

ABSENT TENANT POLICY

1.0 Introduction

- 1.1 Residents have the right to live in their homes for as long as the tenancy lasts. If though they fail to use their home as their only or main home they may lose their rights under the tenancy.
- 1.2 Tenants should inform us if they intend to go away for any significant period of time, which may be specified in the tenancy agreement.
- 1.3 Arhag expects tenants to advise the association if they plan to be away from their homes for more than four weeks.

2.0 Legal Framework

- 2.1 The policy is framed within the context of the Housing Act 1988 and any amendments made by the Housing Act 1996.
- 2.2 This policy must be read alongside our abandoned and unauthorised occupancy procedure.

3.0 Policy Statement

- 3.1 Tenants have a responsibility to notify us of any periods of absence beyond the terms specified in their tenancy agreement.
- 3.2 The following are generally accepted as valid reasons for temporary absence.
 - Having a short prison sentence
 - Staying in hospital
 - Living in student accommodation in term time
 - Staying with relatives to receive or provide support and care
 - Having fixed term employment elsewhere
 - Going on an extended family visit
- 3.3 Arhag will be sympathetic to the individual circumstances of tenants who may be in hospital for extended periods or who may have received a prison sentence.
- 3.3 However, we cannot give guarantees for re-housing if the absence is likely to extend beyond 12 months. In such cases a management decision would be made on the basis of best possible use of our housing stock.

- 3.4 Where we believe that the tenant has left an unauthorised occupier in the property, or where we think that the tenant has no intention of returning, we will take action to regain possession.

4.0 Implementation

Where notice of absence is given

- 4.1 Where notice of absence is given, we will obtain details of the circumstances from the tenant. We will warn them that any absence longer than the agreed time may lead to possession proceedings being taken.
- 4.2 Tenants are entitled to be absent from their properties for a substantial period of time, as long as the property remains their only and principal home.
- 4.3 A tenant may be absent from the property for over 12 months and have the resources to continue to make rent payments whilst he/she is away. This long term absence of the tenant is not an efficient use of the housing stock. In these cases, we will try to persuade the tenant to give up their tenancy.

Requests to extend the agreed period of absence

- 4.4 If, during their absence, the tenant does intend to return but asks for an extension of the agreed period, if reasonable, we will agree in writing. If the extra time requested is excessive or there is a suspicion that the tenant has no intention to return, we will advise that they surrender their tenancy. If they refuse, we will consider possession action.

House-sitters

- 4.5 Tenants may wish to take in a house-sitter or 'care-taker' during their absence to look after their property. Tenants must request this in writing.
- 4.6 Where we are satisfied with the reason for absence, arrangements for paying the rent and the duration of absence, we may give permission for the tenant to take in a house-sitter.
- 4.7 This may not be appropriate in all cases, depending on the property or scheme. Tenants with assured shorthold tenancies may not be permitted to take in a house-sitter. This depends on their individual tenancy agreement. We do not permit tenants to sub-let the whole of their properties.

- 4.8 Arhag will only permit non-tenants to occupy a property when the tenant is temporarily absent and when a formal caretaking arrangement has been approved. Sub-letting of the whole of a Arhag property is not permitted.

Where notice of absence is not given

- 4.9 Long absences do not necessarily mean that a tenant has lost security of tenure as long as they demonstrate an intention to return and the rent is paid.
- 4.10 We will make every effort to contact the absent tenant and to find out if they have any intention of returning and warn them that their tenancy is at risk.
- 4.11 Where we believe that the tenant has no intention of returning, we will take action to regain possession. As abandonment and illegal occupation procedures can be complex, we will generally instruct solicitors to handle our cases.
- 4.12 Where investigation has confirmed the presence of illegal occupiers, we will take possession action on two fronts:
- determining the live tenancy by taking action against any tenant who illegally assigns their home, according to our abandonment procedures
 - taking action to remove the occupiers from the property according to our procedures on squatting.
- 4.13 Once illegal occupation is suspected or confirmed, we will not accept payments of rent from the occupiers. We will only accept charges for 'use and occupation'.
- 4.14 We will be prompt to secure properties that have been abandoned and properties where squatters have been evicted.

Determining the tenancy

- 4.15 Arhag acknowledges that a tenancy can only be determined by:
- A tenant not occupying a property as their only or principle home, with no intention to return, is breaching the conditions of their tenancy agreement and losing security of tenure. When security of tenure is lost a contractual tenancy remains and this can be terminated by us serving an NTQ.
 - A tenant terminating or surrendering their tenancy; by serving Notice to Quit (NTQ) on us, or by their unequivocal actions, such as returning the keys.

- Our bringing the tenancy to an end by undertaking possession proceedings and obtaining a court order.

4.16 If a tenant amends the breach of tenancy prior to the expiry of a Notice to Quit they will have restored their tenancy to its original condition.

5.0 Equality & Diversity

5.1 All customers will have access to this document upon request or from our website, www.arhag.co.uk

6.0 Responsibility

6.1 It is the responsibility of the Chief Executive to ensure that this policy is implemented.

6.2 The Head of Housing is responsible for the effective implementation of this policy

7.0 Consultation

7.1 This policy will be reviewed in consultation with residents

8.0 Review and Board Approval

8.1 This policy will be reviewed as required to take account of any changes to legislation that may occur.

Person Responsible for the review of this policy:

Anthony Alexander

Date of this review: 12/07/2013

Date of Board approval:

Date the next review is due: July 2017