offer support and understanding to tenants who may start to see their income fluctuate
- Having an early conversation between landlord and tenant can help both parties to agree a plan if tenants are struggling to pay their rent. This can include accepting a lower level of rent, or agreeing a plan to pay off arrears at a later date

- If a landlord and tenant agree a plan to pay off arrears at a later date, it is important they both stick to this plan, and that tenants talk to their landlord immediately if they are unable to do so
- If you are worried about being unable to pay your rent, it is important to speak to your landlord, either the Housing Executive or your Housing Association, at the earliest opportunity. If required, advice is also available from specialist providers such as Housing Rights, Advice NI, and The Money Advice Service. There are links to these organisations' websites in the Annex at the end of this document. Further details on the range of financial support available can also be found in Section 1.3
- If you are worried about being evicted and not having anywhere else to go, you can contact the Housing Executive: [https://www.nihe.gov.uk/My-Housing-Executive/Advice-for-Housing-Executive-Tenants/Covid-19-\(Coronavirus\)](https://www.nihe.gov.uk/My-Housing-Executive/Advice-for-Housing-Executive-Tenants/Covid-19-(Coronavirus)) or Housing Rights: <https://www.housingrights.org.uk> for further advice and information
- You can also find more information on Government support for employers and employees here: <https://www.nibusinessinfo.co.uk/campaign/coronavirus-updates-support-your-business>
- If you fall into financial difficulties due to a change in your employment or earnings, for example, you may qualify for benefits including Universal Credit. Find more information about Universal Credit at: <https://www.nidirect.gov.uk/articles/coronavirus-covid-19-and-benefits>
- Universal Credit Housing Costs may be paid directly to social landlords
- The Chancellor launched a multi-billion COVID-19 (Coronavirus) Job Retention Scheme to help workers, of any employer, to keep their jobs. The scheme, which covers employees here, means that the government will pay up to 80% of the worker's monthly wages, up to a limit of £2,500 per month. Latest updates can be found at: <https://www.gov.uk/government/collections/coronavirus-job-retention-scheme>
- The UK Treasury launched a similar scheme to assist self-employed and freelancers (including gig economy workers and those on zero-hours contracts) and this will apply here as well. This provides self-employed people earning under £50,000 per annum, with a grant of 80% of their average profit for 3 months up to a maximum of £2,500 per month. Latest updates can be found at: <https://www.gov.uk/guidance/claim-a-grant-through-the-coronavirus-covid-19-self-employment-income-support-scheme>
- Lots of free advice exists if you are having money difficulties, such as paying your rent. You may want to call one of the following agencies:
  - Step Change Debt Charity: <https://www.stepchange.org/how-we-help/debt-advice.aspx>
  - Advice NI: <https://www.adviceni.net/money-talks>
- Information is also available via nidirect on managing money and repaying debt: <https://www.nidirect.gov.uk/articles/beginner's-guide-managing-your-money>

and: <https://www.nidirect.gov.uk/articles/being-debt>

### 1.3. Further provisions for additional social security assistance

- Additional measures have been put in place to help tenants to access relevant social security benefits during the COVID-19 outbreak. Further information on relevant benefits and who to contact can be accessed on the nidirect website: <https://www.nidirect.gov.uk/articles/coronavirus-covid-19-and-benefits>
- The Housing Executive's website also provides useful information on Housing Benefit and Universal Credit housing costs element, with guidance for new applicants. This information can be accessed here: [https://www.nihe.gov.uk/My-Housing-Executive/Advice-for-Housing-Executive-Tenants/Covid-19-\(Coronavirus\)](https://www.nihe.gov.uk/My-Housing-Executive/Advice-for-Housing-Executive-Tenants/Covid-19-(Coronavirus))
- The basic rate of Universal Credit increased by over £80 a month from April 2020. This will be of benefit to claimants
- Those people claiming Universal Credit may apply for advances of up to 100 per cent of their expected Universal Credit award from day one of their claim. Claimants have up to 12 months to pay back the advance; a repayment plan will be agreed. In addition new Universal Credit claimants in Northern Ireland can apply for support from the Universal Credit Contingency Fund. The purpose of this fund is to make emergency payments where hardship occurs as a result of difficulties which are not due to any fault on the part of the claimant. All payments from the Contingency Fund are in the form of non-repayable grants and are calculated on the basis of the standard allowance for any adults in the household and the child element if appropriate. It will not include an amount towards housing costs
- The Discretionary Support Scheme is available to address customer needs in extreme, exceptional or crisis situations where there is significant risk to the health, safety or well-being of the person or a member of the person's immediate family. This includes the award of grants to assist with short-term living expenses. Discretionary Support is available to people in employment whose annual income, including the income of their partner, is not above the national living wage of £20,405
- In response to the COVID-19 pandemic the Department has made changes to the Discretionary Support Scheme. This includes the introduction of a specific short-term living expenses grant where an individual or any member of their immediate family is diagnosed with COVID-19 or is advised to self-isolate. Additionally, the rate at which living expenses awards are calculated and the period for which they can be paid have been enhanced to increase the financial support that can be awarded
- Further information on Discretionary Support and the Contingency Fund are available here: <https://www.nidirect.gov.uk/articles/extra-financial-support>

