



Housing Management

Abandonment and Absent Tenants

Scope:	This policy applies to Circle 33 Housing Trust, EPIC Trust, Mole Valley Housing Association, Old Ford Housing Association, Roddons Housing Association, Russet Homes, South Anglia Housing, Wherry Housing Association.
Effective Date:	December 2008
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Signed Off :	Group Policy Forum, 20 th November 2008
Author:	Zoe Buick, Policy Manager Amy Carter, Policy Officer
Policy Owned by:	Policy Team
KLOE:	Tenancy and Estate Management
QAF (Supported Housing):	N/A
Statute:	Criminal Law Act 1977 Police and Criminal Evidence Act 1984 Housing Act 1985 Housing Act 1988 Criminal Justice and Public Order Act 1994
Regulatory Code:	3.2, 3.3

Abandonment and Absent Tenants

1 Scope

1.1 This policy applies to:

- Circle 33 Housing Trust
- EPIC Trust
- Mole Valley Housing Association
- Old Ford Housing Association
- Roddons Housing Association
- Russet Homes
- South Anglia Housing
- Wherry Housing Association

1.2 This policy covers the following aspects of housing management:

- Abandonment
- Illegal occupation
- Squatters
- Temporary absence.

2 Policy Statement

2.1 Circle Anglia is committed to making the best possible use of our housing stock. One of the ways we can do this is by having clear procedures for dealing with properties where the tenant is temporarily absent, has abandoned, or the property is occupied by someone other than the tenant. In this way we can minimise:

- Void times and rent loss
- Former tenant arrears
- Property deterioration
- Squatting of properties

2.2 Circle Anglia meets the Housing Inspectorate's Key Lines of Enquiry (KLOES) for Tenancy and Estate Management in the following ways:

- By carrying out a program of rolling tenancy audits, where applicable, to identify properties that may be abandoned, squatted or illegally occupied.

- By having an effective reporting procedure in place for staff and residents. This procedure advocates a prompt visit to the property to confirm suspected abandonment or illegal occupation.
- By promptly following the procedures in our policy to legally remove unauthorised occupiers from Circle Anglia properties.

3 Policy

- 3.1 Tenants have a responsibility to notify us of any periods of absence beyond the terms specified in their tenancy agreement.
- 3.2 Circle Anglia will only permit non-tenants to occupy a property when the tenant is temporarily absent and when a formal caretaking arrangement has been approved. Sub-letting of the whole of a Circle Anglia property is not permitted.
- 3.3 Long absences do not necessarily mean that a tenant has lost security of tenure as long as they demonstrate an intention to return and the rent is paid.
- 3.4 We will be sympathetic to the individual circumstances of tenants who may be in hospital for extended periods or who may have received a prison sentence.
- 3.5 However, we cannot give guarantees for re-housing if the absence is likely to extend beyond 12 months. In such cases a management decision would be made on the basis of best possible use of our housing stock.
- 3.6 Where we believe that the tenant has left an unauthorised occupier in the property, or where we think that the tenant has no intention of returning, we will take action to regain possession.
- 3.7 All staff in the line of their duties will be alert to any properties that have the appearance of being abandoned, squatted, or illegally occupied and will activate the appropriate reporting procedures.
- 3.8 We will be prompt to act when tenants and neighbours contact us to report cases of suspected abandonment or unauthorised occupation and will make every effort to collect evidence from them and take written statements.
- 3.9 We recognise the need to protect the rights of tenants. We will thoroughly investigate claims of abandonment and ensure that the tenant is not in occupancy before beginning abandonment proceedings.
- 3.10 We will make every effort to contact the absent tenant and to find out if they have any intention of returning and warn them that their tenancy is at risk.
- 3.11 Where we believe that the tenant has no intention of returning, we will take action to regain possession. As abandonment and illegal occupation

procedures can be complex, we will generally instruct solicitors to handle our cases.

