



Empty Homes Policy



July 2011

Contents

Section	Title	Page no
1	Introduction	3
2	Aims and Objectives	3
3	Defining an Empty Property	3
4	Why is there a need to bring empty homes back into use	4
5	The approach to empty homes 5.1 Identify 5.2 Encourage 5.3 Enforce	5
6	The policy in action 6.2 Solutions to Tackling Empty Homes 6.1 Identify the property	6
7	Enforcement Action	9
8	Future Work	11
9	Reviewing the policy	11
10	Complaints	11

1. Introduction

In Tamworth there are around 250 long term empty properties – these are properties that have been left empty for 6 months or longer and in an area where demand for decent affordable housing outstrips supply this means that 250 empty homes is an unacceptable situation given this pressure for housing.

Evidence shows that just one empty property in a neighbourhood could attract anti social behaviour, fly tipping, attract vandalism and make neighbouring properties unattractive to let or sell. This effect of neglected empty properties on neighbourhoods is well known, and returning them to use can restore the image of and confidence in surrounding housing.

Additionally, bringing empty properties back into housing use, reduces the pressure to build on green field sites, and can contribute to the supply of affordable housing.

Bringing empty homes back into use is a key action in Tamworth Borough Councils Housing and Health Strategy and this policy sets out the Councils approach to achieving this aim therefore providing much needed affordable accommodation for those in housing need in Tamworth and improving neighbourhoods where there are empty properties.

2. Aims and Objectives

The aim of this policy is

To reduce the number of Long Term Empty Homes in Tamworth by working with owners to discourage them from leaving the homes empty and by returning them back into use providing decent affordable housing.

The objectives of this policy are

- To identify long term empty properties using a number of methods
- To provide advice and assistance, including financial assistance, where possible, to those wishing to bring empty properties back into use
- Where necessary use enforcement action to bring the properties back into use

3. Defining an Empty Property

It is important to define which properties are affected by this policy, and those, which are not. For the purposes of this document empty properties are those which:

Have been unoccupied for six months or more

AND

There is little reasonable prospect that the owner will be able to remedy the circumstances without advice, assistance or support.

4. Why is there a need to bring empty homes back into use?

In Tamworth demand for good quality affordable housing outstrips supply and the evidence shows why it is important that empty homes, alongside other measures such as new builds, should be brought back into use.

Evidence from the Empty Homes Agency indicates that the number of empty properties in Tamworth decreased between 2008 (237 long term empties) down to 154 in 2009. A decrease from 2.19% of the Housing Stock down to 1.79%, with the 2010 Private Sector Stock Condition Survey putting this figure at 150. However the most recent Council Tax records (August 2011) puts the number of Long Term Empty Properties at around 250.

There are 22,190 owner occupied homes in Tamworth, which represents 70.7% of the total housing in the Borough. (Source; 2010 Private Sector Stock Condition Survey)

The Private Rented Sector (PRS) is very small in Tamworth with 9.5% of properties privately rented (Source; 2010 Private Sector Housing Stock Condition Survey), a growth since the 2001 census which estimated the PRS at 5.6% of the total housing stock and even with the increase in private rented stock still well below the national average of 12% as reported in the 2006 English House Condition Survey. A pressure on the housing stock within Tamworth is this lack available rented accommodation in the private sector. This limited stock leads to higher rent levels and can remove this as an affordable housing option for low-income families.

Given that any housing stock is empty in an area where demand outstrips supply, combined with a need for 142 extra units of housing (Source; 2010 Housing and Health in Tamworth – Linking Housing Markets and Health Data), there are potentially 250 (Council Tax Data as at August 2011) long-term empty properties.

During 2010/11 Tamworth Borough Council accepted xx households as homeless and there are currently xx households on the housing register, waiting to be re-housed (June 2011).

Analysis of the emerging empty properties database has show that empty properties are distributed evenly across the Borough regardless of the length of time they have been vacant, indicating that localized market failure is not a significant causal factor.

