



# VOIDS MANAGEMENT POLICY

## **1 Introduction**

- 1.1 Mid Devon Housing (MDH) is part of Mid Devon District Council (the Council). It is responsible for the Council's housing stock including the maintenance, management and letting of its properties.
- 1.2 The policy sets out how MDH will manage its properties which are currently empty because a tenancy has ended and a new tenancy has not yet started i.e. so called 'voids'.
- 1.3 This is an update to the previous Voids Management Policy OBS 004 dated January 2019.

## **2 Legal Framework and Context**

- 2.1 The Housing Act 1985 applies with regard to the management of Council housing. The relationship with tenants is set out in our Tenancy Agreement. This details the rights and responsibilities of both parties including those obligations relating to the termination of a tenancy.
- 2.2 Other legislation is also relevant to the safety of our properties (e.g. gas, electrical and water safety) as well as construction/design and management regulations are all applicable in the context of inspecting and undertaking works to void properties.
- 2.3 The policy enables compliance with the mandatory Decent Homes Standard and the consumer Home Standard set out by the Regulator of Social Housing (RSH). This legislation and standards cover what social landlords should be achieving in all their properties in respect of decency, modernisation, repair and safety.
- 2.4 The Neighbourhood and Community Standard which also forms part of the regulatory framework for social housing is also relevant to how the Council manages and re-lets its properties and in what standard.
- 2.5 Following publication of the Social Housing White Paper in late 2020, the Social Housing Regulation Bill is currently on its way through Parliament at the point of review and update to this policy and has been taken into account. It is expected to become law in 2023 and once implemented, this will impact the regulatory framework for social housing and introduces a new proactive, consumer regulation regime focussed on meeting the needs of tenants. One aim of the legislation and regime is to ensure that providers of social housing, such as the Council, keep its properties and estates safe and clean.
- 2.6 These new standards are there to ensure people feel safe and secure in their homes, can get problems fixed before they spiral out of control, and see exactly how good their landlord is performing giving tenants a stronger voice. Of the seven chapters within the White Paper, several are particularly relevant to the aims of this policy:
  - o To be safe in your home (Chapter 1)
  - o To know how your landlord is performing (Chapter 2)
  - o To have your complaints dealt with promptly and fairly (Chapter 3)
  - o To have a good quality home and neighbourhood to live in (Chapter 6)

- 2.7 As part of the new consumer regulation regime, from April 2023, the RSH is introducing a series of 22 mandatory Tenant Satisfaction Measures (TSMs) creating a new system for assessing how well social housing landlords in England are doing at providing good quality homes and services. These measure include those applicable directly to building safety as well as those based on tenant perception surveys setting out tenants views on our performance which will include transferring or new tenants coming into a previously void property.
- 2.8 Our voids management policy and subsequent performance have the potential to directly or indirectly impact on almost all of these TSMs. The measures are set out in Annex 1.
- 2.9 The new TSMs will form part of the key benchmark for all major registered providers of social housing including MDH. The emphasis behind these measures is clearly on tenant experience or satisfaction and how tenants believe we are performing alongside management information on repairs, safety, complaints and anti-social behaviour which have been reflected in this policy.
- 2.10 There is no TSM on void turnaround times or overall occupancy rates and taking into account the new focus of the regulatory regime we must work within has required a shift away from a more singular, historic focus on minimising void turnaround times and letting to a minimum legal standard only.
- 2.11 Our recently adopted Housing Strategy (2021-25) encompasses many of these requirements setting out specific objectives and targets. An important part of this includes the delivery of more affordable homes including growing our Council house stock. There will be times that void properties present opportunities to access and develop our land for this purpose whilst also replacing end-of-life (typically concrete pre-fabricated) homes.
- 2.12 Mid Devon District Council, of which MDH is part has also set an ambitious target to be net zero carbon by 2030. As the biggest contributor carbon emissions, MDH, either through its direct actions or activities or those of our tents, has a key role in the decarbonisation of our stock through major planned retrofit and refurbishment works.

### **3 Policy Aims and Objectives**

#### Aims

- 3.1 Within the legal framework and context set out in Section 1, this policy aims to ensure that properties which become void are re-let as quickly and efficiently as possible, with due regard to the needs and requirements of outgoing and incoming tenants and the need to maintain our properties to the agreed, safe lettings standard whilst retaining a sustainable stock and Housing Revenue Account.

