



Regulatory Update

Immigration Act 2014: Tenant Checks

Provided by **Crendon Insurance Brokers Ltd**

Quick Facts

Effective 1 December 2014, landlords in certain areas of England will be required to determine whether potential adult occupiers have the right to rent before letting a property to them.

Landlords who fail to comply with the requirements of the Immigration Act 2014 will face fines up to £3,000.

Landlords must review the documentation of anyone who applies to rent a property, and determine whether he or she has the 'right to rent'.

Beginning 1 December 2014, certain provisions of the Immigration Act 2014 (Act) will come into effect. These provisions will require private landlords to determine whether new tenants have the right to rent before letting a property to them.

The Act's requirements will apply to:

- Landlords in Birmingham, Walsall, Sandwell, Dudley and Wolverhampton;
- New tenancy agreements starting on or after 1 December 2014; and
- All adults aged 18 and over living at the property.

What is required?

Under the Act, landlords must review the documentation of anyone who applies to rent a property, and determine whether he or she has the 'right to rent'. Checks must be carried out on all potential adult occupiers of the property and must be performed before the tenants move in.

According to the Home Office, there are four basic steps of conducting an initial right-to-rent check:

1. Establish who will be living in the property;
2. Obtain original versions of the acceptable documents for all adult occupiers;
3. Check the documents in the presence of the holder; and
4. Make copies of the documents, date them and keep them safe.

If landlords discover that an individual does not have the right to rent, they are prohibited from letting a property to that person.

In some cases, initial checks will show that a person only has the right to reside in the United Kingdom for a limited period of time. In these cases, landlords must perform a follow-up check. If a follow-up check shows that a person no longer has the right to rent, the landlord



**Crendon
Insurance
Brokers**

The content of this Regulatory Update is of general interest and is not intended to apply to specific circumstances. It does not purport to be a comprehensive analysis of all matters relevant to its subject matter. The content should not, therefore, be regarded as constituting legal advice and not be relied upon as such. In relation to any particular problem which they may have, readers are advised to seek specific advice. Further, the law may have changed since first publication and the reader is cautioned accordingly.

Contains public sector information published by GOV.UK and licensed under the Open Government Licence v1.0.
Design © 2014 Zywave, Inc. All rights reserved.

must make a report with the Home Office.

Who has the 'right to rent'?

Those with a 'right to rent' include British citizens, EEA and Swiss nationals and those with permission to enter and remain in the United Kingdom.

Exclusions

Additionally, the Act does not apply to the following:

- Accommodations involving local authorities
- Student accommodations
- Leases more than seven years in length
- Social housing
- Mobile homes
- Hostels and refuges
- Care homes, hospitals and hospices

Document Retention

Landlords covered by the Act are required to maintain the documents they obtain during a check for the duration of a tenancy and for a minimum of 12 months after the tenancy has ended. All documents must be kept in a safe and secure manner and be destroyed within six years.

Penalties

Landlords who fail to comply with the requirements of the Act or who are found letting a property to a person who does not have the right to rent may face fines up to £3,000.

Compliance Steps for Landlords

The Home Office has indicated that the new requirements will likely be expanded to the rest of the United

Kingdom some time in 2015. Accordingly, all landlords, whether or not they are already covered by the Act, should become familiar with the Act's requirements and develop a compliance policy.

Additional Information

For additional information on the Act and its requirements, please consult the Home Office's guidance, located here: www.gov.uk/government/publications/right-to-rent-landlords-code-of-practice.



**Crendon
Insurance
Brokers**