

Illegal Occupiers Policy

Policy Statement

The Illegal Occupiers policy is designed to ensure that prompt legal action is taken to evict illegal occupiers so that property can be relet and rent loss is minimised.

Effective Date

September 2001

Scope

- This policy applies to all staff. Any member of staff may become aware of illegal occupiers and has a responsibility to report it to a Neighbourhood Services Team who will administer the procedure.
- It is in Somer's interest to minimise illegal occupation. It may delay the letting process and result in rent loss, damage and nuisance to the surrounding community.
- It is the responsibility of the Neighbourhood Services Teams to investigate all reports of illegal occupation and ensure that legal action is taken as quickly as possible.
- Prompt action against existing illegal occupiers and preventative measures will help Somer to manage its housing stock more effectively and efficiently.

Principles

- There are a number of ways in which Somer may become aware of illegal occupiers. Neighbouring residents may report that somebody has broken into an empty property, estate based staff such as Neighbourhood Officers, or maintenance staff carrying out inspections/works may discover illegal occupiers.
- People who occupy a property without permission are trespassers. In order to regain possession of an empty property officers need the follow one of the following four options depending on the circumstances:
 - 1) An existing tenant can require the illegal occupiers to leave under the Criminal Law Act 1977 as a displaced residential occupier.
 - 2) A new tenant can require the illegal occupiers to leave under the Criminal Law Act 1977 as a protected intending occupier.

- 3) If there is no tenant or new tenant Somer should obtain an Order 24 under County Court rules, leading to eviction by Court Bailiffs.
 - 4) If there is no tenant or new tenant and possession is required speedily Somer can take action through the High Court, though this is an expensive option.
- An illegal occupier has protection from violent eviction under the Criminal Law Act 1977. It is an offence for anyone to use or threaten violence against people or property in attempting to enter premises occupied by illegal occupiers, knowing that an illegal occupier is in the premises at the time and that he or she is opposed to their entry.
 - All staff must be aware that in **no** circumstances should money be taken from illegal occupiers. This may create a legal tenancy.
 - As a general point of principle we would not rehouse an illegal occupier in the property they were occupying. Housing Services Officers should provide advice and support, particularly where the illegal occupier is vulnerable and/or has children when they should be referred to the local authority and social services departments.
 - Good practice guidelines for preventing illegal occupation recommend the following measures:
 - Monitoring empty properties. All estate - based staff can have a role in this.
 - Protect empty properties with good security measures.
 - Using curtains, timed light switches in empty properties.
 - Minimising void times as far as possible.
 - Encouraging neighbours to report any signs of illegal entry, unauthorised occupation, damage etc.

Application

- The procedures that accompany this policy document outline the three main scenarios that Somer may face in relation to illegal occupiers.
- Each scenario is followed by detailed action points, which should be followed to ensure that prompt legal action is taken.