

# Recharge Policy



<b>Reference:</b>	HS_POL_ASM_REC_1.0	<b>Author:</b>	Strategic Asset Manager/Assistant Director of Property Services
<b>Scope:</b>	Housing Solutions current and former tenants, leaseholders and licensees	<b>Approved by:</b>	ET
<b>Legislation:</b>	The individual tenancy agreement, Licence Agreement, Lease Agreement and any other rental contracts for Housing Solutions property. The Housing Act 2004 and earlier The Landlord and Tenant Act 1985 and 1987 Commonhold and Leasehold Reform Act 2002 Leasehold Reform, Housing and Urban Development Act 1993 Homes (Fitness for Human Habitation) Act 2018 Bribery Act 2010 The Equality Act 2010 Localism Act 2011 Anti-social Behaviour, Crime and Policing Act 2014 Mobile Homes Act 1983 Building Regulations (including updates) All applicable Health & Safety legislation Environmental Protection Act 1990 Data Protection Act 2018 GDPR 2018	<b>Date of approval:</b>	May 2023
<b>Regulatory/ Governance:</b>	Regulator of Social Housing Consumer Standards: Home Standard, Neighbourhood and Community Standard and the Tenant Involvement and Empowerment Standard and Economic Standards: Governance and Financial Viability Standard and Value for Money Standard.	<b>Date of next review:</b>	May 2024
<b>Related Policies:</b>	Health & Safety Repairs & Maintenance Alterations Policy		

Aids and Adaptations  
Empty Homes  
Asset Management Strategy  
Vulnerable Customers  
Equality, Diversity & Inclusion  
Access  
Mutual Exchange  
Complaints & Compliments  
Compensation  
Unacceptable Customer Behaviour  
Leasehold Management  
Service Charges  
Anti-Fraud, Theft & Bribery  
All Housing Solutions Health &  
Safety Policies  
Section 20 Consultation Procedure  
Value for Money Strategy  
Procurement  
Group Financial Regulations  
Financial Standing Orders  
Current Rent Arrears  
Former Tenant Accounts

## 1. Policy Statement

- 1.1 This Policy is aligned to our Corporate Strategy of creating Safe, Satisfied and Sustainable homes for residents. Housing Solutions is committed to managing and maintaining our homes, blocks and estates and providing services that represent value for money. As a charitable and regulated housing association we have a duty to protect the value of our homes and make best use of financial resources, ensuring that our income and expenditure is targeted at our landlord responsibilities for the benefit of our residents. The aim of this Policy is to ensure that Housing Solutions recovers the legitimate and reasonable costs it incurs as a result of carrying out repairs, maintenance and other work that is the resident's responsibility, or where Housing Solutions incurs costs as a result of the resident failing to do something, preventing damage from occurring or misusing the services we provide.
- 1.2 The Policy sets out the aims, principles and values that will guide our approach to ensuring financial recovery of operational costs that fall outside of our responsibilities as a landlord in a way which is consistent and fair to residents.
- 1.3 A recharge in the context of this Policy refers to the reasonable costs that Housing Solutions incurs in undertaking reinstatement works which the resident has failed to carry out, or has done to an unacceptable standard, or which it incurs in removing rubbish or other items abandoned by a resident on Housing Solutions property, and which it intends to recover from the individual resident or former resident. A recharge as defined by this Policy is distinct from a service charge where costs incurred by Housing Solutions may be recovered from a number of residents in line with Housing Solutions' Service Charge Policy.
- 1.4 This Policy addresses our duty to minimise damage to our properties and the associated costs of remedial work and to communicate clearly to our residents that damage and misuse will be addressed. It supports the Empty Homes Policy. We have a duty to reduce the costs to Housing Solutions of making good damage caused by outgoing residents. Having an agreed Policy in place means staff have policy guidance to refer to and they are able to provide a consistent and prompt response.

## 2. Scope

- 2.1 The Recharge Policy applies to all current and former tenants, licensees and leaseholders of Housing Solutions. It applies to all properties owned and managed by Housing Solutions, including the associated communal areas.
- 2.2 This Policy is not intended to provide full details of the recovery process. Key roles and responsibilities in relation to this Recharge Policy are set out below and in our associated procedures.

