



## Moray Council

### Void Management Policy

#### 1. Scope of the policy

- 1.1 This policy details the framework used by Moray Council when dealing with the turnover of housing stock and periods where properties are void (empty).
- 1.2 The Scottish Housing Regulator defines a void as a property owned by a landlord that has no tenant and is held on the Housing Revenue Account. The void period is the time, measured in calendar days, between the date of termination of a previous tenancy, or the date the property was repossessed, to the start date of a new tenancy.
- 1.3 The Council will manage void properties effectively in an attempt to minimise void periods, maximise rental income and ensure that the Council's housing stock will meet minimum, legally required standards.
- 1.4 The management of voids can be a complex process involving related actions across several teams, such as:
  - stock transfers for temporary and supported accommodation;
  - tenancy terminations;
  - property inspections;
  - accurate recording of void activities at each stage;
  - identifying any response and rechargeable repairs;
  - identifying void works required to meet the minimum letting standard;
  - raising all works orders against relevant budgets and arranging re-charges where necessary;
  - ensuring the completion of all essential safety checks;
  - quality assurance of void works; and
  - offering and allocating tenancies.
- 1.5 Effective working relationships across the Council's housing teams, allocations team and Building Services teams are vital to ensure the efficient delivery of both the voids and allocations processes.

## **2. Strategic context**

- 2.1. The Void Management Policy will assist the council to meet the aims and objectives of the Local Housing Strategy 2019 – 2024, Moray Corporate Plan 2023, and Moray 2027 – A Local Outcomes Improvement Plan (LOIP).

## **3. Objectives and principles of the policy**

- 3.1 The overall aim of Moray Council's Void Management Policy is to effectively manage void properties while limiting void periods and minimising rent loss.

- 3.2 The specific objectives of the Policy are:

- to ensure that the rent loss through vacant housing is minimised;
- to ensure that properties allocated by the Council meet minimum legal standards as set out in Moray Council's Letting Standard and Scottish Housing Quality Standards (SHQS);
- to ensure the effective, efficient and accountable management of void properties;
- to enable effective monitoring of void management and service delivery; and
- to ensure the Council makes the most effective use of resources to meet housing need and ensure continuous improvement in the voids process.

- 3.3 The principles underpinning the Policy are:

- ensuring legal duties, regulatory requirements and good practise standards are met;
- providing a clear statement of the standard of property the Council will allocate;
- the implementation of detailed procedures and agreed practice to be applied consistently ensuring an effective voids process;
- the provision of staff training to ensure they are equipped to carry out the roles expected of them; and
- to communicate with tenants and service users in 'plain language' so they are aware of their rights and responsibilities.

#### 4. Legal Provisions, Regulations and Standards

4.1 The Council will ensure that the Void Management Policy meets all legislative and good practice requirements. The primary legislation governing property condition and void management is detailed within:

- the Housing (Scotland) Acts 1987, as amended by the Housing (Scotland) Act 2001; and
- the Housing (Scotland) Act 1987 (Tolerable Standard) Extension of Criterion) Order 2019.

4.2 [Section 86 of the Housing \(Scotland\) Act 1987](#) sets out a 'Tolerable Standard' which is the minimum standard required for all housing. Any property below this standard is unfit for human habitation. The [Housing \(Scotland\) Act 1987 \(Tolerable Standard\) \(Extension of Criterion\) Order 2019](#) revises the tolerable standard to include:

- satisfactory equipment for detecting and warning in the event of fire or suspected fires; and
- satisfactory equipment for early detection and warning of carbon monoxide (CO) at hazardous levels.

Moray Council have until February 2021 to comply with this new order in relation to smoke and CO alarms.

4.3 [Schedule 4 of the 2001 Act](#) states that landlords have a duty to ensure that a house is wind and watertight and reasonably fit for human habitation, both at the beginning of the tenancy and throughout its term.

Part 2, Chapter 1 of the 2001 Act also:

- governs the arrangements for terminating a tenancy, either by the required notice, eviction, death, abandonment, transfers/exchanges;
- gives landlords a legal right to enter a property on 24 hours' notice to inspect it;
- gives the outgoing tenant the right to compensation for improvements they have made to the property.

