

Changes to Section 21

The Coronavirus Act 2020 protects most tenants and secure licensees, in the private and social rented sectors. It does so by putting measures in place that say (in most cases), before starting court action, landlords are required to give extended notice of intention to seek possession to their tenants.

For notices issued between 26th March and 28th August 2020 the required notice period was three months. Any notices issued during this period are unaffected by the changes outlined below.

The provisions in the Coronavirus Act 2020 have been extended, meaning that from 29th August 2020 landlords must provide six months' notice to their tenants (in most circumstances). There are however some instances where a landlord may be able to start progressing this within a shorter timeframe due to pressures on the landlord, other tenants and the local community.

An overview of changes taking place from 29th August 2020:

- For notices in relation to anti-social behaviour, domestic abuse, rioting and false statements the required notice periods have returned the timeframes issued prior to the Coronavirus Act 2020.
 - In some cases, this means that proceedings for anti-social behaviour can be brought forward immediately after notice has been served.
 - Notice periods on these grounds otherwise vary, depending on the type of tenancy and the grounds used. They can take between two weeks and one month.
- In cases where *at least* six months' rent is unpaid, a minimum four week notice period will be required.
 - In cases where there is *less than* six months' rent unpaid, a six month notice period is required.
- In cases where a tenant has passed away or is in breach of immigration rules and does not have a right to rent a property in the United Kingdom, a minimum three month notice period is required.
- In cases where a social tenant has an introductory or demoted tenancy (used by the local authorities), or for cases concerning anti-social behaviour (including rioting and domestic abuse) a four week notice period is required.
 - Notice periods for other introductory and demoted tenancies are six months.
- A six month notice period is required for all other grounds including Section 21 notices and where accrued rent arrears are less than the value of six months' rent.

At the expiry of the notice period, a landlord cannot force a tenant to leave their home without a court order. When the notice period expires, a landlord would need to take court action if the tenant was unable to move. We strongly advise landlords not to commence or continue eviction proceedings during this challenging time without a very good reason.

Where appropriate, if disputes over rent or other matters persist, landlords and tenants are encouraged to consider mediation. Mediation allows an independent third party to assist those involved, to resolve the dispute and reach a mutually acceptable agreement

without needing to go to court. While early mediation may be most beneficial in helping parties come to an agreement, this can take place at any point during the possession process.

Further information on mediation is available at Sections 1.23-1.26.

For further information about possession proceedings during the Coronavirus outbreak, please [click here](#).

For further guidance, please [click here](#).