

Section 21 Notice Self Help Pack

This is your 'Help Pack' full of practical ideas to help you try and solve the problem that may have led to your landlord or agent wanting you to leave.

The Tenant Action Plan: What we expect you to do to try and help yourself

Action 1: Read the help pack

The first thing to do is to carefully read this Help Pack so you fully understand how you can use it to help you and understand what we want you to do next.

Action 2: Making contact with the landlord or agent

- You should try to speak to the landlord or agent within 24 hours of receiving this pack to 'test the water' with regards to sorting the problem out.
- Whether or not you have been able to contact them you should write to them or email a letter setting out how you want to sort things out. It may be best to use one of the 4 letters to help you in this pack. ***Make sure that you use the right letter.*** There is a letter for each of the common reasons why a landlord issues a notice to end a tenancy.

There is a letter in this pack for the following problems:

- a) The landlord has or wants to put the rent up
- b) The landlord is concerned because there is a rent shortfall because your circumstances have changed or you are getting less benefit to help with your rent.
- c) There are Rent Arrears
- d) The landlord is unhappy in some way with you as a tenant or your behaviour in the tenancy

You should send the letter regardless of your landlord or agent's initial response as even if they have said no they may change their mind once they have had a chance to see the letter and can see you are really committed to sorting things out.

- **Don't leave things - follow up the letter with a phone call or email within a week of sending it asking them for a response.**
- **If the landlord or agent wants to meet with you make sure that you show them the Council's commitment to help letter in this pack**

Action 3: Record the response from the landlord or agent

If the landlord or agent has responded write down what their response was and whether they want to discuss a possible solution. Keep copies of any email or letter they have sent you in response as we will want to see them

Action 4: Get together all the paperwork you have been given or sent about the tenancy.

If you need to seek assistance from your local Council they will want to see the following documents so start to get these together now:

- The Tenancy Agreement
- Anything else you were given when you signed the tenancy, such as the Energy Performance Certificate and the Gas Safe Certificate.
- The Section 21 notice.
- If you paid a deposit we want to see the paperwork that the landlord should have given you about where they have protected the deposit. This is called prescribed information.
- Any emails or letters you have received from the landlord or agent and any copies of any you have sent.

You will need to sit down and start to look at where you can afford to rent in-case the actions taken do not work. We want you to take these actions regardless of any steps being taken to save the tenancy you have.

How to work out where you can afford to rent

Given the small number of Council or Housing Association homes available if you have to leave your tenancy you will almost certainly have to consider renting from a landlord in the private rented sector.

Action A:

- Sit down and work out where you will be able to afford to rent
- Fill out the form in this pack “**How much rent can I afford to pay**” so you know exactly where you can afford to look for accommodation.
- If you have relatives or close friends in any other towns or areas it might be best to look at the rents for these areas first. We can offer a service to find somewhere to rent in any part of the region or country we agree is affordable for you to look.

There is a website run by the BBC that is probably the most accurate way of working out the typical rent and how much you might be able to afford if they would need to rely on benefits to pay all or part of their rent

Action B: This is what you need to do to work out where you can afford to live

First click the “Where can I afford to live?” page of the BBC Website –

<http://www.bbc.co.uk/news/business-23234033>

Now do the following things to work out where you can afford to rent:

1. Now that you have opened the link select the rent not ownership box
2. Select the number of bedrooms based on what you think the household looking to rent would be entitled to.
3. Select the box for mid priced for the local market.

4. Think about any towns or cities that you might be interested to live in. Is there anywhere where relatives or friends of the family currently live?
5. Then next you will need to obtain what is called the local housing allowance (LHA) benefit rent figure for that town or town you are interested in. To do this go to something called the Valuation Office Agency website -

<https://lha-direct.voa.gov.uk/search.aspx>.

It is quite easy to use so don't worry.

