

# Tenancy Absence & Abandonment Policy



## Objectives

This policy aims to:

- Ensure that suspected abandoned properties 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 best use of our available homes.

## Scope

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.

## Policy Statement

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

Where we believe a property has been abandoned, we will take all reasonable measures to fully investigate the matter. If we believe the property is no longer occupied by the tenant, then we will take measures to establish whether there is a temporary absence or whether the tenant intends to return to the property.

Following investigation, if we believe the property has been abandoned and the tenant does not intend to return, we will take legal action to recover possession of the property.

## Temporary Absence

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.

Examples of temporary absence include tenants that:

- 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.

Tenants have a responsibility under the terms of their tenancy agreement to notify Clarion of periods of absence. This is usually if the absence is longer than 1 or 3 months, depending on the tenancy wording. The tenant should provide their contact details and confirmation of their intent to return. They will continue to be liable for the rent throughout their absence.

## Investigation

To comply with the Protection from Eviction Act 1977 (PfE Act) all cases of suspected abandonment will be thoroughly investigated, and Clarion will be sensitive to the individual circumstances of tenants. Clarion will not intentionally illegally 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 they could normally expect to do
- Take someone's home away from them without a Court Order.

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

## Abandoned Property – Recovering Possession

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 on the tenure type held by the tenant.

Clarion will only take action to repossess a property when we are confident that it has been abandoned.

Any items 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*.

In the event of someone other than the tenant being found to be residing at the property, who is not authorised to be there by the tenant, we will take appropriate action and seek to recover possession.

## Associated documents

This policy is to be used in conjunction with the following Clarion policies and procedures:

- Temporary Absence & Abandonment Procedure
- Abandoned Goods & Animals – Removal & Storage policy & procedure
- Unauthorised Occupiers & Squatters Policy.

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