<u>CORPORATE, FORMER TENANT DEBT RECOVERY POLICY (includes rent, legal recharges and rechargeable repairs)</u>

1. POLICY AIMS & OBJECTIVES

The former tenant arrears policy sets down how the Association aims to recover former tenant debts. Early identification and prompt action are key to dealing with this problem along with continued contact with the tenant when the tenancy ends.

2. RELATED POLICIES

- Arrears Policy
- Allocations Policy
- Voids Policy

3. ROLES AND RESPONSIBILITIES

3.1 The Role of the Housing Sub Committee

The Committee are responsible for overseeing the work and progress of the Housing Management department in relation to all matters of debt recovery. The committee will receive reports at each Housing Management Sub Committee showing levels of former tenant arrears and write off amounts. In addition the committee will be responsible for agreeing and reviewing the former tenant arrears policy. Care & Repair and Affordable Warmth Scheme Loan debt is currently reported to Castlehill Solutions Board.

3.2 The Role of Income Management Officer

Day to day management of the recovery of FTA's is the responsibility of the IMO. The Income Management Officer will be responsible for all geographic locations within the associations remit.

3.3 The Role of the Housing Manager

The day to day work involved in recovering FTA's will be overseen by the Housing Manager. The Income Management will regularly liaise with the Housing Manager on matters of procedure, write off's under £50 and reporting as requested.

4. REASONS FOR FORMER TENANT ARREARS

4.1 Tenant is unaware of the arrear.

Our aim is to ensure that all tenants are aware on the last day of their tenancy if there is a balance on their account. This is not always possible in cases where HB is due or recharged are made after the void inspection.

4.2 Leaving Date Alters

When the tenant advises of any delay in the termination date the Housing Officer should inform the tenant of the revised balance due and confirm this in writing to them. Where keys are not handed in on the agreed date, the rent will be charged until the keys are returned. Housing Officers should attempt to contact the tenant at the tenancy and/or forwarding address. If this is not successful and the tenancy appears to be vacated, the rent will continue to accrue until a lock change has been completed.

4.4 Internal/External Transfers

Due to the tenant's requirement to give notice on the current tenancy and the need to reduce void times, the tenant is likely to have 2 tenancies at some point during the termination period. Tenants who are in receipt of HB will not automatically get both rents paid for them. Advice should be given face to face and in the end of tenancy package to encourage them to submit a letter to claim the overlap.

4.5 Abandonment

Where a tenant leaves without notice, arrears will accrue while the abandonment notice is in operation. Frequently there are also arrears on the account prior to this. There is unlikely to be a forwarding address in these circumstances.

4.6 Tenant Dies

Where the tenant dies and the tenancy does not succeed there may be a former tenant arrear due to existing arrears prior to the tenant's death. Liability for rent ends with the tenant's death however rent arrears accrued can be recovered from the executor. Where there is not enough money in the estate the arrear should be written off. Claims should be submitted to the executor as soon as possible after the tenant's death. Housing Officers, when informed about the tenant's death, should send a termination form which asks for the executors details.

4.7 Eviction

Where a tenant has been evicted for rent arrears, the tenancy ends on the eviction date. Where the decree included action for recovery of debt this should be pursued.

4.8 Sequestration

Where a sequestrated amount is left at the time the tenancy ends it cannot be pursued. Normal procedure will be for sequestrated balances to be removed from the rent account during the tenancy.

4.9 Housing Benefit Reclaims

Housing Benefit may be reclaimed after the tenancy has ended leaving a debt on the account.

5. IMPORTANCE OF TERMINATION PROCEDURE

The effectiveness of the termination procedure is key to the success in recovery of former tenant arrears.

- 5.1 When a tenant indicates that they are intending to leave they should be asked to complete the termination of tenancy form and be sent a leaving pack.
- 5.2 Checks should be made regarding any joint tenants or spouse who may not be a joint tenant but are required to sign the termination as they have occupancy rights.
- 5.3 The pack should contain information about
 - The requirement to give notice.
 - The amount of notice required.
 - The rent due to the end of the tenancy (this should be the total balance excluding any monies due from HB).
 - The consequences of not handing the keys in on the agreed date.
 - The consequences of leaving an outstanding balance on the account without an arrangement to pay
 - The Associations policy on rechargeable repairs and arrears recovery
- 5.5 Every attempt should be made to obtain a forwarding address.

