

Lodgers and Subletting Policy

1.	SCOPE
	Purpose
1.1	This document sets out whg's policy towards customers who wish to take in lodgers or sublet part of their home.
1.2	The policy aims to protect our assets, support our customers to sustain their tenancy, achieve best use of stock and prevent tenancy fraud from occurring.
1.3	This policy applies to whg's affordable, social and market rent homes. Shared ownership rights for a lodger or subletting are covered in the individual lease.
	Legal and regulatory framework
1.4	Housing Act 1985 Part X: statutory overcrowding levels, exemptions from overcrowding, and the penalties for both occupier and landlord for contravention.
1.5	Immigration Act 2014 (updated 2016): liability of landlords to check the immigration status of subtenants and lodgers.
1.6	<p>Prevention of Social Housing Fraud Act 2013: criminal subletting of social housing has maximum penalty of £50,000 fine/ two years in prison.</p> <ul style="list-style-type: none"> Local authority has statutory powers to prosecute someone for tenancy fraud, the evidence of which is admissible in civil proceedings, should whg apply for possession of the property. whg as landlord can apply to court for possession and take civil action to recover any profit and costs under an Unlawful Profit Order.
1.7	Housing Act 1985 S15A: loss of assured tenancy status if a tenant parts with possession of the property or sublets whole of the property.
2.	POLICY STATEMENT
	Definitions
2.1	<p>For the purposes of this policy, specific terms are defined as follows:</p> <ul style="list-style-type: none"> Lodger: someone who does not have exclusive possession of any part of the property (i.e. the tenant can access their room). Subtenant: someone who has exclusive possession to part of the property (i.e. the tenant cannot access their room without permission). House sitter: someone who looks after your property while you're temporarily away from it.
	Consent – Subletting and Taking in Lodgers
2.2	If their specific tenancy/lease agreement allows, a customer may sublet part of their property or take in a lodger. The customer will require whg's written consent to do so,

	<p>depending on their tenancy/lease agreement. whg will not give consent to sublet or take in a lodger if:</p> <ul style="list-style-type: none"> • It would mean there is overcrowding in the property; • the lodger or subtenant would breach our Restricted Access Policy; • the lodger or subtenant would breach any age or other criteria for occupation of the home determined by us (acting reasonably) from time to time; or • we have reasonable cause to believe that the lodger or subtenant has committed, or allowed a visitor or household member to commit, antisocial acts of a type set out in the conditions of tenancy.
2.3	whg will not give consent for a tenant to sublet the whole of the home to another person and move out of the property.
2.4	If the customer leaves, any lodger or subtenant must also leave. If they do not, they will be classed as an unauthorised occupier and whg will apply for possession of the property. The customer will be responsible for the associated costs of any legal action.
2.5	Customers must tell us the name, age and gender of any lodger or subtenant. Customers must also obtain evidence from the lodger/subtenant of Right to Rent and share this with us.
2.6	Customers are responsible for the conduct of the lodger/subtenant, and any of the lodger/subtenant's visitors, during their occupancy.
2.7	Customers in receipt of housing-related benefits must advise the relevant benefit authority of any changes in occupancy of the home, including any lodgers or subtenants.
2.8	Customers must get whg's consent for any further lodgers or subletting if there is a change in occupancy. If a customer takes in a lodger or sublets without consent, whg will take appropriate action and treat as a tenancy breach.
2.9	Lodgers and subtenants do not have a tenancy/lease agreement with whg, and any tenancy/lease agreement issued to them by our tenant will not be valid or enforceable by whg.
	Unauthorised Subletting
2.10	If whg identifies that a customer has sublet the whole of their property, we will deem the tenancy has lost its assured status and apply to court for possession on this basis. whg will not accept a surrender of tenancy for a sublet property without vacant possession in line with the Tenancy Fraud Policy.
2.11	whg may apply for an Unlawful Profit Order where appropriate. whg may also refer any evidence to the relevant local authority for prosecution.
	Overcrowding
2.12	Overcrowding is allowing more people to live at the property than the maximum capacity allows as per the tenancy/lease agreement and may constitute an offence on the part of both the customer and the landlord depending on the circumstances of the case.

2.13	whg will address overcrowding resulting from a customer allowing lodgers or subletting on a case-by-case basis. Actions may include seeking possession of the property.
	House sitting
2.14	Customers will not usually need permission for a house sitter for short periods of time, for example to care for a pet or the home while the customer is on a holiday.
2.15	Customers should inform us if they intend to be away from their property for more than 28 consecutive days as outlined in the tenancy agreement or lease. If the customer intends to have a house sitter during this period permission will need to be sought from whg. Absence from your home longer than four weeks may be considered as abandonment as per the tenancy agreement.
3.	PERFORMANCE MEASURES
3.1	whg will keep a record of all requests for subletting and/or taking in a lodger including the details of the lodger.
4.	DIVERSITY AND INCLUSION
4.1	Potential for equality impact has been considered as part of a separate equality assessment; overall there are no anticipated negative impacts relating to equality but monitoring procedures will include equality analysis in addition to performance.
5.	TRAINING AND DISSEMINATION
5.1	The Community Housing team will be trained to effectively manage all requests for lodgers and subtenant and be able to take the relevant actions as identified in the procedures.
6.	MONITORING AND REVIEW
6.1	Where there are any identified cases of unlawful lodgers or the property is being sublet, the Community Housing Officer will investigate in accordance with the Tenancy Fraud Policy.
6.2	whg may share data with other organisations through the necessary protocols to enable the detection and prevention of fraud, as noted in the Privacy Statement.
6.3	The Director of Housing and Customer Services monitors the policy and accompanying procedures and considers customer feedback, to ensure whg adhere to good practice. The policy is reviewed formally and approved every three years by the Customer Operations Panel.
7.	ASSOCIATED DOCUMENTS, POLICIES AND PROCEDURES
7.1	Documents, policies and procedures associated with this policy are: <ul style="list-style-type: none"> • Tenancy agreements • Lease agreements • Anti-Social Behaviour Policy • Allocations Policy

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| | <ul style="list-style-type: none">• Preserved Right to Buy and Right to Acquire Policy• Anti Money Laundering Policy• Fraud Prevention Policy• Restricted Access Policy• Succession Policy• Abandoned Homes Policy• Tenancy Fraud Policy |
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Document author	Regional Community Housing Manager
Document owner	Assistant Director of Housing - Community
Version and status	v2.0
Legal advice	<ul style="list-style-type: none"> • Seeking Unlawful Profit Orders • Local authority prosecution approach • Surrender of tenancy implications if lodger/subtenant in situ
Consultation	Policy sent to Legal; Lettings, Community Safety, Community Housing teams, Policy Reading Group, Corporate Director of Housing and IT. Comments have been incorporated into the policy.
Approved by	Customer Operations Panel
Review date	Quarter 1 - 2029
Transformational programme	Forward-thinking services - we anticipate customer needs and respond with solutions to deliver a positive experience.
Equality assessment	March 2026
Key changes made	<ul style="list-style-type: none"> • Taking out tenancy fraud to create a new policy • Key focus on lodgers and subletting • Inclusion of leaseholders