4.4 Section 31 of the Housing Scotland Act 2010 governs the performance of social landlords through the introduction of the [Scottish Social Housing Charter](#) outcomes. This set out the standards and outcomes tenants can expect from social landlords regarding the quality and standard of their home, as well as the value for money regarding the services they receive.

Outcome 4 - Quality of Housing - All council properties should meet the Scottish Housing Quality Standards (SHQS) at the time of allocation, meaning they are clean, tidy and in a good state of repair. These standards describe what all social landlords should be achieving in all their properties unless there are exemptions. Where the landlord cannot meet any part of these standards a review should take place and improvements made as soon as possible. This outcome also incorporates the Energy Efficiency Standard for Social Housing (ESSH) which plays a vital part in meeting national energy efficiency standards set by the Scottish Government's aim of warm, high quality, affordable, low carbon homes across Scotland.

[SHQS Technical Guidance for Social Landlords](#) sets out the minimum housing standards required.

Outcome 13 - 'Value for Money' sets out the need to manage void properties effectively to ensure tenant, owners and other customers receive services that provide continually improving value for the rent and other charges they pay while minimising the time houses are empty.

4.5 The Scottish Secure Tenancy Agreement (SST) is a legally binding contract signed by all tenants. It protects both the tenants' and the Council's interests as well as setting out the responsibilities of both parties. These include notice periods required and what tenant(s) are responsible for when moving out of the property.

4.6 Other relevant provisions include:

- The Gas Safety (Installation and Use) Regulations 1998 as amended by the [Gas Safety \(installation and Use\) \(Amendment\) Regulations 2018](#). These are supported by the Health and Safety Executive's (HSE's) Approved Code of Practice (ACOP). The regulations set out the requirements for landlords to inspect all gas installations and

Council owned appliances in accordance with manufacturer's instructions before a tenant moves in, ensure an annual safety check on each appliance/flue, keep the record of the check for two further checks and issue a copy of the record to the existing tenant within 28 days of the check.

- The [Health and Safety at Work etc. Act 1974](#) and the [Management of Health and Safety at Work Regulations 1999](#) consider the health and safety of all employees, sub-contractors and members of the public in all aspects of work by carrying out risk assessments and providing relevant training.
- [The Energy Performance of Buildings \(Scotland\) Regulations 2008](#) – An Energy Performance Certificate (EPC) must be provided to any new prospective tenant when the vacant property is relet.
- [The Climate Change \(Scotland\) Act 2009](#), as amended by the [Climate Change Bill 2018](#), aims to see the Energy Efficiency Standard for Social Housing (EESH) contribute to reducing greenhouse gas emissions from housing stock across Scotland by 90% by 2050. The Scottish Housing Regulator (SHR) will monitor the Council's compliance against the EESH annually.
- [Scottish Secure Tenants \(Compensation for Improvement\) Regulations 2002](#)
- [Construction Design and Management Regulations 2015](#) ensures that all Health and Safety Requirements are adhered to in the management of voids.
- [Control of Asbestos Regulations 2012](#)
- [General Data Protection Regulations \(GDPR\)](#) and the [Data Protection Act 2018](#) - The Council will ensure that any information given to it as part of the void management process will be processed and used accordingly.
- [Equality Act 2010](#)
- [Human Rights Act 1998](#)

## 5. Tenancy Terminations

5.1. A void property can result from:

- a standard termination notice as required under a Scottish secure tenancy agreement;
- transfer or exchange/downsize to another property;
- the death of a tenant;
- abandonment of the property;
- temporary decant for refurbishment;
- notice given by Moray Council to end the tenancy;
- through re-possession of the property through eviction action; or
- the handover of new build properties from contractor.

5.2. The Council will continually advise and publicise the required notice periods in an attempt to minimise the void time and costs. Examples of this include at tenancy sign-up, settling in visits, through the tenants' handbook, tenants' newsletters and Council website. In most cases the Council will require a standard 28 day notice tenancy termination form, during which time rent will be liable until the keys are returned. Exceptions to this would be cases of death, abandonment and repossession due to eviction. Seven days' notice is required for transfers. Where no notice has been given by the tenant, they will be liable for the full rent during the required notice period.