5.6 Keys should be handed in, in person or the Housing Officer should arrange to collect the keys from the tenant if there is dubiety about the keys being returned.

5.7 Where handed in to the office or collected the Housing Officer should ensure face to face contact to ensure that any outstanding issues (such as arrears, repayment arrangements) can be discussed.

6. ACTION

The detailed procedure for recovery of former tenant arrears and recharges is attached to this policy at appendix I

It is important that the tenant is notified about the arrear at the earliest possible opportunity in writing giving them details of the level of the arrear, the way the arrear has accrued and methods for repaying the debt. The tenant should be advised that they can continue to use their AllPay card to make payments or encouraged to contact us to set up a direct debit. The timescale for initially contacting former tenants should be 2 weeks from the end of the tenancy however the earliest contact possible is likely to show the best results. By this point, the balance should be correct and can include any recharges for works done after the tenancy ended.

No Arrangement

If contact cannot be made with the tenant prior to the termination date and where the tenant has not provided any forwarding address details, the case should be passed to the Income Management Officer for investigation, prior to a possible referral to the Debt Recovery Agency (DRA). There may also be recharges for the tenant which should also be included in the total debt.

Arrangement made but no payments received or arrangement broken:

An initial letter should be sent to the tenant reminding them of the payment due and requesting payment is made without further delay. Where there is no contact or payment from the tenant, a further letter should be sent to the tenant advising payment should be made within immediately to stop the case being passed to the Debt Recovery Agency. In total, three letters will be sent, separated by a maximum of two weeks. When a referral is necessary (third letter stage), the Income Management Officer will provide the required

documents and referral form.

Currently priority is given to rent arrears, with payments allocated as such upon receipt; however this is at the discretion of the Income Management Officer and Housing Manager.

Staff should always promote an arrangement with Castlehill to tenants and former tenants and only when a voluntary arrangement is not made will the case be passed to the Debt Recovery Agency. All letters should indicate the consequences of failure to make regular payments and direct the reader to the member of staff dealing with the arrear.

7. USE OF THE DEBT RECOVERY AGENCY

Castlehill will use a Debt Recovery Agency to pursue and collect FTA's where appropriate. The Agency will operate to the Code of Conduct set down by the Credit Services Association and relevant staff (including outsourced operations) will be subject to an Enhanced Disclosure Check.

The Agency will pursue debt due to Castlehill by use of door-step collection, small claims actions, wages arrestment and decree for recovery of debt. These options are all ones which have been used by or have been available to Castlehill.

Regular reporting from the Agency to the Income Management Officer will ensure that the

Housing Manager can assess progress in cases and this will be reported to the Housing Management Sub Committee.

8. SETTLEMENT FIGURES

We have agreed that we would discuss a settlement figure with a tenant for clearing former tenant arrears. This offer may come from the tenant through the Housing Officer or through the Debt Collection Agency. Where an offer is made, the Housing Officer and Housing Manager will make the decision as to accepting or declining the offer for full and final payment.

9. WRITE OFFS

Some former tenant arrears are not likely to be recovered or the amounts involved mean recovery is not efficient using up valuable staff resources.

Situations which should be considered for write offs are:

- Uneconomic to pursue.
- Small static arrear below £50 and more than 6 months old.
- Tenant unlikely to have the funds to clear the debt.
- Sequestrated balances which we are legally unable to pursue.
- Death of tenant, leaving no estate.

Amounts under £50 to be written off can be authorised by the Housing Manager. Sums in excess of £50 will be reported to the Housing Management Sub Committee on a quarterly basis to request authorisation for write off.

10. RECHARGES – CURRENT AND FORMER TENANTS

10.1 Recharges

Recharges to tenants and former tenants usually occur as a result of either expense from legal actions that the Association has taken or where the Association has undertaken repairs work that is the tenant's responsibility on the understanding that they will be recharged for that work.

Recovery of recharges will involve input from Maintenance, Housing Management and Finance. Where possible tenants will be advised of the estimated cost of the recharge if a final cost is not available and where there is repair work that needs to be undertaken, the tenant will be given the opportunity to undertake that work to a satisfactory standard to avoid incurring costs. Photographs of defects which will result in rechargeable repairs will be taken by Maintenance in order to provide documentation should litigation be required.

