



# POST LOCKDOWN

## GUIDANCE FOR SALES, LETTINGS AND COMMERCIAL AGENTS (JULY 2021)

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This information is guidance for best practice following the UK Government's decision to proceed to Step 4 out of lockdown in England from 19 July 2021.

There are still cases of COVID-19 in England and there is a risk of catching or passing on the virus, even if people are fully vaccinated. Agents are encouraged to exercise caution and consider the risks.

The BBC News website provides a useful postcode checker for the number of cases, vaccinations and any restrictions in an area [www.bbc.co.uk/news/uk-51768274](http://www.bbc.co.uk/news/uk-51768274)

## UK GOVERNMENT ANNOUNCEMENTS

Subject to a final review (12 July 2021), legal restrictions end on Monday 19 July (2021).

## ELIGIBILITY

These updated guidelines are for the buying, selling and renting of property in **England** only and has effect from 19 July 2021.

### Areas covered in this document

1. Office
2. Staff and quarantine
3. Customer Due Diligence
4. Reference, credit checks and payments
5. Right to Rent checks
6. Valuations and floor plans
7. Professional photographs and videos
8. Advertising and marketing
9. Energy Performance Certificates
10. Landlord gas and electrical safety requirements
11. Visits to property for routine checks, repairs, cleaning and maintenance
12. Tradespeople
13. Viewing property
14. Accepting offers and reserving property
15. Preparing property for new tenants and inventories
16. Move in dates
17. Evictions and courts

## 1. OFFICE

No social distancing required in branches, but businesses should consider the risks. The UK Government's Working Safely guidance will be updated to provide examples of sensible precautions that employers can take to reduce risk in their workplaces.

- If anyone develops COVID-19 symptoms, they should self-isolate immediately and get a PCR test, even if the symptoms are mild
- People should self-isolate at home while they book a test and wait for the results. If anyone tests positive, then they must self-isolate. The isolation period includes the day any symptoms started (or the day the test was taken if no symptoms), and the next ten full days

### Visitors to all offices – update

Visitors to offices can be unscheduled or by appointment.

- Businesses will be encouraged to display QR codes for customers to check in using the NHS COVID-19 app, to support NHS Test and Trace, although it will no longer be a legal requirement

## 2. STAFF

Employers still have a legal duty to manage risks to those affected by their business. They should carry out a health and safety risk assessment, including the risk of COVID-19, and to take reasonable steps to mitigate the risks identified. The UK Government's Working Safely guidance sets out a range of mitigations employers should consider including:

1. cleaning surfaces that people touch regularly
2. identifying poorly ventilated areas and taking steps to improve air flow
3. ensuring that staff and customers who are unwell do not attend the workplace or viewing
4. communicating to staff and customers the measures that have been put in place

- No requirement to work from home – employers can start to plan a return to workplaces
- Businesses must not require a self-isolating worker to come to work
- Businesses should make sure that workers and customers who feel unwell do not attend the office or a viewing
- Businesses are encouraged to ask staff and customers to clean their hands regularly and clean surfaces that people touch regularly
- The UK Government will provide guidance on how businesses can reduce unnecessary contact in the workplace, where it is practical

The measures to support staff on viewings should include:

- Assess the risks and document all information relating to the viewing
- Face coverings on viewings are not required but advisory for agents and clients
- Keep in touch with staff who attend viewings including, health, personal security, and welfare

### QUARANTINE – staff and clients

- International travel – the UK Government has introduced a traffic light system for international travel
- Travelling to England from outside the UK – what people must do when they arrive in England from abroad depends on where they have been in the last ten days before they arrive
- People planning to travel to England should follow the guidance on entering the UK <sup>1</sup>
- Travelling in the UK, Ireland, and Channel Islands – there are no restrictions on travel within England

<sup>1</sup> [www.gov.uk/guidance/red-amber-and-green-list-rules-for-entering-england](https://www.gov.uk/guidance/red-amber-and-green-list-rules-for-entering-england)

### 3. CUSTOMER DUE DILIGENCE

It is still imperative that agents continue to fulfil their obligations under the Money Laundering Regulations (MLRs). Agents undertaking anti-money laundering supervised activity should:

- Assess how the changed circumstances impact on the money laundering risks to your business and your policies, controls, and procedures for tackling them
- Review the guidance from the Joint Money Laundering Steering Group <sup>2</sup>
- Read the UK Government's guidance on identity proofing and verification <sup>3</sup>
- Follow established processes to meet MLR obligations where an agent cannot be satisfied that the customer or beneficial owner's identity can be verified, or that the risks associated with a business relationship or transaction can be managed <sup>4</sup>

### 4. REFERENCE, CREDIT CHECKS AND PAYMENTS

Letting agents can continue to do background checks on any new tenants before they move in.

- Payments, referencing or credit checks can be done in person and there is no requirement for remote working

### 5. RIGHT TO RENT CHECKS

As a result of the UK Government's announcement on 14 June 2021 to extend the date for the easing of lockdown restrictions and social distancing measures, the temporary COVID-19 adjusted Right to Rent checks will now end on 31 August 2021.

- From 1 September 2021, landlords and letting agents will revert to face-to-face and physical document checks
- Agents must either check the applicant's original documents, or check the applicant's right to rent online, if they have provided their share code

### 6. VALUATIONS AND FLOOR PLANS

Valuations and floor plans can be undertaken at the property and there are no requirements for remote working.

- No valuation or floor plan assessment should take place if any person in a property is showing symptoms of Coronavirus or self-isolating.

