

Introduction and Overview

Effective void management is essential to the financial viability of the Association and is also a key indicator for the Housing Regulator. The primary aim of this procedure is to provide Housing Management and Maintenance Services staff with a framework for terminating a tenancy and the management of void properties.

Housing Management and Maintenance Services should ensure that these procedures comply with current legislation, the Scottish Housing Charter (SSHC), statutory instruments and good practice. The guidance should be read in conjunction with relevant policies and procedures including void management, allocations, the prevention and control of rent loss.

Termination of Tenancy and Void Management Procedures

This guidance outlines Housing Management and Maintenance Services procedures for ensuring that the length of time any property is void is as short as possible and that we achieve an acceptable letting standard for all void properties before they are re-let.

The management of voids can be split into four sections:

1. Tenancy Notice Procedures (terms of tenancy, notice periods, administration and inspections);
2. Tenancy End Procedures (including transfers, abandonment, recovery of possession, death and key procedures);
3. Post Termination Procedures (inspections and undertaking of repairs); and
4. Allocations.

Although these are separate stages of the process, some will normally operate concurrently. For example, where notice of termination has been given, the allocation process and any repair works may take place during the pre-termination period. This procedure covers the first three of these stages. Guidance for lettings will be detailed under the Lettings Policy and Procedures.

1. Tenancy Notice Procedures

Terms of Tenancy Agreement

In accordance with the Tenancy Agreement, all tenants should give twenty-eight days' notice in writing that they wish to end their tenancy. Written notice means either a signed letter, completion of our Termination of Tenancy form or email. Where an email is received then this will be accepted but subject to further confirmation or completion of a termination notice. The twenty-eight days period will be calculated from the date written notice is received at the Association's office. We will not act on a verbal notice or third party notice.

When a tenant intimates notice to terminate the tenancy then Housing Management should ensure that the following end of tenancy information and guidance is issued to the outgoing tenant:

- pre-termination inspection procedures;
- acknowledgement letter to outgoing tenant;
- guidance for tenants vacating the property; and
- tenancy sustainment survey.

Shorter Notice Period

Housing Management may at their discretion accept shorter periods of notice than that set out in the Tenancy Agreement. Where required, Housing Management will ensure that the necessary proof or evidence has been provided to support any decision accepting a shorter period of notice. Examples are:

- the tenant is moving into residential care, nursing care or hospital for long-term care;
- the tenant is transferring to another Yoker Housing Association property;
- the property is re-let before the expiry of the termination notice period;
- the tenant is fleeing from a violent situation; or

Written Notice Received

Once Housing Management receives written notice to terminate the tenancy a copy should be forwarded to Maintenance Services and end of tenancy procedures initiated. Where a joint tenancy applies then the termination form must be completed by both tenants before tenancy end.

Housing management should log the termination details onto the rent system and make a diary entry for the expected return of keys. When notice has been provided then Housing Management should discuss the tenancy end procedures with the outgoing tenant including the rent account, benefit system (e.g. dual payment on two homes), survey and return of key procedures. A pre-termination property inspection should be arranged between the outgoing tenant and Maintenance Services to carry out the inspection procedure note below.

Where Housing Management has not discussed the termination of tenancy procedures with the outgoing tenant or a joint visit is required then the visit will be arranged jointly between Housing Management and Maintenance Services .

Pre-Termination Inspection Maintenance Services

Prior to the pre-termination visit, **Maintenance Services** should print a copy of Maintenance Services accounts and a pre-termination inspection report for completion. Maintenance Services should also check for any requests / permission granted for alterations or improvements.

