

Abandoned Properties Policy

Responsible Officer	Assistant Director Housing
This policy is applicable to	All companies
Approved by	KMT
Date approved	30 June 2022
Frequency of review	Every 3 years
Date of next review	June 2025
Implementation date	1 July 2022
Key related documents (policy, procedure, customer literature)	Abandoned Properties Procedure and associated appendices Tenancy policy Tenancy Fraud Policy
Sources of best practice or guidance used in developing this policy	Section 81 Housing Act 1985 Section 124 Housing Act 1996 Section 15A Housing Act 1988

Version control

Version number (see note 1)	2	Changed sections	Insert name and job title
Equality Impact Analysis (see note 2)	Initial	10 June 2022	Kath Glen Housing Manager (North)
Data Protection Impact Assessment (DPIA)	Initial	10 June 2022	Kath Glen Housing Manager (North)

Document change history

Version	Date	Changed sections

Consultation

Consultation Group (if applicable)	Date of Consultation (if applicable)
Staff	March 2022
Union(s)	Not applicable.
Customers	27 April 2022
Human Resources / Organisation Development	Not applicable.
Health and Safety Working Group	Not applicable.
Other stakeholder (please state)	Not applicable.

Policy statement

Karbon Homes is committed to enabling tenants to have the quiet enjoyment of their home with decent, safe and secure living conditions. In order to promote stable, sustainable estates and to make the best use of our housing stock in accordance with the Tenancy Standard, we aim to minimise the time that any of our homes stand empty.

Empty properties not only cost Karbon Homes money in terms of lost rent but can impact negatively on a neighbourhood. They can create a poor impression of estates, particularly if they fall into disrepair or become the target of vandals.

Karbon Homes will take an early and pro-active approach to dealing with any properties that appear to have been abandoned.

Risk policy is designed to control

To minimise the financial loss to Karbon Homes plus ensure community sustainability.

Key performance measures

Number of suspected abandoned properties
Number of possessions

Definitions

An abandoned property is a property that the tenant(s) and the household have vacated without providing the due notice, and to which the tenant(s) and the household do not intend returning.

Abbreviations

Not applicable

1.0 Purpose of policy

- 1.1 Karbon Homes will investigate and act upon any reasonable belief that a home has been abandoned and is no longer occupied by the tenant.
- 1.2 We will take action to reclaim/repossess a property once all reasonable checks have been made to confirm that the home has been abandoned, and where possible, to establish that the former tenant does not have an intention to return to the property.

2.0 Objectives

- 2.1 When it is believed that a property has been abandoned Karbon Homes will:
 - Conduct a thorough investigation and make every effort to contact the tenant.
 - Where we believe the tenant is not living in the property as their sole or principal home Karbon Homes will take appropriate measure to take possession of the property

- Take possession of the premises when legally entitled to do so.
- Check that the property is secure. If it is not then take steps to make it secure.
- Complete an inventory (including photographs) of any possessions left in the property, paying particular attention to any items of perceived value.
- Arrange for storage of possessions of perceived value, personal papers or items which may be of sentimental value such as photographs once the property has been repossessed. Property will be stored for a period of 1 month while trying to locate the former tenant. Where possible, a notice will be served under the Torts (Interference with Goods) Act 1977.
- Dispose of any belongings left in the property immediately if it is clear that there is an environmental hazard - for example rotting food.
- Dispose of any belongings which have little or no value immediately.
- Record clearly any decisions or action taken to dispose of belongings once it is clear that the former tenant cannot be traced.
- In exceptional cases, where a court has given Karbon Homes possession of the property and there are belongings considered to be of value, Karbon Homes may seek to sell or dispose of the belongings. Any costs incurred in transport, storage and in organising the sale will be offset against any of the proceeds of sale. Any proceeds of sale will be used by Karbon Homes as deemed appropriate, having due regard to any legal obligations and any possible claim by the former tenant. Under no circumstances may Karbon employees or contractors take any items from an abandoned property, even if those items would otherwise be disposed of.