Where a tenant or former tenant has a recharge, they will be encouraged to contact the Income Management Officer to set up an arrangement with the association. Invoice all pay cards (separate from the rent cards) are available for tenants and former tenants to pay off the recharge balance. Where the tenant or former tenant does not make an arrangement or where the arrangement is started but broken, they will be written to by the Income Management Officer and advised to make payments or the debt will be passed to the Debt Recovery Agency. Again, every effort will be made for a voluntary arrangement and this will always be pursued before the debt is passed to the Agency.

Where a tenant or former tenant debt has been passed to the Agency and the tenant or former tenant is disputing the balance, the agency will contact the Association for clarification and will not continue to pursue the debt until clarification has been given.

10.2 Settlement Figures

We have agreed that we would discuss a settlement figure with a former tenant for clearing a recharge debt. This offer may come from the tenant through the Housing Officer or through the Debt Collection Agency. Where an offer is made, the Housing Officer and Housing Manager will make the decision as to accepting or declining the offer for full and final payment.

10.3 Legal Recharges

Where the tenant has had legal action raised by the Association against them, the court will award legal expenses to the Association. This amount is determined by the court and is usually indicated in the letter from our solicitors indicating the decree has been received. The tenant should be advised by their Housing Officer that legal action will incur expenses and that the Associations policy is to recover this cost as a recharge. The tenant will usually have arrears so either the current tenant recharges procedure or the Former Tenant with Arrears procedure should be followed. When the letter advising of the decree has been received, the accompanying invoice should be passed by the Housing Officer and a completed pro-forma to Finance. At this point the fees will be added to the tenants recharge account, increasing the balance due.

10.4 Shared Ownership Arrears

The Association has a responsibility to ensure that arrears for all customers are kept to a minimum and in the case of sharing owners, to ensure that the reserve fund contains sufficient funds to complete the planned and cyclical work and common services required within the development.

The Association will deal with low level of arrears in the same way as for rented properties. Rent accounts will be monitored by the Housing Officer and Sharing Owners will be contacted if their rent account goes into arrears.

The Housing Officer will aim to make an arrangement with the Sharing Owner to reduce the arrear and set a time scale for this to happen.

Should the arrears continue to escalate either through non payment or failure to meet the repayment arrangement, the Housing Officer and the Housing Manager will discuss the intended action. Sharing Owners will be fully informed throughout of the Associations position.

Many of our Sharing Owners will not have mortgages and will have paid for their share with existing capital however, where a mortgage is in place, the Housing Manager will liaise with the mortgage to ascertain if the Sharing Owner has any mortgage arrears.

In the first instance, any legal action will be taken to recover the debt only. Where decree is sought and awarded and here a Sharing Owner is working, a wages arrestment will be sought. If the Sharing Owner is not working, we will consider an inhibition order which will stop the sale of the property until the arrears have been repaid. We would also pursue the Sharing Owners for all eligible legal costs incurred by the Association.

If there are mortgage arrears we will discuss the best approach with the mortgage lender. Where there are no or low level mortgage arrears but significant arrears to the Association, we will pursue a division and sale. This is the standard action undertaken where there are two interests in the property. As part of this action, a Decree for recovery of the outstanding debt will also be sought.

Any legal action for repossession is the last resort for the Association and continually, through this process we will make regular contact, both in person and by letter to the Sharing Owner to discuss ways to avoid legal action and advise them of the Associations position.

Where the Sharing Owner is voluntarily selling their share, the sale will not be concluded until the arrears have been cleared.

10.5 Factoring Arrears

Housing Officers are responsible for advising owners if they are in arrears on their factoring account. Contact would initially be made by letter or phone to ascertain if there is a problem with the half yearly payment being made.

Should the arrears escalate and arrangements fail, the Housing Officer and Housing Manager will discuss possible action.

We will pursue arrears through Small Claims actions and where necessary and Inhibition Order will be sought.

