

## Finding tenants

This information is for private landlords. Private tenants can find information and advice [here](#).

You can appoint an estate agent to find tenants and manage a property on your behalf. Or you can choose to manage the tenancy yourself.

Either way, there are some issues to consider when looking for tenants.

### Using an estate agent

If you decide to use an agent, you should:

- have a contract with the terms and fees
- know that tenants still have a right to have your contact details
- check if the agent is a member of a [redress scheme](#) or the [Property Ombudsman](#)

Some agents offer to source tenants and set up a tenancy for a fixed fee, leaving you to manage the property. Others will set up and manage the tenancy for a monthly fee.

### Finding tenants without an agent

If you decide to manage the property yourself, you will need to advertise and arrange viewings.

You should make clear if the property is [furnished or unfurnished](#). You should also state if there are any pre-tenancy fees.

[The law says](#) the information you provide must be accurate and not misleading.

Ask prospective tenants to fill in an application form. This will help to check if they will be able to afford the rent and be responsible tenants.

You should ask applicants to provide:

- photo ID
- proof of income
- employment or benefit details
- a reference from a previous landlord or a character reference

You must tell applicants [how you keep their personal details secure](#).

## Choosing the right tenants

It's up to you to decide who you want to live in the property. But all landlords must act within [equality legislation](#).

You cannot discriminate against applicants based on their race, ethnicity, gender, religion, sexual orientation or disability.

When dealing with applications, you must not:

- treat applicants differently based on the above characteristics
- refuse to rent to applicants because they are getting benefits to help with rent

Getting benefits is not a protected characteristic, but [refusing to rent to an applicant for this reason would likely be considered indirect discrimination](#).

An applicant can take legal action if they were directly or indirectly discriminated against.

## Asking for references and guarantors

You have the right to ask prospective tenants for a reference and a guarantor.

This can provide extra security, especially if the applicant:

- has a poor credit history
- is a student or renting for the first time
- is on a low income or in temporary employment
- has recently moved to Northern Ireland from overseas

References are usually from a previous landlord and should cover whether the tenant kept to the terms of the tenancy agreement. If an applicant has not rented before, you can ask for a character reference.

A guarantor is responsible for paying rent and covering costs for damage caused by the tenant.

Often a family member or friend will act as a guarantor and will need to:

- be over 18
- live in the UK
- own their own home
- be employed or have a good credit history

You should get the guarantor to sign [a guarantor agreement](#) before starting the tenancy.

## **Credit checks**

If an applicant is unable to provide a reference or guarantor, you can ask for their permission to carry out a credit check. You'll have to pay for this. You can pass the cost, without any extra charges, on to the applicant.

Poor credit can stay on a credit rating for a long time. It does not always mean this is a risky tenant. A person can have poor credit because they have not yet built up a credit history or due to debt from a previous relationship or business.

If an applicant does not pass a credit check, you can ask them to provide:

- a guarantor
- more rent in advance
- bank statements, payslips, or receipts for bill payments

## **Limits on charging pre-tenancy fees**

There are restrictions on charging fees to applicants before the tenancy begins.

[The law says](#) estate agents are not allowed to charge prospective tenants admin fees, for example for providing keys or tenancy agreements. These services should be covered in the fee paid by the landlord to the agent to set up the tenancy.

If you set up a tenancy without using an estate agent this law doesn't apply. There are still limits on charging fees to prospective tenants.

You cannot ask someone to pay a fee to view a property or apply to rent a property. If you plan to charge any fees, for example taking [a holding deposit](#) or to cover the cost of a credit check, you must:

- make these fees clear in all advertising
- provide a receipt explaining what the fee covers
- explain in what circumstances the fee may be refunded
- not make a profit from any fees paid

## 'Right to rent' checks

You do not need to check if tenants have permission to live in the UK. Asking tenants to prove they have a right to live in the UK could be seen as discrimination, unless you ask this of all prospective tenants.

There is a law in England that says:

- landlords must check the immigration status of their tenants, and
- it's a criminal offence to rent to someone who does not have the right to live in the UK

This is commonly referred to as a 'right to rent check'. This law does not apply to landlords and agents in Northern Ireland. You cannot get into trouble for renting to someone who lives here 'illegally'.

## More advice

- [Setting up a tenancy](#)