



Disposal of Tenants' Personal Belongings Policy

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This document can be produced in different formats, for example, in larger print or audio-format, and in other languages, as appropriate.

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Notes

New Gorbals housing association is generally referred to as “we” throughout this document.

Section 1: Context

This policy outlines how New Gorbals Housing Association (NGHA) and New Gorbals Property Management (NGPM) will deal with the disposal of tenants personal belongings in the following circumstances;

- At the end of a tenancy where prior written notice has been received by our tenant or their next of kin.
- At the end of a tenancy where our tenant has been evicted by us.
- At the end of a tenancy following abandonment of the property by our tenant.
- Where personal effects and other items are found and not removed from the internal and external communal areas of our properties.

Our policy applies to all tenants who live in a New Gorbals Housing Association property and to all tenants of New Gorbals Property Management living in a mid-market rent property

Section 2: Equality

We are committed to providing fairness and equality of opportunity in order to prevent discrimination. Our disposal of tenants' personal belongings policy will try to ensure that no person is discriminated on the grounds outlined in the Equality Act 2010. This includes the protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation.

Our policy and procedure will be flexible and where possible, take into account the individual needs of our tenants and their households. We will ensure that the relevant arrangements are made for communicating with our tenants with particular needs. This may include those with sight, hearing or learning difficulties, or those who find it difficult speaking or understanding English.

Section 3: Legal and regulatory requirements

Our approach to managing the disposal of tenants' personal belongings is determined by our statutory and contractual obligations.

The Housing (Scotland) Act 2001 is the main Act that sets out the main requirements of our policy. The specific parts of this legislation that are most relevant to the disposal of tenants personal belongings are:

Abandoned property found at the house

- Sections 17 and 18 of the Housing (Scotland) Act 2001 sets out requirements for the recovery of abandoned properties.
- Section 18, Subsection (4) of the Housing (Scotland) Act 2001 gives an order making power to the Scottish Ministers to outline arrangements for the securing of tenants' belongings in their absence and arrangements for their return or disposal.
- The Secure Tenancies (Abandoned Property) (Scotland) Order 2002 (the order). This secondary legislation states that a notice is served on the tenant regarding delivery or collection of property within 28 days.

Our policy also complies with the Scottish Social Housing Charter:

- **Outcome 1: Equalities**
Social landlords perform all aspects of their housing services so that:
“every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services”.
- **Outcome 2: Communication**
Social landlords manage their businesses so that:
“tenants and other customers find it easy to communicate with their landlord and get the information they need about their landlord, how and why it makes decisions and the services it provides”.

- **Outcome 11: Tenancy sustainment**

Social landlords ensure that:

“tenants get the information they need on how to obtain support to remain in their home; and ensure suitable support is available, including services provided directly by the landlord and by other organisations”.

Section 4: Policy aims and objectives

Our policy is supported by a range of operational procedures for managing the disposal of tenants’ personal belongings.

Our key aims and objectives are to;

- Maximise rental income and minimise rental loss by re-letting empty homes as quickly as possible.
- Make available empty homes for those in housing need.
- Advise our tenants of their responsibilities at the end of their tenancy to remove all their belongings.
- Identify any health & safety hazards in communal areas (inside and outside) caused by tenants’ personal belongings.
- Demonstrate compliance with all relevant legislation, the Scottish Social Housing Charter and recognised good practice.

Section 5: Disposal of tenants’ personal belongings

The disposal of tenants’ personal belongings can occur as a result of two circumstances. These are when items have been left in one of our properties or in communal areas.

Ending a tenancy

The Scottish secure tenancy agreement requires our tenant to fulfil certain conditions before moving out of their home. Their full

responsibilities are detailed in section 6.10 of the tenancy agreement (Appendix 1).

For the purpose of this policy the two main responsibilities are,

- Leave the house in a clean and tidy condition.
- Remove all your belongings.

A tenancy can be ended in a number of ways – notice given by our tenant, abandonment, death, tenant institutionalised and eviction are the main reasons. Our policy on the disposal of tenants' personal belongings deals with these different scenarios.

