

Policy Name	Rented Tenants Moving On
Policy No.	041

1. Aims and objectives

- 1.1 This policy deals with tenants moving on to alternative housing whether it be accommodation within GHA stock, States Housing (ESS) Stock, into a nursing home or residential home, moving into the private sector or leaving the island.
- 1.2 It is the aim of the Guernsey Housing Association (GHA) to deal with cases of death in a sympathetic and professional manner. Whilst taking account of the bereaved family's loss, the GHA must remain aware of its business needs and ensure the most effective use of stock and that rent loss is minimised.
- 1.3 The objective of this policy/procedure is:
- to give staff guidance when dealing with situations involving deceased tenants or tenants moving to alternative accommodation
 - for staff to use this policy/procedure as an operational document

2. Tenancy end date

Tenancy end date and clearing the property if tenant moving out

- 2.1 The tenant will need to provide the GHA with 4 weeks' written notice (known as termination period).
- 2.2 The notice period will commence from the date the letter is received in the office (emails are accepted). The notice can be backdated to when GHA was first notified of the tenant moving out as long as the written confirmation is received within 3 working days.
- 2.3 Full rent will be charged for the whole notice period. However, if the GHA is able to let the property sooner and secure rent, the out-going tenant will be released from the termination period earlier.
- 2.4 It is the responsibility of the tenant to clear the property of all the furniture and personal effects.
- 2.5 If the tenant does not clear the property, the GHA will ask the tenant to sign a Mandate (appendix 1) to give permission for the GHA to clear any belongings from the property and dispose of any items. Any charges the GHA incurs will be the responsibility of the tenant.
- 2.6 If any items left in the property could be of value then, then with the tenant's approval, the Maintenance Manager or Housing Manager can contact an auctioneer. The auctioneers will take the items and sell them to try and reclaim any costs that the GHA has incurred. The auctioneers will clear the property and then offset any money gained from the sale of the items against the cost of clearing the property. If the GHA is unable to contact the tenant the GHA will go ahead

and clear the property and keep a detailed record of the items sold and any payments that received were offset against clearing the property or arrears owed.

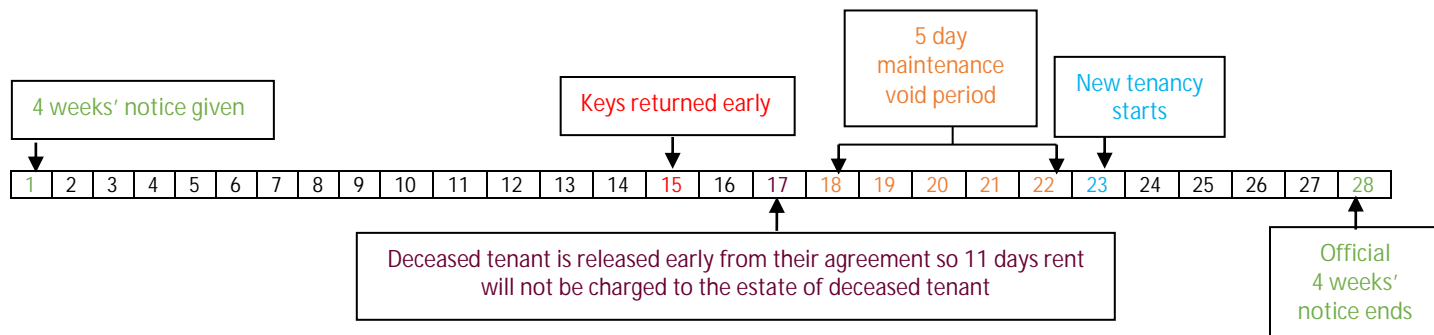
Tenancy end date if tenant dies

- 2.7 When the GHA receives notification of the death of a tenant, where no person has asked to succeed the tenancy, 4 weeks' notice (known as termination period) will commence.
- 2.8 Full rent will be charged for the property from the death of a tenant until 4 weeks' notice expires. The GHA will continue to charge full rent after the 4 weeks' notice until the keys are returned. The tenancy is terminated when the keys are returned to the GHA's office.
- 2.9 Should the GHA be able to let the property earlier and secure rent for the property, the previous tenant will be released early from the termination period and a reduced amount of rent will be collected from the Estate.