Reducing the number of empty properties will provide an additional resource for those in housing need, reducing the requirement to build on Green Field

sites and making the best use of the housing stock in Tamworth, thus helping to address housing need and meeting demand for good quality affordable housing.

5. The Approach to Empty Homes

Tamworth Borough Council's general approach to empty homes is a three step approach:

- Identify
- Encourage
- Enforce

5.1 Identify

Long term empty homes are initially identified via Council Tax records. The Council Tax Team provides the Strategic Housing Service with a list of empty properties on a monthly basis. This data is analysed and sorted and compared to previous month's data to identify homes no longer on the list, new homes that have fallen into the definition of empty for longer than 6 months and continuing cases

5.2 Encourage

If the property is shown to be empty the Landlord Liaison and Empty Homes Officer will first send out a letter with a questionnaire to establish contact with the owner and determine why the property is empty, and what steps if any the owner is taking to return the property back into use.

The approach here is to offer more than one solution to an empty home. Being able to offer a flexible range of solutions should achieve greater success in reducing the number of empty properties. Once contact is made owners are advised of the options available to them.

How quickly private landlords are able to do any of this will generally depend on the condition of the property. The Strategic Housing Service will carry out inspections and will advise on the assistance available based on individual circumstances.

5.3 Enforce

Tamworth Borough Council will endeavour to encourage and facilitate owners of empty properties to bring them back into use. However, it is recognised that the authority may have to undertake enforcement action to deal with certain properties. A combination of housing, environmental health, planning and building control legislation may be used if necessary to either improve the visual appearance, safety and security of the building, pending its reoccupation or to force the owner to bring the property back into use.

6. The Policy in Action

This policy is intended to achieve its aim by bringing all partners involved together to tackle the problem of empty homes including council departments, landlords, housing associations, community groups, letting agents, financial institutions and the owners of empty properties.

It tackles the problem by working with owners to encourage them to make constructive use of the empty property they own. As a last resort the council could use its enforcement powers to ensure that individual problem properties are returned to use.

The policy also supports the newly emerging Housing and Health Strategy. A key issue identified within this strategy is the lack of affordable housing in Tamworth. This combined with the lack of land availability for new build properties, which are often unaffordable for many, this policy contributes to the aim of making the best use of existing stock to provide decent affordable accommodation, focusing the limited resources of the Council to where they can be used most effectively and to co-ordinate the efforts of all involved.

6.1 Identify the property

The Local Government Act 2003 allows Councils to use information held for Council Tax purposes to identify empty properties and their owners. Tamworth Borough Council has created a database of vacant homes to record details of empty homes and monitor progress. This is updated monthly from Council Tax records. This information is used to contact owners to find out why their properties are standing empty, and to design approaches to assist them to bring them back into use. Each month a letter is sent to the owners of the new properties identified along with a survey to determine the owner's intentions for the property. In this letter Tamworth Borough Council outlines the options available to the Empty Property Owner and how the Council can assist the owner to bring the property back into use by offering advice and assistance.

6.2 Solutions to Tackling Empty Homes

Tamworth Borough Council will in the first instance always try to work with the Empty Home owner to give advice and assistance and try to find a solution to bringing the empty home back into use. This could include the following but this list is not exhaustive:

6.2.1 Empty Homes Assistance Grants

Tamworth Borough Council has a limited number of grants available to return empty properties back into use. These are given per property and are available up to a maximum of £10,000 and where the property has been empty for 1 year or longer.

If a grant is given the property then the Council will have nomination rights to the property for 3 years and a charge will be placed against the property for the duration of the grant term. Once the term of the grant is completed the charge is removed from the property and the owner is then free to do what they wish with the home. Additionally it is a condition of the grant that the owner either becomes an accredited landlord or alternatively employs a letting agent to manage the property on their behalf.