- **Ending a tenancy by notice**

We will remind our outgoing tenants or their next of kin in writing of their responsibilities to clear their home of all their personal belongings. We will confirm that failure to do this will mean that we will clear the property of any remaining items and dispose of them. We will also confirm to our tenant that there will be a charge for any costs we incur in clearing the property.

- **Ending a tenancy with no next of kin**

When a tenancy is ended and there is no next of kin we will implement our Death of a tenant policy. We will initially contact the Crown Office and Procurator Fiscal Service. Within the Procurator Fiscal Service, the Scottish Fatalities Investigation Unit (SFIU) is a specialist unit responsible for investigating all sudden, suspicious, accidental and unexplained deaths. There is a designated team based across each area of the country and they will carry out an investigation to trace any next of kin. We cannot clear the property of the personal belongings until the Scottish Fatalities Investigation Unit confirm their investigation is complete.

The Procurator Fiscal will contact the estate vests in the Crown. They will make an inventory and send to the Queen's and Lords Treasurer's Rememberancer along with an "Ultimus haeres" form. The Queen's and Lords Treasurer's Rememberancer will then give advice as to what is to be done with the belongings.

- **Ending a tenancy through eviction**
When we obtain an eviction order and management committee has approved its implementation we will contact our tenant and explain the next steps in the process. We will make our tenant aware of their responsibilities to clear the property of all personal effects and the consequences of not doing so. We will confirm that failure to do this will mean that we will clear the property of any remaining items and dispose of them. We will also confirm to our tenant that there will be a charge for any costs we incur in clearing the property.
- **Ending a tenancy through abandonment**
Our abandonment policy will be implemented to end a tenancy when we believe the property is no longer being occupied by our tenant (see Abandonment policy).
- **Ending a tenancy due to tenant being institutionalised**
A tenancy may also come to an end as a result of a tenant being institutionalised permanently in a care home or as a result of being detained in prison. In these circumstances we will implement our procedure for ending a tenancy by notice. We will remind our outgoing tenants or their next of kin in writing of their responsibilities to clear their home of all their personal belongings. We will confirm that failure to do this will mean that we will clear the property of any remaining items and dispose of them. We will also confirm to our tenant that there will be a charge for any costs we incur in clearing the property.

Communal areas

The Scottish secure tenancy agreement requires our tenant to fulfil certain conditions in our property and communal areas. Section 2 of the current Scottish secure tenancy agreement refers to this (Appendix 2).

Our tenants should not leave personal belongings in communal areas, allow pets to foul communal areas and should only dispose of rubbish in the designated areas. Our tenants should make arrangements to dispose of any bulky refuse items.

We will remind our tenants of their responsibilities and give them the opportunity to remedy any breaches. Formal action may be taken against persistent offenders. Where personal effects remain in communal areas we will take the following action:

- Where the owner of an item is known we will ask them to move it immediately.
- If the owner is not known then we will issue a notice and attach it to the item.

Section 6: Removal of tenants' personal belongings from a property

We will dispose of our tenants' personal belongings when items have been left in one of our properties or in communal areas.

When a tenancy ends and personal belongings have been left in the property we will take the following action.

- **Ending a tenancy by notice**

We will contact our former tenant and make arrangements for them to collect and remove their belongings within 2 working days.

Where belongings remain a room by room inventory of the items will be taken (with photographic evidence) by two members of staff noting condition and age. Where the value of items is considered to be less than the cost of removing the items to storage the items will be disposed of. Where the value of items is considered to be more than the cost of removing the items to storage, with the agreement of the Area Housing Manager, the items will be removed to storage for a maximum period of 28 days.

Where items are placed in storage reasonable effort will be made to contact our former tenant to advise them that their belongings are awaiting their collection and they will be expected to meet the cost of removals and storage. Where items remain in storage after a period of 21 days a final letter (where practical) will be sent to our former tenant advising that if the items are not removed within 7 days they will be destroyed.

- **Ending a tenancy through eviction**

Where personal effects remain in a property following an eviction and our tenant is not present the process outlined above for ending a tenancy by notice will be followed.

Where our tenant is present at an eviction and they have failed to clear the property the following action will be taken:

- We will give reasonable time for essential items to be removed on the day.
- We will make an appointment for them to return to the property (providing this is within 2 working days of the eviction taking place) to remove their belongings whilst a member of staff is present.
- If our tenant signs a form agreeing to their remaining belongings being disposed of we will arrange for this to happen. There is normally a charge for this action.

