EDEN HOUSING ASSOCIATION LIMITED

RENT ARREARS, FORMER TENANCY AND CUSTOMER DEBT POLICY*

*Formerly two separate policies. Combined at review in May 2025 at request of Executive Team

Document Reference Number:	**Fin07**
Document Owner:	**Housing Manager**
Approved By:	**Executive Team**
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Policy Implementation Date:	**3 October 2025**
Revision cycle:	**3 years)**

This policy applies to Eden Housing Association and all its wholly owned subsidiaries, including Mitre Housing Association

Review/Amendments Record – Rent Arrears Policy

Date	Change by	Summary of Change
29/5/12	HW	Change references to Carolyn Greenhalgh into Assistant Director (Housing & Support)
29/5/12	HW	Add in references to quarterly rent statement production
Jan 13	HW	Minor change to wording in section 1 (making arrangements to clear arrears within 2 years)
Jan 16	HW	Policy Review addition of reference to UC and 52week rental charges
Dec 16	HW	Policy Review, strengthening section on UC and advice. Update to job titles etc. following restructure
March 19	MC	Implementation of Starter Tenancies / DWP changes
Jan 20	MC	Full review, check against legislation & good practice. Updated format to new format. Changed references from Neighbourhood Team to Housing Team following team changes.
Nov 21	JG	Light touch review ahead of sign-off at exec as cycle missed due to C19. Tweak to 3.9 – aim to recover debt in twelve months. New corp plan added
May 25	JG	Combined Rent arrears policy with the Former Tenancy and Customer Debt policy at request of Exec Team

1. POLICY STATEMENT

Eden Housing Association's Rent Arrears Policy aims to support the delivery of the corporate strategy for the organisation.

Our mission:

- To be a high performing, community rooted landlord and employer shaped by our tenants and trusted by our partners,
- To be an efficient, agile housing association empowering colleagues to deliver a personalised and local service.
- To see and embrace difference whilst building inclusivity

Our vision:

To be a leading not-for-profit housing association, providing places where tenants can live safely and well in good homes across rural Cumbria.

The overall aim of the Rent Arrears and Former Tenancy and Customer Debt Policy is to demonstrate good financial management by taking a robust approach to rent arrears which focuses on prevention and encouragement of a payment culture to ensure tenancies are sustained.

2. REFERENCES

Internal

- Rent Arrears Procedure
- Former Tenancy Debt Procedure
- Allocations CBL policy

External

- The 1985 Housing Act (As amended)
- The 1988 Housing Act (As amended)
- The 1996 Housing Act (As amended)
- Homeless Reduction Act 2017
- Pre-Action Protocol for Rent Arrears

3. POLICY CONTENT

3.1 The Association aims to maximise rental income which we are reliant on for the pursuit of improving services to our residents and the maintenance of our stock. Our principle strategy is prevention and early intervention, keeping arrears to a minimum through firm but fair and equitable action where eviction is used only as a last resort.

3.2 We aim to:

- Be respectful and inclusive when dealing with customers and communicate in a clear and effective manner.

- Carry out a Pre-Tenancy Affordability check with the applicant before the property is offered. During this process we will discuss their income, expenditure and benefit entitlement. If it is apparent that the applicant is not in a position to cover the rent and associated charges, the property may not be offered. However, alternatives will be discussed.

- Provide new tenants with information at sign up making sure they clearly understand how to pay their rent and the implications of non-payment.

- Offer a variety of different payment methods including Direct Debit, Swipe Card, Debit Card/My Account and Text Payments.

- We will work closely with Housing Benefit departments/DWP departments in liaising on behalf of our tenants where necessary.

- We will offer advice, assistance and support to all tenants in receipt of Universal Credit. We will try to work closely with DWP liaising on behalf of our tenants where required and will refer tenants to Financial Inclusion Service as soon as any difficulties become apparent.

- Provide a tailored approach for vulnerable tenants and work principally with our colleagues in the Financial Inclusion Service to ensure that support for issues with welfare benefits and debt is available as soon as possible. Work with other agencies including CAB, specialist advice agencies and Local Authority and DWP.

- We will provide a link to the gov.uk benefit advice via our website. Details are also supplied with all arrears letters.

- Achieve face to face contact where reasonably possible and home visit prior to any proposed legal action.

- Ensure we comply with the Pre-action Protocol for Possession Claims based on Rent Arrears.

