

Empty Homes Enforcement Strategy

2016



Contents

Forward	3
Introduction	4
The National Picture.....	4
Local Picture - Blaby District	6
Previous Empty Homes Strategy	7
Key Strategic Aims.....	8
Identification	8
Council Tax Premium for Empty Properties	9
Assistance.....	9
Enforcement.....	10
Empty Homes Working Group (EHWG)	12
Action Plan	14
Glossary of Terms.....	15
Legislation.....	15
Appendix 1 – Empty property Exemptions	16
Appendix 2 – Case Studies	17

Forward

The Government has increasingly encouraged local authorities to search for innovative ways to address the problem of empty homes, as an empty home is a wasted asset for both the owner and the community. Empty homes may lead to anti-social behaviour or crime, and, particularly where they are clustered can have a far reaching negative impact on the local community.

This Empty Homes Enforcement Strategy is an important step to ensure that a strong focus on empty homes is maintained and that there is a balanced approach to bringing empty homes back into use.

We intend to deliver a strategy that focuses on partnership working, effective tools and taking appropriate action, having regard to the wider agenda – improving the quality of life of all in Blaby District.

Councillor Guy Jackson
Neighbourhood and Environmental Services Portfolio Holder

August 2016

Introduction

Blaby District Council's Empty Homes Enforcement Strategy (EHES) sets out a clear direction and actions to reduce the number of empty properties, thus tackling the blight and anti-social behaviour associated with these properties whilst also seeking to increase the number of affordable homes within the District.

With over a quarter of a million properties in England sitting empty for longer than six months and substantially unfurnished it is becoming more essential that these wasted resources are put to use as a key source of housing. Returning empty properties back to use is both cheaper and faster than building new properties, and by government estimates would provide in excess of a year's worth of new housing for England, which is not being provided by the construction sector.

