

Temporary Absence & Abandonment Policy



This policy applies across the Clarion Group. It replaces the Abandoned and Absent Tenants and the Abandoned Property Procedure of all former Circle registered providers and former Affinity Sutton Homes.

1. Scope

- 1.1. This policy applies to all Clarion Housing Association's (Clarion) rented housing stock with the exception of market rented and shared ownership properties. It sets out how we will manage a property which has been abandoned or from which the tenant is temporarily absent.
- 1.2. This policy is to be used in conjunction with the following Clarion procedures:
 - *Temporary Absence & Abandonment Procedure*
 - *Abandoned Goods & Animals – Recovery & Storage Procedure*
 - *Squatters & Unauthorised Occupants Procedure.*

2. Policy Objectives

- 2.1. This policy aims to:
 - Ensure that suspected abandonments are investigated and managed thoroughly
 - Set out the circumstances under which tenants can be temporarily absent from their property and retain their security of tenure
 - Set out the circumstances for when Clarion will seek to recover possession of our properties where we believe they are abandoned
 - Prevent Clarion properties from falling into disrepair and maintain gas/electrical safety compliance by ensuring they are occupied
 - Make the best use of our available homes.

3. Policy Statement

- 3.1. Clarion recognises the high demand for affordable housing and will take steps to recover abandoned properties in order to make best use of our homes.

- 3.2. Where we believe a property has been abandoned, we will take all reasonable measures to fully investigate the matter. If we believe that the property is no longer occupied by the tenant then we will take measures to establish whether this is a temporary absence and whether the tenant intends to return to the property.
- 3.3. Following investigation, if we believe that the property has been abandoned and the tenant does not intend to return then we will take legal action in order to recover possession of the property.

4. Temporary Absence

- 4.1. Clarion recognises that there may be a range of circumstances under which a tenant may be temporarily absent from their home for extended periods but has every intention to return. Long absences do not necessarily mean that a tenant has lost their security of tenure if the property is legitimately their main or principal home.
- 4.2. Examples of temporary absence include where tenants:
 - Have received a custodial prison sentence
 - Expect to remain in hospital or a nursing home for an extended period
 - Are working, studying or travelling
 - Are temporarily living elsewhere to care for a relative.
- 4.3. Tenants have a responsibility under the terms of their tenancy agreement to notify Clarion of periods of absence usually if it is more than 1 or 3 months, depending on the tenancy wording. They should provide contact details and confirmation of their intention to return. They will continue to be liable for the rent throughout their absence.

5. Investigation

- 5.1. To comply with the Protection from Eviction Act 1977 (PfE Act), all cases of suspected abandonment will be thoroughly investigated. Clarion will be sensitive to the individual circumstances of tenants and will not intentionally evict a tenant contrary to the terms of the PfE Act. The PfE Act makes it an offence for a landlord to:
 - Commit acts likely to interfere with the peace or comfort of a tenant or anyone living with them
 - Make a tenant leave their home or stop using it without a Court Order
 - Do anything that stops a tenant doing the things that they could normally expect to do
 - Take someone's home away from them without a Court Order.

- 5.2 Prior to taking steps to recover possession of the property Clarion will carry out all necessary appropriate investigations in order to establish whether a tenant's absence is temporary or permanent and the tenant's intentions to return to the property.

6. Abandoned Property – Recovering Possession

- 6.4 Following investigation, when we are confident that the property has been abandoned, a notice will be served and we will take legal action to recover possession. The type of notice served will be dependent upon the tenure type held by the tenant.
- 6.5 Clarion will only take action to repossess a property when we are confident that it has been abandoned and therefore the tenancy has effectively been surrendered.
- 6.6 Any items that are left in the property following repossession will be logged on an inventory and photographed. An assessment of the condition/value of the goods will be made and we will apply Clarion's *Abandoned Goods & Animals – Removal & Storage Procedure*.
- 6.7 In the event of someone other than the tenant is found to be residing at the property, who is not authorised to be there by the tenant, we will take the appropriate action and seek possession of the property.

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