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<b>Policy:</b>	Lodger Policy
<b>Legal Requirements:</b>	Housing (Scotland) Act 2014 Housing (Scotland) Act 2001
<b>Regulatory Standards:</b>	<p>The Scottish Housing Regulator has set out Regulatory Standards for all Registered Social Landlords (RSLs) to ensure that RSLs deliver good outcomes and services for its tenants and service users through good governance and financial management.</p> <p>This policy evidences that the following Regulatory Standards are being met:</p> <p>Standard 2. The RSL is open about and accountable for what it does. It understands and takes account of the needs and priorities of its tenants, service users and stakeholders. And its primary focus is the sustainable achievement of these priorities.</p>
<b>Notifiable Events Guidance</b>	In compiling this policy, consideration has been given to the Notifiable Events Guidance issued by the Scottish Housing Regulator and the impact of that guidance on the policy.
<b>Equality and Diversity:</b>	<p>The Association is committed to Equal Opportunities and will endeavour to ensure that all services are carried out in an undiscriminating manner in line with the Association's Equality and Diversity Policy.</p> <p>In particular, the Association will not discriminate on the grounds of age, disability, marriage and civil partnership, pregnancy and maternity, race, religion or belief, gender, gender reassignment or sexual orientation.</p>
<b>Human Rights:</b>	<p>In compiling this policy, consideration has been given to "The Right to Adequate Housing" (Fact Sheet No. 21/Rev.1) published by the Office of the United Nations High Commissioner for Human Rights and the impact of that guidance on the policy.</p> <p>In particular, the Association is satisfied that this policy promotes the key aspects of the right to adequate housing – that it contains freedoms; entitlements; provides more than four walls and a roof; and protects against forced evictions.</p>
<b>Complaints:</b>	Although the Association is committed to providing high levels of service, we accept that there may be occasions where customers may not be satisfied with the service they have received. The Association values all complaints and uses this information to improve the services that it provides. The Association's Complaints Policy describes our complaints handling procedure and how to make a complaint.
<b>General Data Protection Regulation (GDPR):</b>	The Association will treat all customers' personal data in line with its obligations under the current data protection regulations and our Privacy Policy. Information regarding how data will be used and the basis for processing data is provided in the Association's Fair Processing Notice.
<b>Policy Author:</b>	Kevin Freeman
<b>Policy Review:</b>	In order to ensure that any change in circumstances is accommodated this policy will be subject to review every three years in the month of November.



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<b>Policy Approval:</b>	This policy was last reviewed / approved by the Management Committee of Yoker Housing Association Limited at its meeting held on Thursday the 7th of December 2023.
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**Statement of Policy Aims and Principles**

5 The primary aim of this policy is to set out the Association's arrangements for considering applications from tenants wishing to take in a lodger (Lodger Application).

The policy aims to ensure that Lodger Applications are treated in a fair and equitable manner and are processed in accordance with legislation, good practice and the contractual terms contained within the Scottish Secure Tenancy Agreement or Short Scottish Secure Tenancy Agreement.

10 **Policy Details**

Definition of Lodger

15 A lodger is defined as a person who has a formal financial arrangement with a tenant to rent the use of one or more rooms or part of a room with services such as meals and / or laundry included.

20 Applications received from tenants looking to rent part of their house without providing additional services such as meals or laundry will be considered as an application to sub-let and will be dealt with in accordance with the Association's Sub-Letting Policy and procedures.

Family members are not normally considered to be a lodger although permission must still be sought before an additional family member can join the household. A family member will be defined by their relationship to the tenant and includes spouse / civil partner, co-habitee, child, grandchild, parent, grandparent, brother or sister, uncle or aunt, niece or nephew and cousin.

25 Applying to Take in a Lodger

Tenants wishing to submit a Lodger Application must do so in writing and must provide the following information as part of the application:

- 30 • Details of the proposed lodger including their name, date of birth, current and recent addresses and details of any tenancies they have held;
- Identification and proof of address for the proposed lodger;
- Details of all payments that the tenant proposes to charge to the lodger e.g. rent charges, services charges and deposits;
- 35 • Details of any services provided as part of the proposed Lodging Agreement;
- The proposed start and end date of the Lodging Agreement; and
- A copy of the proposed Lodging Agreement.