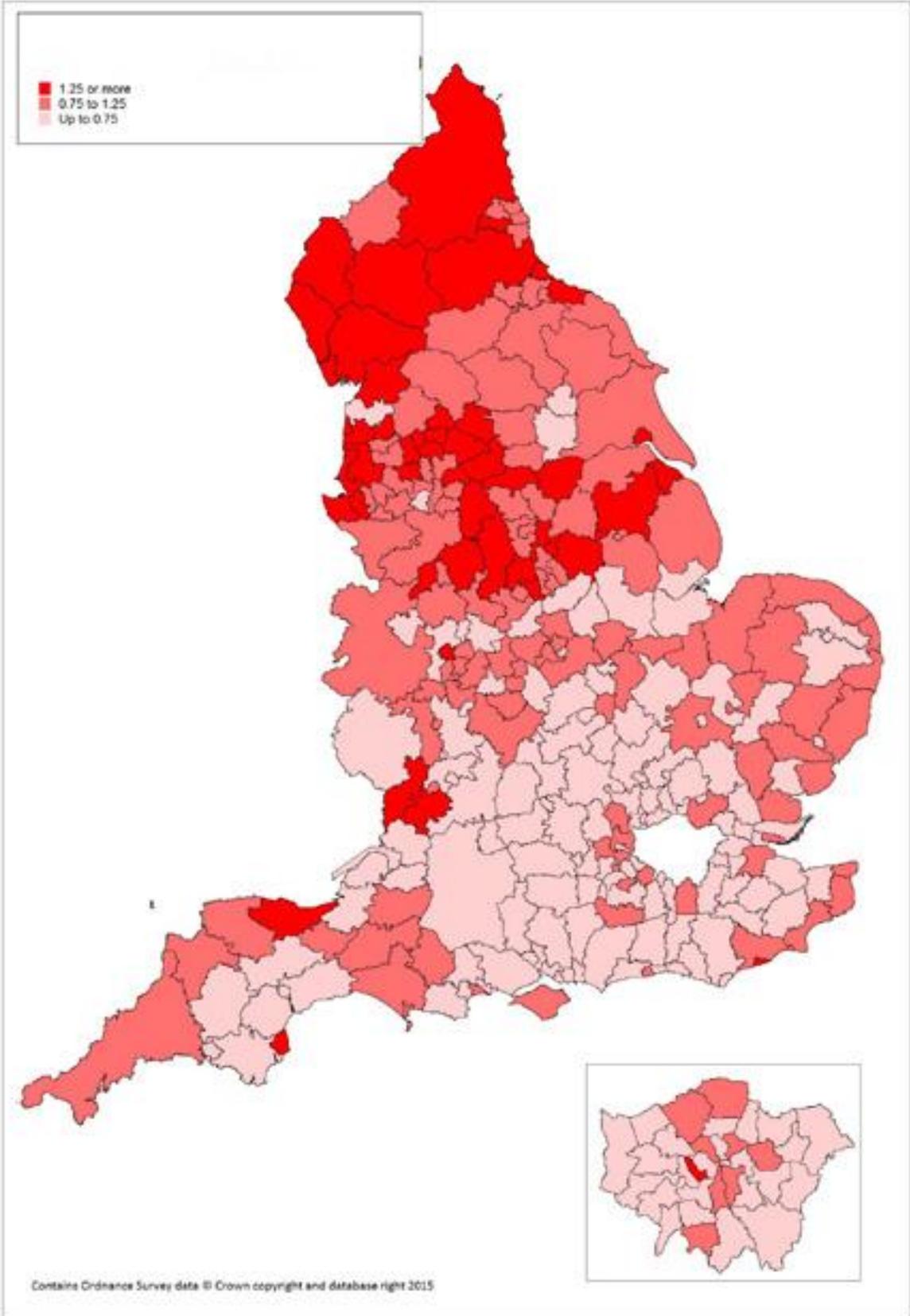
Blaby District Council is committed to bringing empty homes back into use. This EHES has been developed to help achieve this, outlining the key housing issues faced by the district and the tools at the Council's disposal to deal with long-term empty properties. The success of this Strategy will contribute towards achieving two out of the three priorities set out in the Blaby District Council adopted Housing Strategy 2015, namely :

- Increasing the Supply of Housing across the Tenures
- Making the best use of the existing housing stock

The National Picture

What is an Empty Property?

Most properties are only left empty for short periods and rarely require intervention from the Local Authority. However where properties remain empty for more than 6 months these become designated as 'Long Term Empty' (LTE). Owner's of these properties often need assistance, help, advice, persuasion or in some cases formal action to bring their property back into use. It is estimated that there are around 205,000 LTE's nationally as shown on the map and detailed in the table on page 6.



Percentage homes long-term empty by local authority

Region	Number of dwellings	Number of dwellings recorded as long-term empty	Percentage of dwellings recorded as long-term empty
North East	1,196,943	16,052	1.34%
North West	3,193,675	40,461	1.27%
Yorkshire & Humber	2,357,866	27,058	1.15%
East Midlands	2,014,514	19,490	0.97%
West Midlands	2,413,862	22,257	0.92%
East of England	2,590,719	17,202	0.66%
London	3,470,247	20,795	0.60%
South East	3,768,624	23,956	0.64%
South West	2,457,713	18,550	0.75%
England	23,464,163	205,821	0.88%

Table 1 - Number and percentage of dwellings long-term (more than six months) empty by region

Why do properties become empty?

Transactional empty properties arise due to the normal processes of buying, selling and letting properties. There are other common reasons why properties might become empty:

- Death of the occupant
- Occupant moving to hospital or institution
- Eviction or repossession
- Maintenance or value issues obstructing ability to rent property
- Need for repair and refurbishment beyond budget of owner

Some of these events can leave a property without occupiers for a period of time, and the new owner may experience difficulties taking the next steps required to return the property back into use. Often, they may lack the resources, both in terms of time and money, needed to renovate their property and then find a tenant or buyer for it.

