



# ABSENCE AND ABANDONMENT POLICY DOCUMENT



# TABLE OF CONTENTS

Purpose .....	3
Scope .....	3
Conditions of Tenancy .....	3
Legal Framework.....	4
Abandoned properties .....	4
Long Term & Temporary Absence Policy ...	4
Equality and diversity.....	5
Complaints .....	6
Monitoring and Review .....	6



## **PURPOSE**

The Absence & Abandonment Policy supports housing regulatory standards by ensuring effective tenancy management, safeguarding properties from misuse or deterioration, and promoting fair allocation of housing stock. It helps landlords identify when a property is genuinely abandoned versus temporarily vacant, enabling lawful recovery and reallocation to those in need. This approach aligns with the Regulator of Social Housing's expectations for managing tenancies responsibly and making the best use of available homes.

## **SCOPE**

All BCC tenants with a Secure or Introductory tenancy.

## **OUT OF SCOPE**

It does not apply to joint tenancies where one tenant will be remaining at the property.

## **CONDITIONS OF TENANCY**

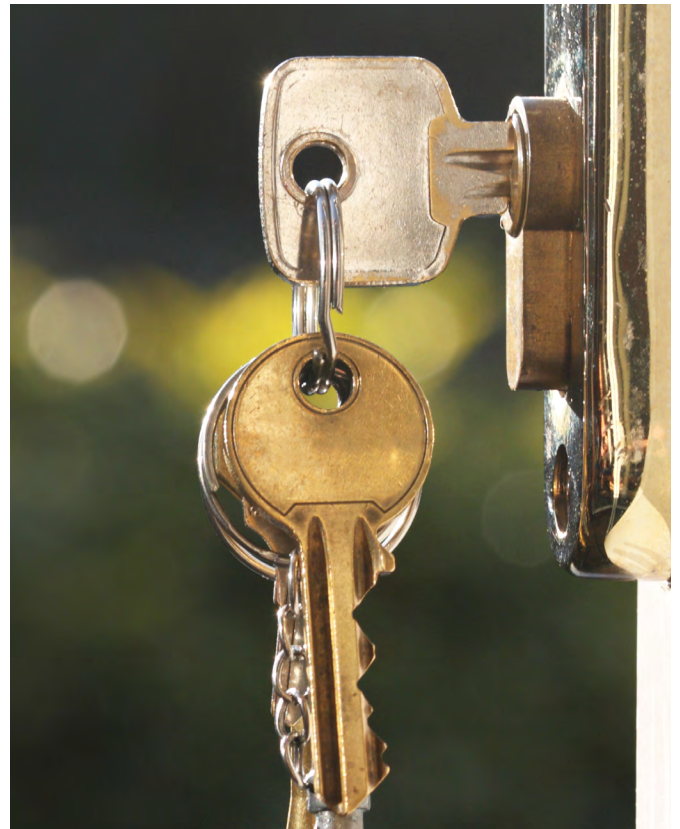
Birmingham City Council Conditions of Tenancy require all tenants to notify us in writing if they will be away from their property for more than four consecutive weeks.

Section 2 of the Conditions of Tenancy specifies the tenant's right to live in a property with security of tenure, reflecting Housing Act 1985, ss.79 and 81. This right is lost if they fail to occupy it as their only or principal home, so that the tenancy can be terminated by notice to quit.

Tenants also have a responsibility to ensure that no other tenancy conditions are breached during their absence, including access for emergency repairs, servicing of gas appliances and maintenance of gardens, particularly during the summer period.

Circumstances will sometimes arise when a tenant has to spend a period of time away

from their property, which is longer than that specified in the Conditions of Tenancy. Tenants can leave their property for a longer period of time and retain their security of tenure, as long as the property remains their only principal home.



We will make every effort to contact the absent tenant to see if they have any intention of returning and warn them that their home may be at risk. When attempting to make contact to establish if a property has been abandoned Or the tenant is absent from their home. We will consider the tenant's welfare, safety and legal rights (including human rights). We will also have regard to the Council's legal obligations, including those under the Equality Act 2010. If the tenant or a member of their household is known or suspected to be vulnerable, where appropriate we will contact Adult Social Care and/or Children's Services, as well as relevant support agencies.

