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LODGER PROCEDURE

PLACES FOR PEOPLE SCOTLAND

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**INTRODUCTION**

The lodger procedure explains our approach to a tenant having a lodger and explains the tenants’ rights to have a lodger in their property which are under pinned by the Housing (Scotland) Act 2001 and Housing (Scotland) Act 2014.

This procedure provides staff guidance for dealing with lodger requests. Within this document it details the application process to have a lodger, reason for approval/refusals. All the relevant forms and letter templates and a customer information sheet.

Confidentiality And Information Sharing

All information received in connection with a lodger is treated in the strictest confidence in accordance with our Confidentiality Policy. We comply with the requirements of the General Data Protection Regulation.

**WHAT IS A LODGER?**

A lodger is a person who is not a relative but lives with a tenant and pays rent to the tenant. The tenant has the right to take in a lodger but must first get our permission. A lodger rents a room in your home and may share the bathroom, kitchen or living room. If a tenants takes in a lodger, the tenant/s will still occupy the property as their principle/main home.

As a landlord, we cannot unreasonably withhold our permission. We must advise why a lodger request has been refused.

A lodger has no rights to the tenancy.

**ELIGIBILITY**

Any tenant of a Registered Social Landlord who has a Scottish Secure Tenancy or Short Scottish Secure Tenancy has the right to apply to have a lodger with our written permission. Our responsibility is to assess the application and approve or refuse.

Current staff, former staff, Board Members and their relatives who are tenants may apply to have a lodger. A lodger will only be approved if it complies with the requirements of the Allocations Policy and has been approved by the Board of Management.

For Scottish Secure Tenancies, there is no time limit on how long a tenant can take in a lodger.

For short Scottish Secure Tenancies, a tenant can only have a lodger for the length of time that the tenancy is due to last for.

A lodger has no right to stay in the property if the tenant moves. We are not responsible for re-housing your lodger in these circumstances.

We must give our consent or refusal, in writing, within 28 days of receiving the written request, providing that all relevant information has been received. If we fail to respond within this time period then we are considered to have consented to the proposed arrangement.

**APPROVAL CRITERIA**

**There is set information that a tenant needs to provide us in order to be approved to have a lodger. There is no legal relationship between the lodger and us. The tenant will continue to be responsible for all the conditions of the tenancy or occupancy agreement including the conduct of the lodger while in the property or vicinity. Rent should be paid to us directly from the tenant.**

**The proposed lodger must be approved by us and we may require a satisfactory report from a current/former landlord.**

**We have the right to withdraw permission to have a lodger if there are reasonable grounds such as verified nuisance/harassment complaints about the behaviour of the lodger.**

**REFUSAL OF PERMISSION**

A lodger request will not be approved if:

* We have served a legal notice advising that we may seek to evict the tenant.
* We have obtained an order for the tenant’s eviction
* The tenant must have been a tenant for at least 12 months
* The tenant has rent or service charge arrears. This may be relaxed at the discretion of Housing Management Team Leader/Manager
* We do not have the written consent of all tenants, including any joint tenants.
* We do not have written consent from any person who has occupancy rights under the Matrimonial Homes (Family Protection) (Scotland) Act 1981.
* There are other outstanding housing related payments including legal fees and rechargeable repairs, these must be paid in full before a lodger will be approved.
* The amount of rent being proposed to charge the lodger is higher than the rent charged by us. We must be satisfied that the proposed charge is reasonable and is not more than 75% of the rent charge for the property.
* The condition of the current property (including any garden area) currently occupied by the tenant is not of an acceptable standard as defined by the tenancy agreement.
* We intend to carry out work on the house, which would affect the part of the house connected with the change.
* The lodger does not require the facilities or amenities provided in a specially adapted property (such as amenity or wheelchair houses) and/or the services associated with a property (such as the manager service in older persons housing).
* By having a lodger will result in the overcrowding of a property. Please refer to the Allocations Policy to see our definitions.
* Where the proposed lodger is a registered Sex Offender and we have been advised by the Responsible Authorities and/or SOLO that the property is not suitable.
* A Short Scottish Secure Tenant (SSST) has proposed to have a lodger for a longer period than the length of the SSST.
* **The request to take in a lodger may not be approved if the proposed lodger is already in secure and suitable accommodation**

**APPLICATION STAGE**

1. **Application Form**

All lodger application forms, must be passed to the Housing Officer. Housing Officers must ensure that the application form is fully completed. If the form is not fully completed, it needs to be sent back to the applicant to complete. The 28 day timescale for approval does not start until the application form is fully complete.

