



## **ABANDONED TENANCIES POLICY**

### **1. POLICY STATEMENT**

- 1.1 Erimus Housing is committed to providing a high quality service to tenants and prospective tenants in relation to abandoned tenancies.
- 1.2 Erimus Housing aims to continually improve services based on customer needs, clear service standards and costs.
- 1.3 Erimus Housing aims to deal with all abandoned tenancy investigations sensitively and efficiently.
- 1.4 Erimus Housing will ensure that no individual is socially excluded or disadvantaged in accessing these services.
- 1.5 This policy is designed to illustrate how an abandoned tenancy will be investigated.

### **2. REFERENCES**

#### 2.1 External

##### Legislation and regulation

- Housing Act 1988
- Housing (protection of Right To Buy) Regulations 1993
- Disability Discrimination Act 1995

##### Guidance

- KLOE 4 – Income Management
- KLOE 6 - Tenancy and Estate Management
- KLOE 7 – Allocations & Lettings
- CRE Code of Practice on Racial Equality in Housing 2006

#### 2.2 Internal

- Strategic Plan / Strategic Priorities

##### Related documents

- Choice based lettings policy and procedure;
- Service Standards;
- Tenants Handbook;

- Tenancy Agreement;
- Anti-social Behaviour Policy & Procedure;
- Equality & Diversity Strategy;
- Vulnerable Persons Policy;
- Illegal Occupier Policy.

### **3. DEFINITIONS**

3.1 There are no definitions required for the purpose of this policy.

### **4. POLICY CONTENT**

4.1 Tenants subject to the following tenancy agreement types, contain responsibilities, prescribed within those agreements, of occupation of tenancy:

- Assured Tenancy Agreement for Transferring Tenants;
- Starter/Assured Tenancy Agreement for New Tenants.

4.2 The following tenancy agreements do not contain responsibilities of occupation:

- Contractual Tenancy Agreement (Licence)
- Assured Shorthold Tenancy Agreement

4.3 Abandoned Tenancy

4.3.1 Erimus Housing is committed to dealing with investigations of abandoned tenancies in an open and sensitive manner, ensuring staff are aware of personal requirements, relevant legislation and contractual obligations.

4.3.2 The tenancy ceases to be secure or assured even though the tenant has not given Notice to Quit, as it is a condition of the tenancy that the tenant or one of any joint tenants occupies the property as his or her only or principal home.

4.3.3 Relevant factors in deciding that there has been an implied tenancy surrender are:

- The tenant is living permanently elsewhere.
- The tenant is not claiming welfare benefits from the address
- The keys have been returned to the landlord
- There is no furniture in the property
- The tenant has not visited the property for a long time.

4.3.4 Erimus Housing will take action within 24 hours to regain possession of properties that we believe have been abandoned.

4.3.5 Within five working days of establishing that a property has been abandoned, as far as enquiries can establish, Erimus Housing will issue a seven day abandonment letter followed by a Notice to Quit the property if no contact is made.

- 4.3.6 Erimus Housing can give the tenant four weeks Notice to Quit and then repossess the property without a court order, or seek an Order from the County Court to take possession of the premises.
- 4.3.7 Erimus Housing will dispose of any items left in the property within 7 days of repossession of the property.

## **5. EQUALITY AND DIVERSITY**

- 5.1 Erimus Housing recognises that it operates in a community within which there is wide social diversity, and are committed to providing equal opportunities and valuing diversity.
- 5.2 Through the management of abandoned properties we aim to treat all customers fairly, and with respect and professionalism regardless of their gender, race, age, disability, religion, sexual orientation and marital status.
- 5.3 To enable all residents to have clear information and equal access to this policy, Erimus Housing publishes clear information in a range of appropriate languages and formats and through a range of media. Feedback is also accepted through a variety of different routes to reflect individual customer's preferences or needs.
- 5.4 The investigation of each application is fully in keeping with our equality and diversity aims and objectives.
- 5.5 Erimus Housing will be accessible, responsive and sensitive to the diverse needs of individuals, and officers will be trained to a high standard in valuing and promoting equality & diversity in the delivery of the abandoned properties policy.
- 5.6 Full details of our approach are set out in our Equality and Diversity Strategy.

## **6. CUSTOMER INVOLVEMENT AND CONSULTATION**

- 6.1 Erimus Housing recognises the importance of working in partnership with our customers to develop and continuously improve our services and raise standards.
- 6.2 Erimus Housing actively involves all customers in at the beginning of decision making processes, and ensures tenants are empowered to play a part in wider consultation and involvement structures, as detailed in full in our Resident Involvement Strategy.
- 6.3 To demonstrate this commitment, this policy:
- will be reviewed in consultation with service users and customers;
  - involves customers in the monitoring and testing of service delivery standards laid out in this policy and relevant procedures;

- publishes information in relation to performance against the aims and standards set down by this policy;
- Will be developed and reviewed in light of customer feedback, comments and complaints.

## **7. POLICY MONITORING AND REVIEW**

### **7.1 Monitoring**

7.1.1 The monitoring of outcomes is essential for Erimus Housing to track the impact of our approach to managing abandoned properties. Monitoring of the implementation of the abandoned property policy and the associated procedures will consider:

- Length of time a property stands empty and the impact on the neighbourhood/surrounding area;
- Targets set by Erimus Housing for voids management;
- The performance against service standards and targets set out in the procedures;
- Customer satisfaction and level of complaints, reviews and appeals;

7.1.2 Monitoring information will be reported to Erimus Operations Committee and publicised to customers on a regular basis.

### **7.2 Review**

7.2.1 Monitoring results will be used by Erimus Housing to inform future policy review in this area. All reviews will consider whether:

- The current policy adheres to legislative and regulatory requirements, and reflects current good practice;
- The aims and objectives of the policy being met;
- The current policy outcomes meet the needs and aspirations of our diverse customer base;
- service users are aware of and understand the policy and believe it to be consistent and fair;
- The policy provides sufficient choice for customers;
- The service offers value for money;
- Partnership arrangements are working effectively.

7.2.2 Overall monitoring and review of the policy will be undertaken in consultation with:

- Staff groups;
- Board members;
- Existing and future service users;
- Resident and community groups;
- Relevant partners, local voluntary agencies and other statutory services as relevant.

7.2.3 This policy will be reviewed on a three yearly basis or in line with legislative or regulatory changes.

## **8. RESPONSIBILITY**

8.1 The Managing Director retains the overall responsibility for the implementation of this policy.

8.2 The Group Director of Operations is responsible for the operational delivery of this policy and the associated procedures. This includes responsibility for monitoring and review, staff awareness and training, policy development and communication to customers.