

PRACTICE GUIDELINES ON DUE DILIGENCE CHECKS UNDER THE WOMEN'S CHARTER 1961 AND IMMIGRATION ACT 1959 (PGD)

INTRODUCTION

1. These practice guidelines set out, for Key Executive Officers (KEOs) and real estate salespersons (RESs), the steps that RESs are required to take as part of their professional duties, and to help parties in a residential lease transaction comply with the due diligence checks required under the Women's Charter 1961 and the Immigration Act 1959.
2. The Women's Charter (Amendment) Act 2019 was brought into force by the Ministry of Home Affairs (MHA) on 7 August 2020 to strengthen the Police's levers against vice syndicates and activities in the neighbourhoods. The amended Women's Charter 1961 requires landlords who rent out residential premises, and tenants who sub-let their premises, to conduct identity checks at the point of signing the lease agreement. This is to ensure that the people whom they are renting properties to are indeed who they claim to be. These identity checks are similar to those already required under the Immigration Act 1959 with respect to tenants, sub-tenants and occupiers who are foreigners.
3. These guidelines take effect from 24 March 2023 and supersede the former Practice Circular on Diligence Checks to Combat Vice in our Neighbourhoods and Compliance with the Immigration Act (PC 01-20, version 3, issued on 28 February 2023). These guidelines also supersede any conflicting requirements set out in the CEA Professional Service Manual. EAs and RESs are required to comply with these guidelines in the facilitation of residential lease transactions in the course of estate agency work. Non-compliance with these guidelines may result in enforcement actions by CEA.

DUE DILIGENCE CHECKS REQUIRED

4. While landlords are required to exercise due diligence, the responsibility also lies with the RES to help the landlords and tenants comply with the law. These checks are part of the RES' professional duties when facilitating rental of residential premises to foreigners. The RES must perform the required due diligence checks on **all tenants and occupiers** as required under the Immigration Act 1959. Arising from the amended Women's Charter 1961, the RES must also extend such checks to Singapore Citizens (SC) and Singapore Permanent Residents (SPR), in addition to foreigners.

5. The RES representing the landlord or tenant must conduct the following checks when facilitating residential rental transactions (both HDB and private properties):
- (a) Where any tenant or occupier is an SC or SPR, to perform the following checks on each tenant and occupier:
 - Step 1: Check original NRIC(s) of the tenants and occupiers for forgery and make copies.
 - Step 2: Check photograph on the NRIC against the actual person(s) (face-to-face) to confirm identity.
 - Step 3: Verify the validity of the NRIC(s) with the Immigration and Checkpoint Authority (ICA) (through ICA's database) and keep copies of the ICA screen capture or acknowledgement slip.
 - (b) Where any tenant or occupier is a foreigner, to perform the following checks on each tenant and occupier:
 - Step 1: Check original immigration pass/work pass/student pass or other passes¹ of the tenants and occupiers and make copies.
 - Step 2: Cross-check particulars in these passes with original passport(s) and check photograph(s) against the actual person (face-to-face) to confirm identity. Keep copies of the passport(s).
 - Step 3: Verify the validity of the passes with ICA or the Ministry of Manpower (MOM) (through ICA's/MOM's database), or via FileSG (for digital LTPs), and keep copies of the ICA/MOM/FileSG screen capture or acknowledgement slip.
6. If there is a change in the tenant or occupier after the commencement of the tenancy, and if the RES has agreed to assist the landlord or tenant to facilitate the change in the tenant or occupier, the RES must also then conduct the same due diligence checks stated in paragraph 5 on the new tenant or occupier.
7. The RES must keep a record of the due diligence checks performed pursuant to paragraph 5 and the results of the checks, which includes:
- (a) The signed and completed 'Checklist for Lease of Residential Properties' (Checklist) in the format set out in **Annex A**. This documents that the RES had conducted the necessary checks on the tenants and occupiers. The RES, regardless of whether he represents the tenant or landlord, must

¹ Long-Term Pass (LTP) cards comprise the Long-Term Visit Pass and Student's Pass issued by ICA, and the Dependent's Pass granted by the Ministry of Social and Family Development. Only digital LTPs are issued by ICA from 27 February 2023. Physical LTP cards issued prior to 27 February 2023 will remain valid until they expire or are cancelled. RESs must continue to check the physical LTPs issued before 27 February 2023. For LTPs issued on or after 27 February 2023, checks are to be conducted on the digital LTPs.

ensure that the Checklist is duly filled in and signed by all relevant parties involved in the rental transaction for residential properties.

