



Home Office

Landlords' right to rent checks to start in West Midlands from 1 December

The Government is introducing a requirement for private landlords to check the immigration status of prospective tenants and other adult occupants. The scheme will be phased in, and to begin with will be implemented in parts of the West Midlands later this year and will be evaluated before a national roll-out. Landlords who do not carry out the necessary right to rent checks could face a civil penalty.

The first phase of the provisions will come into force in the Local Authority areas of Birmingham, Dudley, Sandwell, Walsall and Wolverhampton (but will not apply to Solihull or Coventry). The scheme affects landlords and anyone with accommodation to rent in these areas, even if they live elsewhere. The checks will only apply to new tenancies from the date of implementation, so there is no requirement to check the immigration status of existing tenants. Checks will need to be made on all adults aged 18 or over who are using the property as their only or main residence.

In most cases, landlords or letting agents will be able to complete the checks without contacting the Home Office by simply requesting and copying original documents, such as a passport, which show that the individual has the right to rent in the UK. A British or EEA national can satisfy the check, for example, by showing a passport, or a full birth certificate and driving licence. For the majority of migrants who are here lawfully, the checks are equally simple and can be satisfied, for example, with a biometric residence permit. Landlords will need to photocopy and retain these documents as evidence that the check has been carried out and retain these copies for a year after the tenancy ends.

In some limited circumstances, such as cases where a prospective tenant has submitted all of their papers to the Home Office to make an application or appeal, landlords will be able to request a Home Office right to rent check using an online right to rent aid. The Home Office will provide a clear yes or no response within 48 hours, i.e. two working days.

There are a number of exemptions from these new requirements which are:

- Any accommodation provided by a local authority or the Northern Ireland Housing Executive where they are under a statutory duty to do so (including where the tenant is placed into the private rented sector);
- Hostels and refuges;
- Tied accommodation (provided by an employer); and
- Halls of residence for students, any accommodation provided for students directly by a higher educational institution, or tenancy agreements in private residential accommodation where a higher educational institute has nominated a student for accommodation.

The new provisions will include a civil penalty scheme, to penalise rogue landlords who rent to illegal migrants and often exploit vulnerable individuals. A sliding scale of penalties will mean heavier fines for those who persistently fail to carry out the right to rent checks, and those who rent to multiple illegal migrants.

Landlords will be able to transfer liability for these checks to an agent, provided that the transfer is recorded in writing. Landlords and their agents will not be expected to be immigration or forgery experts and they will not be penalised if they are misled by a skilful forgery, provided they record that they have performed the necessary checks. The purpose of the duty is to crack down on the rogue landlords, not to penalise reputable landlords.

Further information can be found online here:

<https://www.gov.uk/government/publications/right-to-rent-landlords-code-of-practice>

The Home Office is also providing a telephone helpline to help landlords and tenants understand how these measures apply to them and how to carry out the right to rent checks. You can use this service by calling **0300 069 9799**.

For regular updates about the scheme, please register your details at:

<https://www.qbaseprojects.co.uk/homeoffice/survey.asp?id=27>