# Housing Options Service Section 21 Notice Self Help Guide

If you have been served a section 21 notice by your landlord this guide 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 also includes advice on how to start to look for other accommodation in case the problem cannot be resolved.

You may find that you are able to sort out your situation with the help of this information. If not you can contact the Housing Options Team on 01623 457252 or through HousingOptions@ashfield.gov.uk who will be able to assist you further.

We suggest that you read through the whole of the guide first and then take the actions listed below immediately. Write down exactly what you have done to try and solve the problem. If you then need to see a Housing Options Officer for further advice you will be able to let them know what action you have already taken to help yourself.

## Complete an assessment of your finances

This will help you to be able to see if you can pay more to your current landlord or to see how much you will be able to afford to pay for a new tenancy.

1. Money Saving Expert has a useful and detailed resource to do this. <https://www.moneysavingexpert.com/banking/Budget-planning/#bplanner> there are two versions of this resource, one is electronic and does the calculations for you the other is a version that you can print out and fill in yourself.
2. Consider how you can reduce your outgoings such as reducing TV packages, cancelling them altogether or switching energy providers. There are more money saving tips on <https://www.moneysavingexpert.com/family/money-help/>
3. Is there any way to maximise your income? <https://www.moneysavingexpert.com/family/make-money/>
4. Do you have any debt? If you need help to manage these contact Ashfield CAB. Visit [www.ashfieldca.org.uk](http://www.ashfieldca.org.uk/) for ways to contact them and for more information about their services.

**Record your findings below:**

Total Income:

Total Outgoings:

Total Income minus Total Outgoings =

**Record ways that you can reduce you outgoings below**:

**Record ways that you can maximise you income below:**

New Total Income:

New Total Outgoings:

New Total Income minus New Total Outgoings =

## Making contact with the landlord or agent

1. You should try to speak to the landlord or agent immediately to ‘test the water’ on the chances of sorting the problem out.
2. Even if they answered the call follow up by emailing them a letter setting out how you want to sort things out. There are 5 letters for common issues that you can use further on in this guide but make sure that you use the right one.
3. The landlord has or wants to put the rent up.
4. 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.
5. There are Rent Arrears.
6. The landlord is unhappy is some way with you as a tenant or your behavior in the tenancy.
7. The landlord says that they want to sell the property.

If none of these are appropriate you should write your own.

1. 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.
2. 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.
3. 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 guide.
4. Let the landlord know about Call Before You Serve, they are a service which helps the landlord. They will work with you both to try and solve any issues. Their contact details are: cb4ys@derby.gov.uk or call 01332 641408
5. Keep copies of any email or letter they have sent you in response as we will want to see them.

### Record below what you have done and the response from the landlord or agent

## Get together all the paperwork you have been given or sent about the tenancy.

If you need to see the Housing Options Team they will want to see the following documents:

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.

1 – 4 are called prescribed information.

1. 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.

### Record below the dates and details of any contact between you and your landlord or their managing agent.

## Start to look at where you can afford to rent in case the actions don’t work

As there are very few Council or Housing Association properties advertised each week you need to seriously look at the private rented sector.

**How to work out where you can afford to rent**

1. You should already have completed a financial assessment of you income and outgoings and looked at ways that you know can maximise you income and reduce your outgoing. You should therefore know how much you can afford to pay.
2. It is more expensive to rent in Hucknall than it is the rest of Ashfield so don’t restrict yourself to that area only. The following website is run by the BBC. It shows the lowest and highest rents that you will pay in an area such as Ashfield. [BBC website - House price calculator: Where can I afford to rent or buy?](http://www.bbc.co.uk/news/business-23234033)
3. If you claim benefits to pay your housing costs you should find out what the local housing allowance (LHA) benefit rent figure for the area you are interested in. This is the maximum amount that will be paid towards your housing costs.
4. Now that you have worked out how much you are able to pay in rent, see the advice on private renting guide on the ADC website, which lists the LHA rates for the local and surrounding areas.

### Record below the LHA rate for the size of property that you require and the amount from the first section that you will be able to pay towards the accommodation.

## Discretionary Housing Payment (DHPs)

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 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 download the application form from our website. Fill it in and return it to the address on the form:

[Ashfield District Council website: Discretionary Housing Payment (DHP)](https://www.ashfield.gov.uk/benefits-council-tax/housing-benefit/discretionary-housing-payment-dhp/)

Make sure you provide as much detail as possible about your situation in order for a decision to be made on your application. Before considering your application for a DHP a check will be made to ensure that you have claimed all other benefits you are entitled to and that they are being paid correctly.

When a decision has been made you will receive a letter to let you know.

## Template letters to your landlord

### Landlord wants to increase the rent.

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/intend to put the rent up and feel I will be unable to afford to pay it.

I want to let you know that I am looking at ways to ensure I can afford to pay all/the majority of the extra rent.