#### Tenancy Transfers

5.3. In accordance with the Council's Allocations Policy, a tenant who is being considered for a transfer will have their home inspected. If it is identified that the tenant is not adhering to the conditions of their current tenancy agreement, they may be suspended from receiving an offer of housing, until they meet the conditions of their tenancy.

5.4. In a transfer case the tenant must provide at least seven days' notice. The date of the termination will be the day before the start date of the new tenancy unless the tenant requests an overlap, in which case the tenant will be liable for the rent on both properties until the keys are returned.

#### Death of a sole tenant

- 5.5. Where a tenancy is terminated as a result of a death and there is no-one to succeed to the tenancy, in accordance with [Section 22 of the Housing \(Scotland\) Act 2001](#), the Housing Service will:
- request details;
  - advise the tenants' representative that any help the tenant had to pay their rent, for example any Housing Benefit or Universal Credit, will cease from the date of the tenant's death. Please note there are exceptions to this;
  - advise the tenants' representative that they are entitled to a rent free grace week starting from the date of death, to allow the property to be cleared. In the event of keys being retained for a longer period, the Council may seek to recover rent loss from the tenant's estate;
  - make clear to the tenant's representative that rent arrears and outstanding housing related debt will be recovered against the tenant's estate, if any.

#### Abandonment

- 5.6. Where it is suspected that a property has been abandoned, the Council's Abandoned Property Procedures will be followed. In accordance with the [Housing \(Scotland\) Act 2001 \(Section 17\)](#) the Housing Service will:
- conduct reasonable enquiries to establish the whereabouts of the tenant(s) and confirm the property is unoccupied and the tenant(s) no longer intends to occupy it as their only or principal home; and
  - arrange for the property to be made secure as soon as possible and drained down between the months of October and April, if necessary.
- 5.7. In all scenarios, the outgoing tenant will be responsible for all costs relating to clearing out the property and other rechargeable repairs if applicable.
- 5.8. The Council has a right of access at all times of the year where necessary to prevent possible damage or danger to either the property or other tenants. If forced entry is required the tenant will be re-charged any associated costs.

- 5.9. The Scottish secure tenancy agreement (SST) and short Scottish secure tenancy agreement (SSST) sets out what a tenant(s) responsibilities are before moving out of their house:
- leave the house in a clean and tidy condition;
  - remove all personal belongings;
  - make sure any lodgers or subtenants also leave the property;
  - allow access to the property before moving out, at reasonable times, to show new tenants round;
  - hand in the property keys to the housing office;
  - remove any fixtures and fittings installed without the Council's written permission and put right any damage caused;
  - make sure that all payments due to Moray Council have been made;
  - apply for any compensation they be entitled to for any improvements;
  - leave the house in good decorative order;
  - do the repairs they are obliged to do;
  - provide a forwarding address unless there is good reason for not doing so.

**This applies to all tenancies where possible.**

- 5.10 The Council will also send the tenant an acknowledgement letter clearly explaining what their responsibilities are in relation to termination of their tenancy and what actions they are expected to take to ensure the property is left in an acceptable condition. This letter will include a Tenant Exit Survey so the Council can continually collect feedback and implement improvement actions in relation to the housing service that is provided.

## **6. Voids Categories**

- 6.1 The Council categorises void properties depending on the level of work required to meet the Council's Letting Standard. This assists in ensuring the timely re-allocation of the property. A target timescale is applied to each void property which will generate an expected completion date for the work required.

6.2 The Council have three main classifications for void properties:

Provisional Void – All voids will initially default to this category until the property is inspected and the level of works required is identified.

Confirmed Void– Most voids will fall into this category and be assigned a 5, 10 or 15 day target. An extended target can also be set where the property needs some extra work that will be more than 15 days but less than 20 days.

