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The Right to Rent

INTRODUCTION

This Factsheet is one in a series, provided by HAD.org.uk that provides information for Disabled people, their families, carers and professionals supporting them. It focuses on the 'Right to Rent'. This is the requirement upon private landlords to carry out checks on your identity and immigration status to ensure you have the 'Right to rent.'

Your landlord (or letting agent) must carry out checks on your identity and immigration status to make sure you have a 'right to rent' before they can let you move in to private rented housing. A landlord is breaking the law if they don't.

People who live with you

Your landlord will check that any adult who wants to live with you also has a right to rent. The following don't have to be checked:

- children under the age of 18
- a guest whose home is somewhere else or who doesn't pay you rent, contributions towards food or bills don't usually count as rent.

Unlimited right to rent

You have the right to rent with no restrictions if you are a:

- British citizen
- citizen of an European Economic Area country or Switzerland
- citizen of another country, with no time limit on your permission to live in the UK.

Time-limited right to rent

If you have the right to live in the UK for a limited period (e.g. if you are here on a work or study visa) then you only have a 'time-limited' right to rent.

This expires when your permission to live here ends. Your landlord must make a follow-up check on you and any adult who lives with you to make sure you still have the right to rent.

If this check shows that the right to rent of anyone in your household has ended, your landlord must tell the Home Office and may take steps to evict you.

Proving your right to rent

Your landlord will ask to see your passport or another official document that proves your identity and immigration status. Some documents are not sufficient evidence by themselves and you will have to provide a second form of evidence.

If you are British or Irish, your passport, or your birth certificate plus another accepted proof of identity, is enough. The full list of acceptable documents can be found on the Gov.uk website in the

government's guide: Right to rent documents check: a user's guide.

- Your landlord must take copies of your original documents and keep them safely for 12 months after your rental agreement ends.

6. Eviction where no one has a right to rent

- If the Home Office gives your landlord notice stating that no one in your home has a right to rent, your landlord can evict you by giving you 28 days' notice to leave on a special form. Your landlord's notice must have the Home Office notice(s) attached.
- Your landlord does not need to get a court order or use the court-approved bailiffs to evict you if the notice is valid. If you think that you or someone in your home has a right to rent, contact the Home Office immediately as you might not have to leave.

7. Eviction - one person has a right to rent

- If one of you has a right to rent but another doesn't, your landlord must give you proper notice and follow the correct legal process for eviction.
- How much notice you are entitled to depends on what kind of renting agreement you have.
- Unless you live with your landlord, they must get a possession order from the court and must use court-approved bailiffs to evict you.

8. When no checks are needed

- No right to rent checks have to be carried out if your renting

agreement began before 1 February 2016 and your landlord has not agreed to let new people move in with you since then.

- If this applies to you, your landlord cannot evict you just because you do not have a right to rent.

9. Discrimination against occupiers

- Landlords should not discriminate against you on the basis of things like your race or religion. Get advice if you think a landlord is discriminating against you.

Do you need further help?

**Please contact [HAD.org.uk](https://www.had.org.uk) on 020 8861 9920,
Or visit us at The Wealdstone Centre,
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This fact sheet is one of a series, providing information and advice on a number of topics.

HAD.ORG.UK FACTSHEETS:

- Access to Shops, Cafes and Everyday Services
- Accessible Public Transport
- Aids and Adaptations
- Blue Badge Scheme
- Concessionary Travel
- Dial-a-Ride and Taxicard Schemes
- Education and Learning
- Holidays
- Leisure at Home
- Motoring
- Performing Arts
- Self Directed Support
- Sports
- The Care Act 2014
- Universal Credit
- Utilities
- Visiting Places of Interest
- Voluntary Transport
- Welfare Benefits
- Wheelchairs

HOUSING MATTERS:

- A General Guide to Housing Benefit
- A Guide to Housing Benefit for Disabled Students
- Applying as Homeless (Priority Need)
- Homelessness (Out of Hours) Emergencies
- Private Tenants: smoke and carbon monoxide alarms
- Rent Increases : Assured Shorthold Tenancies
- The Right to Rent
- 10 Rights of Private Tenants