#### Objectives

- 3.2 Overall, in order the meet the aims of this policy, the policy objectives are:
- o ensure compliance with our regulatory framework and that our properties are safe
  - o properties are re-let to an appropriate standard
  - o balance the need to ensure maximum occupancy of homes and minimum void re-let times with the needs of tenants
  - o ensure our void periods used as part of an overall asset management approach that is efficient as possible to deliver works required as cost-effectively as possible
  - o enable new Council homes to be built in line with our overarching Housing Strategy

3.3 In more detail, this policy ensures that MDH will:

- minimise void rental loss, void periods and void repair costs through effective coordination of housing management, maintenance and redevelopment operations to re-let properties within agreed target times.
- ensure effective, efficient and accountable management of properties
- have effective monitoring and reporting of void management and service delivery.
- ensure that tenants are aware of their tenancy obligations in relation to ending the tenancy e.g. requirement to give 28-days notice, to return all keys promptly and to fully clear the property and leave it in a clean, acceptable condition
- ensure that repairs to properties are undertaken to enable MDH to re-let to the lettings standard (see Appendix 1) and that where appropriate “rechargeable” repair costs are met by the outgoing tenant or pursued post termination
- make effective use of void periods to carry out upgrading, decarbonisations works or major repairs as appropriate and to co-ordinate with the major repairs and modernisation programme with regard to decant requirements
- make effective use of void periods regarding the MDH Housing Revenue Account rolling 5-year development programme and building of new Council homes
- seek to prevent end of tenancy arrears wherever possible
- ensure incoming tenants are given all required information, documentation and advice to allow them to move into the property promptly at the agreed commencement of tenancy date
- achieve high levels of tenant satisfaction with the condition of properties at the beginning of the tenancy and subsequently

## 4 Void definition

4.1 In general terms, “voids” are properties which are currently empty because a tenancy has ended and a new tenancy has not yet started. Voids may arise due to formal termination of a tenancy, abandonment of a tenancy, the tenant transferring to another tenancy, eviction of the tenant or the tenant's death.

4.2 More specifically, for more formal purposes and when accounting for voids management performance, a “void” is defined as:

*A property for which there is a current rent account, but for which no current tenancy exists. In line with guidelines the “void period” is the period which commences the first day there is no rent debit and ends on the day before a new rent debit is raised.*

4.3 Voids can be further sub-defined as follows:

- A property that can be re-let but is unavailable

Typically a property undergoing works for repair, modernisation, decarbonise or to facilitate wider development and held by our voids team within Building Services

- A property that is available but is not re-let

Typically a property going through the allocation process via Devon Home Choice or a direct letting and being re-let including prospective tenant viewing, checks and assessments prior to award of a new tenancy and held by our allocations team within Housing Management

- 4.4 An empty property may not always mean it is a void. It could be the tenant is absent for period of times for legitimate reasons but maintains an active tenancy or the tenant has died but there is formal process to secure the property going forward before it can legally be re-let. Alternatively, MDH may have an injunction temporarily decanting a tenant into other accommodation (often to carry out urgent works and repairs caused by tenant damage) or we are seeking a formal possession order to end a tenancy and legally re-let including where a tenant is absent. Finally, a property may have a demolition order in place pending removal from our stock (typically for end-of-life properties and redevelopment) and cannot be re-let on a secure tenancy basis.

## 5 Performance Management

### Background and changes

- 5.1 Historically, Housing at MDDC was operated by two distinct, separated managed service areas – Housing Services (housing/tenancy management) and Building Services (property management). This resulted in void management being largely associated with void properties held by our Building Services team, largely as reflection of this as the major area of activity of which there was greater direct control.
- 5.2 Previous void management policy consequently set out performance management approaches and targets relevant to voids that focussed on the activity of our Building Services and bringing properties back to use following the end of a tenancy (rent debit) and making it available for our re-letting (allocations) process.
- 5.3 Since 2021, the two distinct areas of the housing service have been restructured and reorganised and operate under a single, coherent MDH banner. As a result we have reviewed voids processes, our categorisation and asset management work relevant to these voids and our overall performance management approach with the core policy aims and objectives.

### Benchmarking

- 5.4 MDH subscribe to the independent benchmarking which is currently provided by the Housemark 'Pulse' benchmarking service. Housemark collect data from 200 social landlords including MDH on a monthly basis providing consistent data for 15 measures sector comparison purposes. This service provides performance indicators and benchmarking data that includes the % of social homes let (an overall occupancy rate including all voids) but does not report on void turnaround times or related targets.

