

Rent Arrears Policy

The Council's Rent Arrears policy is designed to integrate with its underpinning Core Values:

- excellent service,
- being fair and equitable,
- supporting the disadvantaged,
- being environmentally conscientious,
- willing to listen,
- promoting a thriving local economy,
- wanting to be an open, learning Council.

In the context of recovering rent owed to the Council, this means that we aim to treat tenants who are in arrears fairly, sympathetically, and in a consistent way, while at the same time ensuring that we collect rent that is due.

We encourage the maximisation of benefit income, and aim to provide good quality advice and support where it is needed at every stage. We recognise the problems many tenants face due to low incomes. From the start of the tenancy we aim to ensure tenants have the ability to pay by encouraging them, if they may qualify, to complete a Housing Benefit application at the time they sign for their tenancy, and our housing officers are trained in the verification process required to check a claim and all the information needed to support it.

When dealing with any rent arrears that arise in the course of a tenancy our guiding principle is to act early, to get rent debts under control quickly before they become unmanageable. Please see below the Guideline Levels for action on arrears based on this principle.

In carrying out the Council's obligation to pursue rent arrears our staff will try to be sensitive to the personal circumstances of all tenants. We aim to help tenants with literacy, sight, or hearing difficulties, and whose main language is not English. Our staff will carry out all necessary liaison with other agencies, such as the Council's own Housing Advice Team, Salisbury Citizens Advice Bureau, Social Services, Age Concern, A.D.A.S, and where appropriate, the Mental Health Team.

Our overall approach is one of early personal contact with any tenant in arrears, helping them to order their affairs and make and keep realistic agreements to clear arrears. We encourage tenants to explain any difficulty for example changes in household circumstances, illness or vulnerability.

We will offer help in claiming benefits, both at the initial signing for the tenancy, and subsequently, and refer tenants to the CAB for specialist advice. Our housing management staff will liaise closely with colleagues in the Housing Benefit Section, and use the internal computer software that allows sharing of appropriate information to be aware e.g. of Benefit claims which are being processed.

While stressing the caring approach highlighted above, the Council recognises the fact that in spite of its best endeavours at prevention and reduction, some tenants accrue arrears and fail to pay them off. In appropriate cases it will serve Notices of Seeking Possession on the ground of arrears, and where necessary refer cases to court to seek a Possession Order. In all but the worst cases of apparent deliberate non-payment, staff will aim to reach agreement on a payment plan based on the ability to pay. Where tenants are receiving full payment of Housing Benefit our staff will accept deduction from other benefits in the form of "Arrears Direct". Where agreements to pay arrears off by instalment are made but broken, tenants will be given at least one opportunity to catch up with the terms of the agreement

With regards to court costs, these will be charged to the tenant's rent account, and in view of the costs incurred, costs will usually be sought and charged even if a case for possession or warrant to evict is withdrawn from Court, following payment of the arrears.

In the worst cases, and as a last resort, the Council will evict tenants who fail to pay off their arrears following a Possession Order. Evictions must be approved by the Head of Housing Management or a Housing Manager in his absence. Where an eviction does proceed, the tenant will be sent a letter in advance of the eviction notifying them of the time and date of the eviction, and arranging a home visit or office appointment to discuss the eviction. They will be advised to clear the property of their possessions in advance of the eviction being carried out. The tenant will be recommended to seek advice independently or from the Council's Housing Advice section, and the local ward Councillors will be informed. Where there are children in the household, Wiltshire County Council's Department for Children, Education and Libraries will be notified in advance.

Evictions will normally only be cancelled where arrears are cleared in full, although Neighbourhood Managers and Housing Managers will have the discretion to agree part payment. A Neighbourhood Manager or Housing Manager will attend the eviction, and the locks of the property will be changed. An inventory will be taken of any possessions worth over £100 left behind. The property will be left unoccupied until the end of the working week to give the evicted tenant a final opportunity to clear their arrears. Where items of value have been left they will be put into store for a minimum of 28 days, and the cost of storage will be charged to the evicted tenant.

Guideline figures for action -

As a rough guide the following figures will be used as trigger levels for action:

Warning of notice 2 weeks or more arrears but not less than £70.

Service of Notice – 3 weeks rent or more but not less than £90.

Court Action – 7 weeks rent or more but not less than £130.

Eviction - 7 weeks arrears or more, but not considered for less than £130. In the case of suspended possession orders, eviction will not normally be applied for unless the tenant is at least 2 weeks behind on the terms of a suspended order, and has had a warning letter giving them a chance to catch up with the terms of the order.