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Forth's Scottish Secure Tenancy Agreement

LODGERS POLICY

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FORTH HOUSING ASSOCIATION LIMITED

LODGERS POLICY

1.0 Introduction

- 1.1 *The purpose of this policy is to detail the Association's requirements to accept and consider any application for a lodger from any of our tenants as set out in the Housing (Scotland) Act 2001.*
- 1.2 A lodger can be defined as a person who occupies a room or rooms of a tenanted property, receives a service for which they have access to and makes a contribution towards the household expenditure.

2.0 General Principles

- 2.1 The Association's tenants have the right to take in lodgers provided that the eligibility criteria are met and they have prior written consent.
- 2.2 Permission can be withdrawn at any time if there are reasonable grounds. This action however will only be taken after discussions with the tenant.
- 2.3 There is no legal 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.
- 2.4 The Lodger does not have rights of succession to the property.
- 2.5 The Association will ensure that the tenant understands the implications of having a lodger if they are in receipt of housing benefit or income support (or how this could affect any future claims) with regard to rent due. The tenant must notify the Housing Benefit authority immediately of changes in their household composition.
- 2.6 The Tenant(s) must notify the Association of any proposed increase in the rent which was payable by the lodger at the commencement of the agreement.
- 2.7 The Tenant(s) must not increase the rent if the landlord objects to the increase.
- 2.8 A lodger may reside in a tenanted household for a maximum stay of six months. An extension of this period may be granted subject to special consideration of the Management Committee.

3.0 Eligibility Criteria

- 3.1 *We will not unreasonably refuse permission for a lodger. Although the list is not exhaustive, some examples of the grounds which consent to take in a lodger may be withheld are:-*
- a Notice of Proceedings for Possession has been served against the tenant and any qualifying occupier,
 - a decree for repossession has been granted,
 - If an anti-social behaviour order has been made against the tenant or the lodger,
 - it appears to the Association that any proposed charge to the lodger is unreasonable or has been or is to be received by the tenant in consideration of the lodger,
 - the transaction would lead to the over crowding of the property,
 - the Association propose to carry out work to the property that would affect the accommodation likely to be used by the lodger.
 - *the applicant has deliberately omitted, distorted or given false information on their application*

- 3.2 The tenant(s) and lodger must agree to adhere to the Association's Lodgers Policy or an equivalent agreement approved in advance by the Association.

4.0 Lodgers Procedure

- 4.1 The tenant must inform the Association in writing that they wish to have a lodger. In addition the tenant must provide the name and address of the proposed lodger and the expected duration of their occupancy. The Association may require a current or former landlord *reference* for the proposed lodger.
- 4.2 Housing Management staff will meet the tenant(s) and lodger to confirm details and complete application form for the lodger and discuss the implications of taking in a lodger.
- 4.3 If the proposed lodger meets all the criteria then the tenant will be informed in writing that permission has been granted within one month of receipt of the application.
- 4.4 The lodger will be advised that the Association has no responsibility to them either during or after the lodging period.
- 4.5 If the Association does not have sufficient information on which to base a decision the application will be refused. This refusal will be intimated by letter to the applicant within one month of receipt of the application. The reason for refusal will be given and a further application will be invited when such information is available.
- 4.6 *If the Association does not make a decision within one month to refuse or to consent to a lodger within one month of receiving the written application the Association will be deemed to have consented to the same under and in terms of Schedule 5, Part 2, of the Housing (Scotland) Act 2001*

5.0 Data Protection

- 5.1 When implementing the policies and procedures of Forth Housing Association all staff and committee members must adhere to and be aware of the requirements of the Association's approved Confidentiality Policy and the Data Protection Act 1998. In situations where there may be any doubt about the requirements of the Data Protection Act 1998 it is recommended that the Association seeks the views of its legal advisors.

6.0 Equal Opportunities

- 6.1 Forth Housing Association believes that certain sectors of the population are disadvantaged by individual and group values, as well as by organisational structures. Forth Housing Association seeks to avoid all such forms of discrimination by ensuring that there will be no discrimination on the grounds of race, colour, nationality (including citizenship), ethnic or national origins, religion, social background, disability, marital status, responsibility for children or dependants, gender, age or sexual orientation.

7.0 Appeals Procedure

- 7.1 Any appeal on a decision where consent had been refused should be made initially to the Housing Manager. Where the Housing Manager upholds the original decision, the tenant can pursue any further grievance through the Association's Complaints Procedure. This does not prejudice the tenant's right to raise a Court Action under Schedule 5 Part 2 of the Housing (Scotland) Act 2001.

8.0 Policy Review and Period

- 8.1 This Policy/Procedure will be reviewed no later than five years from the date of approval.
- 8.2 Consideration will be given to any changes in legislation, good practice or operational changes which may affect the content.

Management Committee Approval	03/96
Review	08/99
Review	10/02
Review	06/07