1. **ACKNOWLEDGEMENT**

Housing Officer must acknowledge receipt within five working days: [Acknowledgement letter](#Sub_Ack).

Housing Officer should make an initial assessment of the application form to identify any immediate reason that the application process should not any further. If the lodger request cannot be approved the Housing Officer needs to write to our customer acknowledging the application form and refusing the lodger application within the same letter. Examples would be customers who have a current Notice of Proceedings served against their tenancy or rent arrears.

A lodger request must be recorded as a customer contact on Northgate.

**ASSESSMENT PHASE**

1. **TENANCY CHECKS**

Housing Officer needs to check the tenancy file, anti-social behaviour files and their rent account.

Check the information submitted in the application form is and includes:

* Who the is the lodger – check Northgate to see if they have previously held a tenancy with us
* Details of the amount of rent and any other service charges
* Date when proposed lodger due to move in
* Details of what services will be provided (if any) – bed, board, meals and use of facilities

If no issues identified, the Housing Officer must arrange the tenant at home to check condition of property.

1. **HOME VISIT**

The purpose of the visit is to explain how the process will work and to complete a property inspection. Housing Officer should explain the tenant’s responsibility.

Tenant is responsible for:

* If in receipt of Housing Benefit, they must inform revenue and benefits as this will be affect the amount of Housing Benefit they get.
* If in receipt of income support they must inform the Department of Work and Pensions (DWP).
* Update the local authority regarding your council tax, if getting single person discount on your council tax, they will be no longer eligible for this.
* If the tenant decides they no longer want to have a lodger, the tenant is responsible for asking the lodger to leave.
* If the tenant decides to end their tenancy, the lodger must also leave. If the lodger remains in the property, we will take legal action to evict them. Costs will be recharged back to the tenant.

Home visits must be recorded on Northgate as a customer contact using the code NO\_Visit. Refer to customer contact training manual.

**APPROVAL PHASE**

1. **DECISION MAKING**

Housing Officer needs to decide whether to approve the lodger based on all of the information they have collated for the applicant. Issues to consider before approving:

* Why is the tenant wanting to take in a lodger?
* Is it on a temporary basis?
* Duration of proposed lodger
* Rent & Services charges that have been proposed
* Tenancy warnings
* Anti-social behaviour issues
* Notice of Proceedings served
* Tenancy arrears – rent; rechargeable or legal fees
* Condition of property and garden

Housing Officers must seek approval from a Housing Management Team Leader before officially approving a lodger

1. **COMMUICATION THE DECISION**

Housing Officer’s decision needs to be issued in writing to the lodger applicant.

