

ABANDONMENT, SQUATTING, ILLEGAL OCCUPATION AND STORING OF GOODS POLICY

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1 INTRODUCTION

1.1 Stockport Homes Group (SHG) is committed to developing safe and sustainable neighbourhoods as well as maximising its contribution to meeting housing need.

1.2 This Policy sets out SHG's key principles to:

- ensure the housing stock (residential and non-residential) is managed efficiently, by ensuring prompt action is taken when a property is identified as possibly abandoned.
- how to deal with illegal occupants in an SHG owned or managed property.
- manage the storage of goods that are left in SHG properties when a tenant is evicted, abandons the property or whether a tenant has died, and no Next of Kin (NOK) has come forward to take responsibility for the tenant's affairs.
- maximising the amount of furniture that can be recycled from properties and re-allocated to households in need following termination of tenancy where furniture is left in the property or where items are donated to the service.

2 STRATEGIC LINKS

2.1 The Policy links with several SHG policies:

- Local Government (Miscellaneous Provisions) Act 1982
- Housing Act 1985, 1986, 1996
- SHG's Eyes Wide Open Statement
- Tenancy Contacts Policy
- Empty Homes Management Policy
- Neighbourhood Inspection and Customer Walkabout Policy
- Homelessness Strategy
- Greater Manchester Combined Authority Zero Waste Policy
- Environmental Strategy.
- Mutual Exchange Policy
- Allocation of Adapted Properties Policy
- ASB Policy
- Abandoned Property Policy
- Use and Occupation Policy
- Housing Fraud/Unauthorised Occupancy - Policy
- Criminal Law Act 1977
- Family Law Act 1996
- Criminal Justice and Public Order Act 1994

3 KEY FEATURES

ABANDONMENT

3.1 It is the responsibility of the Neighbourhoods and the Independent Living Teams to manage properties (and garages) which appear to have been abandoned, in order to ensure SHG's housing stock is managed effectively and to minimise any negative appearance of empty properties in SHG neighbourhoods.

3.2 Abandonment is a breach of tenancy and is considered fraudulent misuse of property under the Housing Act 1985.

3.1 A property may be abandoned if (but not limited to):

- There is a clear and obvious lack of furniture, curtains etc.
- Neighbours report that a property is not lived in/the tenant has left and no termination form or notification has been received
- The Housing Fraud/Customer Finance/Caretaking Teams have found evidence to suggest that the tenant is no longer living at the property
- No access is obtained, despite the SHG's best efforts
- The exterior of the property is in poor condition
- The tenant has died, and no NOK has come forward to make it known that they will be taking responsibility for terminating the tenancy.
- No access to numerous visits and contacts to complete gas safety checks and fixed wire test.

3.2 Abandoned properties can have a negative impact on the perception of an area, which subsequently may affect the sustainability of the neighbourhood.

3.3 Ensuring properties are used effectively helps to address the demand on the Housing Register as well as reducing rent loss.

3.4 SHG will take prompt action to gain possession of properties when they are identified as being abandoned. This will include properties where the tenant has died, and no NOK has come forward to take responsibility for dealing with the tenant's affairs and clearing the property.

4 SQUATTING & ILLEGAL OCCUPATION

4.1 SHG will provide guidance to staff to ensure that there is a clear understanding of the definition of squatting and illegal occupation.

4.2 Squatting in residential buildings, which includes temporary or moveable structures e.g. a caravan or squatting on unoccupied land is illegal and can lead to up to six months imprisonment, a £5000 fine or in some circumstances, both. People in this situation are called trespassers.

4.3 Within the context of SHG business, an illegal occupier is defined as a person who is unlawfully occupying a property and does not hold a tenancy, for example:

- A person who has gained unauthorised access to an empty property
- A person who has not been granted permission for a mutual exchange but has exchanged properties
- A person who has sublet the whole of a tenancy from a tenant
- A family member or a friend of a tenant who remains in a property after the tenant has left and who is not eligible to be granted the tenancy through assignment
- A family member or friend of a deceased tenant who has been living with the deceased tenant but is not eligible to succeed to the tenancy

4.4 SHG will take all reasonable steps to identify properties that are illegally occupied and will encourage residents to report properties where there is suspected illegal occupation.

4.5 SHG will promptly investigate all reports suspected illegal occupancy and take appropriate action to remove illegal occupants.

4.6 Squatting in non-residential properties (any building or land that is not designed to live in) or land is not in itself a crime and therefore the police cannot remove a “trespasser” without a repossession order. It is a crime to not leave the land or property when you are instructed to do so by the owner, the police, the council or a repossession order and failure to comply could result in arrest.

STORAGE OF GOODS

4.7 In the event of abandonment or eviction, SHG has a legal obligation under the Local Government (Miscellaneous Provisions) Act 1982 to store any goods of value which are left in their properties.

4.8 SHG’s Furniture Recycling Team are responsible for storing all goods of value legally protected by Section 41 (31 days) and under the Homeless Reduction Act 2018 (up to 56 days).

4.9 The owner of the goods must have the opportunity to reclaim the items, however, after a notice period has elapsed, the goods become the property of SHG, and arrangements will be made for their disposal (which includes the recycling of items wherever practical).

4.10 A Section 41 Notice will be served, which allows the tenant 31 calendar days to collect their belongings.

4.11 ‘Goods of Value’ for storage are defined in the legislation and in this policy as those which are deemed **not** to be:

- of a perishable nature; or
- where it would be of unreasonable expense or inconvenience to store the goods
- unreasonable expense is defined by SHG as £600 or more (average transportation, storage, and disposal of items over a 31-day period).

4.12 The owner can reclaim their belongings but will be charged for any costs incurred in transporting and storing the items.

4.13 If a tenancy is terminated by a relative following the death of a tenant, the relative will be responsible to arrange for the removal of all goods within the property. If the relative does not want to claim any of the goods, disposal can be arranged with any costs incurred recharged to the deceased tenant's estate.

4.14 Where a tenant's NOK has not been identified, the relevant teams will make efforts to locate them; whilst attempts are made to identify the NOK, goods found in the property must be stored. If no NOK is identified following the necessary searches, goods will be disposed of.

5 EQUALITY IMPACT ASSESSMENT (EIA)

5.1 This policy is fully accessible to all, including those in minority groups and who have a protected characteristic under the Equality Act.

5.2 Where applicable the appropriate action will be taken if necessary, to ensure that the policy is accessible, this may include for example provision of translation services where appropriate.

6 OWNERSHIP, MONITORING & REVIEW

6.1 This Policy is owned by the Operations Directorate and will be monitored by the Operations Management Team.

6.2 The Policy will be reviewed in line with the Operations Management Policy and Procedure Review Schedule.