
Taking in a lodger



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We review our leaflets regularly to make sure you have the most up-to-date information. However, the content of this leaflet is only correct at the time it is published.

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)
- Parents
- Grandparents
- Children (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 apply to us for permission.

You can get an application form by:

- visiting our website:
www.moray.gov.uk/housing
- phoning us:
0300 1234 566
- visiting your local access point:
please find our contact details at 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 or have a husband, wife or civil partner, you must get the agreement of the other joint tenants to take in a lodger to 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.

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; and
- details of what services you will provide for the lodger, for example, meals and use of facilities.

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.

How will taking in a lodger affect me?

Taking in a lodger can be a way of earning extra money, but it can affect your income.

- If you are claiming benefits, such as Housing Benefit or Jobseeker's Allowance, the money you get from your lodger is classed as income and 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.
- For people on Universal Credit, the rent from a lodger is not treated as income. This means that whatever amount you charge a lodger, it will not affect how much Universal Credit you get. However, working-age social housing tenants are subject to the size criteria reduction for the spare bedroom that the lodger rents.
- 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 are a taxpayer, you might be able to get tax-free income by letting out furnished accommodation in your home. You can find out more information on GOV.UK.

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.

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.

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 if I don't agree with the decision?

You can appeal against our decision by writing to the Housing Services Manager within 28 days of receiving our decision letter.

The Housing Services Manager will review the case and write to you within four weeks of receipt of your request, informing you of the outcome.

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 us.

Contacts

Housing and Property
PO Box 6760
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IV30 1BX

0300 123 4566
housing@moray.gov.uk

Access Points

Buckie Access Point

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Buckie
AB56 1AJ

Forres Access Point

Auchernack
High Street
Forres
IV36 1DX

Elgin Access Point

Council Office
10 High Street
Elgin
IV30 1BY

Keith Access Point

The Resource Centre
26 Mid Street
Keith
AB55 5AH

