



Abandoned Unit Policy

This Abandoned Unit Policy has been established in order to provide proper procedures to assist Salem Housing Authority (SHA) employees in determining whether a unit has been abandoned by a tenant.

To assist SHA personnel in the determination of abandonment of a unit, an “[Abandoned Unit Checklist](#)” (see attached [Form 1](#)) has been created.

It is our understanding that a unit is considered abandoned when the tenant has left the premises without any intention to return and defaults in the payment of rent. When abandonment occurs, the tenant voluntarily surrenders control of the unit to the SHA. The SHA accepts this surrender by re-entering the unit and preparing it for new tenants. When this surrender and acceptance occurs, the tenancy automatically terminates.

In determining whether a unit has been abandoned, the SHA will consider the following three factors:

- whether the rent is in arrears,
- apparent absence of the tenant from unit for an extended period of time,
- quantity and quality of property left behind in the unit

As long as the rent has been paid, a tenant cannot be said to have abandoned the unit. However, the fact that a tenant’s rental account is in arrears is not conclusive evidence of abandonment. The Public Housing Administrator should review the tenant’s rent paying history. If the tenant has never been behind in the rent, nonpayment could be an important factor in the decision. The amount of the arrearage may also indicate that the tenant has abandoned the unit. If there is a substantial amount owed, the tenant may have abandoned the unit to avoid eviction for nonpayment.

The Public Housing Administrator should conduct an investigation to determine if the tenant told anyone that he/she was moving or going away for a period of time and when the tenant was last seen or activity last occurred in the unit or if the tenant’s designated Emergency Contact has any information on the status. That date should be used to estimate the length of the tenant’s absence from the unit. In order to signify abandonment the tenant must have been away from the unit for a consecutive period of time. A tenant who is on the premises sporadically has not abandoned the unit. If the length of the tenant’s absence corresponds to the time period during which the tenant has not paid rent, there is a likelihood of abandonment.

If no one appears to know where the tenant has gone or whether he/she will return, abandonment is more likely. A clue to abandonment is the lack of personal property left behind by the tenant. When a tenant removes all personal property from the unit, it can reasonably be concluded that

the tenant has abandoned the unit. In cases where the tenant has removed some but not all personal property, the SHA must ascertain the amount and estimated value of the property. If a tenant leaves a number of items of little or no value, it may be reasonably determined that the tenant has abandoned these items along with the unit.

Procedure:

Once the SHA has reason to believe that a unit has been abandoned by a tenant, the following measures will be taken to reasonably determine whether a unit has been abandoned:

When notified of the possibility of an abandoned public housing unit, the Public Housing Administrator will:

Complete “[Abandoned Unit Checklist](#)” (Form 1) and keep it in the tenant’s file.

Attempt to contact the tenant by telephone. If unsuccessful, a “[Notice to Tenant of Suspicion of Abandonment of Unit](#)” (Form 2) will be hand-delivered and mailed returned receipt requested to the unit advising the tenant of the procedure to follow to negate said belief.

Attempt to contact the tenant’s Emergency Contact(s) by telephone. If unsuccessful, “[Notice to Emergency Contact of Suspicion of Abandonment of Unit](#)” (Form 3) will be mailed returned receipt requested to the Emergency Contact.

Depending upon the response or lack of a response from the Emergency Contact, the SHA will make a determination to either commence eviction proceedings or discuss the tenancy.

If the tenant **does respond**:

The SHA will ascertain his/her intentions. If the tenant intends to keep the unit, a private conference should be scheduled regarding the rent arrearage. The unit will no longer be considered abandoned.

If the designated Emergency Contact **does respond**:

The SHA will attempt to obtain information regarding the tenant’s whereabouts and attempt to get a forwarding address.

If the designated Emergency Contact can satisfactorily explain the tenant’s absence and expresses the tenant’s intent to return, the unit may not be deemed abandoned. Nonpayment eviction proceedings should be initiated.

If after conversation with the Emergency Contact, he/she can verify that the tenant has no intention of returning, then the designated Emergency Contact may be allowed to remove the property on behalf of the tenant. The person removing the property must complete and sign a “[Receipt for Personal Property From Abandoned Unit](#)” (Form 4).

If the tenant and the Emergency Contact **do not respond** to the Notice sent by the designated date:

The SHA will issue a 48 hour “[Notice of Inspection for Suspicion of Abandonment of Unit](#)” ([Form 5](#)) informing the tenant of an inspection by the SHA.

The SHA will inspect the unit, assess the situation, and take photos of tenant belongings in the unit. This information will be kept in the tenant’s file.

After the inspection the SHA will make a reasonable decision whether or not to proceed with court action or take possession of that unit.

Any personal property of little or no value left behind will be disposed of and the unit will be repaired for re-rental.

If property of substantial value or large quantities of property is left behind, it should not be disposed of. This is indication that the tenant may not have abandoned the unit. In this situation the Nonpayment Eviction procedures should be followed so that the tenancy will be legally terminated and the personal property will be moved for storage by a bonded moving company overseen by an Essex County Sheriff.