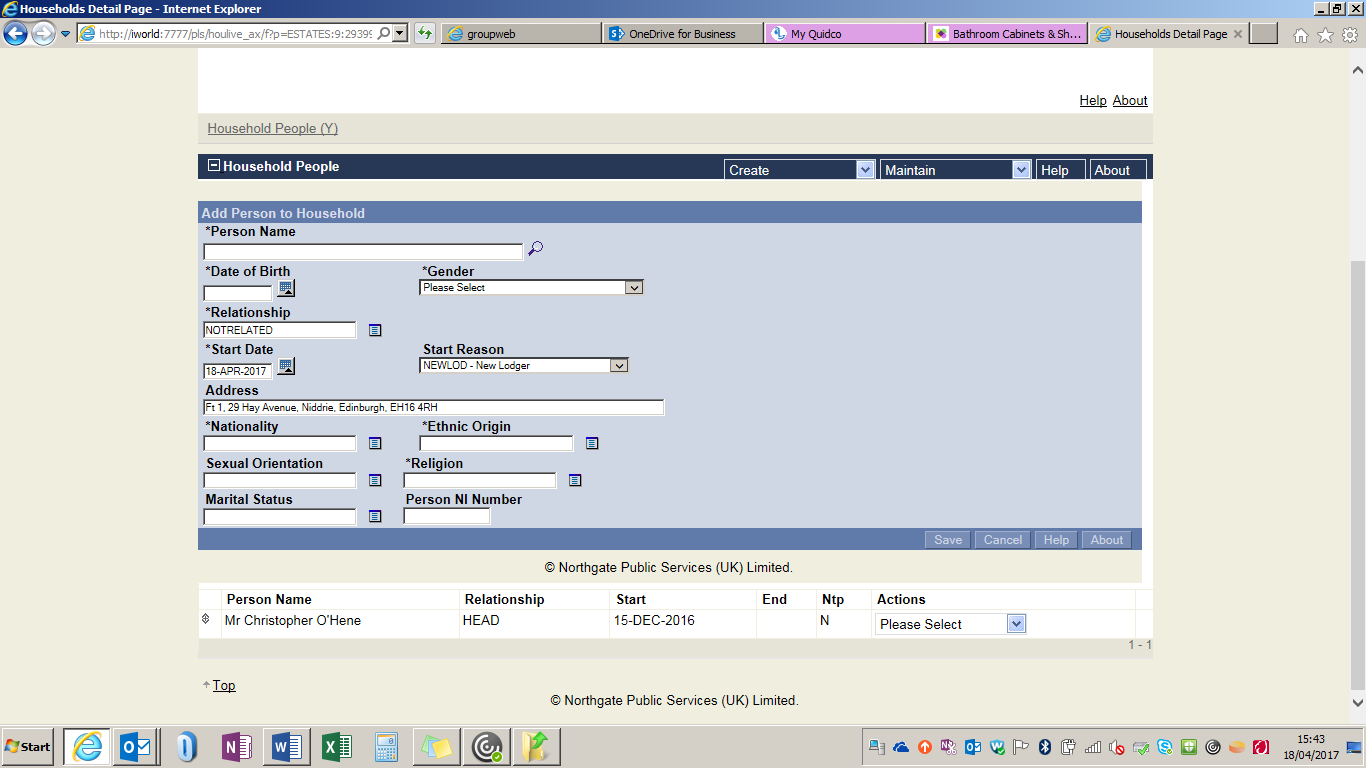
[Approval](#Sub_App) - Ensure this is saved into the tenancy file.

[Refusal](#Sub_Ref) – Refusal letter need to be issued to the applicant, stating that the lodger application has been refused. We must explain why the lodger request has been refused. Ensure this is saved into the tenancy file.

**FOLLOWING APPROVAL – LODGER**

The SST or SSST between us and main tenant still stands. Main tenant continues to pay rent and is directly answerable to us.

Once approved the Housing Officer should confirm which date the lodger is moving in, the next step is to update Northgate. Under the Household section, when creating the lodger as part of the household, add the lodger as NOT RELATED and the start reason as NEW LODGER, see below:



APPEALS

If a customer is unhappy with our decision at any stage or wishes to appeal our decision then this will be treated as a complaint and will be managed through our complaints procedure. Please log the dissatisfaction on Cirrus and this should be assigned to the Housing Management Team Leader at stage one. Stage two complaints will be investigated by the Housing Manager.

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**LODGER – CUSTOMER INFORMATION SHEET**

GENERAL INFORMATION

All Scottish Secure tenants and Short Scottish Secure tenants have the right to apply to take in a lodger.

A lodger is a person who is not a relative but lives with you and pays rent to you. A lodger rents a room in your home and may share the bathroom, kitchen or living room with you. If a customer takes in a lodger.

You will still occupy the property as their principle/main home. You must have our written permission before you can sub-let your home and you must have been a tenant for at least 12 months.

HOW LONG CAN I HAVE A LODGER?

For Scottish Secure Tenancies, there is no time limit. We have the right to end our permission at any time if we receive complaints about your lodger.

If you have a Short Scottish Secure tenancy, you can only have a lodger for the length of time that the tenancy is due to last and cannot not be longer than length of your tenancy.

WHO PAYS THE RENT?

You will still be responsible for paying rent to us. If you are in receipt of Housing Benefit or Universal Credit you must inform Housing Benefit/Universal Credit. This may alter the amount of Housing Benefit/Universal Credit you receive.

