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RENTERS' RIGHTS BILL TOOLKIT

# Supporting property agents to adapt



The Renters' Rights legislation introduces the biggest changes to the private rented sector in England for over 30 years. In this guide, we outline the key things you need to know and what you need to think about to help you adapt.

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Propertymark ensures members follow best practice, commit to training, and are bound by a strict code of conduct.

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## Key changes

### The end of Section 21 no-fault eviction

The Renters' Rights legislation abolishes Section 21 evictions, meaning that landlords have to rely on expanded Section 8 grounds to evict tenants.

A landlord can state more than one ground for possession as long as they demonstrate that the grounds stated are applicable.

Importantly, under the grounds for possession, landlords will still be able to regain possession of their properties if they wish to sell, or if they or a family member wants to move in; however, neither of these grounds can be used for the first 12 months of a tenancy.

### Top tips

A Section 8 notice will be the only way for landlords to regain possession of their properties, so familiarise yourself with the Section 8 grounds, both mandatory and discretionary grounds have been updated.

Landlords will have to provide evidence to justify every possession claim. Therefore, keep detailed records of all tenant communication, repairs and any rent arrears, including dates and amounts.

Ensure the deposit is protected correctly at the start of the tenancy so the possession order is not rejected – this is particularly relevant when landlords are claiming rental arrears.

### Periodic tenancies

Under the Renters' Rights legislation, assured shorthold tenancies (ASTs) will be replaced by assured periodic tenancies.

This means that all tenancies will operate on a rolling, month-to-month basis, and there will be no minimum term for new or existing tenancies.

Tenants will have the ability to terminate their tenancy by serving 2 months' notice; however, the end of the tenancy will need to align with the dates of the rental period.

### Top tips

The transition from ASTs to periodic tenancies will require an update to all existing and future agreements.

Any attempt to create a fixed term or use a break clause or notice to quit is an offence.

Have a system to manage tenant notices to ensure properties are re-let quickly.

### Changes to rent increases

Rent increases will be limited to once per year, and a Section 13 notice is the only way of increasing rent.

Landlords must give tenants at least two months' notice of a rent increase.

Tenants have the right to challenge unfair rent increases through the First Tier Tribunal.

#### Top tips

Set up a rent review calendar to plan rent adjustments, as you will likely have to handle a much higher volume of notices.

Ensure rent increases are based on local market conditions (prices of similar properties let in the area or from other data sources) to avoid disputes, and you can evidence this.

Keep clear records of rent changes and justifications, as well as keep an audit trail of when Section 13 notices were issued.

### Rent in advance

The Renters' Rights legislation bans landlords from inviting, encouraging or accepting payments of rent before a tenancy agreement is signed and ensures that any breaches may be subject to local authority enforcement action.

Between a tenancy agreement being signed and that tenancy beginning, a landlord may require no more than one month's rent (or 28 days' rent for tenancies with rental periods of less than one month).

Once the tenancy starts, landlords will be unable to enforce any terms in a tenancy agreement that require rent to be paid in advance of agreed-upon due dates.

#### Top tips

The UK Government is clear that landlords and letting agents should consider a tenant's individual circumstances when negotiating rental conditions.

Where a tenant cannot satisfy pre-tenancy checks, a landlord can require a tenant to provide a guarantor.

While landlords will be restricted from including terms in a tenancy agreement which require rent to be due in advance of the rent period to which the rent relates, tenants will remain free to pay before the rent due date should they wish to do so.

### Ban on rental bidding

The legislation bans rental bidding, which is the inviting, encouraging or accepting of a higher rent when letting a property.

Landlords and letting agents will be required to publish an asking rent for their property. They will then be prohibited from inviting, encouraging or accepting offers of rent above this price.

### Top tips

If there is no advert for the property, then the amount must be specified in the written offer.

Some landlords may consider setting slightly higher rents upfront. While this is permitted, it must be balanced against tenant affordability and local demand to avoid prolonged vacancies.

Stay compliant by advertising properties at a fixed rent, avoiding informal negotiations above the listed price and keep clear records of all offers and communications.

### Private Rented Sector Database

All landlords will be legally required to register themselves and their properties on a new national Private Rented Sector Database. There is a registration fee for landlords to list themselves and their properties on the Database.

### Top tips

Landlords and their properties must be registered on the Database before they can be let, or before they are advertised or marketed for let.

Database identification numbers for landlords and rented property must be included in adverts.

Work with your landlords to ensure they and their properties are registered. Agents who advertise unregistered properties can face civil penalties of up to £7,000 for a first offence, with fines potentially reaching £40,000 for repeat offences.

### Meeting the Decent Homes Standard

Landlords must meet the Decent Homes Standard when renting out property in the private rented sector. This means the property must be:

- Safe and well-maintained.
- Free from serious hazards.
- Fit for human habitation.
- Meet Awaab's Law requirements, requiring landlords to address damp and mould and serious issues within set timescales.

The UK Government have consulted on the matter with planned reforms scheduled to be implemented in 2035 or 2037.

### Top tips

Carry out regular property inspections and pay close attention to common issues such as damp, heating and ventilation.

