SPIREVIEW
HOUSING ASSOCIATION

RENT ARREARS POLICY

IF YOU WOULD LIKE A COPY OF THIS POLICY TRANSLATED OR IN AN OTHER FORMAT, FOR EXAMPLE, IF YOU REQUIRE IT IN BRAILLE OR IN AUDIO PLEASE LET A MEMBER OF STAFF KNOW YOUR REQUIREMENTS

DATE APPROVED: **August 2026**

NEXT REVIEW: **August 2029**

1.0 Policy Statement

The Association is committed to preventing and minimising rent arrears through early intervention, tenancy sustainment, advice and support. Eviction for rent arrears will be a last resort.

2.0 General

2.1.1 Early intervention, support, equality, reasonable adjustments, affordability assessments and partnership working will underpin arrears management.

2.1.2 The Association will ensure early intervention, support, equality, reasonable adjustments, affordability assessments and partnership working will underpin arrears management.

2.1.3 Tenants receiving Housing Benefit / Universal Credit are encouraged, but not pressurised, to have benefit paid directly to the Association.

2.1.4 Any person evicted as a result of rent arrears, or who leaves owing rent arrears, will only be considered for rehousing by the Association if the amount of rent arrears is less than one month's rent, or, if there is an agreement made to pay the arrears, they have kept to this agreement for a minimum of three months and they are continuing to make these payments. If the arrears have been paid off then the person will be considered for housing as per the Spire View Housing Association Allocations Policy.

2.1.5 Where arrears have arisen through a delay in processing housing benefit / Universal Credit, the Association will investigate to find out if the tenant has taken all necessary steps to allow their claim to be processed e.g. submitting form, proof of income etc. This investigation will be carried out as soon as an arrear occurs. Based on the outcome of this investigation, the Housing Officer/Assistant will decide whether the tenant should be pursued for the arrears. If the fault lies with the tenant then the arrears will be pursued without delay. If there is a delay with the processing of the Housing Benefit, out with the tenant's control, assurance will be obtained from the Housing Benefit Department Glasgow City Council, Financial Services that the claim is being processed. Those tenants claiming Housing Benefit / Universal Credit, will be reminded that they must ensure they are claiming the appropriate level of Housing Benefit to ensure their rent obligation has been met.

3.0 Recovery Action

The Association recognises that early action and personal contact are vital in both prevention and recovery of arrears. All rent accounts will therefore be reviewed on a monthly basis and appropriate action taken.

At all stages staff will ensure that tenants are aware of the following:

- The serious personal consequences of accruing rent arrears
- The responsibility of tenants to inform staff immediately if they have any difficulty paying their rent,
- The tenant's responsibilities with regard to managing their Housing Benefit/ Universal Credit.

Tenants will be contacted promptly and offered advice, support and affordable repayment arrangements

3.1 Timetable of Action Assuming No Response from Tenant

Time	Event	Action
Month 1	Full rent not paid **or** Agreed arrears repayment plan broken	**A** Reminder letter issued within 7 days of end of period
		B Visit
Month 2	Full rent not paid **or** Agreed arrears repayment plan broken	**A** Broken Arrangement Letter requesting payment within 7 days
		B Broken Arrangement 2 letter offering office appointment / Visit
		C Failure to contact or attend office appointment follow up with fail to attend letter and proceed with Pre Notice of Proceedings Letter .
Month 3	Full rent not paid **or** Agreed arrears repayment plan broken **and** no response	**A** Serve Notice of Proceedings for Recovery of Possession (NPRP)
		B Continue to try to achieve personal contact
		C Initiate court action when NPRP

		becomes live
Month 4	Full rent not paid **or** Agreed arrears repayment plan broken **and** no response	**A** Continue to try to achieve personal contact
		B Initiate court action
		C Continue to send out letters confirming level of arrears, action underway and consequences of failing to deal with arrear

3.2 Action Where Tenant Responds

3.2.1 Where a tenant responds, the Housing Manager / Officer / Assistant will take appropriate action based on the nature of the response and in line with the arrears policy.

Offers of payment by instalments and such offers will be refused only in exceptional circumstances. Any arrangements made will be on the basis of knowledge of the tenant, their circumstances and their previous rent record.

3.2.2 Repeated agreements will not however be entered into. Tenants must be clear that if an agreement is broken, without good reason, then the Association will not continue to enter into subsequent agreements.

3.2.3 Where appropriate, tenants will be encouraged to pay arrears through the DWP Arrears Direct Scheme or apply for Discretionary Housing Payments to assist with any monthly charge or to assist with outstanding arrears.

3.2.4 Where appropriate, tenants will be encouraged to visit the associations Money Advisor and / or engage with Tenancy Support Officer or Financial Inclusion Officer.

4.0 Legal Action

4.1 Legal Action is not used indiscriminately to collect rent but it does underline the Associations determination and is useful to persuade less willing tenants to commence payments.

4.2 Where domestic abuse, including economic abuse, is identified as a contributing factor to rent arrears, the Association will adopt a survivor-centred approach. Before legal action is commenced, the Association will investigate whether domestic abuse

has affected the tenant's ability to pay rent, offer appropriate support and referrals, consider alternative repayment arrangements, and ensure all relevant domestic abuse procedures have been followed in line with the Associations separate Domestic Abuse Policy.

4.3 Following service of the Notice of Proceedings further attempts to contact tenants and agree a repayment arrangement will continue. This should include home visits, letters, text messages, emails, office appointments.

4.4 If a Notice of Proceedings is served tenants and qualifying occupants will be sent guidance notes. Any court action must be approved by the Housing Manager. In most instances of court action a conjoined action will be raised i.e. the tenant will be pursued for arrears, repossession of the house and the expenses. The only exception to this is if the Association is taking small claims action. In these cases the Association will sue for arrears and expenses but not necessarily repossession.

