This Quick Guide provides information for tenants planning to take in a lodger, boarder or sub-tenant.

What is the difference between taking in a lodger, boarder and a sub-tenant?

A lodger is someone who you allow to stay in your home. You will most often charge them though you don’t have to. They can stay at the property just because you say they can – it is an informal arrangement.

Lodgers do not have the right to exclude you from their room and they don’t have a legal agreement with you or a payment book. If you want them to leave, they have to go.

A boarder shares the same characteristics as a lodger with the addition that you provide at least one meal a day as part of your agreement with them.

A sub-tenant differs from a lodger or boarder because you give the person living with you sole right to use certain rooms and to share other facilities you agree on. You may have to give them a certain number of weeks’ notice before they have to leave.

We recommend you take independent legal advice before you decide to take anyone in.

If you take in a lodger, boarder or sub-tenant and you are claiming housing, or other benefits, you must inform the local authority of your change in circumstances as your benefits will be affected.

We may also have an obligation to tell the local authority if we permit you to rent out a room in your home.

Can I take in a lodger or boarder?

If you are a secure tenant you don’t have to ask our permission to take in a lodger or boarder but it is a good idea to check with us that you won’t be overcrowding your property.

For all other tenants, you will need our permission first before allowing a lodger to move in. When you contact us, we will want to know the full details of the person moving in. If you are a licensee you cannot take in a lodger.

Can I take in a sub-tenant?

If you are a secure or assured tenant you should seek our permission to rent a room which we will not unreasonably refuse. We will only say no if we have good reason, for example if you will be overcrowding your home. We will want to know the full details of the person moving in. If you want to sublet part of your property this will create a tenancy between you and the person renting the room. You should take independent legal advice and have a tenancy agreement drawn up.

If you hold an assured short-hold tenancy, including any intermediate tenancy, affordable rent tenancy or starter tenancy, or if you are a licensee, then you cannot rent out a room of your home.

How many rooms can I rent out?

We will only permit you to rent out one room of your property.

Larger homes can cost a great deal more to rent and heat. If you have 2 or more spare rooms you can contact us, and our staff can discuss the options and support we can provide for you to move to a more suitably sized home.
What if I want to sub-let the whole of my home?

Tenants are not permitted to sub-let their entire home. If you do so you will lose the protection that your tenancy currently gives you. If we discover that the whole of a property has been sublet we will take legal action to regain the property, our costs and any losses.

What do I need to do if I want to take in a lodger, boarder or sub-let a room?

If you wish to take in a lodger, boarder or sub-tenant you will need to let us know.

We will send you an application form where you can give us details of what you plan to do. We will then look at your application and either approve or reject your application.

Reasons for rejecting a request might be that overcrowding may be caused, that we think the whole of the property will be sublet or if we know that there are works planned to the property that would affect the accommodation of the lodger or person renting a room. But we will not unreasonably refuse a request.

How much can I charge a lodger, boarder or someone sub-letting a room?

You may charge an amount up to half of the cost of your rent. When you request permission you will need to inform us of this amount and if it is above this threshold we will refuse your request. It is a source of income and therefore could affect the amount of benefits you receive or tax that you pay.

How will it affect my benefits?

If you receive housing benefit, then taking in a lodger or boarder will mean that that room is not classed as being under-occupied for the purposes of the Government’s size criteria (sometimes called the ‘bedroom tax’).

You will remain liable to pay the ‘bedroom tax’ on any other bedrooms still classed as under occupied.

You may earn up to £4,250 per year tax free by opting in to the Government’s Rent a Room Scheme.

If you take in a lodger or sub-tenant, this will affect your benefit entitlement though the first £20 per week will be disregarded.

If you take in a boarder, the first £20 plus half of any remaining money that you receive will be disregarded. Benefit entitlement will be calculated on the remainder.

<table>
<thead>
<tr>
<th>Type</th>
<th>Disregard Amount</th>
<th>Remaining Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lodger/Sub-tenant</td>
<td>£20 disregarded</td>
<td>£30 treated as income</td>
</tr>
<tr>
<td>Boarder</td>
<td>£35 disregarded</td>
<td>£15 treated as income</td>
</tr>
</tbody>
</table>

Example (based on £50 per week):

- Lodger/Sub-tenant: £20 disregarded; £30 treated as income.
- Boarder: £35 disregarded; £15 treated as income.

If you claim Universal Credit, any room rented to a lodger will be classed as not occupied and will be subject to the bedroom tax. However, you will be able to keep all income from the rental without it affecting your benefit entitlements.

What rights do lodgers, boarders and sub-tenants have with the Group?

If you have a lodger or boarder or we approve a request for a lodger, boarders or sub-tenant to occupy a room for a charge the people moving in will not be considered permanent members of your household.

Lodgers, boarders and sub-tenants do not hold any form of tenancy with Southern Housing Group. We have no obligations or responsibilities towards lodgers, boarders or sub-tenants.

If you cease to live at the property as your only or principal home, move house or wish to be transferred, the lodger, boarder or person sub-letting a room would need to find somewhere else to live. As they have no tenancy rights with us,
should they remain at the property they would be regarded as illegal occupiers.

**Responsibility for Lodgers and Sub-tenants**

You are responsible for the behaviour of your lodger/boarder or sub-tenant. If they cause a nuisance, damage property, harass neighbours, or cause any other breach of our tenancy conditions with you, or affect the reasons we granted you permission, we may remove our permission for you to have them and/or take action against you for breach of tenancy.

**Family and partners**

If you are a leaseholder or shared owner, you do not need our permission if the members of your own household change, but please refer to the terms of your lease.

If someone is a close family member then they are usually treated as a guest rather than a lodger/boarder or sub-tenant. If they were part of your original household, who you declared at the start of your tenancy, then you do not need to inform us if they live with you permanently. But you should notify us if there is any change to your household. This information is important to enable us to manage your tenancy effectively.

For help with translations, or if a large type, Braille or taped summary would be useful, contact the Service Centre.

<table>
<thead>
<tr>
<th>Arabic</th>
<th>لتقديم المساعدة في الحصول على نسخ مترجمة أو إذا كان من المفيد بالنسبة لكم تلقى نسخ مطبوعة بطباعة مكبرة، أو بطريقة برايل للمكفوفين</th>
</tr>
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<tbody>
<tr>
<td>Bengali</td>
<td>অর্থাত সাহায্য পেতে হলে অথবা বড় অঙ্ক, ব্রাইল অথবা টেপে রেকর্ডকৃত সারসংক্ষেপ জন্য চাইলে সার্ভিস সেন্টারকে 0300 303 1682 নামায় ফোন করুন।</td>
</tr>
<tr>
<td>French</td>
<td>Contactez le Centre de services pour obtenir de l’aide sur les traductions, ou si un résumé en gros caractères, en Braille ou enregistré s’avère nécessaire.</td>
</tr>
<tr>
<td>Somali</td>
<td>Si laguaga caawiyaa turjumista ama hadaal aad jeclaan lahaa farta waaweyn, farta indhoolayaasha (Braille) ama warbixin kooban oo caqdlad ku duuban, la xiriir Xarunta Adeegga.</td>
</tr>
<tr>
<td>Spanish</td>
<td>Si necesita traducciones o resúmenes en letra grande, Braille o casete, póngase en contacto con el Centro de Servicios.</td>
</tr>
<tr>
<td>Turkish</td>
<td>Tercüme konusunda yardım için, veya iri puntolu, Braille körler alfabetesi ile yazılmış ya da ses kaydı olarak bir özet isterseniz, 0300 303 1683’ten Hizmet Merkezi’nı arayın.</td>
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