- **Ending a tenancy through abandonment**

If we suspect a property has been abandoned we will implement our Abandonment policy and procedures for repossession set out in Section 18 of the 2001 Housing (Scotland) Act.

Following the serving of the appropriate notices and rigorous checks being made, if we are satisfied that the property has been abandoned, we may bring the tenancy to an end (see Abandonment policy).

Two members of staff will attend when a property is being recovered and an inventory will be compiled on a room by room basis and kept on file. Where forced entry is required, police attendance will be requested.

If property is not collected within the initial 28 day notice period, it may be disposed of accordingly, depending on the value of the property. Following the 28 day period we are obliged to store the property for a further 6 months except in the following circumstances.

- Where the value of the property would not in the landlord's opinion exceed the costs which can be deducted for storage during the period

During the period where property is being stored, it will be returned if delivery is arranged by a person who appears to have ownership rights of the property, providing that payment is made equal to the costs of storage or a lesser amount at our discretion.

After the 6 month period, where this applies, we may dispose of the property as we see fit. Any proceeds from the sale of the property will be deducted accordingly for costs of storage with any remaining sum being paid to rent arrears, where applicable, after the expiry of the 6 month period.

- **Ending a tenancy due to tenant being institutionalised**

We will implement our procedure for ending a tenancy by notice (see above).

Section 7: Removal of tenants' personal belongings from communal areas

We will take action to remove personal belongings from our internal and external communal areas in certain circumstances.

To ensure the safety of our tenants we requires all internal communal areas including landings to flats, under stairs areas, lobbies and lifts to be kept free from any obstructions, slip or trip hazards and combustible materials.

We will also carry out regular inspections of external communal areas (e.g. communal gardens, amenity areas, garages, play areas) and identify any personal belongings causing an issue.

Our tenants are also required to remove their own rubbish and dispose of it promptly. However, where necessary, we will remove rubbish from external and internal communal areas in the interest of estate cleanliness. There is a charge for this action if the owner of the items is identified.

Where the owner of an item is known and they can be contacted they will be asked to move it immediately either into their own home or to an alternative place of storage. If the owner is not known then a notice will be completed and attached to the item.

Belongings that have been identified as a high risk will be moved on the same working day and disposed of immediately. In exceptional circumstances items of significant value may be stored. The items will be photographed and a record taken including a brief description of the condition prior to its removal.

Where an item is considered to be a low risk staff will wait for a period of 5 working days from attaching the notice to arranging for the items removal.

Where an item is placed in storage and the owner of the item is known a letter will be sent to them advising them that that the item is in storage and asking for them to arrange immediate collection. Where the owner of an item is not known a standard letter will be sent to all the residents in the block where the item has been removed from to give opportunity for ownership to be claimed.

Returning tenants' personal belongings from communal areas

Where our tenant asks for the return of their goods from storage they will be required to,

- Provide proof of their identity and tenancy agreement.
- Provide proof of ownership or reasonably establish ownership of an item where no documentary evidence can be provided, written confirmation that they are the owner of the item will also be required.
- Pay in advance a charge for the return of the item.
- Where an item was removed from a communal area confirm that the item will not be returned to the communal area.
- Once payment has been received the item will be returned within 5 working days
- In exceptional circumstances an agreement to pay the charge after the item has been returned may be made

Storage of personal belongings from communal areas

Personal belongings that have been removed will be stored for a period of 28 days. If there has not been any contact after 21 days another letter will be sent to our tenant or the block to say that the item will be disposed of.

If belongings are unclaimed after the 28 day period of time the items will be disposed of.

Section 8: Different tenures

Our inspections of internal and communal areas may involve tenants and owners. However, the legal action and redress which is relevant to owners is more limited and for many issues we have no formal enforcement powers. We will only remove personal belongings in exceptional circumstances and in all cases there will be a service charge.

The relevant Deed of Conditions for owners provides details of homeowner responsibilities in relation to communal area management. This documentation will normally include clauses on what homeowners can and cannot do in relation to common parts and where requests for permission are required.

