Housing Rights

https://www.housingrights.org.uk/landlords/preparing-rent/finding-tenants

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Finding tenants

This information is for private landlords of properties in Northern Ireland.

If you are a tenant, you can find advice here.

If you are a landlord or letting agent in Northern Ireland seeking advice, you can:

- send a message to Landlord Advice, or
- call 028 90 245 640 (Option 1)

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 the 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, you will need to advertise and arrange viewings.

You should specify whether the property is being let as 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 will 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.

This means that you cannot discriminate against applicants based on their:

- race
- gender
- sexual orientation
- political opinion
- religious belief 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

People receiving benefits are not a protected group under the equality legislation. But you might be discriminating against someone if you refuse to rent to them because of this. This can be considered as indirect discrimination.

An applicant can take legal action for direct or indirect discrimination.

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. The reference should refer to 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 covering any financial loss caused by the tenant. This can include rent arrears or the cost of repairing 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 the tenancy starts. The guarantor should ensure that they know what they are signing up to.

Credit checks

If there is no reference or guarantor, you can ask for permission to carry out a credit check on the applicant. There are three main credit reference agencies in the UK. You'll have to pay for the credit check. You can pass the cost on to the applicant but without any extra charges.

Poor credit can stay on a credit rating for a long time. It does not always mean that the prospective tenant is a risk.

A person can have poor credit because:

- they have not yet built up a credit history or
- they have a 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.

Letting agents cannot charge prospective tenants administration fees. This covers, for example, providing keys or tenancy agreements. These services should be included in the fees you pay to the agent for setting up the tenancy. Your letting agent should not pass on costs to tenants if they already charge you for the work.

If you set up a tenancy without using an estate agent, this law doesn’t apply. But 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

Landlords of properties in Northern Ireland do not have to check if tenants have the right to live in the UK. In fact, asking someone to prove they have a right to live in the UK could be discriminatory.

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