

Right to Rent Checks for Residential Property and Covid-19

Residential landlords have been subject to regulations requiring checks on tenants on the Right to Rent in England since 2016. With the impact of Covid-19, the government have had to make temporary adjustments to enable landlords to carry out the relevant checks in accordance with the legislation.

The Right to Rent checks are still required in accordance with the legislation, but since 30 March 2020 the landlord may undertake those checks in the following ways:-

- The tenants are permitted to send to the landlord scanned documents for the purpose of checking, rather than sending originals.
- The landlord may then check those prescribed documents via a video call. The landlord should ensure that the tenant shows the original documents to the camera, so that the landlord may check them against copies held by the landlord.
- Landlords must keep a record of the date that they check the documents and record it as *"An adjusted check has been undertaken on [date] due to Covid-19"*.
- Once the government confirms that the temporary period has ended, the landlord must undertake a retrospective check within eight weeks of the end of this temporary variation due to Covid-19. The landlords should record the retrospective check stating *"The individual's tenancy agreement commenced on [date]. The prescribed right to rent check was undertaken on [date] due to Covid-19"*.
- No retrospective test is required if the landlord was able to check the original documents.
- If the tenant is unable to provide the prescribed documents, then the Landlord's Checking Service should be used and the response from this service should be kept as evidence.

For more information about the requirement to undertake Right to Rent checks, please see our note [Landlords: Are you ready for the "Right to Rent" rules?](#)

For further assistance, please contact Nicola Stewart, Aaron Heslop, Natalie Walford, Eve Panayides, Anthony Shalet or James John.



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