



Squatters Procedure

1. Introduction

- 1.1 A squatter is someone who occupies a property illegally. A squatter should not be confused by an occupier who has been given permission to occupy the premises by the tenant. If the occupant does not have this permission they are treated in law as a trespasser.

2. Policy

- 2.1 This procedure relates to Co-op Homes short life and permanent tenants as well as Co-ops.

3. Procedure

- 3.1 Once a report has been received of a suspected squatted property an inspection needs to be carried out with another officer within 1 working day.
- 3.2 Check records to confirm whether the property is void or tenanted.
- If void ascertain whether or not prospective tenant (Protected Intended Occupier (PIO)) has signed a tenancy agreement.
 - If tenanted note details of household members, tenancy start date and any contact numbers.
- 3.3 If contact is made try to establish the identities of occupants. If they claim to be the tenants ask them to confirm their full names and dates of birth of all household members together with a copy of the tenancy agreement and any other supporting information.
- 3.4 If at the visit, occupiers other than the tenant are present, only certain statements and questions should be asked (Order 24 county court civil procedure):
- Inform them that Co-op Homes either own or manage the property
 - Ask them why they are in the property
 - Inform them that they have no legal right to occupy the property
 - Ask them to leave immediately unless possession proceedings are to be delayed
 - If they refuse to leave ask them to identify themselves
 - Ask if any other people are in occupation
 - Inform them that possession proceedings will begin immediately or if this is not the case tell them that proceedings will commence in due course
 - Give them, or refer them on for housing advice
 - Do not give them advice on their squatting rights
 - No monies should be accepted or keys to the property given.
- 3.5 If at the visit occupiers are not in, leave a standard letter requesting contact explaining that we believe the property is illegally occupied and that legal action is being taken against persons unknown to regain vacant possession of the property.



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- 3.6 If at any stage it appears that the squatters have abandoned the property gain entry to check that they have left. If it appears that they are still in occupation secure the property and leave the possessions untouched.
- 3.7 If the squatters remain in the property with no intention of leaving that day and there is no Protected Intended Occupier the local Housing Officer can approve legal action to regain possession. To proceed with legalities we will require a report on the squatter action which includes:
- Names, number and type of occupants (even if they appear to be fictitious)
 - Any other details about the occupants
 - When and how they gained entry to the property
 - What the squatters said at the meeting
 - What Co-op Homes representatives said at the meeting
 - Other supporting information from neighbours etc
- 3.8 If an Interim Possession Order is granted a member of staff will have to meet the police and a locksmith on site to remove the occupants who will have committed a criminal offence by remaining in the property after 24 hours on the notice being served.
- 3.9 At the hearing for IPO a further date will be set for a final hearing for outright possession. Co-op Homes can clear and secure the property after that date.
- 3.10 If possession is not secured between the date of the IPO and the final hearing a bailiff warrant will be required to regain possession of the property.
- 3.11 Once a bailiff's appointment has been made a member of staff will have to meet the bailiff at the property with a locksmith and make arrangement to secure and clear the property.
- 3.12 Where there is a Protected Intended Occupier (PIO) or Displaced Residential Occupier (DRO) inform the Police and arrange for them to accompany you to regain possession.
- 3.13 Arrange for a carpenter, transport for removing items and another officer to be present when the Police attend. Provide the Police with either a:
- the signed tenancy agreement (in cases of void properties with Protected Intending Occupier).
 - the original tenancy agreement from current tenants file (in cases of tenanted properties with Displaced Residential Occupier).
- 3.14 After the Police have arrested or removed the squatters or it is found that they have left change the locks and ensure that the property is secure from further illegal entry.



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4 Guidance Notes

- 4.1 Do not serve a Notice to Quit as it could be argued that we have given the squatter(s) an interest in the property.
- 4.2 Do not allow the squatters to remain in the property – they must be told to leave immediately.
- 4.3 Where the Police attend as a result of a PIO ensure that proof is provided of your position in Co-op Homes and that Co-op Homes is the landlord. A copy of the signed tenancy agreement is provided. The Police can arrest the occupants without the need for a warrant. The Police may ask that Co-op Homes ask the occupants to leave and they assist in this process. Discuss how the matter will be handled prior to taking action. Do not assist the Police with the removal of the occupants.
- 4.4 Whilst awaiting action staff must carry out regular visits (at least every 2 weeks) to the property. If staff are satisfied at any time that the squatter(s) have left the property an immediate lock change should be arranged.