Long Term Void – As defined by the Scottish Housing Regulator:

- Empty properties that have an insurance claim due to fire/flood damage;
- Properties awaiting major repairs/structural work where it is unsafe to be occupied;
- Major improvement or modernisation works that means occupation is not reasonable;
- Properties held for decanting tenants; and
- Any properties subject to a Council decision that deems them as surplus or to be transferred, disposed of or demolished.

## **7. Moray Council Letting Standards**

7.1 In line with the legislation set out in Section 4 above and good practice, Moray Council's Minimum Letting Standards for the re-let of any void property are as follows:

- the property is wind and watertight and free from damp, mould growth and infestation;
- the property will be in a clean condition, with basic preparation work carried out for decorating and a decoration pack provided;
- windows will be double glazed, complete, unbroken and will open and close with suitable handles;
- internal doors will open and close with suitable handles, ironmongery and hinges;
- internal doors, walls, skirtings and facings will be in acceptable condition for decorating;

- floors and staircases will be safe, free from holes with no missing floorboards;
- any carpets not in good condition will be removed along with any visible carpet grippers;
- staircases will have at least one secure handrail and secure balustrades;
- kitchens will have clean surfaces and cupboards, a working sink, adequate storage for cupboards for the size of property, plumbing for an automatic washing machine, space for a fridge and connection for a cooker;
- bathrooms will have a working toilet, bath or shower and wash hand basin with clean surfaces. Any cracked tiles and stained floorboards will be replaced;
- a full central heating system in good working order and serviced annually;
- a gas safety check will be carried out before each re-let with a copy of the most recent gas safety certificate being left for the tenant;
- electrical safety checks to ensure safe lighting and sockets;
- hard wired, working interlinked, ceiling mounted smoke and heat detectors comprising of a smoke alarm in the room most frequently used for general daytime living purposes, a smoke alarm in every circulation space (halls/landings) on each storey and a heat alarm in each kitchen;
- working carbon monoxide detectors fitted in all rooms with a fixed combustion appliance or flue (excluding cookers);
- the property will have clean drinking water with working hot and cold taps in the kitchen and bathroom and a working drainage system;
- all rhones and downpipes will be intact and free from leaks;
- all vents and airbricks will be clear;
- any loft space has a minimum of 100mm (4") of insulation;
- all external doors will work with suitable locks, ironmongery and handles;

- all boundary walls, fencing and gates are complete and safe with working hinges and latches;
- all paths, steps and driveways are stable and safe;
- a rotary dryer or clothes pole is provided;
- all solid fuel bunkers are in a serviceable condition;
- all sheds and outbuildings owned by the Council are safe, secure and watertight;
- gardens are free from rubbish and debris, in a manageable condition with grass cut and any ponds drained and filled;
- any communal areas and stairwells will have adequate lighting and any glass is in a good state of repair; and
- the correct bins and recycling boxes will be provided.

## **8. Property inspections**

8.1. Detailed property inspections are a crucial part of the void management process to establish the condition of the property and any repairs required. The Council's Capital Programmes Team (CPT) will be responsible for carrying out all property inspections and raising the works orders to the Direct Labour Organisation (DLO) for all work required. Each repair will be allocated to the relevant budget depending on the type of repair. For example void repairs will be coded to the voids budget, response repairs to the repairs budget and re-chargeable repairs to the re-charges budget. This will ensure accurate financial monitoring of the respective works.

8.2. Pre-termination inspections will be carried out with the agreement of the tenant within five working days of the termination received date, where possible. The inspection should be attended by either the tenant themselves or the tenants' representative. The inspection details will be recorded on the relevant inspection form. The main purposes of the pre-termination inspection is to:

- make the tenant(s) aware of their responsibilities when moving out;
- agree the general condition of the property and how the property must be left, including what should be left/removed by the tenant;

- identify any response repairs that can be carried out within the notice period;
- identify any void repairs that are the responsibility of the Council that need carried out to bring the property up to the Council's Letting Standard prior to being re-let;
- identify any rechargeable repairs that are the responsibility of the tenant, explaining that if they are not carried out by the termination date, they will be carried out by the Council and re-charged to the outgoing tenant as per the [Rechargeable Repairs Policy](#) and procedures;
- make arrangements regarding utilities, final rent payments, keys;
- identify and check any alterations completed by the outgoing tenant are of a satisfactory standard and identify qualifying improvements for compensation. Any alterations that do meet Council standards and are left in the property will become the responsibility of the Council to repair and maintain; and
- identify any adaptation or special features of the property to assist in the allocation process.