#### **1.4. As a social landlord, should I stop charging rent during the outbreak?**

- Landlords do not need to do this as tenants will remain liable for the rent during this period. Most tenants will be able to pay rent as normal and should continue to do so
- Where tenants experience difficulty, there is no 'one size fits all' approach, as each tenant's circumstances are different and some will be worse affected in terms of their ability to pay than others. It is important for landlords to treat rent issues due to COVID-19 with sensitivity and to work closely with tenants to agree a sensible way forward

#### **1.5. NIHE Rent Increase 2020/2021**

- In consequence of the impact of the COVID-19 pandemic, the Minister for Communities took a decision to put the NIHE's rent increase on hold: it will not now come into effect until 5 October 2020. This measure aims to alleviate the impact of COVID-19 on tenants as far as possible at this time
- The postponement of the NIHE rent increase also applies to a small number of Housing Association tenants which have their rents controlled by the Department for Communities (under Article 8 (2) of the Housing (NI) Order 1992). These tenants will not have their rents increased until October and will have been informed if this applies

## 2. Property Access and Health and Safety Obligations

The Government is seeking that everyone do all that they can to help stop coronavirus spreading and has published advice on maintaining social distancing during this unprecedented time. You can see the latest guidance on Coronavirus here:

<https://www.nidirect.gov.uk/campaigns/coronavirus-covid-19>

<https://www.publichealth.hscni.net/covid-19-coronavirus>

We are committed to helping to ensure that everyone has a safe and decent place to live.

As part of the national effort to respond to the COVID-19 outbreak it's vital that landlords and tenants work together to keep rented properties safe. We continue to support the positive partnership between landlords and tenants which underpins all well-functioning tenancies.

It has never been more important that landlords and tenants take a pragmatic, common-sense approach to resolving issues. Tenants should let their landlords know early if there is a problem and landlords should take the appropriate action.

### Social Housing Tenants

#### 2.1. What about the risk of catching the virus or if I am symptomatic?

- Everyone must follow sensible precautions should there be a need for a contractor or others to visit your property
- Where repairs proceed, you are advised to follow the guidance issued by the Public Health Agency: <https://www.publichealth.hscni.net/covid-19-coronavirus>
- Social landlords have in place procedures to ensure that both the tenant and contractors are kept safe during visits
- If you are symptomatic and your landlord or a contractor is due to attend your home for repairs, you should make them aware so that sensible precautions can be taken

#### 2.2. What should I do if I think I may have the virus?

- You should follow government guidance on self-isolation, which you can find here: <https://www.publichealth.hscni.net/covid-19-coronavirus/covid-19-information-public#what-should-i-do-if-i-think-i-have-covid-19>

- You should tell anyone you share the property with immediately, so that they can take appropriate action and make informed decisions regarding shared areas and access to the property. If your landlord needs to arrange a visit to the property for urgent health and safety reasons, you should also inform them and agree to take sensible precautions

### 2.3. What does this mean for repairs in my home?

- Landlords' repair obligations have not changed. Tenants have a right to a decent, warm and safe place to live, and it is in the best interests of both tenants and landlords to ensure that properties are kept in good repair and free from hazards
- Good management requires regular review and maintenance of a property, and this should take place where possible
- You should inform your landlord early and engage constructively in the event that you encounter any issues with the condition of your property, and the effect of current restrictions should be considered
- Landlords will be dealing with a considerable backlog of repair requests and normal service standards will be set aside in the short term. Priority will be given to the most urgent works with the longest standing repair items being addressed first. Public health guidance may result in repairs taking longer to complete

