

Abandoned Unit Policy

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

To assist MHA 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 MHA. The MHA 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 MHA 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 Property Manager 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 Property Manager 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 MHA 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 MHA 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 Property Manager 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 MHA will make a determination to either commence eviction proceedings or discuss the tenancy.

If the tenant **does respond**:

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

The MHA 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 MHA 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 MHA Board of Directors: (date)

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 MHA: _____	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 _____

MHA Employee Signature

Form 1: Abandoned Unit Checklist

file: abandoned unit policy MH

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

____ (Date)

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

Re: Notice to Tenant of Suspicion of Abandonment of Unit

Dear ____ (Tenant) _____:

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

Unless you contact me by ____ (date- 10 calendar days) _____, the Marblehead 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 Marblehead 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 Marblehead Housing Authority will initiate eviction proceedings against you.

I can be reached at 781-631-2580.

Sincerely,

Kathleen Collins
Property Manager

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

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

**Important Notice. Please have this notice translated if necessary.
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___ (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 Marblehead Housing Authority to contact you in case of emergency. The Marblehead 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 Marblehead 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 Marblehead Housing Authority.

Thank you for your assistance. I can be reached at 781-631-2580.

Sincerely,

Kathleen Collins
Property Manager

Sent by: Mailed 1st class return receipt requested

Receipt for Personal Property From Abandoned Unit

I hereby acknowledge that I have received from the Marblehead 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 Marblehead 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: _____

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Date: _____

To: Tenants of (Address)

From: _____

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

The Marblehead 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 Property Manager. 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 Kathleen Collins, Property Manager, at 781-631-2580.