

## **RIGHT TO RENT FAQ**

### **What types of occupancy are exempt?**

Lettings where it is not the tenant's main home, tenancies of more than 7 years where there is no break clause for the landlord, letting to students where the education institution has placed the tenant in the property, people whose accommodation is provided by their employer.

### **What are the requirements?**

Landlords must not authorise an adult to occupy a property as their only or main home unless they can establish the adult has a right to reside in the UK. This means landlords are now required to check the identification of everyone who is over 18 and expected to occupy the property.

### **Is it for new occupation agreements only?**

Currently, yes but this is subject to change based on proposed legislation.

### **Who is responsible for these checks?**

The landlord would normally be responsible for these checks but they can pass on the obligation to their agent as part of a written agreement.

### **Who has a permanent right to rent?**

British citizens; European Economic Area nationals (Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the UK.); and Swiss nationals,

People who have a right of abode in the UK; who have been granted indefinite leave to remain; or have no time limit on their stay in the UK.

### **Who has a time limited right to rent?**

Those who are not British citizens, EEA or Swiss nationals who have valid leave to enter or remain in the UK for a limited period of time are entitled to enter or remain in the UK as a result of Acts of Parliament, European Union Treaties and Immigration Regulations (eg family members of EEA nationals). However, some family members of EEA nationals may be able to demonstrate an unlimited right to rent.

### **The requirements are for adults. What about children?**

Children do not need to be checked but landlords will need to prove they are under 18 unless it is obvious.

If an occupier turns 18 during the tenancy, they need only be checked if a further time limited right to rent check is required on the property. So for example, a child of 17 lives with their parents. The parents have a time limited right to rent expiring in 3 years. The child need only be checked when the landlord does a follow up check before the 3 years expires.

### **What is the checking process?**

In carrying out initial right to rent checks the landlord will:

- Establish the adults who will live in the property as their only or main home
- Obtain original versions of one or more of the acceptable documents for all adult occupiers.
- Check the documents in the presence of the document holder.
- Make and retain copies with the date on which the checks were made.
- Keep copies of the documents for 12 months after the end of the tenancy.

### **How many identification documents are necessary?**

There are over 400 different forms of ID for the EU alone. Many landlords will take the view that the easiest option is to simply require a passport of any prospective occupier. There is nothing inherently illegal about this provided the landlord is not making the passport requirement country specific. So for example, a requirement for British passports only would not be suitable but a requirement for any type of valid passport would be fine.

### **What should I do if my right to rent has expired?**

The landlord does not need to evict the tenant if they lose the right to rent. They should complete the form to the Home Office as soon as possible. This should be done before the tenants' visa or other right to remain has expired.

This report needs to contain the following:

- The full name of the occupier believed to have no Right to Rent
- The address of the premises they are occupying
- Name and contact address of the landlord
- Name and address of the agent (where relevant)
- The date that the occupier first took up occupation

### **Do landlords need to check everyone?**

Amongst other things, the Equality Act 2010 prohibits discrimination on grounds of race (this includes colour, nationality and ethnic or national origins) so landlords must not discriminate against prospective occupiers:

- In their treatment of the person seeking the accommodation
- By refusing to offer the accommodation
- In the terms by which the accommodation is offered

As a result, landlords need to check everyone or risk civil penalties for discrimination later on.

**How do landlords store copies of the occupier's documents?**

Photographs of original documents ARE acceptable, according to the Home Office, provided they are clear enough to make out the details of the identification provided and they have not been tampered with.

The Scheme does not entitle landlords to retain the original documents presented by prospective occupier(s).