

Kevin Foster MP  
Parliamentary Under Secretary of State  
Minister for Future Borders and Immigration  
Home Office  
2 Marsham Street  
London  
SW1P 4DF

17 November 2020

Dear Mr Foster,

**Re: Right to Rent checks**

I am writing to express Propertymark's concerns about anticipated and widespread failure in compliance with Right to Rent checks in the coming months. To this end, we wish to highlight the practical arrangements for the return of in-person Right to Rent checks and the need for clear acceptance of adjusted checks on tenancies that were signed since the start of the pandemic.

Propertymark represents nearly 8,000 letting agents in England and is a member of the Home Office's Right to Rent Consultative Panel. Letting agents have worked hard to support tenants and manage tenancies safely throughout the public health crisis.

When guidance on adjusted checks was introduced, all parties expected the measure to be temporary and understood that checks would need to be repeated in-person when temporary guidance was revoked. However, temporary guidance has now been in place for eight months and in that time, thousands of tenancies have been set up using adjusted checks.

Within eight weeks of the temporary Right to Rent measures being lifted, the guidance states that letting agents 'will also need to carry out full retrospective checks on tenants who started their tenancy during this period'. Recent sampling of our members has shown that almost all Right to Rent checks in that period have been carried out using the adjusted check method, in order to comply with public health guidance. Given the volume of checks that will now have built up, the majority of letting agents and landlords will undoubtedly fail to comply with the requirement to deliver retrospective checks.

There are a number of reasons for this:

- Tenants will not understand the importance of complying with a repeat check (despite the efforts of letting agents), they will believe they have already provided documents for a check and will not invest time in attending a branch for a retrospective, duplicate check. Letting agents report that even prior to Covid-19, tenants resented attending a branch for a repeat Right to Rent check and did not understand the rationale.
- A widespread education campaign will be needed to highlight the need for retrospective checks to reach landlords whose properties are not managed by a professional letting agent.
- Additionally, each check requires images to be stored and if the number of checks is doubled, the cumulative effect on file storage for corporate agencies is unmanageable.

If letting agents and landlords are required to generate in person Right to Rent checks and maintain an audit trail of activity alongside adjusted checks for the same tenancies, this will coincide with a

number of other developments in Right to Rent. For instance, letting agents will be adopting new digital checks for overseas applicants while also accommodating full in person checks including those for overseas nationals who elect to use other forms of identity documents. Additionally, letting agents and landlords will be managing the transition between December 2020 and June 2021 of applicants who have not yet applied to the EU Settlement Scheme. While we understand that EU Citizens will have until 30 June to apply to the EU Settlement Scheme, there is likely to be some confusion that renting to (and renewing a tenancy for) an EU citizen could lead to a civil penalty. Previous acceptance of freedom of movement means that letting agents will not have records of the nationality of existing tenants who have been cleared for a permanent Right to Rent.

In this context, and with the time that has now lapsed since the introduction of adjusted checks, it is essential that the Home Office moves to accept adjusted Right to Rent checks on tenancies that started during the period under which the public health crisis requires minimal face to face dealings.

On behalf of our members, I ask that you consider the benefits to tenants, landlords and letting agents of removing the need for retrospective, duplicate checks in order to ensure that landlords and letting agents can meet their legal requirements and support moves to the new points based immigration system through the first half of 2021.

I look forward to hearing from you.

Best Wishes,



**Timothy Douglas**  
**Policy & Campaigns Manager, Propertymark**