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## **LODGERS AND SUB-LETTING POLICY**

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**1. REVISION/REVIEW SHEET**

Issue	Brief Description of Reason for Change	Document Owner	Date Issued
Issue 0	Review of policy dated 18 March 2010 – (3 year review) due 2013	Mari Pritchard	09/13
Issue 1	Review of policy 09/13 – (3 year review and to include Immigration Act 2014 changes)	Mari Pritchard	06/16

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## **2. PURPOSE**

- 2.1. The purpose of this policy is to set out how Cartrefi Cymunedol Gwynedd (CCG) deals with requests from tenants to take in a lodger or to sub-let.
- 2.2. CCG recognises that its tenants may wish to share their home with another person for social or financial reasons.

## **3. SCOPE**

- 3.1. This policy applies to all tenants and prospective tenants of properties owned by CCG.

## **4. RESPONSIBILITIES**

- 4.1. It is the responsibility of the Director of Customers and Communities to ensure that this policy is applied effectively and that staff are trained appropriately in the procedures associated with this policy.

## **5. DEFINITIONS AND ACRONYMS**

- 5.1. A lodger is a person who rents a room in his or her landlord's home and who shares living space with his or her landlord. A lodger does not have exclusive use of any part of the property.
- 5.2. Some lodgers may receive services such as meals, cleaning or laundry as part of their agreement with their landlord (CCG tenant)
- 5.3. A sub-tenant is a person who has exclusive use of the whole or part of a property and even the landlord would need consent to enter the area. A sub-tenant having exclusive use of part of the property only may share other facilities within the property. Usually, a sub-tenant has a key to their own room.

## **6. POLICY DETAIL**

- 6.1. CCG expects to see a growth in requests for lodgers or sub-letting due to factors such as :
  - introduction of social sector size criteria (bedroom tax) from April 2013 (Welfare Reform Act) resulting in a reduction in housing cost related benefits for working age tenants considered to be under-occupying their home
  - other economic impacts of Welfare Reform e.g Benefit Cap, LHA Cap, changes to housing payments for young people etc.
  - economic factors, including rising cost of gas, oil, electricity and household bills
  - an option for landlords to make better use of under-occupied homes and to assist in sustaining tenancies
- 6.2. CCG will provide tenants with information on the implications of taking in a lodger or sub-letting. If the tenant, sub-tenant or lodger is in receipt of Housing Benefits or any other welfare benefits, it is their responsibility to notify the relevant authorities of their own change in income and circumstances.

6.3. CCG will signpost tenants that are considering taking in a lodger or sub-letting to independent agencies that may be able to provide help and advice. CCG will also give general guidance and provide example documentation to assist tenants who are planning to take in lodgers or to sub-let.

#### **6.4. Lodgers**

6.5. The right to take in lodgers is written into the Tenancy Agreements of CCG tenants.

6.6. CCG requires tenants to provide the name, age and sex of the proposed lodger and details of the room that they will occupy. Also, to provide details of immigration checks and right to rent if relevant.

6.7. CCG tenants must obtain written consent for any alterations to installations, fixtures and fittings, this includes putting locks on internal doors. For more details please refer to the L&Fpol03 – Tenants Improvement and Alterations Policy.

#### **6.8. Sub-letting**

6.9. Assured shorthold (short stay) tenants in temporary accommodation do not have the right to sub-let any part of the property.

6.10. The right for all remaining CCG tenants (other than those mentioned in 6.9) to sub-let part of their home with CCG's consent is written into the Tenancy Agreement.

6.11. CCG tenants must have written consent from CCG before granting a sub-tenancy of any part of the property.

6.12. CCG tenants do not have the right to sub-let the whole of the property.

6.13. Sub-letting the whole of the property is a breach of the tenancy agreement and, should this happen, CCG may commence possession proceedings against the tenant.

6.14. CCG requires tenants to provide the name, age and sex of the proposed sub-tenant, the room the sub-tenants will occupy and the terms under which the room is let. Also, details of immigration checks and right to rent must be provided if relevant.

6.15. CCG will consider each request to grant a sub-tenancy of part of the property on its individual merits and may not unreasonably refuse consent.

6.16. CCG may not give permission for a tenant to grant a sub-tenancy of part of the property in some circumstances, for example :

- where a sub-letting of part of the property would create overcrowding in the property
- where the proposed sub-tenant has a history of unacceptable and/or anti-social behaviour
- where the property is unsuitable to the sub-tenant's needs
- where the tenant is subject to a possession order

- where there is an eligibility criteria for the type of property occupied and the sub-tenant does not meet the criteria ,for example sheltered or elderly persons unit
- where the proposed sub-tenant is disqualified by immigration status or with limited right to rent

### **6.17. Responsibilities and arrangements**

- 6.18. There is no legal or contractual relationship between the lodger or sub-tenant and CCG
- 6.19. CCG tenants are responsible for making sufficient enquiries when selecting a lodger or sub-tenant
- 6.20. Enquiries by CCG tenants when selecting a lodger or sub-tenant should include immigration checks that the person has the 'right to rent' in accordance with the Immigration Act 2014
- 6.21. CCG tenants are responsible for the behaviour of the lodger or sub-tenant whilst they are living at the property. CCG may take action against the tenant if a lodger or sub-tenant puts them in breach of any conditions of their tenancy agreement.
- 6.22. Lodgers and sub-tenants will not be considered part of the household for any transfer or assignment.
- 6.23. Lodgers and sub-tenants will not be taken into account when tenants need to be decanted to an alternative property so that major works can take place on the property.
- 6.24. CCG tenants are responsible for informing CCG and any other relevant agencies if the relationship between them and the lodger/sub-tenant changes to being part of the same household (in a relationship).
- 6.25. It is the responsibility of CCG tenants to inform their home contents insurance company of any new living arrangement within the property and to ensure that the contents of their home are covered by the policy.

### **6.26. Review of decision**

- 6.27. CCG recognises the right to request a review of any decision relating to this policy. Any such review will be dealt with as a complaint under the CCpol01 – Complaints and Concerns Policy.

## **7. RISK FACTOR**

- 7.1. Approving this policy will ensure that CCG has a clear policy on Lodgers and Sub-letting that is compliant with relevant policy and legislation and allows for good housing management.
- 7.2. CCG recognises that failure to encourage, advice and support tenants who request to take in lodgers or to sub-let may have a detrimental effect on tenants' ability to sustain their tenancy and also in CCG making the best use of the housing stock.

## **8. EQUALITY AND DIVERSITY**

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- 8.1. In applying this policy, CCG will be committed to treating all enquiries fairly and with regard to its Equality and Diversity policy.
  - 8.2. CCG will ensure that this service is fully accessible to everyone who is eligible or has legitimate interest in taking in a lodger or sub-tenant.

## **9. REFERENCES**

- 9.1. CCG Tenancy Agreement
- 9.2. TSpol05 - Succession and Assignment Policy – Issue 0 (CCG)
- 9.3. TSpol02 - Lodgers & Sub-letting Policy – Issue 0 (CCG)
- 9.4. Housing Act 1985
- 9.5. Housing Act 1988
- 9.6. Protection from Eviction Act 1977
- 9.7. Immigration Act 2014
- 9.8. TSI01 – Lodgers and Sub-letting Fact Sheet
- 9.9. L&Fpol03 – Tenants Improvement and Alterations Policy
- 9.10. CCpol01 – Complaints and Concerns Policy

## **10. REVIEW OF POLICY**

- 10.1. This procedure will be reviewed every 3 years, or in response to changes in legislation, regulatory guidance, good practice or changes in other relevant CCG Cyf. Policy.