

## Risk of Homelessness in a privately rented property

If you are privately renting and worried about becoming homeless contact [hoac@wigan.gov.uk](mailto:hoac@wigan.gov.uk) or visit <http://www.wigan.gov.uk/homelessness>

- **Are you at risk of becoming homeless?**

Your landlord cannot evict you without following the correct legal process. The first step is to serve a valid notice, which will give you a period of time to find other accommodation. We will need a copy of your notice so that we can check that it is valid. We will provide advice and assistance and may encourage you to speak to your letting agents/landlord or seek your own legal advice. Private renters served with a Section 8 or Section 21 notice after 29th August 2020 are entitled to a 6month notice period. However, in some serious cases the notice period may be shorter e.g., if the notice is served due to anti-social behaviour, domestic abuse, or high rent arrears (where at least 6 months' rent is unpaid). Your landlord cannot use violence, or threat of violence, to evict you, but must follow prescribed legal processes including serving notice and applying to court for a possession order. See further advice on harassment and illegal eviction.

- **You have been served with a valid notice.**

Our first step will be to look at how we can help you stay in your current home. We may try and negotiate that you stay at your property, for example, if you have fallen into arrears, we may help you develop a payment plan which is satisfactory to your landlord. Whilst we appreciate in some cases, it might be you want to move, where appropriate we will still try and keep you in your home to prevent you becoming homeless. We can also signpost you to the relevant department who will be able to help you to address the issues you are experiencing.

- **What if you cannot keep me in my home?**

There may be situations where we cannot keep you in your home, for example the landlord is selling the property and there is no negotiation. We may ask if they have any other properties that could be offered to you as a resolution. We would work with you to determine how much rent you can afford to pay, and if Private Rented is suitable for you. We may ask you to complete an affordability assessment, which outlines your income and expenditure and provide us with supporting evidence such as bank statements. If private rented accommodation is suitable, we will develop a personal housing plan, focusing on a search for accommodation in the private rented sector. Your case officer will support you with this search. It is important that you engage with this plan and carry out any tasks you are asked to. If you repeatedly fail to carry out your tasks, your homeless application could be closed, and no further assistance offered.

The Deposit Assistance Scheme is now available to help those who are threatened with homelessness and/or in receipt of a low income (including benefits) to still access the private rented sector. Through the scheme, we provide a non-cash deposit to the landlord or agent on your behalf (in place of the usual cash deposit), which can be claimed against in the event of any damages or losses to the property. We also provide a tailored advice service for new private tenants, helping you to set up and maintain your new tenancy. For further information, including how to apply, see Getting a deposit.

We understand however that private rented accommodation is not suitable in every situation and each case is assessed on its own merits, taking into account the personal circumstances of the applicant's household.

- **I don't really want Private rented accommodation and would like a Council property.**

There are significant waiting lists for council accommodation, and currently a low turnover of council housing stock. You are likely to be waiting a significant amount of time for a council property. If you are threatened with homelessness, we have a duty to take reasonable steps to help prevent you becoming homeless. This does not mean you will automatically be offered a council property or even given high priority for rehousing. It means we will work with you to help you find a suitable accommodation pathway which meets your needs and is affordable to you.

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- **Covid-19 and Homelessness**

We understand this may be a time of great uncertainty for those living in the private rented sector, especially if a loss of employment or income has meant you have gotten behind with rent payments.

The good news is that there are a range of measures in place to protect renters and prevent people losing their home during the Covid-19 pandemic. See our Coronavirus FAQs for the latest guidance.