

Taking in a lodger to your home



the **MORAY** council

www.moray.gov.uk

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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 to apply

If you want to take in a lodger, you must fill in an application form. You can get an application form from your local area access point or on our website at www.moray.gov.uk. For information about your local area access point, please see the end of this leaflet.

We will give you a written decision within 28 days 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 28 days, 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 benefit, you should contact the benefits agency. 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 will you not give me 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 28 days. 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.

How long can I have a lodger?

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 Area Housing Manager to review your application. If you are not satisfied with this decision, you can appeal in writing to the Housing Services Manager.

You can raise court proceedings at any time. The court must order us to agree to the application unless it considers that the refusal is reasonable.

Important points

- Even if you have a lodger, you are still our tenant and are responsible for all the conditions of your tenancy, including paying your rent.
- 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.

For more information, please contact your local access point.

Moray Council Access Points

<p>Buckie Area Access Point Environmental Services 13 Cluny Square Buckie</p> <p> housing@moray.gov.uk</p> <p> Phone: 0300 123 4566</p>	<p>Elgin Area Access Point Environmental Services Council Office High Street Elgin</p> <p> housing@moray.gov.uk</p> <p> Phone: 0300 123 4566</p>
<p>Forres Area Access Point Environmental Services Auchernack High Street Forres</p> <p> housing@moray.gov.uk</p> <p> Phone: 0300 123 4566</p>	<p>Keith Area Access Point Environmental Services The Institute Mid Street Keith</p> <p> housing@moray.gov.uk</p> <p> Phone: 0300 123 4566</p>

Please tell us if you need us to translate this document into your language, or if you would like a copy in large print, Braille or on audio tape.

For alternative formats, languages or further information, please ask an English speaking friend or relative to:

Phone: 01343 563319
Email: equalopportunities@moray.gov.uk
Write to: Project Officer (Equal Opportunities)
Chief Executive's Office
High Street
Elgin
IV30 1BX

如要索取其他的版式、各種語文的翻譯本，或需要更詳細的資訊，請叫一位會說英語的朋友或親屬與我們聯繫：

電話： 01343 563319
電郵： equalopportunities@moray.gov.uk
信件郵寄地址： 計劃主任(平等機會)
Project Officer (Equal Opportunities)
Chief Executive's Office
High Street
Elgin
IV30 1BX

Jeżeli chcieliby Państwo otrzymać informacje w innym formacie, języku lub dodatkowe informacje, mówiący po angielsku znajomy lub członek rodziny może do nas:

Zadzwoń na numer: 01343 563319
Wysłać mail: equalopportunities@moray.gov.uk
Adres korespondencyjny: Project Officer (Equal Opportunities)
(UrządNIK ds. Jednakowego Traktowania
Mniejszości Narodowych)
Chief Executive's Office
High Street
Elgin
IV30 1BX

Para outros formatos, idiomas ou para obter mais informações, peça para um amigo ou parente que fale a língua inglesa entrar em contato conosco:

Telephone: 01343 563319
Email: equalopportunities@moray.gov.uk
Endereço: Project Officer (Equal Opportunities)
Chief Executive's Office
High Street
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IV30 1BX

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Mark
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Clarity approved by
Plain English Campaign