
Accommodation

Right to rent – information for students

The UK Government has introduced a new law that requires all private landlords in England to make ‘right to rent’ checks. This means checking that tenants have the right to live in the UK. This factsheet has information you will need to know if you are planning to rent accommodation from a private landlord. You should read it before you start looking for accommodation. **The right to rent legislation does not apply to you if you are renting University accommodation.**

Who is affected? This information does not apply to students who rent their accommodation from or through the University: The Right to Rent requirements only apply to private tenancies.

This information does apply to students who wish to rent from a private landlord including private or commercial halls of residence: These students will have to prove that they have the right to reside in the UK

How will the checks be made? Before allowing you to take up a tenancy the landlord will need to see originals of certain documents:

The landlord will have to take copies of the documents and keep them for at least one year after the tenancy ends. If he doesn’t he will be fined. These copies must be securely stored.

What documents will be needed? British citizens and EEA and Swiss nationals should only need to show their passports.

Other International citizens will need to show their passports AND their visas or e.g. biometric resident permits, residence cards or something from the list of acceptable documents in the Home Office Code of Guidance, see Useful Information overleaf.

Those with only a time limited leave to remain can show just their passport/visa/residence card but the landlord will have to do a follow up check within a deadline which is the latest of

these dates: 12 months after the last check, the date permission to stay in UK expires or the expiry date of the passport or other document that shows your right to be in the UK.

What does this mean for me? If you cannot meet the Right to rent requirements you will not be able to move into the accommodation.

Tenancies that began prior to February 2016: Landlords are not legally obliged to see the relevant documents for tenancies that are already in place or where there is a renewal of a tenancy as long as the renewed agreement is between the same people and there’s no break in the tenancy.

Booking accommodation from abroad: The landlord can arrange the tenancy in advance with you as long as they see the original documents before you move in. It is likely you will be asked to show copies of your visa and University offer letter via a video link such as Skype when you book the accommodation. If you are having problems booking from abroad due to Right to Rent requirements please contact the Accommodation Office for help.

Subletting: If you sublet out your accommodation to someone else then you will have to make Right to Rent checks on the new tenants and if you don’t you may be fined.

What if I cannot show my documents? If you do not have your documents e.g. if you have applied for a visa extension, have an application in progress or an ongoing immigration case or

your documents are lost, your landlord can use the Home Office 'checking service'.

You will give the landlord your Home Office reference number and the landlord can then request the evidence from the Home Office here: <https://eforms.homeoffice.gov.uk/outreach/lcs-application.ofm> The Home Office should get back to the landlord within 2 working days, however, you will not be able to move in until the check is complete.

Renting short term accommodation: The rules only apply to landlords letting accommodation to someone as their only or main home. If you can show that you have another home elsewhere that is your principle home and show you are here for only a very short period then your landlord might not require the documents.

Children: Anyone aged under 18 should not be required to show their documents

If a landlord discriminates against a potential tenant: The law states that landlords renting out property cannot discriminate because of a tenant's race, i.e. colour, nationality, ethnic origin. The Home Office has produced a Code of Practice for landlords on avoiding race discrimination. See Useful Information below.

Can the University confirm my immigration status: Your faculty can confirm that you have an offer at the University which can be used as part of the checks in certain circumstances but only the landlord can carry out the document checks.

Nomination letters: Students who have found accommodation but are facing difficulty in fulfilling the Right to Rent requirements may be able to obtain a nomination letter from their faculty office. For further information enquire with your faculty office.

Useful information:

Code of Practice for Landlords Avoiding unlawful discrimination when conducting 'right to rent' checks in the private rented residential sector:

www.gov.uk/government/uploads/system/uploads/attachment_data/file/376789/Code_of_Practice_for_Landlords_web_.pdf

Code of practise on illegal immigrants and private rented accommodation for tenancies that start on or after 1st February 2016: <https://www.gov.uk/government/publications/right-to-rent-landlords-code-of-practice/code-of-practice-on-illegal-immigrants-and-private-rented-accommodation-for-tenancies-starting-on-or-after-1-february-2016>

Landlords guide to checking documents:

www.gov.uk/government/uploads/system/uploads/attachment_data/file/497035/Right_to_Rent_Document_Checks_-_a_User_Guide.pdf

Need help or advice?

If you cannot find the answer or information you need on this factsheet, please contact the Accommodation Office for advice

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The contents of this fact sheet are for information only. You should consult the Accommodation Office or an advice centre such as the CAB before taking any action.