

# SUBLETTING AND FRAUD PREVENTION POLICY

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## 1 STATEMENT ON POLICY

- 1.1 Secure tenants have the right to sublet part of their home provided that this does not cause the home to become overcrowded. Cambridge City Council recognises the benefits that can come for tenants who would like to sub-let part of their property or take in a lodger.
- 1.2 Tenants must get permission in writing from the City Council to sublet part of their home, but this will not be unreasonably withheld.
- 1.3 Tenants must not sublet the whole of their home. A sub-tenant is someone that rents part of a tenant's house, whilst the tenant occupies part of it.
- 1.4 Secure tenants may take in lodgers, but must not let their home become overcrowded. A lodger is someone that a tenant allows to move in with them and occupies a room in their property usually with rent being paid.

## 2 KEY ISSUES FOR POLICY IMPLEMENTATION

- 2.1 The tenant has to occupy the property as their principal home. If the whole home is sublet then this invalidates the secure tenancy and a Notice to Quit will be served. The tenant permanently loses security of tenure.
- 2.2 Cambridge City Council will actively investigate all reports of alleged unauthorised subletting and abandonment and report on-going cases to the Tenancy Enforcement Panel. The investigation may include regular visits to the property, discussions with neighbours and other relevant agencies. Legal action, including possession proceedings may be appropriate.
- 2.3 The Prevention of Social Housing Fraud Act 2013 came into force in October 2013. The Act creates two new criminal offences applicable to secure tenancies:

- i. Dishonest breach of an express or implied term of tenancy not to sublet where the tenant has ceased to occupy the property as their only principal; and
- ii. Knowing breach of express or implied terms of tenancy not to sublet where the tenant has ceased to occupy the property as their principal home.

2.4 A tenant could be imprisoned for up to 2 years and / or fined up to £50,000 for a “dishonest” sublet or for a lesser offence of a “knowing” sublet a tenant could be fined up to £5,000<sup>1</sup>.

2.5 We will work with a sub tenant to prevent homelessness by giving support and advice. In addition, tenants found to be subletting will be interviewed to determine their reasons for subletting to ensure that vulnerable tenants are protected.

2.6 The City Council recognises that there are occasions when a tenant may be absent from their home for longer than 28 days. They may ask someone else to stay in their home and a “caretaking” arrangement may be agreed, but this must be authorised by the Council.

2.7 Secure tenants can take in lodgers but must not overcrowd their home. Tenants should note that if they take in lodgers this might affect their claim for benefits including Housing Benefit/Universal Credit.

2.8 Tenants are responsible for the behaviour of any lodger that lives in the property.

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<sup>1</sup> A dishonest breach is for a financial gain.

A knowing breach would be where the tenant is not living in the property as their main and principle home, but allowing other family members to live in the property but not for financial gain. This would also be a breach of Tenancy Conditions.

2.9 The Immigration Act 2014 requires tenants to check that their prospective lodger or sub tenant are legally able to rent, this is called the "Right to Rent".

Policy written: October 2018

To be reviewed by: September 2020