

A Quick Guide To The Renters' Rights Act

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The Renters' Rights Act proposes major reforms to the private rental sector in England and (to a lesser extent) Wales and Scotland - affecting landlords, letting agents, and tenants alike.

In this quick guide, SC&W Partner and leading housing law expert David Smith summarises the most important changes, including:

- Restrictions on rent bidding and marketing practices
- Greater rights for tenants to keep pets
- New tenancy structure and rules on rent increases
- Clearer grounds for termination and limits on "no-fault" evictions
- Expanded local authority powers for enforcement

This briefing is essential for anyone involved in residential property letting or management.



Marketing

RENT BIDDING

All rental adverts must include a specific sum for rent. If there is no advert then this sum must be specified in the written offer.

Prospective tenants can be asked to bid up to the advertised sum but cannot be encouraged to bid over that sum and no offer over the advertised sum can be accepted.

Care should be taken in accepting very high bids as tenants can ask for the rent to be reduced in the first six months of the tenancy if the rent is over the market level, even if they bid that sum.

DATABASE AND REDRESS

Landlords must join the Private Rented Sector Database and the PRS Landlord Ombudsman before the property can be marketed. Database identification numbers for landlord and property must be included in adverts.

PETS

Properties may be advertised as being unavailable for pets but subject to the Equality Act prevention of discrimination against disabled people so service animals must be permitted. However, landlords may not unreasonably refuse a tenant request to keep a pet once the tenancy has begun (see below).

DISCRIMINATION

A landlord may not discriminate against prospective tenants on the basis that:

- they might or will have children living at the property or visiting regularly; or
- they are or might be in receipt of state benefits.

Landlords may discriminate if there is an insurance policy which pre-dates the RRA and has not been extended or renewed and it has a clause requiring that the property not be let to tenants on benefits or with children. Otherwise no restriction in an insurance policy, mortgage, or superior lease will be effective if it prohibits children or benefit tenants.

Landlords may discriminate if it is a proportionate means of achieving a legitimate aim. So, refusing children if it would lead to the property being statutorily overcrowded. Income is also a valid consideration when considering tenants on benefits and nothing prevents them being refused on the basis that they cannot afford the rent.

The discrimination provisions will also apply in Wales and Scotland, but subject to implementation timelines and guidance from their respective devolved governments.

Tenancy Setup

TENANCY TERMS

Landlords must give the tenant a written statement of the terms of the tenancy in the form specified by government. On implementation existing tenants will have to be given a government provided note of what is changing within one month, but will not need their tenancy agreements replaced.

Rent cannot be taken in advance of the tenancy agreement being signed and executed, but the deposit can be.

TENANCIES

All tenancies are assured periodic tenancies from the outset. So they continue indefinitely until termination by tenant notice or landlord notice for specific reasons. Any attempt to create a fixed term or use a break clause or notice to quit is an offence.

RENT

Rent periods may only be monthly or less. Nothing longer can be asked for. For the first month only one month can be accepted. In subsequent months tenants can voluntarily pay more but cannot be required to do so. Tenancies that pre-date the RRA can have rent in advance clauses and rely on them.

Rent can only be increased annually by service of a statutory s13 notice. Rent increase clauses and agreements to increase the rent are of no effect. The s13 notice must specify a new market rent and a rent payment date which is not less than two months in the future when the rent will increase to that sum.

After a s13 notice has been served a landlord and tenant can agree a rent which is lower than the sum specified on the notice by way of a written agreement. Otherwise the rent increases automatically on expiry of the notice unless the tenant applies to the First-Tier Tribunal to contest the increase.

There is no fee to apply to the FTT. The FTT will use the rents for comparable properties to determine the proper market rent. The rent will not increase until the next rent due date after the FTT makes its determination or the FTT can add a further two-month delay in cases of undue hardship. The government is intending to create a new body to assess rents without involving the FTT presumably as a first step with the FTT as an appeal option.

Property Management

STANDARDS

The Decent Homes Standard is added to the Housing Health and Safety Rating System (HHSRS). This allows local authorities to immediately issue fines for more serious failings of standards.

Awaab's law will be added to the PRS and requires landlords to investigate damp and other serious hazards promptly and deal with them on a set timelines. Failure to comply allows the tenant to seek damages alongside those for disrepair.

PET REQUESTS

A landlord may not unreasonably refuse an existing tenant's request to keep a pet. Requests to keep pets must be responded to within 28 days. If a superior landlord prohibits pets and they will not give permission when asked this is a reasonable basis to refuse a pet. In other cases it will be for the landlord to show that the request was reasonable. If a landlord refuses a pet unreasonably then the tenant can complain to the redress scheme or simply get the pet anyway and defend any attempt to evict them for having a pet on the basis that the refusal was unreasonable.

