

COVID-19 - Adjusted right to rent checks

Published 11 May 2020

The Immigration Act 2014 made it an offence for landlords to let property to those without the right to rent. Under this scheme, landlords who are found to be improperly letting property could be liable for a civil penalty of up to £3,000 per illegal occupier. For worse offenders, who knowingly let property to individuals without the right to rent or had reasonable cause to believe that a person did not have the right to rent, a criminal offence is committed. The offence can lead to imprisonment of up to 5 years and/or a fine. For letting agents, a similar civil penalty and criminal offence operates.

Both landlords and agents can establish a defence to the civil penalty by carrying out a right to rent check in accordance with the Home Office's Code of Practice by:

1. Determining who the adults are who will be living in the property as their only or main home;
2. Obtaining original ID documents for the adults showing that they have the right to rent;
3. Checking the documents in the presence of the holders of the documents; and
4. Making satisfactory copies of the documents and retaining them clearly recording the date on which the check was made.

Following the social distancing guidance from the Government in light of Covid-19, the Home Office adjusted the right to rent checking process to enable these checks to be carried out safely.

As of 30 March 2020, checks can be carried out by:

- Arranging a video call and doing the check by video.
- Tenants sending scanned documents or a photo of documents by email or a mobile app rather than sending originals.
- Landlords can also use the Landlord's Checking Service which is a service operated by the Home Office, enabling a check to be carried out using an individual's personal details.

After the Covid-19 measures end, landlords and agents will have to resume normal checks on tenants in line with the Code of Practice. Additionally, they will have to carry out retrospective checks on tenants who started their tenancy during this period or who required a follow up check during this period.

DAC Beachcroft's [Immigration Team](#) are on hand to assist landlord and agents in navigating the right to rent scheme. Please feel free to contact us if you have any questions.

Authors