HOW MUCH RENT CAN I CHARGE?

We will not allow you to charge any more than 75% above the monthly rental charge. The additional 75% is to cover items such as furnishings and insurance.

CAN I TRANSFER THE TENANCY TO THE LODGER IN THE FUTURE?

No. If you are planning to end your tenancy, your lodger would have to move too.

WHAT DO I HAVE TO DO BEFORE I CAN HAVE A LODGER

If you are married, co-habiting or have a joint tenancy, we will need to have the other person’s consent before the sub-let commences.

You must have our written consent from us before you can take in a lodger.

WHAT RESPONSIBILITIES DO I HAVE?

There is no legal relationship between your lodger and us. The lodger will pay rent to you, the principal tenant. You will continue to be responsible for the conditions of the tenancy agreement including the conduct of the lodger while in the property.

You are responsible for advising your insurance provider, local authority, council tax and Housing Benefit.

You are responsible for advising the lodger about their responsibilities and how they report repairs to us.

HOW LONG WILL THE APPLICATION PROCESS TAKE?

We will have to consider a number of things when you assessing your application, including reviewing how you have conducted your tenancy.

We must let you know, in writing, within 28 days of receiving your completed application form of our decision.

WHY WE MAY REFUSE A REQUEST?

Your application may not be approved if:

* You have any tenancy arrears
* If have a valid notice of proceedings served on you or action is being taken to repossess your home
* Your home, including garden, is in poor condition and is not to the standard stated within your tenancy agreement
* The lodger will result in overcrowding
* Amount of rent you are proposing to charge is too high

WHAT HAPPENS NOW?

We visit you to make sure that the condition of their home is in an acceptable standard.

We will write to you within 28 days of receiving your application to confirm whether you can have a lodger.

If you have any questions and would like to know more sub-letting, please contact us at [CREHousing@placesforpeople.co.uk](mailto:CREHousing@placesforpeople.co.uk) or telephone on 0131 657 0600.

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|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Main Tenant Details** | | | | | | | | | |
| Your Name |  | | | | | | | | |
| Date of Birth |  | | | | | | | | |
| Contact Details  Phone:  Email: |  | | | | | | | | |
| Your Address:  (Including Postcode) |  | | | | | | | | |
| Do you have a husband/wife/civil partner? YES/NO | | | | | | | | | |
| Are you a Joint Tenant? YES/NO | | | | | | | | | |
| **Joint Applicant Details (only complete section if joint tenancy)** | | | | | | | | | |
| Your Name |  | | | | | | | | |
| Date of Birth |  | | | | | | | | |
| Contact Details  Phone:  Email: |  | | | | | | | | |
| **Current Household – Individuals who currently live with you** | | | | | | | | |
| Name | | Date of Birth | | | Relationship to Tenant | | | |
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| **Property – Information about your home** | | | | | | | | | |
| Property Type: | Flat: Main Door/ 4 in block/ Tenement/ Flat  House: Bungalow/ End Terrace/ Mid Terrace/ Detached | | | | | | | | |
| Number of Bedrooms: | | | | | | | | | |
| Do you have your own garden? YES/NO | | | | | | | | | |
| Does your property meet your lodgers mobility needs? | | | | | | | Yes/No | | |
| **About Your Proposed Lodger** | | | | | | | |
| Name |  | | | | | | |
| Date of Birth |  | | | | | | |
| Current Address  (Including postcode) |  | | | | | | |
| Relationship to Tenant: | | | | | | | |
| UK resident | YES/NO | | | Ethnic Origin: | |  | |
| Are you required to register with the Police under the sexual offences act? | | | | | | | Yes/No |
| Has any action ever been taken against you for anti-social behaviour or ASB order been granted against you? | | | | | | | Yes/No |
| Have you ever been a Places for People Scotland Tenant? | | | | | | | Yes/No |
| Reason for Lodger: | | | | | | | |
| What date do you wish permission to start from? | | |  | | | | |
| How long is permission requested for? | | |  | | | | |
| What payment will you receive from proposed lodger? | | |  | | | | |
| Is the proposed lodger entitled to Housing Benefit? | | |  | | | | |
| Has the proposed lodger ever held a tenancy of a local authority, housing association or housing co-op? Yes/No | | | | | | | |
| If yes, give details below: | | | | | | | |

**Declaration:**

I agree/understand that completing this form does not give me automatic permission to take in a lodger.

