

## **Taking a lodger or subtenant into your home**

Did you know that as a council or housing association tenant you may be able to have a lodger or subtenant live in your home? It depends on the type of tenancy you have. This may be a good option for you but there are some things that you need to think about first.

**If you are a secure tenant of the council you have a legal right to take in a lodger if you wish. You also have a legal right to request permission to sub let part of your home, though the council can refuse this request if it is reasonable for them to do so. Other types of tenant may not sub let any part of their home but may take in a lodger with the land lords permission.**

**If you have a tenancy with a housing association, you will need to get advice from your landlord about what is permitted.**

### **What are lodgers and subtenants?**

#### **Lodgers**

A lodger will pay you to share your home. A lodger will not have exclusive use of any room in the house and as the householder you are entitled to go into any of the rooms that you allow the lodger to use. For example, a lodger would not be able to lock their bedroom door to prevent you entering it whilst they were out. Normally, a lodger will have use of a bedroom (which may be shared) and also share your household facilities such as the lounge, kitchen and bathroom. Often the householder will provide the lodger with meals and clean their bedroom. An agreement made between the two of you.

#### **Subtenants**

Part subletting is when you rent part of your home to a subtenant but you also continue to live there. Your subtenant will normally have exclusive use of at least one room – usually a bedroom, which you cannot enter without their permission and which they would be entitled to lock. Other rooms may be shared with the subtenant such as the lounge, kitchen and bathroom. If you do not want to give a subtenant exclusive access to part of your property you may wish to consider taking in a lodger instead.

#### **Occupation of your home**

It will normally be a condition of your tenancy agreement with your landlord that you live in your property and you cannot let the whole of it to a subtenant. You are entitled to leave your property for short periods such as holidays or to fulfil work commitments and your subtenant or lodger may remain there in your absence. However, you must use the property as your only or principal home.

If you leave your home to go and live somewhere else or sublet the whole of your property to another person this may affect the legal status of your tenancy and your landlord may be able to end your tenancy and take possession of the property.

### **Your responsibilities if you take in a lodger or part subtenant;**

- your landlord (council or housing association) will not be responsible for any furnishings or appliances that you provide to the sub tenant or lodger. It is your responsibility to ensure that they meet the appropriate safety standards (websites giving advice are listed at the end of this advice note)
- if you end the tenancy and vacate the premises your sub tenant or lodger must also leave either before or when you leave
- if they will not leave when asked to do so you will have to seek independent legal advice.
- your landlord (council or housing association) cannot become involved in any dispute you have with your subtenant or lodger. Independent legal advice should be sought

### **What should I do if I decide I would like a lodger or subtenant?**

#### **First steps**

Your landlord is unable to give you legal or financial advice about the implications of being a landlord. You may wish to get independent advice before you go ahead. Details of where to get independent legal advice are detailed at the end of this advice note.

- if you decide you would like a lodger or subtenant you will need to find someone suitable
- you will need to satisfy yourself that you feel comfortable about the person who you are taking into your home
- if they cause antisocial behaviour or damage to the property, your landlord (council or housing association) can take action against you. As the tenant, you are responsible for the behaviour of people who live in your home

You don't have to have a written agreement with your lodger or subtenant although it is advisable to do so. The agreement may include:

- how long the lodger/sub tenancy arrangement will last
- how much you will charge for this arrangement
- notice periods should either one of you wish to give notice on the arrangement
- what is included with this arrangement i.e. meals, cleaning and sharing of household bills

You may wish to take independent legal advice about:

- drafting an agreement
- your responsibilities as a tenant to your landlord
- your responsibilities as a landlord to your lodger or tenant.

You are responsible for letting the Housing Benefit Team, Department of Work and Pensions, Inland Revenue and your house insurance company (if appropriate) know that you plan to have a sub tenant or lodger living in your home. It is advisable to make contact with them before making any applications to your landlord or agreeing anything with a potential lodger or tenant to see how this will affect you financially.

### **Next step**

You should contact your landlord (council or housing association) to inform them of your plans, to get advice and to obtain any permission you may require.

There may be forms that your landlord will need you and the proposed sub tenant to complete. It may also be necessary to carry out an inspection of your property to assess your plans and decide whether your home is of a suitable size and design for it to be partially sub-let. Your landlord can give you further advice about this.