During the visit, **Maintenance Services** should inspect the property and:

- Provide any clarification or information the tenant needs relating to their rechargeable repair account or termination of tenancy procedures.
- Where rechargeable repairs are visible advise the tenant of their responsibilities to replace or repair fixtures or fittings prior to tenancy end. Where the damage or repair is substantial then a second inspection should be carried out prior to tenancy end. The outgoing tenant should also be made aware that the property will be subject to a post termination inspection before rechargeable repair works can finally be confirmed. The outgoing tenant should be made aware of all outstanding rechargeable repairs within two working days of the tenancy end.
- Ensure that the tenant understands that they will have to pay any costs that we incur for clearing the house, garden and for carrying out any repairs they are responsible for after they have vacated the property.
- Take note of energy suppliers, check meter readings and balances and make the tenant aware that they should bring any energy accounts up to date prior to termination. If necessary, arrange a follow up appointment to ensure that balances are settled.
- Where possible, arrange for maintenance works or inspections to be carried out prior to tenancy end.

Where a pre-termination cannot be facilitated **Housing Management** should ensure that the tenant is contacted by telephone to fully discuss tenancy end procedures and the possibility of rechargeable repairs should items be left or damage noted once the keys have been returned.

2. Tenancy End Procedures

Where Written Notice Has Been Provided

Where keys are returned to the Association before the date of termination then tenants **MUST** be advised that the notice period will still apply and that they will have liability of rent until the effective date. Housing Management and Maintenance Services must liaise throughout the tenancy end and allocation process. During the notice period:

- **Maintenance Services** should ensure the outgoing tenant is aware that a property inspection will be carried out. At the inspection if rechargeable repairs or items are left in the property then Maintenance Services will contact the outgoing tenant to ask them if they wish the keys to be returned for them to attend to the outstanding matters. Where tenants fail to respond to communications within two working days then Maintenance Services should arrange the necessary rechargeable repairs / clearance of property.
- **Housing Management** will let the property during the notice period in accordance with the letting property.

Failure to Return Keys

Where the tenant fails to return the keys on the date of termination, Housing Management should use available contact methods to determine when the keys will be returned. If an extension to the date of termination is required then the tenancy will continue until the property is unoccupied and keys returned to the Association's office.

Where no contact is made or the tenant fails to respond then Housing Management will serve a final notice at the property and at any other 'known' contact address requesting an immediate response or the return of keys. The notice will also confirm that failure to respond to the notice will result in the Association recovering the property on a specified date and time. The letter will give at least seven days' notice of the date of enforcement. The tenancy will be brought to an end on the date of entry. Where there is a forced entry then the outgoing tenant will be recharged for the changing the locks.

When the keys are received or entry gained then the Key Procedures should be followed and post termination procedures initiated. Where personal belongings have been left or rechargeable repairs / replacements are required then Maintenance Services will arrange for the necessary works to be carried out and the former tenant recharged.

No Notice Provided

Where no written notice is provided and the keys are returned by the tenant, the Association will apply the twenty-eight day notice period from the date the keys are received. Where the keys are returned by third party or by post and a letter is provided with the keys providing notice then the Association will apply the twenty-eight day notice period from the date the keys are received. Where the keys are returned by a third party or by post and no letter is provided by the tenant then the Association will initiate abandonment procedures. Where the twenty-eight days' notice period is applied then the key procedures should be followed and post termination procedures initiated. Where personal belongings have been left or rechargeable repairs / replacements are required then Maintenance Services will arrange for the necessary works to be carried out and the former tenant recharged.

Transfers

Where a tenancy is being ended because the tenant is transferring to another Association property then pre-termination procedures will apply with the exception of the twenty-eight days' notice. The tenancy will end on the day the property is unoccupied and the keys are returned to the Association's office. Where personal belongings have been left or repairs are required as a result of damage / negligence then Maintenance Services will arrange for the necessary works to be carried out and the former tenant recharged.

Mutual Exchanges

Where a tenancy is being terminated because of a mutual exchange then a modified version of the voids procedure will be applied. The termination of any mutual exchange will be in accordance with the Association's Mutual Exchange Policy.

Abandonment

Where there is reason to believe a property has been abandoned then Housing Management will apply abandonment procedures and the tenancy brought to an end on the date of service of the second notice. Housing Management and Maintenance Services should be present at the forced entry and post termination procedures initiated. Housing Management should compile an inventory of furniture and personal effects found in the property. This should include photographs illustrating the condition of the property.

