

Taking in a lodger



What does 'taking in a lodger' mean?

A lodger is the term used when:

- you provide some form of service to or for the lodger, such as cleaning, and where you have full access to provide such a service; or
- someone, other than a member of your household, rents a room in your home and may share the bathroom, kitchen or living room with you.

If you have a lodger, you will still live in the house. You can take in a lodger if you rent a whole house or flat from us and you have a spare room.

Who is considered part of my household?

People with Scottish secure tenancies and short Scottish secure tenancies have the right to share their homes with family members or anyone else who is part of their household, even if they aren't on the tenancy agreement. So, any family members who live with you won't count as lodgers, even if they contribute towards the rent.

Family and household members can include the following.

- Husband or wife
- Partner (a person you are married to or have a civil partnership with, or a person you live with as if you were their husband, wife or civil partner. (A civil partnership is a formal arrangement that gives same-sex partners the same legal status as a married couple.))
- Parents
- Grandparents
- Children (including foster children, stepchildren, and any other children you treat as your own)
- Grandchildren
- Nephews and nieces
- Brothers and sisters
- Aunts and uncles
- Any of the above who are related to your husband, wife or partner.

There is usually no limit to the number of family members who can live with you, as long as this doesn't lead to overcrowding.

Can I take a lodger into my home?

If you have a Scottish secure tenancy or a short Scottish secure tenancy, you can take in a lodger to your home but only if you have our written permission. You must still live in your house. This is because you can only be a Scottish secure tenant or short Scottish secure tenant while the property is your only or main home.

How do I apply?

If you want to take in a lodger, you must fill in the attached application form.

We will give you a written decision within one month of getting your application. Before we can consider your application, you must give us all of the information that we ask for on the form. If you have a joint tenancy, you must get the agreement of the other joint tenants to sublet your home. If you have a husband, wife or civil partner, you must get their agreement to take a lodger into your home.

Sometimes, we may arrange to interview you to collect more information. When we have all of the information we need, we will give you our decision in writing. We will either give you our agreement or refuse your application. If we refuse your request we will tell you why. We will not unreasonably withhold our permission. If we don't respond to you within one month, please consider that we have given our permission to take a lodger into your home.

How will taking in a lodger affect me?

Taking in a lodger can be a good way of earning extra money, but it can affect your income.

- If you are claiming benefits, such as Housing Benefit, Jobseeker's Allowance or Income Support, the money you get from your lodger may affect how much benefit you get. It is important to tell the relevant benefits department as soon as your lodger starts paying rent. If you don't, you may have to pay back any benefits that you weren't entitled to.
- If you get a single person discount on your Council Tax, you will no longer be eligible for this if you take in a lodger. However, you can charge your lodger their share of the Council Tax bill.

If you get any benefits, you should contact the benefits agency to check how having a lodger might affect these. You should also contact HM Revenue & Customs as any money you get from your lodger may be treated as income.

What information will I have to give?

To help us to assess your application, we will ask you to give us the following information.

- The name of the proposed lodger
- Details of any payment, including any deposit, which you will get
- Details of what services you will provide for the lodger, for example, meals and use of facilities

When might I be refused permission to take in a lodger?

We will not give you permission to take a lodger into your home if we have justified reasons for doing so, such as:

- we have served a notice on you warning that we may take action to evict you because of your behaviour;
- we have an order to evict you;
- the rent or charges, such as a deposit, you aim to charge are not reasonable;
- the planned change would mean the house would be overcrowded under the Housing (Scotland) Act 1987; or
- the proposed lodger has been convicted of antisocial behaviour in the last 12 months or has a current antisocial behaviour order.

Also, we may not give you our permission if you do not give us all of the information that we need to make our decision within one month. If we do not give our permission because of this, you can apply again when you have all of the information.

What are the conditions of taking in a lodger?

If we give you our permission to take a lodger into your home, we will tell you about the conditions in the letter of agreement. The following conditions will apply.

