

# Landlord Services Void Policy

Final Version

## Document Control

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<b>Administrator/s</b>	Jessica Warren, Senior Business Improvement Officer Stephen Davies, Interim Void Lead
<b>Lead Officer/s</b>	Stephen Davies, Interim Void Lead
<b>Approved by</b>	Claire Symonds, Acting Chief Executive
<b>Address/ Contact Details</b>	Barking Town Hall, Town Hall Square, 1 Clockhouse Avenue, Barking, IG11 7LU
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### Approval History

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## Definitions

<b>LSM</b>	<b>Landlord Services Manager</b>
<b>LSO</b>	<b>Landlord Services Officer</b>
<b>BDMS</b>	<b>Barking Dagenham Management Services.</b> Department responsible for the repair and maintenance of LBBB asset.
<b>NTQ</b>	The service of a <b>Notice to Quit</b> is needed from tenant if they wish to formally end their tenancy. In the case of joint tenancies, the NTQ (Notice to Quit) only needs to be served by one party to be accepted by the Landlord. Equally, the Landlord can also serve NTQ upon the tenant(s) to formally end a tenancy.
<b>Void</b>	A property is defined 'void' when no tenancy exists following formal ending of a tenure and no rental income is being received. The 'void period' exists between a tenancy ending and a new tenancy beginning.
<b>HSPROPF</b>	Anite code used to reference the void inspection form. Void inspections are conducted by Landlord Services Officers.

## Policy Introduction

The management of void properties and re-letting of housing stock is an unavoidable core function of the London Borough of Barking & Dagenham (LBBB). The certainty and frequency to this occurrence is reason that LBBB must ensure that an effective and efficient void process is in place.

This policy sets out LBBB's approach of void management towards minimising the length of time a property stays void. This will consequently reduce the loss of rental income and maximise the revenue from LBBB housing stock into the Housing Revenue Account (HRA).

A property is defined 'void' when no tenancy exists following formal ending of a tenure and no rental income is being received. The 'void period' exists between a tenancy ending and a new tenancy beginning. This is reflected in the BV212 definition: The time in calendar days from the date when the tenancy is ended up to and including the date when the new tenancy starts.

There are several reasons that lead to the initiation of the void process, which are outlined below:

- **Termination:** The tenant supplies formal written notice.
- **Death of tenant:** The tenant dies and there is no successor to the tenancy.
- **Transfer:** The tenant moves to another LBBB owned property.
- **Abandonment:** The tenant has vacated the property without proper notice.
- **Eviction:** The LBBB has completed court action and obtained authority to evict the tenant/s.
- **Decants (Regeneration):** Tenants being re-housed following plans to demolish LBBB housing stock for regeneration purposes.

## **Policy Scope**

- 1.1. This policy applies to all general needs and supported housing properties let by the LBB.
- 1.2. The policy excludes properties that have a change in tenure from cases of succession, mutual exchange or assignment as these case types do not involve the property passing through the voids process.
- 1.3. Properties demolished through regeneration are recoded as policy demolition voids and not included in void reporting performance.

## **Responsibility**

- 1.4. It is the responsibility of the Void Board to approve this policy and to amend appropriately.
- 1.5. The policy should be periodically reviewed by the Void Board to ensure that the void turnaround is continuing efficiently in keeping with the aims and objectives.
- 1.6. All council officers and associated stakeholders have accountability to follow the policy and associated procedures to ensure the prompt turnaround of void properties is completed to maximise rental income in keeping with the aim and objectives.

## **Aims and objectives**

The key aims and objectives of the policy are to:

- 1.7. Enable LBB to achieve the letting target of 21 calendar days 'key-to-key'.
- 1.8. Give direction to the proficient management of void properties through the accompanying procedures.
- 1.9. Ensure that properties are managed efficiently throughout the void process by supplying transparency of tasks and responsibilities.
- 1.10. Minimise rental loss by turning around void properties quickly and efficiently.
- 1.11. Establish that outgoing tenants are aware of their responsibility when returning the property to the LBB.
- 1.12. Minimise the rechargeable repairs costs through clear and effective communication with tenants.
- 1.13. Minimise void repair costs and ensuring value for money.
- 1.14. Properties returned by BDMS are to be in line with the agreed void standard policy and reflect the decent home requirements.
- 1.15. Supply efficient process of early inspection and notification to an upcoming void to BDMS on the ending of tenure.
- 1.16. Deliver prompt sign up for new tenants to properties that become Ready to Let (RTL) for applicants seeking council tenure in the London Borough of Barking and Dagenham.

