

North and East Housing Association CLG:
Tenancy Management Policy

Version History

| | Modification | Date modified |
|---|--|---------------------------|
| 1 | Initial approval of policy | 28 th May 2024 |
| 2 | Most recent review and approval by Board | 28 th May 2024 |
| 3 | Date of next review by Board | May 2027 |

Amendments to policy

| Old version number | Reason for updating | New version number & date of issue |
|--------------------|--|------------------------------------|
| n/a | (a) To outline NEHA's position on tenancy management (incl. abandonment) | 001 |

1. Purpose

The policy is a statement of North and East's position on tenancy management. It is designed to give direction to Tenant Services and Engagement staff and to ensure that our tenancy management practices are fair and transparent for everyone who has an interest in how we manage our homes.

North and East is an approved housing body that currently provides homes to 750 households across a large number of local authority areas. We aim to deliver consistent services to achieve efficiency and improve the quality of life for our tenants. We are committed to providing new homes to help tackle the housing shortage and help those in housing need.

We want to make our homes places that people want to live, and the make-up of our communities is crucial in achieving this. As a not-for-profit business with social objectives, we are committed to meeting housing needs and supporting vulnerable people, but we believe that we can best support people in mixed, vibrant communities. This policy will inform how North and East manages its tenancies to help create sustainable, active communities.

2. Scope

This policy takes account of guidelines issued by the Irish Council for Social Housing (2022). It also reflects operational procedures currently active in North and East.

3. Additional household members/ parties to the tenancy

- 3.1 The consent of North and East is required where a tenant wishes to have a person/persons reside with him/her or become a joint tenant.
- 3.2 North and East will consider each of such applications on its merits. Factors considered include:
 - a) The applicant's need for housing
 - b) Previous record as a North and East tenant or other social housing tenant (if applicable)
 - c) Overcrowding
 - d) Support needs/tenancy sustainment issues
 - e) Anti-social behaviour
 - f) Any other appropriate factors
- 3.3 The granting of permission to reside will not automatically confer a right to succeed to the tenancy.
- 3.4 North and East will inform the existing sole tenant of the implications of changing to a joint tenancy.
- 3.5 A new tenancy agreement will need to be signed by the joint tenants.

4. Abandonment

Abandonment is where a tenant is no longer living in the property and does not intend to return. No explicit surrender of the property and termination of the tenancy will have been made - a tenant may leave without handing back the keys or letting North and East know. Abandonment and any associated rent arrears are a breach of the tenant's obligations. There are also insurance implications where a property is left vacant, and this is also considered a breach of the tenant's obligations as per the tenancy agreement. The tenant is obliged to notify the Association if there

will be any absences for a period usually longer than 14 days.

- 4.1 Section 37 of the Residential Tenancies Act provides a provision for dealing with abandoned tenancies. Where a tenant is in rent arrears for a period of 28 days or more and has vacated the property, the tenant is deemed to have terminated the tenancy.
- 4.2 Housing Officers will check regularly for abandoned properties on their estates and will encourage Residents Associations (where present) and individual tenant households to report abandoned properties to the Association.
- 4.3 If a property is suspected of being abandoned, North and East will investigate to confirm this. An abandoned property will normally meet some or all of the following criteria:
 - The rent is not being paid
 - Rent supports have been stopped
 - Some or all of the tenant's personal belongings have been removed
 - Some or all of the tenant's personal belongings are left behind
 - A large amount of post has accumulated
 - The garden (if any) is unmaintained
 - Refuse bins are full and/or have not been collected in some time
 - Utilities may be disconnected due to non-payment
 - There are no comings and goings at the dwelling
- 4.4 Any items remaining in the property will be disposed of. Any important documents or valuable items may be stored by North and East for a period of no longer than 28 days.

5. Illegal Occupiers

- 5.1 The term "illegal occupiers" refers to any persons who are not authorised by North and East to reside at a property and who are occupying that property following an abandonment or surrender by the tenant(s). This may occur with or without the knowledge/approval of the tenant.
- 5.2 In the event of the illegal occupiers refusing to leave the property, North and East will take action to eject the unauthorised occupiers. North and East will liaise with the Gardaí and, if necessary, begin legal proceedings to obtain possession of the property. North and East will also inform the local authority of illegal occupiers.

