

POLICY TITLE

Empty Homes Strategy

REVISION DATE

17.03.2020

REPLACES STRATEGY

Empty Homes 2006 Strategy

STRATEGY AIM

This strategy aims to target owners of long term empty properties to increase the availability of properties to rent or buy and regenerate the area.

In particular, we will aim to:

- Reduce the number of long term empty homes (residential properties), and increase housing supply in South Holland by bringing them back into use
- Minimise the number of properties becoming long term empty (six months plus) by identifying them early and working with owners as soon as possible
- Provide a contact point and resource for owners of empty properties
- Work in partnership with other agencies to tackle the problem of empty properties.

STRATEGY STATEMENT

WHAT IS AN EMPTY PROPERTY?

There is no recognised definition of empty property and they are not always easy to identify. Empty properties can take on several forms:

- the property previously in residential use, such as a flat or house
- flats above shops which are not in use – possibly as there is no separate access to the upper levels of the shop, or because the lease arrangements for the buildings are not favourable to renting the accommodation out
- Unused and hard to let office space, where the potential of developing or renting the space as residential has not been considered.

There are several reasons why properties become empty. These include:

- Transitional empty properties pending a change of owner
- Owners not being aware or understanding the options available to bring properties back into use
- Properties which are left empty by the resident moving into residential care
- Properties where the owner has died and the estate is awaiting the appropriate Legal action
- perceived problems with renting the property
- Extensive maintenance problems combined with the low value of the property
- Owners awaiting an upturn in the market.

THE WIDER PICTURE

The Council's key priorities for housing are:

- Ensure that our residents are enabled to live in high-quality housing no matter the tenure.
- Support the supply and suitability of private sector accommodation by reducing the number of empty homes in the district and providing targeted financial support to allow people to stay in their homes.

MONITORING OUR PERFORMANCE

The Ministry of Housing, Communities and Local Government (MHCLG) currently requires all Local Authorities to declare the number of empty properties brought back into use or demolished as a result of action taken by the Council. The numbers of Empty Homes are reported to Performance Monitoring Panel.

SOLUTIONS TO THE PROBLEM

Empty property Database

We will identify long term empty properties through our Council Tax section who already maintain a database of these properties. This database includes all dwellings that have been left empty for six months or longer and it will be used to target the owners of these properties. Action taken by Council Tax will include contact by various methods. Where specific issues are identified, Council Tax will deploy its visiting officers. We will make use of both the Council Tax and the new Private Sector Northgate Assure systems to simplify and make use of data to both enable officers and owners to tackle any Empty Homes.

Objective 1: To bring empty homes back into use using a range of advice, assistance and support.

As described above; Council Tax will provide advice and support to homeowners if necessary; this will include annotating bills once Council Tax premium levels are reached to enable homeowners to make contact to resolve their situation. Once there is confirmation that the property is a true long term empty home, with the owner's agreement, the Private Sector Housing Team will then determine the best course of action to bring the property back into use. Advice and guidance are available for all empty homeowners in the District on our website to highlight what the Council can offer. There is also a dedicated email address for anyone in the district to report an Empty Homes.

The different types of advice or assistance available are as follows:-

- Advice on selling/renting the empty property

The Private Sector Housing Team can offer advice on local estate agents, lettings agents or auctioneers who can assist in the sale or letting of the property. The Private Sector Housing Team can also inspect the property and assess it according to the Housing Health and Rating System. The Officer will then be able to give the necessary advice as to what the health and safety risks are and how these can be rectified.

- Develop partnership grants

The Council currently offers grants to empty homeowners to enable them to complete repairs on their property or deal with issues such as garden and house clearances so they can bring the property back into use.

- Consider Developing a Private Sector Leasing Scheme

A Private Sector Leasing Scheme is where a Council can enter into a lease with a private landlord. The Council will then use the property as an affordable decent home for local households who face homelessness.

- Consider a Tenant Finder Scheme

To consider a scheme to assist the owner of an empty property through the lettings process whilst providing good quality homes for residents who need somewhere to live. The scheme will guide the empty homeowner through the process of letting their property and assist with finding suitable tenants through our Housing Options Team.

Signpost to energy efficiency partner agents

The council will look to signpost about the available public grants that they may be eligible for, to bring the property up to a suitable standard.

Objective 2: To use enforcement action to bring long term, problematic empty homes back into use.

The Council has many Regulatory powers that it can utilise to address the impact an empty property has on neighbours and the local area. With the legislation available the Council can serve a notice on the homeowner to ensure that these issues are addressed and in, turn, encourage the owner to bring the property back into use.

Where all attempts of intervention have failed or if there is an immediate risk to health or safety, the Private Sector Housing Team will consider several enforcement options that are available to them. These options include Compulsory Purchase Orders, Empty Dwelling Management Orders and Enforced Sale.

- Compulsory Purchase Orders – Housing Act 1985 Section 17

When other attempts to work with the empty homeowner has failed, the Council can compulsory purchase a property as a last resort. The Council has to prove that it is in the public interest to bring the property back into use and that they have the resources to see the CPO through. In making an application for a CPO, the Council must show what their intention for the property is and that they have made all other attempts to bring the property back into use. This is not a quick process and it can take many months to complete. The owner of a compulsory purchased property may be entitled to compensation for the loss at a level equivalent to the open market value.