- (b) For each SC/SPR tenant and occupier: a copy of the NRIC and verification of NRIC with ICA.
 - (c) For each foreign tenant and foreign occupier: a copy of the immigration pass/work pass/student pass or other passes, a copy of the verification of the passes with MOM's/ICA's database or via FileSG (for digital LTPs), and a copy of the passport.
8. The RES must submit a copy of the documents set out in paragraph 7 to the estate agent (EA). These documents must be retained by the EA as documents relating to property transactions, in accordance with paragraph 7(1) of the Code of Practice for Estate Agents (COPEA), for a period of at least 5 years. Such retention may be made in electronic form.

**CHECKLIST FOR LEASE OF RESIDENTIAL PROPERTIES
(FOR COMPLIANCE WITH THE WOMEN'S CHARTER 1961 AND IMMIGRATION ACT 1959)**

Important Notes:

1. Pursuant to the Women's Charter 1961 and the Immigration Act 1959, real estate salespersons (RESs) who facilitate residential rental transactions for their clients (whether representing the landlord or the tenant) are required to conduct due diligence checks on the tenants and occupiers.
2. The RES (whether representing the landlord or tenant) must each keep his own record of the checks conducted and submit a copy of the documents to his estate agent (EA), which includes:
 - (a) This Checklist, duly completed and signed.
 - (b) For each SC/SPR tenant and occupier: a copy of the NRIC and verification of NRIC with ICA.
 - (c) For each foreign tenant and foreign occupier: a copy of the immigration pass/work pass/student pass, a copy of the verification of the passes with MOM's/ICA's database or via FileSG (for digital LTPs), and a copy of the passport.
3. The EA must keep the submitted records for at least 5 years.
4. EAs and RESs are also reminded to comply with the provisions of the Personal Data Protection Act 2012 (PDPA), including Section 24, which states that an organisation must protect personal data in its possession or under its control by making reasonable security arrangements to prevent unauthorised access, collection, use, disclosure, copying, modification, disposal or similar risks.

Address of Property:			
Rental start date:		Rental end date:	
Where any tenant or occupier is a <u>Singapore Citizen or Singapore Permanent Resident</u>, to perform the following checks on <u>each</u> tenant and occupier:			
		Checked (Yes or No)	Remarks
1	Check original NRIC(s) of the tenants and occupiers for forgery and make copies.		
2	Check photograph(s) on NRIC(s) against the actual person(s) to confirm identity.		
3	Verify the validity of the NRIC(s) with ICA's database and keep copies of the ICA screen capture or acknowledgement slip.		
Where any tenant or occupier is a <u>foreigner</u>, to perform the following checks on <u>each</u> tenant and occupier:			
1	Check original immigration pass/work pass/student pass or other passes ² and make copies.		
2	Cross check particulars in these passes with original passport(s) and check photograph(s) against the actual person(s) to confirm identity. Keep copies of the passport(s).		

² Long-Term Pass (LTP) cards comprise the Long-Term Visit Pass and Student's Pass issued by the Immigration and Checkpoint Authority (ICA), and the Dependent's Pass granted by the Ministry of Social and Family Development. Only digital LTPs are issued by ICA from 27 February 2023. Physical LTP cards issued prior to 27 February 2023 will remain valid until they expire or are cancelled. RESs must continue to check the physical LTPs issued before 27 February 2023. For LTPs issued on or after 27 February 2023, checks are to be conducted on the digital LTPs.

3	Verify the validity of the passes with MOM's/ICA's database or via FileSG (for digital LTPs), and keep copies of the MOM/ICA/FileSG screen capture or acknowledgement slip.		
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DECLARATION

We declare that we have conducted the due diligence checks on the NRIC/pass/permit as stated above and we have kept the necessary records arising from the checks.

(Signature of Real Estate Salesperson)
Real Estate Salesperson representing Landlord

(Signature of Real Estate Salesperson)
Real Estate Salesperson representing Tenant

Name:
Registration No:
Estate Agent:
Date:

Name:
Registration No:
Estate Agent:
Date:




ACKNOWLEDGEMENT

I acknowledge that the NRIC/pass/permit checks as stated have been carried out on the tenant(s) and occupier(s). Where the property involved is a HDB flat, the landlord must comply with HDB's terms and conditions of renting out the flat, including the need to conduct regular checks and ensure that the tenants do not misuse the flat, further rent out the flat, and/or create nuisance to their neighbours.

(Signature of Landlord)
Name of Landlord:
Date:

(Signature of Main Tenant)
Name of Main Tenant:
Date:

Where to conduct the NRIC/pass/permit validity checks

S/N	Description	
1	 To check validity of NRIC OR Validity of Student Passes/Dependant's Passes/Long-Term Visit Passes issued by ICA (Physical LTP)	 To check validity of Student Passes/Dependant's Passes/Long-Term Visit Passes issued by ICA (Digital LTP)
2	 <small>SGWorkPass www.mom.gov.sg</small> To check validity of MOM work passes, please download SG Workpass Mobile App.	