- Send out annual statements to those paying rent by direct debit or receiving full housing benefit, and quarterly rent statements to all other tenants.

- Tenants will also have the opportunity to sign up to our digital Service - My Account where they can access their account at any time that is convenient to them.

3.3 From January 2016 all new tenants will be charged their rent over 52 weeks.

3.4 We will continue to charge rent over 48 weeks to existing tenants. Tenants paying rent over 48 weeks will be encouraged to pay through the “rent breaks” if their account is in arrears. All tenants will be encouraged to set up direct debits to cover the rental charge.

3.5 From April 2019 all new tenants to Eden Housing Association will commence on a Starter Tenancy. The overall aim of a starter tenancy is to ensure that our new customers understand and benefit fully from the opportunities afforded to them by becoming an Eden Housing Association tenant.

3.6 The Rent Arrears Policy emphasises the importance of preventative measures and support to enable a tenant to maintain their tenancy wherever possible. In all instances we will follow the Civil Justice Council Protocol for Possession Claims based on Rent Arrears.

3.7 After all reasonable steps have been exhausted, we may have no alternative but to take legal action. Even during this process, it is still our aim to help the tenant clear their arrears and sustain their tenancy wherever possible. Our staff will continue to take proactive measures to contact tenants to encourage them to make an agreement to clear their arrears.

3.8 When making an arrangement to clear the arrears, staff will look at the tenant’s individual circumstances before making a formal arrangement (eg are they in employment, in receipt of benefit etc.).

3.9 A repayment plan will normally be expected to repay the arrears within a twelve-month period, however there will occasionally be exceptions to this based on the individual’s circumstances. Where an arrangement is made via the Courts process, we will be guided by the District Judge. We will continue to refer tenants to specialised support and urge them to obtain legal, debt and benefits advice.

3.10 **FORMER TENANT ARREARS**

The Association’s aims to recover any debt which is outstanding from a former tenant, including rent arrears, court costs and recharges to repair any damage to the Association’s property. It is important to recover this debt to meet the costs of providing services to tenants and carrying out improvements to tenant’s homes. This will be achieved by:

- Giving clear information to tenants when they terminate their tenancy concerning final rent payments, arrears and other debts and explain the consequences of non-payment.

- Recovering in the event of the tenant’s death outstanding debts only if there are funds in their estate.

- Recovering former tenant debt in a fair and reasonable way ensuring that the principles of customer care are implemented throughout the debt recovery process. In exceptional circumstances former debt may be waived by the

Housing Manager or equivalent post holder on signing of a value for money business case.

- Ensuring there are adequate payment methods available to the tenant for repayment of debt.

- Ensuring that tenants receive fair and equal treatment regardless of disability, gender, age, race, ethnic or national origin, religious belief or sexual orientation in line with the Association's Equality, Diversity & Inclusion Policy.

- Identifying circumstances which affects the tenant's ability to pay or their ability to understand the implications of non-payment.

- Outlying support available to tenants to help maximise their income including signposting to advice agencies to receive benefit entitlement and debt management advice.

- Tracing former tenants including using the services of Tracing Agents and appointed Debt Management companies or to pursue payment of the debt through court action.

- Giving accurate information to reference requests by other housing providers without compromising the tenants right to confidentiality or breaching the data protection policy.

- Not allowing Mutual Exchanges to take place when one of the parties to the exchange is in debt with Eden Housing Association.

- Ensuring that any FTA's owed by persons being permanently decanted due to their property being part of a redevelopment scheme are deducted from any home loss payment they may receive.

3.11 RECHARGE/SUNDRY DEBT

Where Eden Housing have been required to carry out repairs/work that is a tenant's responsibility, we will treat this as a recharge or a sundry debt that is owed to the association. The association will process all such cases on our Housing management system and raise an invoice for the tenant or former tenant to pay.

4. RESPONSIBILITIES

Customer Advisors

Responsible for the monitoring and processing of rent related queries up to the value of £500. This includes following/processing recommended actions from EHAs housing management system, dealing with telephone calls, sending letters including where required none standard letters and updating notes on system.

Housing Assistants are responsible for actioning former tenant debt.

Housing Officers/ Housing Assistant

Responsible for the monitoring and processing of rent related queries above £500. This includes following/processing recommended actions from EHAs housing management system, dealing with telephone calls, sending letters including where required none standard letters and updating notes on system. Housing Officers are responsible for progressing legal action where required and representing EHA at court.

