



Ministry of Housing,  
Communities &  
Local Government

## **Coronavirus Act 2020 and renting**

### **Annex A – technical guidance for landlords on the provisions of the Coronavirus Act 2020**

Non statutory guidance for landlords in the private and social rented sectors on the measures relating to notices seeking possession modified by the Coronavirus Act 2020. The measures affect three eviction processes:

1. The Section 21 process (Assured Shorthold Tenancies)
2. The Section 8 process (Assured and Assured Shorthold Tenancies)
3. Notices under section 83 of the Housing Act 1985 seeking possession of property let under a secure tenancy

All landlords reading this guidance should also read our advice on possession proceedings during the COVID-19 outbreak (Page 4).



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# Contents

Possession proceedings during the Coronavirus (COVID-19) outbreak	4
Section 21 notices seeking possession of a property under an assured shorthold tenancy	5
Section 8 notices seeking possession of a property under an assured or assured shorthold tenancy	7
Notices under section 83 of the Housing Act 1985 seeking possession of property let under a secure tenancy	8

## Possession proceedings during the Coronavirus (COVID-19) outbreak

**We strongly advise landlords not to commence or continue possession proceedings during this challenging time without a very good reason to do so. It is essential that we work together during these unprecedented times to keep each other safe.**

Under the Coronavirus Act 2020, most landlords will not be able to start possession proceedings unless they have given their tenants three-months' notice.

This guidance reflects the modifications the Coronavirus Act makes to the notice requirements for seeking possession of their property under section 83 of the Housing Act 1983 and sections 8 and 21 of the Housing Act 1988. It sets out how landlords should give notice under those provisions and the forms they should use (See Section 81 and Schedule 29 of the Coronavirus Act 2020).

## Section 21 notices seeking possession of a property under an assured shorthold tenancy

Landlords can only use a Section 21 notice to ask their tenants to leave their property:

- after a fixed term tenancy ends
- during a tenancy with no fixed end date - known as a 'periodic' tenancy.

A Section 21 notice must always give tenants at least 3 months' notice of the intention to seek possession.

A landlord cannot use a Section 21 notice if any of the following apply:

- it's less than 4 months since the tenancy started
- The property is a house in multiple occupation and requires a licence under Part 2 of the Housing Act 2004 S55 – unless a temporary exemption applies, an application for a licence has been made and is still effective or the landlord has notified their local authority that they are seeking a temporary exemption and that notification is still effective (This applies even if a licence application or notification could not be made due to COVID-19 outbreak).
- The property is other residential accommodation and requires a licence under Part 3 of the Housing Act 2004 S79 - unless a temporary exemption applies, an application for a licence has been made and is still effective or the landlord has notified their local authority that they are seeking a temporary exemption and that notification is still effective (This applies even if a licence application or notification could not be made due to COVID-19 outbreak).
- the tenancy started after April 2007 and the landlord has not put the tenants' deposit in a [deposit protection scheme](#)
- the council has served an improvement notice or an emergency remedial notice in the last 6 months
- the landlord has not repaid any unlawful fees or deposits they charged the tenant - read the guidance for landlords on the [Tenant Fees Act 2019](#)

A landlord also cannot use a Section 21 notice if they have not given their tenants copies of:

- the property's [Energy Performance Certificate](#)
- a current Landlord Gas Safety Record (if the property has gas appliances installed). The landlord must have given the tenants a copy of the current gas safety certificate before they moved in.
- the government's ['How to rent' guide](#)

## **Giving tenants a Section 21 notice**

Landlords must use [Form 6a](#) if the tenancy was started or renewed after 30 September 2015.

[Form 6a](#) has been amended to reflect the changes to possession procedures in the Coronavirus Act 2020 Section 81, Schedule 29, Paragraph 7. The amended form now makes it clear that tenants are entitled to at least three months' notice before a landlord is able to apply to the court for a possession order.

If the tenants do not leave the property by the date specified on the form as the date on which possession is required, the landlord can apply to the court for a possession order using either the standard possession process or the accelerated possession process.

## Section 8 notices seeking possession of a property under an assured or assured shorthold tenancy

To give tenants a Section 8 notice that the landlord intends to seek possession using a ground in schedule 2 of the Housing Act 1988, a landlord must fill in Form 3 - ['Notice seeking possession of a property let on an assured tenancy or an assured agricultural occupancy'](#)

Form 3 has been amended to reflect the changes to possession procedures in the Coronavirus Act 2020 Section 81 Schedule 29 Paragraph 6. The amended form now makes it clear that court proceedings cannot begin earlier than 3 months from the date the notice is served.

Landlords need to specify on the notice the specific grounds they are using to seek possession of the property. At least three months' notice is required for all possession grounds.

Landlords can [apply to the court for a possession order](#) if the tenants do not leave by the date specified on the form as the earliest date on which possession proceedings can be brought.

# Notices under section 83 of the Housing Act 1985 seeking possession of property let under a secure tenancy

## Part I – Secure Periodic Tenancies

To give tenants a notice that the landlord intends to seek possession of a secure periodic tenancy, a landlord must fill in this form - [‘Part I Notice of Possession under section 83 of the Housing Act 1985’](#).

The form has been amended to reflect the changes to possession procedures in the Coronavirus Act 2020 Section 81 Schedule 29 Paragraph 3. The amended form now makes it clear that court proceedings cannot begin earlier than 3 months from the date the notice is served.

Landlords need to specify on the notice the specific grounds they are using to seek possession of the property and the date on which they seek possession of the property. At least three months’ notice is required for all possession grounds.

This includes where possession is being sought on Ground 2 of Schedule 2 to the Housing Act 1985.

Landlords can apply to the court for a possession order if the tenants do not leave by the specified date.

## Part II – Secure Tenancies for A Fixed Term

To give tenants a notice that the landlord intends to seek possession of a secure tenancy for a fixed term that contains a provision which allows a landlord to bring it to an end before the fixed term expires, a landlord must fill in this form - [‘Part II Notice of Seeking Termination of Tenancy and Recovery of Possession under section 83 of the Housing Act 1985’](#)

The form has been amended to reflect the changes to possession procedures in the Coronavirus Act 2020 Section 81 Schedule 29, Paragraph 3. The amended form now makes it clear that court proceedings cannot begin earlier than 3 months from the date the notice is served.

Landlords need to specify on the notice the specific grounds they are using to seek possession of the property and the date on which they seek possession of the property. At least three months’ notice is required for all possession grounds.

Landlords can apply to the court for a possession order if the tenants do not leave by the specified date.



**A note on making alterations to the prescribed forms**

The wording in these forms has been carefully drafted to ensure that the person on whom it is served may understand what is being proposed and what they may do in response. Legislation requires you to use the prescribed form, or a form substantially to the same effect. Failure to serve the correct form may mean the Court will not grant a possession order. You should not alter the wording in these forms unless a form says you may do so. If you alter the wording, the form may be invalidated. You must also comply with any notice periods set out in the form.