### 2.4. What if my boiler breaks, or something else happens which is an urgent risk to my health?

- Landlords' repair obligations have not changed
- There is now no legal restriction on contractors entering people's homes to carry out inspections and non-essential works
- Completion of work inside the properties of other people is now considered low risk if both tradesmen and residents of the property maintain social distancing and maintain adequate hand hygiene, respiratory hygiene and environmental hygiene. Guidance is available on the Public Health Agency website: <https://www.publichealth.hscni.net/covid-19-coronavirus>
- Where reasonable, safe for you and in line with other Government guidance, we recommend that you allow landlords or contractors access to your property in order to inspect or remedy urgent health and safety issues
- Where urgent work is required in your home and you are shielding, you should advise your landlord, who will discuss the process with you in advance and carry out a risk assessment
- Northern Ireland Housing Executive tenants can find the latest information from the Housing Executive here: <https://www.nihe.gov.uk/>

- Housing Association tenants should access the relevant Housing Association website for the most up-to-date advice/guidance. Links to each Housing Association website, which includes details on how to contact your Housing Association, are available at the nidirect website: <https://www.nidirect.gov.uk/contacts/housing-associations>
- Guidance for tradespeople is available at: <https://assets.publishing.service.gov.uk/media/5eb967e286650c2791ec7100/working-safely-during-covid-19-other-peoples-homes-240620.pdf>
- Gas safety checks will continue and you should facilitate access to inspectors to carry them out. You should be contacted by your landlord before gas safety checks are carried out both verbally and in writing to ascertain if access can be obtained to carry out the gas safety check and confirm whether or not you or your household is self-isolating. Social landlords have in place procedures to ensure that both the tenant and contractors are kept safe during visits
- No work should be carried out by a tradesperson who has coronavirus symptoms, however mild

## 2.5. Advice regarding individuals and households who are shielding

- Individuals and households who are shielding may have concerns about allowing access to their home at this time, due to the risk of infection. Landlords will work with their tenants to facilitate access for urgent repairs and gas safety checks as required, ensuring that the latest public health advice is followed. All other works

should be rescheduled either to a time when government advice has been relaxed regarding shielding, or when the tenant is in a position to accommodate full social distancing within their home

### Urgent repairs for shielding households:

- Where urgent work is required in your home and you are shielding, you should advise your landlord, who will discuss the process with you in advance and carry out a risk assessment
- Completion of work inside the properties of other people is now considered low risk if both tradesmen and residents of the property maintain social distancing and maintain adequate hand hygiene, respiratory hygiene and environmental hygiene. Please refer to the latest guidance for working safely during COVID-19 in other people's homes available at: <https://assets.publishing.service.gov.uk/media/5eb967e286650c2791ec7100/working-safely-during-covid-19-other-peoples-homes-240620.pdf>

### Gas safety checks for shielding households:

- If you are shielding, your landlord will balance the risk presented taking into account factors such as the age and type of appliance, previous maintenance history and date of the last gas check. In some situations, this might indicate that the gas safety inspection should still go ahead
- Completion of work inside the properties of other people is now considered low risk if both tradesmen and residents of the property maintain social distancing and maintain adequate hand hygiene,



respiratory hygiene and environmental hygiene. Please refer to the latest guidance for working safely during COVID-19 in other people's homes at: <https://assets.publishing.service.gov.uk/media/5eb967e286650c2791ec7100/working-safely-during-covid-19-other-peoples-homes-240620.pdf>

- If you refuse access, the landlord should record this and follow up with you at a later stage
- Tenants who are shielding can access further advice and support through the Advice NI Coronavirus Community Helpline. Details are available at: <https://www.adviceni.net>

## 2.6. Advice for those living in Supported Housing or Supporting People Services

- If you are living in supported accommodation (Supported Housing or in a 'Supporting People' accommodation scheme) your landlord is normally either the Housing Executive or a Housing Association. You should consider the guidance for tenants set out in Section 3 of this document
- In addition guidance on specific supported housing settings has been published by the Department of Health and the Public Health Agency: <https://www.health-ni.gov.uk/sites/default/files/publications/health/COVID%2019%20GUIDANCE%20FOR%20HOMELESS%20PROVIDERS.pdf>