### What I can do to try and find the extra rent required

Before you decide to take possession action I would be grateful if you would consider the actions I will take to meet the increased rent.

1. I may be able to claim a *‘discretionary housing payment’* known as a DHP from the Council to cover all or some of the additional rent for a period of time. I can make a claim for this benefit.
2. I can also 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 would be extremely grateful if you would contact me as soon as possible to discuss 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 save you any additional time and costs incurred due to ending the tenancy and finding another tenant.

I would like to resolve this as quickly as possible and would really appreciate your early response.

Also I have been made aware about Call Before You Serve, who help landlords with any issues that they might have with their properties and they might be able to help us to find a way forward. Their contact number is 01332 642368 and you can find more information about them at [www.dashservices.org.uk](http://www.dashservices.org.uk)

My mobile phone number is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

My email contact address is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Yours sincerely

[***Your Name***]

### There is a shortfall in the rent

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/ entitlement to benefits has changed and you may feel I am no longer able to afford to pay the rent.

I want to let you know that I am looking at ways to ensure I can continue to pay all or the majority of the rent.

### What I can do to ensure I can continue to meet the rent payments

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. I may be able to claim a *‘discretionary housing payment’* known as a DHP from the Council to cover the all or some of the shortfall in rent for a period of time. I can make a claim for this benefit.

1. 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 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 save you any additional time and costs incurred due to ending the tenancy and finding another tenant.

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

Also I have been made aware about Call Before You Serve, who help landlords with any issues that they might have with their properties and they might be able to help us to find a way forward. Their contact number is 01332 642368 and you can find more information about them at [www.dashservices.org.uk](http://www.dashservices.org.uk)

My mobile phone number is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

My email contact address is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Yours sincerely

[***Your Name***]

### I have built up rent arrears

Dear [***xxxxxxxxx***]

I am writing to you because I have received a *section 21 notice* to end my tenancy because I have gotten into arrears in paying the rent. I would like to apologise and reassure you that I want to do everything I can to sort out the arrears in the hope that you will not take further possession action.

I am really sorry about getting into rent arrears and I appreciate this will have caused you concern. I want to pay the money I owe you and to sort out my money problems so it doesn’t happen again.

Before you proceed with possession action I would be grateful if you consider the actions I am taking to sort things out:

1. I may be able to claim a *‘discretionary housing payment’* known as a DHP. The rules mean this can’t pay off the arrears but may be used to help me pay the rent in the future.

1. I have looked at what I am spending my money on and where I can make savings to ensure there is enough to pay the full rent.
2. I am talking to my relatives and friends to see if they can help me.
3. 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/repayment plan in more detail. I am aware that a landlord has six months from the date of the *section 21 notice* to take possession action. Therefore if you are still unhappy after giving me a chance to sort things out you would not have to reissue a notice.

Also I have been made aware about Call Before You Serve, who help landlords with any issues that they might have with their properties and they might be able to help us to find a way forward. Their contact number is 01332 642368 and you can find more information about them at [www.dashservices.org.uk](http://www.dashservices.org.uk)

My mobile phone number is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

My email contact address is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Yours sincerely

[***Your Name***]

### There have been problems with my behaviour and actions in the 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 want to end it is because you haven’t been happy with me as a tenant due to my behaviour and/or that of my family/visitors. 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 that 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.

I am really sorry that you have been unhappy about how things have been and I know that you must be disappointed. I am also sorry for the inconvenience that this must be causing you. 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 there is any support that I can access I will take it and cooperate with that support.
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 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 am aware 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 reissue a notice.

I hope you can see that I am committed to sorting things out as quickly as possible

Also I have been made aware about Call Before You Serve, who help landlords with any issues that they might have with their properties and they might be able to help us to find a way forward. Their contact number is 01332 642368 and you can find more information about them at [www.dashservices.org.uk](http://www.dashservices.org.uk)

My mobile phone number is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

My email contact address is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Yours sincerely

[***Your Name***]

## Your landlord says they want to sell the 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 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.

I would like to draw your attention to the following:

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 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 wish to end the tenancy is to achieve 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 more.

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

Before you decide to proceed 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. I may be able to claim a *“****discretionary housing payment***”known as a DHP from the Council to cover all or some of the additional rent for a period of time. I can make a claim for this benefit straight away.
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 in more detail. We can then work out if I can possibly keep my tenancy with a new landlord or identify what I can afford to pay towards any extra rent, if you can be persuaded not to sell. This would also save you any additional time and costs incurred due to ending the tenancy and finding another tenant. I really want to sort this out as quickly as possible and would really appreciate your early response.

Also I have been made aware about Call Before You Serve, who help landlords with any issues that they might have with their properties and they might be able to help us to find a way forward. Their contact number is 01332 642368 and you can find more information about them at [www.dashservices.org.uk](http://www.dashservices.org.uk)

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My email contact address is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Yours sincerely

[***Your Name***]