Local Picture - Blaby District

Using December 2015 as a snapshot, there were **548** empty or vacant properties within Blaby District out of a housing stock of **40,961**. This strategy focuses only on LTE properties (those that have been empty for 6 months or longer), of which there are **205**. Some LTE fall within exempt categories and are therefore not included (see appendix 1). This leaves **149** that fall within the LTE category or 0.36% of the total housing stock. This is significantly lower than both the national and regional averages - shown in table 1.

Key characteristics in Blaby District include:

- A high proportion of owner occupiers
- A high proportion of older households
- A low supply of general needs affordable stock for families
- Relatively high house prices – although the number of sales have dropped, the price of property has remained relatively stable across much of the district, particularly in the more rural settlements.

These characteristics will be considered in the implementation of the strategy.

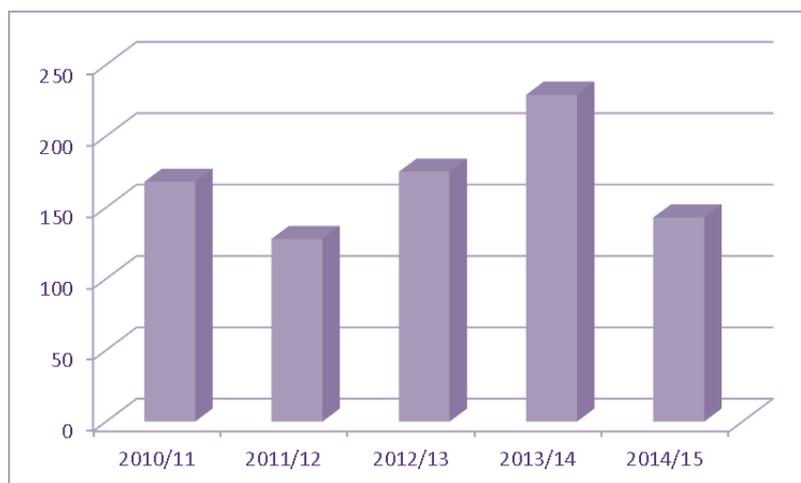
Previous Empty Homes Strategy

The Council adopted an Empty Homes Strategy in 2010. This strategy recognised there are a range of reasons that can result in a property becoming empty. It also set out a range of tools that could be utilised in order to assist owners to bring a property back into use.

Achievements 2010-2016

Since the introduction of this Strategy the key achievements include:

- 843 properties returned to use with our help
- The overall number of Long Term Empty Properties has reduced from 300 in 2010/11 to 149 in 2015.
- Securing £100,000 of New Homes Bonus receipts to help bring empty properties back into use.



Empty Homes Brought Back Into Use (Year on Year)

Key Strategic Aims

The core aims of this strategy are:

- Bringing Empty Properties back into use
- Reducing the negative effects of empty properties on the neighbourhood and residents, in relation to anti-social behaviour and other crime
- To prioritise empty homes for enforcement action

This strategy has been developed to help achieve these aims, having regards to the key housing issues faced by the District and the tools available at the Council's disposal to deal with long-term empty properties.

Working to achieve the aims outlined will involve:

- Establishing and following clear processes with regard to identifying and tackling LTE properties
- Streamlining the process through which empty properties can be brought back into use through legal means, where this becomes necessary.
- Ensuring eligibility for grant funding is fair and prioritise those in greatest need.

Identification

In order to tackle the blight of empty properties, the Council intends to work in collaboration with other departments and external partners to help identify empty properties in order to help bring them back into use.

Council Tax

The vast majority of empty properties are identified through the information provided by Blaby District Council's Tax department.

Complaints

Empty properties are often identified following complaints made to the Council from members of the public. Currently the Environmental Health Team deals with complaints that relate to empty properties. Details are then passed on to the Empty Homes Officer within this team for further investigation.