You must complete the “Right to Rent” checks for your proposed lodger and sub tenant. Proof may need to be provided to your land lord. See below;

### **Right to rent background;**

From Monday 1 February 2016 Right to Rent goes live across England. This means all private landlords, **including anyone subletting or taking in lodgers**, need to carry out quick and simple checks on all new tenants to make sure they have the right to rent property in the country. Landlords need to check identity documents for all new tenants and take copies. A wide range of documents can be used for the checks, and the Government has worked closely with housing and homelessness charities to design a document list which can accommodate different individual circumstances. This includes where people do not have traditional identity documents such as a passport.

There are resources available to help landlords comply with the new rules, including an online checking aid which landlords can use to guide them through the process and to request a check on anyone who has an outstanding case with the Home Office.

### **Your landlord’s decision**

If you are a secure tenant and are taking in a lodger your landlord does not need to agree this although you should check your tenancy agreement to see what information you must give your landlord about your lodger.

If you have a different tenancy type (not secure) once your landlord has received your request to take in a lodger they will write to you telling you whether or not they give consent.

If you wish to have a sub-tenant your landlord (council or housing association) will write to tell you whether they give you consent for you to sublet part of your property.

If your request for consent has been refused your land lord will write to you to explain the reason why. Speak with them if necessary.

### **What next?**

If the arrangement you have requested has been accepted then you will be able to move your lodger or sub tenant into your home.

You are responsible for letting the housing benefit team, Department of Work and Pensions, Inland Revenue and your house insurance company (if appropriate) know that you have a sub tenant or lodger living in your home. They may need to know anything extra that is included or additional to the rent i.e. meals.

**Remember it is advisable to get a written agreement. Seek legal advice.**

### **Safety first**

Make sure that when you show a potential sub tenant/lodger around your home that you are not alone and keep valuables locked away.

Make sure that you are comfortable with the person you wish to share your home with. Ask them questions to make sure that you have no concerns when they move in.

We have provided a list of some useful websites for you for national gas and electrical safety websites and a website for Humberside Fire Safety. You will also find information on independent legal advice addresses.

## **Useful Information**

### **Safety Websites**

Gas Safety website; [www.gassaferegister.co.uk](http://www.gassaferegister.co.uk)

Electrical Safety website; [www.esc.org.uk](http://www.esc.org.uk)

Humberside Fire Brigade website; [Humbersidefire.gov.uk/safety/community](http://Humbersidefire.gov.uk/safety/community).

### **Hull Advice service for Hull residents;**

E mail; [www.hullcc.gov.uk](http://www.hullcc.gov.uk)

“Hull Advice” is a service providing advice in relation to benefits, housing issues, debt and employment issues.

For help and advice phone 01482 300 303 or visit the Wilson Centre,

## Housing providers' website pages;

Chevin Housing – Website; [www.chevinha.co.uk](http://www.chevinha.co.uk)  
Email; [enquiries@chevinha.co.uk](mailto:enquiries@chevinha.co.uk)

Habinteg Housing – Website; [www.habinteg.org.uk](http://www.habinteg.org.uk)  
Email; [direct@habinteg.org.uk](mailto:direct@habinteg.org.uk)

Places for People – Website; [www.placesforpeople.co.uk](http://www.placesforpeople.co.uk)  
Email; [customerservicecentre@placesforpeople.co.uk](mailto:customerservicecentre@placesforpeople.co.uk)

Riverside Housing – Website; [www.riverside.org.uk](http://www.riverside.org.uk)  
Email; [info@riverside.org.uk](mailto:info@riverside.org.uk)

Sanctuary Housing – Website; [www.sancturay-housing.co.uk](http://www.sancturay-housing.co.uk)  
Email; [contactus@sancturay-housing.co.uk](mailto:contactus@sancturay-housing.co.uk)

Hull Churches Housing Association – Email;  
[info@hullchurcheshousing.org.uk](mailto:info@hullchurcheshousing.org.uk)

Hull City Council – Website; [www.hullcc.gov.uk](http://www.hullcc.gov.uk)  
Email; [info@hullcc.gov.uk](mailto:info@hullcc.gov.uk)