- 3.12 Where investigation has confirmed the presence of illegal occupiers, we will take possession action on two fronts:
- determining the live tenancy by taking action against any tenant who illegally assigns their home, according to our abandonment procedures
 - taking action to remove the occupiers from the property according to our procedures on squatting.
- 3.13 Once illegal occupation is suspected or confirmed, we will not accept payments of rent from the occupiers. We will only accept charges for ‘use and occupation’.
- 3.14 We will be prompt to secure properties that have been abandoned and properties where squatters have been evicted.
- 3.15 We will only take more expensive high court action to deal with squatters when the property is needed immediately after eviction.
- 3.16 An officer will not visit a property alone when it is squatted but will take another member of staff with them and follow procedures detailed in the Customers Who Pose a Risk policy.
- 3.17 Circle Anglia acknowledges that a tenancy can only be determined by:
- A tenant not occupying a property as their only or principle home, with no intention to return, is breaching the conditions of their tenancy agreement and losing security of tenure. When security of tenure is lost a contractual tenancy remains and this can be terminated by us serving an NTQ.
 - A tenant terminating or surrendering their tenancy; by serving Notice to Quit (NTQ) on us, or by their unequivocal actions, such as returning the keys.
 - Our bringing the tenancy to an end by undertaking possession proceedings and obtaining a court order.
- 3.18 If a tenant amends the breach of tenancy prior to the expiry of a Notice to Quit they will have restored their tenancy to its original condition.

4 Service Standards

- 4.1 When a property is reported as abandoned and needs securing, we will visit within 24 hours.

- 4.2 Where an abandoned property is already secured, we will visit within three working days.
- 4.3 In cases of suspected illegal occupation, we will visit the property and attempt to interview the occupiers within five working days of the illegal occupation being identified.
- 4.4 We will make every effort to contact an absent tenant before activating the abandonment procedures to regain possession of the property.
- 4.5 We will take immediate action to secure a property that has been squatted as soon as the squatters have been evicted.

5 Monitoring

- 5.1 We will record all details of investigations into properties that we suspect are abandoned, squatted or illegally occupied, where applicable, onto Orchard, or equivalent system.
- 5.2 We will record and monitor all cases of eviction of squatters.

6 Equality and Diversity

- 6.1 It is essential to recognise that customers of all races, ages, religions, gender, sexual orientation, literacy levels and disability should be treated equally and fairly.
- 6.2 All customers will have access to this document upon request or from our website www.circleanglia.org/customers
- 6.3 This document and accompanying leaflet can be translated or provided in alternative formats (e.g. Braille, large print, audio) upon request.
- 6.4 Equality and Diversity training is mandatory for all staff.

7 Publicising the Policy

- 7.1 Circle Anglia publicises its policies and procedures on to residents and staff in a number of ways:
 - Resident Handbook
 - Resident Newsletter
 - Resident Website
 - CIRANO
 - Policy Briefings and Training

Glossary

Term	Definition
NTQ	Notice to Quit
NOSP	Notice of Seeking Possession

Related Documents

Document	Link
Connected Policies:	Customers Who Pose a Risk Grounds for Possession
Forms and Letters:	Caretaker Agreement Form Caretaker Permission letter Illegal Occupation and Squatters Referral Form Proof of Service – NOSP Proof of Service – NTQ
Leaflets:	
Other:	

Version history

Version no.	1	Date effective:	May 2007
Full / partial review?	New Group Policy		
Brief summary of changes:	n/a		
Staff consultation (teams):	Income, Neighbourhood		
Resident consultation:	OFMS, OFTML		
Legal	Devonshires – whole policy		
Signed off by:	Group Policy Forum, 29 th March 2007		
Author	Zoe Buick		

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Full / partial review?	Full review		
Brief summary of changes:	Clarity around caretaking agreements, new workflow to assist staff members.		
Staff consultation (teams):	Income, Neighbourhood, Senior Managers Policy Review Group		
Resident consultation:	Mole Valley Operations Working Group, Russet FORUM,		
Legal	Eversheds – Caretaking		
Signed off by:	Group Policy Forum, 20 th November 2008		
Author:	Zoe Buick, Amy Carter		

Version no.	3	Date effective:	
Full / partial review?			
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Staff consultation (teams):			
Resident consultation:			
Signed off by:			
Author:			