CapacityGrid

The Council employs the services of CapacityGrid to contact owners of properties that are newly vacated. This helps in keeping accurate records on the number of

empty properties within the district and provides the opportunity to contact and make owners aware of the help and assistance that is available to bring empty properties back into use.

Council Tax Premium for Empty Properties

In order to discourage owners of empty properties leaving from them unoccupied for long periods of time, the Council currently charges 100% of council tax as an Empty Homes Premium for properties empty longer than one month.

We are aware the other local authorities are increasing this premium as a way of tackling the issues of empty properties in their area. We have not ruled this out as a possibility in future should circumstances change and this is deemed appropriate.

Assistance

The Council will always do its utmost to resolve an empty homes issue by finding a mutually beneficial solution which allows the owner to keep hold of the property. The Council will always seek to work with the owners of long-term empty properties in the first instance, focussing on providing assistance and support for owners in bringing a property back in to use.

One of the main barriers for owners is the cost of the renovation works, with many requiring significant investment in order to bring them back into use. Many owners do not have the funds to return properties back into use themselves and therefore require financial assistance.

Offering financial support to owners of empty properties, to pay for renovation works, may be possible if the owner renovates the property in order to house a vulnerable household, or are themselves considered vulnerable.

Empty Property Grant

The Council currently provides financial assistance in the form of a non-repayable grant of up to £10,000 to owners of empty properties. In order to be eligible for this funding owners must agree to let out the property to a family or individual who is currently on the Councils housing waiting list for a minimum of two years. With this grant funding the Council will also provide owners with a dedicated Officer to help assist with arranging viewings; drafting tenancy agreements; support with inspections and inventories as well as securing deposits and rent in advance.

Empty Property Loan

Experience has indicated that financial assistance to empty property owners without placing conditions means the tenancy can be an attractive option and may result in many more properties being brought back into use. As such the Council also offers the choice of an interest free loan up to £10,000 to pay for repairs. This can be

repaid in instalments or be placed on the property as a land charge to be re-paid when the property is sold.

Enforcement

Where an owner of a long-term empty property refuses the assistance of the Council, or fails to return their property back into use within a reasonable timescale, firmer measures may be pursued which would require the owner to engage or risk losing their property

The enforcement tools available to the Council are: Enforced Sale Procedure, Empty Dwelling Management Order (EDMO) and Compulsory Purchase Order (CPO). Enforcement action can be halted at any time should the owner wish to engage with the Council to return their property back into use.

Enforced Sale

The enforced sale procedure can be used when the owner of an empty property has outstanding debts with the Council that exceeds £2,000. In situations where the Council is forced to undertake works to ensure that an empty property is made safe, the costs incurred will be charged against the owner. Should the owner not pay these debts, the Council can enforce the sale of the property in order to recover the costs.

An enforced sale can also be used to recover Council Tax arrears. This process can be halted at any point if the owner decides to engage and pay off their debts with the Council.

Empty Dwelling Management Order (EDMO)

The Housing Act 2004 gives Local Authorities powers to take over management and secure occupation of an empty property, either directly or via an intermediary (for example a Registered Social Landlord). It may be used as a final step if a voluntary leasing arrangement cannot be agreed upon between the owner and the Council.

The ultimate aim of an Empty Dwelling Management Order is to empower a third party to act as landlord for the property, which will be used to accommodate a household in need. The owner of the property may continue in ownership with an arms length arrangement whilst receiving a regular income. The managing organisation will undertake management and maintenance of the property for an agreed fee.

Compulsory Purchase Order (CPO)

Compulsory Purchase Order is a lengthy legal process that the Council will not take lightly. CPO can only be confirmed by the Secretary of State. They may only be used in appropriate cases, where despite the Council's best endeavours an owner has consistently failed to bring an empty property back into use.

Where the local authority has tried and failed to return a property to use by all other methods, Compulsory Purchase will be considered. It is perhaps the strongest power available to tackle problem properties. Compulsory Purchase proceedings are often

not completed because owners have been prompted by the process to bring the property back into use themselves.

