



# CORONAVIRUS OUTBREAK

GUIDANCE FOR SALES AND LETTINGS AGENTS (MAY 2020)

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This information is guidance for best practice. It has been developed to inform the introduction of new ways of working, to adhere to safety measures but allow agents to continue to provide a professional service to prospective clients.

## UK GOVERNMENT GUIDANCE

Having reviewed MHCLG guidance for the sector released last week, Propertymark has created overlaying best practice guidance, designed to support members in working safely and effectively. It should be used in combination with the UK Government's guidance for home moving during the coronavirus outbreak as outlined in the advice released on 13 May 2020.<sup>1</sup>

Letting agents and their landlords should be familiar with the Government's guidance on coronavirus and renting released on 28 March 2020 and ensure that tenants are aware of this advice.<sup>2</sup> Safety is paramount and we encourage everyone to closely follow available guidance to protect others and themselves.

## ELIGIBILITY

This guidance is for the selling and renting of property in **England** only and has effect from 13 May 2020. Agents should be aware that the UK Government retain the power to pause all home moves in order to manage the spread of coronavirus.

### Areas covered in this document

1. Office
2. Staff
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, courts and prescribed forms

<sup>1</sup> [www.gov.uk/guidance/government-advice-on-home-moving-during-the-coronavirus-covid-19-outbreak](http://www.gov.uk/guidance/government-advice-on-home-moving-during-the-coronavirus-covid-19-outbreak)

<sup>2</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)

## 1. OFFICE

Where agents can continue to do so they should work from home, but staff who cannot work from home (e.g. no equipment or cannot do their job away from the office) can go into the office. Essentially this should constitute the minimum number of people necessary.

Where practical the measures businesses should put in place to keep staff safe in the office should include:

- Review the office layout to ensure staff work further apart and reduce the amount of shared equipment (e.g. separate in-branch and appraisal/viewings staff)
- Consider rotating staff between working in the office and working at home
- Avoid hot desking
- A separate entry and exit to the office
- Floor tape and signage to mark areas to help employees keep to a two-metre distance
- Staggering start and finish times for staff working hours
- All surfaces and equipment to be disinfected in the morning and evening. It is advised that this is done by internal staff rather than arranging external cleaning companies in order to reduce the number of people coming in and out of the office
- Limit and restrict occupancy in group interaction spaces (e.g. kitchens and seating areas)
- Keep the office well ventilated with open windows and doors where possible
- Screens to create a physical barrier between people where affordable and feasible
- Hand sanitiser on desks

For larger offices, additional measures should include:

- All internal doors that are not fire doors to be kept open where possible
- Hand sanitiser in meeting rooms
- Holding meetings in well ventilated rooms
- Minimise instances of staff gathering for meetings
- Introducing more one-way flow routes through buildings
- Encourage the use of stairs rather than lifts
- Using protective screening for staff in receptions areas

### Visitors to all offices

Agents should discourage visitors from attending the office unless it is absolutely necessary:

- All visitors to the office should be arranged by appointment and only after all means of communication (e.g. mail, email, video call or telephone) have been exhausted
- Keep records of who has attended the office in case it is needed for COVID-19 contact tracing
- Put in place procedures to minimise person-to-person contact for any deliveries to the office

## 2. STAFF

Employees are an integral part of any businesses and must be supported whether they are working from home, in branch or conducting viewings.

The measures businesses should put in place to support staff working from home should include:

- Review and provide equipment for employees to work from home safely and effectively (e.g. laptops, appropriate desk or workstation, chairs and mobile phones including forwarding calls where the facility is available)
- Continue to monitor the well-being of employees who are working from home

The measures to support staff working in branch and from home should include using remote working tools to avoid in-person meetings. This includes encouraging consumers not to attend the office unless vital and communication cannot be done online or virtually.

The measures to support staff on viewings should include:

- Single-use protective equipment (e.g. gloves and face mask) to be supplied to staff. As an extra precaution shoe covering can be worn
- Viewing staff must use hand sanitiser and as far as possible avoid touching any surfaces in the property
- Assess the risks and document all information relating to the viewing
- Keep in touch with staff who attend viewings including, health, personal security, and welfare
- Staff to dispose of any protective equipment they use

## 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>3</sup>
- Read the Government's guidance on identity proofing and verification <sup>4</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>5</sup>

## 4. REFERENCE, CREDIT CHECKS AND PAYMENTS

Letting agents can continue to do background checks on any new tenants before they move in. Where possible payments, referencing or credit checks should be conducted remotely.

