

# RIGHT TO RENT

## INTRODUCTION

The new rules mean that landlords need to carry out quick and simple checks on all new adult tenants to make sure they have the **right to rent** property in the country. **Right to Rent**, which also applies to people who are subletting their property or taking in lodgers, was introduced in the Immigration Act 2014.

This document is designed to assist with the carrying out of Right to Rent checks for landlords and tenants. Throughout this document you will find a visual guide to each document which can be accepted to satisfy a Right to Rent check, either in isolation or in combination. There is also an FAQ section to address some common queries. If you are carrying out right to rent checks, there is a checklist for you to print and hold for your records. Landlords can arrange for an agent to carry out checks on their behalf if a written agreement exists between them. Detailed information on all of the Right to Rent scheme is available in our Code of Practice. Landlords who let private property in England, or take in lodgers could be liable for a civil penalty if they enter into a tenancy agreement involving an illegal migrant. If a landlord makes the checks and retains copies as required they will have a statutory excuse against such a penalty. Landlords and agents should apply the right to rent checks in a fair, justifiable and consistent manner, regardless as to whether they believe the prospective tenant to be British, settled or a person with limited permission to be in the UK. More information on avoiding discrimination is available [here](#). From 1 December, landlords or agents in England could be charged with a criminal offence if they know, or have reasonable cause to believe, that they are letting to an illegal migrant.

How to make a Right to Rent check

1. Obtain a tenant's original acceptable documents that allow them to live in the UK
2. Check the documents with the tenant present
3. Copy and keep the copied documents on file and record the date of the check. You can find more information about the scheme at [www.gov.uk/righttorentchecks](http://www.gov.uk/righttorentchecks) If a prospective tenant says they have already contacted the Home Office If your prospective tenant has an ongoing application or appeal with the Home Office; or their documents are with the Home Office; or if they state that they have permission to rent from the Home Office, please use this form to check if they can rent and you will receive a response from the Home within 2 days.

## How do I Check?

Check which adults will use your property as their main home (your 'tenants').

Ask them for **original documents** that prove they can live in the UK.

**Check their documents** to see if they have the right to rent your property.

Check that each tenant's documents are genuine and belong to them, with the tenant present.

**Make and keep copies** of the documents and record the date you made the check.

**You can get an unlimited fine or be sent to prison for renting your property to someone who isn't allowed to stay in England.**

## Check if the property is used as the tenant's main home

A property would usually be a tenant's only or main home if:

They live there most of the time

They keep most of their belongings there

Their partner or children live with them

They're registered to vote at the property

They're registered with the doctor using that address

## Check their original documents

When you're with the tenant, you need to check that:

The documents are originals and belong to the tenant

Their permission to stay in the UK hasn't ended

The photos on the documents are of the tenant

The dates of birth are the same in all documents (and are believable)

The documents aren't too damaged or don't look like they've been changed

If any names are different on documents, there are supporting documents to show why, such as a marriage certificate or divorce decree.



## **If the tenant doesn't have the right documents**

You must use the [landlord's checking service](#) to check whether the tenant's allowed to rent without the right documents if, the Home Office has their documents or they have an outstanding case or appeal with the Home Office or the Home Office told them they have 'permission to rent'

You'll get an answer within 2 working days. You'll need the tenant's Home Office reference number to use the service.

However, if your still concerned and would rather speak to the Home office direct, their telephone number is **0300 069 9799** Monday to Friday