

Lodging and subletting information for council tenants

Taking in a lodger or sub-letting part of your property can be a good way of making some additional income. However, not everyone is entitled to take in lodgers or to sub-let and there are factors to consider if you are eligible, including your entitlement to state benefits and your contents insurance and income tax payments. This guide is intended as an introduction to the rights and responsibilities of taking in a lodger or of sub-letting a council-owned property.

What's the difference between lodging and subletting?

A lodger rents a room in your home. She/he may receive some services from you as the landlord, such as meals, laundry or cleaning.

A sub-tenant has exclusive use of at least one room, usually a bedroom, in your property. You, as the landlord, would need her/his permission to enter this area. The sub-tenant may have permission to put a lock on her/his door.

Only certain people are allowed to take in lodgers or to sub-let.

Can I take in a lodger?

Yes, on condition that:

- you do not have more than the maximum number of people allowed in your property
- the property remains your primary residence
- you accept responsibility for the behaviour of any lodger who lives in your property.

Can I sublet my property?

This depends on your tenancy agreement. If you have a **secure tenancy**, then you can apply to Wiltshire Council Housing Management for **written permission** to sub-let part of your property while you live in only one part of it. You are not allowed to sub-let the whole of the property to someone else and live somewhere else.

If you have an **introductory** or **demoted tenancy**, you are not allowed to sub-let any part of your property.

Will taking in a lodger or a subtenant affect my rights?

Yes. Taking in a lodger or sub-letting part of your property will probably affect the amount of benefits you get if you're claiming. For example, if you're receiving housing benefit and you take in a lodger or sub-tenant, the amount you get will almost certainly be reduced as they'll assume your lodger or sub-tenant is paying rent. This will be the case even if your lodger or sub-tenant is living rent-free. If you simply don't tell them, you may end up having to repay an overpayment or be prosecuted for fraud.

This also applies to income support and Job Seekers' Allowance (JSA); the amount of council tax you have to pay may increase.

Renting out a room may also affect your contents insurance. Most insurers will put up premiums, but it's still important to inform them if you want to be sure that your belongings are protected. If you don't tell them, the insurance may not be valid.

If the income from letting a room exceeds a certain amount, then you may also be liable to pay income tax. You will be the lodger's or sub-tenant's landlord, and will have the responsibilities of a landlord.

Contact us

If you would like more information on this subject, or if you are seeking written permission to take in a lodger or to sub-let part of your property, please contact us:

Wiltshire Council Housing Management

Telephone: 0300 456 0117 – option 4

Email: hsgmail@wiltshire.gov.uk

Write to us or visit us: Housing Management, Wiltshire Council
Council House, Bourne Hill, Salisbury SP1 3UZ

Information about Wiltshire Council services can be made available on request in other languages including BSL and formats such as **large print** and audio. Please contact the council by telephone **0300 456 0100**, by textphone 01225 712500, or email customerservices@wiltshire.gov.uk

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