<sup>3</sup> <https://jmlsg.org.uk/?s=current+guidance>

<sup>4</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>5</sup> [www.naea.co.uk/training-qualifications/aml](http://www.naea.co.uk/training-qualifications/aml)

## 5. RIGHT TO RENT CHECKS

It remains an offence to knowingly rent premises to a person who is not lawfully in the UK. Following the coronavirus outbreak, on 30 March 2020, the UK Government made temporary changes to Right to Rent checks to continue in line with the Code of Practice: <sup>6</sup>

- Tenants can send scanned documents or a photo of documents for checks using email or a mobile app, rather than sending originals
- Checks can be carried out as video calls—ask tenants to hold up the original documents to the camera and check against the digital copy of the documents
- Agents should record the date you made the check and mark it as ‘an adjusted check has been undertaken on [insert date] due to COVID-19’
- Agents should use the Landlord’s Checking Service where a tenant cannot provide documents <sup>7</sup>

## 6. VALUATIONS AND FLOOR PLANS

Valuations and floor plans can be undertaken at the property, but agents, should as far as possible, use virtual methods to inspect a property:

- No valuation or floor plan assessment should take place if any person in a property is showing symptoms of coronavirus, self isolating or shielding
- Valuers and assessors should provide their services remotely where possible
- If visiting a property, make sure the vendors are out and that it’s hazard free before carrying out any work
- Property checks and assessments can be carried out on an unoccupied property
- Valuers should wear single use protective equipment (e.g. gloves and face mask) and dispose of these appropriately. They should also use hand sanitiser as well as use anti-bacterial wipes to wipe down any areas they touch. As an extra precaution shoe covering can be worn
- Keep records of who has attended the property in case it is needed for COVID-19 contact tracing
- Agents should be clear in any reports about areas which they were not able to inspect due to public health limitations

## 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:

- No photography or filming should take place if any person in a property is showing symptoms of coronavirus, self isolating or shielding
- Only one photographer or videographer may visit a property at any one time
- Make sure the occupiers are outside of the property and the property is hazard free
- Single use protective equipment (e.g. gloves and face mask) should be worn and disposed of appropriately. They should also use hand sanitiser as well as use anti-bacterial wipes to wipe down any areas they touch. As an extra precaution shoe covering can be worn
- Agents should ensure they have policies and procedures in place to obtain consent and protect personal data in line with the General Data Protection Regulations

## 8. ADVERTISING AND MARKETING

Agents can continue to advertise, market and list property. To reduce the spread of coronavirus agents are advised not to put flyers in letterboxes.

<sup>6</sup> [www.gov.uk/guidance/coronavirus-covid-19-landlord-right-to-rent-checks](https://www.gov.uk/guidance/coronavirus-covid-19-landlord-right-to-rent-checks)

<sup>7</sup> <https://eforms.homeoffice.gov.uk/outreach/lcs-application.ofml>

## 9. ENERGY PERFORMANCE CERTIFICATE (EPC)

The legal requirement to obtain an Energy Performance Certificate (EPC) <sup>8</sup> when a property is built, sold, or rented remains in place:

- Where an EPC assessment needs to be carried out, the UK Government's social distancing measures and guidance for carrying out work in people's homes must be adhered to <sup>9</sup>
- EPC assessments can continue where a property is empty
- No EPC assessments should take place if any person in a property is showing symptoms of coronavirus, self-isolating or shielding

## 10. LANDLORD GAS AND ELECTRICAL SAFETY REQUIREMENTS

Landlords should make every effort to follow existing gas safety regulations and the electrical safety regulations which come into force on 1 July 2020:

- 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)
- Where inspections have already been carried out, documents can be provided by post or in some circumstances it may be possible to provide digital copies
- Both regulations allow for situations where a landlord cannot carry out their obligations e.g. a tenant has coronavirus symptoms, is self-isolating or shielding
- 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 but must communicate with tenants prior to arrival:

