



Environmental Health – Empty Homes Strategy

Regulatory Services

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Dacorum Borough Council

Regulatory Services Empty Homes Strategy.

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1. Introduction

1.01 This strategy explains Dacorum Council's approach to bringing empty homes back into use and is an important element of the Council's overarching Housing Strategy. It contains details of the range of powers available to us to achieve this work and how we will use these powers.

1.1 The Scope of This Strategy - What are Empty Homes

The focus of this strategy is not on those empty properties where there is a clear intention that the home will become occupied within a reasonably short time, but on those which remain empty for longer than 6 months and where the owner has either no plans to bring the property back into use, or where there will be a long delay before they are reoccupied.

1.1.1 Within an effective housing market there will be some properties that are unoccupied for a short period, either during the transfer of ownership or between lettings. In most cases these properties will be empty for less than 6 months. There will also be the need for property to be unoccupied through periods of renovation, due to the owner being temporarily in care or probate issues. Again these can generally be reoccupied within 6 months although a few properties may require being empty for longer periods.

1.2 The Problems Associated With Empty Homes

Long term empty homes are a wasted resource; they can present challenges to the local community and cause problems for their owners. Generally empty properties have a negative impact on the neighbourhood. Specifically empty properties can:

- attract crime and anti-social behaviour
- provide shelter for criminal activity.
- have a detrimental effect on the overall amenity of an area

1.2.1 If not adequately maintained empty homes can also:

- become unsightly
- cause damage to neighbouring properties
- lead to accidents if children use them as play places.

1.2.2 Not only is an empty property detrimental to an area but can also be detrimental for the owners of the properties. Empty homes cost their owners money in maintenance, insurance, council tax and loss of rental income. In some cases this can badly affect vulnerable owners, who may be aware they need to renovate a property but are unable to afford the cost of renovation, yet are paying simply to leave the property empty.

1.3 The Benefits of Bringing Empty Homes Back Into Use

Returning an empty home into use has benefits for the whole community. Including:

- reducing the reality and fear of crime and anti-social behaviour
- improving the look and feel of the area
- increasing available housing in established locations
- reducing the need for new development
- providing either capital or income for the owner

1.3.1 In Dacorum it is difficult for key workers, young people leaving home and single persons to access suitable housing. The opportunities for new affordable housing developments are limited. Bringing more long-term empty homes back into use is a

sustainable way to meet housing demand and helps to reduce the need to build new houses.

2. Strategic Context for Empty Property Work

2.1 National Context

2.1.1 The Government, through the Department for Communities and Local Government, are encouraging local authorities to tackle the problem of empty homes in their districts.

2.1.2 The Governments Housing Strategy – Laying the Foundations: A Housing Strategy for England (November 2011) includes a chapter entitled 'Our strategy for Empty Homes'. The Coalition government has stated that:

'We are committed to bring empty homes back into use, as a sustainable way of increasing the overall supply of housing and reducing the negative impact that neglected empty homes have on communities.

That is why we are:

- ✦ awarding the New Homes Bonus to empty homes brought back into use
- ✦ providing information and practical advice to local authorities and communities to help them address empty homes
- ✦ investing £100 million funding to bring problematic empty homes back into use and announcing £50 million further funding to tackle some of the worst concentrations of empty homes
- ✦ consulting on options to levy an 'empty homes premium' on the Council Tax payable.
- ✦ proposing changes to Empty Dwelling Management Orders to target their use on the very worst long term empty homes causing a nuisance to the community'.

2.1.3 There is clearly a national driver to ensure that empty properties are bought back into use.

2.2 Regional Context

The annual Housing Strategy Statistical Appendix (HSSA) publishes housing data reported by local authorities. The table below gives the number of homes which have been reported as empty for more than 6 months in private sector housing (non RSL) for England, the East of England and Dacorum Borough Council.

Year	England	East of England	Dacorum Borough Council
2009	307684	29262	332
2010	289612	27832	384
2011	285808	25906	566

Table 1 showing private sector empty properties nationally, regionally and locally..

Table 1 shows that the national and regional trend over the last three years have been a reduction in the number of empty properties. This trend however is not apparent within Dacorum which is experiencing a growth in the number of empty properties over the same period.