6. Long term absences

- 6.1 Long-term absences by existing tenants may arise due to work commitments (e.g. army personnel) and other reasons. For example:

6.1.1 Absences for Prison Sentences

- Where absence is due to a prison sentence, the Association will consider the following before making a decision on how to proceed:
 - a) The nature of the crime.
 - b) Expected duration of absence and whether the tenant has notified the housing association of this absence.
 - c) The ability to pay rent for the duration of the sentence.

6.1.2 Absences for Hospital Care

Where absence is due to medical care with a hospital stay and the Association has been notified of this, we will take action as follows:

- a) Liaise with the tenant, their family and professional medical advisors (where possible) to establish the best course of action for the tenant and their living arrangements.
- b) In cases where the tenant can move back to their home following a hospital stay and professional medical advice, North and East will work with the tenant and their family members to ensure that this is a smooth and efficient process as possible.
- c) In cases where it is not possible for the tenant to return home due to health reasons following professional medical advice, North and East will endeavour to sensitively work with the tenant and their family members to mutually end the tenancy to meet their needs and in accordance with the Tenancy Agreement.
- d) In cases where there are no family members and it is not possible for the tenant to return to their home for health reasons, North and East will endeavour to come to a mutual agreement to end the tenancy with the tenant with the assistance of their medical advisors and an advocate (where possible).
- e) In cases where it is not possible for the tenant to return home for health reasons but they refuse to release back their home to the housing association following attempts to reach a mutual agreement, North and East will have no option but to treat the property as abandoned.

6.2 North and East will not approve a long-term absence where there is no substantive reason for the absence.

6.3 Approval for the continuation of the tenancy in case of long-term absences is at the discretion of the Tenant Services and Engagement Manager.

7. Partial Surrender

7.1 If one tenant from a joint tenancy terminates their tenancy with North and East but the other tenant remains in the property, the outgoing party must sign a surrender of tenancy to end their interest in the tenancy.

7.2 If this is not possible a Notice of Termination will be issued to end the joint tenancy.

7.3 Where the partial surrender results in the property being significantly under-occupied, North and East may issue Notice of Termination to gain possession of the property for allocation to a household whose needs match the property size. The decision will be taken by the Tenant Services and Engagement Manager and all options will be considered, including offer of a transfer, assistance with finding alternative accommodation leading to a voluntary surrender, or issuing of Notice of Termination to the remaining occupier.

8. Tenancy Breaches

8.1 Where a tenant has breached a clause of their tenancy agreement or has breached their obligations under the Residential Tenancies Act, North and East will take action to enforce a tenant's obligations.

8.2 Where a breach of tenancy is suspected North and East will investigate to establish the full facts of the case.

8.3 Where sufficient evidence exists of a breach of tenancy, North and East will notify the tenant of the breach and provide a timescale in which to remedy the breach.

8.4 North and East may take a range of actions up to and including termination of the tenancy depending on the severity of the breach of tenancy and the impact that the breach has on others.

9. Related Documentation

- NEHA Lettings and Allocation Policy
- NEHA Void Management Policy
- NEHA Anti-Social Behaviour Policy
- Operational Guidelines for Lettings and Allocations
- Operational Guidelines for Change in Standing
- Operational Guidelines for Ending a Tenancy

10. Complaints and Appeals

North and East will deal with all complaints about any perceived shortfall in the operation of the Tenancy Management policy in accordance with its Complaints Policy.

11. Legislation and Compliance

North and East Housing manages tenancies in accordance with the provisions of the Residential Tenancies (Amendment) Act 2019 and Residential Tenancy Board (RTB).

North and East Housing will adhere to the Data Protection Act 2018 in order to ensure that information provided by an applicant or sought by North and East Housing is relevant only to assessing their housing need and is treated in the strictest confidence. Under the provisions of the Data Protection Act 2018 individuals are entitled to request personal data which is held by the Association.

North and East will comply with the Equality Act 2010 which protects persons from being discriminated against. In particular, North and East 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.

12. Policy Review

The Tenancy Management Policy will be reviewed every three years, unless an earlier review is necessary following e.g.

- legislative, regulatory and good practice requirements
- the views of tenants and staff