



# Lodger Policy and Procedure

**August 2022**

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**Title: Lodger Policy and Procedure**

<b>Document status (Version/Draft/Final)</b>	<b>Final v.2.0</b>	
<b>Document reference</b>	<b>Tbc</b>	
<b>Reason for review</b>	<b>Policy due for review</b>	
<b>Approved by (Officer)</b>	<b>Director of Housing</b>	
<b>Approved date</b>	<b>05 August 2022</b>	
<b>Effective from (Date)</b>	<b>12 August 2022</b>	
<b>Policy author</b>	<b>Service Quality Manager</b>	
<b>Policy owner</b>	<b>Director of Customer Services</b>	
<b>Accountable officer</b>	<b>Director of Housing</b>	
<b>Date of next review</b>	<b>August 2025</b>	
<b>Consultation: internal</b>	<b>Legal Consultation Complete</b>	
<b>Consultation: residents</b>	<b>n/a</b>	
<b>Equality Impact Assessment (EIA)</b>	<b>Date completed</b>	<b>May 2017</b>
	<b>Initial/ Full EIA</b>	

**Version Control – Change Record**

<b>Date</b>	<b>Author</b>	<b>version</b>	<b>Reason for change</b>
<b>February 2021</b>	<b>Service Quality Manager</b>	<b>2</b>	<b>Policy Review</b>
<b>May and August 2022</b>	<b>Service Quality Manager and Neighbourhood Team Leaders</b>	<b>Version 2-1</b>	<b>To take account of Government Refugee Scheme and of Right to Rent</b>

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## **Appendices**

**None**

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## 1. Introduction

- 1.1 The Lodgers Policy and Procedure is intended to clarify what constitutes a lodging arrangement and the conditions that are required to be met by our general needs tenants in notifying us that they are going to take in a lodger. This policy details how we manage these notifications.
- 1.2 The policy relates only to general needs assured, secure/fair rent and assured shorthold tenants who want to take in a lodger. It does not include leaseholders.

## 2. Aims and objectives

- 2.1 The primary aim of the Lodgers Policy is to ensure that people do not move in and out of the Network Homes' properties in an illegal or un-controlled way. The policy is also intended to provide guidance to staff on implementing the correct procedures and to tenants on the requirements placed on them.

We have information on our Website about taking in a lodger:

- 1 If the tenant wishes to become a sponsor for the Ukraine:  
[Thinking of becoming a Homes for Ukraine sponsor? | Network Homes](#)
- 2 Taking in a lodger: [Taking in a lodger | Network Homes](#)

- 2.2 The objectives of the Lodgers Policy include:

- Ensuring that Network Homes always complies with the law and operates in accordance with good practice.
- Ensuring that tenants meet all their statutory obligations relating to taking in lodgers including completing right to rent checks where the lodger is not joining the household as part of the Government Refugee scheme.
- Recognising and protecting the rights of tenants
- Ensuring that all notifications from tenants to take in lodgers are treated in a fair and equitable manner.
- Ensuring that the tenant is fully aware of our expectations and their responsibilities in terms of the conduct of the lodger.
- Enabling us to keep accurate records of who is residing in its properties.

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- Ensuring property does not become illegally or statutory overcrowded as a result of the lodger notification from the tenant

### 3.0 Policy Statement

3.1 A tenant may take in a lodger (or lodgers) by notifying us of their plan to have a lodger. There may be occasions when we are unable to accept the notification as it will result in statutory overcrowding.

- By a tenant taking in a lodger it does not imply any legal agreement between the lodger and Network Homes.
- The arrangement must not lead to statutory overcrowding.
- Permission for a lodger will not be granted if the tenant has a Suspended Possession Order
- The tenant is to be made aware of the implications of having a lodger(s) for Housing Benefit purposes. The tenant should always be advised to check their benefit entitlement to determine whether having a lodger will impact their benefit payments. The tenant is to be made aware of the implications of having a lodger(s) to their council tax single person discount if they are living alone
- The lodger is not deemed part of the household for transfer or mutual exchange purposes
- The tenant has no right to assign the property to the lodger
- The lodger has no rights to succeed the tenancy
- The tenant is responsible for completing a Right to Rent Check on the lodger. [Check your tenant's right to rent: Who you have to check - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/check-your-tenant-s-right-to-rent-who-you-have-to-check)

### 4.0 The Lodger Procedure

4.0.1 Our Responsibilities

4.0.2 Upon a tenant notification

- The CSC will open an activity on the Customer Hub and create an activity (case type is info only) and send the notification form (Lodger Notification Form) and Lodger Guidance Notes to the tenant.
- On return of the completed form the Neighbourhood Team will create a Customer Hub case.
- They will check the form and follow up on any queries.
- If it's a joint tenancy and one of the tenants no longer lives there, then seek advice from your Neighbourhood team lead.
- If it's a joint tenancy and one of the tenants has passed away then please follow the Assignments and Successions Procedure.
- They will check the household composition detailed on the Lodger Notification form against Northgate. If the addition of the lodger to the property will result in statutory overcrowding

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then the notification should be refused and our Lodger Refusal Letter sent. Here is a link to the Shelter Guidance [Shelter Legal England - Overcrowding - Shelter England](#)

- g) They will confirm the lodger rent does not exceed more than the weekly rental charge. If the rent the lodger is being charged is more. Then the notification should be refused, and letter Lodger Refusal Letter sent.
- h) Once all checks complete and subject to satisfactory check then Lodger Approval Letter and Lodger Guidance Document should be sent to the tenant. (See Letter A).
- i) Northgate to be updated to show the Presence of the lodger.
- j) The Neighbourhood Team will notify the Income Team of the Lodger Agreement start date.
- k) The Notification form and any resulting letters should be saved on the Document Centre.
- l) The Customer Hub case should be updated and closed.

