**Abandonment, Unauthorised Occupants and Subletting Policy 2021**

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| Version | *2* |
| Prepared by | *Policy Officer* |
| Approved by | *Housing Services Director* |
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| Lines of Defence/how is the document audited? | 1. *Approval by Housing Services Director* 2. *Manager will audit regularly – generally, via 1:1s, additional maintenance of the Fraud Spreadsheet.* 3. *On Internal Audit programme* |

1. **Scope and aims of policy**
   1. This policy applies to all Hexagon’s properties that are available to rent, including supported housing
   2. It does not apply to leasehold or freehold properties.
   3. The policy sets out Hexagon’s approach to homes that appear abandoned, or are being occupied illegally; either through squatting or unauthorised subletting.
   4. This policy aims to allow us to take abandoned properties back into use as quickly as possible.
   5. ‘Abandoned properties’ refers to a property where the resident has left with no intention of returning.
   6. Unauthorised or illegal occupants are either occupying a home the resident has left without their knowledge, or have an agreement with the resident to occupy the whole home without our permission.
   7. Unauthorised or illegal occupation can include a resident assigning a tenancy to a relative, or relatives, without getting approval or meeting our criteria.
   8. Subletting refers to a resident permitting sole use of all of their property to a person paying rent.
   9. Lodging is distinct from subletting, it means letting only part of the property; the resident will have access to the lodger’s room without permission.
2. **Equality and diversity**
   1. An equality impact assessment ‘initial screening’ has been carried out which determined there to be no negative impact specific to those with protected characteristics.
3. **Consultation**

This policy has not been consulted on as it was not selected by Hexagon’s Resident Advisory Group (RAG).

1. **Policy statement**
   1. Abandoned properties waste a scarce resource; particularly given we operate in areas of acute housing need.
   2. Illegal occupants, as well as breaking the law, can prevent a property being let and circumvents the system of fair allocation.
   3. Social housing is a valuable commodity, intended for those most in need; we must ensure that properties are being used by the people allocated to them.
   4. Allowing lodgers or subtenants can be beneficial, supplementing a resident’s income who is under-occupying and in financial hardship.
   5. We recognise that tenants, depending on their agreement, may be permitted to take in a lodger however they must seek our permission.
   6. If we refuse an application to permit a lodger, we will explain the grounds for this refusal.
   7. Each circumstance is different and subletting without our permission means a resident is profiting on the illegal use of social housing stock that may be otherwise allocated. Our criteria for allowing lodgers will be consistent.
   8. We expect our residents to inform us if they intend to leave their property vacant for a significant length of time.
   9. We understand that abandonment means the resident does not intend to return; it does not apply to periods of absence, even over a lengthy period, which are permitted when the tenant demonstrates their intention to return.
   10. We will investigate any potentially abandoned property thoroughly to ensure it has been abandoned exploring every connection with the resident available to us. We will try to establish conclusively that the property is abandoned and will record our attempts to do so. We will compile our evidence for abandonment in a manner admissible to court. We will use the information available to us through the National Anti-fraud Network (NAFN).
   11. When we cannot establish contact with the resident and we believe the property to be abandoned following full investigation, the Housing Services Director may authorise that the property is taken back into Hexagon’s possession and any possessions dealt following the correct legal procedures.
   12. Any unauthorised occupants will also be subject to correct legal procedure once it is established that there is no legal right to succession or assignment.
2. **Legal framework**

* Housing Act 1985
* Housing Act 1988
* TORTS (Interference with Goods Act) 1977
* Protection from Eviction Act 1977

1. **Related Hexagon Policies and Procedures**

* Abandonment, Unauthorised Occupants and Subletting procedure
* Termination of Tenancy procedure