2.3 Local Context

Within Dacorum our empty homes work contributes to many of the Council's Corporate Priorities including:

Affordable Housing
Safe and Clean Environment
Building Community Capacity
Regeneration

The Empty Homes Strategy sits within the suite of strategies (See Appendix 3) and under the umbrella of the overall Dacorum Housing Strategy 2013-18.

2.4 Why homes are left empty

In 2005 the Government Office for the East of England commissioned a Research study by MORI Social Research Institute in order to understand the reasons why privately owned properties in the East of England have been empty for some time (<http://emptyhomes.com/wp-content/uploads/2011/06/CTAppNoTable.pdf>). The survey was based on a sample of local authorities selected as representative in the region. In total 3,294 empty properties were used for the survey.

2.4.1 Of those that responded who were still the owners of the empty home, a wide range of reasons were given when asked why the property is currently empty. The most common reasons being:

- It is being repaired/renovated
- I am trying to sell/let it
- It needs repairs/renovation
- I am planning to repair/renovate it soon
- I don't want the trouble of tenants living there

2.4.2 The reasons provided by MORI are believed to be consistent with the causes of empty properties in Dacorum and without action many of these properties will remain empty and deteriorating.

2.5 The Housing Market and Housing Need In Dacorum

There is a clear affordability problem in Dacorum for low-income households. The Dacorum Housing Market & Need Assessment 2012 study highlighted the overwhelming requirement for affordable housing in Dacorum, for all sizes and types of home. One of the key findings of the 2012 study (in contrast to the 2003 study) was the increased requirement for older persons housing.

3. Strategic Aim and Objectives

3.1 The key aim for our empty homes work is:

To maximise the number of empty homes brought back into use.

3.2 This will be achieved by working towards the following objectives.

1. Ensure the availability and effective use of information on empty homes within our district

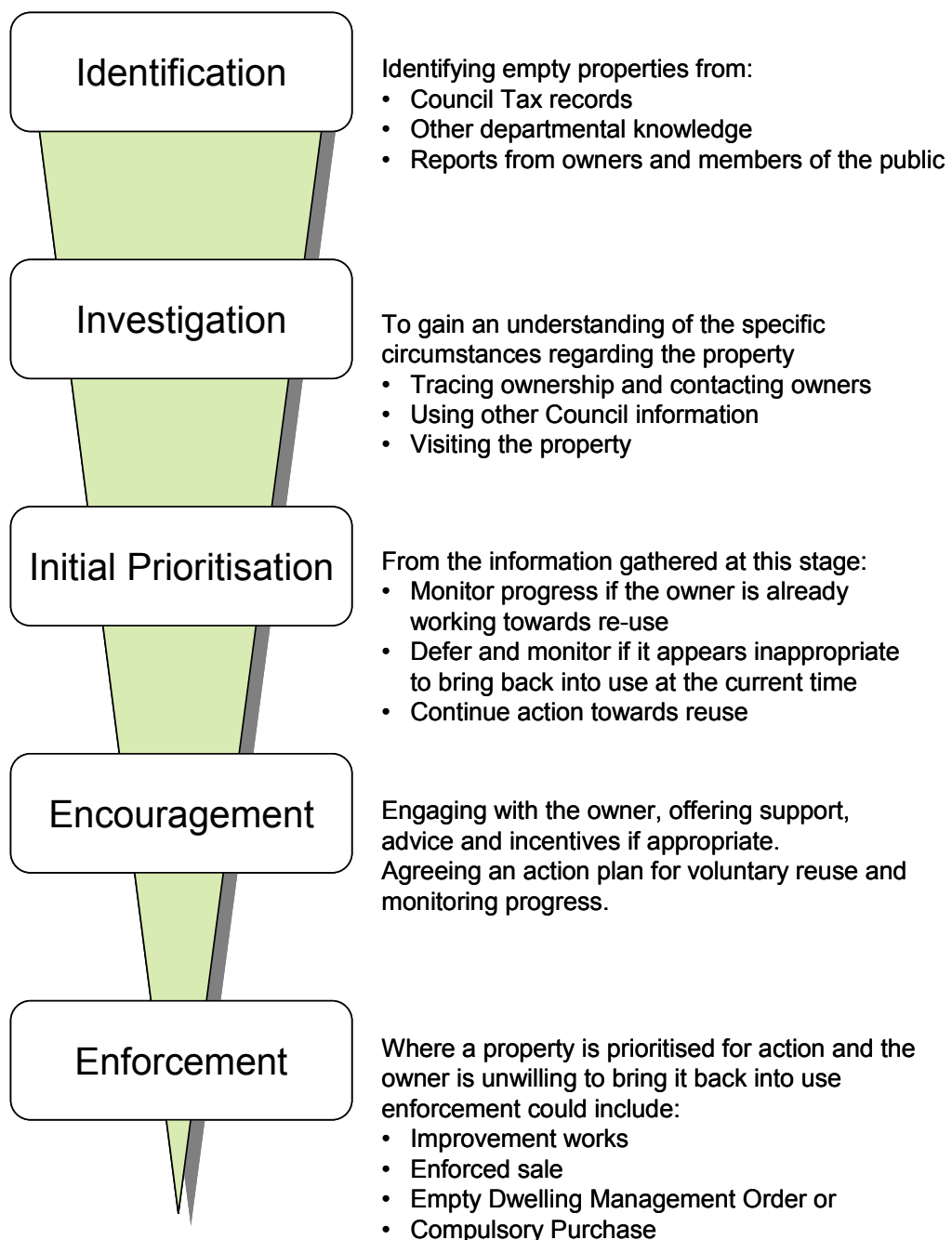
This will be achieved through the maintenance of a database of all empty homes using information from Council Tax and other areas of the Council, supported by information from owners, elected members, street champions and other individuals and external partners.