- Empty Dwelling Management Orders (EDMOs) – Housing Act 2004

EDMOs allow local authorities to take management control of certain empty properties for initially up to 1 year (under an interim EDMO) and then up to 7 years (under a final EDMO). Under an interim EDMO, the Council can only grant tenancies with the permission of the owner, but under a final EDMO, the owner's consent is not required. The local authority must apply to the First-Tier Tribunal (Property Chamber) for an EDMO. The Property Chamber must be satisfied that there is no reasonable prospect that the property will be reoccupied shortly without the imposition of the EDMO and that there is an element of "nuisance" being caused by the property. The Property Chamber will take into account the interests of the community and the effect the order will have on the rights of the relevant proprietor and may have on third parties. There are, however, certain properties that are exempt from an EDMO. These include:

- Second homes
- Holiday lets

- Flats and houses normally occupied by students
- The owner is in prison
- The owner is receiving or giving care
- The owner is in the armed forces
- The relevant proprietor is temporarily residing elsewhere
- The property is on the market for sale or let
- Enforced Sale – Law of Property Act 1925

A local authority has a right to sell a property where, acting under statutory power, the Council has had to incur costs as a result of works it has taken in default. Provided such costs are capable of being deemed a charge against the property, then a power of sale arises in favour of the Council. For example, if the owner has large council tax debts and has failed to make payments to clear these arrears then the Council can consider an Enforced Sale. It must be noted though that the owner must have debts owed to the Council which are sufficient enough to warrant enforcement action. However, before such a power can be exercised, the Council must serve a formal notice on the owner demanding payment of the monies owed. If the payment still outstands after the service of the notice, then the Council can proceed to sell the property.

Other Enforcement Action

Where an empty property is causing a nuisance or is affecting a neighbouring property, we will make use of current legislation to minimise the nuisance caused whilst we try to bring the property back into use. We can seek to secure the property and make the owner take action where it is unsafe or it is adversely affecting the amenity of an area through its disrepair.

Principles of Enforcement

The overriding principle of Enforcement and that which has been adopted by South Holland District Council is contained within the Enforcement Concordat issued by the former Office of the Deputy Prime Minister. Any enforcement action that is taken has to be in the best interests of the public and will be per SHDC's Corporate Enforcement Policy. Underpinning this are the four principles of enforcement which are:

- proportionality – the degree of enforcement action taken should be proportional to the risk involved
- consistency – officers should take a similar approach in similar circumstances to achieve similar outcomes
- transparency – making sure that our role is clear to Businesses, Employees and Customers and that any advice is given or action taken by enforcement officers is understood
- Targeting – inspection priorities are aimed at highest risk areas and we identify those responsible for controlling those risks.

In general, our ethos is to work in partnership with owners of empty properties. However, where owners do not co-operate, enforcement action will be taken.

Objective 3: To better understand why homes are being left empty in the District and where possible, prevent homes from becoming empty for long periods.

As well as bringing empty homes back into use, the Council wants to stop properties becoming long term empty in the first place, or reduce the time they are empty. Advice and guidance will be sent out with letters by Council Tax to empty homeowners approaching the six months and two-year empty date. This will open communication with empty homeowners and reduce long term empties in the district. Options to open up self-service access, via the Councils website, will be explored as part of the ongoing digitalization of Housing Services,

Unoccupied and unfurnished properties are entitled to 6 months exemption from Council Tax, after 6 months, normal charges apply.

SHDC has determined as part of its Medium Term Financial Strategy (MTFS) to an additional 50% Council Tax premium on Long Term Empty properties, raising the Council Tax to 200%, from 1 April 2019, an additional 100% Council Tax premium on Long Term Empty properties longer than 5 years, raising the Council Tax to 300%, from 1 April 2020 and additional 100% Council Tax premium on Long Term Empty properties longer than 10 years, raising the Council Tax to 400%, from 1 April 2021.

WHO IS AFFECTED BY THE POLICY?

Owners and leaseholders of empty properties and homeless people within the South Holland district.

IMPLEMENTATION

The implementation of this policy will be carried out by the Housing Options team within Housing. The Housing Options Manager, and ultimately the Housing Landlord Services Manager, will be accountable for ensuring the policy is implemented effectively.

However, for the policy to be effective, we recognise that it is necessary to adopt a corporate approach. Services within the Council that will be involved are:

- Communities Team
- Planning & Development
- Housing Options Team
- Customer Services
- Benefits and Revenues Team

MONITORING

The policy will be monitored in the following ways:

MONITORING ACTIVITY	PERSON RESPONSIBLE
Check to see if the policy has been implemented effectively	Housing Landlord Services Manager
Review the Policy annually	Housing Options Manager

POLICY CONSULTATION

POLICY APPROVAL

This policy was approved by Cabinet on

RELATED POLICIES & STRATEGIES

Housing Assistance Policy