

CORONAVIRUS (COVID-19)



HOUSING GUIDANCE FOR PRIVATE RENTED LANDLORDS AND TENANTS



Department for
Communities
www.communities-ni.gov.uk

An Roinn
Pobal

Depairtment fur
Commonities

Guidance for Landlords and Tenants in the Private Rented Sector on:

Measures relating to possession proceedings (notices to quit) as amended by the Private Tenancies (Coronavirus Modifications) (Northern Ireland) Act 2020

Court action on possession cases during the Coronavirus (COVID-19) outbreak.

Property access and health and safety obligations in the context
of Coronavirus (COVID-19) restrictions.

**This guidance is advisory.
This guidance will be updated as the position evolves.**

First published: 16 April 2020

Updated: 06 May 2020, 28 May 2020, 12 June 2020, 22 June 2020,
29 June 2020, 14 August 2020, 4 September 2020, 23 February 2021

Contents

Introduction from the Minister for Communities, Deirdre Hargey MLA	6
General guidance for landlords and tenants in the private rented sector in relation to:	8
1. Rent, Mortgage payments and possession proceedings	10
1.1. I am a tenant: should I stop paying rent during the outbreak?	10
1.2. What can I do if I cannot pay my rent, and fall into rent arrears / if my tenant cannot pay rent and falls into rent arrears?	11
1.3. Further help with housing costs	13
1.4. Temporary legislation for the protection of tenants	14
1.5. What can I do about mortgage repayments?	15
1.6. As a landlord, should I stop charging rent during the outbreak?	15
1.7. I have a licence to occupy, am I protected by legislation?	15
2. What Rights do I have?	16
2.1. Do I have to move if my landlord does not have a court order? Court action on Housing possession cases during the coronavirus outbreak	16
2.2. What does this mean for landlords and tenants in the private rented sector?	16
2.3. How does the new private rented sector legislation interact with the courts resuming hearing housing possession claims?	17
3. Property Access and Health and Safety Obligations	18
Private Rented Tenants	19
3.1. I'm a student and am no longer living in my rented accommodation - do I still have to pay rent?	19

3.2.	What does the COVID-19 outbreak mean for repairs in my home?	19
3.3.	What if my boiler breaks, or something else happens which is an urgent risk to my health?	20
3.4.	What about the risk of catching the virus, or if I am symptomatic?	22
3.5.	My landlord wants access to my property to conduct viewings for sale or letting, do I have to let them in?	23
3.6.	What if I have a move planned?	24
3.7.	What should I do if I think I may have the virus?	24
3.8.	Someone in my House in Multiple Occupation (HMO) has the virus, is my landlord obliged to remove them or find me another place to stay?	25
3.9.	What should I do if I can no longer live at my previous accommodation and I have become homeless?	25
3.10.	What should I do if I live with other people I am not related to and share facilities or common areas?	26
3.11.	What should I do if I am clinically vulnerable or was previously advised to shield and I live in rented accommodation with other people?	26
3.12.	What if my building/block has shared spaces and facilities such as social areas?	27
	Private Rented Landlords	28
3.13.	What does the current situation mean for repairs to my property?	28
3.14.	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?	29
3.15.	What about the risk of catching the virus?	31
3.16.	What about access to a property to conduct viewings or where a move is scheduled?	31
3.17.	Someone in my House in Multiple Occupation has the virus, am I obliged to remove them or find my tenants another place to stay?	32
3.18.	What should I do if the property I let is shared/a HMO and residents share facilities or common areas?	32

4.	Effect of the private Tenancies (Coronavirus Modifications) (Northern Ireland) Act 2020	33
	Advice for Private Rented Tenants	33
4.1.	Can my landlord evict me and, if so, in what circumstances?	33
4.2.	Do I have to move out if my landlord does not have a court order?	34
4.3.	What are my rights as a tenant in normal circumstances?	35
4.4.	Where can I get advice about my rights as a tenant?	35
	Advice for Private Rented Landlords	35
4.5.	Can I evict a tenant and, if so, under what circumstances	35
4.6.	I have obtained a court order can I continue with eviction proceedings	36
4.7.	What if my tenant is in arrears?	37
	Annex	38

Introduction from the Minister for Communities, Deirdre Hargey MLA



During this unprecedented public health emergency the public health advice is clear. Stay home, Stay safe, Protect the NHS. We all must stay in our homes as much as possible. Many vulnerable people have been advised not to leave their homes at all. Tenants in the private rented sector must know their homes are safe and secure so they can protect their health and the health of their families.

The purpose of this guidance document is to provide you with information on your rights and obligations within the private rented housing sector. It sets out advice on what you should do if you are struggling to pay rent, what advice and financial assistance is available at this time, and what to do if emergency repairs are needed in your rented property. At this unprecedented time of crisis I want to underline my Department's guiding principles:

- **Landlords should not engage in possession proceedings at this time.**
- **Where possible tenants should pay their rent; landlords should work with tenants where difficulties arise**
- **Tenants should continue work alongside their landlord to receive all the support they need to ensure their home remains safe and secure.**

I urge everyone to continue to follow these principles while observing the Public Health Agency guidelines, particularly around social distancing measures, at this time.

This is a time of uncertainty for everyone, however no-one should have the additional worry of the safety or security of their home at this time. That is why I introduced urgent legislation to provide additional protections for private rented tenants from eviction during the COVID-19 outbreak.

This is an evolving situation with new advice and information developed regularly. This guidance document will be kept up to date with any additional measures put in place to help and support the rented housing sectors during this difficult time.

I again offer my sincere thanks to all those across the housing sector, those in government, the statutory, community and 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.

A handwritten signature in black ink that reads "Deirdre Hargey". The signature is written in a cursive, flowing style.

Deirdre Hargey MLA
Minister for Communities

General guidance for landlords and tenants in the private rented sector in relation to:

Section 1. Rent, mortgage payments and notices to quit

The first two sections of this guidance provide information and advice which is applicable whether you live in or are a landlord in the private rented sector. Section 3 provides specific advice to private rented tenants and their landlords respectively.

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. This includes understanding the implications of the **Coronavirus Act 2020** which is, in part, relevant to Northern Ireland, and new housing legislation, the **Private Tenancies (Coronavirus Modifications) (Northern Ireland) Act 2020**, in relation to the private rented sector. This legislation amends the law here in relation to revised arrangements aimed at preventing eviction. Further detailed guidance is available at Section 4.

This guidance document should be read in conjunction with the NI Executive guidance on home moving during the coronavirus (COVID-19) outbreak:

<https://www.communities-ni.gov.uk/publications/advice-home-moving-during-coronavirus-COVID-19-outbreak>.

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 help with housing costs.

The new private rented sector legislation means that, until this emergency passes, most private rented landlords will not be able to start possession proceedings unless they have given their tenants twelve weeks' notice. Landlords are free to choose to give more than the mandatory twelve weeks' notice.

The Department has produced a guidance document to support tenants and landlords in the social housing rented sector during the COVID-19 outbreak which can be found here: <https://www.communities-ni.gov.uk/publications/COVID-19-guidance-social-housing-landlords-and-tenants>

Section 2. Court action on housing possession cases during the coronavirus (COVID-19) outbreak

The Lord Chief Justice has lifted the suspension of all but urgent court proceedings, with courts beginning to progress possession proceedings from 31 August 2020. 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>.

All landlords **should not** issue new notices to quit during this time unless it is absolutely unavoidable. Activity undertaken to, for example, remediate arrears, can help resolve the need to issue a notice to quit and avoid unnecessary court proceedings. It is essential that we work together in these unprecedented circumstances to keep each other safe.