Review EPC ratings and begin planning for energy efficiency improvements.

Ensure all gas, electrical and fire safety certificates are in place.

Keep clear records of maintenance and repairs.

### New Private Rented Sector Ombudsman

Under the Renters' Rights legislation, regardless of whether they use a professional agent or not, all landlords will have to join a new Ombudsman service which will provide complaint resolution services for tenants and have the power to compel landlords to issue apologies, provide information, carry out remedial action, and pay compensation.

### Top tips

Agents who advertise properties where the landlord is not registered could face enforcement action from local councils, ranging from civil penalties of up to £7,000 to criminal prosecution or fines of as much as £40,000 for repeated breaches.

Landlords will be required to pay a small annual fee per property.

Landlords and agents will remain responsible for their own actions and behaviours, as well as the respective services they have agreed and are legally bound to provide to tenants. Tenants and landlords will still be able to complain about agents and receive redress through the existing agent redress schemes.

### Stronger protection against tenant discrimination

The new law bans discrimination against tenants with children or on benefits. Tenant selection must be based on financial suitability only.

This will include both overt discriminatory practices, such as 'No DSS' adverts, and situations where landlords or letting agents use other indirect practices to prevent someone from entering a tenancy, such as requiring higher deposits or sums of rent in advance that are not otherwise applied to tenants without children or in receipt of benefits.

### Top tips

Review your tenant referencing and screening processes.

Focus on affordability, income, references and credit history only when assessing applicants.

Review and remove any outdated policies that might unintentionally exclude certain groups.

### Renting with pets

Tenants can request to keep pets, and landlords must not unreasonably refuse. It will always be reasonable for a landlord to refuse a request when their superior landlord (freeholder) does not allow pets.

Where a tenant feels that a landlord has unreasonably refused their request, they will be able to escalate their complaint to the Private Rented Sector Ombudsman, or they could take the case to court. A final decision will be based on the evidence provided by both parties.

### Top tips

Landlords will be required to fully consider all requests on a case-by-case basis.

Work with your landlords to develop a fair pet policy based on the suitability of the property and the type of pet.

Set up a process to respond – pet requests from tenants must be responded to within 28 days.

### Stronger local authority enforcement

Councils have greater powers to investigate landlords and lettings agents and enforce compliance.

Initial non-compliance will incur extended civil penalties of up to £7,000, and serious, persistent, or repeat non-compliance, a civil penalty of up to £40,000, with the alternative of a criminal prosecution.

Councils will be provided with a range of new investigatory powers which will allow them to enforce new reforms, including powers to require information from letting agents and powers of entry to business and residential premises.

## Top tips

Carry out an inventory and check-in and out report on all tenancies, as well as conduct regular property inspections to ensure ongoing compliance.

Keep records of all property checks, quotes, invoices and communications.

Engage with your local authority where you manage property, sign up for any newsletters and attend local forums to stay ahead as enforcement will be stricter.

## Training to support members

Your exclusive opportunity to learn from renowned industry experts who will take you through some of the main areas where the legislation will affect landlords and agents. She will provide tips, insights and advice on how to understand the changes and adapt.

### Topics include

- The end of fixed-term tenancy agreements
- The abolition of Section 21 and what this will mean for landlords and letting agents
- Preparing for the new repossession rules
- Dealing with the new rules for increasing rent
- New rules on the Decent Homes Standard and Awaab's Law
- Written Statements and new rules for tenancy agreements
- The new enforcement rules and rent repayment orders.



Virtual course



Various dates available | 10:00 – 12:00 am



£99.00 +VAT for members



[propertymark.co.uk/preparing-for-the-renters-rights-bill](https://propertymark.co.uk/preparing-for-the-renters-rights-bill)

## Member helplines

Run by trained specialists, there is no limit to how often you can benefit from this free service. The support helps you with any day-to-day questions, along with general business practice and new legislation.

We may already have the answer, though. Take a look at the suite of Helpline FAQs covering recent inquiries and important topics.

**[propertymark.co.uk/membership/helpline](https://propertymark.co.uk/membership/helpline)**

## Compliance support

With resources stretched, few agents can be up to date on every area of compliance all the time. Our supportive and knowledgeable Compliance Support Experts can help. They will visit members in their offices and identify areas that are vulnerable to enforcement action and help make the changes they need before fines are issued.

The Compliance Support Experts will visit your branch on an agreed date to work with your team for around three hours, focusing on areas including (but not limited to) anti-money laundering, client money protection, data and consumer protection.

At a minimal cost with a confidential report of easy-to-follow actions, find out more and book a visit.

**[propertymark.co.uk/professional-standards/calm-about-compliance](https://propertymark.co.uk/professional-standards/calm-about-compliance)**

## Regional Conferences

Propertymark holds Regional Conferences for its members, providing opportunities to network, learn about industry legislation and best practices, and earn Continuing Professional Development (CPD) credits. Attend your next conference to get the latest updates on the Renters' Rights legislation and changes affecting your work in the private rented sector.

**[Propertymark.co.uk/careers-learning/conferences.html](https://propertymark.co.uk/careers-learning/conferences.html)**

### 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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