## Homes (Fitness for Human Habitation) Act 2018

- 1.17. On 20th March 2019, a new law came into force to make sure that rented houses and flats are 'fit for human habitation', which means that they are safe, healthy, and free from things that could cause serious harm.
- 1.18. The void standard must oblige the Homes (Fitness for Human Habitation) Act to prevent avoidable legal action.
- 1.19. A link to the government website supplying guidance for landlords on the act can be found below:  
<https://www.gov.uk/government/publications/homes-fitness-for-human-habitation-act-2018/guide-for-landlords-homes-fitness-for-human-habitation-act-2018>

## Termination

- 1.20. A tenant must give four weeks' notice of their intention to end their tenure with LBBD via the service of a Notice to Quit (NTQ). In the case of tenants transferred to sheltered or residential accommodation, only two weeks' notice is needed.
- 1.21. On receipt of the NTQ, the LSO will confirm with the tenant the vacant possession date and remind them of their end of tenancy responsibilities, including:
  - A pre-termination inspection of the property will be completed during the notice period.
  - The property, including the garden is to be left in a clean, tidy condition, and clear of all tenant belongings and items.
  - The removal of improvements, fittings and fixtures must result in the property being left safe and not detrimental to the condition of the property.
  - Improvements installed without permission or repairs being carried out due to tenant neglect, will be subject to the recharge for repairs policy.
  - Pay all rent owed up to the end of the tenancy.
  - Return keys on or before the end of tenancy date.
  - Provision of a forwarding address.
- 1.22. The ending of tenancy responsibilities is specified in the Tenancy Conditions – Section 12.

## Pre-termination inspections

- 1.23. Completion of a pre-termination inspection (PTI) form must be carried out in every instance when there is a pre-termination period created in the Capita Open Housing system.
- 1.24. Carrying out PTI's is considered helpful for the following reasons:
  - Aid to minimise the void period of a property.
  - Find problems that can be discussed with the tenant and are resolved prior to the tenancy end date.

- Tenants are made aware of the recharge for repair policy.
- Reduce works being carried out in the void period.
- Minimise repair costs during phase 2.
- Avoid rechargeable repairs.

## **Early notification to a void**

- 1.25. Early notification is aimed to provide BDMS advance notice when a property is becoming void to enable time to plan and manage their trade and contractor resources to future void works.
- 1.26. This is particularly important following the onset of COVID-19 with the view to maximising BDMS' resources on allocation of works to void properties.
- 1.27. LSOs (Landlord Services Officer) are to send an e-mail to BDMS when they become aware of upcoming voids, i.e., when a vacant possession date is known, along with any other information that may delay the void - such as items left in the property or infestations.

## **End of tenancy/Collection of keys**

- 1.28. Provisions to collect the keys is arranged directly by the LSO (Landlord Services Officer) with the tenant or the tenant's representative.
- 1.29. The date the keys are to be returned by the tenant or the tenant's representative should be on or before the agreed vacant possession date.
- 1.30. Amendments to the expected return of keys date must be reflected on the Capita Open Housing system to ensure the efficient management of the void. The LSO can complete this by inputting an 'expected return of keys date' on the property event record.
- 1.31. On internal transfers, failure to return keys by the expected date will result in the LSO liaising with BDMS to arrange a lock change being carried out to minimise the negative impact on the void process for the property.
- 1.32. A lock change should only be arranged following failure to receive the keys on the expected return of keys date, which is 7 days after the signing of their new tenancy.
- 1.33. Keys can be mutually agreed to be handed back to the council during the notice period and arranged between the LSO and the tenant.

## **HSPROPF**

- 1.34. A HSPROPF form should be completed in every instance of a void to confirm the property characteristics and is mirrored on the Capita Open Housing system.
- 1.35. Accurate and prompt completion of the HSPROPF information is essential to the correct allocation of the property by the lettings team in Community Solutions.

## **Void video**

- 1.36. On receipt of the keys and completion of the HSPROPF, a video is taken of the external and internal aspects of the void. This is usually conducted by the LSO.
- 1.37. The void video should be used to highlight any aspect of the property that requires specific attention, such as damage to the property or adaptations.
- 1.38. The void video should also capture the gas and electric metre readings.
- 1.39. On evictions, the video should also be taken to additionally act as a record of any items left by the previous tenant and utilised as an inventory.
- 1.40. The void video should be uploaded to Microsoft Teams into the respective Ward area and right sub-folder dependant on build type and street name.

## **Recharge for repair**

- 1.41. When elements of a property have been considered to have been deliberately damaged by the tenant, or unauthorised alterations have been found, the LSO will advise the outgoing tenant at the pre-termination stage of the recharge for works policy.
- 1.42. If intentional damage or unauthorised improvements are not picked up by the LSO at the pre-termination inspection, but are later found by BDMS at Phase 2, BDMS would notify the LSO, thus enabling them to decide the proper course of action.
- 1.43. If a tenant is known to have a disability, mental health concerns, or any other issue that needed the involvement of Community Solutions support services, the LSO would communicate with the Relationship Manager (RM) in Community Solutions to make an informed decision around whether to pursue recharges.
- 1.44. Refer to rechargeable repairs link below for more information.