Section 3. Property access and health and safety

This guidance aims to support landlords and tenants in adopting a pragmatic,

common-sense and sympathetic approach to issues that may arise in the current circumstances, providing protection for both tenants and landlords at this difficult time.

Tenants have a right to a decent, warm and safe place to live - it is in the best interests of both tenants and landlords to ensure that properties are kept in good repair and free from hazards, particularly during this time.

If you have a query specific to housing, you can call Housing Rights helpline on **028 9024 5640** (and select the correct option depending on whether you are seeking advice as a landlord or a tenant). The tenant helpline is open Monday to Friday between 9.30am to 4.30pm and the landlord helpline is open Monday to Friday from 9.30am to 2.30pm (opening hours extended to 4pm during the COVID-19 period). You can also get advice from Housing Rights advisers by email or chat. Go to: www.housingadviceni.org/advice-email for help via email or chat.

1. Rent, Mortgage payments and possession proceedings

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

- All tenants should continue to pay rent and abide by all other terms of their tenancy agreement to the best of their ability. A strong package of financial support is being made available to tenants, and where they can pay the rent as normal, they should do so. Tenants who are unable to do so should speak to their landlord at the earliest opportunity
- In many cases the COVID-19 outbreak will not affect tenants' ability to pay rent. If your ability to pay will be affected, it's important to have an early conversation with your landlord. Rent levels agreed in your tenancy agreement remain legally due and you should discuss with your landlord if you are experiencing difficulty meeting your rent. Landlords and tenants should discuss issues as early as possible and should deal sympathetically with one another. The Housing Rights mediation service can assist in resolving any issues and can be accessed here:

<https://www.housingrights.org.uk/news/housing-rights-mediation-during-coronavirus-crisis>

- We are aware that some tenancy agreements contain arrangements applicable to "late payments", for example where a fine or financial penalty is imposed in addition to the rent payments which are made at a date after the agreed date. Due to the COVID-19 outbreak many tenants and their landlords may have lost employment or may have had their employment suspended and may be having difficulty making some payments on time. Fees for late payment of rent may not be appropriate in the current circumstances and landlords are encouraged to waive such charges at this time. It is the Department's view that tenants and landlords should work together where delayed or late payments occur, and work to minimise additional costs to tenants at this difficult time. Letting agents will wish to assure themselves that any such fees are permissible under **the Commission on Disposals of Land (Northern Ireland) Order 1986**

1.2. What can I do if I cannot pay my rent, and fall into rent arrears / if my tenant cannot pay rent and falls into rent arrears?

- Tenants should continue to pay rent and abide by all other terms of their tenancy agreement to the best of their ability. Tenants who are unable to do so should speak to their landlord as soon as possible
- In order to respond to the COVID-19 outbreak it's important that landlords offer support and understanding to tenants who have seen 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, although deferral of rent may not always be possible. This may include reaching a temporary agreement not to initiate possession action for a period of time and instead consider temporarily accepting a lower level of rent, or agree a plan to pay off arrears at a later date. Where a landlord does choose to serve notice seeking possession for rent arrears or has done so already, the notice period and any further action will be affected by legislation lengthening the notice period (see Section 1.3 and Section 4) and/or the suspension of possession claims (see Section 2)
- 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 comply. It is recommended that landlords document any engagement (or attempted engagement) with tenants on any issue which may lead to the issue of a notice to quit. Any such documented engagement will be considered in any possession proceedings coming before the court
- If a tenant is worried about being unable to pay their rent, or if landlords become aware of tenants who may be in difficulty, advice is 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
- If you are experiencing financial hardship, you may be able to access funding which has been made available to fund households who are experiencing financial hardship and to support people in need. More details on this package of measures are available at: <https://www.gov.uk/coronavirus/worker-support>
- You can also find more information on Government support for employers and employees here: <https://www.gov.uk/government/publications/guidance-to-employers-and-businesses-about-COVID-19> and here: <https://www.nibusinessinfo.co.uk/content/coronavirus-workplace-safety-guidance-and-priority-sector-list-published>
- If you are worried about being evicted and not having anywhere else to go, you can contact Housing Rights: <https://www.housingadviceni.org/coronavirus-advice> or 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)) for further advice and information

- 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 private landlords. More information for private landlords on setting up a direct payment of a tenant's housing costs to a landlord is available online at <https://www.nidirect.gov.uk/services/set-direct-payment-tenants-housing-costs-landlord>. If your circumstances change and you no longer received Universal Credit, you should inform your landlord on any such change to your claim in order that they are aware of any potential delay in payment
- If a tenant receives Universal Credit, the housing costs element may be paid directly to either the tenant or the landlord. When a new UC claim is made arrangements for direct payment are normally set up. If this has not already been set up, the Department for Communities will contact the landlord directly to ask for details to set up this direct payment. You should not need to do anything until the Department contacts you
- A multi-billion COVID-19 (coronavirus) Job Retention Scheme has been announced 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. This will be backdated to 1 March 2020 and was initially open for 3 months; it is being kept under review and updates are available here: <https://www.gov.uk/government/collections/coronavirus-job-retention-scheme>
- The Treasury announced a similar scheme which will 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 £50k per annum, with a grant of 80% of their average profit for 3 months up to a max of £2,500. An amendment has been made to the legislation to provide for this scheme. It will however be subject to tax and national insurance contributions, and will not be disregarded for benefit purposes. This is similar to the employee retention scheme but is specifically for the self-employed and freelancers. This support scheme, which will be implemented by HMRC, and has been extended to cover the period to August 2020. It will be paid in a single lump sum instalment covering all 3 months, and will start to be paid at the beginning of June. In the interim the self-employed will be eligible for Universal Credit and for Discretionary Support. The Treasury continues to refine these arrangements and further updates can be reviewed on their website <https://www.gov.uk/guidance/claim-a-grant-through-the-coronavirus-covid-19-self-employment-income-support-scheme>
- On 17 March 2020, a three-month mortgage payment holiday was announced for those who are in difficulty due to COVID-19, and extended it to buy-to-let landlords on 18 March 2020. A further extension to

provide flexibility for mortgage holders was announced in June, preventing a “cliff edge” for households which continue to struggle financially due to the pandemic. The date to apply to extend the mortgage holidays has also been extended, with customers able to apply until the end of October 2020. Further detail is available on the FCA website: <https://www.fca.org.uk/publications/finalised-guidance/mortgages-and-coronavirus-updated-guidance-firms>

- These measures will help prevent both homeowners and landlords from facing unaffordable bills or repossession if they can't work, or if their tenants can't pay rent, during this period. Further information is available here: <https://www.gov.uk/government/news/help-with-mortgages-to-continue-for-homeowners-affected-by-coronavirus>. Anyone experiencing financial difficulty with their mortgage should contact their lender as soon as possible to discuss their circumstances and what support might be available. Information about the financial support available for people affected by COVID-19 can be found on the Money Advice Service on the website: <https://www.moneyadviceservice.org.uk>
- Regardless of this legislation, where tenants have difficulty paying rent over this period, we ask that landlords do not issue a notice to quit, particularly given that the tenant or someone in their household may be sick or facing other hardship due to COVID-19
- Private landlords may be able to avail of assistance available to small businesses

in response to the COVID-19 outbreak. The Department for the Economy is taking the lead on managing these interventions and further information can be accessed on their website: <https://www.economy-ni.gov.uk/>

- During the current period, the Lord Chief Justice has said that applications to suspend orders for possession should be prioritised, and that judges dealing with any possession claim must take into account all circumstances, including the guidelines issued by the Department for Communities and the public health guidance during this period of public health emergency, and should not make an order that risks impacting on public health: <https://judiciaryni.uk/coronavirus-COVID-19>

