



Home Office

# Right to Rent

Valid January 2016.

Please check [www.gov.uk/rightto Rentchecks](http://www.gov.uk/rightto Rentchecks) for current guidance



# What is Right to Rent?



**A new requirement for private landlords to check the immigration status of prospective tenants and lodgers before they move in, to avoid liability for a civil penalty.**

Phased implementation:

- West Midlands from 1 December 2014
- Rest of England from 1 February 2016

If a landlord rents to an illegal migrant and has not carried out a correct right to rent check, they could be liable to a civil penalty. The penalty is up to £3000 per tenant.

# Right to Rent – In Practice

All **adults** using the property as their **only** or **main home** should be checked, even if they are not named on the tenancy agreement. To avoid discrimination, **all** prospective tenants and lodgers should be checked.

This requirement is for **new** tenancies which begin on or after the date the measures apply.

Liability can be transferred from Landlords to letting agents in writing.

## Exemptions include:

- Student Accommodation
- Hostels and Refuges
- Holiday Accommodation
- Care Homes
- Local Authority Accommodation



# Three step right to rent check

## 1. Obtain

Obtain original versions of one or more acceptable documents.



# Three step right to rent check

## 2. Check

Check the document's validity in the presence of the holder.



# Three step right to rent check

## 3. Copy

Make and retain a clear copy, and record the date the check was made.



# Landlords Checking Service & Helpline

The Landlords Checking Service will give a **YES** or **NO** answer where:

- The tenant's documents are with the Home Office as they are pursuing an application or appeal to remain in the UK.

**Landlords Checking Service:** [www.gov.uk/landlord-immigration-check](http://www.gov.uk/landlord-immigration-check)

The Landlords Helpline will provide general advice but cannot:

- Verify individual documents.
- Give out details of individual cases.

**Landlords Helpline:** ☎ 0300 069 9799

Report tenants who no longer have a right to rent following repeat checks to the Home Office at [www.gov.uk/righttoorentchecks](http://www.gov.uk/righttoorentchecks)

# Civil Penalties

## Civil Penalty Process:

- Referral Notice
- Information Request
- Civil Penalty Notice
- Objection and Appeal



| Penalty amount                                  | Level 1<br>(first breach - minimum) | Level 2<br>(second breach - maximum) |
|---|-------------------------------------|--------------------------------------|
| Category A<br>(lodgers in a private household)  | £80                                 | £500                                 |
| Category B<br>(tenants in rented accommodation) | £1,000                              | £3,000                               |



# Further Information

**Landlords Code of Practice:** [www.gov.uk/government/publications/right-to-rent-landlords-code-of-practice](http://www.gov.uk/government/publications/right-to-rent-landlords-code-of-practice)

**Landlords Guide to Checking Immigration Documents:**  
[www.gov.uk/government/publications/rules-and-acceptable-documents-right-to-rent-checks](http://www.gov.uk/government/publications/rules-and-acceptable-documents-right-to-rent-checks)

**Landlords Checking Service:** <https://www.gov.uk/landlord-immigration-check>  
**Landlords Helpline:** ☎ 0300 069 9799

**Evaluation of the Right to Rent Scheme**  
[www.gov.uk/government/publications/evaluation-of-the-right-to-rent-scheme](http://www.gov.uk/government/publications/evaluation-of-the-right-to-rent-scheme)

**Report immigration crime:** [www.gov.uk/report-immigration-crime](http://www.gov.uk/report-immigration-crime)

**Guidance on examining identity documents:**  
[www.gov.uk/government/publications/recognising-fraudulent-identity-documents](http://www.gov.uk/government/publications/recognising-fraudulent-identity-documents)