- Agents should give tenants at least 24 hours' notice before the time of visit in writing or email, with details about who will enter, the time and include the reason for visiting
- Agents should also outline to tenants before arriving (in writing) and on arrival (verbally), that social distancing (e.g. residents staying in another room during the visit) and hygiene measures should be followed
- Agents should not visit a property where tenants are symptomatic or self-isolating, or where it has been determined that they are clinically extremely vulnerable and are shielding
- Agents should wear protective equipment (e.g. gloves and face mask) and dispose of these appropriately. They should also use hand sanitiser as well as use anti-bacterial wipes to wipe down any areas they touch. As an extra precaution shoe covering can be worn
- Repairs, cleaning, and maintenance should be conducted in the period between a property being vacated and a new tenant moving in
- Where this is not possible and visits are needed to an occupied property, this should be done by appointment with measures put in place to ensure social distancing

<sup>8</sup> [www.gov.uk/guidance/coronavirus-covid-19-energy-performance-certificates](http://www.gov.uk/guidance/coronavirus-covid-19-energy-performance-certificates)

<sup>9</sup> [www.gov.uk/guidance/working-safely-during-coronavirus-covid-19/homes](http://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19/homes)

## 12. TRADESPEOPLE

There is an expectation from the UK Government that tradespeople follow the Government's safer working guidance<sup>10</sup> and companies should ensure employees understand how to operate safely and communicate this to customers:

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

## 13. VIEWING PROPERTY

To reduce the spread of coronavirus and keep the market moving, it is important that only consumers who are serious about making an offer can physically view property:

- Identification, moving and financial situation should be checked prior to consumers viewing property
- No speculative viewings
- Follow a two-step process. Step one virtual viewings, step two controlled viewings
- Open house viewings are not allowed
- Viewings can only be attended by people from the same household and children are discouraged from attending
- Agents can accompany viewings and should maintain, where possible, a minimum two metre distance from others
- Viewings should be carried out by agents rather than the occupiers. If the agent cannot attend, then owners and occupiers must be fully briefed in terms of social distancing obligations
- Agents should not drive clients to appointments

### Step 1, virtual viewings

Once the property is on the market all viewings should be done virtually and online initially (e.g. by viewing a video of the property).

### Step 2, controlled viewings

Visiting property is a crucial step when purchasing a new home. To assist this process:

#### Before the viewing:

- No viewing should take place if any person in a property is showing symptoms of coronavirus, self isolating or shielding
- Controlled viewings of property should be made by appointment only, subject to all parties providing a declaration of coronavirus symptoms (current or previous) before viewing the property. A declaration should be made in writing or via email and records kept accordingly
- Anyone living at the property must agree in writing or via email to each physical viewing
- Consumers should confirm in writing or via email that they have appropriate protective equipment (e.g. gloves and face mask) before attending the viewing. Without confirmation the viewing should not go ahead. As an extra precaution shoe covering can be worn
- All use of protective equipment should be disposed of appropriately by consumers
- Make sure the owners or occupiers are out and the property is hazard free, including where possible any communal areas

<sup>10</sup> [www.gov.uk/guidance/working-safely-during-coronavirus-covid-19](https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19)

### **Vulnerability check:**

- The agent should have confirmation of the consumer's health by receiving declarations of coronavirus symptoms (current or previous) in writing prior to the viewing and kept on file. For further guidance see the Information Commissioner's Office Data protection and Coronavirus hub <sup>11</sup>
- Do not conduct any viewings where anyone living in the property is exhibiting COVID-19 symptoms, however minor they may be
- If an occupant of the property, or a potential buyer are self-isolating or have been in contact with someone with COVID-19 within the past 14 days, then the viewing cannot take place until the shielding period is complete
- If anyone is ill with respiratory symptoms, they cannot come to the property, and if the vendor or anyone in their household is ill, no one can come to the property
- For further advice contact Public Health England or local public health teams <sup>12</sup>

### **During a viewing:**

- Do not schedule back to back viewings
- There should be sufficient time between each viewing for any necessary cleaning to take place
- Consumers should wait at a distance from the property until they are told they can enter
- Viewings must be contactless. The agent should ensure that all lights are on, cupboards and doors are open (as well as any other specific areas such as loft hatches and setup loft ladder) to reduce the need to touch anything
- Only two adults (plus the agent) can attend a viewing at any one time together. Where possible children are discouraged from attending
- The length of time viewing the property should be kept to a minimum

### **After the viewing:**

- Existing homeowners and occupiers should clean surfaces and handles.