Section 9: Monitoring and review of registers

A register will be maintained for all abandoned properties. An inventory with photographs for all properties with personal belongings left behind after the tenancy has ended will be produced and kept in the former tenant file.

A register for all personal belongings removed and disposed of from communal areas will also be kept. The registers will be reviewed and audited annually.

Section 10: Links with other policies

Our disposal of tenants' personal belongings policy links to

- Empty property management policy
- Estate management policy
- Abandonment policy
- Death of a tenant policy
- Complaint handling procedure
- Tenant participation policy

Section 11: Consultation

We promote consultation with our tenants and other service users. We do this through a wide range of methods, including consultation in writing, meetings, forums and working groups.

Section 12: Complaints handling procedure

We use a complaint handling procedure that was developed for housing associations throughout Scotland. This complaint system was developed by the Scottish Public Services Ombudsman.

In line with housing law, we provide all tenants with detailed information about our complaint policy when they become tenants. We also advise all service users about their right to complain.

A complaint is defined as being:

“An expression of dissatisfaction by one or more members of the public about the housing association's action or lack of action, or about the standard of service provided by or on behalf of the housing association.”

Our complaints handling procedure, including advice on how to make a complaint, are available from our offices or via our website

www.newgorbalsha.org.uk.

Section 13: Policy review

We review our organisational policies every five years, or earlier if required. For example, we may review sooner to reflect changes in law or, if guidance changes occur. We may also decide to make changes requested by our tenants.

Appendix 1: Extract of section 6.10 NGHA Scottish secure tenancy agreement

6.10 Before moving out of your house, you must do the following:

- leave the house in a clean and tidy condition;
- remove all your belongings;
- make sure any lodgers or sub-tenants leave with you;
- allow us access to your house before you move out, at reasonable times, to show new tenants round;
- hand in your keys to the housing office;
- remove any fixtures and fittings you have installed without our written permission and put right any damage caused. This does not affect your obligations under paragraph 5.19 above;
- check with us to make sure that you have paid all payments due to us;
- apply for any compensation you may be entitled to under clause paragraph 5.20 above;
- leave the house in good decorative order;
- do the repairs you are obliged to do;
- give us a forwarding address unless there is good reason for not doing so.

Appendix 2: Extract of relevant paragraphs section 2 NGHA Scottish secure tenancy agreement

Use of the property and the common parts

- 2.5 If your house forms part of a building which exceeds five storeys in height you must not keep a dog or cat unless a dog is kept for use as a registered guide dog.

If your house forms part of a building which is five storeys in height or less then you must keep any domestic pet under supervision and control and ensure that it does not cause nuisance to neighbours or deterioration in the condition of the house, common areas or the vicinity of the house.

For the avoidance of doubt, the Association will be the sole judge of what constitutes a 'nuisance' under this clause. You also expressly agree to prevent any domestic pet from fouling in the common parts of the property and to keep any dog on a lead in the common parts of the property.

Domestic pets can only be kept with the written consent of the Association and that consent can be withdrawn at any time. Consent will not be given if keeping the pet is prohibited by the Dangerous Dogs Act 1991, or by any other law.

- 2.12 No property belonging to you or anyone residing with you, including bicycles, motorcycles or prams, should be stored in any of the common parts except in areas set aside for storage. You must not do anything which causes inconvenience or danger to anyone using the common parts.

- 2.13 You must put all your household rubbish for collection in the bin store or the designated areas allocated by us. You must take reasonable care to see that your rubbish is properly bagged. If rubbish is normally collected from the street, it should not be put out earlier than the evening before the day of collection. Rubbish containers should be returned to their normal storage places as soon as possible after the rubbish has been collected. You must comply with the local arrangements for the disposal of large items (such as large electrical items).

2.16 No vehicle, caravan or trailer belonging to you or anyone living with you or anyone visiting you may be parked on our land unless:

- that land is set aside for parking; OR
- we have given you written permission; OR
- it is a public road;

AND, in every case,

- it does not cause a nuisance or annoyance to your neighbours.

2.17 Nothing belonging to you, or anyone living with you, or your visitors, may be left or stored on our land unless:

- the land is set aside for that purpose; OR
- we have given you written permission;

AND, in every case,

- it does not cause a nuisance or annoyance to your neighbours.