## 3. Roles and Responsibilities

- 3.1 The various roles and responsibilities in relation to the Recharge Policy are set out below:

Board	Strategic overview of all Housing Solutions policies
Executive Team	To approve, support and ensure the appropriate and proper application of this Policy
All Housing Solutions staff	To own, support and implement this Policy in line with the person's individual role
Assistant Director of Property Services	To implement this policy, engage with resident forums and manage continuous improvement
PR & Communications Manager	<ul style="list-style-type: none"> <li>Assist with publicising this Policy.</li> </ul>
Head of Repairs and Surveying Services Manager	<ul style="list-style-type: none"> <li>Responsible for the day-to-day management of Housing Solutions' property assets and ensuring compliance with the Decent Homes Standard and all other landlord obligations.</li> <li>Responsible for ensuring the provision of technical advice, including an assessment of property remediation works and costs.</li> </ul>
Asset Team: Surveying Services, Repairs and Estate Services	<ul style="list-style-type: none"> <li>Identify cases where recharges may apply.</li> <li>Specify the scope and costs of applicable remedial works.</li> <li>Provide Resident Services colleagues with this information, to support action for breach of tenancy / other occupancy agreement.</li> <li>Provide clear communication for residents about why and how this Policy applies, including the reasonable costs that will be recharged.</li> <li>Notify the Finance and Income Teams of the sums to be recharged.</li> </ul>
Voids Surveyor	<ul style="list-style-type: none"> <li>Identify recharges for any maintenance or remedial work which we will have to carry out to return a property to our lettable standard and which is the responsibility of the out-going resident.</li> </ul>
Compliance Manager and Fire and Health & Safety Manager	<ul style="list-style-type: none"> <li>Provide technical support and advice connected with their specialist service areas to colleagues, residents and others.</li> <li>Engage specialist contractors where required and cost information.</li> </ul>
Finance Team	<ul style="list-style-type: none"> <li>Responsible for the accounting processes required to record the sums owed, including adding any recharge values to the resident's account on the housing system once full details have been received from the Housing Team.</li> <li>Maintain up-to-date procedures and processes to</li> </ul>

	enable the recharges to be monitored and managed.
Digital & Information Services Team	<ul style="list-style-type: none"> <li>Assist with developing, implementing and managing the information management systems required to implement and monitor this Policy.</li> </ul>
Resident Services: Housing Management, Home Ownership, Lettings, Supported/Sheltered Housing and Anti-social Behaviour teams	<ul style="list-style-type: none"> <li>Identify cases where recharges may apply.</li> <li>Ensure that residents understand their responsibilities and obligations under their Tenancy Agreements, Licences and/or Leases and the Association's policies, both at sign-up and throughout their tenure.</li> <li>Publicise this policy, including providing information for our leaseholders.</li> <li>Encourage residents to have in place home contents insurance to cover accidental damage to their possessions.</li> <li>Receive recharge information including costs from Asset Team colleagues and contact residents about breaches of tenancy/other occupancy agreement.</li> <li>Assist with access where this is required to carry out repair work.</li> <li>Identify vulnerable residents and work with colleagues across the organisation and elsewhere to apply this policy.</li> </ul>
Community Services Manager	<ul style="list-style-type: none"> <li>Responsible for ensuring that Care and Support providers and others understand their responsibilities under the Management Agreements, including not to cause damage to specialist equipment installed for the benefit of residents.</li> <li>Assist with communicating with residents, providing information about this Policy and assisting colleagues to recover costs.</li> </ul>
DLO and contractors	<ul style="list-style-type: none"> <li>Identify cases where recharges may apply.</li> <li>Carry out repair work where required to remediate damage caused.</li> <li>Keep to pre-booked appointments.</li> </ul>
Income Team	<ul style="list-style-type: none"> <li>Responsible for monitoring accounts and recovering debt. NB Housing Solutions has separate procedures in place to manage debt recovery.</li> </ul>
Residents	<ul style="list-style-type: none"> <li>Responsible for complying with the terms of their Tenancy Agreements, Licence agreements and Leases.</li> </ul>

## 4. Definitions

- 4.1 **Resident** within the wording of this Recharge Policy means the tenant, licensee or leaseholder who is party to a Tenancy Agreement, Licence Agreement or Lease with Housing Solutions.
- 4.2 **Recharge** refers to the reasonable costs that Housing Solutions incurs in undertaking reinstatement works which the resident has failed to carry out, or has done to an unacceptable standard, or which it incurs in removing rubbish or other items abandoned by a resident on Housing Solutions property, and which it intends to recover from the individual resident or former resident. NB A recharge as defined by this Policy is distinct from a service charge where costs incurred by Housing Solutions may be recovered from a number of residents in line with Housing Solutions' Service Charge Policy.

