

# HFL Squatter Policy

## Introduction

This policy sets out how Homes for Lambeth deals with squatters in its properties. A squatter is someone who enters a property without permission from the owner, or the person legally entitled to be occupying it.

HFL will operate its squatter policy in compliance with the Housing Regulator's Standards as set out in "The Regulatory Framework for Social Housing in England from April 2012" as updated in 2015 and 2018 and associated guidance documents.

## Purpose of the policy

The purpose of this policy is to:

- Ensure that Homes for Lambeth or its Managing Agent gains possession of squatted properties in a timely manner
- Ensure that practices do not unlawfully discriminate against individuals and respect cultural diversity, confidentiality and the right of all individuals involved to a joint tenancy
- Ensure that staff are adequately informed, trained, managed and supervised to enable them to work within the squatter's policy and associated procedures

## Definitions

A squatter is someone who enters a property without permission from the owner or the person legally entitled to be occupying it.

An unauthorised occupant is someone who had permission to live at the property by the former tenant, for example, a person included on the former tenant's household details.

## Squatting and the Criminal Law

Squatting in residential premises is a criminal offence. The anti-squatting provisions are found in section 144 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012. The act makes it a criminal offence for an individual to enter a residential building, in the knowledge that they are trespassing on that property. The police can remove trespassers and arrest them, if necessary, as long as it can be shown that the trespassers intend to live in the premises.

## Occupants in priority need

Homes for Lambeth and its Managing Agent have no legal duty to assist squatters unlike local authorities who have a duty under the terms of the Housing Act 1996 to assist with temporary accommodation for those who are homeless or potentially homeless and in priority need. This includes anyone who:

- Has children under the age of 16, or up to 18 if they are in full time education
- Is pregnant
- Is vulnerable (due to old age, long term illness, mental or physical disability or has any other special needs).

Homes for Lambeth will refer squatters to obtain advice and assistance in obtaining alternative accommodation by contacting the Lambeth Councils Housing Options & Advice Service.

## Starting possession proceedings

As soon as Homes for Lambeth or its Managing Agent become aware that a property is occupied by squatters, a visit will be made. Trespassers will be advised of the intention to use the criminal law to repossess the property and a request should be made for the trespassers to leave within 48 hours. This should be followed up in writing. See **Appendix A**.

## Monitoring

This policy will be reviewed every two years in accordance with any future legislative changes as and when they occur.

## Equalities and Diversity

Homes for Lambeth does not discriminate against tenants or residents regardless of their race, religion, language, ethnicity, gender, sexuality, age, health or disability, location, political or immigration status.

Homes for Lambeth recognises that vulnerable tenants have housing related support needs and will work with agencies to meet those needs.

Homes for Lambeth will work in accordance with the organisation's Equality and Diversity Policy, ensuring that appropriate advice and assistance is given to those disadvantaged in the community, and that adequate translation and interpretation facilities, large print material, Minicom, induction loops etc are available. All actions carried out are in accordance with the provisions of the Human Rights Act 1998.

## Training and Promotion

We will publicise this policy to staff and tenants through:

- Our website
- Policy briefings and training

HFL Policy Name:	<b>HFL Squatter Policy</b>
HFL Policy Owner:	Head of Operations and Engagement
Applies to:	All HFL Group Companies
Policy Compliance:	Annual Review
Policy Review Cycle:	Every two Years (min or as per legal/regulatory requirements). Next review July 2021
<b>Version Control/Audit Trail:</b>	
	DRAFT v1.0 Prepared for HFL Board approval February 2019. Based on Lambeth Council policy. Sent out for Board approval via circulation on 24 June 2019 Approved on 15 July 2019 by Board via circulation

**Appendix A                      Notice to Squatters**

**URGENT**  
XXX  
XXX  
XXX

Action Ref  
Date:

X

You do not have permission from Homes For Lambeth to occupy, XXXXXX. You must therefore deliver vacant possession of the premises by XXXXXX

Any occupants in the property are trespassers (squatters). Trespassing/Squatting, in these circumstances is a criminal offence under section 144 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012. I will therefore be attending the property next week with the Police if you do not contact me to tell me that you have vacated the premises.

If you have nowhere to live, you should contact the council's Housing Options & Advice Service, Lambeth Civic Centre, 6 Brixton Road, London SW2 1EG, or telephone 0207 926 4200 9am – 8pm or 0207 926 1000 evenings and weekends. If the council has a duty to house you the sooner you register as homeless the better your chances are of being rehoused.

If you require any assistance or guidance as to the effect of this letter, you are advised to seek independent legal advice from a solicitor, Citizen Advice Bureau or Law Centre.

Regards,

XXXXXX