



Section 21 Notice Self Help Pack

**North Herts District Council
Housing Options Team**

North Herts District Council – Housing Options Service

This is your self-help pack for tenants issued with a *section 21 notice*.

It contains practical ideas and actions for you to take to help you to try and solve the problem that may have led to your landlord or agent wanting you to leave. It includes template letters that may be useful when communicating with your landlord/letting agent.

It also includes advice on how to start to look for other accommodation in case the problem cannot be resolved, including a budget sheet to help you determine what would be affordable for you and your household.

What you can do if you have been issued with a Section 21 Notice

You have got in touch with us seeking help because your landlord, or their managing agent, has issued you with a notice, called a *section 21 notice* to end your tenancy (or we believe is about to issue you with a notice). We want to do everything we can to help sort any problems out between you and your landlord and to make sure you do not become homeless.

We will normally have arranged an appointment to call you or for you to come in for an interview with a Housing Options Officer to find out more about the reasons that this notice has been issued and how we may be able to help.

If you haven't already been in contact with the Council please complete an online Housing Assistance Referral via our website and someone will contact you as soon as possible. When you go through the portal you will be asked to provide a valid email address. You will also be issued with a personal reference number – please keep a record of this number in case you need to contact the council. The link to the online referral is below

<https://www.north-herts.gov.uk/home/housing/homelessness-advice>

Before we see you or speak to you we think you should start to take action to try and solve the problem. We ask everyone to try and solve things with their landlord or their managing agent unless there has been harassment or threats of violence from them, or unless we think the tenant is vulnerable in some way and would find it difficult to try and help themselves.

When we see you or speak to you we will be able to check and confirm whether your housing problems mean under Housing Law you are entitled to have your case considered as a homeless application and we can work out exactly what can be done to try and make sure you don't become homeless.

You are expected to immediately take the actions in the Action Plan Checklist below and record exactly what you have done to try and solve the problem. Please make sure you record what you have done for each action in the right hand column where it asks you to do so. When we speak or see you we will want to look at what you have done to try and help yourself

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

<p>The Action we want you to take</p>	<p><i>The tenant (or both tenants) should record here what they have done to carry out the action listed for them to take</i></p>
<p>Action 1: Read the help pack</p> <p>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 what we want you to do next</p>	
<p>Action 2: Making contact with the landlord or agent</p> <ol style="list-style-type: none"> 1. You should try to speak to the landlord or agent within 24 hours of receiving this pack to ‘test the water’ on the chances of sorting the problem out. 2. Whether or not you have been able to contact them you should write and email them 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. <p>There is a letter in this pack for the following problems:</p> <ol style="list-style-type: none"> a) The landlord has or wants to put the rent. 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 behavior in the tenancy. <ol style="list-style-type: none"> 3. 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 	

<p>mind once they have had a chance to see the letter and can see you are really committed to sorting things out.</p> <p>4. 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.</p> <p>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.</p>	
<p>Action 3: Record the response from the landlord or agent</p> <p>If the landlord or agent has responded write down here 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.</p>	
<p>Action 4: Get together all the paperwork you have been given or sent about the tenancy.</p> <p>When we see you or next see you we will want to see the following documents so start to get these together now. We need to see:</p> <ol style="list-style-type: none"> 1. The Tenancy Agreement 2. Anything else you were given when you signed the tenancy such as the Energy Performance Certificate and the Gas Safe Certificate. 3. The Section 21 notice. 4. 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. <p>This is called prescribed information.</p> <ol style="list-style-type: none"> 5. We will want to see any emails or letters you have received from the landlord or agent and any copies of any you have sent. 6. Before you come to see us try and write down the dates and details of any contact between you. 	

Action 5: Start to look at where you can afford to rent in case the actions don't work

We want you to take these actions regardless of any steps being taken to save the tenancy you have. A back up of trying to find somewhere else to rent is needed in case action to save your tenancy fail.

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 on the link below for 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 4 to give you a 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>

Make a list of the areas where you might want to consider living and contact your case officer or e-mail the person on the front sheet of this help pack. We might be able to help you to look for accommodation in these areas.

Action 6: Taking the actions set out in the 'How to find accommodation pack' we have given you or emailed you.

We have given or emailed you a pack to help you to find accommodation to rent.

Go through this pack carefully as again we will want to see what you have done when we see you.

Your Useful Resources Pack to try and sort out 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.

This is the list of resources and how we want you to use them

Resource 1: The Council's commitment to help letter

This is a letter from the Council to show or send to your landlord or agent promising to do everything we can to help

Resource 2: 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. Ask the Council's Housing Options Officer for an email version of this pack so you can make any changes or add anything else you would like to your letter.

Resource 3: 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 the budget sheet included 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 link 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/>

DHP'S

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 up and we will send you a form. Ring us on **01462 474597**.

Or

You can download the application form using the link below. Fill it in and return it to the address on the form.

