

Wiltshire Council
Former Tenant Arrears Policy

Background

Wiltshire Council's Former Tenant Rent Arrears policy is designed to reflect a desire to provide an excellent service, to be fair, equitable and sympathetic, and to support disadvantaged people, while at the same time balancing this with the need to maximise revenue by recovering rent that is due, in order to safeguard the provision of services

Initial Action

Upon the termination of the tenancy, the System Administrator will send a letter to the former tenant (if the new address is known) or next of kin/executor with a closing balance for the account. Approximately one month after closure of the account, a copy of the letter is sent to the Housing Assistant with responsibility for former Council tenant arrears. Where there is no forwarding address a process of tracing will be undertaken.

If there is no response within 4 weeks, the Housing Assistant will send a second letter threatening court action, if the arrears are over £100. If under £100 a reminder letter will be sent. If there is no response to the second letter after 4 weeks, consideration will be given to writing off the debt if below £100. Where contact is made, an arrangement will be made for repayment.

Arrangements

Where a former tenant or executor contacts the Housing Assistant as a result of receiving a letter, the Housing Assistant will agree a repayment arrangement which is within the debtor's means.

Write - Offs

Where no response is received to letters and the debt is £100.00 or less, the Housing Assistant will complete a record in the write off book which is authorised by the Housing Manager and send a memo to the Systems Administrator to write off the debt.

Where the debt is between £100.00 and £5000 and there is little or no possibility of successful recovery action through the courts, the Housing Assistant will request the Chief Financial Officer to write off the debt. These cases will be where tracing has failed to find a forwarding address, or where there is no estate when the tenant has died.

For cases where arrears are in excess of £5,000, the Housing Assistant will refer the matter on a six monthly basis to the relevant Committee for permission to write off the debt, with details of action taken and summary of reasons.

Court Action

Where the address of a former tenant is known and the amount is substantial (i.e. in excess of £100), the Housing Assistant will initiate action to pursue recovery of the debt through court action. If the former tenant arrears are substantial and it is believed that the former tenant has the ability to pay, consideration will be given to seeking an Attachment of Earnings Order, or in some cases, after careful consideration by the Head of Housing Management or a Housing Manager, for seeking an order for the seizure of goods by Distress to recover the debt.