I agree/understand that the rent is due and payable by me and any arrears recovery action, if necessary, will be taken against me.

I declare that the information given in this form is true and if any details are found to be false will result in my application being refused.

Tenant Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Joint Tenant Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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| --- | --- | --- | --- | --- | --- |
| Our Ref: | |  |  |  | |
|  | |  |  |  | |
| Date: | | 30 November 2021 |  |  | |
|  | |  |  |  | |
|  | |  |  |  | |
|  | | (Address 1)  (Address 2)  (Address 3)  (Address 4)  (Postcode) | **Housing Management** | | |
|  | | 1 Hay Avenue | | |
|  | | Edinburgh | | |
|  | | EH16 4RW | | |
|  | |  |  | |
|  | | Telephone: | 0131 657 0600 | |
|  | | Fax: | 0131 657 0700 | |
|  | |  |  |  | |
|  | |  |  |  | |
|  | |  |  |  | |
| Dear | | | |
|  | | | |
| **Lodger Acknowledgement** | | | |
|  | | | |

I have received your lodger application form at our office on DATE. Thank you for completing the application form.

To proceed with your application, I need to ensure that you meet our criteria. Our main condition is that you do not have any arrears associated with your tenancy. Please find enclosed a customer information sheet. I have 28 days from date received to advise you of my decision.

I would like to visit you on DAY/DATE/TIME to complete a home inspection.

Please contact me on 0131 657 0600 if you have any questions.

Yours sincerely

**Name**

**Housing Officer**

Telephone: 0131 657 0600

Email: [CREHousing@placesforpeople.co.uk](mailto:CREHousing@placesforpeople.co.uk)

|  |  |  |  |  |  |
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| Our Ref: | |  |  |  | |
|  | |  |  |  | |
| Date: | | 30 November 2021 |  |  | |
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|  | | (Address 1)  (Address 2)  (Address 3)  (Address 4)  (Postcode) | **Housing Management** | | |
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|  | | Edinburgh | | |
|  | | EH16 4RW | | |
|  | |  |  | |
|  | | Telephone: | 0131 657 0600 | |
|  | | Fax: | 0131 657 0700 | |
|  | |  |  |  | |
|  | |  |  |  | |
| Dear | | | |
|  | | | |
| **Lodger Approval** | | | |
|  | | | |

I pleased to inform you that I have approved your request to take in a lodger. Our approval is subject to you agreeing to:

* Occupy your home as your principal home and continue to be responsible for all the conditions of the tenancy agreement including the conduct of the lodger while in the property.
* Housing Benefit and Department for Work and Pensions (DWP) – if you are in receipt of Housing Benefit and DWP you must advise that you have a lodger and the amount you will receive from your lodger.
* If you are a single person and receive a signal person discount on your Council Tax you need to let your local authority know that you have a lodger.

Please note there is no legal relationship between your lodger and us. We can terminate your permission to have a lodger at any time. Permission will not be removed unreasonably. Permission will be removed if we have received complaints about your lodger that are a breach of your tenancy agreement. If you intend to leave your property, your lodger cannot remain in the property and you are responsible for asking them to leave.

Please contact me on 0131 657 0600 if you have any further questions.

Yours sincerely

**Name**

**Housing Officer**

Direct Dial: 0131 657 0600

Email: [CREHousing@placesforpeople.co.uk](mailto:CREHousing@placesforpeople.co.uk)

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Our Ref: | |  |  |  | |
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| Date: | | 30 November 2021 |  |  | |
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|  | | Fax: | 0131 657 0700 | |
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|  | |  |  |  | |
| Dear | | | |
|  | | | |
| **Sub-Let Refusal** | | | |
|  | | | |

I am writing to confirm that on this occasion, I have refused your lodger request.

Your application has been refused because INSERT REASON/S.

Please contact me on 0131 657 0600 if you have any further questions.

Yours sincerely

**Name**

**Housing Officer**

Direct Dial: 0131 657 0600

Email: CREHousing@placesforpeople.co.uk