APPENDIX 1.b

Summary of Standard Letters (Former Tenants)

Letter	Use
CLE	To be used when a balance has been fully paid.
IMDEC1	Initial Letter regarding deceased tenant's debt.
IMDEC2	Second letter reiterating requirement for deceased tenant's debt to be paid.
IMOARR	Letter confirming agreed payment arrangement.
IMOBRO1	First broken arrangement letter.
IMOBRO2	Second broken arrangement letter.
IMOBRO3	Third broken arrangement letter confirming referral to DRA.
IMOGEN1	First letter sent when tenant terminates with a debt.
IMOGEN2	Second letter sent when tenant terminates with a debt.
IMOGEN3	Third letter sent when tenant terminates with a debt.
IMOGEN4	Fourth letter sent advising of referral to DRA.
IMOLIT	Letter informing tenant that case has been directly referred to our solicitor.
IMOREF	Letter informing tenant of referral to DRA



CLE

DATE

Name & Address

Dear xxxxxx

Account Ref:

Property Address

Balance Now Cleared

Please note that as of the xxth of xxxxxx xxxx, your account balance is now £0.00.

Yours sincerely

Michael Heard Income Management Officer

- T
 01224 628107

 E
 michael.heard@
- *E* michael.heard@castlehillha.co.uk

IMDEC1



DATE

Name & Address

To the executors of Mr/Mrs/Ms/Miss xxxx xxxxx

Account Ref: xxxxxxxx

Property Address

Balance Of £x.xx remains due

I write with reference to the final statement of account sent on xxth of xxxxx regarding the former tenancy of Mr/Mrs/Mss/Miss xxxx xxxxxx.

The current balance due to Castlehill Housing Association stands at £x.xx.

I would appreciate it if you could settle this balance as soon as possible. Debit card payments can be made by calling 01224 625822. Alternatively, if you intend to make payment by cheque, please make out to Castlehill Housing Association and send to the following address:

Castlehill Housing Association 4 Carden Place Aberdeen AB10 1UT

Yours sincerely

Michael Heard Income Management Officer T 01224 628107

E michael.heard@castlehillha.co.uk



IMDEC2

DATE

Name & Address

To the executors of Mr/Mrs/Ms/Miss xxxx xxxxx

Account Ref: xxxxxxxx

Property Address

Balance Of £x.xx remains due

I write with reference to my letter dated xxth of xxxxx regarding the former tenancy of Mr/Mrs/Ms/Miss xxxx xxxxxx.

The current balance due to Castlehill Housing Association stands at £x.xx.

I would appreciate it if you could settle this balance as soon as possible. Debit card payments can be made by calling 01224 625822. Alternatively, if you intend to make payment by cheque, please make out to Castlehill Housing Association and send to the following address:

Castlehill Housing Association 4 Carden Place Aberdeen AB10 1UT

Yours sincerely

Michael Heard Income Management Officer T 01224 628107

E michael.heard@castlehillha.co.uk

IMOARR

DATE

Name & Address

Dear Mr/Mrs/Ms/Miss xxxxxx

Account Ref: xxxxxxx

Payment Arrangement

Property Address

Rent/Recharges Arrears Due: £x.xx

Thank you for your letter/email/phone call of the xxth xxxxxxx.

As per your suggestion/our agreement I can confirm we will accept payment of £xx per month/week to reduce your arrears in a manner which is sustainable for your finances.

If at any time you wish to make additional payments on top of the arranged sum, debit card payments can be made by calling **01224 625822**. Alternatively, if you intend to make payment by cheque, please make it out to Castlehill Housing Association Ltd and send to the following address:

Castlehill Housing Association Ltd 4 Carden Place Aberdeen AB10 1UT

We appreciate your efforts to reduce this outstanding balance, and request that this payment arrangement is maintained until the balance in cleared in full. <u>Failure to do so may result in referral to our debt collectors</u>.

Yours sincerely

Michael Heard Income Management Officer

T 01224 628107

E michael.heard@castlehillha.co.uk



IMOBRO1

DATE

Name & Address

Dear Mr/Mrs/Ms/Miss xxxxxx

Account Ref: xxxxxxx Broken Payment Arrangement Property Address Rent/Recharges Arrears Due: £x.xx

Despite your agreement to maintain a regular payment of £xx.xx per month/week, you have failed to uphold your commitment to reduce your overdue balance.