Adopted by the SHA Board of Directors: November 18, 2008

Abandoned Unit Checklist

Date: _____
Tenant: _____
Address: _____

Reason for Suspicion of Abandonment:

Form 2: "Notice to Tenant of Suspicion of Abandonment of Unit" (Form 2) sent: _____
Must respond by (10 calendar days): _____

Emergency Contact: _____
Emergency Contact Tel. #: _____
Emergency Contact Notification: _____

Form 3: "Notice to Emergency Contact of Suspicion of Abandonment of Unit" (Form 3) sent:

Must respond by (10 calendar days): _____

Monthly rent: _____	Amount in arrears: _____
Date of last payment: _____	Seen by: _____
Date last seen by SHA: _____	Seen by: _____
Date last seen by neighbors: _____	Seen by: _____
Date of last activity in unit: _____	Seen by: _____
Type of activity seen: _____	

How long has unit appeared to be abandoned?: _____
Did tenant ever mention intent to vacate? Yes _____ No _____

If so: When: _____
To whom: _____
Where did tenant intend to go: _____
How long did tenant intend to stay: _____

Based on above do you conclude that the tenant has abandoned the unit?: Yes _____ No _____

SHA Employee Signature

____ (Date)

To: ____ (Tenant)
____ (Address)
____ (Address)

Re: Notice to Tenant of Suspicion of Abandonment of Unit

Dear ____ (Tenant) :

This notice concerns the Salem Housing Authority unit leased by you at the above address. Your rent has been due and unpaid for ____ (length of time) and the Salem Housing Authority believes that you no longer occupy this unit.

Unless you contact me by ____ (date- 10 calendar days) , the Salem Housing Authority will consider your unit abandoned and your lease terminated. Any personal property left in the unit will be disposed of in 15 days. **To prevent this**, please notify me that you intend to occupy the unit and give an address and telephone number where you can be reached.

If you notify me, your Salem Housing Authority tenancy will continue. However, please be advised that under your lease you are required to pay rent and if you continue to fail to do so, the Salem Housing Authority will initiate eviction proceedings against you.

I can be reached at 978-744-4431 extension 103.

Sincerely,

Lorri DeFrancesco
Public Housing Administrator

Sent by: Mailed 1st class return receipt requested and Hand delivered

Form 2: Notice to Tenant of Suspicion of Abandonment of Unit
file: 1d abandoned unit policy

____ (Date)

To: ____ (Emergency Contact)
____ (Address)
____ (Address)

Re: Notice to Emergency Contact for Suspicion of Abandoned Unit for (Tenant)

Dear ____ (Emergency Contact) ____:

____ (Tenant's Name) ____ asked the Salem Housing Authority to contact you in case of emergency. The Salem Housing Authority has been unable to contact ____ (Tenant's Name) ____ and has reason to believe that she/he has abandoned the unit at ____ (Tenant's Address) ____.

Unless ____ (Tenant's Name) ____ contacts me by ____ (date- 10 calendar days) ____, the Salem Housing Authority will consider his/her tenancy to be terminated and will dispose of any unclaimed items left in the unit.

If possible, please relate this information to ____ (Tenant's Name) _____. If you have any information regarding the whereabouts of ____ (Tenant's Name) ____, please contact the Salem Housing Authority.

Thank you for your assistance. I can be reached at 978-744-4431 extension 103.

Sincerely,

Lorri DeFrancesco
Public Housing Administrator

Sent by: Mailed 1st class return receipt requested

Receipt for Personal Property From Abandoned Unit

I hereby acknowledge that I have received from the Salem Housing Authority the following articles which were left in the unit located at (Tenant's Address) at the termination of (Tenant's Name).

(Describe articles received including condition or damage)

I hereby agree to defend the Salem Housing Authority and to hold it harmless from any and all liability arising out of my custody of the property listed in this receipt.

Date: _____

Signature: _____

Name: _____

Address: _____

Telephone: _____

Relationship: _____

Important Notice. Please have this notice translated if necessary.
Aviso importante. Por favor haga traducir si es necesario.

Date: _____

To: Tenants of (Address)

From: _____

Re: **Notice of Inspection for Suspicion of Abandonment of Unit**

The Salem Housing Authority believes that your unit has been abandoned.

You did not respond to the **Tenant Notice of Suspicion of Abandonment of Unit** sent to you by the Public Housing Administrator. There was no response from your designated Emergency Contact as listed in your tenant file.

Therefore, an inspection on the condition of your unit will be performed on (date) at (time) in order to determine whether or not the unit has been abandoned.

If you have any questions, please call Lorri DeFrancesco, Public Housing Administrator, at 978-744-4431 extension 103.



John A. Boris, Chairman
Joseph M. O'Neill, Vice Chairman
Peter K. Strout, Second Vice Chairman
James R. Zisson, Treasurer
Robert J. Jalbert, Member

Carol A. MacGown, Executive Director

EXTRACT FROM THE MINUTES OF THE
REGULAR MEETING OF THE BOARD MEMBERS OF THE
SALEM HOUSING AUTHORITY HELD ON
TUESDAY, NOVEMBER 18, 2008

The BOARD MEMBERS of the SALEM HOUSING AUTHORITY met in a REGULAR MEETING at 27 Charter Street in the City of Salem, Massachusetts on TUESDAY, NOVEMBER 18, 2008, the place, hour, and date duly established for the holding of such meeting.

The meeting was called to order at 6:00 p.m. by Chairman John A. Boris and upon a roll call, the following answered present:

Present

John A. Boris
Peter K. Strout
Robert J. Jalbert

Absent

Joseph M. O'Neill
James R. Zisson

Also Present: Carol A. MacGown, Kathleen Wilkinson, and Michael Fitzgerald

The Chairman declared a quorum present.

RESOLUTION

The following resolution was introduced by Chairman John A. Boris, read in full, and considered:

Peter K. Strout moved to approve the Abandoned Unit Policy, as submitted, which has been established in order to provide proper procedures to assist the Salem Housing Authority (SHA) employees in determining whether a unit has been abandoned by a tenant, and to authorize Carol A. MacGown to implement said policy. Robert J. Jalbert seconded the motion and the vote was as follows:

Ayes

John A. Boris
Peter K. Strout
Robert J. Jalbert

Nays

The Chairman thereupon declared the motion carried and said resolution adopted.