

KINGSRIDGE CLEDDANS HOUSING ASSOCIATION

VOID PROPERTY POLICY & ABANDONMENT PROCEDURE



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1.0 VOID MANAGEMENT

1.1 POLICY OBJECTIVES

Kingsridge Cleddans Housing Association (KCHA) aims to re-let vacant properties as quickly as practicable and to minimise rent loss as a result of properties being empty (void losses), subject to the properties being in a tenable condition and to the offers of tenancy being consistent with the DRUMCOG Common Allocations Policy.

Void management can be split into four distinct stages:

- Pre-termination arrangements
- End of tenancy
- Void repairs
- Selection and Allocation

Although these are separate stages of the process, they will usually operate concurrently. For example, lines for void repairs will be raised following the end of tenancy inspection and minor repairs may not be completed prior to allocation.

1.2 PRE-TERMINATION ARRANGEMENTS

The tenancy agreement requires 28 days' notice to be given, prior to a tenancy formally ending. Notice should be submitted in writing to the Association and to assist in the process standard termination of tenancy forms are available.

The following information must be provided:

- Date of tenancy termination
- Reasons for leaving (for KCHA records)
- Forwarding address

On receipt of the termination notice, confirmation of the end of tenancy date will be sent in the form of a letter or, where known, by email which will also make arrangements for a pre-termination inspection to be carried out. Advice to the outgoing tenant will also be given at this time with regard to the procedure for terminating the tenancy and the tenant's responsibility. This includes what to do about clearing the house and returning the keys.

Shorter periods of notice to that stipulated in the tenancy agreement are not accepted apart from in the following circumstances.

- The tenant has died.
- The tenant is moving into residential care, nursing care or hospital.
- The property is being re-let before the expiry of the termination notice period.

In the event of a tenant's death, the tenancy will end on the date of the tenant's death. Where there is no right to succession under the Housing (Scotland) Act 2001

as amended, family members/estate executors will be given up to 2 weeks after the funeral has taken place to clear the house and return the keys.

1.3 PRE-TERMINATION INSPECTIONS

The purpose of the inspection is to assess:

- The likely level of repairs required.
- To identify any repairs that are the tenants responsibility.

It also provides the opportunity for clarifying issues relating to the end of tenancy procedures.

Repairs will be identified by using our re-let standards as a guide.

1.4 END OF TENANCY

In order to avoid delays in the void repair and re-letting process, the Association will ensure it obtains keys from the outgoing tenant on or before the date the tenancy is due to end.

Where the tenant plans to vacate the property on a weekend or public holiday arrangements will be made to have the keys returned on or before the end of tenancy date.

The Association has specific void rent loss targets and keys returned beyond the tenancies termination date will result in additional rent being charged.

1.5 VOID REPAIRS

A void inspection will be carried out within 1 working day of the keys being handed in.

Void repairs will be assessed and recorded on a pro-forma. Repairs will be instructed by the Asset Management Officer who will pass keys to contractors. Contractors will be made aware of void timescales when job lines are issued.

1.6 SELECTION AND ALLOCATION

The Housing Officer will initiate lettings procedures as soon as notification of a termination of tenancy is received. This will involve identification of applicants to be offered the property in accordance with the Common Allocation Policy at the earliest opportunity.

Contact will be made with the applicant/ prospective tenant at an early stage to assess their interest. If they are interested in the property, a home visit will be made to establish the validity of the application. If interest is expressed the Housing Officer will arrange an accompanied viewing with the offer being confirmed in writing.

It is the policy of KCHA to accompany all applicants viewing properties. Applicants will be given up to 24 hours after viewing a property to decide whether to accept the offer. If refused or no response after 24 hours the next applicant on housing list will be selected.

Refusals and reasons for refusals if known will be recorded.

The applicant's signing of the tenancy agreement will be arranged within 1 working day of acceptance (provided all repair work has been completed) and the new tenant visit will be carried out within 6 weeks of tenant moving in. The new tenant will be advised that they are liable for rent payment from the date of signing the Tenancy Agreement and therefore should make a concerted effort to move into and occupy the property as soon as possible thereafter.

1.7 PERFORMANCE MONITORING

KCHA will monitor performance in relation to void management in respect of the following.

- Rent loss: restrict < 1%
- Number of terminations and reasons for them.
- Average length of time from end of previous tenancy to start of new tenancy: target 10 working days.
- Number of offers and refusals per property.
- Reasons for refusals.
- Number of re-lets within target and number outwith.