- 4.3 **Reinstatement** means the act of restoring the property to its original condition at the point of letting before the damage occurred, where “original” means at the point of let to the current resident. It will not be possible in all cases for the resident to carry out or arrange to have carried out this remedial work.
- 4.4 **Pre-void meeting** refers to the meeting Housing Solutions staff hold with residents after the resident has given notice that they intend to vacate a Housing Solutions property.
- 4.5 **Mutual Exchange** is when two (or more) parties agree to exchange (or swap) tenancies. Refer to the Mutual Exchange Policy for further information.

## 5. Legislation

- 5.1 This Policy is consistent with commitments contained within our Tenancy Agreements, leases and licenses and re-enforces the responsibilities of residents. Housing Solutions will ensure that we remain compliant with the legislation and guidance set out on page 1 of this Policy. We will also ensure that we remain up to-date with any changes in legislation, guidance and best practice, amending this Policy in line with relevant developments.

## 6. The Recharge Policy

### 6.1 Background / Context

- All Tenancy and Licence Agreements contain clauses setting out both the landlord’s and the resident’s obligations or agreements. Resident obligations are covered by clauses dealing with the use of the premises, condition of the property and external areas, rubbish, nuisance and damage, amongst other obligations. Residents’ responsibility not to cause, or allow to be caused, damage and to make good any damage to the landlord’s property, whether caused by neglect, willful damage or misuse (including accidental damage) by the resident themselves or a person occupying or visiting the property is covered by these responsibilities. This includes damage to the individual dwelling, property structure, internal and external communal areas.
- The Housing Solutions Repairs & Maintenance Policy also describes landlord and resident repairing responsibilities, and addresses other circumstances where residents may incur recharges such as missed appointments and misuse of the Emergency Repairs service.
- Leaseholder responsibilities: the terms of the lease define the leaseholder’s responsibilities. Where Housing Solutions is the freeholder we are responsible for repairs outside of the demised dwelling eg for repairs to the structure and for internal and external communal areas. The leaseholder is responsible for his/her tenant (if applicable) and for ensuring that all the terms of the lease are maintained. Any rechargeable costs incurred by Housing Solutions due to the leaseholder will be recharged directly to the leaseholder
- This Recharge Policy is designed to address the full range of circumstances where recharges may apply.

### 6.2 Recharge principles

Housing Solutions will adopt a firm but fair approach in recovering money owed. We will explain clearly to residents what their obligations are, the amount that needs to be paid

and the payment options available. In introducing this Policy we will:

- Ensure the Recharge Policy is clearly communicated to residents and staff, providing information and support where required.
- Promote residents' responsibility towards their homes and communal areas.
- Recover the costs of rechargeable items, thereby reducing expenditure which is not the responsibility of the landlord.

**Examples of circumstances in which we will recharge include, but are not limited to, the following::**

- If damage is caused by the resident, another household member or a visitor to their property, whether deliberate, accidental or through negligence. This damage may affect the resident's home/dwelling, another's home/property, or internal or external communal areas owned or managed by Housing Solutions.
- If damage or other rechargeable costs are incurred as a result of the actions/inaction of a leaseholder's tenant or other occupant, Housing Solutions will recharge the leaseholder.
- Repairs which are the resident's responsibility as defined in the Tenancy Agreement, Licence Agreement or Lease and which Housing Solutions has agreed to carry out at the resident's request.
- Where a resident who vacates a property does not leave it in a lettable condition as required by the Tenancy or Licence Agreement. This requirement is also communicated and agreed with residents during pre-void meetings and associated correspondence. This includes failing to clear the property and/or garden of personal possessions and rubbish.
- Mutual Exchanges: in line with the responsibilities set out in our Mutual Exchange Policy.
- If we have to pack, store or dispose of a resident's possessions.
- If we have to remove a resident's vehicle from our land which has been abandoned by the resident.
- If we have to remove rubbish or other items from our land which have been discarded by the resident.
- If a resident has not kept to an agreed appointment with a Housing Solutions contractor or member of our directly employed maintenance team and has failed to give us reasonable notice of this in advance. Housing Solutions makes appointments for repairs to be carried out which are agreed with residents in advance and confirmed in writing, including information about the recharge for missed appointments. Residents also receive appointment reminder text messages which include information about the missed appointment charge. Housing Solutions incurs costs for missed appointments and we will impose a missed appointment charge at the prevailing rate.
- Where the resident reports a repair as an emergency, either within normal working hours or out-of-hours which subsequently is identified not to be a genuine emergency as defined by our Repairs & Maintenance Policy. In such cases we reserve the right to recharge residents for the misuse of the emergency call out service at the prevailing rate.
- In line with the responsibilities and requirements as set out in our Alterations Policy: where, for instance, a resident has installed or removed fixtures and fittings which are required to remain without our consent.

