



CODE OF PRACTICE

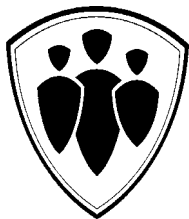
KILRUSH TOWN COUNCIL

June 2005

Adopted by members at the June 2005 meeting

RENT/TENANT PURCHASE/ANNUNITY/SHARED
OWNERSHIP/TWILL/HOME IMPROVEMENT LOANS
Arrears Management Policy

IN ASSOCIATION WITH THE HEALTH EXECUTIVE Money Advice & Budgeting Service
AND MONEY ADVICE & BUDGETING SERVICE



MID-WESTERN
HEALTH BOARD



AIM

This code of practice has been drawn up by the statutory housing authorities in Clare, the Health Executive and Clare Money Advice and Budgeting Service (MABS). Its aim is to assist tenants, tenant purchasers and borrowers with rent and loan arrears, by early intervention.

All agencies agree to operate the MABS systems to assist persons in financial difficulty.

This is a multidimensional approach which acknowledges and deals with consequences for people living in difficult financial circumstances and the complexity of their financial and social circumstances.

It is intended to acquaint all tenants/tenant purchasers/borrowers with the code of practice so as to encourage people in arrears to the local authority to come forward and deal with their arrears rather than wait for the consequences of non-payment, which, at worst, can be eviction. The code recognises that some tenants/tenant purchasers/borrowers who deal with statutory agencies may be reluctant to make the initial contact with those agencies when difficulties arise.

The housing authorities, through a policy of early intervention, will identify as quickly as possible accounts which are falling into arrears, and will then seek to put in place effective measures to deal with such arrears, before they accumulate to significant levels.

The Health Executive through its community welfare service, will endeavour to assist people with financial difficulties through a range of income maintenance schemes and also a comprehensive information and referral service.

Clare Money Advice and Budgeting Service is also party to this code. MABS aim is to provide a Money Advice & Budgeting Service throughout the county. MABS offers people budgeting advice, money management skills, information, and education. This is a free, confidential, independent and non-judgemental service, which is user friendly and client focussed.

This code of practice enables all agencies to adopt a co-ordinated and proactive programme of intervention and assistance, having regard to tenants'/tenant purchasers'/borrowers' rights to confidentiality.

CODE OF PRACTICE

This code has been drawn up on the understanding that the customer is absolutely responsible for payments of rent/annuity loan repayments from their income.

It recognises that the housing authorities, while mindful of the difficulties experienced by tenants due to indebtedness, must manage their rent/annuity collection business in an efficient and effective way and within the limited resources available.

EXISTING PRACTICES

It is the policy of the housing authorities to offer tenants, tenant purchasers and borrowers an opportunity to pay their rent/annuity repayments in a number of different ways i.e.

- To revenue collector
- To the relevant housing authorities (cash office)
- By bank direct debit/standing order
- By wages/salary deduction
- By Household Budget Scheme Dept. of Social, Community & Family Affairs
- By MABS special account scheme

It is the policy of the housing authorities

- To ensure that tenants/ tenant purchasers/borrowers study carefully the tenancy agreement before it is signed.
- To ensure that a copy of any pre-tenancy information/tenancy agreement will be forwarded to the prospective tenant prior to attendance by them at the office to sign same.
- To endeavour to keep their front line staff trained in debt collection and arrears procedures.
- To issue MABS leaflets if tenants/tenant purchasers/borrowers accounts are substantially in arrears.
- To fully implement the terms of the Freedom of Information Act. In particular to provide tenants/tenant purchasers/borrowers with clear, concise and meaningful information of all the services provided by the housing department.

WHO TO CONTACT

Tenants/tenant purchasers/borrowers who are experiencing difficulty in meeting their rent/annuity repayments should contact the housing section in the first instance.