40 Where a Lodger Application is approved it will be the tenant's responsibility to ensure that the lodger vacates on the termination of the agreement and the arrangements for termination of the agreement must be contained within the Lodging Agreement.

Where a joint tenancy exists, all tenants must agree to the Lodger Application.

45 Where a Lodger Application is approved the original tenancy agreement between the tenant(s) and the Association remains valid and the tenant(s) remain responsible for maintaining the terms of their tenancy agreement.

Grounds for Refusal to Take in a Lodger

50 Lodger Applications will not be refused unless the Association has reasonable grounds for doing so. The legislation does not clearly define what is regarded as "reasonable grounds" for refusal, however, the following grounds are considered reasonable for refusing a Lodger Application:



**POLICY STATEMENT**

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**Policy Details** (Continued)

Grounds for Refusal to Take in a Lodger (Continued)

- 5 • A Notice of Proceedings for Possession has been served on the tenant specifying any of the 'conduct' grounds set out in paragraphs 1 to 7 of the Schedule 2 of the Housing (Scotland) Act 2001;
- A Decree for recovery of possession has been granted against the tenant by the court;
- The Association believes that the tenant is to receive a payment other than a reasonable rent or reasonable and returnable deposit, in return for making the Lodger Application.
- 10 • The tenant has outstanding debts with the Association or other social landlord amounting to more than one month's rent and has not adhered to a reasonable repayment arrangement for a minimum of three consecutive months;
- The proposed lodger has outstanding debts with the Association or other social landlord amounting to more than one month's rent and has not adhered to a reasonable repayment arrangement for a minimum of three consecutive months;
- The tenant has been evicted for anti-social behaviour within the last five years (this includes eviction by other social landlords);
- 15 • The proposed lodger has been evicted for anti-social behaviour within the last five years (this includes eviction by other social landlords);
- An Anti-social Behaviour Order (ASBO) has been granted against the tenant or a member of the tenant's household;
- An Anti-social Behaviour Order (ASBO) has been granted against the proposed lodger;
- The approval of the Lodger Application would lead to overcrowding;
- 20 • The Association has been provided with an incomplete application or has been provided with false and misleading information within the application;
- In the case of a joint tenancy, one or more tenant(s) has not given consent for the Lodger Application; and
- The Association proposes to carry out work to the property which would affect the accommodation likely to be used by the proposed lodger.

25 The grounds for withholding permission are not exhaustive and the Association may refuse to grant permission where it believes that there are other reasonable grounds for doing so.

Notification of Decision

30 The Association will respond to a Lodger Application within one month of the application being received. Where approval of a Lodger Application is granted, approval will be subject to conditions set by the Association. The tenant will be notified in writing that approval has been granted and of the conditions of approval.

35 Where approval of a Lodger Application is not granted, the tenant will be advised of the decision in writing and given the reason(s) for refusal.

If the Association fails to provide a response to a Lodger Application within one month of the application being received, it will be taken that approval of the application has been granted.

**Appeals**

45 Tenants wishing a review of the decision made in response to their application should write to the Association's Housing Management Department within fourteen days of the date of the decision letter giving their reasons for appeal. The application will then be reviewed by the Housing Services Manager and a written response will be provided within five working days outlining any new decision. If the tenant is still dissatisfied then he / she should write to the Association's Director who will investigate all circumstances and will respond to the applicant in writing within five working days. If the tenant is still dissatisfied then the Association's complaints handling procedures will apply.

**Risk Management**

By having a written policy and procedures on taking in a lodger, the Association is able to ensure that a uniform and professional approach is adopted throughout the organisation and the service delivered is compliant with law, best practice and internal policy.

55 Without a Lodger policy, the Association is at risk of acting unlawfully and unprofessionally.



**Policy Reporting**

A report on the number of Lodger Applications received by the Association as well as the outcomes will be reported to Management Committee on an annual basis as part of the Tenancy Management Report.

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