4.5 Attempts should still be made to set a suitable repayment arrangement before the court date.

4.6 At the time of the court appearance, if the Housing Officer/Manager is convinced that a genuine attempt is being made to clear the arrears and, based on the tenants circumstances, the case may be continued or sisted. This decision must take into account the tenants efforts in maintaining agreements in the past.

4.7 The tenant must be notified in writing of the outcome of the court action following each court date. If a decree for eviction is granted, the Housing Manager will prepare a report and recommendation for the Management Committee, who will decide whether the tenant should be permanently be evicted from the property. If committee grant approval, the tenant will be notified of the pending eviction and confirm the date the eviction will take place. The eviction will only be cancelled if the balance and any expenses are cleared in full.

4.8 Where a tenant clears their arrears fully before a court appearance, action for expenses will still be taken.

4.9 In the case of an NOP being served, a Court action taking place or an eviction order being granted the North Homeless Case Work Team, Social Work and any other relevant bodies will be informed at each stage.

5.0 Procedures

5.1 Discussion of arrears problems is encouraged and visits are carried out where possible in preference to letters, texts, emails and telephone calls .

5.2 Decisions reached during a discussion / visit will be confirmed in writing to the tenant/s.

5.3 A staged approach involving reminders, engagement, repayment plans and legal action only where necessary.

5.4 Where possible a signed agreement for repayment will be obtained from and copied to the tenant.

5.5 All arrears cases discussed by the Management Committee will be in strict confidence and the identity of tenant will not be made known.

5.6 The Association's Money Advisor, Tenancy Support Officer and Financial Inclusion Officer will be utilised at every available opportunity and offered to all tenants who are in arrears.

5.7 Help and assistance will be given where appropriate on housing benefit / universal credit issues.

5.8 Housing Management staff will ensure the approach used in the pursuit of non-technical arrears is used with technical arrears, wherever possible.

5.9 All arrears actions detailed in section 2.1 are required to be completed by the relevant staff member no later than the 15th of the month, following the end of period.

5.10 All arrears actions including visits, letters, arrangements, telephone calls etc must be recorded on the housing management system as soon as practicable, by the staff member making the contact.

6.0 Former Tenant Arrears

6.1 The Association will endeavour to recover rent arrears from former tenants where possible.

6.2 The general principles of the Associations rent arrears policy will be applied in terms of arrangements to pay by instalments etc.

6.3 Former tenant arrears over £150.00 will not be written off without the authority of the full Management Committee. Former Tenant Arrears under £150.00 can be authorised and written off by Director.

6.4 The Association will reinstate a written off debt, should any of the reasons for the write off change or the former tenant return and apply to the Association for rehousing.

6.5 Former tenant arrears cases will be examined regularly throughout the year. A report will be given to Committee half-yearly recommending any write offs over £150.

6.6 The Association will make uses of all appropriate resources when pursing former arrears: such as small claims action, legal action for arrestment of wages, debt collection agencies.

7.0 Credit Balances

7.1 Credit balances can occur on the rent accounts of both existing and former tenants. These balances will be managed through the process of regular monitoring with refunds being made to current tenants where requested and to former tenants where possible. However, where there are outstanding recoverable charges (such as charges for repairs, legal fees, etc.), any credit balance will be off-set against this before a refund is made. Where there is no prospect of returning the credit balances these will be dealt with through the write off process.

8.0 Withholding Rent

8.1 If a tenant is legitimately withholding rent as a result of a grievance with the Association the following conditions must be met:

- **The tenant must state their intention to withhold rent in writing, with a full explanation.**
- **The tenant must demonstrate that rent is being held by a responsible third party eg bank or solicitor**
- **The tenant must agree that all arrears will be paid in full when the grievance is resolved**

8.2 The Association will acknowledge the tenant's right to withhold rent within the circumstances described above and will take action to remedy the situation where necessary.

8.3 The Housing Management will ensure the Management Committee is advised of the circumstances, and that staff concerned are taking appropriate action.

8.4 If the Association considers the tenant does not have a valid reason for withholding rent, a full and written explanation will be provided for the tenant before normal recovery procedures are resumed.

9.0 Committee Monitoring

Arrears targets will be agreed annually and KPI's reported quarterly (or annually as appropriate) by the Housing Manager / Officer to the full Management Committee. Reports will contain information to allow the Committee to review the Associations arrears position including;

- Total rent arrears (including technical) apportioned to current tenants, former tenants - (Rent Arrears Report)
- Arrears as % of annual rent debit
- ~~Legal Action Report detailing number of Notice served, court dates set, sists, continuations and recalls as well as Decrees awarded.~~

If there are any Committee members who are tenants of the Association and have rent arrears of their own they will be required to make a declaration of interest. Because of the sensitive nature of such a declaration they may do this confidentially to the Director of the Association.

If the Committee member has arrears which are less than one month's rent, or, if there is an agreement made to pay the arrears, they have kept to this agreement for a minimum of three months and they are continuing to make these payments they may still take part in Committee business relating to rent arrears. If these conditions have not been met the Committee member will not take part in Committee business relating to arrears. If the Committee member is subject to Court action by the Association then they must stand down from the Committee.

10.0 Performance

10.1 Mini audits of the implementation of the Rent Arrears Policy and Procedure will be conducted 6 monthly (in May and November) by the Housing Manager or Director. The outcomes will be recorded on a pro-forma and outcomes discussed with Housing Management staff.

11.0 Policy Review

11.1 This policy will be reviewed by the Management Committee at least every 3 years.