Other

The Council may also use certain powers in connection with empty homes, these are:

- Where a property is adversely affecting the amenity of an area, the Council may serve a Section 215 Notice (Town and Country Planning Act 1990) which results in certain steps being taken in order to remedy the condition of the property in question;
- Where a property is dangerous or requires boarding up, the Council may carry out works or require the owner to carry out works to make the property safe (Building Act 1984);
- Where a property is likely to become a danger to public health (Public Health Act 1936), is causing a statutory nuisance (Environmental Protection Act 1990) or where there are pest control issues (Prevention of Damage by Pests Act 1949) the Council may serve notices or carry out works to remedy conditions;
- Where a hazard exists at a property that has the potential to result in harm (The Housing Act 2004) the Council may undertake an inspection using the Housing Health Safety Rating System (HHSRS) serve notices or carry out works to remedy conditions;
- Where the condition of an empty property is allowing or encouraging anti-social behaviours (e.g. graffiti, fly tipping and illegal access) a Community Protection Notice (The Anti-social Behaviour Policing and Crime Act 2014) may be served on the owner of the property detailing necessary action to remedy the situation

Enforcement procedures

When undertaking enforcement action against empty properties the council has a set of detailed enforcement procedures for officers to follow. These procedures ensure that all cases are treated fairly and consistently, are held within the Environmental Health department of the Council and set out how we prioritise action for LTE.

Prioritisation for Enforcement

Long-term empty properties, whose owners are absent or prove uncooperative, will be prioritised for action. To determine the most appropriate action each LTE is individually assessed and scored using an Empty Homes Decision Matrix. This considers:

- Length of time empty
- Whether the property already faces enforcement by Council departments.
- The number of complaints the Council has received regarding the property

- Whether the owner owes money to the Council.
- Whether the property is in conservation area or is a listed building

An Officer will visit the property in order to undertake an external inspection to determine:

- The general condition of the property
- Location and prominence of the property
- Whether the property is causing a detrimental environmental impact.
- Whether the property is attracting criminal activity – vandalism, graffiti etc..

Properties are marked against this matrix with the resulting score resulting in the property being placed into one of four categories A,B,C or D. in this process category A being the highest priority with properties within category D being lowest.

Category	Matrix Score	Action to be taken
A	>155	Priority action category. All options available including enforced sale, compulsory purchase, HHSRS* inspection and enforcement
B	101 - 150	Enforcement options activated and property action plan prepared and programmed
C	56 -100	Action priority stage 2,3,and 4 letters to be sent
D	0 -55	Low Priority No Pending Action but awareness letter to be sent

*HHSRS – the Housing and Health Safety Rating System

Table 2.

This matrix scoring mechanism allows interventions to be targeted and in doing so maximises the use of the Councils resources.

Empty Homes Working Group (EHWG)

A working group has been set up to review the policy framework in relation to the strategy and monitor its progress, implementation, achievements and actions. This group meets on a monthly basis and consists of representatives from, Private sector housing , Finance, Council Tax, Environmental Health and includes members of the Council’s Senior Leadership Team. It is chaired by the group manger for Regulatory and Leisure Services. The aims of this group are

- Monitoring Empty Properties – Setup and evaluate the process for locating, monitoring and assessing problem properties

- Agree policies and procedures required to streamline assistance for eligible candidates in relation to poor quality or empty property
- Determine funding options
- Review and establish the legal processes involved in implementing the strategy
- Formulate and maintain internal and external partnerships in implementing the strategy

Action Plan

In order to successfully implement this strategy the following action plan as been agreed upon:

Action Required	By Whom	When
Continue to encourage take up of available grants and loans	Empty Homes Team	Ongoing
Raising awareness of empties property and issues surrounding them	Empty Homes Team, Communications Department	Ongoing
Working in partnership (internal and external)	Empty Homes Team	Ongoing
Monitoring and Review of Strategy on a 12 month basis	Empty Homes Working Group	September 2017

