

## RECHARGES TO RESIDENTS POLICY

### Responsible Officer

Director of Finance

### Aim of the Policy

Phoenix residents have a variety of responsibilities under their tenancy agreements and leases, this includes not causing damage, neglect or vandalism and meeting repair obligations.

This policy sets out Phoenix's commitment to charge residents for any cost it incurs when residents fail to meet their responsibilities. It also aims to ensure that all rechargeable repairs are recovered fairly and consistently whilst being sensitive to individual's circumstances.

Where a resident has multiple debts outstanding with Phoenix, payments received for debts will be processed in the following order of priority:

1. Rent arrears
2. Former tenant arrears
3. Court costs
4. Rechargeable repairs
5. Garage rent arrears
6. Other recharges

### Policy Scope

Recharge means any cost incurred by Phoenix for carrying out any work or service that is a resident's responsibility under their tenancy agreement, lease or any Phoenix policy. A recharge is not a charge that Phoenix makes for a service that it provides for residents e.g. insurance, caretaking. Examples of recharges are:

- Repairs that are a resident's responsibility under their tenancy agreement or lease. This includes cases where a repair is identified from the outset of the resident reporting it, cases where the work has been done and it becomes apparent that the repair is the responsibility of the resident, or where it is claimed that the work is required as the result of a criminal act but the resident does not provide a verified crime reference number.

(Residents will be provided with support and or advice on how to obtain a crime reference number)

- Repairs to their own property or another property owned by Phoenix as a result of wilful damage, neglect or vandalism by the resident, those who reside with the resident, or a visitor (family or friend) of the resident.

- Works to remove significant improvement or alterations affecting the structure of the property that tenants have made to their home or garden which they carried out without the prior permission of Phoenix as required under their tenancy agreement. Examples include lean to sheds, conservatories, removal of internal walls etc.
- Works to remove a satellite dish because it was put up without Phoenix's consent and its' presence contravenes planning regulations.
- Work to an empty property where a tenant has moved out of a property and Phoenix has to clear his or her belongings or carry out repair works that are the resident's responsibility.
- Clearance of bulk refuse left on Phoenix property without prior permission.
- Tenants may be charged for failing to keep gas servicing appointments where they fail to make contact to cancel or where there are no mitigating circumstances.

This list is not meant to be an exhaustive list of items for which Phoenix will recharge residents.

## The Policy

Phoenix will:

1. Except in unforeseeable circumstances, such as emergencies, give residents advance notice of their responsibilities and the possibility of them being recharged for the works or services being carried out by Phoenix. Residents will be notified how long they have to fulfil their responsibilities.
2. In unforeseeable circumstances when it is not possible to tell residents in advance, they will be told as soon as possible after the work or service has been done.
3. Deal promptly and considerately with all claims from residents for special circumstances or mitigating factors to be taken into account to justify the cancellation of a recharge.
4. Normally, where a recharge is applied recover all the costs incurred by Phoenix.
5. Allow residents to use the Complaints Policy and Procedure to enable full consideration of their case before any legal action is taken by Phoenix.
6. Invoice residents for each item for which they are being recharged.
7. Use all legal powers it has at its disposal to recover recharges.
8. Recharge Leaseholders, where appropriate under the terms of their lease.

**Phoenix may consider waiving charges in part or completely if the resident is 'at risk' or experiencing Anti-Social Behaviour or Domestic Abuse.**

## Monitoring and review

This policy will be reviewed every three years or earlier whenever there are changes to legislation, good practice or other learning.

## Legislation

Equality Act 2010

Data Protection Act 2018

## Reference to other documents and associated policies and procedures

Including:

- Complaints Policy and Procedure
- Domestic Abuse Policy
- Data Protection Policy
- Enhanced Repairs Policy
- Fencing Policy
- Leasehold Management Policy.
- Recharges to Residents Procedure
- Rent Arrears Policy
- Responsive Repairs Policy
- Supporting Residents 'At Risk' Policy
- Tenant Property Improvements & Alterations Policy
- Tenancy / Lease Agreement
- Void Management Policy
- ASB Strategy
- Equality and Diversity Charter
- Phoenix Standards

## Definitions

Term/acronym	Description
Resident	Includes tenants and leaseholders.
Phoenix	Phoenix Community Housing.

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