- 2. Raise the awareness of empty homes in Dacorum**
Effectively publicising the problems of empty homes in our area and the services we can offer. Encouraging owners to seek our help to bring their property back into use. Inviting members of the public to report empty homes and specific problems they are causing. And develop an online reporting mechanism.
- 3. Encourage reuse through information and incentives**
Encourage the owners of empty homes to see the benefits of returning their property to use. Offer advice, support and flexibility in the incentives offered to help bring the property into use.
- 4. Prioritise action to ensure the best outcomes**
Prioritise empty homes that are causing problems in the local neighbourhoods and those that, if bought back into use, would best help alleviate particular housing need.
- 5. Take enforcement action where appropriate**
Where a property is prioritised for action and the owner has been provided with advice and still refuses to bring the property into use, undertake the most appropriate enforcement action for that situation.
- 6. Consider alternative approaches and opportunities as they become available.**
For example through Section 106 of the Town & Country Planning Act 1990, the Council can receive payments in lieu of affordable housing on some developments within the borough. Where appropriate, the Council will look into using such payments to purchase empty homes from the open market and convert them into socially rented accommodation.

4. Our Approach to tackling Empty Homes

4.01 We would hope to encourage the owners of empty homes to bring them back into use voluntarily. Our approach is focused initially on engaging with the owners offering support, advice and, where appropriate, offering grants, or the opportunity to make use of leasing schemes. However, where an owner is unwilling to bring the home back into use and, it is either causing a specific problem within the neighbourhood, or would meet a particular housing need, we will consider the use of the enforcement powers available to us.

4.02 The diagram below outlines the stages in our approach each of which are then described in more detail.



4.1 **Step 1 – Identification**

Certain classes of empty property can currently claim Council Tax exemption or discount. All these will be considered empty for the purposes of this strategy though the action taken will vary according to the individual circumstances. Members have made use of the additional flexibilities of Council Tax discounts to support this strategy: by reducing the period certain empty properties have no council tax charge to three months; increasing the charge after this period from 90% to 100% Council Tax; and introducing a levy to enable a 150% charge for long-term empty properties (over 2 years empty) which will apply from April 2015. (further details regarding Council Tax exemptions and/or levies can be seen in Appendix 1)

4.1.1 The owners of some empty homes will choose not to apply for initial discounts, these properties will therefore only become known to us through local officer knowledge or through complaints/notification from members of the public. Regardless of whether Council Tax discounts or exemptions are claimed, all identified empty properties will be covered by this strategy. Information gathered about empty properties will be shared with other departments such as the Council Tax team.

