



Renters' Reform Bill and Section 21 Notices: an Unwelcomed Farewell for Private Landlords?

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A notice provided pursuant to section 21 of the Housing Act 1988 currently remains as the most useful tool available to private landlords seeking recovery of possession of their property let by way of an Assured Shorthold Tenancy (AST) from their tenant, provided that they are able to comply with a number of requirements.

The benefit to a landlord seeking possession by relying on a section 21 notice is that they do not have to show any fault on the part of the tenant. Rather, provided that the landlord has complied with some specific requirements, they are only required to provide their tenant with 2 months' notice.

The government has previously made clear its desire to repeal section 21 and further reform the possession grounds available pursuant to section 8 of the Housing Act 1988 (which require a landlord to prove an element of fault on the part of the tenant) announcing its intention to do so in July 2019 and setting out its plans in a [consultation paper](#). However, progress towards the reforms became delayed (like most other things) due to the Covid-19 pandemic during which the government sought to focus its mind on measures to protect renters from eviction by extending the notice periods that landlords were required to give to their tenants.

In the latest Queen's Speech, delivered by Prince Charles on 10 May 2022, it was outlined that the current government will continue its pledge to address renters rights including the repeal of no-fault evictions and on 11 May 2022 the government set out its [proposed vision of the Renters Reform Bill](#), which it describes as *the biggest change to renters law in a generation*. The government also says that the Bill will strengthen landlords' grounds for repossession by making it easier to evict tenants who are willfully not paying rent, or who are repeatedly engaging in anti-social behaviour.

The Renters Reform Bill has largely come about as a result of campaigns to bolster and provide greater protection for private tenants. [Shelter](#) estimate that between October and December 2021, approximately 14,123 landlords in England started court proceedings to evict tenants from their properties, a 43% increase on the previous quarter.

However, scrapping no-fault evictions will mean that landlords will need to rely on some form of wrong-doing on the part of their tenant before they can look to repossess their properties. The result being that if a tenant

complies with the terms of their tenancy, and subject to any reforms made to the provisions of s.8 of the Housing Act 1988, it is likely that the tenant will be able to remain in the property indefinitely.

While only time will tell how the sector will react to the government's proposed Renters Reform Bill, the very desire to protect tenants' rights could in fact lead to a stunted growth of the private rental sector (given the likely decline of private investors' willingness to purchase properties on a buy-to-let basis with the view to then letting those properties), pending any assurances from the government as to landlords' rights to recover possession, which may in turn create an eventual lack of housing, including for the most vulnerable.

If you have any questions regarding a landlord's ability to recover possession and the impact of the government's proposed Renters Reform Bill, contact our specialist [property litigation](#) solicitors by emailing online.enquiries@LA-law.com or calling [0344 967 0793](tel:0344 967 0793).