

# WDH Lodgers and Subtenants



## Thinking about taking in a lodger or subletting part of your home?

Are you thinking about renting out your spare room? As a WDH tenant you may have the right to take in a lodger or subtenant. In this factsheet, we hope to explain the difference between lodgers and sub tenants, provide information on whether you are eligible to take them into your home and advise on the next steps you need to take.

### Q. What's the difference between a lodger and a subtenant?

A lodger is somebody living with you and occupying part of your property in exchange for rent. Usually they will have their own room but they wouldn't have the right to exclude you from entering that room or any part of the house they were using.

A subtenant is also somebody living with you and occupying part of your property in exchange for rent. What makes a subtenant different from a lodger is that they would have exclusive access to part of your home, usually a bedroom. You would not be permitted to enter that room without their permission and usually there would be a lock on the door.

### Q. Can I take in a lodger or subtenant?

You may have the right to take in a lodger or sublet part of your home but in most cases, you will need our permission. Check what your tenancy agreement says. You won't be allowed if the arrangement results in your household becoming overcrowded and you will need to provide us with information about the lodger or subtenant.

### Q. Could I sublet all of my home?

No. The important thing to understand is that you must continue living at the property at the same time as the lodger or subtenant as your only or principal home. If you were to leave the property to live elsewhere then you may be committing a criminal offence. You could lose your tenancy and if prosecuted be sent to prison for up to two years.

## Q. What should I think about before taking in a lodger or subtenant?

We want you to think about whether sharing your home with a lodger or subtenant is the right arrangement for you. You will be responsible for their behaviour and if they cause any problems, it will be your responsibility and could impact on your tenancy.

Any rent you receive from your lodger or subtenant is considered as income. If you receive Housing Benefit or Universal Credit the amount you receive may be affected.

If you live alone, you need to bear in mind that you will lose the 25% single person discount on your council tax.

Renting out a room in your home could affect your home contents insurance. Your insurer may increase your premium. If you don't tell your insurer, your policy may not be valid.

It's best if you and your lodger or subtenant sign an agreement, so any responsibilities and arrangements for occupation are clearly set out. It's also a good idea to draw up an inventory of the furniture and fittings in the lodger or subtenant's room to help prevent disputes later.

## Q. I'm interested in going ahead, what should I do now?

Check the immigration status of your proposed lodger or subtenant. You will need to confirm to us that you have checked that the lodger or subtenant has the correct immigration status. Only people who have a legal right to be in the country are allowed to rent a home. This applies to lodgers and subtenants. If you take in a lodger or sublet part of your home to a person who does not have a right to rent, you could be committing an offence. More information about the right to rent rules can be found at [www.gov.uk/check-tenant-right-to-rent-documents](http://www.gov.uk/check-tenant-right-to-rent-documents).

If you wish to go ahead, please contact OneCALL. We have a form you will need to complete to provide the information we need to decide if we can give you permission.

We will need the name of the lodger or subtenant, their date of birth, details of how long the arrangement will last and evidence of their identity. We'll also need to know how much you will be charging and what part of your home they will occupy.

## **Q. How do we decide whether to give permission?**

Our decision will depend on your circumstances. We will check your tenancy and check on the circumstances of the proposed lodger or subtenant. We will not turn down your request without good reason. Some of the reasons why we may refuse a request will include:

- you have not provided us with the information we need;
- you are subject to a court order;
- the arrangement would cause overcrowding or your property is not appropriate;
- the proposed occupant may pose a risk to you or a member of your family;
- you have not provided us with evidence that the occupier has a right to rent, under current immigration rules;
- the proposed occupant has a history of antisocial behaviour or has been convicted of a serious criminal offence;
- we may have plans to carry out works that could affect the accommodation used by the lodger or sub tenant; or
- we believe you are intending to sublet the whole of their home.

If we turn down your request, we will provide you with our reasons.

If you need further information, contact OneCALL on 0345 8 507 507.

**We are committed to providing equal access to information. If you would like this information in another format, please phone us on 0345 8 507 507.**