Summary reports will be provided and presented to Management Committee on a quarterly basis and an annual report will be prepared and presented at the Management Committee meeting in April each year.

4.0 REPOSSESSION: ABANDONED PROPERTIES

4.1 INTRODUCTION

It is a condition of the model Scottish secure Tenancy Agreement used by KCHA that the tenant (and each joint tenant) must live in the accommodation as their only or principal home. This relates to the common law duty to occupy the property and is a standard condition found in the Scottish secure Tenancy Agreement (SST) used by all Registered Social Landlords (RSL's).

For a number of reasons, all staff must be aware that KCHA takes seriously the need to limit the number of properties that have been abandoned – that is, where the tenant has ceased to live in the property as their only or principal home but has not formally given notice to KCHA to end the tenancy. For example:

- Good quality affordable social housing is a scarce commodity in the local area. Abandoned properties widen the gap between the number of properties available for let and the demand that exists and, effectively, prevent KCHA from making the best use of its stock.
- Abandoned properties can cause estate management problems, such as failure to maintain private or common areas.
- Abandoned properties can result in (former tenant) rent arrears.

This procedure note is meant as a guide for use by staff when deciding whether they consider a property to have been abandoned. It does not attempt to replace the requirement to seek legal advice prior to re-possessing a property – the penalties for re-possessing in error can be significant.

4.2 MAIN STAGES

There are 5 main stages in the abandonment process. These are:

- Becoming aware that a tenancy may have been abandoned.
- Carrying out a range of checks.
- Taking action.
- Taking legal advice.
- Re-possessing the property and doing an inventory of any goods/personal possessions left behind.

4.3 BECOMING AWARE THAT A TENANCY HAS BEEN ABANDONED

A staff member can become aware that a property has been abandoned in a number of ways. For example:

- Mail returned marked “gone away”.

- Reports from neighbours or other individuals
- Reports from other agencies
- Failure to respond to letters from the Association.
- Rent arrears accruing on the rent account or payment(s) missed

In the event that one or any combination of the above, the Housing Officer will check the tenancy records both physical (filing cabinet) and electronic (KCHA's housing management system) to confirm whether KCHA has been notified of the tenant's absence, for example, in hospital or on an extended holiday. Where this applies, no further action will be taken with regard to the "abandonment" (although any other work, for example, arrears management will of course proceed as normal).

Where the Association has no prior notification of an absence, the flowchart (*page 11 below*) should be used as a guide for staff to consider whether it may be appropriate to serve a first notice. Where a notice is served, a file note should be typed outlining the reasons for serving notice and saved on the tenant's electronic record within the SDM housing management system.

4.4 NOTICE OF PROCEEDINGS FOR RECOVERY OF POSSESSION

When we are satisfied that the property has been abandoned, the Housing Officer will inform the Director who will approve the service of the 1st notice. This will be served by hand delivery and witnessed.

If there is no contact within the 28 day period specified in the notice then a second notice will be served, and the property re-possessed on the 29th day following the service of the 1st notice.

When the property is to be repossessed, we will:

- Arrange a change lock or security to be fitted.
- Two members of staff to be in attendance
- Take inventory and photographs.
- Carry out a void inspection.
- Instruct any necessary void repair works.

The now former tenant, having abandoned the tenancy, may, have left personal possessions and/or furnishings in the property. Where this applies, the Housing Officer will assess the value of what has been left behind and seek a decision from the Director on whether or not the effects should be placed in storage in case the former tenant returns.

This decision will be based on whether the value of the possessions exceeds the cost of storage for six months, which is the period that the possessions will be kept. The estimated value of the possessions will be the sum agreed by the Director and can be backed up by the photographs at a later date if required.

If the estimated value of the possessions is considered less than the cost of storage for six months, the Director will agree to their disposal. Again, photographs will be available for inspection in the event of a later appeal by the former tenant.

The cost of any repairs required owing to vandalism or wilful neglect by the former tenant, member of their household or any visitor will be assessed and this sum will be recharged to the former tenant. This will become a former tenant debt and will be pursued in the usual manner.

4.5 AUDIT TRAIL

All actions will be recorded on the SDM Housing Management System and photographs, and other documentation will be retained in the former tenant's e file. This will be retained for a period of three years or in the case of a payment decree having been obtained from the Sheriff Court at Glasgow, 20 years.

Abandoned Property Checklist (To be used Prior to Serving Notice #1)

Please note the reasons why you suspect that this may be an abandoned property. You will probably need to attach another sheet.

The following chart offers guidance to help staff decide whether to serve the first notice.