Tenancy Termination

NOTICES

A tenant may terminate the tenancy at any point by serving a two-month notice in writing on the landlord. That notice must expire at the end of a period of the tenancy (the day before the rent is due). If there are joint tenants then notice by one will be effective for all tenant.

A landlord may only terminate the tenancy by serving a s8 notice specifying one or more appropriate grounds for possession. Different grounds have different notice periods. The notice is to be provided on the government website and can be changed at any time by altering it on the website. A summary of the main grounds for possession can be found below. Negligently or wilfully telling a tenant that you intend to rely on a ground or service of a notice that is defective or relies on grounds without foundation is an offence if the tenant leaves within four months of the notice being served without the matter going to court.

INVESTIGATION AND ENFORCEMENT

Local Authorities have increased investigatory powers. The requirement to give notice before entering a property

to assess whether an HMO licensing offence has been committed has been removed by the RRB. Authorities also have considerably increased powers to enter premises used by property businesses, which is broadly defined, if they believe that the business has information about the commission of a property offence, even if that business is not itself committing an offence. The new investigatory powers come into effect automatically two months after Royal Assent.

Local authorities are obliged to enforce new offences and penalties under the RRA. Any offence under the RRA can also be dealt with by way of a civil penalty. Most penalties are £7,000 for a first offence, rising to £40,000 for repeat offending.

Tenants may apply to the FTT for a Rent Repayment Order for up to 24 months of rent for many offences and they are able to make those application for up to 24 months after the offence ceases to be committed, rather than the current 12 months.

Redress schemes can also deal with tenant complaints and can require payment of damages or eject a landlord from the scheme for serious breaches.

TIMELINES

One of the harder things for most people to understand is what they have to do as the Renters' Rights Act is rolled out and when things are likely to come into effect. Most of the Act will not come into force immediately on Royal Assent and some parts of it will take some time to put together as it relies on other things being operative. It is not possible to be certain when each part comes into effect until the government formally announces it, and even then implementation dates can be changed at short notice. However, it is possible to make some educated guesses as to when things are likely to come into effect. What has to happen at those points is rather more clear as much of it is set out in the RRA itself.

Renters' Rights Act - Implementation Timelines

DATE	EVENT	NOTES
* Represents an estimated date		
27 October 2025	Royal Assent	This makes the Bill an Act and allows for the making of regulations only but most of the provisions do not come into force immediately. The provision allowing a for a single Lead Enforcement Authority comes into effect at Royal Assent.
Two months after Royal Assent 27 December 2025	Automatic commencement of: <ul style="list-style-type: none"> - New exemptions to HA 1988 tenancies - LHA reporting duties - New LHA investigatory powers 	Leases over 21 years will no longer be ASTs. Local authorities will have new investigation powers including not having to give notice before entering suspected HMOs, warrantless entry to property businesses, wide powers to remove documents.
* January 2026		Wording of tenancy agreements made available.
* March 2026		New leaflet to be sent to all existing tenants made available.
1 May 2026	Implementation of: <ul style="list-style-type: none"> - Ending s21, fixed terms, ASTs - New grounds of possession - New rent increase rules - New wording for tenancy agreements - Bans on rent in advance - Permission for pets - Non-discrimination provisions 	This is the implementation of the core parts of the Act that most people will have heard of such as ending s21 and fixed terms, controlling rent increases more tightly etc. Landlords and agents will not be able to discriminate against tenants or prospective tenants on the basis that they have children visiting or living with them or are on state benefits.
1 June 2026 after implementation of S21 changes	Notice service	All existing tenants must be sent a copy of the government-provided leaflet explaining what is changing in their tenancies. All student tenants must be sent a notice of the intention to rely on ground 4A if the landlord wishes to do so.
1 August 2026		All possession claims for old s8 and s21 notices must be issued by this date
* Through 2027	Implementation of: <ul style="list-style-type: none"> - PRS database 	The PRS database will be rolled out regionally first in the first part of 2027 before being made available across England. There will be an annual fee which landlords will need to pay. The database will contain landlords contact information, information about the size and layout of the property, and required safety certificates.
2028	Implementation of the Landlord Ombudsman	The identity of the Landlord Ombudsman will be announced in 2027 with landlords being required to join in 2028.
* Phase 3 implementation from 2030	Decent Homes Standard Awaab's Law (probably) Energy Performance Certificate changes	The Decent Homes Standard will be implemented between 2035 and 2037. The government has also said that it will implement EPC changes to require a level C in 2030. There is no date for Awaab's law implementation in the PRS but a similar timeline seems likely. The government has also said it will update the HHSRS but has not said when.
Unknown	Wales and Scotland to implement anti-discrimination provisions.	Wales and Scotland have been granted powers to ban discrimination against children and tenants on benefits. They have not said whether they will implement these powers at all or indicated a timeline. Wales may not do this at all if it is not done before the Welsh Senedd elections in May 2026.