### Internal performance management

- 5.5 Procedures and processes for gathering information and recording each stage of void processing are in place and this information will be used to provide the following internal performance management information:
- Average re-let times for all voids including by category
  - Details of all long-term voids including “difficult to let” properties or voids with no applicants for re-housing or undergoing major planned or unplanned works or held for redevelopment purposes
  - Actual numbers of voids (terminated and re-let) on a monthly basis
  - Vacancies as a % of total stock.

- Cumulative income loss through voids (£ and as a % of annual rent including lost rent, council tax payments against decant costs avoided).
- Cost of tenant damage in returning voids to availability (£ repair and refurbishment)
- Actions taken to reduce voids in difficult to let properties.
- Offer refusal rates and reasons

5.6 This detailed management information will underpin and be provided as part of each subsequent review and update of this policy. Financial information will also support relevant budget setting and reporting.

Performance reporting and targets

5.7 Beyond key information we will gather and assess for management purposes as set out in section 5.5, MDH recognises the importance of working to specific timescales in dealing with voids as part of performance monitoring and ongoing review of operations.

5.8 Operation of the Voids Policy will be reported to the Homes Policy Development Group on a quarterly basis incorporating the void categories and targets below. This information will also be made available to tenants directly via newsletters, our annual report and online tenant dashboard.

The categories targets are as follows:

1. **Standard voids** including temporary accommodation – **35 working days** (based on 20-days Building Services/works and 15-days Tenancy Management/allocations)
2. **Major voids** – **55 working days** (based on 40-days Building Services/works and 15-days Tenancy Management/allocations)
3. **Decent Homes** – **75 working days** (based on 60-days Building Services/works and 15-days Tenancy Management/allocations)
4. **Development** – **1 calendar year** (no split between Building Services and Tenancy Management)
5. **Occupancy rate** – **97% of stock** (rolling monthly target)

5.9 It is important to note that the above targets are the maximum timeframe, staff will always be working towards minimising the number of void days.

5.10 Within these targets, the above categories of voids are defined as follows:

**Standard** - works carried out but not limited to: gas and electrical safety checks, removal of all items internally / externally and cut garden, lock changes, routine repairs, minor decoration and cleaning.

**Major** – standard works plus gas or electrical safety repairs, pest control treatments, major repairs (doors, windows and structural repairs), major redecoration (more than one room or major area)

**Decent** – standard or major works plus Decent Homes works (kitchens, bathrooms, heating upgrades, decarbonisation works, asbestos removal, legionella works)

**Development** – long-term properties scheduled for demolition and/or subsequent replacement through redevelopment that may not be re-let with a secure tenancy whilst plans, studies and planning permissions etc are sought. These may or may not be returned to stock depending on the outcome of feasibility and subsequent planning process. If a property is confirmed for removal from stock and/or has a demolition order in place and is not suitable for temporary accommodation then it no longer meets the void definition and will be removed from void reporting

- 5.11 Development voids will only be a very small number of voids at any one time and the overall occupancy target will apply.
- 5.12 MDH will endeavour to demolish any empty properties not suitable for this use as soon as practicable to avoid any illegal trespass/occupancy and blight risks alongside long-term Council Tax liabilities arising from empty homes status.

Using development voids as temporary accommodation

- 5.13 If development plans can be advanced and planning permission granted and it is identified that specific individual properties cannot be re-let until development proceeds then these will be removed from reporting as noted in 5.10.
- 5.14 The exception to the above is where properties meet essential safety standards and can be used for temporary homelessness accommodation in the short-term via direct, licensed lettings until demolition orders and planning permissions etc are in place and works commence.
- 5.15 Regular meetings will be held between the development and voids teams in Building Services, the allocations team in Tenancy Management (both MDH) and the homelessness team in Public Health to maximise opportunities for temporary accommodation and therefore minimise void periods. This will also support the tenant engagement and consultation process where development is proceeding and tenant decants and short-term or permanent moves are required (subject to separate policy).

Pre-checks, inspections and assigning void categorisation

- 5.16 Targeted property condition checks by Neighbourhood Officers and other tenancy staff will be carried out where a notice of end of tenancy is provided. All ongoing tenants providing notice will be requested to complete an end of tenancy checklist regarding property condition and damage. This will provide helpful information for the voids management process and minimise some avoidable void time. Nonetheless, the actual works required on a property cannot fully be established until a property is fully visible and accessible (empty) and surveys and voids teams or contractor inspections carried out.
- 5.17 Voids will only be formally categorised and assigned a turnaround target once an initial inspection of the empty property has been undertaken and key asset management decisions undertaken. This is to allow for proper, cost-effective asset management as well as a full check for damage/repairs and required works with all relevant spaces fully accessible and visible. Re-categorisation may have to take place where significant additional works are uncovered during the repairs process. Provisions for recharging former tenants for lost keys, replacement locks and damage remain in place as set out in section 6.