Please urgently contact us in order to make a catch-up payment, bringing you back into line with our agreement. If you wish to make a new agreement please contact me urgently. Failure to do so may result in escalation of this matter and referral to our debt collectors.

Debit card payments can be made by calling **01224 625822**. Alternatively, if you intend to make payment by cheque, please make out to Castlehill Housing Association Ltd and send to the following address:

Castlehill Housing Association Ltd 4 Carden Place Aberdeen AB10 1UT

Yours sincerely

Michael Heard Income Management Officer

- T 01224 628107
- *E* michael.heard@castlehillha.co.uk



IMOBRO2

DATE

Name & Address

Dear Mr/Mrs/Ms/Miss,

Account Ref: xxxxxx Broken Payment Arrangement Property Address Rent/Recharges Arrears Due: £x.xx

Despite your agreement to make a payment of £x.xx per week/month, you have failed to uphold your commitment to reduce your overdue balance. I have written to you previously regarding this matter.

Please **urgently** contact us in order to make a catch-up payment, bringing you back into line with our agreement. If you wish to make a new agreement please contact me urgently. Failure to do so may result in escalation of this matter and referral to our debt collectors.

Debit card payments can be made by calling **01224 625822**. Alternatively, if you intend to make payment by cheque, please make out to Castlehill Housing Association Ltd and send to the following address:

Castlehill Housing Association Ltd 4 Carden Place Aberdeen AB10 1UT

Yours sincerely

Michael Heard **Income Management Officer** *T* 01224 628107 *E* michael.heard@castlehillha.co.uk



IMOBRO3

DATE

Name & Address

Dear Mr/Mrs/Ms/Miss xxxxxx

Account Ref: xxxxxxxx

Referral To Debt Collectors (Scott And Co)

Property Address

Rent/Recharges Arrears Due: £x.xx

Despite previous reminders we have not yet received a response from you regarding your payment agreement or a payment to clear your balance, which is now **seriously overdue**.

Your account has now been passed to **Scott And Co**, our **Debt Collectors**. They will shortly be in contact with you.

It is still possible for this matter to be settled directly with us and the referral to our debt collectors to be stopped.

Debit card payments can be made by calling **01224 625822**. Alternatively, if you intend to make payment by cheque, please make out to Castlehill Housing Association Ltd and send to the following address:

Castlehill Housing Association Ltd 4 Carden Place Aberdeen AB10 1UT

Please note: This matter will not go away. It is in your best interests to make contact.

Yours sincerely



Michael Heard Income Management Officer *T* 01224 628107 *E* michael.heard@castlehillha.co.uk

IMOGEN1

DATE

Name & Address

Dear Mr/Mrs/Ms/Miss xxxxxx

Account Ref: xxxxxxxx

Property Address

Rent/Recharges Arrears Due: £x.xx

Please note that your account balance for rent/recharges remains overdue/is now overdue for payment.

I would appreciate it if you could settle this balance as soon as possible, either in its entirety or with an arranged payment plan. Debit card payments can be made by calling **01224 625822**. Alternatively, if you intend to make payment by cheque, please make out to Castlehill Housing Association Ltd and send to the following address:

Castlehill Housing Association Ltd 4 Carden Place Aberdeen AB10 1UT

To avoid further escalation of this matter you must make contact as soon as possible.

Yours sincerely



Michael Heard Income Management Officer

- *T* 01224 628107
- *E* michael.heard@castlehillha.co.uk

IMOGEN2

DATE

Name & Address

Dear Mrs Cameron,

Account Ref: xxxxxxx

Property Address

Rent/Recharges Arrears Due: £xxx

I write with reference to my previous letter regarding your arrears. Please note that your account balance for rent/recharges remains overdue.

It is now **urgent** that you either make payment to clear this balance or arrange a payment plan with us.

Debit card payments can be made by calling **01224 625822**. Alternatively, if you intend to make payment by cheque, please make out to Castlehill Housing Association Ltd and send to the following address:

Castlehill Housing Association Ltd 4 Carden Place Aberdeen AB10 1UT

To avoid further escalation of this matter you must make contact as soon as possible.

This matter is now urgent.

