

A TENANT GUIDE TO SUB LET OR TAKE IN LODGER



1. INTRODUCTION

Every Scottish Secure Tenant (SST) and short SST has the right to seek their landlords permission to sub-let their tenancy or take in a lodger.

A sub-let is a means of the tenant letting all or part of their home to another person. A lodger is a person (usually not related to the tenant) who is being rented a room or part of the home. RCH will only grant permission for these changes for a maximum period of 11 months.

Landlords have 28 days to make a decision and tell the tenant of the outcome and can only refuse permission if it is reasonable to do so. Landlords can only refuse permission if it is reasonable to do so. Examples of these reasons are outlined in housing legislation.

2. HOW TO APPLY

Tenants who wish to make this change should complete and return a Sub Let/ Lodger Request Form. This form is available on request from RCH.

Once we receive this we will check that the applicant is a qualifying person against our criteria and arrange for a survey of your home. If appropriate, we may seek references from another landlord.

We will then write back to you advising if your application has been accepted or not. We must do this within 28 days of receiving your application.

3. APPROVING PERMISSION

If permission is being approved, the sub-let or lodger do not require to sign an RCH Scottish Secure Tenancy agreement as the tenant retains full rights and remains liable for all conditions of the tenancy.

This means that the tenant remains responsible for all existing tenancy condition which includes repayment of any arrears of rent and any other tenancy breaches including any which arise from the sub tenant or lodger.

All parties with applications for rehousing should complete an on-line change of circumstances.

4. GROUNDS FOR REFUSAL

River Clyde Homes will not unreasonably refuse permission for an applicant to take over the tenancy. However, the grounds under which we may refuse permission include the following:

1. you have not completed the application correctly or provided the necessary information within 7 days of request.
2. You are looking to charge an unreasonable rent, deposit or other charge in relation to the tenancy. RCH consider any charges over and above those applied by RCH to be unreasonable. An equitable share of rental charges should be applied between adults and a deposit not exceeding £100 to cover tenant expenses such as increased contents insurance.
3. you have not held in the tenancy of this property for a minimum period of 12 months. An exception can be made if you were living in the property for 12 months and the tenant had notified us of this. **(FROM 1/11/19)**
4. we have served you with a Notice of Proceedings warning you that we are seeking to have you removed from your home under Schedule 2, grounds 1-7 of the Housing (Scotland) Act 2001
5. we have obtained an order against you for recovery of possession of the property (eviction)
6. you have rent arrears equivalent to three month's rent charge and an arrangement to repay this debt has not been kept for a period of three months.
7. your house has been designed or adapted for occupation by a person whose special needs require accommodation of the kind provided by the house and if this changes takes place, there would no longer be a person with such special needs occupying the house.
8. the accommodation within the property is not suitable to the needs of the sub-let tenant or lodger and their family and/or **(FROM 1/11/19)** they would not qualify for reasonable preference per RCH Allocations policy.
9. this change would result in the property becoming overcrowded or under occupied following the definition found in RCH Allocation Policy.
10. your house is included in a River Clyde Homes sensitive lettings initiative and the persons do not meet the entry criteria.
11. We are intending to carry out work to the property which would affect the persons occupation of the property
12. Using our Allocation Policy guidelines, we have discovered an issue related to your proposed sub-let or lodger and have advised them separately of this.
 - 12a – where the issue relates to the proposed sub-let or lodger, the Housing Officer should provide them directly with a written refusal letter outlining the grounds that have been used within 28 days of receipt of the application.

The above examples do not in any way alter our general right to refuse permission on reasonable grounds and we will consider every case in its own merits. If refused, and the

changes has already been made without our approval, this person and their family must vacate the house within 28 days to avoid RCH taking further action to repossess your home.

Once our decision has been made, the application is closed and any future request for permission shall be treated as a new application.

5. APPEAL PROCESS

You have 7 days to appeal any decision and should do so in writing stating the reason for the appeal and enclosing any new information that is relevant.

The Housing Team Leader shall review the grounds for appeal against the qualifying criteria and make the decision to uphold or not uphold the appeal. You shall be advised of this decision within 14 days of receiving your appeal.

This decision is final and completes the appeal process. If refused, the applicant and their family must vacate the house within 28 days to avoid RCH taking further action to repossess the home.

If refused, and the changes has already been made without our approval, this person and their family must vacate the house within 28 days to avoid RCH taking further action to repossess your home.

Please make any enquiries to River Clyde Homes 24/7 Customer Experience Team, full contact details can be found on our website www.riverclydehomes.org.uk.

- Telephone 0800 013 2196
- Email customerexperience@riverclydehomes.org.uk
- Visit River Clyde Homes Customer Hub, Clyde Square, Greenock

THIS INFORMATION LEAFLET IS AVAILABLE IN A VARIETY OF OTHER FORMATS SUCH AS LARGE PRINT, TAPE AND IN OTHER LANGUAGES. PLEASE DO NOT HESITATE TO CONTACT US IF YOU FEEL THAT YOU WOULD BENEFIT FROM THIS.