All recharges covering the cost of repairs will be at the full and reasonable cost incurred by Housing Solutions for that repair, plus an administration fee of 12%. Costs will generally be based on the National Housing Federation Schedule of Rates currently in use by Housing Solutions or for specialist works or works not covered by the Schedule of Rates be based on quotes. This includes work carried out by our own internal staff as well as by external

contractors and service providers. Housing Solutions will maintain our responsibilities under related policies and legislation to ensure that we achieve value for money and competitive pricing in our procurement of goods and services, including for repairs and maintenance. We will notify the resident as soon as we become aware that there may be a recharge, even if we do not know at that time the amount of the recharge (eg where the costs of remedial work is unknown at that time).

**Timescales:** Where damage has been caused, Housing Solutions may require the resident to reinstate the damage within a realistic timeframe as an alternative to a recharge being applied. If the resident is not able to or fails to reinstate the damage within the timeframe, Housing Solutions will carry out the works and recharge the resident in line with this Policy.

**Criminal damage:** where a recharge is a result of criminal damage by a resident, occupier or visitor to the property and we are able to prove this, the costs of remediation will be treated as a recharge under this Policy.

### 6.3 Applying the Recharge Policy

Where damage has occurred, Housing Solutions may either:

- Require the resident to reinstate, that is to return the property to its original condition, or
- Undertake the reinstatement itself and recharge the resident for its costs in doing so.

Housing Solutions will raise a recharge even in the absence of an immediate forwarding address. For example, when a property has been abandoned, or a resident is evicted. Legal action may be pursued when relevant and any associated costs will also be recharged.

If there are multiple debts owed by the resident, then the payment of rent or lease arrears will remain the priority debt.

Housing Solutions will make a range of payment options available, including online/digital platforms or traditional bank transfers. The associated recharge procedure outlines this process in full.

### 6.4 Complaints

Housing Solutions is committed to providing high-quality services and we welcome positive and constructive feedback, viewing all feedback as an opportunity to improve the quality of our services. Expressions of dissatisfaction or complaints about this policy or its implementation will be addressed in line with Housing Solutions' Complaint and Compliment Policy.

## 7. Vulnerable Customers

7.1 Our approach to vulnerability is set out in detail in our Vulnerable Residents Policy. We include in our description of vulnerability, young people under 18; people in need of community care and support services and anyone who experiences difficulties with everyday living or needs additional support to meet their obligations.

7.2 In upholding the Vulnerable Customers Policy we will ensure that the Recharge Policy is applied fairly and reasonably, taking into account any resident individual vulnerability. Central to this is maintaining accurate and up-to-date data about the people living in our properties and their specific needs.

## **8. Consumer Standards**

- 8.1 This policy meets the Regulator of Social Housing Consumer Standards, in particular the Home Standard, Neighbourhood and Community Standard and the Tenant Involvement and Empowerment Standard, and also the Economic Standards, in particular the Governance and Financial Viability Standard and the Value for Money Standard.

## **9. Equality, Diversity & Inclusion**

- 9.1 Housing Solutions recognises the needs of a diverse population and always acts within the scope of its own Equality, Diversity & Inclusion Policy, and the Equality Act 2010. Housing Solutions will record, analyse and monitor information on ethnicity, vulnerability, disability and all protected characteristics and monitor the application of this Recharge Policy.

## **10. Confidentiality**

- 10.1 Under the Data Protection Act 2018, UK General Data Protection Regulation (UKGDPR), all personal and sensitive organisational information, however received, is treated as confidential. This includes:

- anything of a personal nature that is not a matter of public record about a resident, client, applicant, staff or board member
- sensitive organisational information.

- 10.2 Housing Solutions employees will ensure that they only involve other agencies and share information where there is a legal basis for processing the information.

## **11. Review**

- 11.1 This policy will be reviewed after the initial 12 months and thereafter on a 3-yearly basis or more frequently in response to changes in legislation, regulatory guidance, good practice or changes in other relevant Housing Solutions' policy.

- 11.2 Our performance in relation to the application of this Policy will be monitored on an ongoing basis through our established reporting mechanisms to the Executive Team, Board and associated committees.

## **12. Appendices**

None