Example

- 2.10 Below is an example of a tenant giving 4 weeks' notice (28 days) to the GHA. It shows that as a new tenant moved in before the end of the 4 weeks' notice, 11 days rent will not be charged to the estate of deceased tenant.

Day 1	Deceased tenant's estate gives 4 weeks' notice
Day 15	Deceased tenant's estate returns keys early to GHA
Day 16-22	GHA carries out 5 day maintenance void period
Day 23	New tenancy starts
Day 28	11 days rent will not be charged to the estate of deceased tenant



3. Next of kin

Next of kin – details and responsibilities

- 3.1 In all deaths the GHA needs to confirm with the relatives who the next of kin is for the deceased and who is responsible for handling the deceased person's affairs.
- 3.2 The name, address and contact details of the next of kin needs to be taken.
- 3.3 To end the tenancy, confirmation will be required by either receiving a copy of the death certificate or receiving notification in writing of the 'Greff Register of death'.
- 3.4 It is the responsibility of the next of kin or relatives to clear the property of all the furniture and personal effects.

- 3.5 If the next of kin or relatives are unwilling or unable to take responsibility for clearing the property, the GHA will ask them to sign a mandate (appendix 2). This consent form gives permission for the GHA to clear any belongings from the property and dispose of any items. If there are funds in the estate, the cost of this can then be claimed back.
- 3.6 If any items left in the property could be of value then, with the next of kin or relatives' approval, the Maintenance Manager or Housing Manager can contact an auctioneer. The auctioneers will take the items and sell them to try and reclaim any costs that the GHA has incurred. Some auctioneers will also clear the property and then offset any money gained from the sale of the items against the cost of clearing the property.

Locating next of kin

- 3.7 The GHA will try and locate any family members or next of kin for the deceased and confirm who is responsible for handling the affairs.
- 3.8 In the event there is no known next of kin, the GHA should immediately contact the H M Receiver, at the Royal Court on Tel. 749593. They will take over the whole process. Any monies outstanding should be collected from the estate unless it is proven there is no money.

Succession to tenancy

- 3.9 Any persons claiming the right to succeed a tenancy should complete a social housing application form. The person should contact the GHA to discuss their eligibility before completing an application form. The application should be returned to the GHA within 14 days of the tenant's death.

No evidence of a will

- 3.10 If there is no will with a named executor to the estate or grant of probate, the relatives, family or next of kin will need to sign an indemnity form (appendix 3) at the GHA offices. This will provide written confirmation that any funds and/or belongings can be released to the named persons.

4. Payments

If arrears payments are outstanding for rent, maintenance, or Court cost accounts

- 4.1 The family needs to confirm to the GHA if a probate grant has been issued and pass on the executors' details to them. If no probate grant has been issued, it is because there is very little money in the estate. If the tenant is claiming supplementary benefit, then this indicates that there is little savings.
- 4.2 The GHA will write to the executor or if there is no executor, they will write to the family members or next of kin requesting arrears payment. The GHA will write a second letter requesting payment if no money is received.
- 4.3 If there is no money in the estate, the GHA will request confirmation of this from the executor e.g. bank statement.

- 4.4 If no payment is received from the family members, next of kin or the estate then the arrears will need to be written off.

Funds due from overpayment

- 4.5 The GHA will need to request a copy of the probate grant if one has been issued. If there is no probate grant, the GHA will require a copy of the deceased tenant's will.
- 4.6 Once the GHA has the details of the executor, they will require proof of their identity, for example a passport or driving licence, before a cheque for the funds can be issued.
- 4.7 The GHA will need a receipt from the executor as it is important that the GHA knows who they are paying to and that they are bona fides.
5. Housing Management System
- 5.1 On the death of a tenant, the Housing Officer will put a note against the tenant's file on Aareon, the Housing Management computer system.
- 5.2 If the tenant is nominated the Housing Officer will email States Housing to advise them of the death of the tenant and when the notice period will end.
- 5.3 If the deceased tenant is in receipt of a rebate, this will normally cease the Friday after their death.

