

# **Abandonment Policy**

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## Contents

1. Statement of intent
2. Abandonment
3. Investigation
4. Decision
5. Possession, entering the property
6. Monitoring and review

## **TWO RIVERS HOUSING**

### **Abandonment Policy**

#### **1. Statement of Intent**

- 1.1. The purpose of this policy is to clarify how Two Rivers Housing (TRH) will approach reports of or becoming aware of Tenants who may have abandoned their homes.
- 1.2. TRH want to minimise the number of empty homes and the length of time that homes stand empty.
- 1.3. TRH must make the best use of its housing stock to ensure that people on the waiting lists are not unnecessarily waiting for homes to become available and to also to meet regulatory requirements.
- 1.4. This policy should be applied in conjunction with all TRH policies in existence at the time of using it. Most specifically:
  - 1.4.1. Tenancy policy
  - 1.4.2. Tenancy Management policy
  - 1.4.3. Safeguarding policy
  - 1.4.4. Equality, Diversity and Inclusion policy
  - 1.4.5. Reasonable Adjustments policy.
- 1.5. This policy is legally compliant at the time of writing and will be reviewed on any change in law or best practice.
- 1.6. Unless stated otherwise, all reports of abandonments will be acknowledged within 5 working days.

#### **2. Abandonment**

- 2.1. Abandonment is when the tenant(s) stops using their home as their only and principal home or if they have not surrendered their tenancy before moving out.
- 2.2. TRH become aware of potentially abandoned homes in different ways, sometimes it is reported to us, but more often it is because we cannot contact our Tenants or we are unable to access the property to carry out important checks, such as Gas Safety Inspections. This can be an indication to us that the tenant(s) are not living there.
- 2.3. Although the tenancy agreement may differ slightly over time, the main tenancy clauses that relate to this area says:

- 2.3.1. “you can only use your home to live in as your only, or main home”
- 2.3.2. “You must not leave the property unoccupied for more than one month without providing us with reasonable notice.
- 2.4. TRH will not interfere with Tenants right to live peacefully in their homes if they keep to their Tenancy agreement.
- 2.5. If a tenant(s) is not living in their home, they lose their security of tenure under the Housing Act 1988 and 1985 and the Tenancy Agreement may be ended by the service of a Notice to Quit.
- 2.6. TRH will not unlawfully take possession of a Tenant’s home and will comply with legal requirements for the protection of tenants against eviction.

### **3. Investigation**

- 3.1. TRH will investigate all reports and suspicions of abandonments swiftly and efficiently.
- 3.2. We will try all available methods of communication we have to contact our Tenants in the first instance.
- 3.3. The Neighbourhood Manager will investigate all systems and records held by TRH that are available to them.
- 3.4. A case conferencing approach will be taken when investigating all instances of abandonment before any decision is made.
- 3.5. We may use any or all of the following methods of investigation:
  - 3.5.1. Contacting the Police, other authorities, and external partners.
  - 3.5.2. Contacting family members where we have permission to do so.
  - 3.5.3. Speak to neighbours to see if they have seen the Tenant, or ask them when they last saw the Tenant at the home.
  - 3.5.4. Attempt to trace another address that Tenants may have moved to using the National Anti-Fraud Network (NAFN) or similar services.
  - 3.5.5. We may read external electric and gas meters to monitor fuel usage.
  - 3.5.6. Any other legal method of investigation that we feel is proportionate and necessary to establish if a Tenant has left their home.

- 3.6. When making an informed decision as to whether a property has been abandoned we will have regard to the potential rent loss, void time, and any potential property damage that may be caused or may occur.
- 3.7. We will not unlawfully enter the property, however we may enter if it is in an emergency situation such as a gas or water leak or if we feel that someone is at risk within it. We may enter to secure the property if it is left insecure e.g windows and doors left unlocked.
- 3.8. If any animals are left unattended at the property for any length of time, access will be gained and they will be removed by the appropriate authority.

#### **4. Decision**

- 4.1. Following our investigation should it be established that the tenant(s) no longer use the home as their only and principal home the tenant loses their security of tenure and we will look to terminate the tenancy by serving a notice to quit.
- 4.2. Once the notice period has ended, we will make an informed decision as to whether we enter the property at that point on the basis there has been an implied surrender by conduct of the tenant, or whether we take further legal action to gain possession of the property. If it is at all unclear if anyone is living or could return to the property, we will take legal action to regain the property due to the risks to the organisation.
- 4.3. When considering the options, we will take into account all that we have learnt during our investigation. We will also be mindful of incurring legal costs that may be recovered from the tenant(s) who has left when making this decision.

#### **5. Possession, entering the home**

- 5.1. When we enter the home following obtaining possession by implied surrender or by court action, we may remove any obvious rubbish or health hazards from the home and/ or garden, including any outbuilding such as sheds.
- 5.2. If the home is unsafe to enter or work in, due to (for example) an unsafe property conditions or urine/ faeces from pests or animals we will dispose of any items without sifting through them, and we will not give any further notice to the now former tenant. TRH will not normally be held responsible for compensation or replacement of any items removed or disposed of in these circumstances.
- 5.3. Where there is gas in a property, we may cap the gas supply to ensure that it is safe.

- 5.4. If we are safely able, we will store any personal belongings left in the property for a maximum period of up to 28 days, before disposing of them. Anything that appears to be broken or appears to be rubbish will not be stored.
- 5.5. If there are items of obvious value, we will take necessary steps to sell the goods and offset the proceeds against any debt owed to TRH.
- 5.6. TRH will not normally be held responsible for any damage that may or may not occur during the storage period.
- 5.7. We will not normally sift through all belongings but will do so if there appears to be items of value
- 5.8. The costs of disposal of items, cleaning the home and any rechargeable repairs may be recovered from the former tenant.
- 5.9. We may recycle any useable items left in the property if they are not collected within the 28-day period. We will not receive any financial gain from any recycled objects or possessions.

## **6. Surrendering a tenancy**

- 6.1 TRH will not normally accept an express surrender of tenancy. Surrender will only be considered in exceptional circumstances taking a risk-based approach and will be signed off by a member of TRH's senior management team.

## **7. Monitoring and review**

- 7.1. The Head of Neighbourhoods is responsible for monitoring this policy to ensure that it is correctly applied.
- 7.2. The Head of Neighbourhoods is responsible for ensuring that reviews of this policy are carried out.
- 7.3. TRH will undertake regular reviews of this policy; the procedures related to it and staff training needs to ensure that it continues to operate in line with best practice and that service improvements are made and implemented.
- 7.4. In the absence of any trigger for review, the policy will be reviewed at 3-year intervals or such other periods as the Board of TRH may from time to time determine.
- 7.5. On review, if possible, this policy will be reviewed with our Tenant Voice or a panel of tenant representatives.

| Version | Date   | Author       | Change description             | Approved by                            | Date approved              |
|---------|--------|--------------|--------------------------------|----------------------------------------|----------------------------|
| 1.0     | Nov 25 | Sally Howell | Creation of standalone policy. | Customer, Culture, Colleague Committee | 17 <sup>th</sup> June 2026 |