Yours sincerely



Michael Heard Income Management Officer

- T 01224 628107
- *E* michael.heard@castlehillha.co.uk

IMOGEN3

DATE

Name & Address

Dear Mr/Mrs/Ms/Miss xxxxxx

Account Ref: xxxxxxxx

Property Address

Rent/Recharges Arrears Due: £x.xx

I write with reference to my previous letters regarding your arrears. We have not yet received a response from you or a payment to reduce/clear your balance.

It is now **critical** that you make payment to clear the balance or arrange a payment plan with us to reduce it over a period of time.

<u>Continued failure to make payment will result in your account being passed to debt</u> <u>collectors and possible legal action which may increase your debt.</u>

However, this can be avoided if immediate contact is made and an appropriate payment/payment plan arranged.

Debit card payments can be made by calling **01224 625822**. Alternatively, if you intend to make payment by cheque, please make out to Castlehill Housing Association Ltd and send to the following address:

Castlehill Housing Association Ltd 4 Carden Place Aberdeen

AB10 1UT

Please note: This matter will not go away. It is in your interests to make contact as soon as possible.



Yours sincerely

Michael Heard Income Management Officer *T* 01224 628107 *E* michael.heard@castlehillha.co.uk

IMOGEN4

DATE

Name & Address

Dear Mr/Mrs/Ms/Miss xxxxxx

Account Ref: xxxxxxxx Property Address Rent/Recharges Arrears Due: £x.xx

I write with reference to my previous letters dated xx xx, regarding your arrears. You have not yet responded or made a payment to reduce/clear your balance.

It is now **critical** that you make a payment to clear this balance or arrange a payment plan with us to reduce it over a period of time.

Failure to do so within 7 days will result in your account being referred to a debt collector.

However, this can be avoided if immediate contact is made and an appropriate payment/payment plan arranged.

Debit card payments can be made by calling **01224 625822**. Alternatively, if you intend to make payment by cheque, please make out to Castlehill Housing Association Ltd and send to the following address:

Castlehill Housing Association Ltd 4 Carden Place

best

Aberdeen AB10 1UT

Please note: This matter will not go away. It is in your best interests to make contact as soon as possible.

Yours sincerely



Michael Heard Income Management Officer *T* 01224 628107 *E* michael.heard@castlehillha.co.uk

IMOLIT

DATE

Name & Address

Dear Mr/Mrs/Ms/Miss xxxxxx

Account Ref: xxxxxxx <u>Property Address</u> Rent/Recharges Arrears Due: £x.xx

Despite our repeated efforts to make a payment arrangement with you regarding your overdue debt, we have been unable to secure a satisfactory outcome.

Castlehill now has no choice but to instruct our legal representatives to refer your case to court for legal action against you which may incur further charges and increase your debt.

Please note that legal action can *still* be avoided if you contact us immediately to make payment.

The telephone number for payments is **01224 625822**. Alternatively, if you intend to make payment by cheque, please make out to Castlehill Housing Association Ltd and send to the following address:

Castlehill Housing Association Ltd 4 Carden Place Aberdeen AB10 1UT



Once again I must emphasise that legal action can be avoided, but only if you take action immediately.

Yours sincerely

Michael Heard Income Management Officer T 01224 628107

E <u>michael.heard@castlehillha.co.uk</u>

IMOREF

DATE

Name & Address

Dear Mr/Mrs/Ms/Miss xxxxxx

Account Ref: xxxxxxx <u>REFERRAL TO DEBT COLLECTORS (SCOTT AND CO)</u> <u>Property Address</u> Rent/Recharges Arrears Due: £x.xx

Despite previous reminders we have not yet received a response from you, or received a payment to reduce/clear your balance, which is now **seriously overdue**.

Your account has now been passed to **Scott And Co**, our **debt collectors**. They will shortly be in contact with you.

It is still possible for this matter to be settled directly with us and the referral to our debt collectors retracted.

Debit card payments can be made by calling **01224 625822**. Alternatively, if you intend to make payment by cheque, please make out to Castlehill Housing Association Ltd and send to the following address:

Castlehill Housing Association Ltd 4 Carden Place Aberdeen AB10 1UT

Please note: This matter will not go away. It is in your best interests to make contact.

Yours sincerely

Michael Heard Income Management Officer T 01224 628107 E michael.heard@castlehillha.co.uk