### **Second viewing:**

- Additional visits to view property can take place but should be kept to a minimum
- It is recommended that these take place after consumers have agreed terms
- The two-step process (step one virtual viewings and step two controlled viewings) should be followed with the relevant social distancing and hygiene measures carried out

## **14. ACCEPTING OFFERS AND RESERVING PROPERTY**

Offers can be accepted and property can be reserved. To satisfy these requirements:

- All offers should be presented to the seller by email, letter, phone, or video call, but an offer is not legally binding in England until contracts are exchanged
- Buyers who are ready to accept an offer and countersign a sale and purchase agreement should not meet to do this in person
- Buyers should sign it electronically, or by contactless delivery from either the agent or a courier. The offer will need to be signed and couriered back

<sup>11</sup> [ico.org.uk/global/data-protection-and-coronavirus-information-hub](https://ico.org.uk/global/data-protection-and-coronavirus-information-hub)

<sup>12</sup> [www.gov.uk/government/organisations/public-health-england](https://www.gov.uk/government/organisations/public-health-england)

## 15. PREPARING PROPERTY FOR NEW TENANTS AND INVENTORIES

Agents can carry out inventory and check-in and check-out procedures but must adhere to social distancing and hygiene rules to minimise possible spread of coronavirus:

- No inventory should take place if any person in a property is showing symptoms of coronavirus, self isolating or shielding
- Where possible inventories should be conducted in the period between a property being vacated and a new tenant moving in
- Try to ensure the property has been completely empty for at least 72 hours before doing the inventory and then remain empty for at least 72 hours afterwards (72 hours being the apparent time the virus can stay alive outside of the human body on surfaces) <sup>13</sup>
- If this is not possible make sure that neither the inventory clerk nor anyone in the property has got any coronavirus symptoms
- While at the property, make sure the inventory clerk and any occupants are not in the same room at the same time; ideally have the occupants outside the property during the process
- Where this is not possible and visits are needed to an occupied property, this should be done by appointment with measures put in place to ensure social distancing

## 16. MOVE IN DATES

Agents should do what they can to promote flexibility when arranging move dates:

- Advise clients to ensure contracts have explicit terms to manage the timing risks presented by coronavirus.
- 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
- Agents should ensure that any keys are appropriately cleaned before handover. The UK Government have provided advice on cleaning for non-health care settings <sup>14</sup>
- For further information on removals view advice and guidance from the British Association of Removers <sup>15</sup>

<sup>13</sup> [www.gov.uk/government/publications/covid-19-decontamination-in-non-healthcare-settings](https://www.gov.uk/government/publications/covid-19-decontamination-in-non-healthcare-settings)

<sup>14</sup> [www.gov.uk/government/publications/covid-19-decontamination-in-non-healthcare-settings/covid-19-decontamination-in-non-healthcare-settings](https://www.gov.uk/government/publications/covid-19-decontamination-in-non-healthcare-settings/covid-19-decontamination-in-non-healthcare-settings)

<sup>15</sup> <https://bar.co.uk>



## 17. EVICTIONS, COURTS, AND PRESCRIBED FORMS

Under the Coronavirus Act 2020, from 26 March 2020 until 30 September landlords will have to give all renters three months' notice if they intend to seek possession of the property:

- When using either Section 8 or Section 21 notice, landlords must give at least three months' notice before they can apply to the court for possession. This applies regardless of which ground is used for Section 8
- The legislation covering notice periods is in force until 30 September 2020. It is subject to review and may be extended

### **Courts:**

- As well as the provisions in the Coronavirus Act 2020 all housing possession cases in the courts have been suspended
- All new or existing claims for possession are suspended for a 90-day period from 27 March 2020

### **Prescribed forms:**

- The UK Government has changed Form 6A Notice seeking possession of a property let on an Assured Shorthold Tenancy to reflect the change in law under the Coronavirus Act 2020
- The Form 6A should be used by landlords in England up to 30 September 2020