## **Not Ready to Let (NRTL) Viewings**

- 1.45. When an applicant has been matched with a void property by the Community Solutions lettings team, the LSO will receive the applicant's details as part of the viewing pack, which is prepared and provided by the Business Support Team.
- 1.46. Upon receipt of this information, the LSO is responsible for checking Capita Open Housing to ensure the void property is marked 'viewable' by BDMS prior to arranging the viewing appointment. If the property has been void for a significant period, yet the property is still listed as 'not viewable' the LSO should look to check the void status with BDMS directly.
- 1.47. Once the status of the void property is confirmed as viewable, the LSO should contact the applicant and arrange a suitable viewing date and time. The applicant should also be notified as to what documentation is needed from them during the viewing appointment.
- 1.48. The LSO must ensure that BDMS are informed of the viewing appointment date and time, so that contractors can be notified to vacate the premises prior to the visit taking place, to ensure that HM Government and risk assessment guidance on Covid-19 are being followed.



## **Void Satisfaction Form**

- 1.49. The LSO is to complete a void satisfaction form on conclusion of a sign up to check the overall void standard of the property that is returned by BDMS.
- 1.50. Void satisfaction forms are to be returned to the Void Lead in My Place and BDMS for every void.
- 1.51. This action will supply both My Place and BDMS a sign to the general standard of voids being returned from BDMS.
- 1.52. Completion of the void satisfaction form generates an ad-hoc generic snagging process on a property-by-property basis.
- 1.53. This will minimise the reporting of any repairs from the new tenant and improving customer satisfaction.
- 1.54. Minor works in occupation may be carried out shortly after the void has been let and considered normal practice in line with not delaying the void and should not be noted on the void satisfaction form.

## **Death of tenant**

- 1.55. When a tenant dies and there is no succession, or probate has not been acquired, it is compulsory that the tenancy is formally ended through a 28-day notice being served on the Public Trustee.
- 1.56. This notice is completed by the LSO and applied from the Monday following the notification of the death.
- 1.57. The LSO will advise the deceased tenants next of kin (NOK) of the process to formally end the tenancy, supplying the end of tenancy/vacant possession date.
- 1.58. The LSO should advise the next of kin to remove the deceased tenants' belongings from the property before the notice on the public trustee expires.
- 1.59. Collection of keys will be arranged directly by the LSO with the NOK at the property and a HSPROPF is completed along with the void video being taken.
- 1.60. Although LBBB recognises that the loss of a family member or friend is a difficult and sensitive period, extra time to clear the property cannot be given past the expiry date of the notice on the public trustee.
- 1.61. If there are extenuating circumstances, additional time may be given to clear the property (if approved by an LSM). However, the requestor would be liable to cover the rent for the agreed time period.
- 1.62. The LSO should reaffirm this with the next of kin at the beginning and throughout the notice period as needed, to ensure that this does not have a negative impact on the void.
- 1.63. Failure for the keys to be returned on the arranged date requires the LSO to refer the case to legal in order to take back possession of the property via court.
- 1.64. When a deceased tenants' next of kin has been granted probate, the property is handed back to LBBB with the same requirements as those in the case of a termination, following the provision of a Notice to Quit (NTQ) from the executor or administrator.

- 1.65. The LSO will complete a pre-termination inspection form (found on Anite) within the notice period as in the case of a formal termination.
- 1.66. The LSO is to inform the executor of the legal responsibilities to the role, specifically the accountability for paying the rent and any arrears up to the vacant possession date, and that the deceased tenant's home must be clear of items and belongings upon expiry of the NTQ.
- 1.67. Upon receipt of a request for an extension to return the keys where probate has been acquired, the LSO can agree this with the provision in place that the full rental charge is needed up to the new tenancy end date.
- 1.68. The LSO should abandon the pre-termination occurrence on Capita Open and enter the new vacant possession date.

## **Internal Transfer**

- 1.69. The end of tenancy responsibilities for a tenant transferring to another LBBD property, are the same as those in the case of a formal termination:
  - The property, including the garden is to be left in a clean, tidy condition and clear of all tenant belongings and items.
  - The removal of improvements, fittings and fixtures must result in the property being left safe and not detrimental to the condition of the property.
  - Improvements installed without permission or repairs being carried out due to tenant neglect, will be subject to the recharge for repairs policy.
  - Pay all rent owed up to the end of the tenancy.
  - Return keys on or before the end of tenancy date.
- 1.70. Refer to LBBD transfer procedure for more information (No link yet).