Before a grant is considered the Deputy Director of Housing and Health will determine if the Council would require nomination rights and this decision will be made based on:

- The owners preference
- An impact assessment undertaken on the property
- Evidence from the Councils Housing Register and the need for the type of property

Once this is completed and the Council is satisfied that the property is suitable then in order to qualify for a grant the owner must provide the Council with the following documents:

- Evidence that the applicant is the owner of the property
- Evidence that the applicant has no savings
- Evidence that the applicant has tried to access a traditional high street loan but have been unable to do this

And where there is a Mortgage on a property

- A letter from their bank to confirm that the Council can have nomination rights
- Evidence that there are no outstanding arrears on the property

Once the above is satisfied and an application has been submitted, the Landlord Liaison and Empty Homes Officer and a Private Sector Housing Officer will visit the property with the owner and produce a schedule of works which both parties agree on. This schedule must outline the works required to bring the home up to the legal minimum standard i.e. free from any category 1 Hazards under the Housing Health and Safety Rating System.

A letter will then be sent to the owner detailing the works required and 3 quotes must be returned to the Council detailing the cost of the works. In all instances the Council will pay the cheapest quote. If the owner wants any additional works undertaken then it will be the owner's responsibility to ensure that they have sufficient funds to pay for this.

Works must not be undertaken until such time as the Council has given the authority for the work to begin. Once the works are completed the Council will inspect the works to ensure that they have been completed satisfactorily and in line with the schedule of works. Where the Council is not satisfied with the works it is expected that remedial works will be undertaken and the Contractor will not be paid until such time as the Council is satisfied with the work. Once the Council is satisfied with the work the Contractor should invoice the Council and the contractor will be paid directly. Where the costs of works exceed the amount of grant the property owner should arrange to pay the contractor separately.

6.2.2 Let the Property Vacant

Tamworth Borough Council will provide advice on housing standards, good housing management practices, setting up tenancies, finding suitable tenants for the property and whether the owner may wish to place the property on the Private Sector Leasing Scheme or the Bond Scheme. If the landlord would prefer to use a letting agent rather than joining the PSL or Bond Schemes, the Strategic Housing Service can supply information on local agents and the typical costs and services provided.

6.2.3 Convert the Property or Change of Use

Empty space over shops, redundant town centre office accommodation, former schools, traditionally constructed commercial buildings or other vacant facilities may lend themselves to conversion to some form of accommodation. The Council can advise on the planning implications of a change of use for such premises and the opportunity to develop associated land with new housing.

6.2.4 Help to Sell the Property

The owner can choose to sell their property through the traditional route via an estate agent, or via a property auction. The Council can offer advice and support where this may be required.

6.2.5 Bond Scheme

The guarantee will cover against rent arrears, loss or damage to the property to the value of not more than the equivalent of eight weeks rent and will last for a period of six months from the date of the contract.

It is anticipated the operation of the Bond Scheme, with its guarantee to the value of not more than the equivalent of eight weeks rent, will provide landlords with genuine tenants in need of housing. At the end of the six-month period it is envisaged that the tenant(s) and the landlord will come to an agreement concerning the deposit in advance.

The tenant(s) is / are encouraged to save the required amount for a deposit over the six months when the Council provides the guarantee to the

landlord. The guarantee will last for a period of six months from the start date of the contract.

At the end of this period, it is the responsibility of the tenant(s) to pay the deposit to the landlord.

7. Enforcement Action

Where the owner may be unco-operative or, the Council after a thorough investigation, is unable to trace the owner of the empty property there are a number of enforcement options open to the Council which they may choose to pursue.

Enforcement will usually take the form of one or more of the following:

- Town and Country Planning Act section 215 Notice.
- Building Act 1984 section 79 Notice.
- Enforced Sale.
- Empty Dwelling Management Order.
- Compulsory Purchase Order.

7.1 Town and Country Planning Act Section 215 Notices

If the Empty Home or its land adversely affects the amenity of the area a notice can be served under the Town and Country Planning Act 1990 Section 215 to undertake steps to improve the appearance of the EP or its land.

