

# Abandoned Homes Policy

<b>1.0</b>	<b>SCOPE</b>
	<b>Purpose</b>
1.1.	<p>This document sets out whg’s policy towards minimising the risk of abandonment and recovering possession of abandoned homes let on general needs tenancies.</p> <p>whg recognises that there is a high demand for affordable housing and will take steps to recover any abandoned homes to make best use of our housing stock.</p>
	<b>Legal and regulatory framework</b>
1.2.	<p><b>Protection from Eviction Act 1977 Part 1 (1) (2)</b>            Anyone preventing a resident, who has right to occupy a property, from occupying that property, is guilty of an offence unless they can prove that they reasonably believe the resident no longer lives there.</p>
1.3.	<p><b>Housing Act 1988 Part 1: Assured Tenancies</b>            As long as a tenancy was granted to an individual who lives in the property as their only or principal home, and it is not otherwise prohibited from being an assured tenancy under Schedule 1 of the Housing Act 1988, the tenancy is an assured tenancy.</p>
1.4.	<p><b>Housing Act 1988 Section 15A: Loss of Assured Tenancy Status</b>            An assured or assured shorthold tenancy will lose its assured status if the tenant parts with possession of the home. The tenancy cannot regain assured status.</p>
1.5.	<p><b>Notices to Quit etc. (Prescribed Information) Regulations 1988</b>            Notices served to end a tenancy with basic protection (i.e. a tenancy that is not assured) must be in writing, give four weeks’ clear notice, and contain the prescribed information.</p>
1.6.	<p><b>Torts (Interference with Goods) Act 1977</b>            The bailee (i.e. whg, when in possession of a former resident’s belongings following abandonment of a property) must serve reasonable notice on the bailor (i.e. former resident) of intention to sell or dispose of their belongings.</p>
1.7.	<b>Regulator of Social Housing: Tenancy Standard</b>

	1.1.1 Registered providers must allocate and let their homes in a fair and transparent way that takes the needs of tenants and prospective tenants into account. 1.3.2 They shall meet all applicable statutory and legal requirements in relation to the form and use of tenancy agreements or terms of occupation
<b>2.0</b>	<b>POLICY STATEMENT</b>
	<b>Preventing Abandoned Homes</b>
2.1.	Where whg believes that a property has been abandoned, reasonable measures will be taken to recover that property.
2.2.	<p>whg will work with customers who are identified as being at a higher risk of abandoning their homes, which could be due to age, vulnerability or any other defined risk, to minimise tenancy failure.</p> <p>whg will adopt a multi-agency approach and work collaboratively with external agencies such as Adult Social care, drug and alcohol services alongside internal teams such as money and debt advice, Social Prescribing, to assist the customer in sustaining their tenancies and will make referrals to access these services.</p>
2.3.	The Community Housing management team will review abandonment case data on a quarterly basis to understand underlying trends and risks, and effectiveness of targeted interventions.
	<b>Investigating an Abandoned Home</b>
2.4.	Where we become aware that a customer is not or may not be living in their property as their only or principal home, we will investigate as a possible abandonment and carry out a risk assessment, to determine if this is a temporary absence and to see if the customer intends to return or has abandoned.
2.5.	<p>As part of our investigations, we may conduct: -</p> <ul style="list-style-type: none"> <li>• repeat visits to the property with inspection and recording of external property condition, utility meters and any internal areas visible.</li> <li>• contact with any known associates of the customer including but not limited to neighbours, known family, employers.</li> <li>• contacting statutory and partner agencies.</li> <li>• reviewing the customer's credit file for alternative addresses.</li> <li>• reviewing publicly available customer information including social media.</li> <li>• contacting utility companies and other landlords as appropriate.</li> <li>• contacting benefit agencies regarding which registered address/es benefits are being paid to.</li> </ul>