1.3. Further help with housing costs

- Additional measures have been put in place to help tenants and home owners to access relevant help with housing costs through social security benefits during the COVID-19 outbreak. Further information on relevant benefits and who to contact can be accessed on the NI Direct 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)). Households receiving

Housing Benefit and Universal Credit may be able to receive additional discretionary housing payments: <https://www.nihe.gov.uk/Housing-Help/Housing-Benefit/More-help-with-paying-your-housing-costs>

- The basic rate of Universal Credit will be increased by over £80 a month from April 2020. This will be of benefit to all claimants, including those who are owner-occupiers
- An increase in Local Housing Allowance rates from 1 April 2020 will provide additional financial support for private tenants in receipt of Housing Benefit or the housing costs element of Universal Credit
- 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 provided their income does not exceed the annual threshold, which increased to £18,137 from 1 April 2020
- 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

- 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, repayable on award of Universal Credit. In addition new Universal Credit claimants 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
- Further information on Discretionary Support and the Contingency Fund is available here: <https://www.nidirect.gov.uk/articles/extra-financial-support>

1.4. Temporary legislation for the protection of tenants

- New legislation has been made to protect most tenants in the private rented sector by putting measures in place that say where landlords do need to issue notices to quit, the notice period must be for not less than twelve weeks. Landlords can choose to give a longer notice period. Section 4 provides further detail on the Private Tenancies (Coronavirus Modifications) (Northern Ireland) Act 2020. This measure will remain in place until 04 May 2022

- Landlords should maintain a record of all engagement (or attempted engagement) with their tenants as issues arise. This will be taken into consideration by the court once proceedings are heard. Section 4 of this document provides further information

1.5. What can I do about mortgage repayments?

- Mortgage lenders have agreed to offer payment holidays of up to three months where this is needed due to coronavirus-related hardship, including for buy-to-let mortgages. The sum owed remains and mortgages continue to accrue interest during this period. The Financial Conduct Authority has published guidance to financial institutions, and guidance for consumers in relation to mortgage advice and assistance during the COVID-19 outbreak, available here: <https://www.fca.org.uk/consumers/mortgages-coronavirus-consumers>
- If a rented property is mortgaged by the landlord they should discuss this with their lender who may be able to exercise forbearance. This may be particularly helpful in circumstances where their tenant is struggling to pay rent due to COVID-19. Where a private landlord obtains a mortgage holiday under these new arrangements they should apply the same approach to tenants who are struggling to meet rental commitments during the current time

1.6. As a landlord, should I stop charging rent during the outbreak?

- There is no 'one-size fits all' approach, as each tenant's circumstance is different and some tenants will be more impacted than others in terms of their ability to pay. It is important for landlords to be flexible and have a frank and open conversation with their tenants at the earliest opportunity, to allow both parties to agree a sensible way forward
- Landlords are not required to stop charging rent during the outbreak. While tenants who are able to pay rent as normal should continue to do so, some may be facing difficulties doing so at this time

1.7. I have a licence to occupy, am I protected by legislation?

- Landlords of those on licences to occupy are advised to follow the same guidance and to work with renters who may be facing hardship as a result of the response to COVID-19. If you do not know whether you have a licence or a tenancy you should seek independent advice
- Government has put in place an unprecedented support package to help prevent people getting into financial hardship or rent arrears, including support for business to pay staff salaries, as well as important changes to statutory sick pay and the benefits system

2. What Rights do I have?

2.1. Do I have to move if my landlord does not have a court order?

- If you are a tenant you cannot be forced to leave your home without a court order. Landlords are encouraged not to issue new notices to quit at this time unless absolutely unavoidable
- A landlord cannot use violence or threat of violence to evict someone

Note: if you require advice on individual cases, or you are worried you may have been illegally evicted, you should contact a free, impartial advice service such as Housing Rights or Advice NI.

Court action on Housing possession cases during the coronavirus outbreak

The Lord Chief Justice has lifted the suspension of all but urgent court proceedings in the courts, with possession proceedings to recommence from 31 August 2020 allowing possession proceedings to progress. This action is in line with public health advice, in response to coronavirus.

2.2. What does this mean for landlords and tenants in the private rented sector?

- Moving home is now permitted. Guidance can be found here: <https://www.communities-ni.gov.uk/sites/default/files/publications/communities/dfc-advice-on-home-moving-during-COVID-19.pdf>
- Landlords should delay action compelling tenants to move to a new home while emergency measures are in place to fight coronavirus, following social distancing advice available on the Public Health Agency's website

If you have already been issued with a notice to quit, your landlord may now be able to take action through the courts to require you to leave the premises. If you were issued notice after 5 May 2020, you will be entitled to a twelve week notice to quit period. Court possession proceedings resume from 31 August 2020.

- For landlords, this will mean that any proceedings must be in line with the emergency measures set out in more detail in Section 4

- Where (for example a tenancy is ending) a move is expected, tenants, landlords and letting agents should abide by the separate guidance issued by the NI Executive for those moving home during the coronavirus (COVID-19) outbreak: <https://www.communities-ni.gov.uk/publications/advice-home-moving-during-coronavirus-COVID-19-outbreak>

2.3. How does the new private rented sector legislation interact with the courts resuming hearing housing possession claims?

- As outlined above, the Lord Chief Justice has announced that with effect from 31 August 2020 all court business, including housing possession cases, suspended from 24 March 2020, can progress. The form of the hearing will be determined by the relevant judge. Application for an urgent hearing must be accompanied by the relevant form: <https://judiciaryni.uk/coronavirus-COVID-19>
- This means that housing possession claims may now proceed, and landlords may now be able to progress any claims where they have already issued a notice to quit. Any new notices to quit, with effect from 05 May 2020, are subject to a twelve week notice period in line with the emergency legislation measures. Landlords should show that they have attempted to come to a reasonable agreement with their tenant before seeking possession. Landlords should maintain a record of any engagement (or attempted engagement) with their tenants, which will be considered should the matter come before the court
- The court, in considering any possession proceedings coming before it, will take into consideration all the circumstances of the case. It is recommended that landlords (and tenants) keep a record of any engagement or attempted engagement to resolve issues prior to initiating possession proceedings. The court may take into consideration any arrears which were amassed prior to the suspension of court proceedings (before 24 March 2020) and/or those amassed during the suspension of court proceedings (24 March 2020 to 31 August 2020), and will consider any specific domestic circumstances. These will include the tenant's income, any relevant health conditions, and the presence of any vulnerable persons living in the household
- This applies to cases currently in progress and cases where a landlord or mortgage company has already commenced possession proceedings on expiry of a notice

3. Property Access and Health and Safety Obligations

Everyone is asked to do all they can to help stop coronavirus spreading and advice has been published on maintaining strict separation from others wherever possible during this unprecedented time. You can see the latest guidance on Coronavirus here: <https://www.gov.uk/coronavirus>.

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

As part of the effort to respond to the COVID-19 outbreak it is vital that landlords, tenants and Councils 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. Landlords and tenants should keep a record of attempts made to have urgent work undertaken and, where this fails, this record can be brought to the attention of relevant Council officials as required.

We understand current restrictions may delay or prevent routine and obligatory inspections. While resources are stretched, a pragmatic approach to enforcement from Councils should be taken. This should mean that tenants who are living with serious hazards that a landlord has failed to remedy can still be assured of statutory support. Councils have indicated that new arrangements are being put in place to ensure that enforcement provisions can still be carried out while observing social distancing guidelines.

Landlords and tenants in the private rented sector can continue contacting their local Council regarding enforcement issues. Landlords should also know they should not be unfairly penalised where COVID-19 restrictions prevent them from meeting some routine obligations.

As the situation evolves, and easing of lockdown measures develops, the NI Executive has produced guidance for those moving home during the coronavirus (COVID-19) outbreak. This is available at: <https://www.communities-ni.gov.uk/publications/advice-home-moving-during-coronavirus-covid-19-outbreak> and tenants, landlords and letting agents should also abide by this guidance where a move is planned.

