

Rent arrears protocol

This factsheet sets out some of the steps your landlord should take if it is a council or a housing association and is taking you to court to evict you because you have not paid your rent.

If you are a tenant you must pay your rent, if you do not, your landlord can take you to court. If your landlord is a council or a housing association, it must follow the steps set out in the rent arrears protocol (also known as the 'pre-action protocol') before going to court. The protocol tries to ensure there is contact between you and your landlord in order to avoid the need to go to court.

Your landlord should be sending you a quarterly rent statement showing the amount of rent due, the amount you have paid over the past 13 weeks and the total you still owe. If you get advice as soon as you have problems paying your rent, your chances of keeping your home can greatly increase. Trying to evict you should be your landlord's last resort.

Before serving notice

If your landlord wants to take you to court because you have not paid the rent, it must serve you with a legal notice (for what this must contain see further advice – see below). Before it does this, your landlord should contact you to:

- discuss why you have rent arrears
- look at whether you are entitled to any benefits
- help you with any claim for housing benefit.

Your landlord must try to agree affordable amounts for you to pay towards your rent arrears. If appropriate, they can arrange for direct payments to be made from your welfare benefits. If you have other debts, your landlord should advise you to get independent advice.

If you are a vulnerable person (eg very ill or have a disability) or you have difficulty understanding information, your landlord must consider what further help you need.

Your landlord should not take you to court if you have already made a claim for housing benefit, and you have provided all the information and documents you were asked for, and you are likely to be entitled to housing benefit.

After it serves notice

If your landlord has sent you a legal notice telling you that it is taking you to court, it must then try to contact you to discuss your arrears, and look again at whether it is possible to agree affordable payments.

Court proceedings

At least ten days before the court hearing, your landlord must give you an up-to-date rent statement and tell you what entitlement you may have to housing benefit. It must also tell you:

- the time and date of the court hearing
- what it wants from the court (eg an order to evict you, or an order suspended on condition you make certain payments)
- to attend the court hearing.

If you have made an agreement to pay the arrears, and have stuck to it, the landlord should agree to adjourn (ie postpone) the hearing.

At court

If your landlord has not followed the steps in the protocol, the judge can dismiss or adjourn the claim for possession of your home. Alternatively the judge may refuse to order you to pay court costs (if you lose a case you normally have to pay some costs).

If you have not kept to an agreement or have not cooperated with your landlord, the judge may be more likely to make an order for possession of your home.

Exceptions

The protocol does not apply to you if the council is your landlord and you are a 'non-secure' tenant (eg if you are in temporary accommodation).

Further advice

You can get further advice from Shelter's free* housing advice helpline (0808 800 4444), a local Shelter advice service or Citizens Advice bureau, or by visiting shelter.org.uk/advice

*Calls are free from UK landlines and main mobile networks.



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