Customer Services Manager

Responsible for overseeing that the Customer Advisors deal with rent arrears up to the value of £500.

Housing Manger

Responsible for overseeing performance in the Housing Team and approving any legal action where required. The Housing Manager has the day-to-day overall responsibility to ensure that the policy is implemented, and all action required is dealt with and monitored.

Director of Operations

Hold overall responsibility of implementation of this policy.

5. EQUALITY IMPACT ASSESSMENT (EIA)

Eden Housing Association is committed to ensuring that no person or group of persons will be treated less favourably then another person or group and will carry out its duty with positive regard for the following core strands of equality. A copy of the EIA can be found in appendix A.

6. MONITORING & REVIEW

This policy is reviewed every three years or in line with any changes in legislation or best practice.

Appendix 1

Equality Impact Assessment

Question	Response
1. Summary of aims and objectives of the policy/practice/activity	To set out how Eden Housing will prevent, manage and recover unpaid rent fairly and effectively
2. What involvement, consultation, engagement has taken place for the policy/practice/activity (*e.g relevant groups/stakeholders*)	None
3. Who is affected by the policy/practice/activity	Eden Housing Tenants
4. What are the arrangements for monitoring and reviewing the impact of the policy/practice/activity	Every 3 year

Protected Group	Is there a potential for a positive or negative impact	Explain and provide evidence/data used	Action to address the negative impact
Disability	No		
Gender reassignment	No		
Marriage or civil partnership	No		
Pregnancy or maternity	No		
Race	No		
Religion or belief	No		
Sexual orientation	No		
Sex (gender)	No		

Age	No		

Question	**Explanation**	
Is it possible the proposed policy/practice/activity could discriminate or unfairly disadvantage people	No	
Decision	**Tick the relevant box**	**Include any justification required**
1. No barriers identified and no change required – **proceed**	x	
2. Barriers identified towards one (or more) protected groups – **adapt or change** the policy/practice/activity to remove any barriers. This will better advance equality and/or foster good relations		
3. Barriers identified towards one (or more) protected groups – **stop.** There are adverse effects which cannot be prevented / mitigated		
4. Barriers identified towards one (or more) protected groups – no proportionate way to amend the policy/practice/activity so **proceed with caution.**		

Action (To be completed as required)

If the Evaluation has resulted in Decision 4, complete a risk assessment and record on Operational Risk Register	**Date Completed:**

Tenant Engagement Assessment – is engagement with tenants necessary?

Impact	Tick relevant box	Note any details / justification
No Impact on current tenants – you can proceed without engagement	x	
Direct or indirect impact on current tenants. **Stop!** Identify who will be affected ie all tenants or a specific group		

Influence	Tick relevant box	Note any details / justification
No influence for tenants – i.e. wholly legislative – you can proceed without engagement.		
Possible influence on areas of policy/ practice/ activity impacting on tenants – **stop. Arrange engagement with EIO**		

Summary of engagement (To be completed as required)

Tenant group impacted and engaged (i.e. all/ sheltered)	**N/A**
Consultation method	**N/A**
Summary of engagement	**N/A**
Key themes/ implications	**N/A**

Health & Safety Policy Review Assessment

Question	Additional information	
Does this policy/practice/activity address any Health & Safety practices?	No	
What is the key legislation related to this policy?	N/A	
Is the policy a control of a corporate or operational risk register? (if yes name risk)	N/A	
Tick groups/ departments who require knowledge of this policy		
	All staff	
	ICT	
	Finance	**x**
	Housing Options	
	Housing	**x**
	Customer Services	**x**
	Property	
	HR	
	Governance	
	Assisted Living	**x**
	Contractors	
	Tenants	**x**
Risk to tenants	**Tick the relevant box**	**Additional Information**
1. Are there additional measures required to reduce risk level to tenants.	No	
2. Has that risk been assessed?	N/A	
3. No Health & Safety implications	No	
4. Does it require tenant visibility?	Yes	If yes – upload to website

All assessments completed by:	Author: Jenny Glassford Date: 30.5.25
All assessments reviewed by:	Reviewer(s): Executive Team Date: 20 May 2025
Will these assessments be published?	Completed assessments are appended to each policy. Any appropriate public related policies are uploaded to the EHA website