## 6. Areas of Responsibility

### MDH

- 6.1 The relevant Corporate Manager for MDH has responsibility for ensuring that this policy is met and therefore complies with Regulatory and Legislative requirements in addition to meeting the MDH business planning and budget commitments. They are also responsible for the production of timely and accurate performance management and reporting as set out within the policy.
- 6.2 The relevant Operations Leads for MDH – have responsibility for operational delivery split across our Building Services and Tenancy Management functions. They must ensure that appropriate support and timely advice is provided to the Corporate Manager and relevant staff to ensure compliance with the policy and the MDH business planning and budget commitments. They are also responsible for day-to-day budget monitoring in relation to voids management across the different functions and for the provision of timely and accurate data as set out within the policy.
- 6.3 Where this policy is relevant to Health and Safety then the Designated H&S lead for MDH is also accountable for relevant aspects relating to building safety.
- 6.4 The above officers form the overall management team for MDH.
- 6.5 The above will work closely with other teams and support staff including the Finance and Performance Team lead for the service who will support in the collation of information, the identification of issues and gaps and provide reactive and proactive reports as relevant to support the delivery of this policy and the overall management of voids.
- 6.6 Reporting of policy compliance is through the Homes PDG and Cabinet as required notwithstanding the Scrutiny functions of the Council and the role of the Regulator of Social Housing in addition to the Housing Ombudsman service.
- 6.7 Overall, MDH have a responsibility to ensure incoming tenants have the right to a property that meets our lettings standards, is safe, clean with a reasonable level of decoration as well as meeting the Decent Homes Standard. Some cosmetic exceptions will be made for properties let as urgent temporary accommodation.

### Tenants

- 6.7 Tenancy Agreements relating to Council houses set out which repairs Tenants are responsible for. It advises Tenants that they must keep their home in a reasonable condition, and leave it clean and tidy when they end their tenancy. It states that we will recharge the Tenant for the cost of making good any damage they have caused and clearing any damage they may have caused and cleaning any items left behind.
- 6.8 All other types of Tenancy Agreements including licences for Temporary Accommodation set out the Tenant's responsibilities for repair and maintenance of land/property they are occupying.
- 6.9 Any rechargeable repairs will be identified where possible during the pre-void inspection and the tenant made aware of their responsibilities regarding these.



- 6.10 The outgoing tenant will be asked to sign the list of rechargeable repairs and this will be used as a checklist to ensure that their responsibilities have been met.
- 6.11 The Council reserve the right to recharge the outgoing tenant for any rechargeable works that were not visible during the pre-void inspection or identified on a pre-void checklist.
- 6.12 If the outgoing tenant is moving into other accommodation was any type or tenure they will be required to provide a forwarding address, as specified in their tenancy agreement.
- 6.13 For the full terms and conditions relating to tenants responsibilities please refer to the tenancy agreement or licence.

#### Mutual responsibilities and opportunities

- 6.14 All prospective secure tenants are provided with information about the property attributes, and local neighbourhood facilities prior to viewing.
- 6.15 When a prospective tenant has indicated their acceptance of a vacant property, the tenancy will commence as soon as possible after all essential repairs and identified works are completed and the allocations team will engage with the new tenants to keep them informed.
- 6.16 All new tenants are given an opportunity to feed back their satisfaction with the void management process and standard of the property when let. New tenants will be visited within the first six weeks of their tenancy commencing. In summary the purpose of this visit will be:
  - to welcome the tenant and give an opportunity for them to ask any questions, raise any concerns and follow up on any outstanding issues;
  - to establish if they need any extra help setting up their home and identify any support needs the tenant may have;
  - to offer any advice about benefits that the tenant may be entitled to receive;
  - to discuss rent payment options or delays with outstanding Housing Benefit or the Housing Cost element for Universal Credit claimants;
  - to reinforce the terms of the tenancy agreement and the tenants' rights and responsibilities;
- 6.17 This will ensure the sign up process and settling in visit has a significant, positive impact on the sustainability of tenancies.

