

## MONTHLY QE STAFF ADVICE BULLETIN

### ISSUE 1: HOUSING

**What are your rights if you are behind with mortgage payments?**

**What are your landlord's responsibilities for house repairs if you rent your home?**

#### **What are your rights if you are behind with mortgage payments?**

With interest rates beginning to rise, and the freeze on home repossessions during lockdown being lifted, the rate at which homeowners are at risk of losing their homes is beginning to increase.

***However, repossession is not inevitable - you can get help to safely stay in your home. Here we explain a bit about the process, and when and how to get help if you need it.***

In the first instance, your mortgage provider has an obligation to work with you to find a remedy if you are behind with your mortgage payments, and that includes following the rules laid out by the Financial Conduct Authority. It's best to ask what your options are as early as possible, and getting in touch with your lender, rather than waiting for them to contact you, is definitely the best policy.

Once you've explored all possibilities for finding a way forward, if you are still facing difficulties your lender does have the right to start a 'civil claim for possession'. In this case, a judge would listen to both sides and decide what should happen next.

If a full court hearing does happen, but you can make an acceptable offer to repay the arrears, you may receive a suspended possession order, which means so long as you keep up with the terms, you will keep your home. Even if a possession order is granted, you may be able to have the order suspended if your circumstances have changed and you can repay your arrears, or you may even be able to appeal. So, all is not lost even if legal proceedings have been started.

If you do get notice of proceedings, remember it's not too late to get help. There's still time to agree terms with your lenders before the hearing date. *You can access free legal advice and representation before the hearing date and your social welfare advice team at Citizens Advice Gateshead can help with that.*

#### **YOU NEED TO KNOW about the 'Breathing Space' service.**

**'Breathing Space' is a government-backed scheme to help people in problem debt.**

Before you need to face a civil claim for possession, it's a really good idea to check if you are eligible for what's known as a 'Breathing Space' or the 'Debt Respite Scheme'. This is a government-backed scheme designed to give someone in problem debt the right to legal protections from their creditors. This applies to many types of debt, including mortgages.

If you're eligible for the service, once you join your mortgage provider cannot evict you, act against you or even contact you, as long as you are paying your mortgage now. If you've fallen into arrears, but are now able to make repayments, this could give you some useful 'breathing space' to work out your options and ensure that any repayment plan you agree with your lender is affordable.

## **ASK FOR HELP as soon as you can**

Having good representation to help you to handle any type of action by your mortgage provider is crucial – the [Bureau of Investigative Journalism](#) found that 81% of homeowners attended possession court without representation, and as a result nearly half of all hearings resulted in a possession order, averaging only nine minutes for the court to decide on its verdict. Don't let that happen to you - remember, you can get free advice, information and support from Citizens Advice Gateshead whatever stage you're at, even if you aren't yet behind in your payments but are worried that you could be soon.

Citizens Advice Gateshead can also provide you with free representation if you do have to face repossession proceedings, so get in touch with us as early as you can.

## **What are your landlord's responsibilities for house repairs if you rent your home?**

If you live in private rented or social housing accommodation there are standards your landlord must meet, by law, to make your home winter ready, and safe for habitation. These include having working radiator valves and thermostat, an insulated loft, properly fitted doors and windows and extraction fans to combat condensation.

If you think your landlord isn't complying with any of these standards, your direct access to social welfare advice team at Citizens Advice Gateshead can help you to negotiate with your landlord if they are reluctant to undertake any repair work needed.

Even if early conversations don't have an effect there's more we can do. We can help you to talk to your local authority who can serve formal legal notice on landlords to require them to perform the repairs within a set time limit. If your landlord still refuses to meet the standard, they can be fined or even prosecuted so the law is in your favour in these issues.

But it's always best to start with talking - with our help if needed – then we can help you to get firmer to assert your rights if it's needed.

Citizens Advice Gateshead can also provide you with free representation if you do have to face repossession proceedings, so get in touch with us as early as you can.

**For direct access to social welfare advice from your Citizens Advice Gateshead team, please email [qestaffswa@citizensadvicegateshead.org.uk](mailto:qestaffswa@citizensadvicegateshead.org.uk) or call 0191 490 4231 and we'll be back in touch with you within 1 working day Monday to Friday.**