

Rt Hon Robert Jenrick MP
Secretary of State
Ministry of Housing, Communities & Local Government

Rt Hon Robert Buckland QC MP
Secretary of State
Ministry of Justice

21 July 2020

Dear Secretaries of State,

Civil Procedure Rules: Protection for renters facing eviction

As the national voice of private renters, we welcomed the Government's action to suspend evictions and ensure that renters affected by coronavirus could remain safely in their homes. We also welcomed the Government's intention to protect vulnerable tenants once the ban comes to an end next month. Rent arrears have tripled since the start of the pandemic, with 11%, or around half a million households, in debt to their landlord. These renters are terrified about losing their homes once the ban is lifted.

However, we are concerned that the proposed changes to the Civil Procedure Rules announced on Friday 17 July will not protect the vast majority of tenants affected by coronavirus from eviction. The rules state that landlords will be required to submit information about the effect of the COVID-19 pandemic on a tenant's vulnerability or social security position in a 'reactivation notice' to resume proceedings, but there appears to be no guarantee that this information will influence the outcome of a possession hearing.

These rules were released without accompanying guidance from the Government on how renters and landlords will be affected by the changes. Renters who have fallen through the gaps in the Government's support schemes have now been left in the dark. We are therefore seeking urgent clarification on how the Government's new rules will deliver on its [pledge made in March](#) that no renter who has lost income due to coronavirus will be forced out of their home.

- **The Government has stated that landlords must submit a 'reactivation notice' to resume proceedings. Other than restarting proceedings, what purpose does the information serve?**

Is it the Government's intention that the information indicating vulnerability will be considered in the outcome of the case, or will it simply be used to establish which cases should be heard as a priority?

- **The Government has stated that landlords need to provide a rent arrears history in advance of the hearing, rather than at the hearing. How will these rules prevent evictions for rent arrears built up due to the pandemic?**

Landlords can evict tenants in rent arrears of over two months under Section 8, ground 8, a mandatory ground. Currently, a court must grant a possession order if the conditions for a mandatory ground for eviction have been met. How will these rules interact with mandatory grounds?

- **The Government has stated that the guidance is applicable for accelerated possession orders, which do not require a court hearing. What influence will the new rules have in these cases?**

All landlords can issue a Section 21 notice, and apply for possession using the accelerated possession procedure, without giving a reason. Provided the landlord has submitted a reactivation notice, will the court therefore be compelled to grant the possession order, regardless of whether vulnerability is identified?

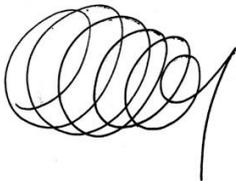
- **The rules were published without further guidance for tenants. Will the Ministry of Justice and Ministry of Housing Communities, and Local Government issue updated guidance on how these changes will affect renters and landlords?**

Across the country, renters who have lost income due to coronavirus are terrified of losing their homes when the ban is lifted and need reassurance from the Government that they will continue to be protected.

At Generation Rent, we hear daily from renters wanting to understand what will happen from 24 August.

I urge you to provide clarity on how you will ensure that no renter who has lost income due to coronavirus will be forced out of their home and look forward to your reply.

Yours sincerely,

A handwritten signature in black ink, consisting of several overlapping loops and a long, thin tail extending downwards and to the right.

Alicia Kennedy
Director, Generation Rent