4.1.2 Officers, Councillors and members of the public will be encouraged to report empty properties and owners will be encouraged to contact us for support and advice for properties that are, or may become, empty. All properties reported to us in these ways will be investigated.

4.2 **Step 2 - Investigation**

All properties identified will be investigated; initial checks will be made to see if there are any planning applications for the property or if any complaints have been made about the property. At this stage we will also consider contacting the owner(s) and seek to identify:

- why the property is empty,
- what plans the owner has for the property, and
- what if anything is preventing the owner from bringing the property back into use.

4.2.1 Depending on the response (or lack of response) from the owner, the nature of any complaint received, and on resource constraints an initial visit will be made to investigate the condition of the property.

4.3 **Step 3 - Initial Prioritisation**

As a result of our initial investigation, an assessment of the property is made and the property will be put into one of three broad categories based on the process to be followed:

- **Monitor Progress**
Where there is the likelihood that the owner will bring the property into use within a short timescale. (This may include properties that are

being marketed for sale or rent and those where the owner is currently renovating or has plans to do so).

- **Defer And Monitor As Required**

For properties where it may be inappropriate to pursue re-use at this time. These may include: properties considered as annexes located within or close to a main dwelling, properties being held for an unwell or elderly relative, or some which are beyond economic repair.

- **Continue Action**

All other properties will come into this category and the next step of the process will be followed.

4.4 **Step 4 – Encouragement**

Our aim is that owners will bring back properties voluntarily trying to show the owner(s) that it is in the best interest of themselves and of their community that the property is reoccupied. Where we have not received a response from the owner, we will continue our efforts to engage them.

4.4.1 Once in dialogue with the owner the range of support and advice we can offer (either directly or through other agencies) includes:

- General advice on their options for returning their property to use (including a range of Council initiatives outlined below).
- Assistance with identifying the best course of action for their situation.
- Guidance on accessing other Council services.
- Help identifying the works that may be required to bring the property back to a habitable standard.
- Introductions to individuals or developers that have registered an interest in purchasing an empty property.
- A Private Sector Leasing Scheme, targeted at empty property owners, allowing them to lease the property for an agreed period, during which time the owner may receive a fixed monthly income from the property. A social landlord would expect to undertake the property management during this period. The specific rental that may be available will depend on the type and condition of the property. This type of scheme is designed to allow for some agreed renovation works to be carried out by the social landlord(if required) on behalf of the owner.
- The property would be expected as a minimum to meet the Decent Homes Standard prior to rental and the property would be returned to the owner in a suitable condition for rental.

4.4.2 Owners of empty homes may be able to access loans of between £5,000 and £15,000 from the National Empty Homes Loans Fund, operated by the charity Empty Homes. The fund will be available to eligible owners of empty properties in England. If these loans are not available, loans may be available to potential owner/occupiers or landlords of empty properties through our Private Sector Housing Assistance Policy.

Where an owner is encouraged to bring their property back into use we will continue to support the owner as appropriate and will monitor progress.

4.5 **Step 5 – Enforcement**

Where, after repeated attempts, we are unable to enter dialogue with an owner or where an owner refuses to consider bringing back their property to use, we will consider taking enforcement action. Any enforcement action will be undertaken in accordance with the Enforcement Concordat and the Council's relevant enforcement policies and in particular the Private Sector Housing Enforcement Policy.

4.5.1 Possible enforcement action includes:

- **Improvement works**

Where a property is in a poor state of disrepair or is affecting a neighbouring property or the surrounding area there are various powers that can be used to bring about improvements (see Appendix 2 for a table showing main powers that can be used). Where it is decided that the use of these powers is appropriate, notices will be served on the owners requesting that they carry out the required works. If the owners do not comply with the notices the Council may carry out works in default and subsequently request repayment of our costs from the owner.