6. This website will let you know what the **weekly** amount you might be able to get in benefit towards the rent for size of the household looking to rent. You need to take this weekly amount and x it by 52 and divide this figure by 12, to give you a calendar monthly benefit rent figure. Then put this monthly figure into the box on the BBC website where it asks you how much you can afford to pay in rent per month.
7. Press submit and this will show you on a map the market rents for the size of property you need compared to how much you might be able to obtain in benefits to pay for the rent. A lot of areas will be unaffordable so 'hold' the mouse over a lot of areas on the interactive map and it will come up with the average monthly market rent so you can compare this to what you typically might be able to afford with the help of the benefit rent figure.

Alternatively - The following website will give average market rents by area and by postcode/town both in the Town and for any area outside of it –

http://www.home.co.uk/for_rent/current_rents_by_town.htm

Then compare the market rent to the LHA maximum rent using the Valuation Office Agency website that gives you the maximum LHA levels by household size for each area –

<https://lha-direct.voa.gov.uk/search.aspx>

Useful Resources Pack - to assist with resolving the problem with your landlord or their managing agent

We want you to use these resources to help you sort things out with your landlord or their agent.

Resource 1: My “Promise to try and sort the problem out” letters

There are 4 letters. There is a letter for each of the common reasons why a landlord normally issues a notice to end a tenancy. You have a better chance of sorting the problem out if your landlord is convinced that you are serious and committed to finding a resolution. Sending or emailing a letter showing them your commitment is a good start to resolving the problem.

There is a letter in this pack for the following common problems:

1. The landlord has or wants to put up the rent.
2. The landlord is concerned because there is a rent shortfall because your circumstances have changed or you are getting less benefit to help with your rent.
3. There are Rent Arrears
4. The landlord is unhappy in some way with you as a tenant or your behavior in the tenancy.
5. The landlord is selling the property.

You should send the letter regardless of your landlord or agent’s initial response as even if they have said no they may change their mind once they have had a chance to see the letter and can see you are really committed to sorting things out.

Resource 2: Working out how much I can afford to pay in rent

You may find it a useful thing to do to fill out the how much can I afford to pay in rent checklist in this pack. This will be a useful thing to do in 2 circumstances:

1. Where there is a rent shortfall or your landlord has put the rent up and you want to work out how much of the shortfall or new rent you can afford to pay.
2. Where you need to look for something else to rent and need to know how much you can afford so you can check where is a realistic affordable area to live in

Some people prefer using an interactive tool to work out what things they spend their money on are essential and what might not be.

This is important so you can work out if you can afford to pay a bit more in rent.

The website below will take you to the excellent Shelter Wales budgeting interactive tool and this will help you to work out your budget wherever you live –

<http://sheltercymru.org.uk/get-advice/money-advice/budget-planner/>

Working out how much I can afford to pay in rent

The Item I spend my Money on	Your estimate of the total weekly amount that you spend on this item now. (Weekly amount for the whole household) £	Your estimate of what you could reduce the figure to. (Weekly amount for the whole household) £
What we spend on gas and electric every week.		
Estimate of what we spend on food for the whole family every week. <i>(When you are estimating what you could reduce this to some national surveys show people on benefits or a low income on average spend about £23.00 a week per person on food).</i>		

Estimate of what we spend on new clothes and shoes for the whole family every week <i>(When you are estimating what you could reduce this to there is some guidance that show people on benefits or a low income should look to spend no more than £5.00 a week per person on clothes).</i>		
Weekly water rate costs for the property.		
Weekly Council tax cost or if you are on benefits the weekly contribution you have to pay towards the Council tax on the property.		
Weekly estimate of how much as a family you actually spend on public transport costs every week including family members who work or are in college.		
Weekly estimate of what you as a family spend on any of the items below	£	£
<ol style="list-style-type: none"> 1. TV cable/Sky costs 2. TV Licence 3. Maintenance payments/CSA 4. Council tax 5. Travelling expenses for leisure 6. Travelling and meal costs if working. <i>(Check whether the applicant receives travel expenses)</i> 7. Child care costs if working or at college 8. School meal costs 9. Car costs Insurance, Road Tax, petrol per week and annual general Maintenance <i>(break down into a weekly estimated cost)</i> 10. Credit cards/catalogue/store card. 11. Toiletries 12. Meals out 13. Laundrette if no washing machine 14. Mobile Phone 		

