

Household Member, Lodger And Sub-tenant Policy



Directorate: Communities

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1. Introduction

- 1.1. This policy outlines Salix Homes' approach to all tenancy changes and applications for household members, lodgers, subtenants and requests for authority for another person to act on a tenant's behalf in line with the tenancy agreement and relevant legislation.
- 1.2. Salix Homes is committed to processing household information where it is appropriate and/or necessary to do so. Salix Homes are supportive of enabling tenants to give authority to another person to act on their behalf regarding their tenancy where appropriate.
- 1.3. Salix Homes understands that tenants may wish to take in a lodger or subtenant to rent part of the premises which may help to alleviate financial difficulties, prevent financial exclusion and social isolation.
- 1.4. Tenants who choose to take in a lodger can in some cases help to make better use of the available housing stock by providing accommodation for those who would otherwise be homeless or living in unsuitable accommodation. This also reduces under-occupation in our homes and can assist tenants to pay their rent.
- 1.5. The policy applies primarily to Salix Homes social rent properties, affordable and buy to let properties. However, if renting a PSL property tenants need the permission of the Landlord to add a household member, request a lodger or subtenant.

2. Policy Statement

- 2.1. The purpose of this policy is to ensure that Salix Homes processes all changes to household members, lodger and subtenant applications, in accordance with current legislation and the tenancy agreement. The objectives of this policy are:
 - To ensure staff understand and can communicate clearly with customers regarding their rights and responsibilities and changes to their household.
 - To ensure customers receive appropriate advice concerning their rights and responsibilities regarding lodgers and subtenants.
 - To enable Salix Homes to monitor and manage household members lodgers and subtenants where necessary to do so.

- To ensure that where customers need additional support, they are able to grant permission to a third party to discuss matters regarding their tenancy.

3. Household, Lodgers and Subletting

- 3.1. All tenants regardless of the type of tenancy agreement must request approval in writing from Salix Homes to take in a lodger or a subtenant. Salix Homes will only refuse permission to changes to households if:
- Any person or persons other than dependent children do not meet any age restriction applicable to the property.
 - Overcrowding would occur, as detailed in the Housing Act 1985 'Statutory Overcrowding', this does not include any dependent children.
 - The proposed household member, lodger or subtenant has previously caused anti-social behaviour in a Salix Homes property or neighbourhood in the last three years.
 - The tenancy is subject to a court order.
 - It is an assured shorthold or starter tenancy.
 - The tenant plans to sublet the whole of their home.
- 3.2. Salix Homes will hold tenants responsible for the actions or behaviour (with or without their direct knowledge) of any household members that breach the responsibilities outlined in the tenancy agreement.
- 3.3. The tenant is responsible for any appropriate checks, including right to rent checks, to be completed for their lodger/subtenant.
- 3.4. If the tenant plans to sublet the whole or part of their property and has no intention of returning to the property they will lose the security of their tenancy. Once security of tenure has been lost in these circumstances it cannot be regained, even if the tenant moves back into the property.
- 3.5. Where the addition of the household member results in overcrowding, the Housing Assistant will notify the relevant Housing Officer and Building Safety Officer.
- 3.6. Tenants will be informed in writing by Salix Homes if their request has been approved or refused.
- 3.7. Tenants have the right to appeal a decision; these will be reviewed by the Housing Manager.
- 3.8. Salix Homes will sign-post any tenants, proposed household members, lodgers or subtenants for housing advice where an application has not been approved, if appropriate.

- 3.9. In conjunction with Salix Homes' Tenancy Fraud Policy, any tenants who fail to update Salix Homes with any changes to their household of any lodgers or subtenants residing at the property could have Universal Credit, Housing benefit or Council Tax claims suspended. In addition, Salford Home Search applications may be suspended, and a potential fraud investigation carried out.
- 3.10. Salix Homes will aim to take precautions to minimise the risk of unauthorised subletting, trespassing and overcrowding that can be caused by taking in lodgers or subtenants. Salix Homes will periodically carry out tenancy checks to ensure that the legal tenant is in occupation.
- 3.11. The lodger or subtenant does not become part of the tenancy. They do not have rights to the property or tenancy. The lodger or subtenant will not be considered as a member of the tenant's household should they apply for a tenancy change including mutual exchange, assignment or succession.
- 3.12. Salix Homes will only discuss information regarding a tenancy with the tenant unless a person has been granted authority by the tenant to act on their behalf. Any person granted authority will be asked security questions by Salix Homes staff before any information is shared.
- 3.13. The tenant is responsible for notifying Salix Homes of any household member, lodger or subtenant who moves into or out of the property and if they are unable to self-evacuate the premises in an emergency if they live in a high-rise property.
- 3.14. The tenant is responsible for notifying the relevant government departments that a lodger or subtenant has moved in e.g. DWP, HMRC, Council Tax and their home contents insurance company as it may affect their policy.
- 3.15. The tenant is responsible for ensuring that the lodger or subtenant has vacated the property if they are giving notice to terminate their tenancy. They must give the appropriate notice to their lodger or subtenant and return the property with vacant possession. The tenant is responsible for giving the appropriate notice to the lodger or subtenant if they want them to leave the property.
- 3.16. Salix Homes will not take any responsibility or consideration for lodgers and subtenants when decanting tenants, permanently or temporarily for major works or demolition.
- 3.17. The lodger or subtenant will be signposted to rehousing services if the tenant gives notice to terminate the tenancy or if Salix Homes is applying for possession proceedings.
- 3.18. Salix Homes will not get involved in any dispute between tenants and their lodgers or subtenants.

4. Monitoring / Performance / Targets

- 4.1. Salix Homes will aim to acknowledge all household, lodger, and subtenant requests within 2 working days of all information being received.
- 4.2. Salix Homes will aim to respond to all household, lodger, and subtenant requests within 10 working days of all information being received.

5. Roles / Responsibility

- 5.1. The Director of Communities has overall responsibility for the implementation of this policy.
- 5.2. Housing Managers are responsible for ensuring the policy is adhered to and for ensuring periodic training for appropriate staff.

6. Legal / Regulatory Links

- 6.1. The following legislation applies to this policy:

- Localism Act 2011
- Housing Act 1988
- Housing Act 1996
- Property Act 1925
- Housing Act 1985
- Fire Safety Act 2021

7. Equality, Diversity and Inclusion

- 7.1. Salix Homes is committed to promoting and embedding a culture of equality, diversity and inclusion (EDI) within our workplaces and the communities we serve.
 - Equality is about ensuring that every individual has an opportunity to make the most of their lives and talents.
 - Diversity is recognising difference and responding positively to those differences.
 - Inclusion is about creating an environment where our services and employment opportunities are accessible to all.
- 7.2. We are committed to meeting our obligations and duties under the Equality Act 2010 and to promoting equal opportunities both in the provision of services and in our employment practices. We will consider all the protected characteristics of the Act which are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Race
- Religion or belief
- Sex
- Sexual orientation
- Pregnancy and maternity

7.3. We also recognise that Socio-economic background is an area where inequalities exist and commit to addressing this disadvantage and inequality in our communities where able to do so.

7.4. We are also mindful of our duties under the Public Sector Equality Duty, which is to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between people who share a relevant protected characteristic and people who do not share it.

7.5. Where reasonable to do so, Salix Homes will make any reasonable adjustments to ensure compliance with the Act.

8. Related Documents

- Salix Homes' Household Member, Lodger, and Sub-Tenant Procedure
- Salix Homes' Left in Occupation Policy & Procedure
- Salix Homes' Tenancy Fraud Policy & Procedure