

Taking in a lodger

www.homesforharingey.org/tenancy



Homes for Haringey

This information is for council tenants in Haringey who are thinking about taking in a lodger to help with their rent.

What is the difference between a lodger and a subtenant?

A lodger is a person who lives with you as part of your household and shares the same facilities for renting a room. A lodger does not have the right to exclude you from any part of the property. They are living in your home with your consent. If you give them a room key, you should also have a key, as you have right of access – to clean the room or change bedding, for example. The arrangement between you and your lodger is private and the Council has no powers to evict your lodger for you.

If you let a room, normally a bedroom, to a subtenant, he/she has exclusive use of that bedroom in your home, and you would need his/her permission to go into the bedroom. A subtenant may have permission to put a lock on his/her door. You are effectively making a subtenancy out of your secure tenancy and you are giving up possession of part of your home. The sub-tenancy ends when your tenancy ends.

Important: If we serve notice on you to leave, this is binding on your lodger or subtenant and they will have to go too. If you try to end your tenancy we will only allow you to do so if your lodger or subtenant is no longer living with you. If you apply for a transfer, lodgers and subtenants are not our responsibility and will not be considered part of your household.



You cannot sublet or give up possession of your entire home. If you do, you will lose your secure tenancy and we will take back your home

Can I take in a lodger or a subtenant?

If you are a council tenant on an introductory tenancy, you do not have the right to take in a lodger or sublet any part of your council home. Download our leaflet “Your introductory tenancy” at www.homesforharingey.org/tenancy for more details about introductory tenancies.

If you are on a secure tenancy, you have the right to take in a lodger or a subtenant and can normally sublet part of your home (such as a bedroom) on condition that:

- you do not have more than the maximum number of people allowed in your property
- the property remains your primary residence
- you accept responsibility for the behaviour of any lodger who lives in your property.

You don't need the Council's permission to take in lodgers, but you must tell your Tenancy Management Officer about any changes in your household and if someone's moved in with you.

You do need the Council's permission before subletting part of your property. If you sublet part of your council home without our written permission, you are breaching the tenancy agreement and this is a reason for us to seek possession of your home.

Important: We strongly recommend you get good advice about your legal responsibilities and that of your subtenant before subletting part of your council home.

We will not allow you to take in lodgers or subtenants if you live in a sheltered unit or other form of supported accommodation.

Does having a lodger or a subtenant affect my benefits?

If you are on Housing Benefit, you must also inform the Council's Housing Benefit department as the amount you're entitled to may be affected. You should also seek advice from your local Citizens Advice Bureau about any other benefits that may be affected. Please note that if the income from letting a room exceeds a certain amount, you may also be liable to pay income tax.

Renting out a room may also affect your contents insurance. Most insurers will put up premiums, but it's still important to inform them if you want to be sure that your belongings are protected. If you don't tell them, the insurance may not be valid.

Your responsibilities

If you do take in a lodger you are responsible for their behaviour. If they cause a nuisance or harass your neighbours, you will be breaking your tenancy and may risk losing your home.

Please also remember that if you want a lodger or a subtenant to leave and they don't want to go, you may need to take legal action. The Council will not get involved and you must make sure that they are out of the property before you end your tenancy.

- If they cause antisocial behaviour, we will take action against you. This is because, as the tenant, you are responsible for the actions of anyone living in your home.

- If you move out, you must not leave lodgers or subtenants in your home.

- If you apply for a transfer, lodgers and subtenants will not be considered part of your household.

Thinking it through

Taking in a lodger is a big step, to an extent a lodger lives as a part of your household, and they share your accommodation. Part of your home becomes their home.

This is a good practical step if you have space to spare, don't want to move somewhere smaller, and will have your benefit reduced because you have spare space.

As with all changes about your home you need to think the step through carefully, and make sure the arrangement will be safe and happy for you.

Avoiding problems with your lodger

Interview any potential lodgers. You might want a friend or family member to be part of the interview meeting. Ask about their background and their life. Ask if they have anyone who can recommend them or give a reference.

Discuss how the arrangements will work such as use of the kitchen, use of the bathroom, late hours, playing music, cleaning, and respecting each other's privacy.

Discuss how you would deal with any difference of opinion or problem (this may seem difficult, but it is much easier to discuss the possibility and how you would deal with it before it arises).

Make sure you feel comfortable with the person.

Discuss how long your arrangement is for, and how it will end if circumstances change – you might want to agree that either of you can give a month's notice.

For a complete list of all our publications and factsheets, go to:
www.homesforharingey.org/publications