

<b>POLICY TITLE</b>	Abandoned Tenancies
<b>POLICY NUMBER</b>	JO/PO/16
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<b>OFFICER RESPONSIBLE FOR REVIEW</b>	Brian Trodden

## **ABANDONED TENANCIES POLICY**

### **1 POLICY STATEMENT**

- 1.1 Erimus Housing and Tees Valley Housing (EH & TVH) are committed to providing a high quality service to tenants and prospective tenants in relation to abandoned tenancies.
- 1.2 EH & TVH aim to continually improve services based on customer needs, clear service standards and costs.
- 1.3 EH & TVH aim to deal with all abandoned tenancy investigations sensitively and efficiently.
- 1.4 EH and TVH 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 The Company relates to either or both Erimus Housing and Tees Valley Housing.

## 4 POLICY CONTENT

4.1 Tenants who have the following tenancy agreement types are subject to responsibilities prescribed within those agreements in regard to occupation of tenancy:

- Assured Tenancy Agreement for Transferring Tenants;
- Introductory/Assured Tenancy Agreement for New Tenants;
- Secure Tenancy Agreements.

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 The Company 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 a implied tenancy surrender can be one or more of the following:

- 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 during the previous 28 days;
- There is no utility supply or evidence of current or recent usage.

4.3.4 The Company will take action within one working day to regain possession of properties that we believe have been abandoned.

4.3.5 When establishing that a property has been abandoned, as far as enquiries can determine, the Company will issue a seven day abandonment letter followed by a Notice to Quit the property and/or Notice Seeking Possession.

4.3.6 The Company can give the tenant four weeks' Notice to Quit and then re-possess the property without a Court Order, or seek an Order from the County Court to take possession of the premises.

4.3.7 The Company will dispose of any items left in the property within 21 days of re-possession of the property.

## **5 EQUALITY AND DIVERSITY**

5.1 The Company recognises that it operates in a community within which there is wide social diversity, and is 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 the gender, race, age, disability, religion, sexual orientation and marital status.

5.3 To enable all residents to have appropriate information and equal access to this policy, the Company 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 The Company 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 and diversity in the delivery of the abandoned properties policy.

## **6 CUSTOMER INVOLVEMENT AND CONSULTATION**

6.1 The Company recognises the importance of working in partnership with our customers to develop and continuously improve our services and raise standards.

6.2 The Company actively involves all customers at the beginning of decision making processes, and ensure 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 through our range of panels;
- Involves customers in the monitoring and testing of service delivery standards laid out in this policy and relevant procedures;
- Will be developed and reviewed in light of any customer feedback received relating to this policy.

## **7 MONITORING AND REVIEW**

7.1 Monitoring

7.1.1 The monitoring of outcomes is essential for the Company 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 the Company for voids management;
- The performance against service standards and targets set out in the procedures;
- Customer satisfaction and level of complaints, reviews and appeals.

## 7.2 Review

7.2.1 Monitoring results will be used by the Company to inform future policy reviews 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 Following this review, this policy will be reviewed on a three yearly basis or in-line with legislative or regulatory changes.

## 8 RESPONSIBILITY

8.1 The Group Chief Executive 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.