

# An Insight into Right to Rent

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# What is Right to Rent?

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

- **Phased implementation:**
  - West Midlands from 1<sup>st</sup> December 2014
  - Rest of England from 1<sup>st</sup> February 2016
- **Immigration Act 2014**
  - NHS surcharge
  - Bank accounts
  - Driving licence revocation

# How to conduct a check

- ▶ New tenancies only
- ▶ Some exemptions apply
- ▶ A four-step process:
  - ▶ **Establish** who will live at the property
  - ▶ **Check** evidence of their right to rent
  - ▶ **Retain copies** of the evidence
  - ▶ **Diarise** any repeat checks
- ▶ Reporting to the Home Office
- ▶ Acceptable documents



# The Home Office Checking Service

- There's usually no need to contact the Home Office.
- The Checking Service can advise on whether someone has the right to rent if they have an outstanding application or has lost their documents.
- It can't verify individual documents or reveal details of someone's status.
- Request form available on [www.Gov.uk](http://www.Gov.uk)
- Yes/no confirmation will follow within 2 working days.

# Civil penalties and enforcement

Enforcement works on an intelligence-led basis.

Civil Penalty Process:

- Referral Notice
- Information request
- Civil Penalty notice
- Objection and appeal



The scheme is aimed at rogue landlords and penalties reflect this.

# Permission To Rent

The Secretary of State may grant someone 'Permission to Rent' even though they would not normally qualify for the right to rent.

PTR may be granted to:

- Families with children under 18 in the HO Family Returns Process
- Victims of trafficking or slavery
- Certain people who are planning a voluntary return
- Certain people with an outstanding initial asylum claim

Landlords will not be liable for a civil penalty for renting for someone who has Permission to Rent.

# Evaluation and lessons learned

- Robust evaluation of first phase
  - available at [www.gov.uk](http://www.gov.uk)
- Consultative Panel - including PRS umbrella bodies
- Lessons learned from the West Midlands
- Joint working with partners will be key

# Further information

Search for 'right to rent' on Gov.uk for:

- Codes of Practice
- Guidance on how to conduct the checks
- A right to rent tool to find out if your property is affected
- A form to request a check from the Home Office
- A form to register for further updates