PROCEDURES

1. – Payment of Arrears

Having regard to household budgetary constraints of tenants/tenant purchasers/ borrowers, the housing authorities will endeavour to act as quickly as possible to contact those whose accounts are falling into arrears.

- A reminder will be sent when significant arrears have accumulated.
- Included with the reminder will be a MABS information leaflet – this service is free, confidential and independent.

This reminder will state:

- The amount of arrears due
- The date of the last payment
- The name of the revenue collector dealing with the account
- Contact details for the revenue collector including telephone number, at which he/she can be contacted.

The housing authority concerned will endeavour to make arrangements with tenants/tenant purchasers/borrowers to clear their arrears over a period of time having regard to their financial circumstances. Such an arrangement will take their established commitments as well as their income into account.

It will clearly be the policy of the housing authority to prevent the account from falling into further arrears by requiring tenants to pay their current rent or annuity payment as a minimum arrangement while they are making arrangements to pay their arrears within an agreed time scale.

2. – Failure to pay arrears

Tenants and tenant purchasers who fail to clear their arrears or to make contact with the housing authority, after receipt of the reminder, will be contacted to establish their circumstances. An appointment will be offered to them with the housing department/revenue collector to discuss their arrears and to reacquaint them with the terms of their tenancy agreement/transfer order/ deed of mortgage/IWILL agreement. Where appropriate, a designated officer will be asked to report on the circumstances of the tenant/tenant purchaser/borrower in order to establish if there are underlying problems causing debt.

All queries regarding the terms of arrears agreements will be referred to the appropriate officer of the housing authority who will monitor compliance with the agreement.

Tenants/tenant purchasers/borrowers will be advised of the services provided by MABS. Where they are willing to be referred to MABS, an initial appointment will be made for them by the staff of the housing authority. The recommendations of the money adviser will be taken into consideration by the staff of the housing authority in arriving at an appropriate arrears repayment agreement.

In cases where there are acute financial difficulties and wider ranging financial needs the community welfare officer, when involved, will ascertain if payments under the Supplementary Welfare Allowance Scheme would be appropriate to the needs concerned.

3. – Failure to make contact

In cases where tenants/tenant purchasers/borrowers fail to make contact, a letter will be issued by the housing authority asking them to avail of services such as MABS and/or the community welfare service with a view to putting in place arrangements that will enable them to

- Start paying their current rent/loan
- Eliminate the arrears over a reasonable period of time

Those who do not respond will get a further reminder from the housing authority, to arrange a home/office visit/meeting. This visit or appointment will serve to emphasise the seriousness of the situation should the tenant/tenant purchaser/borrower not deal

with his/her arrears problem. The tenants/tenant purchaser/borrower will be requested to furnish their telephone number(s) to facilitate communication.

Failure to negotiate an appropriate settlement will result in the housing authority initiating legal proceedings as outlined in Step 5 below.

4. – Failure to keep an agreement

Where an agreement made under this code is in place, the housing authority will endeavour to intervene at an early stage when there is evidence that the terms of the agreement are not being maintained.

Where the circumstances of the tenant/tenant purchaser/borrower change, liaison will take place between the local authority/ MABS/the community welfare officer to reschedule repayments. In these instances tenants will be required to accept all reasonable measures including the Household Budget Scheme and the MABS Special Accounts Scheme.

Failure to meet the terms of the agreement and subsequent official notice will result in legal proceedings being instituted against the tenant/tenant purchaser/borrower.

It is the policy of the housing authority to recover the legal costs of such proceedings from the defaulter.

5. –Legal Proceedings

In the case of a tenant, a Notice to Quit will be issued by the housing authority, which will require the tenant to deliver up possession of the property on the expiry of 4 weeks from the date of the Notice. In the case of a tenant purchaser a demand for possession will be issued.

Failure to vacate the property within this time period will result in the tenant being issued with a summons to appear in court. When all legal requirements have been satisfied and an order for possession has been granted by the district court, the tenant will be notified by the housing authority of the court order. It is the policy of the housing authority to recover legal costs.

