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Evictions as a last resort?

**2008/9 Stirling Council evicted 23 tenants for rent arrears.
Here are some key facts:**

- Arrears ranged from £350-£3,800
- On average we:
 - took 14 months from the arrear arising to eviction;
 - took 3 months to meet face to face;
 - met each tenant once;
 - carried out 3 failed visits;
 - spoke to them twice on the phone;
 - wrote them 7 letters; and
 - referred them for independent advice and help just once

The Council agreed that:

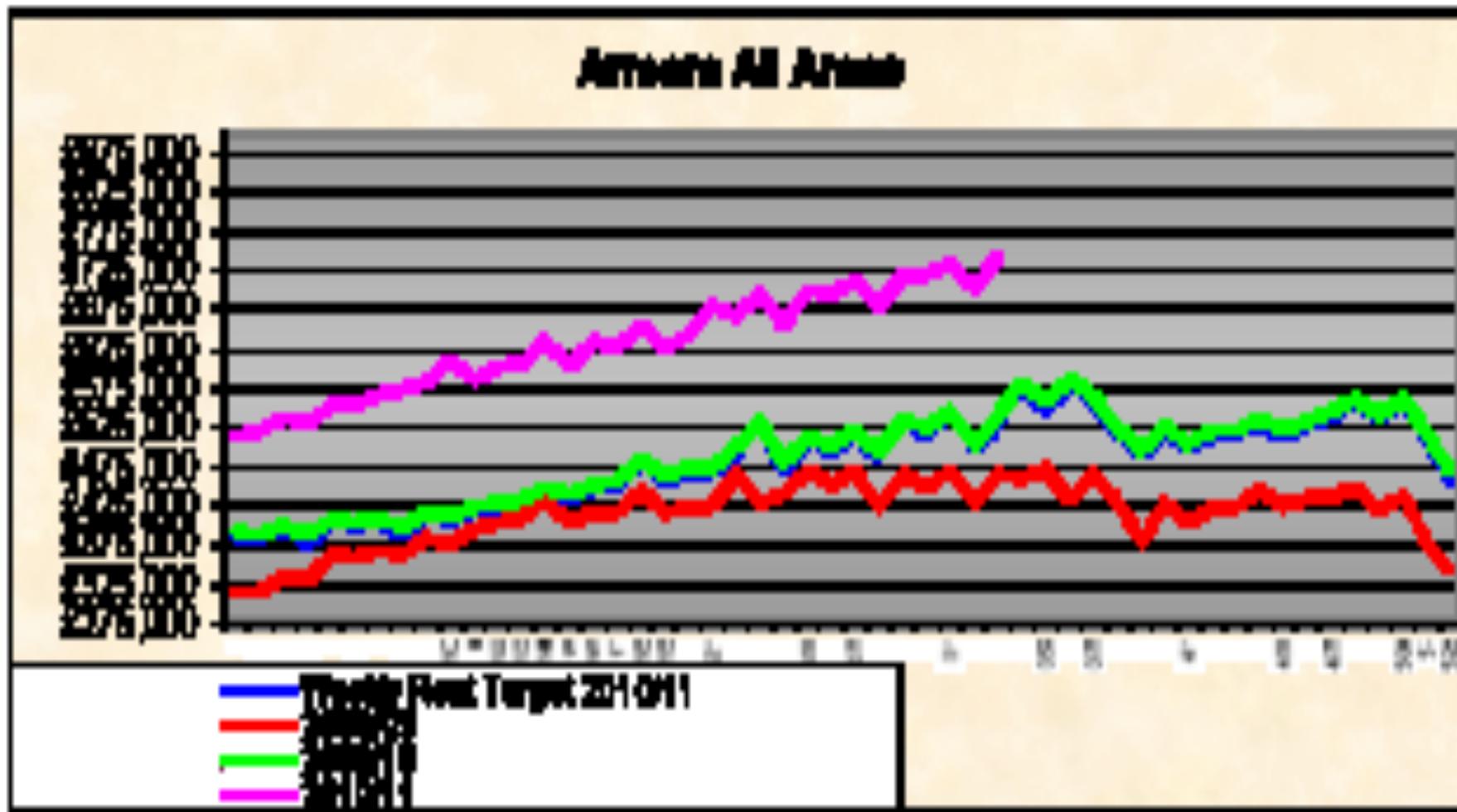
“Recently published figures show that Stirling Council evicted 23 tenants for rent arrears last year. Evictions for rent arrears are draconian and an attack on the poor in our society, especially in this economic climate.

