

Abandoned Property Policy

1.0 SCOPE

Purpose

- 1.1. Abandoned properties can attract squatters, deteriorate quickly impacting on the local neighbourhood and may lead to loss of revenue and increased repair costs for our homes.
- 1.2. This Policy outlines what we will do when a tenant has abandoned their home because they do not intend to return to it and they have not taken action to end or surrender their tenancy in compliance with their tenancy agreement.
- 1.3. The Policy outlines what we will do to repossess the property as quickly as possible, and how we will dispose of goods left behind once a tenancy is ended.
- 1.4. For the purpose of this Policy, the term 'property' relates to dwellings.
- 1.5. The Policy does not apply to leaseholders and shared owners.

Legal and Regulatory Framework

- 1.6. The tenancy agreement explains the legal requirement on how a tenant gives notice to end their tenancy, in the 'Ending a Tenancy' clause. Ending a tenancy on the death of a tenant is dealt with through the Tenancy Succession Policy.
- 1.7. The Housing Act 1988 s.27 enables a tenant to make a civil claim for unlawful eviction if the landlord ends the tenancy unlawfully and evicts the tenant without a court order.
- 1.8. The Protection from Eviction Act 1977 makes unlawful eviction a criminal offence.
- 1.9. The Housing Act 1988 Schedule 2, Part 1 gives the tenants "security of tenure" so long as they are using the property as 'the only or principle home'. This means their landlord cannot end the tenancy without a court order.

Even where the tenant is absent but is continuing to occupy the property as

Non Confidential

their only or principle home, or has a realistic intention to return, the landlord cannot serve the relevant notice.

A tenant who has sublet the whole of the property without consent is dealt with in the Lodgers, Subletting and Tenancy Fraud Policy.

- 1.10. Torts (Interference with Goods) Act 1977 provides that the landlord must take reasonable care of goods left in a home after an eviction. The Act sets out rules by which we must operate until the goods are disposed of lawfully, including the storage and sale of goods within specific time periods.
- 1.11. The Tenancy Standard of the Regulator of Social Housing (RSH) states that:

“1.2.1 Registered providers shall offer tenancies or terms of occupation which are compatible with the purpose of the accommodation, the needs of individual households, the sustainability of the community, and the efficient use of their housing stock.

1.2.2 They shall meet all applicable statutory and legal requirements in relation to the form and use of tenancy agreements or terms of occupation.”
- 1.12. The Policy operates in accordance with our data protection practices and our Privacy Notice which is accessible on our website
<https://www.whg.uk.com/site-search/?search=Privacy+notice>

2.0 POLICY STATEMENT

Principles

- 2.1. Tenants are required to give the landlord notice that they are leaving their home. For fixed term tenancies, this is done by completing a Deed of Surrender. Where the tenancy has ran beyond the fixed term, Starter, Assured and Assured Protected tenancy, the form of notice is a Notice to Quit, giving 28 days' notice they are leaving.
- 2.2. Tenants are also required to tell us if they are leaving their home for more than 21 days, stating the name, address and date of birth of the key holder, along with their address and contact details noted in the Lodgers, Subletting and Tenancy Fraud Policy.
- 2.3. Where we believe a tenant has left a property and is not returning without giving the contractual notice, we will follow auditable processes to trace the tenant(s) and establish why they are absent and if there is an intention to return.
- 2.4. An abandoned property may occur when tenants do not tell us they are leaving or have left, such as fleeing domestic abuse, or taking up

employment in another area.

An abandoned property may be identified from a number of sources including, but not limited to:

- whg colleagues;
- whg contractors;
- neighbours;
- police;
- statutory services e.g. Adult Services;
- care/health workers; and
- utility companies; and
- other landlords.

Investigating an Abandoned Property

2.5. We will investigate all reports of an abandoned property where there is a legitimate reason to believe that a whg property is no longer occupied, by making extensive and detailed checks to establish whether the property is occupied. This could include but is not limited to contact with:

- Neighbours
- Next of kin
- The Local authority benefits services
- Department for Work and Pensions
- Employers
- Schools
- Utility companies
- Any other agency with whom the tenant may have had contact

2.6. We will visit the property and the area to check for signs of non-occupancy which could include indicators such as:

- Unkempt garden
- Gas and Electric Usage
- Curtain always drawn
- Build up of post
- Foul smell coming from inside the property
- Damage to the exterior of the property i.e. broken windows
- Squatters – refer to the Unauthorised Occupiers Policy
- The property has been sublet – refer to the Lodgers, Subletting and Tenancy Fraud Policy

In all cases, two colleagues will make attempts to check occupancy at the property when visiting.

When a suspected abandoned property is identified we will:

- Thoroughly investigate and establish whether the property is abandoned, and take proportionate action.
- Establish if there is a realistic intention to return by the tenant to whom the home was let and take proportionate action.
- Respond to absent tenants through the relevant policies, in a timely and proportionate way.
- End the tenancy in accordance with this policy.
- Remove goods and furniture remaining in the property after the tenancy ends; including after possession proceedings for a breach of tenancy.
- Re-let the home as quickly as possible to minimise rent loss and reduce the impact in neighbourhoods.