Simply carrying out improvement works may not in itself bring about the reoccupation of the property but should alleviate some of the problems it is causing. The fact that an owner has been put to additional expense may be the trigger to encourage them to bring it back into use themselves. If the owner fails to pay for the works that we undertake in default this may allow us to pursue the next option below.

- **Enforced Sale**

Where works in default have been undertaken at a property, or there is an existing debt, the debt will be secured against the premises by making a local land charge or by registering it as a caution on the land registry certificate. If the owner fails to repay the debt this power enables the local authority to recover its debt through the enforced sale of the property.

- **Compulsory Purchase Orders**

Local authorities have the power to acquire land and property compulsorily where the owner is not willing to sell by agreement. This applies to underused or ineffectively used property/land for housing purposes if there is housing need in the area. Compulsory purchase can be approved where acquisition will allow improvements or redevelopment to take place, providing that the improvement/redevelopment contributes to the promotion of economic, social or environmental well being. Compulsory purchase is a potentially costly and time-consuming process and will be used as a last resort where attempts at encouragement have failed and where other enforcement actions are not seen to be viable.

- **Empty Dwelling Management Orders (EDMO's)**

Empty Dwelling Management Orders are a discretionary power introduced in the Housing Act 2004 that came into force in April 2006. They allow local authorities to take management control of certain empty properties for initially up to 1 year (under an interim EDMO) and then for 7 years (under a final EDMO). Under an interim EDMO the authority can only grant tenancies with the permission of the owner but under a final EDMO the owner's consent is not required. Once we have determined that an EDMO is the most appropriate course of action for a particular property and the Residential Property Tribunal have authorised an interim EDMO, the Council's Housing Department will manage the property. If we then make a final EDMO, the Housing Department will be granted the tenancy on the property, and will manage it and sub-letting to tenants. This authority will not consider taking this course of action unless the property has been empty for over 2years and is causing a nuisance to local residents.

- 4.5.2 When considering enforcement options each case will be assessed on its merits and the most appropriate course of action decided. In some cases it will be decided that even though the owner is unwilling to consider bringing their property back into use voluntarily, there is insufficient reason to pursue enforcement action due to the type and location of the dwelling and to the property being well maintained. If enforcement action is deemed inappropriate at that time the property will be recategorised to “defer and monitor” as at Step 3 – Initial Prioritisation. If whilst preparing for enforcement action the owner decides to take voluntary action to bring the property back into use this will be the preferred route providing we have not incurred significant costs. If we delay enforcement action to allow the owner to take voluntary action the situation will be closely monitored.

5. Delivering the Strategy

5.1 Resourcing and Partnerships

Regulatory Services will lead on the delivery of the Empty Homes Strategy. However this section has limited resources so the effective delivery will require coordinated support from officers in many other services within the Council. The main supporting services/teams including:

- Council Tax
- Development Management
- Building Control
- Strategic Housing
- Tenants & Leaseholders
- Legal

- 5.1.1 Councillors will be encouraged to support the Empty Homes Strategy by reporting empty properties within their wards and discussing the problems associated with them.

- 5.1.2 In addition a network of external contacts will be developed and maintained including:

- Community Police
- Local Estate and Letting Agents
- Local Housing Associations

- 5.1.3 Sub-regional and cross regional working through the Herts, Beds and Bucks Empty Homes Forum will be supported in order to achieve efficiencies through shared development work and best practice. Through these groups we will also seek additional funding for specific empty homes projects.

5.2 Use of Empty Homes Information

The empty homes database will contain sensitive, personal data. It must be used with care to serve the needs of the Council in returning empty properties to use, with concern for the privacy of empty homes owners and the security of their properties. There can be benefit in sharing this information with other responsible partners to support the investigation and return to use of empty homes. Information will only be shared with others beyond the main supporting services following discussion with and approval from the Information Security Team Leader and Legal Services. It is expected that only those properties categorised for further action or enforcement (i.e. the property owner has been contacted and is currently not willing to bring the property into use) will be included in any shared lists of empty homes.

Appendix 1 - Council Tax Charges for Empty Homes

Empty properties:

If the property is unfurnished and undergoing major repairs or structural work:

From 1 April 2013 you will pay no Council Tax for up to three months while the work is being carried out. You will then pay full council tax.