Private Rented Tenants

3.1. I'm a student and am no longer living in my rented accommodation - do I still have to pay rent?

- All tenants should continue to pay rent and abide by all other terms of their tenancy agreement to the best of their ability. Where tenants can pay the rent as normal, they should do so. Tenants who are unable to do so should speak to their landlord at the earliest opportunity. Section 1 of this guidance provides further detail on having a conversation with your landlord if you are having difficulty paying rent. The Department for the Economy is responsible for matters relating to student finance. More information can be found on their website: <https://www.economy-ni.gov.uk/articles/higher-education-student-finance>. The Department for Communities does not provide student funding, including hardship funding
- Further Education institutions may be able to provide support through student support funds or student hardship funds. Information for students of Queens University Belfast is available here: <https://www.qub.ac.uk/Study/Feesandfinance/LoansandFinancialSupport/> and Ulster University advice is available here: <https://www.ulster.ac.uk/alumniandsupporters/support/student-fund/student-hardship-grants>. Students at Further Education Colleges may obtain more information here: <https://www.nidirect.gov.uk/articles/support-funds>

3.2. What does the COVID-19 outbreak 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, but planned inspections may be more difficult at this time. However, that is no reason to allow dangerous conditions to persist. Any necessary inspections of properties should be undertaken observing public health advice on distancing, hygiene and face coverings. Inspections should be postponed where a household is self-isolating
- We are encouraging tenants to inform landlords early and engage constructively in the event that they encounter any issues with the condition of the property. Technological solutions such as smartphones can be used to reduce the need for in-person inspections of property issues
- However, in these unprecedented times tenants and landlords should take a pragmatic, common-sense approach to non-urgent issues which are affected by COVID-19 related restrictions. At all times the health and safety of the tenant, landlord and any tradesperson must be prioritised
- It is now possible, where appropriate social distancing and hygiene measures

can be put in place, for necessary repairs to be carried out on private rented homes. External works and internal works where a property is vacant can be undertaken, where the tradesperson has no symptoms of COVID-19 and is not self-isolating. Where the home is occupied by tenants a more cautious approach to internal works should be taken

- Where non-emergency repairs can be undertaken safely, eg where the property is vacant, or where the works can be safely undertaken to external parts of the dwelling (including minor external adaptation works for the disabled, for example, fitting handrails or ramps to the exterior of a dwelling), these may now be arranged. Where an occupied property requires necessary works, the landlord or letting agent must agree these works with the tenant in advance, where possible in writing
- Tradespeople should follow the government's safer working guidance and any other guidance relevant to their work, including that issued by their professional or representative body. Companies should ensure employees understand how to operate safely and communicate this to customers
- Tradespeople should contact the household in advance to check that no member of the household is showing symptoms of coronavirus or self-isolating. If they are, works should be delayed
- No work should be carried out by a person who has coronavirus symptoms, however mild

- From 10 August 2020 the use of face coverings is mandatory in indoor public spaces, where social distancing is not possible. It is strongly recommended that extra care is taken, with consideration given to the use of face coverings. Advice on use of face coverings is available here: <https://www.nidirect.gov.uk/articles/coronavirus-COVID-19-face-coverings>
- Tradespeople should wash their hands on entering the property using separate towels or paper towels which need to be washed or disposed of safely after use
- Tradespeople should seek to minimise contact with homeowners or tenants and maintain social distancing rules
- Tradespeople should implement a buddy system and ensure that the same people work together where this is needed
- Tradespeople should bring their own refreshments, but homeowners and landlords should ensure they have access to hand washing facilities, using separate towels or paper towels, which should be washed or disposed of safely afterwards

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

- Landlords' repair obligations have not changed
- Where reasonable, safe for you, and in line with other Government guidance, you may allow Council officials, landlords or contractors access to your property in order to inspect or undertake emergency repairs

- Emergency repairs are those which will affect your ability to live safely and maintain your mental and physical health in your home. To be treated as an emergency the fault must carry the risk of immediate injury to people or major damage to property. Examples of emergency repairs are:
 - escape of gas or fumes
 - electrical fittings in contact with water
 - live or bare electric wiring
 - sewage overflowing into the home
 - outside doors that need secured
 - burst storage tanks, cylinders or pipes
 - failure of all lights or all power
 - failure of heating systems in severe weather and where no alternative is available
 - failure of all communal lighting
 - household cannot heat water
 - blocked drains
 - shower or bath not working (if it is the only one in the property)
- It is now possible, where appropriate social distancing and hygiene measures can be put in place, for necessary repairs to be carried out on private rented homes. Where a property is vacant works can be undertaken internally and externally, where the tradesperson has no symptoms of COVID-19 and is not self-isolating. Where the home is occupied by tenants a more cautious approach should be taken. The landlord/agent should arrange any such works, preferably in writing, ahead of time with the tenant
- Tenants and tradespeople involved in these works should take appropriate precautions, including regular hand washing and maintain social distancing. Those undertaking repairs should refer to guidance for the workplace here: <https://www.hseni.gov.uk/articles/COVID-19-workplace-safety-guidance#toc-13> and here: <https://www.nibusinessinfo.co.uk/content/coronavirus-workplace-safety-guidance-and-priority-sector-list-published>
- Where an occupied property requires necessary internal works, the landlord or letting agent must agree these works with the tenant in advance, where possible in writing. Tradespeople should avoid directly engaging with tenants, observing social distancing requirements where engagement is necessary
- From 10 August 2020 the use of face coverings is mandatory in indoor public spaces, where social distancing is not possible. It is strongly recommended that extra care is taken, with consideration given to the use of face coverings. Advice on use of face coverings is available here: <https://www.nidirect.gov.uk/articles/coronavirus-COVID-19-face-coverings>
- Work carried out in people's homes, for example by tradespeople carrying out repairs and maintenance, can continue, provided that the tradesperson is well and has no symptoms. Again, it will be important to ensure that Public Health Agency guidelines, including maintaining a two metre distance from any household occupants, are followed to ensure everyone's safety (see 3.2 above)

- No work should be carried out in any household which is isolating unless it is to remedy a direct risk to the safety of the household, such as emergency plumbing or repairs, and where the tradesperson is willing to do so. In such cases, the Public Health Agency website can provide advice to tradespeople and households
- Shielding has been paused with effect from 31 July 2020. Extremely clinically vulnerable residents and those previously advised to shield should refer to the guidance on the pausing of shielding for extremely vulnerable peoples: <https://www.nidirect.gov.uk/articles/coronavirus-COVID-19-pausingshielding-extremely-vulnerable-people>
- Work can now be carried out in the homes of people who were previously advised to shield, with appropriate precautions in place
- You should take sensible precautions to keep yourself safe when tradesmen or contractors are visiting the property. See the guidance here: <https://www.gov.uk/guidance/working-safely-during-coronavirus-COVID-19/homes> here: <https://www.nidirect.gov.uk/articles/coronavirus-COVID-19-advice-vulnerable-people> and here: <https://www.communities-ni.gov.uk/publications/advice-home-moving-during-coronavirus-COVID-19-outbreak>
- You should take additional measures such as ensuring tradesmen or contractors remain in separate rooms during any visits. You should also follow Government advice on hygiene and cleanliness before, during

and after visits. Wherever possible avoid all direct contact between residents and visitors to the property

