

**DISQUALIFYING
TENANTS IN BREACH
OF TENANCY
AGREEMENT
CONDITIONS FROM
BOARD COMMITTEE
MEMBERSHIP POLICY**



Disqualifying Tenants in Breach of Tenancy Agreement Conditions from Board/Committee Membership Policy			
Last Reviewed	March 2023	Next Review	January 2026
Responsible Officer	Company Secretary		

Policy Statement: Freebridge is committed to maintaining the highest standards of probity and to protect the reputation of the organisation. The Board expects any Board/Committee Member who is also a tenant to comply fully with his or her Tenancy Agreement terms and conditions.

In the event of a breach of their tenancy agreement an individual may be disqualified from Board or Committee membership (please also refer to Board and Committee Member Conduct Issues Policy above).

This Policy:

- Sets out the circumstances in which tenants in breach of tenancy agreement conditions are disqualified from Board/Committee membership; and
- Describes the procedure to be followed in these circumstances in respect of existing Board/Committee Members who are tenants.

Unpaid Rent Arrears

The Board shall:

- Expect any Board/Committee Member who is a tenant to ensure that his or her rent is paid when due.
- Not accept as a new Board/Committee Member any tenant who has unpaid arrears, other than in circumstances referred to below.

It is recognised that tenants can find themselves in circumstances where they are unable to pay their rent regularly, for example where problems occur in the payment of benefits. Such situations would be dealt with sympathetically and pragmatically by Freebridge.

However, there may be circumstances in which the nature of the arrears is such that it would materially conflict with the tenant's continuing role as a Board/Committee Member of Freebridge. These circumstances would include the following:

- The tenant's rent arrears are significant and/or persistent and the rent arrears are not attributable to delays in the processing of Housing Benefit payments;

- No satisfactory explanation has been given by the tenant as to the reason for the rent arrears;
- The tenant has failed to consult with an officer of Freebridge about resolving the problem or follow any resulting advice; or
- The rent arrears are such that Freebridge has commenced or would be entitled to commence any legal enforcement proceedings against the tenant.

Breach of Tenancy

The Board shall:

- Require any Board/Committee Member who is a tenant to comply with all of his or her Tenancy Agreement terms and conditions.
- Not accept as a new Board/Committee Member, and will expect an existing Board/Committee Member, to follow the procedure below, if the tenant:
 - Is subject to any legal enforcement proceedings for breach of tenancy; or
 - Has previously been evicted for breach of tenancy within the last two years.
- There may also be circumstances where a breach of tenancy has occurred which would lead the Board to consider following the procedure. Such a breach of tenancy may include, though is not limited to, the following:
 - Acts of anti-social behaviour and/or criminal activity as detailed within the Association's [Anti-Social Behaviour, Harassment and Hate Crimes Policy](#);
 - Non-payment of rent and/or any other tenancy/property related charges in accordance with the Association's [Income Management and Maximisation Policy](#);
 - Any other breach of the terms and conditions of the Tenancy Agreement held by the Board/Committee Member.

Procedure for Removing a Board/Committee Member who is a Tenant

The Board shall:

- Expect that an existing Board/Committee Member to whom these (and similar) circumstances apply will resign.
- Consider exercising their power under the Rules of Freebridge, which provides that a Board Member may be removed by a resolution of a two thirds majority at a meeting of the Board. (Under the Committee Member Agreement for Services, a two thirds majority of the Board is also required to remove a Committee Member.) Before calling upon a tenant to resign, the Board will provide the Board/Committee Member concerned with the opportunity to present his/her case to the Board or a sub-committee of the Board in accordance with the [Board Member Conduct Issues Policy](#).