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CITY WEST
HOUSING



ABANDONED PROPERTY

OPERATIONAL POLICY



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DOCUMENT AND AMENDMENT HISTORY

VERSION NUMBER	DATE	SUMMARY OF CHANGES
1.0	18 August 2021	First publication

This document can be downloaded from www.citywesthousing.com.au

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1. PURPOSE

The purpose of this policy is to outline how City West Housing (CWH) will manage properties that are abandoned by its tenants including goods that are left in the property.

2. SCOPE

This policy applies to all properties owned and managed by CWH.

3. POLICY OBJECTIVES

The overall aim of this policy is to:

- Relet abandoned properties as quickly as possible.
- Minimise the potential rent loss.
- Mitigate against property vandalism costs.
- Reduce the impact on other residents that can arise from an unoccupied property.
- Protect the rights of tenants and CWH when repossessing a property.
- Ensure that a uniform and professional approach is adopted throughout CWH and that the service delivered is compliant with the Residential Tenancies Act 2010 and best practice.

4. ESTABLISHING IF A PROPERTY HAS BEEN ABANDONED

Tenants have an obligation to occupy the property leased to them and CWH has an obligation to ensure that the properties that it provides are fully utilised. This Policy allows CWH to determine whether a property is being occupied and if the tenant is using the property as their principal home.

Staff will have regard to the welfare, safety and rights of tenants when carrying out the abandoned property procedure. They must also be fully aware of their duty towards tenants and residents who live in the vicinity of the abandoned property, where a failure to respond may result in there being increased vulnerability.

Staff will comply with CWH's Home Visit Policy to avoid putting themselves at risk when checking abandoned properties.

When establishing if a property has been abandoned, CWH staff will consider the following warning signs and/or undertake the following checks:

- Accruing rent arrears.
- Nonresponse to CWH correspondence.
- Check the rent account for the last payment made and method of payment.
- Does the property look abandoned (look through windows where possible and/or check for uncollected mail in the letterbox)?
- Talk to neighbours about the last time they saw the tenant.
- Check with DCJ - Housing Pathways to ascertain whether the tenant has been re-housed in social housing.
- Contact tenant's relatives / emergency contacts.
- Where appropriate, check with Centrelink to determine whether payments have ceased.
- Contact any known support agencies that the tenant has been engaged with.
- Make reasonable enquiries to Sentence Administration, NSW Corrective Services NSW to see if the tenant is in the prison system.
- Check with the CWH Assets Team to ascertain if the tenant has used water and/or has requested any recent repairs.
- Where the tenant was working, contact the tenant's employer (if known).

5. TAKING POSSESSION OF AN ABANDONED PROPERTY

Where it is determined that the property has been abandoned by the tenant, CWH will consider that the lease has been terminated and arrange to repossess the property immediately.

Where other persons remain in the property (spouse/cohabitee, children over 16 years of age) it may be possible for them to apply to succeed the tenancy. Under such circumstances the CWH Succession Policy will apply.

If the property is being occupied by a third party (i.e. someone who is not declared as being an occupant) then the abandonment procedure does not apply and they should be served a notice of proceedings for recovery of possession.

Where, upon entry to the property, it is found that the tenant is deceased, CWH will immediately call the NSW Police.

Where it is not certain that the property has been abandoned, CWH will seek possession through the NSW Civil and Administrative Tribunal. CWH will also apply for compensation for rent loss, property damage and the cost of storing goods where applicable.

6. REPOSSESSION OF THE PROPERTY AND THE DISPOSAL OF PERSONAL PROPERTY

Once CWH has taken possession, the locks will be changed. The property should be inspected in accordance with void procedures.

At the inspection, staff should assess whether utilities should be turned off where there is potential for damage whilst the property is vacant. The Housing Manager will take photographs of the abandoned property and in particular, household and personal items left in the property. These are saved to the vacant property file.

Decisions made in respect of clearing, storing, and disposing of items from the property will be made by the Housing Services Team Leader and will be guided by the NSW Uncollected Goods Act 1995.

As part of the void process, the Assets team will identify works to be re-charged to the former tenant, such as changing of locks, property clearance, rubbish removal and damage to fixtures and fittings.

7. APPEALS

This policy is appealable.

8. RELATED RESOURCES

- CWH Home Visit Policy
- CWH Succession Policy
- NSW Residential Tenancies Act 2010
- NSW Uncollected Goods Act 1995

9. POLICY APPROVAL



Mark Reader
Head of Housing Services
18 August 2021