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Policy:	Abandonment Policy
Legal Requirements:	Housing Scotland Act 2001 Scottish Secure Tenancy (Abandoned Property) Order 2002
Regulatory Standards:	<p>The Scottish Housing Regulator has set out Regulatory Standards for all Registered Social Landlords (RSLs) to ensure that RSLs deliver good outcomes and services for its tenants and service users through good governance and financial management.</p> <p>This policy evidences that the following Regulatory Standards are being met:</p> <p>Standard 1. The governing body leads and directs the RSL to achieve good outcomes for its tenants and other service users.</p> <p>Standard 2. The RSL is open about and accountable for what it does. It understands and takes account of the needs and priorities of its tenants, service users and stakeholders. And its primary focus is the sustainable achievement of these priorities.</p> <p>Standard 5. The RSL conducts its affairs with honesty and integrity.</p>
Notifiable Events Guidance:	In compiling this policy, consideration has been given to the Notifiable Events Guidance issued by the Scottish Housing Regulator and the impact of that guidance on the policy.
Equality and Diversity:	<p>The Association is committed to Equal Opportunities and will endeavour to ensure that all services are carried out in an undiscriminating manner in line with the Association's Equality and Diversity Policy.</p> <p>In particular, the Association will not discriminate on the grounds of age, disability, marriage and civil partnership, pregnancy and maternity, race, religion or belief, gender, gender reassignment or sexual orientation.</p>
Human Rights:	<p>In compiling this policy, consideration has been given to "The Right to Adequate Housing" (Fact Sheet No. 21/Rev.1) published by the Office of the United Nations High Commissioner for Human Rights and the impact of that guidance on the policy.</p> <p>In particular, the Association is satisfied that this policy promotes the key aspects of the right to adequate housing – that it contains freedoms; entitlements; provides more than four walls and a roof; and protects against forced evictions.</p>
Complaints:	Although the Association is committed to providing high levels of service, we accept that there may be occasions where customers may not be satisfied with the service they have received. The Association values all complaints and uses this information to improve the services that it provides. The Association's Complaints Policy describes our complaints handling procedure and how to make a complaint.
General Data Protection Regulation (GDPR):	The Association will treat all customers' personal data in line with its obligations under the current data protection regulations and our Privacy Policy. Information regarding how data will be used and the basis for processing data is provided in the Association's Fair Processing Notice.
Policy Author:	Kevin Freeman



Policy Review:	In order to ensure that any change in circumstances is accommodated this policy will be subject to review every three years in the month of August.
Policy Approval:	This policy was last reviewed / approved by the Management Committee of Yoker Housing Association Limited at its meeting held on Thursday the 25th of August 2022.



Statement of Policy Aims / Principles

The aim of this policy is to ensure that in cases where properties are abandoned, the abandonment processes are undertaken effectively and efficiently. The policy also aims to ensure that properties which have been abandoned are re-let as quickly as possible in order to minimise the loss of rental income. This policy should be read in conjunction with the Association's Abandonment procedures and Void Management Policy.

Legal Requirements

The Scottish Secure Tenancy Agreement (SST) and Short Scottish Secure Tenancy Agreement (SSST) detail the steps that should be taken by individual tenants looking to end their tenancy. Where an outgoing tenant fails to follow these steps then the property may be deemed to be abandoned. The Housing (Scotland) Act 2001 makes provision for landlords to take possession of a property that has been abandoned.

The provisions and implementation of the Abandonment Policy aim to comply with the following legislation and statutory guidance:

- Housing Scotland Act 2001
- Scottish Secure Tenancy (Abandoned Property) Order 2002
- Data Protection Act 2018
- General Data Protection Regulation (GDPR)
- Equalities Act 2010
- Human Rights Act 1998

This Policy also complies with the standards and outcomes of the Scottish Social Housing Charter (SSHC).

Risk Management

By having a written policy and procedures on abandonment, the Association is able to ensure that a uniform and professional approach is adopted throughout the organisation. Additionally, it ensures our processes are compliant with legislation and best practice.

The risks associated with not implementing the Abandonment Policy include:

- Increased void periods and subsequent loss of rental income; and
- Void properties having a detrimental effect on the appearance of the area.

