

Leasehold Subletting Policy

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1.0 Introduction

1.1 This policy outlines the approach taken by Metropolitan Housing Partnership (MHP) when a leaseholder wishes to sublet his/her property.

2.0 Scope

2.1 This policy applies to all landlords within MHP.

2.2 This policy should be read in conjunction with other relevant policies and procedures.

3.0 Legislative/ regulatory context

3.1 Regulatory context
Housing Corporation Guidelines.

4.0 Application of the policy

4.1 This policy applies to all properties where the lease does **not allow** for subletting:

- Shared ownership properties
- 100% ownership leases

4.2 This policy does **not** apply to:

- RTB properties where the lease allows for subletting
- Freehold properties with or without service charges

5.0 Background

5.1 Most leases do not allow leaseholders to sublet the whole of their home.

5.2 MHP recognises that in some circumstances leaseholders need to sublet to overcome a temporary difficulty or a change of circumstance in their lives. Therefore, MHP may waive the relevant clause and allow subletting under the terms of this subletting policy.

5.3 Permission, where given, is discretionary and is given on the basis that MHP may withdraw it at any time, upon reasonable notice.

6.0 Criteria to be used for assessing requests

6.1 All cases will be assessed on an individual basis based on the individual circumstances, information provided by the leaseholder, and/or advice from legal or financial advisors.

6.2 Subletting may be allowed where the leaseholder proves that s/he needs to sublet the property on a temporary basis for one of the following reasons:

- Working away home
- Serious ill health of leaseholder or resident partner/family
- Serious ill health of partner/family member who resides in another property
- Prison term
- Financial difficulties/hardship

6.3 MHP will not allow subletting if MHP believes it is being undertaken to make profit or gain from shared ownership; a publicly subsidised tenure.

6.4 MHP will not allow subletting if it has led, or is likely to lead to overcrowding or nuisance and disturbance.

7.0 Length of time

7.1 MHP regards subletting as a temporary and time limited palliative, not a permanent solution to leasehold problems.

7.2 The length of time for which subletting is allowed will vary depending on the circumstances and reason for the application.

7.3 In general, for prison it will be duration. For all other reasons it will be no more than 2 years.

8.0 The approval process

8.1 The leaseholder must put his/her application in writing enclosing supporting information and payment of £25 plus VAT.

8.2 Applications will be processed within 3 weeks of receipt of full information and payment.

8.3 The decision will be given in writing.

9.0 Conditions to be met where approval is given

9.1 The property must be sublet using an assured shorthold tenancy agreement.

9.2 The agreement must include relevant clauses from the lease, for example nuisance.

9.3 The arrangements for managing the property must be supplied including the full contact details (name, address, email and phone number) of the managing agent or equivalent (where applicable).

9.4 In addition the leaseholder must provide his/her contact details (address and email and phone number) whilst they are away and provide an undertaking that this information will be kept up to date.

9.5 The leaseholder must inform MHP of the date the property was let.

10.0 Unauthorised subletting

10.1 If a case of unauthorised subletting comes to MHP's attention, the leaseholder will, **depending on the circumstances**, either:

- Be given two months to formalise the arrangement by making an application to sublet and by supplying all the information requested by MHP in order for MHP to make a decision
- Be served a Notice of Breach of Covenant

10.2 MHP will take legal action against a leaseholder who persists in unauthorised subletting after MHP has served a Notice of Breach of Covenant.

10.3 Where the lease allows that all of MHP's legal costs associated with forfeiture can be recovered from the lessee, it is MHP policy to recover these costs.

11.0 Confidentiality

11.1 MHP will ensure that all personal data collected is processed and held in accordance with the principles of the Data Protection Act 1998.

11.2 Information may be shared with other bodies administering public funds to help prevent and detect fraud, and with relevant authorities, where necessary, for the prevention and detection of crime, or apprehension and prosecution of offenders. Any disclosure of information made between MHP, contracted third party organisations and relevant authorities will be done in strict accordance with our Notification registered with the Information Commissioner, and the Data Protection Act 1998.

12.0 Equality and diversity

12.1 In the implementation of this policy, MHP will adhere to the Diversity Policy, and as such will not discriminate against any resident on grounds of his/her race, ethnic origin, gender, sexuality, marital status, disability, age, religion or class. (Please

refer to the [Diversity Policy](#))

13.0 Complaints and appeals

13.1 If any person believes that s/ he has not been treated in accordance with this policy, s/ he may complain through the complaints procedure. (Please refer to the [Complaints and Compliments Policy](#).)

14.0 Monitoring and evaluation/ Quality assurance

14.1 MHP will monitor the number of subletting cases on a quarterly basis.

15.0 Author

15.1 This policy and procedure was drawn up by leasehold specialists within MHP and Policy & Performance.

15.2 MHP always welcomes comments and feedback. Please contact the Housing Policy Manager in Policy & Performance.

16.0 Date for review

16.1 This policy was approved by Housing Management Team (HMT) on the 29th November 2007.

16.2 The policy and procedure will be reviewed 3 years after commencement, unless there is a significant change in legislation in which case it may be reviewed earlier.