<https://www.health-ni.gov.uk/publications/covid-19-guidance-domiciliary-care-providers-northern-ireland>

## Social Housing Landlords

### 2.7. What does the current situation mean for repairs to a property?

- Landlords' repair obligations have not changed. Tenants have a right to a decent, warm and safe place to live – and it is in the best interests of both tenants and landlords to ensure that properties are kept in good repair and free from hazards
- Good management requires regular review and maintenance of a property. Tenants should inform landlords early and engage constructively in the event that they encounter any issues with the condition of the property. At all times the health and safety of the tenant, landlord and any tradesperson must be prioritised
- There is now no legal restriction on contractors entering people's homes to carry out inspections and non-essential works. Completion of work inside the properties of other people is now considered low risk if both tradesmen and residents of the property maintain social distancing and maintain adequate hand hygiene, respiratory hygiene and environmental hygiene. Please refer to the latest guidance for working safely during COVID-19 in other people's homes: <https://assets.publishing.service.gov.uk/media/5eb967e286650c2791ec7100/working-safely-during-covid-19-other-peoples-homes-240620.pdf>
- Particular care should be taken with highly vulnerable tenants who are in the "shielding" category. Where social distancing measures cannot be accommodated, for example,



due to a tenant's immobility, works should be rescheduled either to a time when government advice has been relaxed regarding shielding, or when the tenant is in a position to accommodate full social distancing within their home

## **2.8. What about my legal obligations to provide regular gas safety inspections? Will I be prosecuted if I can't get access because I or my tenants are self-isolating?**

- Landlords have a legal duty to ensure that safety checks are completed to their properties to ensure they are safe for tenants to use. These checks include gas safety checks to each gas appliance and flue, electrical safety tests and inspections and thorough inspections to disabled lifts
- All landlords in Northern Ireland are generally required to comply with gas safety checks as required under the Gas Safety (Installation and Use) Regulations (Northern Ireland) 2004. Regulation 36 sets out the duties in respect of landlords which require that every landlord must ensure that relevant gas fittings and flues are maintained to a safe condition
- The Health and Safety Executive for Northern Ireland (HSENI), within the Department for the Economy (DfE) is responsible for the legislation governing gas safety measures. DfE has advised that:
  - The purpose of a gas safety check is to make sure gas appliances are safe for continued use. There are three main risks which can arise from having an unsafe gas appliance, i.e. gas leaks, fires and explosions, and carbon monoxide poisoning
- Given the current situation many people are spending more time at home therefore safety checks are even more important and should be carried out where practicable
- The HSENI do note that there are situations where it may not be practicable to carry out a gas safety check where someone is self-isolating for 14 days, or where there are over 70s and vulnerable groups being advised to self-isolate. However, in these cases, the gas safety check must be carried out as soon as reasonably practicable following this period and HSENI will expect landlords to demonstrate they have taken all reasonable steps in such circumstances
- HSENI is prepared to recognise, on a temporary basis, annual gas safety checks that are carried out any time from 10 to 12 calendar months after the previous check and still retain the original deadline date as if the check had been carried out exactly 12 months after the previous check. Landlords are encouraged to arrange annual gas safety checks as early as possible, as a contingency against tenants being in self-isolation for a period of 14 days
- The two-month period to carry out annual gas safety checks should provide adequate resilience in most situations
- Accordingly, landlords should make reasonable efforts, in line with the above advice, to abide by existing gas safety regulations, complying with the Public Health Agency guidelines on social

distancing. Where a landlord cannot comply they must demonstrate they have taken all reasonable steps to comply with the law

- Tenants should be contacted before gas safety checks are carried out both verbally and in writing to ascertain if access can be obtained to carry out the gas safety check and confirm whether or not the tenant is in self-isolation
- If landlords are not able to gain access to the property due to restrictions in place to tackle COVID-19, or are not able to engage a contractor to carry out the necessary work, we recommend you document your attempts to do so and all correspondence with your tenants. Landlords may also want to provide other evidence they have that the installation, appliance or flue is in a good condition while they attempt to arrange works. You can read the latest guidance for landlords and Gas Safe engineers and inspectors here: <https://www.gassaferegister.co.uk/help-and-advice/covid-19-advice-and-guidance/>