The risks associated with the Abandonment policy being incorrectly implemented include:

- The tenant having to return to the property if it has not been re-let;
- The Association having to provide the tenant with alternative accommodation; and
- The tenant raising action against the Association for belongings left in the property that may have been disposed of or damaged in the enforcement of the original abandonment notices.

Policy Details

Abandoned Tenancies

Where the Association has reasonable grounds for believing that a house is unoccupied and that the tenant does not intend to occupy the house as their home, then thorough investigations should be carried out to establish whether or not the property has been abandoned.

Where it is established that the property has been abandoned, the Association will initiate the abandonment procedure by serving an abandonment notice on the tenant in accordance with Section 18(1) of the Housing (Scotland) Act 2001. This notice will give the tenant an opportunity to respond in writing within twenty-eight days confirming that they are residing at the property. Having served this notice on the tenant, and after continuing to make on-going checks to satisfy that the property has been abandoned, the Association, in accordance with Section 18(2) of the Housing (Scotland) Act 2001, may at the end of the twenty-eight day notice period serve a further notice bringing the tenancy to an end with immediate effect.



Policy Details (continued)

Abandoned Tenancies (continued)

5 Where the Association serves the second notice terminating the tenancy with immediate effect, a second notice will also be served at the same time confirming the date and time in which the Association will gain access to the property.

Property in an Abandoned House

10 The first abandonment notice served will also advise the tenant that they must remove any belongings from the property. This notice complies with the Scottish Secure Tenancies (Abandoned Property) Order 2002 and gives the tenant twenty-eight days to collect their belongings.

15 If the belongings are not collected the Association will make a decision, on the expiry of the twenty-eight day notice period, to either dispose of the belongings or to arrange for the storage of the tenants belongings for up to six months. Storage of the belongings will only be considered if the storage costs, along with any rent arrears, are not greater than the Association's Assessment of the estimated value of the belongings.

Storage of Property

20 Where the Association considers it appropriate to store the items for a further six months, the tenant will be charged all costs in relation to the storage of the goods before they are delivered to the tenant.

25 Where the tenant fails to arrange for delivery of the goods prior to the expiry of the six month period, the Association will be authorised to dispose of such property.

Tenants Recourse to Court

30 A tenant who is aggrieved by the termination of their tenancy as a result of the abandonment procedures may raise legal proceedings within six months after the date of termination of tenancy.

Abandonment by a Joint Tenant

35 Where the Association has reasonable grounds for believing that a joint tenant under the tenancy is not occupying the house and does not intend to occupy the house as their home, then enquiries will be made to establish whether or not the tenant has abandoned the property.

40 Where it is established that the tenant has abandoned the property, the Association will bring to an end the interest of the abandoning tenant in the tenancy by serving a notice under Section 20(2) of the Housing (Scotland) Act 2001. This notice will give the tenant an opportunity to respond in writing within twenty-eight days confirming that they are residing at the property. Having served this notice on the tenant, and after continuing to make on-going checks to satisfy that the tenant has abandoned the tenancy, the Association, in accordance with Section 20(3) of the Housing (Scotland) Act 2001 may at the end of the twenty-eight day notice period serve a further notice bringing the interest of the tenancy to an end with effect from the date specified in the notice. This date cannot be earlier than eight weeks after the service of the notice.

45 When serving a notice on the abandoning tenant, the Association must also serve a copy of the notice on each of the other joint tenants.

50 A joint tenant who is aggrieved by the termination of their tenancy as a result of the abandonment procedures may raise legal proceedings within eight weeks after the date of service of the notice.

Where a joint tenant's interest in the tenancy is terminated following the implementation of abandonment procedures, the remaining tenant's interest will remain, and they will become the sole tenant.



Register of Abandoned Property

Where a property has been repossessed under Section 18 of the Housing (Scotland) Act 2001, this will be recorded in the Register of Abandoned Property.

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This Register will be considered a public document and is available for inspection for up to five years from the date on which the Association took possession of the property.

Policy Reporting

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A report on the number of abandonment notices served and number of abandonment notices enforced by the Association will be reported to Management Committee on an annual basis and contained within the Annual Legal Action Report.