

A landlord's guide to the
Renters' Rights Act
Student Accommodation

REAL ESTATE

Introduction

The much-discussed Renters' Rights Act seeks to provide greater flexibility and security for tenants of residential property in England by abolishing the “no fault” grounds of possession under section 21 of the Housing Act 1988, as well as imposing additional restrictions and obligations on private landlords.

Whilst the Government has always expressed an intention to exempt purpose-built student accommodation, Phase 1 of the implementation of the Act will begin on 1 May 2026 – with immediate effects to existing student and residential leases spanning the 2025/26 academic year, as well as potentially affecting tenancies for 2026/27.

Whether your tenancies are exempt from the provisions of the Act or not, you will also need to be aware of increased regulation being introduced via secondary legislation later down the line, such as the Private Rented Sector Ombudsman and Database, and the Decent Homes Standard.

For those tenancies which do fall under the protection of the Act, the legislation is aimed at discouraging and regulating unscrupulous landlords and giving more transparency and recourse to tenants – creating space for professional operators to capitalise on emerging opportunities.



SIMON FOSTER
PARTNER

☎ +44 (0)3700 868 786

✉ simon.foster@shoosmiths.com

The proposed changes

The impact of the Act will be felt in different ways by providers of different student accommodation.

Excluded from the Act: Tenancies of Purpose-Built Student Accommodation (PBSA)

Under the Housing Act 1988 (HA 1988), currently only tenancies granted by a specified educational institution to students in full time education (e.g. university owned/run accommodation) are excluded from the assured tenancy regime.

The Secretary of State is expected to make secondary legislation such that, from 1 May 2026, if the landlord – or the landlord’s managing agent – is a member of a “housing management code of practice”, (which currently includes the codes operated by ANUK/Unipol and UUK), those tenancies will also be excluded from the regime. This will mean that those excluded tenancies can still be granted for a fixed term only, enabling landlords to more easily plan for and obtain possession without needing to serve a s.8 notice.

Note however that becoming a member of a non-educational code requires a provider to meet certain criteria, make a formal application and pay fees based on the number of bed spaces being registered – so providers are advised to begin their applications well in advance of 1 May 2026.

Government has indicated that it will issue further guidance and more substantive regulations in Spring 2026. This does not help allay the immediate concerns of PBSA providers who will have already granted tenancies for the 2025/26 academic year which will fall within the protection of the Act, and will be under pressure to start signing up tenants for 2026/27. Waiting until the exemption comes into force on 1 May 2026 to begin granting next year's tenancies may not be a viable option.

Within the Act: Tenancies of PBSA agreed before regulations are made, and all tenancies of other accommodation let to students

Tenancies which have already been agreed before the new regulations are made will fall within the new protections granted by the Act and will convert automatically into rolling assured periodic tenancies from 1 May 2026.

This means that the tenancy will no longer have a fixed end date and will instead roll over indefinitely until a valid notice is served by a landlord or a tenant.

In order to end an assured periodic tenancy, landlords are required to serve formal notice seeking possession and setting out a ground for possession. There are two main grounds relating to student accommodation, although we also set out below some other grounds which might prove relevant.

However, another issue for landlords is that students occupying under assured tenancies will have the right to serve two months’ notice at any point to end their tenancy, and may therefore e.g. plan to end the tenancy early, leaving the landlord with a void.

Where tenancies fall within the Act, various restrictions will apply from 1 May 2026 including:

- a ban on requesting or accepting more than one month's rent in advance (which will likely disproportionately affect foreign students)
- restrictions on rent review, including that a review can only be carried out once a year
- stronger anti-discrimination rules, including protection for tenants with children
- limits on landlords' ability to refuse consent to pets.