Intention to return to occupy the home

- 2.7. If contact with the tenant is successful, and they confirm their intention not to return to occupy the home as the only or principle home, we will encourage them to formally end or surrender their tenancy using the relevant process described in their tenancy agreement.
- 2.8. If, during the 28 day notice period the tenant makes contact, advising they wish to take up occupancy of their home, we will conduct a thorough tenancy audit to confirm their lawful occupation of the home.

Repossession of the home

- 2.9. We will regain lawful possession of the property as swiftly as possible, where it is established that the tenant will not be returning.

If there is an unauthorised occupier in the property, we will follow the Unauthorised Occupiers Policy.

When keys are returned and there is no Notice/Surrender

- 2.10. If keys are returned with no formal notice or surrender giving us vacant possession, we will serve a Notice to Quit, and end the tenancy after 28 days if there is no response from the tenant, after investigations to locate them have been thoroughly completed.

Personal Belongings found in the home

- 2.11. When regaining possession of the property, we will serve relevant notices in the prescribed format for the removal and storage of personal belongings, giving the previous tenant details on how to access their goods. This may include serving the relevant notices on previous addresses and next of kin.

We will:

- Take photographs of all rooms showing personal belongings, furniture and white goods, and ;
 - take a detailed inventory of the personal belongings, furniture and white goods, including a description of its condition, and;
 - arrange for the goods to be placed into storage where it is safe to do so, and;
 - if the personal belongings/good are not claimed after the period set down in the notice, we will remove personal belongings/goods from storage through sale or disposal.
- 2.12. Where valuable items are identified such as any amount of cash or jewellery, these will be photographed in situ, noted in the inventory and jointly signed off by a Manager before being placed in safe keeping at our registered office, in line with financial standing orders.
- 2.13. Where furniture and goods are soiled, infested and/or broken, a note will be made on inventory about the condition of the item with a photograph as evidence. Such items will not be placed into storage but will be disposed of.
- 2.14. Personal belongings/goods unclaimed will be sold and/or disposed of after 28 days, the value of which will offset storage/sundry charges for storage costs and other debts owed to us.
- 2.15. If personal belongings/goods are claimed within the notice period, the former tenant may claim those goods at the place specified on the notice upon payment of storage costs, and after presenting relevant identification.

Customers returning to their home after the locks have been changed.

- 2.16. Customers who return to their home and are unable to gain access can contact us to:
- end the tenancy formally by completing the correct notice, or;
 - make arrangements to collect keys – subject to ID and confirmation that they are the tenant, and/or;
 - move into their home as their only and principle home.

Customers can call 0300 555 6666 or email enquiries@whgrp.co.uk or call into our offices noted on our website www.whg.uk.com

3.0 PERFORMANCE MEASURES

- 3.1. We aim to complete investigations within 28 days of discovery to determine next actions for possession of the property.

4.0 MONITOR AND REVIEW

- 4.1. This Policy will be monitored by the Director of Housing and reviewed every three years, unless an earlier review is required due to legislation or regulation change.

5.0 ASSOCIATED DOCUMENTS, POLICIES AND PROCEDURES

- 5.1. Documents, policies and procedures associated with this policy are:
- Relevant Tenancy Agreements
 - Abandoned Property Procedures
 - Tort Notices
 - Unauthorised Occupiers Policy and Procedures
 - Tort (interference of goods) Act 1977
 - Housing Act 1988
 - Protection from Eviction Act 1977
 - Privacy Notice
 - Rechargeable Repairs Policy
 - Sundry Debt Arrears Policy

Version control

Version	Version 1
Document author	Jenny Calderbank
Document owner	Gary Brookes – Director of Housing
Legal advice	<ul style="list-style-type: none"> • Legal Services have reviewed the policy and amendments have been made to accordingly. • Advice from Trowers and Hamblins through training, specifically related to the Torts Act (section 1.10 above) and Storage of Goods.
Consultation	Consultation has been undertaken with: <ul style="list-style-type: none"> - Tenancy Services colleagues - Service Managers - Director of Housing - Health and Safety Manager - Compliance and Risk colleagues - GDPR Officer - Legal Services Manager - Housing Services Manager - Financial Controller
Approved by	Policy Group – October 2018 GEXEC – January 2019
Review Date	July 2022
Corporate Plan aim	Deliver high quality homes and services to our customers

Equality analysis	None
Key changes made	<p>Policy Group (17 October 2018):</p> <ul style="list-style-type: none">- 5.1 Reference to Sundry Debt Arrears Policy added- Last paragraph in 2.4 moved to 2.6- 2.6, 'when an abandoned property is discovered' changed to 'when a suspected abandoned property is identified'- Definition of property to mean dwelling added in section 1 <p>GEXEC (8 January 2019)</p> <ul style="list-style-type: none">- Add that two colleagues must attend at all times.- Add how the customer can contact us if they intend to return after locks have been changed