<p>15. Mobile Phone insurance</p> <p>16. Life insurance/private pension/endowment policy/health insurance.</p> <p>17. Repayments on any finance or loans whether official loans/money lenders or family or friends (<i>state which</i>)</p> <p>18. Prescriptions, dentist and glasses costs</p> <p>19. Pension payments</p> <p>20. Pet costs</p> <p>21. Leisure expenditure such as the cost of trips to the Cinema</p> <p>22. Alcohol</p> <p>23. Cigarettes</p> <p>24. Court Fines</p> <p>25. Other (List)</p>		
<p>Final assessment</p>	<p>The estimate of what we currently spend on everything above</p>	<p>Our new estimate of what we could reduce this figure to if we reduced spending on things that are not essential</p>
<p>Totals and calculation of affordability <i>(Record this as a weekly amount)</i></p>	<p>£</p>	<p>£</p>

I estimate I can afford to pay £..... on top of what I receive or may receive in benefits towards my rent.

A letter about what I want to do to pay the new rent you want for your property

Dear

I am writing to you because I have received a *section 21 notice* to end my tenancy. I think the reason you have issued the notice is because you have put the rent up or want to put the rent up shortly and don't think I will be able to afford to pay it.

I want to let you know that I am looking at ways I can afford to pay all or the majority of the extra rent you would like. I would be grateful if you would consider my offer and whether as a result you would be happy to carry on letting the property to me.

What I can do to try and find the extra rent you want

Before you decide to carry on with possession action I would be grateful if you were willing to consider my offer.

1. The Council have told me that if I am not working or on a low income I may be able to claim a '*discretionary housing payment*' known as a DHP from them to cover all or some of the additional rent for a period of time. I can make a claim for this benefit.
2. I may also be able to afford to pay some more rent from the money I receive. I have worked out what I might be able to afford and would like to talk to you about this.

I hope you are willing to consider my offer to resolve the problem and I would be extremely grateful if you would contact me as soon as possible to discuss my offer and whether you are prepared to consider it or need to discuss it in more detail. We can then work out exactly what I can afford to pay towards the extra rent including any help from the Council. This would also mean you wouldn't have the trouble and extra costs for having to end the tenancy and finding another tenant re-letting their property.

I really want to sort this out as quickly as possible and would really appreciate your early response.

My mobile phone number is _____

My email contact address is _____

Yours sincerely

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A letter about the shortfall in rent and what I want to do to sort it out

Dear

I am writing to you because I have received a *section 21 notice* to end my tenancy. I think the reason you have issued the notice is because there is a shortfall in the rent now that my circumstances or entitlement to benefits has changed and you don't think I will be able to afford to pay the rent.

I want to let you know that I am looking at ways I can afford to pay all or the majority of the extra rent you would like. I would be grateful if you would consider my offer and whether as a result you would be happy to carry on letting the property to me.

What I can do to try and find the extra rent you want

Before you decide to carry on with possession action I would be grateful if you were willing to consider my offer and what I can do about the rent:

1. The Council have told me that if I am not working or on a low income I may be able to claim a '*discretionary housing payment*' known as a DHP from them to cover the all or some of the shortfall in rent for a period of time. I can make a claim for this benefit.
2. I may also be able to afford to pay some more rent from the money I receive. I have worked out what I might be able to afford and would like to talk to you about this.