### 7. PROFESSIONAL PHOTOGRAPHS AND VIDEOS

Professional looking photos are vital for the marketing of any type of property and allow for the vendor or landlord to make a good first impression:

- Photos and videos can be done in person at the property with no requirements for remote working
- No photography or filming should take place if any person in a property is showing symptoms of Coronavirus or self-isolating

### 8. ADVERTISING AND MARKETING

Agents can continue to advertise, market and list property. Flyers can be delivered to letterboxes.

<sup>2</sup> <https://jmlsg.org.uk/?s=current+guidance>

<sup>3</sup> [www.gov.uk/government/publications/identity-proofing-and-verification-of-an-individual](http://www.gov.uk/government/publications/identity-proofing-and-verification-of-an-individual)

<sup>4</sup> [www.propertymark.co.uk/membership/knowledge-hub/aml-training.html](http://www.propertymark.co.uk/membership/knowledge-hub/aml-training.html)

## 9. ENERGY PERFORMANCE CERTIFICATE (EPC)

The legal requirement to obtain an Energy Performance Certificate (EPC) 9 when a property is built, sold, or rented:

- An EPC assessment can take place at the property and there are no requirements for remote working
- No EPC assessments should take place if any person in a property is showing symptoms of Coronavirus or self-isolating

## 10. LANDLORD GAS AND ELECTRICAL SAFETY REQUIREMENTS

Landlords must provide tenants with all necessary gas and electrical safety and any other relevant certification documents at the beginning of a tenancy (and carry out all scheduled inspections and tests where required). There are no requirements for remote working.

- Where work cannot be carried out, landlords must be able demonstrate they have taken all reasonable steps to comply with the law. This includes duty to comply with a remedial notice
- A landlord could show reasonable steps by keeping copies of all communications they have had with their tenants and with electricians as they tried to arrange the work, including any replies they have had. Landlords may also want to provide other evidence they have that the installation, appliance or flue is in a good condition while they attempt to arrange works

## 11. VISITS TO PROPERTY FOR ROUTINE CHECKS, REPAIRS, CLEANING, AND MAINTENANCE

Letting agents can visit property for routine checks and arrange repairs and maintenance. There are no requirements for remote working.

- Agents should not visit a property where tenants are symptomatic or self-isolating

## 12. TRADESPEOPLE

There are no requirements for remote working and tradespeople can access property to do work.

- Tradespeople should contact the household in advance to check that no member of the household is showing symptoms of Coronavirus or self-isolating. If they are, works should be delayed
- No work should be carried out by a person who has Coronavirus symptoms, however mild

### Clinically extremely vulnerable

For people who are clinically extremely vulnerable additional precautions may need to be taken in order to access the property.

## 13. VIEWING PROPERTY

No viewing should take place if any person in a property is showing symptoms of Coronavirus or self-isolating.

- Where viewings can go ahead there are no limits on the numbers of people who can attend a viewing, but it is advisable to continue to keep numbers to a minimum
- Face coverings on viewings are not required but advisory for agents and clients
- Viewings can be attended by people from different households, but advisable to keep the number of different households attending to a minimum
- After the viewing – existing homeowners and occupiers should clean surfaces and handles

**If agents are driving clients to view properties, it is advisable to wear face coverings and clean the vehicle regularly.**

### Vulnerability check

Before a viewing takes place, it is best practice to have confirmation of the consumer's health - this should include both the viewers and occupiers of the property. Agents should receive declarations of Coronavirus symptoms (current or previous) in writing prior to the viewing and keep on file. For further guidance on retaining these details see the Information Commissioner's Office Data protection and Coronavirus hub.<sup>5</sup>

## 15. PREPARING PROPERTY FOR NEW TENANTS AND INVENTORIES

Agents can carry out inventory and check-in and check-out procedures. There are no requirements on remote working.

- No inventory should take place if any person in a property is showing symptoms of Coronavirus or self-isolating

## 16. MOVE IN DATES

Agents can arrange move in dates as required, but agents should work with clients and other agents to decide a new date to move if one of the parties falls ill with Coronavirus or must self-isolate. For further information on removals view advice and guidance from the British Association of Removers<sup>6</sup>

## 17. EVICTIONS AND COURTS

From 1 June 2021, notice periods must be at least four months in most circumstances, including in cases where there are less than four months' of unpaid rent. There are exemptions for the most serious cases including anti-social behaviour, no Right to Rent and fraud. Notice periods for cases where there are less than four months of unpaid rent, will reduce to two months' notice from 1 August 2021.<sup>7</sup>

### Courts:

- On 21 September 2020, the courts started considering possession cases again
- The courts are prioritising the most serious cases (claims issued before the stay on evictions in March 2020)

### Debt Respite Scheme

The Debt Respite Scheme (Breathing Space) comes into force on 4 May 2021.<sup>8</sup>

- The purpose of the Scheme is to provide a temporary period of respite from creditor (e.g. landlord or letting agent) action to help people in problem debt (e.g. tenant) consider their options and engage with professional debt advice
- See our FAQ document for Members' on the website for further details

<sup>5</sup> <https://ico.org.uk/global/data-protection-and-coronavirus-information-hub>

<sup>6</sup> <https://bar.co.uk>

<sup>7</sup> [www.gov.uk/government/publications/covid-19-and-renting-guidance-for-landlords-tenants-and-local-authorities](http://www.gov.uk/government/publications/covid-19-and-renting-guidance-for-landlords-tenants-and-local-authorities)

<sup>8</sup> [www.gov.uk/government/publications/debt-respite-scheme-breathing-space-guidance](http://www.gov.uk/government/publications/debt-respite-scheme-breathing-space-guidance)