

## BELGRAVE NEIGHBOURHOOD CO-OPERATIVE HOUSING ASSOCIATION SUBLETTING AND LODGERS POLICY

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### *Aims of the subletting and lodgers policy*

The following are aims of the squatting and unauthorised occupation policy:

- To ensure that the co-op considers its approach to subletting and lodgers
- To ensure that the co-op takes appropriate action regarding subletting and lodgers where a request is made to sublet
- To ensure that the co-op takes appropriate action where subletting occurs without permission

### Delegated Authority

- 1 The co-op delegates authority to its service provider to operate the subletting and lodgers policy, reporting to the chair on any significant actions needed in relation to the policy.

### Definitions

- 2 A subletter is a tenant who has parted with possession of the whole or part of their property by granting a tenancy to a subtenant.
- 3 A subtenant is the person that the tenant sublets their property to. The subtenant lives separately from and pays rent to the co-op's tenant with exclusive occupation of at least part of the property, usually their bedroom, that the head tenant does not have access to.
- 4 A lodger is a person who rents a room from a tenant but has a licence rather than a tenancy agreement. They stay with the tenant as part of their household and share facilities. They do not have exclusive occupation of any part of the property. They may have use of a bedroom, but the tenant still has access to it. They may also receive some services from the

tenant, such as meals, laundry or cleaning. They pay a charge to the tenant for use and occupation of the property.

## Subletting

- 5 The co-op aims to ensure that the people living in their homes are the members and tenants who are entitled to live there.
- 6 It is against the law and a criminal offence for a tenant of a social rented home to sublet the whole of their home or for them to cease to occupy the property as their principal home. It is also against the law and a criminal offence for such a tenant to sublet part of their home without written permission. The co-op does not permit subletting of its properties and subletting is also a breach of a co-op tenancy agreement. The co-op will always take action in cases of known or suspected unlawful subletting.

## Renting out a room

- 7 Dependent on the size of the property, members may be able to rent out a room in their property by taking in a lodger. Members must ensure that any lodgers taking in comply with any local lettings arrangements in the co-op (ie. age restrictions) and that taking in a lodger does not result in the property being statutorily overcrowded (see definition below).
- 8 Taking in a lodger means that the member is granting a right to the lodger to live in the property, rather than granting a legal interest in a part of the property. The co-op may also allow members to rent out a room on a temporary basis through internet websites such as AirBnB.
- 9 Social housing tenants are usually permitted to take in lodgers without permission but are usually required to notify the landlord.

## Providing information

- 10 Where a member takes in a lodger, or rents out a room, the member should be advised that:
- the co-op will not get involved in any dispute between them and the lodger
  - they should obtain independent advice regarding lodgers
  - the member must continue to occupy the property as their main or principal home
  - they should let the co-op know if their lodger leaves or the circumstances change
  - they are responsible for informing the DWP and/or HMRC regarding income received from the lodger
  - the co-op has a duty to notify the DWP of the changes
  - the member should inform the lodger that they have no rights in relation to the co-op; they will not be considered for membership of the co-op by virtue of them being a lodger; and they have no rights to succeed to the property
  - they must not overcrowd the property.
- 11 The tenancy agreement should state the numbers of people who can live in the property, but if that is not clear, a home is statutorily overcrowded:
- if two persons aged 10 or over of a different sex have to live in the same room (apart from when a couple share a room)
  - if the lower number from each of the two tables below are living in the home (where a person aged 10 or over counts as one person; a child aged between 1 and 9 counts as 0.5 persons; and a child under 1 does not count)

Number of rooms over 50 sq ft that are bedrooms or living rooms	Maximum number of people allowed
1	2
2	3
3	5
4	7.5
5	10

## Floor space for each room

Room's floor space in sq. ft	Maximum number of people allowed
50-69	0.5
70-89	1
90-109	1.5
110	2

### Potential risks to be avoided

- an implied tenancy is accidentally granted to an illegal subtenant
- the co-op fails to comply with the regulatory standard that requires that they ensure that "the home continues to be occupied by the tenant" for the duration of the tenancy