

December 2015

Right to Rent FAQ - Unipol

What do I do if I sign up a tenant now? (most student landlords will be signing students now for tenancies that start in July or September 2016 and run for a year)

Unless your property is in the pilot areas (Birmingham, Walsall, Wolverhampton, Dudley and Sandwell) then currently landlords do not need to check anything. The key point is the date that the tenancy is entered into, not the date the tenant moves into the property.

After February 1st 2015 all landlords throughout the UK will be required to establish an occupier's right to reside in the UK before they sign the tenancy agreement.

Please note however, that there are a raft of amendments coming to the current legislation, the Immigration Act 2014, in the Immigration Bill 2015 and the Housing and Planning Bill 2015-16. If these pass into law then landlords may need to check all existing tenant's right to reside in the UK. Landlords may find themselves criminalised or lose their HMO licences if they do not do this.

Is there anything I need to do differently when signing up student tenants?

Most landlords will find little has changed if they have been following good practice. Landlords need to take [either 1 or 2 pieces of ID from the relevant government list](#) to establish whether they can stay in the country permanently or with a time limited right. If they have a time limited right to rent, then the landlord should note down when this time limit expires. If they cannot provide proof of their right to reside they need to be refused a right to occupy the property.

Landlords should also keep a copy of this ID for up to one year after the end of the tenancy.

How often do I need to check passports and Visas?

Landlords or agents should check the tenant's right to rent at the start of the tenancy and within 29 days of the time limited right to rent expiring.

What do I need to do to ensure I am checking everything?

Landlords and agents need to be able to establish what is called a statutory excuse. What this means is that they must be reasonably satisfied the tenant has a right to reside in the UK. In practice this means that if they take ID that is not manifestly fake and they check the right to reside when they need to, then they will have built their excuse.

Of course you still need to check it's not obviously fake. For EEA members, the [Prado website](#) is very helpful for establishing what the ID looks like. Beyond that, making sure dates and photos correspond and checking for fraying around the photo ID would likely be considered sufficient.

Is anybody exempt from this?

Yes there are a number of exceptions. Holiday lets, tenancies of more than 7 years where there is no break clause for the landlord, local authority placements, *letting to students where the education institution has placed the tenant in the property*, people whose accommodation is provided by their employer and finally, mobile homes. Student landlords may find it beneficial to build relationships with the universities now to set up placements.

At what point do I need to check Passports and Visas?

These documents should be checked in the company of the prospective occupier before the tenancy commences. If they cannot furnish anything from the government lists then a tenancy should be refused

What happens when students sign contracts when they are overseas?

Identification should be checked over video link before they sign the agreement in much the same way you would check in person. They should then be verified again when the tenant arrives.

Can managing agents do these checks on behalf of landlords?

Yes they can. This will need to be specifically outlined in writing as part of the managing agent agreement however. Landlords and agents should be considering renegotiating their agreements at this time to cover this requirement.

Will there be any further clarification from the government?

There will have to be as the Immigration Bill 2015 will significantly change how the current legislation works. Guidance on evicting tenants and criminal penalties for landlords will be essential for landlords and agents if the legislation passes.

Due to the Immigration Bill 2015, this guide is on a topic that is in a state of flux. Landlords should keep up to date on this as much as possible through their landlord association.

For more detailed guidance, [RLA members can refer to our guide on the Immigration Act 2014.](#)