

Crawley Borough Council

Report to Overview and Scrutiny Commission 28 June 2021

Report to Cabinet 30 June 2021

Extension to Coronavirus Act Protections from Evictions in Crawley Homes

Report of the Deputy Chief Executive – DCE/08

1. Purpose

- 1.1 The Coronavirus Act 2020 provides protection to social and private tenants by delaying when landlords can evict tenants. The provisions in the Act increased the length of the required notice period landlords must provide to tenants when seeking possession of a residential property, and were extended through additional legislation. Provisions remained in place for more serious cases, for instance involving anti-social behaviour or crime. These initial protections came to an end after 31 May 2021 and nationally these extended notice periods are being tapered off over time.
- 1.2 Given the economic impact of Covid-19 upon Crawley, and with the potential of further economic and social impact to come, the administration has stated its intention to replicate the protections provided by the Coronavirus Act 2020 for Crawley Homes stock for a further 12 months. The purpose of this report is to implement this stated intention.

2. Recommendations

- 2.1 To the Overview and Scrutiny Commission:

That the Commission consider the report and decide what comments, if any, it wishes to submit to the Cabinet.

- 2.2 To Cabinet,

The Cabinet is recommended to:

- a) Agree, for all Crawley Homes tenancies, to replicate the protections for evictions as set out in the Coronavirus Act 2020, until 31 May 2022

3. Reasons for the Recommendations

- 3.1 The recommendation recognises the scale of economic hardship being faced by the town as a result of the Covid-19 pandemic, and the subsequent financial hardship this will cause for many local households. It is widely recognised that Crawley has been harder hit than most other places in the country and the administration therefore believes that additional protection is required.
- 3.2 Whilst the Council does not have the ability to legislate for the town as a whole, it is able to make decisions around tenancies within its own housing units. This decision would therefore extend these protections for Crawley Homes residents for a further 12 months beyond that set out in the Coronavirus Act 2020.

4. Background

- 4.1 The Coronavirus Act 2020 provides protection to social and private tenants by delaying when landlords can evict tenants. The provisions in the Act increased the length of required notice period landlords must provide to tenants when seeking possession of a residential property, and were extended through additional legislation.
- 4.2 This meant that between 29 August 2020 and 31 May 2021, with the exception of the most serious cases, landlords needed to give their tenants six months' notice before starting possession proceedings. These serious cases include those in relation to anti-social behaviour (including rioting), certain cases of domestic abuse in the social sector, false statement, where a tenant has accrued rent arrears to the value of over 6 months' rent, where a tenant has passed away and where a tenant doesn't have the right to rent under immigration legislation.
- 4.3 Legislation was in place up to the end of 31 May to ensure bailiffs do not serve eviction notices or carry out evictions but with exceptions for the most serious circumstances. These circumstances were illegal occupation, false statement, anti-social behaviour, perpetrators of domestic abuse in the social rented sector, where a property is unoccupied following death of a tenant and serious rent arrears greater than six months' rent.

5. Description of Issue to be resolved

- 5.1 The provisions set out within the Coronavirus Act recognised the economic, social and legal impacts of pandemic restrictions and put in place additional protections for tenants as part of a wider set of measures. With Covid-19 related regulations now being removed the Government is not seeking to further extend the additional protections around evictions, and so these are now reducing on a tapered basis.
- 5.2 It is broadly recognised that Crawley's economy has been disproportionately affected by the wider restrictions put in place to address the public health crisis. The town economy is heavily linked to both aviation and export industries and both are

expected to take longer to recover than other sectors of the economy. This will mean that more residents in Crawley will be affected and for longer than in many other places.

- 5.3 Whilst the Council cannot legislate for such, it is able to set policy for its own Crawley Homes tenancies. Consequently it has decided to replicate these extra protections for a further year.

6. Information & Analysis Supporting Recommendation

- 6.1 Unemployment in Crawley has, over the course of the pandemic, moved from being one of the lowest nationally to one of the highest. It currently stands at 8.6% or 6,200 people. Likewise the town has one of the highest rates of furlough nationally at 9,500 or 16% of all eligible jobs, suggest a high risk of further job losses.

7. Implications

- 7.1 Tenancy Management implications: Despite the additional protections afforded to tenants, Crawley Homes has incurred no increases in arrears during the pandemic. A key reason for this is a decision pre-pandemic to reinforce the Housing Management Team after seeing a rise in arrears as a result of more tenancies moving onto Universal Credit. These additional protections still allow the service to address other serious issues where eviction remains a necessary option.
- 7.2 Financial Implications: Given the experience of the past year or more there is no reason to assume that by maintaining these additional protections that income will fall. Nonetheless, this will be watched carefully. By keeping tenants within their properties and working with them to manage their arrears this will ultimately reduce the burden on the General fund homelessness budget and on other public sector agencies.
- 7.3 Legal Implications: There are no legal implications of this report.

8. Background Papers

N/A

Contact Officer;
Ian Duke
Deputy Chief Executive
Tel. 01293 438005
ian.duke@crawley.gov.uk