2.6.	whg will attempt to contact the customer by all available means throughout the investigation including by post, email and telephone.
<b>Action Following Abandonment</b>	
2.7.	At the conclusion of the investigation, whg will determine whether there is reasonable cause to believe that the property has been abandoned or that it is no longer being occupied as the only or principal home.
2.8.	Where the property is reasonably believed to be abandoned and there is no reasonable indication of intention to return, whg will serve a Notice to Quit on the tenant at the property and any other known addresses. Following expiry of the Notice, the tenancy will end and whg will then take steps to obtain possession of the property and seek incurred costs of any later court action. The decision to take possession must be made by a Regional Community Housing Manager with due regard to all available evidence.
2.9.	Where it is unclear whether the property has been abandoned but there is reason to believe the customer is not occupying the property as their only or principal home, whg may also serve a Notice of Seeking Possession under the Housing Act 1988 as the customer will be in breach of their conditions of tenancy. This may be served concurrently and without prejudice to any Notice to Quit also served.
<b>Belongings Left in Property</b>	
2.10	Where a customer has abandoned a property but has left belongings inside, whg will take an inventory of the items once access has been gained to the property. Following this we will serve a tort notice on the former tenant providing notice to arrange collection of the items. whg will store items for 28 days, after which period they will be sold or disposed of as appropriate.
2.11	Soiled, damaged, perishable or infested items will be disposed of on discovery.
2.12	Any sale value of items will be offset against reasonable removal and storage charges plus any other debt owing. Any amount remaining will be reimbursed to the former tenant.
<b>Additional Considerations</b>	
2.13	Where the customer has not submitted a valid Notice to Quit but has provided a clear and unequivocal indication that they wish to end their tenancy, for example handing in all the keys to the property, whg may serve Notice to Quit under the terms of this Policy to formally end the tenancy. In such circumstances, an investigation of the property being abandoned will not usually be carried out.

2.14	<p>Where whg has ended a tenancy through service of a valid Notice to Quit, whg is not obliged to grant a new tenancy should the customer subsequently make contact.</p> <p>Any such situation will be reviewed on an individual case by case basis with the customer concerned, and whg may offer a new tenancy depending on the circumstances.</p>
2.15	<p>Customers who are not occupying their whg property but have no other home will be provided with appropriate support and signposting, where possible, to ensure they are able to return to the property or to find suitable accommodation.</p>
<b>3.0</b>	<b>PERFORMANCE MEASURES</b>
3.1.	<p>The Community Housing management team carries out monthly assurance checks that review whether abandonments have been conducted in line with policy.</p>
3.2.	<p>This Policy supports whg's ambition not to evict into homelessness.</p> <p>Abandonment data is also scrutinised quarterly by the Community Housing management team to identify trends and potential intervention points to maximise tenancy sustainability.</p>
3.3.	<p>There is no key performance indicator associated with this policy.</p>
<b>4.0</b>	<b>EQUALITY AND DIVERSITY</b>
4.1	<p>Abandonment disproportionately affects customers under the age of forty, in particular customers in the 18-25 age bracket. This Policy supports customers to sustain their tenancies, recognising that additional support may be required for younger customers.</p>
<b>5.0</b>	<b>TRAINING AND DISSEMINATION</b>
5.1.	<p>Colleagues responsible for investigating abandonments will receive training on the policy and all associated procedures and guidance notes.</p>
<b>6.0</b>	<b>MONITOR AND REVIEW</b>
6.1	<p>This Policy will be monitored by the Director of Housing and Customer Services and reviewed every three years by the Policy Group and approved by Group Executive.</p>

<b>7.0</b>	<b>ASSOCIATED DOCUMENTS, POLICIES AND PROCEDURES</b>
7.1	Documents, policies and procedures associated with this Policy are: <ul style="list-style-type: none"><li>• whg tenancy agreements</li><li>• whg Abandoned Homes Procedure</li><li>• whg Lodgers, Subletting and Tenancy Fraud Policy</li><li>• whg Unauthorised Occupiers Policy</li><li>• whg Equality, Diversity and Inclusion Policy</li></ul>

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<b>Corporate Plan aim</b>	Forward thinking services
<b>Equality Assessment</b>	None undertaken
<b>Key changes made</b>	Introduction to policy has been added including further clarification of Policy points