Glossary of Terms

EHES – Empty Homes Enforcement Strategy
LTE - Long term Empty
CPO – Compulsory Purchase Order
EDMO – Empty Dwelling Management order
HHSRS – Housing and Health Safety Rating System
NHB – New Homes Bonus
EHWG – Empty Homes Working Group

Legislation

The Town and Country Planning Act 1990
Housing Act 2004
Building Act 1984
Environmental Protection Act 1990
The Anti-Social Behaviour Policing and Crime Act 2014
Prevention of Damage by Pests Act 1949
The Public Health Act 1936

Appendix 1 – Empty property Exemptions

- Unoccupied dwellings owned by a charity (up to six months)
- Unoccupied because person detained (e.g. prison)
- Unoccupied and previously the sole / main home of someone moved into care home or hospital
- Unoccupied because the resident is deceased
- Unoccupied because prohibited by law
- Unoccupied clergy dwellings
- Unoccupied because the sole owner / tenants has moved out to receive care
- Unoccupied because the sole owner / tenant has moved out to give care to another
- Unoccupied where the owner is a student who last lived in the dwelling as their main home
- Unoccupied dwelling taken into possession by a mortgage lender
- An unoccupied dwelling where the person who would otherwise be liable is a trustee in bankruptcy.

Appendix 2 – Case Studies

Empty home given a new lease of life

The council's Empty Homes Team are able to help home owners in the area bring their properties back up to decent homes standard by offering advice and support, helping to organise contractors and provide funding.

Mr Jones was the previous owner of a property in Arden Drive, in Braunstone, which had stood empty for over twelve years. The front and back gardens were overgrown and the door keys no longer worked in the locks.

With the council's help Mr Jones was able to sort the house out so it could be put on the market.

He said: *"The council getting in touch made me do what I ought to have done a long time ago. They explained what was required and helped to organise a contractor to clean up the front and back of the house."*

"I understand how others in a similar situation must feel; the best thing to do is speak to someone. From my experience the council were very helpful, they let me know what my options were and helped me to organise things."

The Arden Drive property is now under new ownership and is currently being renovated.

Empty Home Grant

Mrs Matharu, owner of a house in Kirkland Road, Braunstone Town, was one of the first in the area to benefit from the non repayable grant and now has a tenant living in her property.

She said: *"The house had been empty since June 2010. We always had the intention to rent it out but after suffering at the hands of rogue builders we found ourselves in a position where there was no money left to finish sorting the house out."*

"The grant funding has helped with renovating the kitchen, bathroom and replacing the door at the rear making the house more energy efficient. If it wasn't for Blaby District Council we would still be struggling to get the work done."

The Council's Housing team also helped Mrs Matharu find her tenant by advertising the property on www.Homefinder.uk.com, an innovative website which aims to improve the standard of privately rented properties in Leicestershire.

The team were able to make sure the tenant met certain criteria such as having a good tenancy record and previous references, and listed on the housing register as in medium or higher need of a property.

Mrs Matharu said: *"With the Council's help I was able to find a tenant within two weeks, and unlike agents Blaby didn't charge any commission. I'm also safe in the knowledge that the tenant has been checked and met criteria set out by the Council."*

Successful Empty Homes Enforcement Action

An empty home which has stood derelict for over three decades was given a new lease of life it deserves following enforcement action by the council. This boarded-up property in Braunstone Town had become a target for vandals, squatters and rats.

Through the use of a Compulsory Purchase Order it became the Council's property and was subsequently sold by auction to a purchaser. This purchaser went on to return it into a habitable condition and it is currently occupied by a young family.

The Environmental Health Manager at Blaby District Council, said: "We are extremely pleased to get this property back into the community, rather than standing out as an eyesore and having a detrimental effect on residents".



Before



After