### **7 Transfers and Mutual Exchanges**

- 7.1 This policy does not relate to transfers (internal movement of existing secure or flexible tenants between properties) or mutual exchanges (swapping of homes between Local Authority or other registered providers) as there is no void and managed under separate legal and policy provisions.
- 7.2 In undertaking a transfer or mutual exchange, in terms of property condition and decoration, incoming tenants have different rights and obligations although all MDH properties will be safe and compliant.

## **8 Risk Management**

8.1 The MDH management team will consider the risk management factors of void management including:

- Financial risk through potential failure to ensure that enough income is collected to cover operating costs due to excessive rent lost to voids and other costs or excessive statutory costs due to decanting tenants in non-void properties and excess costs arising from undertaking planned works with tenants in-situ
- Other financial risks arising from end-of-life properties and repairs/refurbish decisions to extend property life against the Decent Homes Standard and redevelopment/replacement of properties
- Delivery of the adopted Housing Strategy and objectives therein including the delivery of more affordable Council housing
- Non-compliance with Regulatory or best-practice requirements and performance indicators or mandated tenant satisfaction measures
- Formal guidance from the Regulatory of Social Housing, Housing Ombudsman or other relevant Government guidance

## **9 Linked Strategies, Policies and Procedures**

9.1 The following strategic documents and policies are linked to this policy:

- Housing Strategy
- Allocation Policy
- Tenancy Standard Policy Framework
- Tenancy Inspection Policy
- Decant Policy
- Vulnerability Policy
- Planned and Reactive maintenance Policies
- Debt Recovery Policy
- Asset Management Policy
- Health and Safety
- Tenancy agreements and temporary accommodation licences
- 5-year rolling development programme

9.2 The following procedures are linked to this policy

- Ending tenancies and return of key
- Pre-voids inspections and checklist
- Organisation of repair works
- Planned works: maintenance, safety, modernisation/upgrading and decarbonisation
- Planned works: refurbishment and decoration
- Redevelopment works and site-specific development project plans
- Transfer to allocations
- Property re-lets/allocations
- Properties for which there are no applications
- New developments – first lets

## **10 Tenant Consultation**

- 10.1 MDH has consulted on the Voids Management Policy and its component parts in line with its Tenant Involvement and Empowerment Standard Policy. Additionally, MDH will carry out Customer Satisfaction Surveys, TSM Perception Surveys and new tenant Home Visit responses that will assist in the shaping of any future review of this policy.

## **11 Complaints**

- 11.1 Any tenant may submit a complaint, using the MDH complaints procedure if it is felt that MDH has failed to correctly apply this Void Management Policy. More information is available at <https://www.middevon.gov.uk/residents/mid-devon-housing/help-and-support/complaints-and-feedback/> or by contacting MDDC at Phoenix House, Phoenix Tiverton EX16 6PP or 01884 255255 and asking for the Housing Support Team.

## **12 Review and Version**

- 12.1 MDH will review this Policy every 5-years and as required to address legislative, regulatory, best practice or operational issues.
- 12.2 This policy was produced in December 2022 and is version 3.7, as such it is an update of version 3.6 dated January 2019.

## Annex 1 – Regulator of Social Housing Tenant Satisfaction Measures

### Overall satisfaction

TP01: Overall satisfaction

### Keeping properties in good repair

TP02: Satisfaction with repairs

TP03: Satisfaction with time taken to complete most recent repair

TP04: Satisfaction that the home is well maintained

RP01: Homes that do not meet the Decent Homes Standard

RP02: Repairs completed within target timescale

### Maintaining building safety

TP05: Satisfaction that the home is safe

BS01: Gas safety checks

BS02: Fire safety checks

BS03: Asbestos safety checks

BS04: Water safety checks

BS05: Lift safety checks

### Respectful and helpful engagement

TP06: Satisfaction that the landlord listens to tenant views and acts upon them

TP07: Satisfaction that the landlord keeps tenants informed about things that matter to them

TP08: Agreement that the landlord treats tenants fairly and with respect

### Effective handling of complaints

TP09: Satisfaction with the landlord's approach to handling complaints

CH01: Complaints relative to the size of the landlord

CH02: Complaints responded to within Complaint Handling Code timescales

### Responsible neighbourhood management

TP10: Satisfaction that the landlord keeps communal areas clean and well maintained

TP11: Satisfaction that the landlord makes a positive contribution to neighbourhoods

TP12: Satisfaction with the landlord's approach to handling anti-social behaviour

NM01: Anti-social behaviour cases relative to the size of the landlord