8.3. Post termination inspections will be completed on all void properties within two working days of the keys being returned, where possible. The main purpose of the post-termination inspection is to:

- ensure the property is empty (this includes people, pets and goods);
- ensure the property is secure;
- ensure the outgoing tenant is protected where they have left the property in good condition but damage occurs during the void period or when the new tenant is moving in;
- assess the property's condition against the Council's Letting Standard and SHQS;
- complete mandatory checks using relevant inspection forms;
- identify and assess any further repairs that are required to the property that may not have been visible due to furnishings at the pre-termination inspection;

- assess the decorative standard and review the level of paint pack to be granted to the incoming tenant if required,
- identify whether there are any further rechargeable repairs which are the responsibility of the outgoing tenant;
- review qualifying improvements for compensation;
- determine whether prospective tenants can view the property (if applicable);
- identify any adaptation or special features of the property to assist in the allocation process.

## **9. Adaptations**

9.1 Some void properties will contain a certain level of adaptations making the property suitable for applicants who have an assessed need for specialist housing. Where the property has adaptations or fixed equipment, the Allocations Team will attempt to match the property to applicants on the housing lists who require those specific adaptations. The Capital Programmes Team will be responsible for recording all adaptations to council housing stock.

## **10. Security of void properties**

10.1 Where necessary, the Council will make arrangements to take appropriate security measures at the earliest opportunity where a void property may be deemed to be vulnerable to vandalism or theft of materials/equipment at the property.

## **11. Repairs**

### Void Repairs

11.1 Only repairs (or upgrades) that are essential to meet the Council's Letting Standard or SHQS will be completed during the void period. All other response repairs will be completed in line with the Council's Response Repairs Policy either during the notice period or once the new tenant has moved in to minimise void periods.

### Re-chargeable Repairs

- 11.2 Any repairs that have been identified during the inspections, that are the responsibility of the tenant, will be deemed to be re-chargeable. Where notice has been given, the tenant will be given the opportunity to carry out the repairs to the Council's standard or the tenant will be re-charged. Where no notice has been given the repairs will be carried out and the tenant re-charged for them in-line with the [Rechargeable Repairs Policy](#) and supporting procedures.

### Upgrades

- 11.3 Where heating, kitchen or bathroom upgrades are identified the Council will, where possible, carry out the upgrade within the void period to ensure the property meets the required standard before re-let and avoid any further disruption to the tenant once they have moved into the property.

### Outstanding works

- 11.4 Any repairs or upgrades that are outstanding and causing a delay in the re-let will be discussed with the potential ingoing tenant. Where the tenant agrees and consents to the work being carried out after moving into the property, the re-let will continue and the work will be carried out as soon as possible.

### Right to compensation for Improvements

- 11.5 Moray Council recognises that some tenants may have the right to receive compensation for certain approved improvement works that have been carried out during their tenancy. Area Housing Officers will provide this information where necessary.

## **12. Decoration**

- 12.1 Only basic preparation work will be carried out to each property with decoration packs being issued to ingoing tenants on a room by room basis. Where it has been identified that the ingoing tenant requires assistance due to any particular needs, age, mobility or vulnerabilities the Council will provide assistance to decorate the property.

### **13. Tenant Safety**

13.1 To ensure compliance with the above legislation and regulations at Section 4, the following will take place before any re-let:

- a gas safety check to ensure a fully working heating system, with a new landlord's gas safety certificate provided for the tenant, or a copy given within 28 days of them moving into the property. This includes carbon monoxide alarm checks;
- a valid Energy Performance Certificate (EPC) will be displayed at the property for each re-let;
- a full electrical safety check; and
- smoke alarm checks.

