



LODGERS POLICY

POLICY NO. 13

Date Reviewed:	June 2024
Date of Next Review:	June 2029
Regulatory Standards of Governance and Financial Management	Standard 2 The RSL is open about and accountable for what it does. It understands and takes account of the needs and priorities of its tenants, service users and stakeholders. And its primary focus is the sustainable achievement of these priorities. Guidance: 2.1 RS 5: The RSL conducts its affairs with honesty and integrity Guidance: 5.1

1. INTRODUCTION

The Association, under the terms of this policy, will allow tenants to take lodgers into their home in line with their rights under the Housing (Scotland) Act 2001 (as amended).

A lodger is defined as a person who occupies a room or rooms in the home of a tenant and may pay some form of rent.

2. GENERAL PRINCIPLES

- 2.1 The Association's tenants have the right to take in lodgers provided that the eligibility criteria are met, and prior written consent has been given.
- 2.2 Permission can be withdrawn at any time if there are reasonable grounds, e.g. anti-social behaviour by the lodger. This action will only be taken after discussions with the tenant.
- 2.3 There should be no ~~is no~~ relationship between the lodger and the Association. The tenant will continue to be responsible for all the conditions of the tenancy including payment of rent. The lodger will have no Right of Succession to the tenancy. However, they ~~he/she~~ will be noted as a member of the household and will count as a qualifying occupier in respect of any legal notice issued.
- 2.4 The tenant will only be allowed to charge the lodger a fair and reasonable rent proportional to the number of rooms they are using, up to a maximum of 50% of the rent charged to the tenant by the Association.
- 2.5 The Association will ensure that the tenant understands the implications of having a lodger, particularly in relation to Housing Benefit and Universal Credit entitlement. The tenant must notify the relevant authority immediately of changes in their household composition.

3. ELIGIBILITY

Permission for a lodger will not be unreasonably refused. Reasonable grounds for refusing permission include the following:

3.1 Household Size

The addition of the lodger into the tenant's household must not create overcrowding of the property as defined by the Association's Allocation Policy.

3.2 Legal Action

3.2.1 Notice of Recovery of Possession

Where the Association has served a Notice for Recovery of Possession against the tenant specifying one of the grounds 1 to 7 of Schedule 2 of the Housing Scotland Act 2001, permission will not normally be given. Granting of Permission will only be

considered where the Association believes it to be in the best interests of the Association and/or the tenant (e.g. where the notice was served due to rent arrears and the tenant intends the additional income to be used to clear arrears).

3.2.2 Decree for Repossession

Permission for the tenant to take in a lodger will not be given where a Decree for Recovery of Possession has been granted against the tenant by the court.

3.2.3 Anti-Social Behaviour

The Association will not normally grant permission for a lodger where an Anti-social Behaviour Order or other action relating to anti-social behaviour has been made against the tenant, a member of their household or the proposed lodger.

3.3 Payments

Permission will be withheld if the proposed rent charge to the lodger appears unreasonable, or where the tenant has received a payment, other than reasonable rent on deposit, from the proposed lodger.

3.4 Proposed Works to Property

Where the Association plans to carry out extensive modernisation or improvement works to the property.

These grounds are not exhaustive and may be changed to reflect guidance from the Scottish Government, Scottish Housing Regulator or SFHA. The Association may also refuse to give permission where it believes it has reasonable grounds to do so.

4. **PROCEDURE**

4.1 The tenant must provide the Association in writing:

- Details of the proposed lodger. The tenant / lodger would normally be asked to complete the Additional Household Member(s) form.
- Details of the proposed lodger's housing circumstances during the last 3 years.
- The amount of rent the tenant proposes to charge.
- When the lodging will start and its expected duration.
- The terms on which they intend to take in a lodger (prior to granting consent we require lodgers to be provided with, by the tenant, a written agreement and that the terms of this agreement are acceptable to the Association.)

4.2 Housing Management staff will visit the tenant within 5 working days of receipt of the request to confirm details and discuss the implications of taking in a lodger.

4.3 The tenant will receive written approval/refusal within 28 days of the date of the request. If the Association does not respond within the 28-day period, the tenant may

conclude that permission is granted. The tenant will be advised on application, that if the information necessary to process the request is not available within the 28 day period, the application will be refused and the tenant advised to re-apply when it is available.

5. APPEALS PROCEDURE

Any applicant unhappy about a decision relating to a Lodger request must submit a written appeal to the Housing Manager within 28 days of receiving the decision.

The Housing Manager will review the decision. If it is upheld, the applicant will be given written reasons for this. If there has been a procedural failure that justified reversing the original decision, the appeal will be upheld and the request approved.

If the applicant is still dissatisfied, recourse can be sought through the Association's formal Complaints Procedure.

This does not prejudice the tenant's right to appeal to the Courts under Part 2, Schedule 5, of the Housing Scotland (Act) 2001 (as amended).

6. GENERAL DATA PROTECTION REGULATIONS

The Association will treat all personal data in line with its obligations under the current data protection regulations and its own Privacy Policy. Information regarding how personal data will be used and the basis for processing it is provided in the Association's Fair Processing Notice.

7. OUR COMMITMENT TO EQUALITY & DIVERSITY

Glen Housing Association is committed to promoting fair and equal treatment for all and is opposed to any form of unlawful discrimination. We operate an Equality & Diversity Policy which informs all aspects of our business and ensures we adhere to the Equality Act 2010.

In line with our commitment and upon request, the Association can make this Policy available, free of charge, in a variety of alternative formats including large print, audio, Braille and community languages

8. POLICY REVIEW

This Policy will be reviewed on a five yearly basis unless there is a requirement to review earlier in response to new legislation/regulations/performance standards/good practice.