I hope you are willing to consider my offer to resolve the problem and I would be extremely grateful if you would contact me as soon as possible to discuss my offer and whether you are prepared to consider it or need to discuss it in more detail. We can then work out exactly what I can afford to pay to meet the shortfall including any help from the Council. This would also mean you wouldn't have the trouble and extra costs for having to end the tenancy and finding another tenant re-letting their property.

I really want to sort this out as quickly as possible and would really appreciate your early response.

My mobile phone number is _____

My email contact address is _____

Yours sincerely

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A letter about my rent arrears and what I want to do to sort it out

Dear

I am writing to you because I have received a *section 21 notice* to end my tenancy because I have fallen into arrears with the rent. I want to apologise to you and I genuinely want to do everything I can to sort out the arrears and hope that you will give me a chance to sort these before taking any further possession action.

I am really sorry about getting into rent arrears and I know this must have worried you and made you angry. I want to pay the money I owe you and to sort out my money problems so it doesn't happen again.

Before you decide to carry on with possession action I would be grateful if you were willing to consider the actions I am taking to sort things out:

1. The Council have told me that if I am not working or on a low income I may be able to claim a '*discretionary housing payment*' known as a DHP. They have told me that the rules mean this can't pay off the arrears but may be used to help me pay the rent in the future.
2. I have looked at what I am spending my money on and where I can make savings to make sure there is enough to pay the full rent. I have worked out what I can now afford and would like to talk to you about this.
3. I am talking to my relatives and friends to see if they can help me.
4. I would really like to talk to you about agreeing a repayment plan to pay off the arrears as quickly as possible.
5. I am determined not to get into arrears again and have an appointment with a money and debt advice service to help me.

I hope you can see that I am trying to sort the arrears out. I would be extremely grateful if you would contact me as soon as possible to discuss my offer in more detail. The Council has told me that a landlord has six months from the date of the *section 21 notice* to take possession action and therefore if you were still unhappy after giving me a chance to sort things out you wouldn't have to issue a notice all over again.

I really want to sort this out as quickly as possible

My mobile phone number is _____

My email contact address is _____

Yours sincerely

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A letter about your concerns about my behaviour in the tenancy and what I want to do to sort it out

Dear

I am writing to you because I have received a *section 21 notice* to end my tenancy. I believe this is because you haven't been happy with me as a tenant. I want to apologise to you and I genuinely want to do everything I can to sort out the things you are unhappy about. I hope if I can convince you of my commitment you will be prepared to give me a chance to change and to carry on letting the property from you.

I am really sorry that you have been unhappy about how things have been and I know this must have made you angry and fed up. I want to sort things out and convince you that it won't happen again.

This is what I promise to do to sort things out and make sure that there are no more problems.

1. I am willing to change my behaviour immediately and am willing to sign a behaviour agreement so it is clear how I need to conduct my tenancy and what you expect.
2. If the Council offer any extra support I will take it and cooperate with that support.
3. I agree to set up a meeting between us to discuss what solution you want and I will fully cooperate with that meeting.
4. I ask as a result of these commitments whether you would be prepared to stop or delay any further recovery action until the actions agreed have time to take effect or that you can demonstrate keeping to any agreement

I know you will want to discuss these and will need to be convinced that things will change. What I would ask you to do is to delay taking any further possession action whilst you see that I can keep these promises. I would be grateful if we could talk on the phone or better still set up a meeting to discuss everything so I can convince you of my commitment to change.

The Council also told me that a landlord has six months from the date of the *section 21 notice* to take possession action and therefore if you were still unhappy after giving me a chance to sort things out you wouldn't have to issue a notice all over again.

I hope you can see that I am committed to sorting things out and I would be extremely grateful if you would contact me as soon as possible to discuss how I can resolve things

My mobile phone number is _____

My email contact address is _____

Yours sincerely

A letter about whether I can continue as a tenant if you are selling your property to another landlord.

Dear

I am writing to you because I have received a section 21 notice to end my tenancy. I think the reason you have issued the notice is because you want to sell your property.