- **Time limits** If you have a Scottish secure tenancy, there is no time limit on how long you can take in a lodger for. We will look at each case on its own. If you have a short Scottish secure tenancy agreement, you can only have a lodger for the length of time that your tenancy lasts for.
- **Amount of rent** The amount of rent you charge should be reasonable. This does not mean that the amount of rent you charge cannot be more than the amount of rent you pay us. You may need to charge extra, for example, to cover costs of more furniture, food and insurance. We will assess each case individually.
- **Increase in rent** You must get our written permission before you increase the amount of rent you charge your lodger.
- **Paying rent and conditions of tenancy** If you take in a lodger, you will still be responsible for paying rent to us, for any damage to the property caused by the lodger, and if the lodger breaks the tenancy conditions in any other way, for example, for antisocial behaviour.
- **Change in circumstances** You must tell us about any change in circumstances in having a lodger.

When I want the lodger to leave, what should I do?

If you decide that you no longer want to have a lodger in your home you must ask the lodger to leave. This is your responsibility and not ours. If your tenancy ends and the lodger stays in your home, we will take legal action to evict them. We may charge you for the costs involved.

What if I don't agree with the decision?

You can ask the Director to review your application. You can also appeal to the Sheriff Court – you can start court action at any time. The court will order us to agree to the application unless it thinks that our refusal to give permission is fair. If you want to challenge our decision by starting court action, we recommend that you get independent legal advice.

Important points

- The lodger will have to move if your tenancy ends. He or she will not qualify for the tenancy.
- You can get independent legal advice from a solicitor or an organisation such as Citizens Advice.

Application for Lodger

Tenants name	
Address <i>Please include your postcode</i>	
Your home tel no	
Your mobile tel no	
Your email address	
Please give reasons for application	
Proposed lodgers name	
Relationship to you	
Their date of birth	
Their national insurance number	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
Their gender	<input type="checkbox"/> male <input type="checkbox"/> female
Their current address <i>Please include postcode</i>	<div style="border: 1px dashed black; padding: 5px;"><p>i You need to provide proof of this when you return this form (i.e council tax/ utility bill)</p></div>
Are they?	<input type="checkbox"/> an ANCHO tenant <input type="checkbox"/> a homeowner <input type="checkbox"/> a Private tenant, <input type="checkbox"/> a Council tenant <input type="checkbox"/> Other (please specify): _____
If they are a tenant who is their landlord?	

Please provide details of all addresses the proposed lodger has lived in for the past five years

Address		
Landlord		
Time in residence	Years: <input type="text"/>	Months: <input type="text"/>
Address		
Landlord		
Time in residence	Years: <input type="text"/>	Months: <input type="text"/>

Please provide details of all other people currently living in the house and any who would join your household as a result of this application being approved

Name	Relationship to you	Date of birth	Gender (M/F)	Live with you now (yes/no)

Please advise the following about anyone listed above:

1. Has action ever been taken against anyone for antisocial behaviour?	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Does everyone have a legal right to stay in the UK?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3. Is anyone registered under the Sex Offenders Act 1997 as amended by the sexual Offences Act 2003?	<input type="checkbox"/> Yes <input type="checkbox"/> No
4. Has anyone been or ever been employed by ANCHO or is or has been a member of ANCHO's Management Board?	<input type="checkbox"/> Yes <input type="checkbox"/> No
5. Is anyone related to an employee of ANCHO or a member of ANCHO's Management Board?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Declaration

I hereby declare that to the best of my knowledge the information I have given on this form is correct. I hereby authorise ANCHO to make any enquiries that are deemed necessary in connection with any information given by me, including any personal data protected by the Data Protection Act 1988.

Signature of tenant

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Date

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Signature of proposed lodger

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Date

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Please return this form to our office. A written reply will be received within one calendar month of receiving all the necessary information in writing.

ANCHO will not have consented to the lodger unless you receive written consent.

FOR OFFICIAL USE ONLY

Date received

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Approved/Declined

--

Signature (TO)

--

Date:

--

Signature (HC)

--

Date:

Questions

We're happy to help if you're unsure about what to do. Just call our Freephone number **03030 300 999**



Telephone: **01294 313121**



Email: **mail@ancho.co.uk**



Web: **www.ancho.co.uk**

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