



Squatters Policy

1.0 Purpose and scope

This policy applies to all Notting Hill Genesis (NHG) residential and commercial properties and seeks to:

- Ensure that our properties are only occupied by those entitled to housing; and
- Enable staff to deal with squatted properties promptly and efficiently and reduce void periods and rental loss.

2.0 Definitions

Property – For the purposes of this policy, property is used to describe a house, flat, room, hostel place, other residential building, commercial premises, block of land or garage as described in the customer's individual occupancy agreement, lease or other legal agreement permitting occupation.

Squatter - Someone who lives in an empty or abandoned building which they don't own or rent, without the owner's or tenant's (lawful or unlawful) permission. This differs from an unauthorised occupant, in the sense that a squatter has never been granted permission by anyone to reside in the property.

Unauthorised occupant – An unauthorised occupant is someone residing in the property that either:

- Originally occupied a property with the landlord's permission and has refused to vacate, e.g. household members still living in the property after the death of the tenant).
- Was given permission to live in the property by the resident before the tenancy was ended, regardless of whether the landlord consented or was aware, e.g. sub-letters or unauthorised lodgers.

In these cases, please refer to the 'Tenancy fraud and unauthorised occupants policy'.

Any reference to 'we' or 'us' refers to Notting Hill Genesis.

3.0 Dealing with squatting

We may install extra security measures to a property if it is deemed as being at risk of squatters.

We will investigate all allegations and reports of squatting promptly, obtaining and gathering evidence to inform and support legal action and the Police. Accurate

records of the investigation will be kept along with photographic evidence where appropriate.

3.1 Residential properties

Since 1st September 2012 it has been a criminal offence to squat in a residential property. The law (Section 144, Legal Aid, Sentencing and Punishment of Offenders Act 2012) is intended to make it more difficult for trespassers to assert they have rights, in addition to quickening the process to remove squatters.

Where squatting is detected, We will take the most appropriate action to remove the squatters as quickly as possible – this will normally involve requesting the Police to remove the squatters as soon as they are detected, however we may also pursue other remedies (including legal action). Where practical we will seek to recover damages and costs from the squatters.

For tenants displaced from their homes by squatters, we will offer advice and support to help them return – working alongside other agencies when appropriate.

For leaseholders, we will offer advice, however the onus will be on themselves to rectify the situation.

We do not carry out repairs to a property occupied by a squatter, unless there are health and safety implications or there is a risk of damage or loss to our property.

3.2 Commercial premises

Whilst simply being in a commercial building without permission is not a crime, we will take the following actions to reclaim the premises:

- Notify commercial bailiffs and/or solicitors that squatters have entered the property
- Apply to the court for an eviction notice
- Attend the premises with commercial bailiffs to take possession of the property on the date fixed by the court
- Secure the premises once possession has been granted
- Notify the Police of the eviction date and co-ordinate their attendance to ensure smooth handover.

The customer should notify the Police where any of the following has taken place:

- Damage caused when entering the premises
- Damage being caused inside the premises
- Squatters not leaving when instructed by the court
- Stealing from the property
- The use of utilities like electricity or gas without permission
- Fly-tipping
- Breaching of a noise abatement notice.

3.3 Squatters rights

Whilst squatters occupy a property without our permission, we still have legal obligations and we do not:

- Harass or threaten occupants in any way
- Interfere with the services of the property, unless there is a health and safety risk that we have to resolve
- Use force to obtain entry to the premises except with a court order.

We ensure that squatters are kept informed of any legal action we are taking and refer them to external support services for further advice and assistance.

4.0 Our approach

In writing this policy we have carried out assessments to ensure that we are considering:

- Equality, Diversity & Inclusion
- Privacy & Data Protection

We also carry out consultation with our staff, customers and the wider community. If you'd like more information about this work, please get in touch as policy@nhg.org.uk

5.0 Reference

List key legislation, regulation or external links:

- Housing Act 1985
- Criminal Justice & Public Order Act 1994
- Protection from Eviction Act 1977
- Section 144 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012
- Anti-social Behaviour, Crime and Policing Act 2014
- Civil Procedure Rules (Part 55 and Schedule 2)

Document control

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