Failure to respond to the letter notifying tenants of the court order, will result in the order being lodged by the housing authority with the county registrar for execution. The date for the implementation of the dwelling repossession order will be set by the county registrar.

Without prejudice to the court order, it is the policy of the housing authority to continue negotiations with the tenant before the order is lodged for implementation by the county registrar.

In such cases, the housing authority may consider payment of a lump sum together with an agreed repayment schedule for the balance of the rent arrears and legal costs to prevent repossession of the dwelling. Where appropriate, the tenant will sign for Household Budget authorisation or a MABS special account.

The Health Executive will be notified of all such orders for repossession obtained, to allow them an opportunity to intervene, in a positive way, as outlined in previous paragraph.

6. – Rent Supplementation in Private Accommodation

Where repossession of the dwelling cannot be avoided and the procedures outlined in the code of practice have been operated, the Health Executive will take same into consideration when deciding the bona fides of an application for Rent Supplementation for private accommodation, under the Supplementary Welfare Allowance legislation.

In general, financial support would not be given where a tenant failed to keep agreements that were entered into in accordance with this code of practice. In such circumstances, it is not the function of the Health Executive to secure accommodation.

However if in a particular case the supt. community welfare officer considers that there are sufficient, clearly identifiable exceptional circumstances to warrant a departure from the above procedure, he/ she may authorise the payment of a rent supplement. In such a case the detailed reason for authorising departure from the code must be clearly recorded on the case file.

Clare MABS

IT IS ADVISABLE TO PHONE THE OFFICE AT 065 6841991 PRIOR TO TRAVELLING TO CLINIC

West & North Clare Clinic

Clinic & Appointment Times:
Community Centre Kilrush

Money Adviser: Susan Doherty
9051269

Tuesday

10.00 – 11.00 pm	Miltown Malbay – By Appointment
11.30 – 12.30 pm	Mullagh Credit Union Office
1.00 – 3.00 pm	Quilty/Doonbeg – By Appointment

Wednesday

11.00 – 1.00 pm	Kilrush Community Centre
1.30 – 3.30 pm	Kilkee, Carrigaholt, Kilbaha – By Appointment

Thursday

10.00 – 1.00 pm	Ennis – By Appointment
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Friday

11.00 – 12 noon	Ennistymon Health Centre – By Appointment
12.30 – 2.30 pm	Lisdoonvarna, Ballyvaughan – By Appointment

List of Clare Community Welfare Service Personnel & Clinic Times

District No. 212 – Mary Cotter, Kilrush (065) 9054202 – Fax 065-9054209

Wednesday	10.00am - 12.noon	Health Centre, Kilrush
	3.30pm - 4.00pm	Doonbeg Hall
Thursday	10.30am - 12.noon	Health Centre, Kilkee (065) 9056381
	2.00pm - 2.30pm	Carrigaholt Disp.
Friday	11.00am – 12 noon	Community Centre, Kilrush

District No. 902 – Patsy Queally / Maragaret Coffey, Co. Council Offices

Our Lady’s Hospital, Ennis, (Homeless Unit) Tel (065) – 6864799

Fax (065) –6864892

Tuesday	11.00am – 12.00pm	Ennistymon Health Centre	065-7071143
Wednesday	2.00pm – 3.00pm	Sandfield Centre, Ennis	065-6868090
Thursday	11.00am – 12.00pm	Kilrush Health Centre	065-9051508
	2.30pm – 3.30pm	Shannon Health Centre	065-362491
Friday	2.00pm – 3.00pm	Sandfield Centre, Ennis	065-6868090

Kilrush Town Council – Designated Staff

Revenue Collector	Community Welfare Officer	MABS	Designated Housing Officer
Áine Lennon	Mary Cotter	Susan Doherty	Anne Marie Finn/John Kelleher