

Information about taking in a lodger in your home

This information is a general guide for council tenants who are considering taking in a lodger to help with their rent and other bills, however we do advise tenants to obtain independent legal advice and also to refer to the Government's website: www.gov.uk for more information.

Can I take in a lodger or a subtenant?

If you are a council tenant on an introductory or non-secure tenancy, you do not have the right to take in a lodger or sublet any part of your council home.

If you live in Sheltered Accommodation you do not have the right to take in a lodger and must get written permission if you want someone that visits you to remain longer than 2 nights in a week.

If you are on a secure tenancy, you have the right to take in a lodger or a subtenant and can normally sublet part of your home (such as a bedroom) on the following conditions:

- you do not have more than the maximum number of people allowed in your property and must not cause your home to be overcrowded
- the property remains your primary residence
- you accept responsibility for the behaviour of any lodger or their visitors
- If you are claiming benefits then you must tell your local Housing Benefit department and the Department for Work and Pensions. It may well reduce the Housing Benefit you receive as well as any other benefits you may claim
- If you receive a single occupier reduction for Council Tax, you will lose this discount and you must tell your local Council Tax department that you no longer qualify
- You will be responsible for your lodger's actions so if they cause a noise nuisance or antisocial behaviour then you will be responsible
- Your lodger will not have security of tenure like you
- You will be responsible for legally evicting your lodger if you want them to leave
- You must inform your contents insurance provider to make sure you're still covered and let your lodger know that they'll need their own insurance

You must get written permission from DDC Housing Department before you allow a lodger to move in and provide the full names of any lodgers.

You cannot sublet or give up possession of your entire home. If you do, you will lose your secure tenancy and we will take back your home. You could also be prosecuted under the Social Housing Fraud Act 2013.

What is the difference between a lodger and a subtenant?

A lodger is a person who lives with you as part of your household and shares the same facilities for renting a room. A lodger does not have the right to exclude you from any part of the property. They are living in your home with your consent. If you give them a room key, you should also have a key, as you have right of access – to clean the room or change bedding, for example. The arrangement between you and your lodger is private and the Council has no powers to evict your lodger for you.

If you let a room, normally a bedroom, to a subtenant, he/she has exclusive use of that bedroom in your home, and you would need his/her permission to go into the bedroom. A subtenant may have permission to put a lock on his/her door. You are effectively making a sub-tenancy out of your secure tenancy and you are giving up possession of part of your home. The sub-tenancy ends when your tenancy ends.

Important: Please be aware that if DDC serve notice on you to leave, this is also binding on your lodger or subtenant and they will have to leave too. If you want to end your tenancy you must give DDC vacant possession and we will only allow you to terminate the tenancy if your lodger or subtenant is no longer living with you. If you wish to apply for a transfer, be aware that lodgers and subtenants are not our responsibility and will not be considered part of your household.

How much should I charge a lodger?

What you charge your lodger is up to you and will depend on what facilities you are providing for them. You may wish to look at websites such as www.spareroom.co.uk and see what other residents in your area charge for similar accommodation.

If the income you receive from renting a room exceeds a certain amount you may be liable to pay Income Tax. Please refer to www.gov.uk/rent-room-in-your-home/the-rent-a-room-scheme for further information.

Does having a lodger or a subtenant affect my benefits?

You must inform your local Jobcentre Plus office about the rent you are receiving. If you fail to do this, you will have to pay back any benefits you were not entitled to and you may even be prosecuted.

If you are on Housing Benefit you must also inform the Housing Benefit department as the amount you are entitled to may be affected. You will remain responsible for paying the Council Tax and if you live alone and take in a lodger, you will no longer be entitled to the single person discount of 25 per cent .

You should also seek advice from your local Citizens Advice Bureau about any other benefits that may be affected.

Your responsibilities as a tenant

If you do take in a lodger you are responsible for their behaviour. If they cause a nuisance or harass your neighbours, you will be breaking your tenancy and may risk losing your home. This is because as the official tenant you are responsible for the actions of anyone living in your home.

If you want a lodger or a subtenant to leave and they do not want to go, the Council will not get involved.

If you move out, you must not leave lodgers or subtenants in your home.

If you apply for a transfer, lodgers and subtenants will not be considered part of your household.

You must tell your local council's Housing Benefit Office about the rent you are receiving.

If the person you are renting to is a relation, then they will more than likely be treated as a non-dependant. This means that rather than counting the income you receive as rent, you will be asked to provide evidence of their income so that an appropriate deduction can be applied to your benefit. Please contact your local Housing Benefit Department for further advice.

How will taking in a lodger affect my household utility bills?

An extra person in the household may increase the amount you spend on things like gas, electricity and water.

Renting out a room is likely to affect your contents insurance as most insurers will put up premiums, but it's still important to tell them you have a lodger to be sure that your belongings are protected. If you don't tell them, the insurance may not be valid.

Should I do a background check on my lodger?

It is a good idea to do a background check on your lodger for your own safety and security as they will be sharing your home. For example, you might want to get a reference from their employer and/or previous landlord. The level of checking is up to you and the number of checks you may wish to carry out may differ from one person to the next.

Can I evict my lodger if things do not work out or I need the room back?

If you wish to evict your lodger, you must provide them with a reasonable amount of notice. It is advisable to agree terms and conditions, including how much notice they will be given, and to sign a contract with them before they move in.

What happens if my tenancy comes to an end?

Your lodger can only continue to live at the property whilst you have a secure tenancy there.

Avoiding problems with your lodger/subtenant

Interview any potential lodgers. It may help if a friend or family member attends the interview meeting. Ask the prospective lodger about their background and where they are currently living. Ask if they have anyone who can recommend them or give a reference.

Discuss how the arrangements will work such as use of the kitchen, use of the bathroom, having visitors, playing music, cleaning, and respecting each other's privacy.

Bring up topics such as how would you both deal with any concerns or difference of opinion in the future, how long the arrangement is likely to be and agree between you what notice would be required to end the agreement for each party. Make sure you feel comfortable with the person.

You may want to buy a rent book (you can get these in most stationers) to be signed by both of you when the rent is paid.

You may want to show a copy of the tenancy agreement to your lodger so they understand the acceptable behaviour required.

Useful websites:

- www.england.shelter.co.uk
- www.spareroom.co.uk
- www.lodgers.com
- www.dwp.gov.uk
- www.gov.uk/rent-room-in-your-home/the-rent-a-room-scheme/

If you don't have access to the internet you can get advice from your local Citizens Advice Bureau.