If personal items belonging to the tenant are found in an abandoned house then Association has a duty to store any personal property of the tenants' for up to six months, providing storage costs, along with any rent arrears, are not greater than the value of the goods in question.

Maintenance Services should arrange for the necessary storage requirements. Where property has to be returned to the former tenant, all charges are to be paid in respect of such property before it is delivered to the tenant. The Association is authorised to dispose of such property where the tenant has not arranged for its delivery prior to the expiry of the six month storage period.

2. Tenancy End Procedures (Continued)

Recovery of Possession

Where a property is recovered following recovery of possession procedures then the tenancy will be brought to an end on the date that the decree is enforced. Housing Management and Maintenance Services should be present at the forced entry and post termination procedures initiated.

If personal items belonging to the tenant are found then Housing Management will record details on the Recovery of Possession Report. Where necessary, Housing Management and Maintenance will make a joint decision concerning the storage or disposal of any personal items.

Death of a Tenant

When a tenant dies, and no person qualifies to succeed to the tenancy, we will adopt a sensitive approach to the needs of the family and / or representatives dealing with the death. When the Association is made aware of the death of a tenant then Housing Management will try and establish contact with the next of kin / representative dealing with the death of the tenant.

In the vast majority of deaths, the Association are contacted by next of kin or representatives of the deceased who take control of all the furniture and personal effects left in the property. In the event of the death of a tenant then the following procedures will apply:

- Where the Association has been advised of the death of a tenant, then a Termination Notice should be completed and contact details / proof of identity confirmed. The next of kin or representatives should be advised to clear the property as quickly as possible (normally within fourteen days, however discretion may be applied by Housing Management on this). Tenancy end procedures should be confirmed in a letter to the next of kin / representative dealing with the estate.
- If the next of kin or representatives are unwilling or unable to take responsibility for clearing the property, they should be asked to sign a mandate allowing the Association to clear the property and dispose of any items therein.
- Where the Association is made aware of the death of a tenant then Housing Management will issue a letter to the family requesting the next-of-kin or a representative contact Housing Management. If there is no response to the letter issued then Housing Management will commence abandonment procedures fourteen days after the date of death to recover the property.
- Persons who fail to provide adequate proof of residency to succeed to the tenancy within seven days will be informed that they have no legal entitlement to the tenancy and failure to vacate will result in legal action. In these circumstances Housing Management will contact the Association's solicitor for advice and assistance.

The tenancy will be brought to an end on the date the keys are received at the Association's office or in accordance with abandonment / legal procedures. Once the tenancy has been brought to an end then post termination procedures will apply. Where personal belongings have been left or rechargeable repairs /replacements are required then Maintenance Services will arrange for the necessary works to be carried out and the costs recharged to the estate.

Key Procedures

Housing Management will encourage outgoing tenants to return all keys to the Association's office on the date of termination. If there is a delay in returning the keys the outgoing tenant will be charged additional rent on a daily basis. When keys are returned the following key procedures will apply:

- Maintenance Services will arrange to have the locks changed in all circumstances.
- Where keys are returned to the Association's office, the receiving officer should receipt all keys in the Key Register and alert Housing Management and Maintenance Services for relevant tenancy end checks to be made before the tenant leaves the Association's office. Following the receipt of the keys, they should be labelled and forwarded to Maintenance Services to initiate post termination procedures.
- Where keys are returned by post then they should be recorded by the receiving officer and forwarded to Maintenance Services. Maintenance Services should advise Housing Management that the keys have been received for letting purposes.

2. Tenancy End Procedures (continued)

Key Procedures (Continued)

- Where entry has been gained through failure to return keys, abandonment or repossession then Maintenance Services will liaise with the contractor and note key details in the Key Register.
- Where a Mutual Exchange has been approved then the keys will be exchanged directly between the mutual exchange parties and the tenancies terminated and signed on a mutually agreed date.