Council resolves to end evicting tenants for rent arrears, with immediate effect. Council also instructs the Head of Housing to write to local housing associations encouraging them also to stop this practice.

Developing a new approach:

- Two additional Income Maximisation Officers
- Two post diverted to pre tenancy and sign up support
- A focus on face to face contact – 40% of our contact is now direct either in person or on the phone
- Changing the culture of the service and expectations of tenants

Current performance



Understanding the cost of evictions

	HRA	General Fund	Total
Void Property Repair Costs	54,083	4,917	59,000
Eviction Housing Rent Arrears	33,000		33,000
Homeless Temp. Accommod		10,000	10,000
Loss of Rental Income (average per void property)	5,500	500	6,000
Legal Costs	2,750	250	3,000
Sundry Debtors (storage & repair rechargeables)	2,750	250	3,000
Homeless Rent Arrears		3,000	3,000
Totals	98,083	18,917	117,000

The Next Steps

Articulating expectations of tenants

- The payment of rent is the primary responsibility of every tenant.
- Services to tenants are funded wholly from rents. A failure to pay rent involves other tenants paying for the service provided to defaulting tenants.
- Meeting the obligation to pay rent is not just a contractual obligation; it is part of the commitment each tenant makes to the whole tenant population.

And our commitment

- Collecting rent effectively is a key part of the Council's wider obligation as landlord; it ensures that the cost of the service is fairly met by all our tenants.
- The Council acknowledges that many tenants may, at some point, face problems meeting their household bills, including their rent. As a landlord we accept the obligation to assist tenants to manage these problems
- This includes a clear commitment not to seek to evict any tenant so long as they are actively and in good faith working with the Council and other agencies to meet their current rent and, when appropriate, reduce their arrear effectively.

Defining “eviction as a last resort”

- the tenant is demonstrably and wilfully refusing to respond to repeated requests to contact to Council to discuss their arrears; and
- this is accompanied by a pattern of rent payment that is either resulting in arrears continuing to rise or failing to reduce the arrear appropriately.

And being clear about what constitutes grounds for eviction

- Paying only when reminded through the initiation of arrears action;
- Failure to maintain a clear rent account over a number of years without any proper explanation or attempt to do so;
- Repeated payment of large sums of rent arrears as a result of the escalation of arrears action followed by periods of non payment and rising debt;
- Other behaviours that require repeated intervention, letters, visits and other contact without response or acknowledgement of the problem.

Embedding this in our procedures

Pre tenancy support and advice

- It is essential that prior to the start of a tenancy the new tenant be given full and accurate advice and information in relation to their responsibilities for the tenancy and payment of rent.
- Research by the Scottish Housing Regulator and others has shown that the number of tenants who fall into arrears within the first few weeks of a tenancy, or where a tenancy fails, is closely related to the letting practices used.

In practical terms:

- A tenancy profile is completed for every new tenant as part of a mandatory pre tenancy meeting;
- The issuing of keys is dependent of completion of a benefit claim or rent in advance;
- New tenancy visits are carried out within 14 days of start;
- A support needs assessment for every new tenant;
- All new tenants have an agreed support plan

Where arrears do arise

Eviction will not normally be considered:

- arrear is less than £1,000: or
- within six months of the initial arrear arising.

Exceptional circumstances eg:

- Where a tenant is withholding rent due to repairs issues when there are clearly no repairs outstanding.
- Mortgage to Rent tenants who fail to pay rent
- Non payment of a non-dependent charge

A culture of avoiding evictions

- Early intervention
- Face to face contact
- Demonstrating the need for escalation
- Focusing on the client
- Involving Shelter early
- Pre action protocol

Working with Shelter

Referrals to Shelter will be made for the following:

- after non-attendance at Serious Arrears Interview
- No contact whatsoever with tenant
- no response to 1st or 2nd arrears letter,
- no response to visits or telephone calls,
- non-attendance at Serious Arrears Interview
- Payment decree obtained ready for enforcement
- Arrears increased by over £400.00 since small claims action raised (i.e. no or few payments made)
- Prior to Notice being served- referral is mandatory

Focus on those at risk

- chaotic lifestyles
- previous eviction decrees,
- previously abandoned a tenancy
- refusing to engage with Housing Services
- failed to attend a Serious Arrears Interview
- facing legal action

However-

- If, after we have been through the whole procedure, and the tenant is still failing to pay rent we will not expect the court process to be part of our collection procedure
- We will look to move to proof and decree as quickly and directly as possible