Date Approved: March 2018	Next Review Date: March 2020
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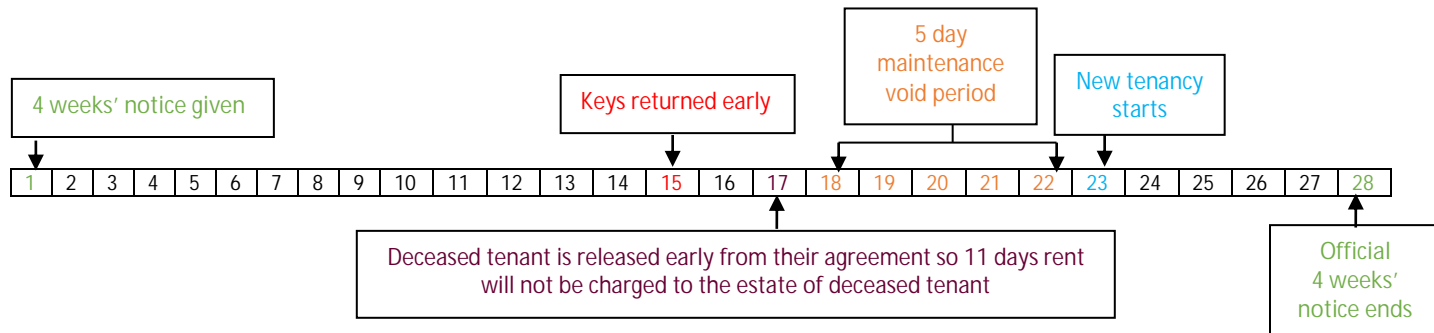
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Date Approved: March 2018	Next Review Date: March 2020
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(Appendix 1)

MANDATE TO CLEAR PROPERTY OF BELONGINGS

Tenant(s) name:

Property:

Iauthorise Guernsey Housing Association to remove and dispose of any items left in the property after the termination date and I understand that I will be charged for this service, along with any items of tenant neglect or damage not deemed to be 'fair wear and tear.'

All items (personal or otherwise) will automatically become the property of GHA from this date, for them to dispose of, sell, gift, remove etc as deemed appropriate and necessary.

Signed:

Print Name:

_____ Date: ____ / ____ / 20__

Address: _____

Contact number: _____

(Appendix 2)

MANDATE TO CLEAR PROPERTY OF BELONGINGS

Tenant(s) name:

Property:

Date of death:

Iauthorise Guernsey Housing Association to remove and dispose of any items left in the property after the termination date and I understand that the estate may be charged for this service, along with any items of tenant neglect or damage not deemed to be 'fair wear and tear.' I also confirm by signing this letter I have been appointed as the executor to the above tenant.

All items (personal or otherwise) will automatically become the property of GHA from this date, for them to dispose of, sell, gift, remove etc as deemed appropriate and necessary.

Signed:

Print Name:

Date: ____/____/20__

Relationship to the tenant:

Address:

Contact number:

(Appendix 3)

INDEMNITY FORM

This Indemnity is made this _____ day of _____ 20____
By _____ [being the executor/administrator of the personal estate of the late
(the Deceased) OR the residuary beneficiaries entitled to the personal
estate of _____ (the Deceased) – delete as appropriate].

- 1 The Deceased died in Guernsey on _____ without leaving a will and or with insufficient assets to warrant applying for probate of the Deceased's estate.
- 2 The Deceased is entitled to a refund from Guernsey Housing Association LBG ("GHA") in the sum of _____ in respect of rent paid in advance ("the rent refund").
- 3 In consideration of the release and indemnity hereinafter provided to GHA, _____ will receive the rent refund.

NOW THE INDEMNITY WITNESSES as follows:-

- 1 By signing this form I/We confirm:
 - 1.1 the information we or any one of us provide or have provided to GHA in the course of our dealings with GHA in relation to the Deceased's estate is correct to the best of my/our knowledge;
 - 1.2 that I/We are legally entitled to administer and/or inherit the Deceased's estate;
 - 1.3 I/We accept that if any other parties come forward who have a valid claim on the Deceased's estate I/We will be liable to repay the monies to GHA;
 - 1.4 I/We will be responsible to GHA in respect of any and all losses, costs or expenses GHA incurs in dealing with any claims or demands which may be made by or against GHA as a consequence of GHA paying the monies to me/us without my/our obtaining a Grant of Probate or Letters of Administration if other parties lodge a valid claim;
 - 1.5 to the best of my/our knowledge the Deceased's estate is not insolvent; and
 - 1.6 that to establish full legal authority and legal title to deal with the Deceased's affairs if at any time it is requested to attach signatures of everyone who is administering the estate.

SIGNED _____
for and on behalf of Guernsey Housing Association

SIGNED by _____
[_____]