- The Health and Safety Executive Northern Ireland (HSENI) has produced general guidance for the period of the COVID-19 outbreak which is available here: <https://www.hseni.gov.uk/articles/COVID-19-workplace-safety-guidance#toc-13>. The HSENI advice provides specific advice to landlords around meeting their statutory gas safety obligations
- No work should be carried out by a tradesperson who has coronavirus symptoms, however mild
- You must continue to meet your legal and contractual obligations as a tenant, including paying rent where you are able to. See Section 1 of this guidance if you are experiencing difficulties paying your rent

3.4. What about the risk of catching the virus, or if I am symptomatic?

- You must follow sensible precautions to keep yourself safe when contractors or others are visiting your property, as outlined in public health guidance found here: www.gov.uk/coronavirus
- Where an emergency repair is critical to your health and safety (see above), you should take additional measures such as remaining in separate rooms during any visits and following Government advice on hygiene and cleanliness before, during and after visits

- From 10 August 2020 the use of face coverings is mandatory in indoor public spaces, where social distancing is not possible. It is strongly recommended that extra care is taken, with consideration given to the use of face coverings. Advice on use of face coverings is available here: <https://www.nidirect.gov.uk/articles/coronavirus-COVID-19-face-coverings>
- You do not need to have direct contact with anyone visiting your property to carry out repairs

3.5. My landlord wants access to my property to conduct viewings for sale or letting, do I have to let them in?

- Government has previously advised against home moves wherever possible. As the situation has developed the NI Executive has agreed to ease some lockdown measures. This has allowed for moves to re-commence within the housing market, subject to certain guidance and restrictions. The guidance on moving home during the coronavirus (COVID-19) outbreak is available here: <https://www.communities-ni.gov.uk/publications/advice-home-moving-during-coronavirus-COVID-19-outbreak>. This document should be read in conjunction with this additional guidance. People must adhere to this guidance to minimise the spread of the virus
- Access to a property for viewings, should be undertaken with care and consideration for the health and wellbeing of all involved, and should adhere to the new guidance on moving home, as outlined above
- Anyone with symptoms or self-isolating should follow medical advice and not move home for the time being. Any move should be delayed accordingly. No viewings should be carried out in any household which is self-isolating
- Shielding has been paused with effect from 31 July 2020. Extremely clinically vulnerable and those residents previously advised to shield should refer to the guidance on the pausing of shielding for extremely vulnerable peoples: <https://www.nidirect.gov.uk/articles/coronavirus-COVID-19-pausingshielding-extremely-vulnerable-people>
- Viewings can now be carried out in the homes of people who were previously advised to shield, with appropriate precautions in place
- You should also consider the guidance on cleanliness and hygiene for non-medical locations here: <https://www.gov.uk/government/publications/COVID-19-decontamination-in-non-healthcare-settings> and the Public Health Agency guidance here: <https://www.publichealth.hscni.net/COVID-19-coronavirus>
- Landlords and renters should therefore seek to minimise physical viewings for sale or letting while emergency measures are in place to fight coronavirus. The NI Executive has produced guidance for those moving home during the coronavirus (COVID-19) outbreak: <https://www.communities-ni.gov.uk/publications/advice-home-moving-during-coronavirus-COVID-19-outbreak>

- You and your landlord should follow the Government's latest guidance necessary to help stop the spread of the virus which you can find here: <https://www.gov.uk/coronavirus>
- From 10 August 2020 the use of face coverings is mandatory in indoor public spaces, where social distancing is not possible. It is strongly recommended that extra care is taken, with consideration given to the use of face coverings. Advice on use of face coverings is available here: <https://www.nidirect.gov.uk/articles/coronavirus-COVID-19-face-coverings>
- If you do decide to move you must follow advice on maintaining strict separation to minimise the spread of the virus, observing the NI Executive's guidance on moving home during the coronavirus (COVID-19) outbreak
- Anyone with symptoms or self-isolating should follow medical advice and not move home for the time being
- Shielding has been paused with effect from 31 July 2020. Home moves can now be carried out by those previously advised to shield, with appropriate precautions in place

3.6. What if I have a move planned?

- Government has previously advised against home moves wherever possible. As the situation has developed the NI Executive has agreed to ease some lockdown measures. This has allowed for moves to re-commence within the housing market, subject to certain guidance and restrictions. The guidance on moving home during the coronavirus (COVID-19) outbreak is available here: <https://www.communities-ni.gov.uk/publications/advice-home-moving-during-coronavirus-COVID-19-outbreak>. This document should be read in conjunction with this additional guidance. People must adhere to this guidance to minimise the spread of the virus
- Home buyers and renters may wish to delay moving to a new home while emergency measures are in place to fight coronavirus

- Where is it safe to move home, in line with the NI Executive's guidance on moving home during the coronavirus (COVID-19) outbreak, the associated guidance should be followed. Guidance from the Public Health Agency is also available here <https://www.publichealth.hscni.net/COVID-19-coronavirus>
- From 10 August 2020 the use of face coverings is mandatory in indoor public spaces, where social distancing is not possible. It is strongly recommended that extra care is taken, with consideration given to the use of face coverings. Advice on use of face coverings is available here: <https://www.nidirect.gov.uk/articles/coronavirus-COVID-19-face-coverings>

3.7. 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/sites/default/files/2020-02/COVID-19Self-isolation.pdf>

- 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

3.8. Someone in my House in Multiple Occupation (HMO) has the virus, is my landlord obliged to remove them or find me another place to stay?

- Nobody can be removed from their home because of the virus
- HMO Landlords are not obliged to provide alternative accommodation for tenants if others in the property contract the virus
- If you are living in accommodation which you share with other people, or share facilities with other people, you should follow current Public Health Agency guidance
- The Housing Executive is working closely with the Department for Communities, Public Health Agency, Department of Health and local homeless service providers to ensure the protection of the most vulnerable. It is working to ensure those who are homeless or are worried about becoming homeless can access the necessary advice and support and to ensure temporary accommodation is made available if required

- You can find Government guidance on cleaning your home to minimise the risk of infection here: <https://www.gov.uk/government/publications/COVID-19-decontamination-in-non-healthcare-settings>
- And on what to do if you are in a shared home with someone who may have the virus here: <https://www.gov.uk/government/publications/COVID-19-stay-at-home-guidance/stay-at-home-guidance-for-households-with-possible-coronavirus-COVID-19-infection>

3.9. What should I do if I can no longer live at my previous accommodation and I have become homeless?

- Households should seek, where it is possible and safe to do so, to continue to reside in their current accommodation, even in the short term. Where this is not possible and you are already homeless or you are worried about becoming homeless please ring the dedicated Housing Executive Homelessness line on **034 4892 0908** as soon as possible. During normal working hours you will be referred to a Housing Advisor
- The Housing Executive also provide an emergency out-of-hours service after 5pm, at the weekend and on bank holidays. If you are having to leave accommodation, you should seek alternative accommodation, or get in touch with the Housing Executive regarding temporary accommodation where possible

3.10. What should I do if I live with other people I am not related to and share facilities or common areas?

This could include:

- A flat or house share where you live with another person with whom you are not related and share cooking and bathroom facilities
- A House in Multiple Occupation (HMO), which is where three or more people who are from two or more different families live together and share cooking or bathroom facilities
- Co-living where multiple people/ households share some facilities or common areas
- If you share facilities or common areas with other people, all residents should always do their very best to follow guidance to stay at home and away from others. Everyone in the household should regularly wash their hands, avoid touching their face, and clean frequently touched surfaces
- You can find guidance on cleaning your home to minimise the risk of infection here: <https://www.gov.uk/government/publications/COVID-19-decontamination-in-non-healthcare-settings>
- This document outlines guidance for households where possible coronavirus (COVID-19) infection is suspected (that is where someone in the household is displaying symptoms). The same guidance applies to occupants of shared properties. All the occupants of the home should

behave in the same way as a single household if one or more occupants have symptoms of coronavirus (COVID-19)

- This means that if you are a tenant who shares with people you are not related to and you develop symptoms of coronavirus (COVID-19), you should self-isolate at home for 7 days from when the symptoms started. In line with public health guidance, all other residents of the home must also stay at home and not leave the house for 14 days, providing they remain well for that time. Should they develop symptoms they should then self-isolate for 7 days from the onset of symptoms or longer if symptoms persist. Where possible, all residents should not go out even to buy food or other essentials, and any exercise should be taken within your home until the isolation period completes/residents are symptom-free. Similarly, if any resident is symptomatic and self-isolating, people who are not resident in the dwelling should generally not be admitted

3.11. What should I do if I am clinically vulnerable or was previously advised to shield and I live in rented accommodation with other people?

