Renters' Rights Act Week 1 | Commonly Asked Questions

With Phase One now in effect, the Renters' Rights Act has introduced significant changes for landlords, tenants, and letting agents alike. Our team of experts has been working closely with customers to navigate the new legislation, providing guidance, and answering the most pressing questions arising from these changes.

To help keep you informed and prepared, we have compiled some of the most frequently asked questions about the new rules, their impact, and what they mean in practice.

DO LANDLORDS NEED TO ISSUE ANYTHING TO EXISTING TENANTS?

Yes. It is expected that by 31st May 2026, landlords and letting agents must give tenants (who had a tenancy start prior to May 1st) a copy of a government-produced information sheet.

WHAT HAPPENS IF A SECTION 21 NOTICE IS SERVED BEFORE 1ST MAY 2026?

If a landlord served a valid Section 21 notice before 1st May 2026, it remains valid. The notice may still be acted upon after 1st May, provided the notice was served correctly, it has not expired and all procedures were followed. After 1st May, no new Section 21 notices can be issued. If a Section 21 notice served expires by 1st May, it becomes invalid and a Section 21 cannot be re-issued.

DO LANDLORDS NEED TO ISSUE NEW TENANCY AGREEMENTS?

No. Existing tenancy agreements do not need to be replaced. This has been a major misconception, as many were expecting that new tenancy agreements would need to be issued overnight. However, this is not the case.

All current fixed-term and periodic ASTs that existed before 1st May automatically converted into the new periodic tenancy model, regardless of their end date and agents will be required to issue the guidance provided by the Government.

WE ALREADY HAVE SIX MONTHS' ADVANCE RENT PAID BEFORE 1ST MAY – WHAT HAPPENS?

Use it up as normal. Once exhausted, the tenancy reverts to monthly payments. You can only require rent on the due date each month. However, if the tenant voluntarily offers advance rent after the tenancy has started, you may accept it, but must refund any unused portion if the tenant gives notice or asks for it back.

RENT INCREASE IS DUE IN MAY OR JUNE – WHAT DO WE DO?

From May 1st you are required to serve a Section 13 with the rent increase. You are required to give two months notice of the increase.

DO TENANTS NOW HAVE AN AUTOMATIC RIGHT TO KEEP A PET?

Tenants now have the right to request a pet in their property. The Act does not give tenants an automatic right to keep one, but landlords must consider the request fairly and can only refuse for a reasonable reason.

WHAT COUNTS AS A REASONABLE REFUSAL?

- Landlords can refuse a request for a pet under the following circumstances:
- Superior Landlord/Freeholder Restrictions: If the landlord is a leaseholder and their own lease agreement prohibits pets, this is an acceptable reason to refuse.
- Property Suitability: The property is too small for the specific pet, such as a large dog in a small flat, or lacks adequate outdoor space.
- Health and Safety Risks: Another resident in the building has a severe, documented allergy.
- Nuisance or Welfare Concerns: The pet is likely to cause significant noise, odours, or nuisance to neighbours, or there are concerns about the welfare of the animal.
- Not all (joint) tenants agree to the pet being kept in the property.
- The animal is illegal to own.

IS IT NOW DISCRIMINATORY TO SELECT A TENANT BASED ON INCOME?

No, landlords may consider a tenant's income when assessing whether the rent is affordable. They are not in breach if an applicant does not meet a specified income requirement, regardless of whether the applicant has children or receives benefits.

Pre-qualification products help identify the best tenants faster and boosts agency's success through the power of pre-qualified tenants that match landlord's requirements.

BOX FROM THE LETTINGS HUB

At The Lettings Hub, we're always here to support you through the ever-changing lettings landscape. With the Renters' Rights Act now in place, staying updated is crucial. That's why we offer a variety of resources to help you navigate these changes smoothly. From webinars and blogs to tailored guides, our platform is packed with expert insights. Be sure to follow us on LinkedIn and bookmark our Renters' Rights Hub for the latest updates, tips, and advice.

