

# **KINGDOM HOUSING ASSOCIATION LIMITED**

## **LODGER POLICY**

### **1. Statement of Intent**

The purpose of this policy is to outline Kingdom's requirement to accept and consider any application for a lodger from any of our tenants as set out in the Housing (Scotland) Act 2001.

### **2. General Principles**

#### **2.1 Application for a Lodger**

Kingdom will consider any application from a tenant to have a lodger where the tenant has formally applied in writing for permission.

#### **2.2 Assessment of an Application for a Lodger**

In assessing an application, Kingdom will not withhold consent unreasonably.

The assessment process will take account of both the tenant's and the lodger's circumstances as well as the circumstances of the property and the lodging arrangement.

#### **2.3 Reasons for Which An Application May Be Refused**

Although the list is not exhaustive, some examples of the grounds under which an application to take in a lodger may be refused:-

- a) A Notice of Recovery of Possession has been served against on the tenant on any of the "conduct grounds" set out in paragraphs 1-7 of Schedule 2 of the Housing (Scotland) Act 2001.
- b) An Order for Recovery of Possession has been made against the tenant.
- c) A payment has been received by the tenant, in cash or in kind, in consideration of the lodging other than a reasonable rent or deposit.
- d) The lodging would lead to an overcrowding situation.
- e) Kingdom intends to carry out substantial work on the property.
- f) Where there is substantial damage or disrepair to the property caused by the tenant, a member of the household or a visitor to the property.
- g) The tenant has outstanding debt owed to Kingdom in terms of their Tenancy.

- h) The applicant has deliberately omitted, distorted or given false information on their application.
- i) The applicant has pursued a course of anti social behaviour or convicted of using a previous tenancy for illegal or immoral purposes or has an ASBO against them within the past 3 years.
- j) The house is unsuitable for the applicant's needs.

#### 2.4 Notification of Decision

Kingdom will notify the tenant in writing of its decision within 28 days of receiving their application. Where consent to take in a lodger has been refused we will advise the tenant of the reason/s for refusing consent.

If Kingdom has not made a decision to refuse or to consent to a lodger within 28 days of receiving the written application Kingdom will be deemed to have consented to the same under and in terms of Schedule 5, Part 2, Para 12 of the Housing Scotland 2001 Act.

### 3. The Role of the Housing Services Department

The recording of applications for a lodger is the responsibility of the Customer Services team.

The appropriate Housing Officer is responsible for the processing of all applications for a lodger.

### 4. Appeals Process

Any appeal on a decision where consent had been refused should be made to the Housing Manager. Where the Housing Manager upholds the original decision, the tenant can pursue any further grievance through the Kingdom's Complaints Procedure. This does not prejudice the tenant's right to raise a Court action under Part 2 of Schedule 5 of the Housing (Scotland) Act 2001.

### 5. Review

This policy will be reviewed 5 years from the date of implementation, which will be the date the policy is approved by the Committee of Management or earlier if deemed appropriate.

**KINGDOM HOUSING ASSOCIATION LIMITED**

**POLICY ON LODGERS**

Policy drawn up with reference to:

Housing Scotland (2001) Act  
Data Protection Act (1998)

Reference made to the following sources and other guidance:

Prepared by: Linda Hamilton

Current Policy dated December 2002

Draft 1 Circulated to Directors for review

Policy audited by Kingdom's solicitors October 2006

Sub Committee Review of Policy 12.2.07

Presented for approval to Committee of Management on 19.3.07

Policy Approved Yes

Next review date: December 2012