- This could include clinically vulnerable and those who were previously shielding who are living in shared accommodation with other people they are not related to
- Residents who are clinically vulnerable and those who were previously shielding should, with the help of other people in the household, minimise as much as possible

the time they spend in shared spaces such as kitchens, bathrooms and sitting areas. Shared spaces should be kept well ventilated

- If they can, they should use a separate bathroom from the rest of the household. If residents share a bathroom or kitchen with a vulnerable person, it is important that this is cleaned every time it is used, for example by wiping surfaces. Alternatively, a rota could be used, with the vulnerable person using the facilities first. Residents should work together to maximise the safety of everyone in the residence
- Extremely clinically vulnerable residents and those previously advised to shield should refer to the guidance on the pausing of shielding for extremely vulnerable people: <https://www.nidirect.gov.uk/articles/coronavirus-COVID-19-pausing-shieldingextremely-vulnerable-people>

3.12. What if my building/block has shared spaces and facilities such as social areas?

- Landlords and/or agents should help by, for example, closing non-essential indoor communal space where it would not be possible to maintain social distancing (e.g. small shared spaces for use by more than one household)
- If you develop symptoms of coronavirus, then you should not use these facilities, regardless of whether they remain open
- Non-essential communal space does not include shared kitchens, bathrooms, lavatories or sitting rooms. If you share essential communal space, you should follow the guidance for households with possible coronavirus (COVID-19) infection here: <https://www.publichealth.hscni.net/sites/default/files/2020-02/COVID-19Self-isolation.pdf>
- Shared outdoor spaces such as communal gardens may remain open for use by tenants, but guidance on maintaining social distancing must be followed. You can exercise outside as often as you wish and you can also sit and rest outside - exercise or recreation can be alone, with members of your household, or with one other person from outside your household, while keeping two metres apart at all times
- Repairs and maintenance can be undertaken in line with guidance at 3.2 and 3.3 (above). When undertaking such work, landlords should have regard to relevant guidance on social distancing in the workplace, available at: <https://www.hseni.gov.uk/articles/COVID-19-workplace-safety-guidance#toc-13> and here: <https://www.nibusinessinfo.co.uk/content/coronavirus-workplace-safety-guidance-and-priority-sector-list-published>

Private Rented Landlords

3.13. What does the current situation mean for repairs to my 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, but we understand that planned inspections may be more difficult at this time. However, that is no reason to allow dangerous conditions to persist. Where possible inspections of properties should be postponed unless in relation to emergency repairs
- Tenants should inform landlords early and engage constructively in the event that they encounter any issues with the condition of the property. Technological solutions such as smartphones can be used to reduce the need for in-person inspections of property issues
- Where reasonable and safe for you, and in line with other Government guidance, you should make every effort to review and address issues brought to your attention by your tenants, and keep records of your efforts
- However, in these unprecedented times tenants and landlords should take a pragmatic, common-sense approach to non-urgent issues which are affected by COVID-19 related restrictions
- Inspectors or maintenance workers can still visit blocks of flats and multi-occupied properties for essential or urgent work such as inspecting and testing fire alarm and emergency lighting systems.
- From 10 August 2020 the use of face coverings is mandatory in indoor public spaces, where social distancing is not possible. It is strongly recommended that extra care is taken, with consideration given to the use of face coverings. Advice on use of face coverings is available here <https://www.nidirect.gov.uk/articles/coronavirus-covid-19-face-coverings>
- Emergency repairs are those which will affect your ability to live safely and maintain your mental and physical health in your home. To be treated as an emergency the fault must carry the risk of immediate injury to people or major damage to property. Examples of emergency repairs are:
 - escape of gas or fumes
 - electrical fittings in contact with water
 - live or bare electric wiring
 - sewage overflowing into the home
 - outside doors that need secured
 - burst storage tanks, cylinders or pipes
 - failure of all lights or all power
 - failure of heating systems in severe weather and where no alternative is available
 - failure of all communal lighting
 - household cannot heat water
 - blocked drains
 - shower or bath not working (if it is the only one in the property)

- It is now possible, where appropriate social distancing and hygiene measures can be put in place, for necessary repairs to be carried out on private rented homes. Where a property is vacant works can be undertaken internally and externally, where the tradesperson has no symptoms of COVID-19 and is not self-isolating. The landlord/their agent should ensure that the property is suitably cleaned down before and after works. Where the home is occupied by tenants a more cautious approach should be taken. In line with social rented properties, external works (for example external paintwork, guttering, fencing works etc) may be taken forward in occupied properties, along with some minor external adaptation works for the disabled, for example, fitting handrails or ramps to the exterior of a dwelling. Those undertaking repairs should refer to guidance for the workplace here: <https://www.hseni.gov.uk/articles/covid-19-workplace-safety-guidance#toc-13> and here: <https://www.nibusinessinfo.co.uk/content/coronavirus-workplace-safety-guidance-and-priority-sector-list-published>
- Where an occupied property requires necessary works, the landlord or letting agent must agree these works with the tenant in advance, where possible in writing. Tradespeople should avoid directly engaging with tenants, observing social distancing requirements where engagement is necessary and consider the use of face coverings. Advice on use of face coverings is available at: <https://www.nidirect.gov.uk/articles/coronavirus-covid-19-face-coverings>
- Tenants and landlords should work together during the ongoing COVID-19 outbreak to maximise compliance with Public Health Agency requirement around essential services and social distancing measures, taking into account that rented properties need to remain in a habitable condition
- Private landlords in Northern Ireland can call to receive Landlord Advice on **028 9024 5640** and choosing option 5. Lines are open Monday to Friday, from 9.30am to 2.30pm (extended to 4pm during the COVID-19 period)

3.14. 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 must provide tenants with all necessary gas safety and any other relevant certification at the beginning of a tenancy (and carry out all scheduled inspections and tests where required). Where inspections have already been carried out, documents can be provided by post or in some circumstances it may be possible to provide digital copies
- All landlords, including private landlords here 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
 - Gas Safety Checks are therefore still to be carried out where practicable
 - The Health and Safety Executive for NI (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 70's and vulnerable groups being advised to self-isolate for up to 12 weeks. 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
- The Health and Safety Executive Northern Ireland (HSENI) has produced general guidance for the period of the COVID-19 outbreak which is available here: <https://www.hseni.gov.uk/articles/covid-19-workplace-safety-guidance#toc-13>. The HSENI advice provides specific advice to landlords around meeting their statutory gas safety obligations
- 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/>

3.15. What about the risk of catching the virus?

- You must follow sensible precautions to keep yourself safe when you or contractors or others are visiting the property, as outlined in Public Health Agency guidance here: <https://www.publichealth.hscni.net/covid-19-coronavirus>
- You should take additional measures such as ensuring contractors and tenants remain in separate rooms during any visits and following Government advice on hygiene and cleanliness before, during and after visits. Avoid all direct contact between residents and visitors to the property
- From 10 August 2020 the use of face coverings is mandatory in indoor public spaces, where social distancing is not possible. It is strongly advised that you should think about using face coverings in particular circumstances such as short periods in enclosed spaces where social distancing is not possible. For guidance on the use of face coverings visit: <https://www.nidirect.gov.uk/articles/coronavirus-covid-19-face-coverings>

3.16. What about access to a property to conduct viewings or where a move is scheduled?

Government has previously advised against home moves wherever possible. As the situation has developed the NI Executive has agreed to ease some lockdown measures.