3.0 Policy detail

- 3.1 The policy covers all properties owned or managed by Karbon Homes.
- 3.2 This policy must be read in conjunction with the Abandoned Properties Procedure and associated appendices.
- 3.3 Karbon Homes will check to establish that the tenancy has been abandoned, to ensure that the home is not being occupied by the tenant, and that the tenant does not intend to return.
- 3.4 Karbon Homes will arrange to secure any suspected abandoned home, if required, on the same day that a report is received.
- 3.5 Where contact is successfully made with a tenant, we will confirm if the tenant intends to return to their tenancy. If the tenant does not intend to return, we will encourage them to formally terminate or surrender their tenancy. The tenant should be advised to make arrangement to clear the property and, if they do not do so, Karbon Homes will dispose of their belongings.
- 3.6 If a tenant makes contact during the notice period and advises that they are occupying the property, we will investigate and take appropriate action.
- 3.7 Karbon Homes will pursue termination or surrender of the tenancy by obtaining a signed agreement to this effect from the tenant where this is an option, as this is swift and legally unambiguous.

- 3.8 Where contact cannot be made with the tenant and investigations lead to the conclusion that the property has been abandoned, Karbon Homes will seek to legally repossess the property and will serve notice to terminate the tenancy or may proceed on the basis of an implied surrender.
- 3.9 Possession should only be obtained through obtaining a court order – any exception to this should only be done with the approval of the appropriate manager.
- 3.10 Where a tenant has an intention to return to the property and there is some evidence of that, for example some belongings being left at the property, then the tenant may be treated by the law as still being in occupation so any attempt to obtain possession by changing the locks risks being an unlawful eviction.
- 3.11 When regaining possession of a property, Karbon Homes will in all cases take an inventory and photographs of the property and any discarded belongings; taking care to not unlawfully dispose of goods left behind in the property.
- 3.12 If a tenant feels that their tenancy has been terminated without good cause, they should follow Karbon Homes' complaints, compliments and suggestions policy.

4.0 Customer Vulnerabilities

- 4.1 This policy is applied in line with Our Approach To Vulnerability Policy. Everyone matters. We want people to be treated fairly, have equality of opportunities, freedom, respect, and access to our services. We will offer support, reasonable adjustments, and adaptations to remove barriers. We will discuss with our customers what is reasonable and appropriate. In delivering this service we may need to escalate a particular case – if we do then customer vulnerabilities will be considered as part of the decision-making process.
- 4.2 We will support people with vulnerabilities to deliver this service. We will work alongside external agencies such as social services, the police and fire services and other appropriate agencies to help and support people with vulnerabilities in the delivery of our services but also to ensure we meet our statutory and regulatory requirements as a social landlord. Details are provided in the appropriate areas in this policy. All our customer policies are available on the website.

5.0 Monitoring and Review

- 5.1 This policy will be reviewed at least every 3 years. The review will be brought forward if there are significant changes to good practice, regulatory or legislative requirements.

6.0 Equality and Diversity

- 6.1 This policy is applied in line with Karbon's Equality and Diversity Policy and the associated legislation including the Public Sector Equality Duty and Equality Act 2010. At Karbon we aim to eliminate discrimination, promote equality of opportunity, foster good relations and define the nine protected characteristics of

age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, or sexual orientation.

- 6.2 However, we like to go even further. Beyond these protected characteristics we also take into consideration additional factors such as socio-economic status and language barriers which may also play a part. Our vision is for everyone to be treated fairly, have equality of opportunities, freedom, respect and access to our services.
- 6.3 To help us achieve this, we will work to improve accessibility for all, offering reasonable adjustments, adaptations and discussing ways that we can work to remove any barriers. A reasonable adjustment involves making a change to the way that we usually do things.
- 6.4 All of our customer policies and key information are made available on the Karbon Homes website. Reasonable adjustments that can help for example to make our information and services more accessible are sign language and language interpreters. We will work to improve accessibility for everybody that we deal with offering reasonable adjustments, adaptations and discussing ways that we can work to remove barriers that you may experience. A reasonable adjustment involves making a change to the way that we usually do things.
- 6.5 We work together to look at options and agree what adjustments would be reasonable in your individual circumstances. If you would like to find out more please get in touch with the team.

7.0 Data Protection and Privacy

- 7.1 We have a clear policy on data protection and sharing data with other partners/third parties under the requirements of the UK General Data Protection Regulation, the Data Protection Act 2018 and other associated legislation. This is clearly set out in the Data Protection Policy for the Karbon Homes Group which, along with its associated procedures, must be followed throughout the operation of this policy.