#### 4.2 Tenant responsibilities

- a) The Tenant must notify us of their intention of taking in a lodger. They can contact us by :
  - phoning the Customer Service Call Centre (From Monday to Friday 08.00 – 18.00)
  - By emailing us at [customerservice@networkhomes.org.uk](mailto:customerservice@networkhomes.org.uk).
  - By contacting our Customer Services Team on Twitter at [@asknetworkhomes](https://twitter.com/asknetworkhomes) or on Facebook at [@networkhomesuk](https://www.facebook.com/networkhomesuk)
- b) Once notified we will send out our Notification Form and Lodger Guidance Notes. The form asks them to include::
  - The lodgers name(s), gender(s), and date(s) of birth.
  - The date the Lodger Agreement will start and a copy of the agreement with the rent charged. The rent charged must not be more than the rent we charge the tenant.
  - A right to rent check must be completed on the lodger to determine whether they have the right to remain. Failure to complete the right to rent check could result in a civil prosecution by The Government. More information can be found on the link below: [Check your tenant's right to rent: Who you have to check - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/check-your-tenant-s-right-to-rent-who-you-have-to-check)
  - The part of the tenant's home they will be occupying.
- c) The tenant remains responsible for the behaviour of their lodger; for the purposes of any ASB or breach of tenancy a lodger will be regarded as a member of the tenant's household and as a result action can be taken against the tenant.
- d) The tenant is responsible for any damage caused to the property by the lodger.
- e) The tenant must remain living at the property and not sublet the whole of their property. If they do sublet, they will be in breach of their tenancy agreement. Where we discover subletting then we will take legal action to take back possession of the property.
- g) The tenant is responsible for paying the whole rent on the property.
- h) The tenant remains responsible for taking any action to evict the lodger from their home.
- i) The tenant is responsible for notifying Housing Benefit or the Departments of work and Pensions if they are taking in a lodger and are in receipt of benefits. This is because their

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benefit entitlement may be affected. In addition, they should notify Council Tax and declare the lodger income to Her Majesty's Revenue and Customers (HMRC).

- j) Renting out a room may also affect a tenant's contents insurance. They are responsible for informing their insurer they are taking in a lodger(s) to make sure their insurance is not invalidated.
- k) The tenant must give Network Home's provider vacant possession of the property if they leave.

#### 4.3 Lodger responsibilities

- a) The lodger can only remain in the property whilst the tenant is living in there.
- b) The lodger must not cause antisocial behaviour or any other breach of tenancy.
- c) Network Homes have not relationship or duty to a Lodger residing in one of our properties. The lodger will have no tenancy rights, including succession rights.

### 5. Definitions

#### 5.1 Definition of a Lodger

- A lodger is someone who rents a room in her/his landlord's home and who shares living space with her/him. Some lodgers receive services, such as meals or cleaning, as part of their agreement. Family members are not normally considered to be lodgers.

#### 5.2 Difference between a lodger and a sub-tenant

- A subtenant has exclusive use of at least one room (usually a bedroom) in the property.

### 6 Complaints

- 6.1 Any tenant who is dissatisfied with how we have managed their lodger request is able to submit a complaint using our Complaints process. Once our Complaints policy is complete and if they remain dissatisfied then they can contact the Housing Ombudsman.

### 7. Performance Monitoring and Responsibilities

- 7.1 We will monitor the impact of this policy to ensure appropriate and consistent application using the following reports:

- Number of lodgers agreed/declined

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- Where a lodger has a limited leave to remain, we will ensure we check complete a further check on their immigration status before the limited leave to remain expires

## 8. Related Documents

- Allocations and Lettings Policy
- Complaints Policy
- Tenancy agreement
- Tenancy Fraud Policy and Procedure
- Subletting Policy
- Safeguarding Policy-
- Vulnerable Customers Policy
- Tenancy Audits Procedure
- ASB Policy
- Becoming a Homes for Ukraine Sponsor [Thinking of becoming a Homes for Ukraine sponsor? | Network Homes](#)
- [Taking in a lodger | Network Homes](#)

## 9. Legislation and Regulation

The legislation listed in this policy is not intended to cover all legislation applicable to this policy. To meet the required HOMES Governance & Financial Viability Standard outcome on adherence to all relevant law, Network will take reasonable measures to ensure compliance with any and all applicable legislation by reviewing policies and procedures and amending them as appropriate. The legislation listed within this policy was considered at the time of the development of this policy, but subsequent primary and secondary legislation, case law and regulatory or other requirements will be considered and the policy reviewed and adopted in accordance with the requirements set out therein, even should such subsequent legislation not be explicitly listed within this policy. Any queries relating to the applicable legislation should be directed to the policy author.

NH will meet its legal obligations under the following legislation:

- Housing Act 1985 and 1996
- Welfare reform Act 2012
- HOMES Tenancy Standard 2015

## 10. Equality and Diversity

We will apply this policy consistently and fairly, and will not discriminate against anyone based on any relevant characteristics, including those set out in the Equality Act 2010.

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**11. Review**

All policies should be reviewed every 3 years as a minimum, or sooner if there is a specific legislative, regulatory or service requirement or change in guidance, law or practice.

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