## 2.9. What about the risk of catching the virus?

- Completion of work inside the properties of other people is now considered low risk if both tradesmen and residents of the property maintain social distancing and maintain adequate hand hygiene, respiratory hygiene and environmental hygiene. Guidance is available on the Public Health Agency website: <https://www.publichealth.hscni.net/covid-19-coronavirus>

- You can take additional measures such as ensuring contractors and tenants remain in separate rooms during any visits. You should also follow Government advice on hygiene and cleanliness before, during and after visits

## 2.10. Support for social housing staff

- It is important that all staff working for social landlords are protected in their workplace in line with guidance issued by the Public Health Agency: <https://www.publichealth.hscni.net/covid-19-coronavirus/guidance-professionals-and-organisations>
- Direct line staff in sheltered and supported housing would be accepted under both the health and social care category as key workers and therefore have access to school and childcare provision
- The Department of Education guidance and set of Frequently Asked Questions (FAQs) are available on the DE website which you can access at the link below: <https://www.education-ni.gov.uk/department-education-releases-covid-19-coronavirus>
- Information regarding testing is available at: <https://www.publichealth.hscni.net/covid-19-coronavirus/testing-and-tracing-covid-19>
- It has been agreed that in instances where there may be an outbreak or a cluster of infections in a supported living service - that is two or more people among staff

or service users who meet the criteria to be a possible or confirmed case - all staff and residents should now be tested. Currently a case is described as someone who has recent onset of a new continuous cough and/or a high temperature and/or a loss or change to your sense of smell or taste: please note this case definition may change

going forward. This arrangement applies to accommodation-based Supporting People schemes that do not receive Health and Social Care funding and those that are jointly commissioned. Contact information for testing in these circumstances has been issued directly to Supporting People providers by the Housing Executive

# 3. Possession Proceedings and Court Action

## 3.1. What is the position regarding possession proceedings and court action?

- For those in the social rented sector, the Housing Executive and Housing Associations have agreed not to commence possession proceedings for tenants who are struggling to pay rent due to the COVID-19 emergency
- The Lord Chief Justice has stated that, during this time, urgent matters, which may include court applications for possession relating to anti-social behaviour, will continue to be dealt with. In addition, some non-urgent matters may be progressed, including agreed matters or where approval is required. Contested civil bill hearings and ejections will not initially proceed at this stage, unless the issues are straightforward
- The latest notices and directions from the Lord Chief Justice's Office in relation to the coronavirus pandemic are available at: <https://judiciaryni.uk/coronavirus-covid-19>. In particular, the following guidance in relation to ejections may be helpful: <https://judiciaryni.uk/sites/judiciary/files/media-files/Covid-19%20-%20Guidance%20for%20County%20Courts%20-%20Civil%20Business%20-%2020120520.pdf>

## 3.2. What does this mean for the serving of notices seeking possession?

- For those in the social rented sector, the Housing Executive and Housing Associations have agreed not to commence possession proceedings for tenants who are struggling to pay rent due to the COVID-19 emergency
- The commencement of possession proceedings, such as the issuing of notices seeking possession, are used as a last resort and remain in place for non-rent related matters, as they were prior to the pandemic
- The serving of such notices are only used by social landlords when all other ways of resolving an issue have failed
- The Department has gained agreement from the Housing Executive and Housing Associations that careful consideration will be given when issuing notices to seek possession, to ensure that the notice period reflects the emergency period we are living in and that the notice period should not result in a person being asked to leave their current residence and potentially becoming homeless during the COVID-19 emergency. Exceptions to this will apply, for example, in serious cases of ASB, or as a last resort when all other interventions have failed or there is sustained activity

- Possession proceedings which do not impact on an individual having to leave their home, for example, in the case of non-occupation and abandonments, should proceed as normal
- The emergency period is defined by Regulation 2 of the Health Protection (Coronavirus, Restrictions) Regulations (NI) 2020. This guidance will be reviewed in line with amendments to the Regulations and changes relating to the emergency period