## **Abandonment**

- 1.71. Abandonment will be decided following investigation by the LSO when there has been evidence or information supplied that the registered tenant has left the property with no intention to return, and no termination of the tenancy has been received.
- 1.72. The LSO will do everything that can be reasonably expected to prove whether a property has been abandoned and record this on Capita Open Housing. In doing so the LSO should consider:
  - If the property is secure.
  - If possessions have been left in the property.
  - Speaking to family and friends on contacts list.
  - Information neighbours can provide.
  - Unauthorised occupants.
  - Liaising with colleagues in Community Solutions.
  - Information via Housing Benefits and Rents.
  - Collaborating with the Internal Audit team.

- 1.73. The investigation will be shown via Capita Open and all attempts to contact the tenant will also be recorded to show the action taken.
- 1.74. Legal action should be taken to recover the property once adequate evidence has been gained to confirm the abandonment.
- 1.75. On getting the property via the Courts and obtaining a date of execution of warrant, the LSO should advise BDMS of the date pre-notifying of the upcoming void.
- 1.76. Completion of a HSPROPF and video should be taken to also act as a record to any items left by the previous tenant and utilised as an inventory.
- 1.77. The void video should be uploaded to Microsoft Teams into the respective Ward area and right sub folder dependant on build type and street name.
- 1.78. The LSO should arrange removal of any items that are left to be placed in storage.

## **Eviction**

- 1.79. LBBB will use legal actions to evict tenants where there has been breach of tenancy and it is necessary to recover the property.
- 1.80. Early notification to a void is not given on eviction cases.
- 1.81. On getting the property via the Courts and execution of the warrant, the LSO should take the void video to also act as a record to any items left by the previous tenant and utilised as an inventory.
- 1.82. The void video should be uploaded to Microsoft Teams into the respective Ward area and right sub folder dependant on build type and street name.
- 1.83. The LSO must arrange removal of any items that are left to be placed in storage as per the removal and storage of items policy.
- 1.84. On execution of the warrant and locks being changed, the locksmith installs a 'master lock.'
- 1.85. On return to the office, the LSO must inform BDMS that the master lock has been installed to minimise any key transit to the void section.
- 1.86. Refer to LBBB eviction policy for more information (link below).

## **Decants**

- 1.87. Tenants being decanted from their home for regeneration purposes have the same end of tenancy responsibilities as a formal termination and/or internal transfer to another LBBB property.
  - The property, including the garden is to be left in a clean, tidy condition and clear of all tenant belongings and items.
  - The removal of improvements, fittings and fixtures must result in the property being left safe and not detrimental to the condition of the property.
  - Improvements installed without permission or repairs being carried out due to tenant neglect, will be subject to the recharge for repairs policy.
  - Pay all rent owed up to the end of the tenancy.
  - Return keys on or before the end of tenancy date.

1.88. Refer to LBBB decant procedure for more information.

## **Allocations**

1.89. Void properties must be let in the shortest period possible.

1.90. When notification has been received of a void, Community Solutions lettings team will begin the process of finding a prospective tenant for the property.

1.91. The LSO will check the progress of the void through the void process and ensure a prospective tenant is found for the property for when it becomes RTL.

## **Direct lets**

1.92. Void properties with adaptations will be let following the allocations protocol managed by Community Solutions.

1.93. When notification has been received of a disabled adapted void, Community Solutions will begin the process of finding a prospective tenant for the property, and a direct offer will be made.

## **Health and safety**

1.94. All inspections and accompanied viewings conducted at void properties pre- and post-termination, will be carried out following good practice and health and safety guidelines.

1.95. HM Government and risk assessment guidance on Covid-19 must always be followed.

## **Data Protection**

1.96. When handling tenancy terminations, staff will encounter personal information. The handling and use of the data will be carried out under the LBBB GDPR policy.

1.97. Any breach of GDPR (General Data Protection Regulation) should be reported to your line manager and the LBBB Data Control Officer informed at once.

## **Implementation**

1.98. Training will be provided via the LSO workgroup.

1.99. General awareness training of this policy is needed for all stakeholders involved in the process.

1.100. Landlord Services Officers will be required to have a detailed understanding of this policy and related procedures.

## Equality Impact Assessment

An Equality Impact Assessment has been carried out on this policy.

This involves assessing the effects of the policy and subsequent service provided to our customers in respect of their age, disability, race, religion/belief, sexual orientation, and/ or gender identity to ensure equal and fair access for all.

Conducting an Equality Impact Assessment assists us to make sure that the needs of people are accounted for when developing and implementing policies and services.

## Appendix/ Related Documents

Document	Link
1. BDMS Void Lettable Standard Policy	<a href="#">LINK</a>
2. BDMS Void Procedure	<a href="#">LINK</a>
3. Succession Policy and Procedure	<a href="#">LINK</a>
4. Tenancy Conditions	<a href="#">LINK</a>
5. Allocations Policy	<a href="#">LINK</a>