There is a high demand for housing from Birmingham City Council, and we will work to ensure that our stock is used efficiently and for those in housing need.

## LEGAL FRAMEWORK

- Housing Act 1985 (and amendments made by the Housing Act 1996) occupying properties as only or principal home.
- Housing Act 1985, ss.79 and 81
- Crime and Policing Act 2014
- Human Rights Act 1998
- Equality Act 2010
- Prevention of Social Housing Fraud Act 2013

## ABANDONED PROPERTIES

Birmingham City Council will investigate abandonment associated with the tenant's failure to return to their intended principal home.

Housing Management will work with other parts of the Council such as Birmingham Audit, the Rent Service and the Benefit Service and other agencies to identify potential abandoned properties. Each case will be considered on an individual basis and the particular checks to be carried out will be determined by the circumstances of each case.

Where it is identified that a tenant is absent from property and has not notified Birmingham City Council investigations will be carried out under the Abandoned Property Procedure to determine whether they have stopped using the property as their only or principal home.



## LONG TERM & TEMPORARY ABSENCE POLICY

The policy recognizes the need for tenants to be absent from their tenancy on occasions, for example, to meet caring responsibilities, to work, to study as well as accepting the need to make the best use of housing stock.

While there is no prescriptive definition of "long term or Temporary absence", tenants are required to demonstrate that they intend to return to their home.

Tenants in these circumstances must provide a contact address at which they are staying, contact telephone number, duration of their stay and intended return date. We will also ask for an emergency contact name and telephone number. Being away from home for a period of time may impact on entitlement to housing benefit.



Tenants must ensure that rent payments are maintained in full during their absence.

If the property is to be left empty for any period of time the tenant must take action to minimise any health and safety risk, or damage to the property, i.e. turn water off at the stopcock and gas and electricity supplies off at the meters. The tenant will be charged for the cost of any repair work required due to a failure to do this.



A tenant must not sublet the whole of the property. Any potential incidents of subletting will be investigated to determine if a criminal offence has been committed. We will take legal action against anyone found committing an offence and may also seek possession of any property.

Birmingham City Council recognises prison sentences may be of short duration and that the successful rehabilitation of ex-offenders is linked to the availability of suitable accommodation. If the length of time in prison will mean that entitlement to Housing Benefit will cease and/ or of no clear arrangements can be made for payment of rent, a tenant will be asked to consider options for the future of their tenancy and seek independent legal advice. If rent arrears accrue, possession action will be taken for non-payment of rent.

If the reasons for the prison sentence mean that there is a serious breach of tenancy, we will take legal action for possession of property. The tenant will be advised to seek independent legal advice.

A tenant must notify us of extension to the period of time that they are absent from the property in writing. If it is considered that there is no intention of returning or the extra time requested is excessive the tenants will be advised to surrender their tenancy. Possession action may be taken to regain possession of the property where this does not happen.

## **EQUALITY AND DIVERSITY**

The council acknowledges that its colleagues and citizens come from diverse backgrounds, with varying experiences and needs. BCC is committed to promoting equality and fairness and combating discrimination. This applies to everyone, regardless of gender, racial or ethnic background, disability, religion or belief, sexual orientation gender reassignment, age, marital or parental status. The Council treats everyone; it houses, serves, and employs, fairly, and encourages others to do the same.



## COMPLAINTS

We recognise on occasion that citizens may become dissatisfied with the process, and we would encourage any tenant to contact us directly to make a complaint:

- Telephone
- Online
- Face to face
- Letter
- Email

The complaints system will also be used to identify themes, trends, improvements and learning opportunities in service delivery and residents' outcomes.

Once our Complaints Policy is exhausted and if they remain dissatisfied, then they can contact the Housing Ombudsman.

## MONITORING AND REVIEW

This policy will be periodically reviewed in line with our corporate timescales to ensure its effectiveness and compliance with any changes in legislation or local housing requirements. Amendments may be made as necessary.