### 3.3. What does this mean for tenants/occupants?

- During these very difficult times, you are strongly encouraged to do all you can to work with your landlord to resolve any issues which could lead to possession
- If your social landlord has exhausted all other options to resolve a situation which may normally lead to seeking possession of a property then they might issue a notice to seek possession, even though for some matters the progression of legal proceedings to a hearing may be on hold. The latest notices and directions from the Lord Chief Justice's Office in relation to the coronavirus pandemic are available at: <https://judiciaryni.uk/coronavirus-covid-19>
- You can seek independent advice from Housing Rights or a local advice agency

if you have been told to leave the property you are currently occupying

### 3.4. What does this mean for social landlords?

- The decision to begin possession proceedings for all matters which are not related to problems paying rent due to the COVID-19 emergency should continue to be an option of last resort once all other avenues have been explored and exhausted
- In general, social landlords should consider the commencement of possession proceedings carefully and on a case by case basis. Where a social landlord considers it appropriate to serve a notice for possession, careful consideration should be given to the notice period. It should not result in a person having to leave their current residence and potentially become homeless during the COVID-19 emergency. Exceptions to this may apply, for example, in serious cases of ASB, or as a last resort when all other interventions have failed or there is sustained activity
- Landlords should work with tenants/occupants to ensure that when notices are issued, they should not result in a person having to leave accommodation during this emergency period unless an exception applies

### **3.5. How does the position differ for landlords considering the commencement of possession proceedings involving anti-social behaviour (ASB)?**

- The anti-social behaviour of a tenant or member of the tenant's household has far-reaching implications for households, neighbours and the wider community. As such, it is important that landlords continue to deliver a service that responds to ASB
- Landlords should follow the procedures they already had in place prior to the pandemic whilst ensuring that Public Health Guidelines on social distancing are followed. Such procedures might include the issuing of warning letters, mediation etc

- The issuing of a notice seeking possession should only be initiated as a last resort when all other interventions have failed or in very serious circumstances, where such intervention is not appropriate

### **3.6. Does the guidance apply to all types of tenancies and occupants?**

- Yes, the guidance applies, in terms of the principles outlined in paragraph 3.2, to all types of tenancies and occupations. Where a notice of proceedings is issued against an introductory tenant, the tenant has a right to an oral review, if requested. Landlords should ensure that an appropriate review procedure is followed whilst observing public health guidance

# 4. House Moves

## 4.1. Information for tenants and landlords

- People who wish to move home can now do so
- Where moves do take place, it will be important to discuss with applicants and tenants their state of health, level of vulnerability and their arrangements for moving (including any assistance required) before proceeding with the move
- Landlords should avoid moving tenants who are showing symptoms of coronavirus or self-isolating. There may be exceptions to this (e.g. safety reasons) and in these scenarios landlords should speak to the local Public Health team about appropriate infection control measures before taking any action
- Landlords should also avoid moving residents who are shielding because they have been notified they are in the clinically extremely vulnerable group. If a home move is required, the landlord should speak to the local Public Health team for advice on appropriate measures to protect the resident
- Anyone with symptoms, self-isolating or shielding from the virus should follow medical advice and consider not moving home for the time being
- If moving, households and landlords must follow the latest public health

guidelines available on the Public Health Agency's website

- In particular, you may wish to review the Public Health Agency's guidelines on hygiene and infection control: <https://www.publichealth.hscni.net/covid-19-coronavirus>
- Further guidance on house moves can be found at: <https://www.communities-ni.gov.uk/publications/advice-home-moving-during-coronavirus-covid-19-outbreak>

## 4.2. What if I fear for the safety of myself and/or my family in my home?

- The instruction to stay at home with your family as a result of the COVID-19 emergency does not apply if you need to leave your home to escape violence or the threat of violence
- If you feel unsafe in your home or have concerns for your safety in relation to domestic violence, (fear of) violence, harassment or intimidation, you should speak to your landlord or contact the Housing Executive's Housing Solutions and Support service on **03448 920 900**
- The Housing Executive aims to help tenants feel safe in their homes and works with a wide range of partner agencies across the statutory, community and voluntary sector including: the PSNI; Women's Aid; Men's



Advisory Project; Youth Justice NI; NIACRO and the Local Councils. Advice and support are provided in a sensitive manner ensuring confidentiality at all times. Information for people suffering abuse and violence can be found at: <https://www.nihe.gov.uk/Housing-Help/Homelessness/Avoiding-homelessness>

- Information is also available if you have concerns about anti-social behaviour, including: violence or threats of violence, hate behaviour that targets members of identified groups because of their perceived differences e.g. race, religion, political affiliation, disabilities or sexual orientation, and intimidation and harassment: <https://www.nihe.gov.uk/Community/Anti-Social-Behaviour/What-is-Anti-Social-Behaviour>

