

## Our promise to you

**Our eviction policy sets out what you can expect from us when dealing with an eviction. It is informed by regulatory standards.**

### We will:

- ◆ Offer suitable advice and support to customers so they can sustain their tenancies.
- ◆ Operate a last resort eviction policy, which means we will only apply to evict a customer in exceptional circumstances.

Policy	Eviction policy
Date adopted	April 2023
Date of next review	April 2025
Version	1
Responsible board	Homes board
Responsible officer	Head of income and Head of neighbourhoods

## 1. Policy statement and purpose

This policy sets out our approach to managing evictions.

The eviction policy follows the regulatory standards set by the Regulator of Social Housing (RSH). It is specifically aligned with the rent and tenancy standards, by addressing the following requirements.

- ◆ Registered providers shall publish clear and accessible policies which outline their approach to tenancy management, including interventions to sustain tenancies and prevent unnecessary evictions.
- ◆ Registered providers shall develop and provide services that will support tenants to maintain their tenancy and prevent unnecessary evictions.

## 2. What the policy covers

This policy applies to all rented homes where the landlord is Homes Plus, including retirement living properties.

Garages and shared ownership homes are not covered by this policy.

### 3. Definitions contained in the policy

**Civil Procedure rules 1998** - The statutory tool listing the rules for civil courts. The rules were designed to make legal proceedings cheaper, quicker, and easier to understand for those who do not practice law.

**County Court** – A civil court in England and Wales which hears a variety of cases including property re-possession cases.

**Eviction** - The removal of a tenant from the property where they live following an order from the court.

**Ground 8 application** - This is a mandatory ground for possession used for serious arrears only. If we can prove that a customer is at least 8 weeks behind with their rent when the Notice Seeking Possession (written notice from the landlord that they intend to go to court) was served and the case went to court, the court has to order the eviction to take place.

**Independent Case Review** – An internal review carried out by an independent senior officer for some neighbourhood evictions (not for rent arrears). The review would be conducted after an appeal against the eviction has been received from the tenant.

**Mandatory grounds** – Only applied for in serious cases of rent arrears and other breaches of tenancy conditions. If mandatory grounds are used, the court has to make an order for the tenant to leave the property.

**Possession** – The legal process where a landlord takes the property back via a court order. If a court order is granted, the tenant is required to leave the property.

### 4. The following statements underpin our eviction policy

- 4.1** We will offer suitable advice and support to customers so they can sustain their tenancies. However, for serious breaches of the tenancy agreement, we can apply for possession in the County Court which could lead to a customer being evicted from their property.
- 4.2** We operate a last resort eviction policy which means we will only apply to evict a customer as part of our rent arrears, compliance, property condition or serious anti-social behaviour process. This will only happen once all support measures have been taken, unless the situation is so serious that not applying for an eviction would put other customers, our colleagues or any members of the public at risk.
- 4.3** Any applications for eviction are subject to County Court approval. In most cases, the customer can also apply to the County Court to appeal against the decision to evict them, unless the application is made under a mandatory ground.
- 4.4** In exceptional circumstances, we will use the reason of mandatory grounds when applying for possession. Ground 8 applications, which are due to rent arrears, are subject to a clear authorisation process by a senior manager and Director, in line with the Homes Plus Income policy.
- 4.5** For rent arrears, we will treat all joint tenants as jointly liable for arrears on the account unless there are exceptional circumstances. These will be considered on a case-by- case basis.
- 4.6** Tenants with serious rent arrears are offered debt advice and support from our Employment & Money Advice team (EMA) before any eviction action is considered. In all rent arrears possession cases, we abide by the Civil Procedure rules 1998.
- 4.7** If a tenant with rent arrears has applied for Housing Benefit or Universal Credit, we will consider if it is appropriate to apply for possession proceedings until the outcome of the benefit claim is known.

- 4.8** If a customer is in breach of their tenancy agreement because of anti-social behaviour, compliance or the condition of their property, we will offer them an independent case review as part of the eviction process. This is in line with the Homes Plus Housing Management appeals policy.
- 4.9** We will advise the relevant local authority homeless team when an eviction date is received from the County Court so that the local authority can contact the tenant to offer advice and support.
- 4.10** Once an eviction has taken place, Homes Plus no longer has any legal relationship with the former tenant.



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