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RENTERS' RIGHTS BILL TOOLKIT

# Student rental market: what letting agents need to know



Under the Renters' Rights legislation, student tenants will fall into different categories with varying levels of protection depending on where they choose to rent.

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## What letting agents need to know

### New periodic tenancies

When the legislation comes into force, all tenancies in the private rented sector will automatically become assured periodic tenancies (rolling contracts running month to month or week to week without any fixed term).

This means that they continue indefinitely until ended by a notice from the tenant or a notice from the landlord for specific reasons. If there are joint tenants, then notice given by one will be effective for all tenants.

### End of the Section 21 eviction notice

The Renters' Rights legislation abolishes Section 21 evictions, meaning landlords must instead use a Section 8 ground for possession – these are specific circumstances in which a landlord can regain possession.

### New type of notice for landlords to serve on students

Under the new rules, landlords won't be able to give notice to tenants without a reason. The UK Government has created an exception to this, which will allow landlords renting HMOs to full-time students to gain possession.

Landlords will be able to give a notice to require students to leave the property at the end of the academic year. This is a Ground 4A notice.

#### However, this will only apply in certain circumstances:

- The tenants are all full-time students at the time the tenancy is granted, and Ground 4A will only be available to a landlord who intends to rent the property to a new set of full-time students (or the landlord reasonably thinks they will become so during the tenancy) in the next academic year.
- Landlords must serve at least four months' notice, and the date specified in the Ground 4A notice must fall between 1 June and 30 September when the landlord wants the students to move out.
- The notice will only apply to full-time students living in an HMO (House in Multiple Occupation).

If the property is let on a joint tenancy, each tenant must be a full-time student when the tenancy begins, or the landlord must reasonably think they will become full-time students during the tenancy at that point, for the ground to be relied upon.

If there are individual tenancies between the landlord and each tenant within an HMO, only tenants who meet the student criteria can be evicted.

Landlords will be required to provide a written notice before the tenancy is entered into of their intention to use the ground on the basis that the current tenants are full-time students (or the landlord reasonably thinks they will become so during the tenancy) and the landlord intends to relet the property to new full-time students. Unless a written notice is provided, landlords will not be able to regain possession using a Ground 4A notice.

The UK Government has created the Ground 4A notice to allow the annual cycle of student letting to continue. Landlords will not be able to use the ground if the tenancy was agreed more than six months in advance of the tenancy starting (i.e. the tenant moving in).

A full-time student means a person receiving education provided by means of a full-time course at a prescribed educational establishment, such as a university or higher education college.

## What is an HMO?

Under the Renters' Rights legislation, the definition of an HMO (House in Multiple Occupation) is taken from the Housing Act 2004. Therefore, to be defined as an HMO under the Renters' Rights legislation, a building, or part thereof, must fall within one of the following categories:

- a building or flat in which two or more households share a basic amenity, such as a bathroom, toilet or cooking facilities (the standard test or the self-contained flat test).
- a building that has been converted and does not entirely comprise self-contained flats (the converted building test).
- a building that is declared an HMO by the local authority.
- a converted block of flats where the standard of the conversion does not meet the relevant building standards and fewer than two-thirds of the flats are owner-occupied (a section 257 HMO).

## Students living in university accommodation or halls

As the new rules only impact tenants on ASTs, students living in halls will not be affected by the changes to notices or the new rolling contracts. That is because students living in halls have licence agreements.

Students who have a tenancy granted by a university, such as houses or flats owned or operated by a university, will not have an AST and won't be affected by the new rules.

## Purpose-built student accommodation run by private companies

Under the Renters' Rights legislation, accommodation offered to students in private student halls (Purpose Built Student Accommodation - PBSA) will be exempt from the new tenancy rules. However, the exemption is only effective if the companies managing such buildings agree to join an approved code of practice.

## Rent in advance

The Renters' Rights legislation bans landlords or letting agents from requiring or accepting any payment of rent in advance of the tenancy being entered.

## Monthly rent payments

A landlord will only be able to require up to one month's rent (or 28 days' rent for tenancies with rental periods of less than one month) once a tenancy agreement has been signed and before commencement. This is important to note because some students prefer to pay rent on a termly or quarterly basis to line up with their funding. Tenants will be able to pay rent in advance voluntarily but can't be forced to do so.

### Guarantors and affordability checks

The impact of banning rent in advance means that international students will likely be impacted, as this is often a way of supporting referencing and mitigating a landlord's risk against rent arrears. Students in this position may need to sign up for a UK guarantor scheme.

### Managing the changes

1. **Review tenancy agreements** - ensure agreements reflect the move to periodic tenancies and are clear about notice periods.
2. **Let HMOs by room instead of a joint tenancy** – this can minimise the risk that one tenant serves notice to quit for all.
3. **Plan for check-out alignment** - encourage landlords to align tenancy marketing and check-out processes with academic calendars as far as possible.
4. **Strengthen relationships with universities** - work with local institutions, student unions, and accommodation offices to anticipate demand and manage early departures.
5. **Advise landlords on risk management** - help clients understand how voids may increase and explore rent guarantees, insurance products, or more flexible tenant profiles.
6. **Diversify offers** - explore short-term, postgraduate, or summer rental opportunities that periodic contracts may make easier to manage.

### Further information

#### Renters' Rights legislation

<https://bills.parliament.uk/bills/3764>

#### UK Government guidance

<https://www.gov.uk/government/publications/guide-to-the-renters-rights-bill/guide-to-the-renters-rights-bill>





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