

Section 21 notices: restrictions

This factsheet looks at when your private landlord's section 21 notice to end your assured shorthold tenancy won't be valid.

Your landlord doesn't need a reason to end your assured shorthold tenancy (AST) but must follow the correct process. There are rules about when a section 21 notice to end your AST won't be valid. If it's not valid, the judge won't make an order to evict you. You must tell the court why the notice is invalid.

Tenancy deposit rules

Your landlord must protect your tenancy deposit in a government-backed deposit protection scheme (DPS) and give you information about this. A section 21 notice won't be valid if:

- your deposit isn't protected, or it was protected over 30 days after you paid it
- the landlord hasn't provided the required information before giving you the section 21 notice.

The '30-day' rule doesn't apply if your original fixed-term tenancy ends and you stay on, or if you sign up to a new tenancy with your landlord. In these cases, a section 21 notice will be valid if your deposit was protected before the original tenancy ended.

If your landlord breaks the rules, they must return your deposit before they can serve a valid section 21 notice.

No licence where one is needed

Your landlord may need a licence if you live in a house in multiple occupation (HMO), for example a shared house, or your council requires all private landlords renting out properties in a certain area to be licensed. Check with the council if your landlord needs a licence. A landlord who needs a licence but doesn't have it (or hasn't applied for one) can't serve a section 21 notice.

Revenge eviction if you ask for repairs

Revenge eviction is when a landlord tries to evict you after you ask for repairs or complain about conditions in your home.

A section 21 notice won't be valid if *all* the following apply:

- it was given to you after you wrote to your landlord about repair problems
- your landlord didn't fix the problem
- you reported the problem to the council
- the council served your landlord with

an improvement notice or a notice that the council would do emergency works.

Also, a section 21 notice won't be valid if your landlord gives it to you within 6 months of the council serving your landlord with an improvement notice or a notice that the council would do emergency works.

Information is not given

A section 21 notice won't be valid if *before* giving you the section 21 your landlord didn't give you a copy of the following:

- the government guide *How to rent: the checklist for renting in England*. If your fixed term has expired or you've signed up to a new tenancy with the same landlord, they must also give you the latest version of this guide if it has been updated since your original tenancy started
- a current gas safety record showing that gas safety checks have been carried out
- an energy performance certificate (EPC) showing how energy efficient your accommodation is.

Your landlord should give you the gas safety record and the EPC before your AST starts.

Tenancy started before 1 October 2015

If your tenancy began before 1 October 2015 and you have not signed a new tenancy agreement with your landlord since, some of these rules might not apply. Get advice if this applies to you.

Prohibited payments

If your agreement started on/after 1 June 2019, your landlord can only charge you certain fees. A section 21 notice won't be valid if your landlord charges you a payment which is prohibited, for example a deposit higher than 5 weeks' rent (or 6 weeks' if your yearly rent is £50 000 or more).

Further advice

You can get further advice from england.shelter.org.uk/housing_advice, local Shelter advice service or local Citizens Advice. If you have nowhere to sleep tonight, are at risk of harm or losing your home within the next 2 months, call Shelter Helpline on **0808 800 4444** for advice and information on your options.*

*Calls are free from UK landlines and main mobile networks.



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