Powers to serve this notice lie with the Planning Enforcement Team.

7.2 Building Act 1984 Section 79 Notice

If the Empty Home is in a ruinous or dilapidated condition and is seriously detrimental to the amenities of the neighbourhood, the Local Authority can order the owner:

- To execute works of repair or restoration
- To demolish the building and remove any associated materials

Powers to serve this notice lie with the Planning Enforcement Team.

7.3 Enforced Sale

When a debt is owed to the Council and all reasonable attempts have been made to recover this debt, the Council can force the sale of the Empty Home under The Law and Property Act 1925 (Power of Sale). The debts are recovered on sale of the property. However this method does not guarantee that the home is bought back into use.

7.4 Empty Dwelling Management Orders

The Council can take over the management of the property using an Empty Dwelling Management Order (EDMO) under Part 4 of the Housing Act 2004. A management agreement or framework should be in place before any EDMOs are made.

An interim EDMO allows the Council 12 months to secure the occupation of the home.

If no progress is made within 12 months, the Council can apply for a final EDMO which lasts up to 7 years, but can go up to 21 years and involves the Council taking over full management of the property.

7.5 Compulsory Purchase Order

Under section 17 Housing Act 1985 or section 226 Town & Country Planning Act 1990, the Council has the power to compulsorily purchase the property where the owner is not willing to sell by agreement. The home is then sold on. The local authority may wish to put conditions on the purchase such as the new owners will not own the freehold unless the property is bought back into use within 12 months.

All enforcement methods are highly labour intensive, lengthy and expensive for the Council; they will only be considered when all other options have been thoroughly exhausted.

Tamworth Borough Council is keen to work with the owners of empty homes and will use in all instances encouragement and assistance to ensure they are making the most out of their assets.

7.6 Community Right to Reclaim Land

The Community Right to Reclaim Land is a legal power that anybody can use to force the sale of publicly owned empty property or abandoned land in England and Wales. It enables anybody to request that the Secretary of State (or Minister in Wales) investigate why publicly owned properties or land have been left empty, and gives power to the Secretary of State to force the sale of the property or land.

The power draws on powers from the 1980 Local Government Planning & Land Act. The power was previously known as the Public Request Ordering Disposal (PROD). The Community Right to Reclaim Land is effectively the same power, although the government has announced that further changes amendments to the legislation are proposed.

The Secretary of State can order public authorities to dispose of empty property or land. Where this happens, the land or homes are usually sold to the open market. This legal power covers a large proportion of, but not all publicly owned property in England and Wales. Property directly owned by government departments, Housing associations, and some of the assets of

the Homes and Communities Agency are exempt. In the case of empty, publicly owned buildings, applications can be made to the regional Government Office to request the sale of the property (a 'Public Request for Order of Disposal').

8. Future Work

Tamworth Borough Council recognises the need for an ongoing commitment to bringing empty homes back into use within the borough. As part of the new Housing and Health Strategy there is a commitment to develop and progress the empty homes work.

9. Reviewing the policy

The policy will be reviewed annually or sooner should there be any major changes in National or Local policy. Where minor changes are required to the policy this will be undertaken with the agreement of the head of service and the Portfolio Holder for Housing and Health.

10. Complaints

Tamworth Borough Council has an established corporate complaints procedure for dealing with complaints. Information on how to make a complaint is outlined in a complaints leaflet that is available at all Tamworth Borough Council Offices and on the website.

11. Further information

If you would like further information about this policy, would like to report an Empty Property, or if you own an empty property and would like some advice and assistance then contact Tamworth Borough Councils Housing Strategy Team

In writing

Marmion House, Lichfield Street, Tamworth, Staffordshire, B79 7BZ

By telephone

01827 709345

By email

marilyn-mcnally@tamworth.gov.uk

You can also get more information or report an empty home on line at www.tamworth.gov.uk

This page is intentionally left blank