<https://www.north-herts.gov.uk/home/benefits/apply-benefits>

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.

When we have made a decision, we will write and let you know.

Useful letters

We have included some useful template letters that you may wish to use when communicating to your landlord or letting agent.

Feel free to use these and include your details as required.

The letters cover the following:

- The council's commitment to try and resolve issues between the landlord and tenant (page 13)
- What the tenants want to do to pay the new rent (page 14)
- The shortfall in rent and what to do to resolve this (page 15)
- Rent arrears and what to do to resolve this (page 16)
- Concerns in tenants behaviour and how this can be addressed (page 17)
- Private rented properties being sold (page 18)

Commitment of the Council to try and resolve any problem between you and you tenant

The tenant should show this commitment letter to their landlord or agent.

Dear Landlord or Managing Agent

We have given your tenant this help pack because you have issued them with a notice to end their tenancy. Please let me reassure you that we want to do everything we can to help sort out any problems between you and, if despite our offer of help, these problems cannot be sorted out we want to work with all of you to plan the best way they can leave without being made homeless if that is at all possible.

The Council can provide real practical help to sort things out so that you are happy to carry on letting to your tenant. Below are examples of how the Council can help. We can:

1. **Help sort out any behaviour problems or breach of tenancy problems** and help prepare a “***Promised Behaviour in the future agreement***” between you and your tenant setting out how the tenant commits to resolving these problems so they don’t happen again.
2. **Provide extra support to the tenant.** If your tenant may need some extra support to help manage their tenancy we can arrange it
3. **Helping the tenant sort out any rent arrears.** If the reason that you may want the tenant to leave is rent arrears here is how we may be able to help:
 - a) If the rent arrears are caused by a drop in housing benefit we may be able to help the tenant claim a “*discretionary housing payment*” from the Council to cover all or some of the drop in benefit. This would be paid for a period of time and we can explain this option in more detail to you.
 - b) If the arrears are as a result of a housing benefit problem we may be able to resolve this problem and get a backdated payment to cover the rent arrears
 - c) We can consider making a payment from our ‘homeless prevention fund’. This might not be for the full amount owed but would be combined with the tenant’s action to pay off the arrears in full.
 - d) The tenant will be required to agree a repayment plan to pay off the arrears.
 - e) We are working with the tenant to make sure they can manage their money and not get into any more arrears.
 - f) There is an option of helping the tenant to apply for rent payments to be made directly to you as the managing agent where this arrangement is not already in place.
 - g) We may also consider paying for any court fees your landlord may have incurred to date.

**Housing Options Team
North Herts District Council**

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

Dear [xxxxxxxxx]

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 and what I can do about the rent.

1. The Council have told me 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.
3. I have contacted the Council's Housing Options Team and they have said that in many cases where the landlord wants a higher rent they may be able to make a one off payment as a contribution to that rent increase if the landlord agrees to carry on with the letting. They are willing to speak 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

[**Your Name**]

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

Dear [xxxxxxxxx]

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 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.
3. I have contacted the Council's Housing Options Service and they have said that in many cases where there is a shortfall in the rent because of a change of circumstances they may be able to make a one-off payment as a contribution to that rent increase if the landlord agrees to carry on with the letting. They are willing to speak 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
[**Your Name**]

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

Dear [xxxxxxxxx]

I am writing to you because I have received a *section 21 notice* to end my tenancy because I have got into arrears in paying the rent. I want to apologise to you and I genuinely want to do everything I can to sort out the arrears in the hope that you will give me a chance to sort out the arrears 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 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.
6. I have contacted the Council's Housing Options Service and they have said that in some cases where there are rent arrears they may be able to make a one off payment as a contribution to sorting out the arrears if the landlord is prepared to carry on with the letting. They are willing to speak to you about this.

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
[Your Name]

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

Dear [xxxxxxxx]

I am writing to you because I have received a *section 21 notice* to end my tenancy. I think the reason you want to end it 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 to me for now.

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 committed to changing my behaviour immediately.
2. I am willing to sign a behaviour agreement so it is clear how I need to conduct my tenancy and what you expect.
3. If the Council offer any extra support I will take it and cooperate with that support.
4. The Council have offered to set up a meeting between us to discuss what solution you want and I will fully cooperate with that meeting.
5. 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.

I have also contacted the Council's Housing Options Team and they have said they would be willing to speak to you or come along to a meeting and help in any way they can. 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 as I really want to sort this out as quickly as possible

My mobile phone number is _____

My email contact address is _____

Yours sincerely
[Your Name]

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

Dear [xxxxxxxxxx]

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. Remember 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 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.
3. I have contacted the Council's Housing Options Service and they have said that in many cases where the landlord wants a higher rent they may be able to make a one off payment as a contribution to that rent increase if the landlord agrees to carry on with the letting. They are willing to speak 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. 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

[**Your Name**]