

BELGRAVE NEIGHBOURHOOD CO-OPERATIVE HOUSING ASSOCIATION SQUATTING AND UNAUTHORISED OCCUPATION POLICY

Aims of the squatting and unauthorised occupation policy

The following are aims of the squatting and unauthorised occupation policy:

- the co-op's homes are occupied by people who are entitled to be there
- the co-op takes appropriate action to remove people are not entitled to live in the co-op's homes.

Delegated Authority

- 1 The co-op delegates authority to its Senior Housing Lead to operate the squatting and unauthorised occupation policy, reporting to the committee on any significant actions needed in relation to the policy.

Definition

- 2 An unauthorised occupier is someone who:
 - occupies a co-op home with an absent member's consent
 - is another member's lodger living in the co-op home where they are not entitled to take in lodgers
 - has mutually exchanged in the co-op without the consent of the co-op
 - remains in a co-op home after a tenancy has ended, including where a member has died and the person(s) remaining has a reasonable belief that they are entitled to succeed.
- 3 A squatter is someone who enters a building as a trespasser, in the knowledge that they are a trespasser, with the intention to live in the building for a period of time.

Squatting

- 4 Squatting is a criminal act which can lead to six month's imprisonment, a fine or both. It is usually a crime not to leave a property when instructed to do so by the owner, the police, the council or by a repossession order.
- 5 It may be possible to remove squatters by reporting squatting to the police, particularly if it is reported to them shortly after the squatting has started and/or if there is evidence of criminal damage to gain entry, such as broken windows or doors. The co-op will contact the police immediately if they become aware of squatting in a co-op home.
- 6 If the police are unable to remove squatters immediately, the co-op will formally give the squatter a notice that they must leave the property and will apply to the county court for Possession Order.

Unauthorised occupiers

- 7 Where there are unauthorised occupiers in a co-op home, the co-op will issue them with a notice to vacate the property. The co-op will provide information to the unauthorised occupier about alternative accommodation as appropriate.
- 8 Where a former member who has given notice remains in occupation after expiry of the notice, a decision will be taken by the co-op as to whether to enforce possession of the property or to issue a new tenancy to the former member. This decision will be taken on the basis of the existing housing need of the former member.
- 9 The co-op will notify Social Services and the local authority if the unauthorised occupier appears to be less than 18 years of age and will keep them informed of further action.
- 10 The co-op will not accept rent from an unauthorised occupier. Should money be received from an unauthorised occupier, a use and occupation account will be established, and the money received will be considered mesne profits. It will not be referred to as rent.

- 11 The co-op will normally propose possession proceedings against unauthorised occupiers, and where authorised by the Chief Executive Officer will liaise with the co-op's solicitor to do so. The co-op will bring to the attention of the committee any instances where it is considered that it is not appropriate to bring possession proceedings.
- 12 The co-op will normally similarly propose possession proceedings against a member who has illegally sublet their home or who has taken in lodgers where they are not entitled to and, if necessary, against the authorised occupier.

Potential risks to be avoided

- Homes may be occupied and/or damaged by someone who is not entitled to live in them
- There may be danger to members, staff and others who are dealing with squatters or unauthorised occupiers
- The correct procedure to remove squatters or unauthorised occupiers may not be followed, or actions may not be taken quickly enough, resulting in additional costs and delays in letting homes
- A tenancy may inadvertently be established for an unauthorised occupier by accepting rent from them.