#### **4.3. What is happening with allocations and transfers during the COVID-19 emergency?**

- The Housing Executive and Housing Associations will continue to work with landlords, applicants and tenants regarding requests for transfers and exchanges and offers of new tenancies and agree new tenancy commencement dates. The date on which a new tenancy can commence may depend on when the landlord's contractors can carry out essential repairs to the property and / or when the new tenant can move in accordance with the legal requirements in the public health regulations
- If you receive an offer of tenancy you should contact the landlord as soon as possible to discuss any difficulties which

you or your household may have in moving into your new home at this time or to discuss the option of deferring offers of tenancy for an agreed time until the Coronavirus emergency has passed

#### **4.4. How can I keep myself safe when moving home?**

- Removal firms will need to adjust usual procedures in order to ensure moves happen as safely as possible and that social distances are observed
- We encourage you to contact removal firms as early as possible in advance of your move
- You and your household should also try and do as much of the packing yourself as possible
- Where possible, you should clean your belongings with standard domestic cleaning products before they are handled by others, including removal firms
- Whilst the removers are in your home, you should ensure any internal doors are open and seek to minimise your contact with the crew, maintaining social distancing
- All parties should wash their hands and avoid touching surfaces where possible to reduce the risk of transmitting the coronavirus
- You should not provide refreshments to removers but you should ensure they have access to hand washing facilities, using separate towels or paper towels if possible, which should be washed or disposed of safely afterwards



# Annex

## Useful contact information and links to websites containing further advice and guidance

Department for Communities	<a href="https://www.communities-ni.gov.uk/">https://www.communities-ni.gov.uk/</a>
Department for Communities – Housing Regulation	<a href="https://www.communities-ni.gov.uk/housing-regulation-coronavirus-covid-19">https://www.communities-ni.gov.uk/housing-regulation-coronavirus-covid-19</a>
Northern Ireland Housing Executive	<a href="https://www.nihe.gov.uk/My-Housing-Executive/Advice-for-Housing-Executive-Tenants/Covid-19-(Coronavirus)">https://www.nihe.gov.uk/My-Housing-Executive/Advice-for-Housing-Executive-Tenants/Covid-19-(Coronavirus)</a> <a href="https://www.nihe.gov.uk/Housing-Help/Homelessness/Avoiding-homelessness">https://www.nihe.gov.uk/Housing-Help/Homelessness/Avoiding-homelessness</a>
Housing Associations contact Information	<a href="https://www.nidirect.gov.uk/contacts/housing-associations">https://www.nidirect.gov.uk/contacts/housing-associations</a>
Northern Ireland Federation of Housing Associations	<a href="https://nifha.org/2020/04/02/coronavirus-health-and-safety-guidance/">https://nifha.org/2020/04/02/coronavirus-health-and-safety-guidance/</a>
Public Health Agency	<a href="https://www.publichealth.hscni.net/news/covid-19-what-situation-northern-ireland">https://www.publichealth.hscni.net/news/covid-19-what-situation-northern-ireland</a>
Housing Rights Service (Advice for tenants, landlords and homeowners)	<a href="https://www.housingadviceni.org/advice-housing-executive-tenants/coronavirus">https://www.housingadviceni.org/advice-housing-executive-tenants/coronavirus</a> (advice for NIHE and Housing Association tenants) <a href="https://www.housingadviceni.org/advice-landlords/coronavirus">https://www.housingadviceni.org/advice-landlords/coronavirus</a> (Landlord advice)
Advice NI (COVID-19 Community Helpline)	<a href="https://www.adviceni.net/">https://www.adviceni.net/</a> Freephone number: <b>0808 802 0020</b> Email: <b>covid19@adviceni.net</b> Text: <b>ACTION</b> to <b>81025</b>
Court Service NI	<a href="https://www.justice-ni.gov.uk/coronavirus-covid-19-court-business-continuity-arrangements">https://www.justice-ni.gov.uk/coronavirus-covid-19-court-business-continuity-arrangements</a>
Money Advice Service	<a href="https://www.moneyadviceservice.org.uk/en/categories/coronavirus">https://www.moneyadviceservice.org.uk/en/categories/coronavirus</a>



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