3. Post Termination Procedures and Inspection

Following the receipt of keys, Maintenance Services will carry out a post termination inspection. Where no pre-termination inspection was possible then a joint inspection between Maintenance Services and Housing Management will be carried out. Where rent arrears exist Housing Management will send the former tenant a termination of tenancy letter enclosing a final statement of the rent account at month end.

- **Satisfactory Inspection:** where the property inspection is satisfactory then Maintenance Services should instruct and monitor void maintenance works to ensure that the void timescale, so far as is possible, is within current targets.
- **Unsatisfactory Inspection:** where the former tenant has failed to make good rechargeable repairs or leave the property in unsatisfactory condition then Maintenance Services should ensure that the items / areas affected are photographed. This will provide the necessary corroborating evidence should the former tenant or their representative query or object to the charges. Maintenance Services should instruct and monitor void repair works to ensure that the void timescale, so far as possible, is within re-let targets. When rechargeable invoices are received Maintenance Services should write to the former tenant to advise them of their rechargeable costs.

On returning to the office Maintenance Services will review any proposed charges and will finalise rechargeable costs to be charged to the former tenant. Where meter balances are insufficient for a gas / electrical safety check to be carried out then Maintenance Services should liaise with Finance Services for funds to top-up the relevant meter in order to arrange the necessary gas / electrical safety checks. Maintenance Services will arrange a further inspection to ensure that the maintenance works have been completed to a satisfactory standard

Housing Management will liaise with Maintenance Services during maintenance works to manage viewings to the property. Maintenance Services will not authorise any viewings until they consider the property to be in an acceptable condition.

When works have been complete, or if no works are required, Maintenance Services should advise Housing Management that the property is available to let. For the purposes of void management recording, the property will be recorded as a maintenance void on the day the keys are returned to Housing Management.

Maintenance Services should provide Housing Management with the following documentation:

- Pre and Post Termination Inspection Forms.
- A copy of the most recent gas safety inspection certificate.
- Information on the heating boiler system.
- Keys for the property.
- Contact details of energy suppliers.

4. The Right to Compensation for Alterations and Improvements

Maintenance Services may compensate outgoing tenants who have carried out certain improvement or alterations, for example, bath / shower installation, storage cupboards, replacing central heating or double glazing. The termination of tenancy procedure should be read in conjunction with the Alterations and Improvements Policy and current legislation. Interior decoration does not fall within the scope of this policy. Permissions will normally be granted provided that the Association is satisfied the relevant standards of safety and workmanship have been met, maintenance expenditure will not be required and the proposed work will not have a detrimental effect on future letting of the property. Compensation will not be paid to tenants who have failed to follow procedure.

5. Property Standard and Decoration Allowance

Internal decoration is normally the tenant's responsibility. Maintenance Services will present properties for letting in accordance with Scottish Housing Quality Standards and the Scottish Social Housing Charter. Once a property has become void then Maintenance Services will carry out a property survey to ensure that the standards have been met. The property must be let in a clean and tidy condition. In addition, a decoration allowance may be granted where:

- The decoration in one or more rooms has been left in a very poor condition.
- Offering a decoration allowance is preferable to the Association carrying out the re-decoration.

The decision to offer a decoration allowance will be taken jointly by Maintenance and Housing Management following the termination inspection and in accordance with the Association's Decoration Allowance Policy.

6. Security and Vandalism

Where it is judged necessary Maintenance Services will make arrangements to take appropriate security measures at the earliest opportunity where a void property is vulnerable to vandalism, squatting or theft of components. Such measures may be necessary where a property was previously sub-let, not all keys were returned to the Association or the property was recovered following abandonment or court proceedings.

7. Winter Periods

Where a property becomes void during the winter, Maintenance Services will take the necessary precautions to prevent frost and / or flood damage. This will include regular checks to the property and leaving radiators at frost settings.