I want to let you know that I am looking at ways I can stay as a tenant if you are looking to sell the property to another landlord. Alternatively if the real reason you want to end the tenancy is because you are looking for a higher rent I may be able to afford to pay all or the majority of the extra rent you would like. I would be grateful if you would consider my offer and whether as a result you would be happy to carry on letting the property to me.

What the Council have told me about a tenant being able to carry on their tenancy with a new landlord

The Council have told me that you wouldn't need to end my tenancy if you have sold your property to a new landlord, or may sell to a new landlord. They have told me that:

1. If you are looking to sell, or indeed have already got a buyer for your property, please remember that you do not need to evict your tenant to sell if you are selling to a buy to let landlord. The majority of properties for sale in this area are bought by 'investment landlords' who are looking to rent out the property. Many landlords are unaware that they do not necessarily need to sell with vacant possession as the tenancy will continue with the new owner.
2. A new 'buy to let owner' will have the advantage of having the property let from the day they buy it. They can offer the tenant the opportunity to sign a new AST agreement but there is no obligation to do so as the new landlord and the tenant will be bound by the existing tenancy terms and conditions
3. There is nothing to prevent a landlord proceeding with a sale and taking action to recover possession through due process once a sale has been agreed.

If the reason you really want to end the tenancy is that you want a higher rent or can be persuaded not to sell if there was the prospect of a higher rent I may be able to pay a higher rent

What I can do to try and find the extra rent you want

Before you decide to carry on with possession action I would be grateful if you were willing to consider my offer and what I can do about possibly paying a higher rent.

1. The Council have told me that if I am not working or on a low income I may be able to claim a "**discretionary housing payment**" known as a DHP from them to cover all or some of the additional rent for a period of time. I can make a claim for this benefit
2. I may also be able to afford to pay some more rent from the money I receive. I have worked out what I might be able to afford and would like to talk to you about this.

I hope you are willing to consider my offer to resolve the problem and I would be extremely grateful if you would contact me as soon as possible to discuss my offer and whether you are prepared to consider it or need to discuss it in more detail. We can then work out exactly if I could possibly keep my tenancy with a new landlord or what I can afford to pay towards any extra rent, including any help from the Council, if you can be persuaded not to sell.

I really want to sort this out as quickly as possible and would really appreciate your early response.

My mobile phone number is _____

My email contact address is _____

Yours sincerely

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What are discretionary housing payments (DHPs) and how can I claim one to help with my rent?

Discretionary Housing Payments (DHP) are for people who need extra help with their rent when Housing Benefit, Local Housing Allowance, or Universal Credit doesn't cover the full amount. If you are suffering severe financial hardship or your tenancy is at risk, you may be able to get a DHP to help.

The Government has set restrictions on how much money can be paid out in any financial year to fund DHP. The payments are made from a limited fund and are made as a short-term measure for tenants experiencing difficult circumstances.

To get a Discretionary Housing Payment (DHP) you must be:

- Receiving Housing Benefit, Local Housing Allowance, or Universal Credit (including the housing element)
- Reside in the Council's district and be claiming Local Housing Allowance or Universal Credit from the Council
- Be able to demonstrate financial need
- The property must be affordable.

A DHP cannot be paid for the following:

- Water, meals, fuel or other ineligible charges included in your rent
- Shortfall in housing benefit due to an overpayment being recovered
- Rent that is clearly excessive
- Increase in rent due to outstanding rent arrears
- Shortfall caused by certain sanctions and reductions in benefit.

How can I make a claim?

You can ring us up and we will send you a form. Ring us on **01622 602000**

Make sure you provide as much detail as possible about your situation in order for the Council to make a decision regarding your request. Before we consider awarding a DHP, we will check that you have claimed all other benefits you are entitled to and that they are being paid correctly. We will also look at the information provided on your application form and your personal circumstances.