This has allowed for moves to re-commence in the housing market, subject to certain guidance and restrictions. The guidance on moving home during the coronavirus (COVID-19) outbreak is available here: <https://www.communities-ni.gov.uk/publications/advice-home-moving-during-coronavirus-covid-19-outbreak>. This document should be read in conjunction with this additional guidance.

- Anyone with symptom or self isolating should follow medical advice and not move home for the time being. Any move should be delayed accordingly
- Where is it safe to move home, in line with the NI Executive's guidance on moving home during the coronavirus (COVID-19) outbreak, the associated guidance should be followed. You should also consider the guidance on cleanliness and hygiene for non-medical locations here: <https://www.gov.uk/government/publications/covid-19-decontamination-in-non-healthcare-settings> and the Public Health Agency guidance here: <https://www.publichealth.hscni.net/covid-19-coronavirus>
- From 10 August 2020 the use of face coverings is mandatory in indoor public spaces, where social distancing is not possible. It is strongly recommended that extra care is taken, with advice on the use of face coverings available here: <https://www.nidirect.gov.uk/articles/coronavirus-covid-19-face-coverings>

3.17. Someone in my House in Multiple Occupation has the virus, am I obliged to remove them or find my tenants another place to stay?

- Nobody can be removed from their home because of the virus
- Landlords are not obliged to provide alternative accommodation for tenants if others in the property contract the virus
- The Government has issued specific guidance on what to do if someone in your household has contracted the virus, including self-isolating the whole household for 14 days. You can find that guidance here: <https://www.gov.uk/government/publications/covid-19-stay-at-home-guidance/stay-at-home-guidance-for-households-with-possible-coronavirus-covid-19-infection>
- You may wish to direct your tenants to Government guidance on cleanliness and hygiene for non-medical locations here: <https://www.gov.uk/government/publications/covid-19-decontamination-in-non-healthcare-settings>

3.18. What should I do if the property I let is shared/a HMO and residents share facilities or common areas?

- You should make any tenants living in shared accommodation, Houses in Multiple Occupation, or self-contained accommodation with common facilities or common areas, aware of this guidance. As outlined in section 3.10 - 3.12 (above) all residents should ensure good hygiene practices are observed, in particular good hand hygiene. Guidance on cleaning the home to minimise the risk of infection can be found here: <https://www.gov.uk/government/publications/covid-19-decontamination-in-non-healthcare-settings>
- If the properties have common or shared areas, landlords and/or managing agents should help by, for example, closing non-essential indoor communal space where it would not be possible to maintain social distancing (e.g. small shared spaces for use by more than one household)

Further guidance is available at the Annex to this document including 'easy read' advice on what to do if you or someone in your house has symptoms of COVID-19.

4. Effect of the Private Tenancies (Coronavirus Modifications) (Northern Ireland) Act 2020

Advice for Private Rented Tenants

4.1. Can my landlord evict me and, if so, in what circumstances?

- Government has been clear that no landlord should evict a tenant as a result of financial hardship due to COVID-19 and we expect landlords to be flexible with tenants facing financial hardship and help signpost their tenants to the sources of financial support available. Eviction should always be viewed as a last resort and should only be used when all other avenues have been exhausted
- Recognising the severity of the situation we are currently in, the Assembly has passed emergency legislation to protect renters here during the COVID-19 outbreak. The Private Tenancies (Coronavirus Modifications) (Northern Ireland) Act 2020 protects tenants by temporarily extending the notice to quit period to twelve weeks. This period reflects the 'shielding' period as laid out in Government guidelines. This Legislation will remain in place until 04 May 2022
- This will ensure that the position regarding evictions and possession of property is absolutely clear for all landlords and tenants living here
- The effect of this new legislation is to temporarily extend the amount of notice private rented landlords must give when ending a tenancy. Landlords will therefore now need to give tenants 12 weeks' notice
- This emergency legislation has been an urgent priority so that landlords will not be able to start proceedings to evict tenants for a 12 week period. As a result renters need not be concerned about the threat of eviction
- For tenancies of less than five years the notice to quit period has been increased by 8 weeks to 12 weeks. For tenancies of between five and ten years the notice to quit period has been increased by 4 weeks to 12 weeks. For tenancies of 10 or more years the notice to quit period remains the same
- The new law applies in cases where a landlord serves notice on their tenant on or after 5 May 2020. Where a landlord has served notice on their tenant before

5 May 2020 this is not captured under the new law. However, it is stressed that tenants and landlords should work together to maximise the opportunity for tenants to remain

- Specific domestic circumstances, including changes to the tenant's income due to COVID-19 or any relevant health conditions of the tenant or member of the household

If possession proceedings have already begun/ if a landlord has issued a notice to quit

- With effect from 31 August 2020 courts will resume hearings, including possessions proceedings. This means any notices to quit issued prior to 24 March 2020, and those issued subsequently where the notice period has passed, may now be listed for hearing
- If your landlord has issued a notice to quit, and proceedings come before the court, the court may consider a range of factors. During this emergency period, judges may consider:
 - The degree of compliance with the tenancy agreement (in particular arrears incurred) before the pandemic;
 - Attempts by landlord and tenants to come to a reasonable agreement.
 - Steps taken by landlord and tenants to avail of the various protections and support schemes made available during this period;
 - Compliance with any Agreement made;
 - Engagement (or attempted engagement) between the landlord and tenant to avert possession proceedings and;

- It is important that landlords are clear with their tenants in providing details of, for example, any arrears owed, actions which can be taken to resolve the matter, information on how to contact their landlord or their agent. Tenants may also be referred to this guidance as a source of further information regarding their rights
- The court, in considering any possession proceedings coming before it, will take into consideration of all the circumstances of the case, including whether any arrears were amassed prior to the suspension of court proceedings (24 March 2020)

4.2. Do I have to move out if my landlord does not have a court order?

- If you are a tenant you cannot be forced to leave your home without a court order. Landlords are encouraged not to issue new notices to quit at this time unless absolutely unavoidable

Tenants and landlords should continue to co-operate in resolving any issues arising, and keep a record of any engagement or attempted engagement to resolve issues short of possession proceedings.

If you require advice on individual cases, or you are worried you may have been illegally evicted, you should contact a free, impartial advice service such as Housing Rights or Advice NI.

