



Social
health &
wellbeing



Keeping the roof over your head

One in three working families in the UK could not afford to pay one month's rent or mortgage payments if they lost their income¹. Around 117 families in the UK become homeless every day². Homelessness is where people haven't got a permanent home.

¹ Shelter - 9th August 2015 - One in three working families only one paycheque away from losing their home

² Shelter

You need to understand your rights as either a tenant or home-owner if you find yourself at risk of losing the roof over your head. The sooner you take steps to get help, the more chance you have of finding a solution. This fact-sheet will give you an overview of your rights, whether you are a tenant or home-owner.

Tenant

Your Rights

- Live in a property that's safe and in a good state of repair
- Have your deposit returned when the tenancy ends - and in some circumstances have it protected
- Live in the property undisturbed
- See an Energy Performance Certificate for the property
- Be protected from unfair eviction and unfair rent

- If you have a tenancy agreement, it should be fair and comply with English Law
- When you start a new assured or short assured tenancy, your landlord must give you:

A copy of the How To Rent guide if you live in England

If things go wrong:

If you are having financial problems, or are falling into rent arrears, speak to your landlord as they may be able to help, and are likely to be more sympathetic if you talk to them about any difficulties early on. You may be able to negotiate a payment plan, especially if your situation is short-term. Even if your landlord won't agree with your payment plan, pay what you have proposed anyway, as it may make a difference if your landlord takes you to court. If you do come to an agreement, make sure it's written down and signed by both of you. Should you need further help contact Citizens Advice or Shelter as soon as possible.

If the property is in an unsafe condition and your landlord won't repair it – contact your local authority. They have powers to make landlords deal with serious health and safety hazards.

Evictions must be put in writing detailing information of eviction. Notice must not be less than 4 weeks before the date on which it is to take effect.

If you are experiencing unannounced visits and harassment from your landlord contact your local authority, or if more urgent dial 999.

If you are being forced out illegally, contact the police. If your landlord wants you to leave the property, they must notify you in writing, with the right amount of notice – you can only be legally removed from the property with a court order.

Get advice on housing benefits to find out whether you're eligible. If you are already on housing benefits, but the rent is more than you get, you may be able to apply to the council for a "discretionary housing payment". Depending on your circumstances there may also be other benefits you could be entitled to.

Even if you get into rent arrears, your landlord cannot just evict you. There is a process they need to go through depending on the kind of tenancy type. Find out what tenancy you have to understand the eviction process.

If you decide to leave yourself, you still need to give notice as per your tenancy agreement. If you don't follow the process properly, you may still be liable for rent.



HOME-OWNER

However difficult it may be to face your situation, make sure that you take action when you are struggling to pay your mortgage. There are lots of ways to sort out mortgage problems depending on your circumstances.

Look at your household budget and if possible re-budget to meet payments. If you have a spare room you may be able to take in a lodger to bring in some income. If you're out of work you may be entitled to certain benefits which help towards your mortgage payments.

Contact your mortgage lender as soon as possible to notify them of your situation before you get into arrears. You may be able to negotiate a payment plan or change your monthly payments. You could also do some research into re-mortgaging.

Another option is sale and rent back schemes, which will buy your property from the mortgage lender and rent back to you. However this means that you will no longer own your home. This requires careful consideration and professional advice.

Should the situation worsen and you are faced with a possession action from your mortgage lender, don't ignore the correspondence and make sure you attend the court hearing.

Not being able to pay your rent or mortgage is very frightening. You are not alone and there is lots of advice and help available. Check out the further sources of help for more information.

Read our budget and debt fact sheets for tips on how to manage your money if you are struggling to find the payments to keep a roof over your head.



Further sources of help

There is a lot of information available for both tenants and home-owners. Please have a look at these organisations and charities for further tips.

- Shelter
www.shelter.org.uk
- Citizens Advice Bureau
www.citizensadvice.org.uk
- Money Advice Service
www.moneyadviceservice.org.uk
- Money Saving Expert
www.moneysavingexpert.com
- Energy Performance Certificate
<https://www.gov.uk/buy-sell-your-home/energy-performance-certificates>
- Tenancy Agreement
<https://www.gov.uk/private-renting-tenancy-agreements>
- How to rent
<https://www.gov.uk/government/publications/how-to-rent>

www.ben.org.uk

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Free, confidential helpline:
08081 311 333

Ben - Motor and Allied Trades Benevolent Fund. Lynwood Court, Lynwood Village, Rise Road, Ascot SL5 0FG. A charity registered in England and Wales (no.297877) and Scotland (no.SC039842). Registered with the Homes and Communities Agency (no. LH3766).

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