### **14. Communication and recording**

14.1 Void management involves various teams at different stages of the voids process. For successful void management it is crucial that all staff across the teams, including any contractors:

- communicate effectively and undertake their part of the process efficiently within set timescales; and
- accurately record each stage of the void, as set out in the Void Management Procedures, to keep other teams up to date with the void progress.

This is fundamental in ensuring that subsequent stages in the void process can progress without any delay.

14.2 Managers will commit to ensuring that all staff are fully aware of what recording is required at each stage of the process, providing training where necessary.

### **15. Offering tenancies**

15.1 Prospective tenants, including transfers, will be selected in accordance with Moray Council's [Allocations Policy](#). This will be carried out as soon as possible in an attempt to minimise the void period and associated rent loss.

15.2 Viewings will be arranged during the void period by an Area Housing Officer and should only take place while works are being carried out if the Housing Projects Officer has deemed the property to be safe. All properties subject to an offer should be viewed by the prospective tenant(s) wherever possible before they accept the property.

## **16. Re-let of void property**

16.1 When a prospective tenant has indicated their acceptance of a property, the date of entry to the house must be agreed. This will be as soon as possible after all essential repairs have been completed, unless outstanding works has been agreed with the tenant as per Section 9 above.

16.2 Once the tenancy agreement is signed and the first weeks rent has been paid in advance (or a housing benefit/ Universal Credit form has been completed), the tenant will be provided with the keys to the property.

## **17. Reviews and complaints**

17.1 Each individual council policy involved in the voids process such as the Allocations Policy, Response Repairs Policy, Re-chargeable Repairs Policy have their own appeal and/or review arrangements. If a tenant has any further issues regarding the condition of the property, they should discuss this in the first instance with their Area Housing Officer.

17.2 If the tenant is not satisfied with the response they should contact the Area Housing Manager or the Housing Services Manager.

17.3 If the tenant is not satisfied thereafter, they may appeal through the Moray Council's Complaints Procedure. The tenant must be advised of their right to appeal using the Council's Complaints Procedure.

## **18. Performance monitoring**

18.1 The Scottish Social Housing Charter came into force on 1 April 2012 and

describes the outcomes and standards that all social landlords should aim to achieve when performing their landlord functions. The outcomes are as follows:

- the customer/landlord relationship;
- housing quality and maintenance;
- access to housing and support; and
- getting good value from rents and service charges.

18.2 The Charter places a statutory duty on the Council to complete the Annual Return on the Charter (ARC) to the Scottish Housing Regulator (SHR). This provides key information on the Council's performance throughout the financial year in relation to void properties and allocations.

18.3 The Council will monitor its performance on void properties using the specified local and national performance indicators:

- Indicator 3 & 4 – The percentage of Stage 1 and 2 complaints responded to in full and the average time in working days for the full response.
- Indicator 6 – Percentage of stock meeting the Scottish Housing Quality Standards (SHQS);
- Indicator 7 – Percentage of tenants satisfied with the quality of their home;
- Indicator 14 – Percentage of tenancy offers refused during the year;
- Indicator 17 – Percentage of lettable houses that became vacant throughout the year;
- Indicator 18 - Percentage of rent loss through void properties being empty during the year. Where there are exceptional circumstances affecting the future use of a property or the length of time it will take to bring the property back to a lettable standard (long term voids for example) the Asset Manager will authorise the exemption of the property; and
- Indicator 30 – Average length of time taken to re-let properties;

18.4 These performance indicators are reported to the Communities Committee every 6 months and to the Scottish Housing Regulator annually.

- 18.5 The Housing Service will continuously monitor void activities internally on an ongoing basis through compliance audits and quality assurance checks. This will ensure the effective and consistent application of the void management procedures across all areas of the process.
- 18.6 In addition, all new tenants receive a 'New Tenant Survey' within 6 weeks of signing their tenancy agreement. The results, and any comments, are circulated to relevant managers involved in the voids process and used for continuous service improvement.

**19. Review of Policy**

- 19.1 This policy will be reviewed in 2023, unless an earlier review is required due to legislative or organisational changes.