4.3. What are my rights as a tenant in normal circumstances?

- If you live in rented accommodation, the law protects you against harassment and illegal eviction. It is a criminal offence for a landlord to harass their tenant. A tenant could claim damages through court action. Further information is available on the NIDirect website at: <https://www.nidirect.gov.uk/articles/protection-against-eviction>
- If you, as tenant, wish to end your tenancy, you will still need to give your landlord notice. This remains the case during the period of these temporary measures. For tenancies of less than five years tenants must give their landlords 4 weeks' notice. For tenancies of between five and ten years tenants must give their landlord 8 weeks notices. For tenancies of 10 or more years the notice period tenants must give their landlord remains the same at 12 weeks

4.4. Where can I get advice about my rights as a tenant?

- Your landlord must obey the law in seeking to take possession of the property. This includes the new laws temporarily extending the minimum period for a notice to quit to 12 weeks. If your landlord is trying to evict you from your home you can get advice from an independent advice centre such as Advice NI or Housing Rights. Details on how to contact these organisations is available at the Annex at the end of this document. You can also ask a solicitor

- Local councils can take court action against a landlord for harassment and illegal eviction. If there is evidence, the council can carry out an investigation and prosecute a landlord for an offence. Details of local councils and how to contact them is available here: <https://www.nidirect.gov.uk/contacts/local-councils-in-northern-ireland>. Please remember that some Council services may be carried out in a new way due to the current COVID-19 outbreak

Advice for Private Rented Landlords

4.5. Can I evict a tenant and, if so, under what circumstances?

- As stated above, government has been clear that no landlord should evict a tenant because they have suffered financial hardship due to COVID-19 and landlords are expected to be flexible with tenants facing financial hardship and signpost them to the sources of financial support available. Eviction should always be viewed as a last resort and should only be used when all other avenues have been exhausted
- Recognising the severity of the situation we are currently in, the Assembly has passed emergency legislation to protect renters here during the COVID-19 outbreak. The Private Tenancies (Coronavirus Modifications) (Northern Ireland) Act 2020 protects tenants by extending the notice to quit period to twelve weeks. This period reflects the 'shielding' period as laid out in Government guidelines

- This will ensure that the position regarding evictions and property possession is absolutely clear for all landlords and tenants living here
- The effect of this new legislation is to temporarily extend the amount of notice private rented landlords must give when ending a tenancy. In most cases landlords will now need to give tenants 12 weeks' notice

Giving notice

- The Assembly has passed an emergency law to protect renters during coronavirus. This law temporarily extends the amount of notice landlords must give when ending a tenancy
- For tenancies of less than five years the notice to quit period has been increased by 8 weeks to 12 weeks. For tenancies of between five and ten years the notice to quit period has been increased by 4 weeks to 12 weeks. For tenancies of 10 or more years the notice to quit period remains the same
- The new law applies if you are serving notice on your tenant on or after 5 May 2020 and will last until 04 May 2022. If you served notice on your tenant before that, the changes in the new law do not apply, however landlords should work with tenants to minimise the circumstances where notices are issued and make every effort to allow the tenant to remain during the COVID-19 outbreak

Recording of steps taken prior to issue of notice to quit

- Landlords should maintain a record of the engagement (or attempted engagement) they have had with their tenants to resolve issues which could lead to the issuing of a notice to quit. It is important that landlords are clear with their tenants in providing details of, for example, any arrears owed, actions which can be taken to resolve the matter, information on how to contact the landlord or their agent. Tenants may also be referred to this guidance as a source of further information regarding their rights
- The court, in considering any possession proceedings coming before it, will take into consideration all the circumstances of the case, including whether any arrears were amassed prior to the 24 March 2020 (the suspension of court proceedings), and will consider any specific domestic circumstances. These will include the tenant's income, and any relevant health conditions of the tenant or member of the household

4.6. I have obtained a court order can I continue with eviction proceedings?

- Landlords are encouraged not to issue any new notices to quit at this time unless absolutely unavoidable. The Lord Chief Justice has lifted the suspension of all but urgent court proceedings in the courts. From 31 August 2020 existing possession proceedings will be progressed. If you are a tenant you cannot be forced to leave your home without a court order

- If you had obtained a court order prior to the making of the new court arrangements and the extension of the notice to quit period, possession proceedings can now progress
- Landlords should avoid issuing new notices to quit during these emergency measures, unless unavoidable. It is recommended that you should consider the options to delay possession, in light of potential difficulties your tenants may face in finding alternative accommodation. You should also maintain a record of any engagement you have had or tried to have with your tenant around this issue

4.7. What if my tenant is in arrears?

- Landlords should consider what steps can be taken short of eviction where a tenant is in arrears due to financial difficulties arising from COVID-19. Having an early conversation between landlord and tenant can help both parties to agree a plan if tenants are struggling to pay their rent, although deferral of rent may not always be possible
- This may include reaching a temporary agreement not to initiate possession action for a period of time and instead consider temporarily accepting a lower level of rent, or agree a plan to pay off arrears at a later date. If you and your tenant agree a plan to pay off arrears at a later date, it is important you both stick to this plan, and that tenants talk to their landlord immediately if they are unable to comply
- While it is appreciated that landlords will also be suffering financial hardship, landlords are encouraged not to increase

rents at this time, which will exacerbate the situation for both landlords and tenants

- If possession proceedings are commenced, the court will consider whether any arrears were amassed prior to 24 March 2020 (the suspension of court proceedings), and this, alongside a record of engagement to resolve issues will be taken into consideration by the court. Landlords are therefore asked to maintain a record of any engagement or attempted engagement with their tenant to resolve any issues prior to issuing any notice to quit

Sources of Financial Assistance

- If a tenant is worried about being unable to pay their rent, or if landlords become aware of tenants who may be in difficulty, advice is 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
- It may take some time for some of the range of Government financial packages to be paid, and tenants and landlords should work together to understand one another's needs and expectations during this period of uncertainty. This will allow both tenants and landlords to feel secure that they can remain at home and that rent will be forthcoming, albeit (in some cases) with delays
- Section 1.2 (above) provides further information on sources of financial assistance

Annex

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

NI Executive Guidance on moving home during the COVID-19 outbreak	https://www.communities-ni.gov.uk/publications/advice-home-moving-during-coronavirus-covid-19-outbreak
Department for Communities	https://www.communities-ni.gov.uk/publications/repairs-guide-private-landlords-and-tenants
Northern Ireland Housing Executive	https://www.nihe.gov.uk/My-Housing-Executive/Advice-for-Housing-Executive-Tenants/COVID-19-(Coronavirus)
Housing Associations	https://www.nidirect.gov.uk/contacts/housing-associations
Public Health Agency	https://www.publichealth.hscni.net/covid-19-coronavirus
Housing Rights (Advice for tenants, landlords and homeowners)	https://www.housingadviceni.org/advice-private-tenants/coronavirus (advice for private rented tenants) https://www.housingadviceni.org/advice-housing-executive-tenants/coronavirus (advice for NIHE and Housing Association tenants) https://www.housingadviceni.org/advice-landlords/coronavirus (Landlord advice)
Advice on Tenancy Deposit providers	https://www.tdsnorthernireland.com/covid-19/ https://www.lettingprotectionni.com/ https://www.mydepositsni.co.uk/
Court Service NI	https://www.justice-ni.gov.uk/coronavirus-covid-19-court-business-continuity-arrangements
Money Advice Service	https://www.moneyadviceservice.org.uk/en/categories/coronavirus

Advice and information on mental wellbeing and health	https://www.nidirect.gov.uk/articles/coronavirus-covid-19-taking-care-your-mental-health-and-wellbeing https://www.publichealth.hscni.net/publications/directory-services-help-improve-mental-health-and-emotional-wellbeing
Easy Read guidance: Stay at Home	What to do if someone in your house has COVID-19 symptoms: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/893191/Easy_read_household_isolation.pdf

Housing Rights

If you have a query specific to housing, you can call Housing Rights helpline on **028 9024 5640** (and select the correct option depending on whether you are seeking advice as a landlord or a tenant). The tenant helpline is open Monday to Friday between 9.30am to 4.30pm and the landlord helpline is open Monday to Friday from 9.30am to 2.30pm (opening hours extended to 4pm during the COVID-19 period).

You can also get advice from Housing Rights advisers by email or chat. Go to www.housingadviceni.org/advice-email for help via email or chat.

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 to Northern Ireland, and is managed by Advice NI. You can contact the helpline by calling the freephone number: **080 8802 0020**. You can also get in touch by email and text message. Email: covid19@adviceni.net or text: **ACTION** to **81025**

Available in alternative formats

© Crown Copyright 2021



Department for
Communities
www.communities-ni.gov.uk

An Roinn
Pobal

Department fur
Commonities