Grounds for possession

GROUND	NOTICE PERIOD	COMMENTS
4: Student accommodation (amended ground)	Two weeks	Certain educational establishments (as specified in secondary legislation, but typically providers of purpose-built student accommodation) can serve notice where, in the twelve months before the start of the tenancy, the property was used to house students. The current tenancy does not itself need to be granted to students, so this ground can also be used e.g. where short-term lets of student rooms are granted outside term time.
4A: Student let (new ground)	Four months, ending 1 June-30 September	Where the property is let as an HMO to full-time students who meet a particular test, landlords can recover possession at the end of the academic year so long as the new tenancy is also to be granted to full-time students. A warning notice must be given before the tenancy is entered into (or within 28 days of the date the tenancy becomes an assured tenancy i.e. before 28 May 2026) and the agreement must be granted not more than six months before the students can take up occupation. Note that landlords will not be able to rely on this ground where the tenants are full time students in smaller flats or houses.
7A: Antisocial behaviour (no change)	Immediate, but the possession order can only take effect at least 14 days after service of the notice	Available where certain conditions are met such as the tenant being convicted of a serious offence, and anti-social behaviour offence or has been found in breach of an anti-social behaviour injunction.
8: Serious rent arrears (amended ground)	Four weeks (increased from two weeks)	Where possession is sought on basis of rental arrears and where arrears: <ul style="list-style-type: none"> total at least three months' worth of rent (where rent is paid monthly); or, more than 13 weeks' worth of rent (where rent is paid weekly). Note that there are also discretionary grounds relating to any or persistent rent arrears, which may be pleaded in the alternative.

Additional regulation

As well as the changes to the assured tenancy regime, the Act also introduces:

1. a new Private Rented Sector Database, which all private landlords will be required to join and to register each of their properties – notably, landlords will not be able to obtain possession orders without being registered; and
2. a new Private Rented Sector Ombudsman, which will receive and resolve tenant complaints. All private landlords will be required to join (and pay a membership fee).

Civil penalties (starting at £7,000 but as high as £40,000) and criminal prosecutions may be imposed for action taken by the Ombudsman, or for offences such as providing fraudulent information to the database.

As well as being an obvious administrative burden (with severe consequences for non-compliance), the Ombudsman in particular is tenant-focussed, with no source for due diligence for landlords or for redress against misbehaving tenants.

Separately, the Act also amends the Housing Act 2004 to provide for regulations setting minimum quality requirements for private rented properties (the “Decent Homes Standard”).

These three schemes will be introduced in Phases 2 and 3 of the implementation of the Act, from late 2026 onwards, so there will be a ‘lead in’ time before the obligations become mandatory – but it would be prudent for landlords to start collating and reviewing the relevant information about their tenancies now.



Next steps

Whilst in the short term, it will be frustrating for Code-registered PBSA providers to run two separate systems – one with tenancies granted pre-1 May 2026 which are protected by the Act, and one where excluded tenancies have been granted post-implementation – it is likely that the long-term effects of the Act will favour those with the agility and capacity to absorb the additional administrative burden.

For smaller landlords who have historically let to students, the lack of control following the implementation of Phase 1 will be much more challenging. Even obtaining possession under the new Ground 4A requires strict compliance with various preconditions (set out in more detail in the table above). The position is exemplified by the suggestion by Baroness Taylor (the sponsoring Labour peer) that “if a landlord cannot gain possession in line with the academic year... the landlord is highly likely to be able to let the property out to non-student tenants”.

This simplified approach, which may well be the pivot many individual landlords take, is likely to lead to a corresponding drop in supply for student accommodation – leaving the door open for professional operators of purpose-built stock who, because of the exemption, will still be able to ask for larger sums of rent upfront and to set a fixed duration for their tenancies in line with academic terms.

Shoosmiths have a dedicated PBSA real estate team who can help you with a review and due diligence exercises now, or advise on a case by case basis and issue any notices and possession claims required.



REAL ESTATE

DISCLAIMER

This information is for educational purposes only and does not constitute legal advice. It is recommended that specific professional advice is sought before acting on any of the information given.