If the work started before 1 January 2013, you will pay full Council Tax from 1 April 2013.

If the property is unfurnished:

From 1 April 2013 you will pay no Council Tax for up to three months. You will then pay full council tax.

If the property became empty before 1 January 2013, you will pay full Council Tax from 1 April 2013.

If the property is furnished:

From 1 April 2013 you will pay full Council Tax.

If the property has been empty and unfurnished for more than two years:

From 1 April 2013 you will pay full Council Tax.

From 1 April 2015 you will pay 150% of full Council Tax.

You will not have to pay Council Tax for your property if it is empty:

- ⤴ and it is owned by a charity, and it was last used for the purposes of the charity for the last six months,.
- ⤴ because the occupier is in prison (except for non-payment of council tax), detained under the Mental Health Acts, in hospital, receiving care in a hospital or home, or receiving personal care elsewhere because of old age, disability or illness.
- ⤴ because the occupier has moved in order to provide personal care to another person.
- ⤴ since the death of the owner or tenant, and for which the only liable person would be their personal representative (and for up to six months after probate or letters of administration have been granted).
- ⤴ because its occupation is forbidden by law.
- ⤴ and it is a caravan pitch or boat mooring.
- ⤴ because it is waiting to be occupied by a minister of religion.
- ⤴ and it was last occupied by the freeholder or tenant who is a student.
- ⤴ and it has been repossessed, or is the responsibility of a trustee in bankruptcy.
- ⤴ and it is an annex that is unable to be let under planning regulations (for example a granny annex).
- ⤴ and it is accommodation for UK armed forces.

This is an extract from the full list of Council Tax Exemptions and only covers those exemptions that apply to empty properties. The full list can be viewed on our website.

Appendix 2 - Powers Available to Improve Empty Properties.

<i>Problem</i>	<i>Legislation (Service, where not Environmental Health)</i>	<i>Action required</i>
Dangerous or dilapidated buildings	Building Act 1984, section 77 and 78 <i>(Building Control)</i>	Requires the owner to make the property safe and/ or enables the Local Authority to take emergency action to make the property safe
Property in such a state as to be a nuisance (e.g. causing dampness in adjoining property) or prejudicial to health	Environmental Protection Act 1990, section 79	Requires the owner to take steps to abate the nuisance
	Building Act 1984, section 76	Enables the Local Authority to take emergency action to abate the nuisance
Unsecured property posing a risk of unauthorised entry or likely to suffer vandalism, arson or similar	Local Government (Misc.Prov) Act 1982, section 29 <i>(Building Control)</i>	Requires the owner to take steps to secure the property or allows the Local Authority to board it up in an emergency
	Building Act 1984, section 78 <i>(Building Control)</i>	Allows the Local Authority to fence off the property
Blocked or defective drains or private sewers	Building Act 1984, section 59	Requires the owner to address blocked or defective drains
	Public Health Act 1961, section 17	Requires the owner to address defective drains or private sewers
	Prevention of Damage by Pests Act 1949,	Requires the owner to take steps to clear the land of vermin

	section 4	and/or requires the owner to remove waste likely to attract vermin
Vermin either present or a risk of attracting vermin that may detrimentally affect peoples health	Environmental Protection Act 1990, section 79	Requires the owner to remove waste from the property
	Public Health Act 1936, section 83	
	Public Health Act 1961, section 34 <i>(Contract Services)</i>	
Unsightly land or property affecting the amenity of the area	Town and Country Planning Act 1990, section 215 <i>(Development Control)</i>	Requires the owner to address unsightly land or external appearance of the property
	Building Act 1984, section 79 <i>(Building Control)</i>	Requires the owner to address the property adversely affecting the amenity of the area through its disrepair

This list summarises the most likely powers to be used to improve empty dwellings. It is not comprehensive and the most appropriate power will be used for each specific situation.

Appendix 3 – Supporting Documents and Consultation

A wide variety of documents and other information sources have been used in the development of this strategy. The key documents/sources used are listed below:

- Empty Homes Agency web resources. www.emptyhomes.com
- A cure for Empty Homes – Document produced by David Ireland of the Empty Homes Agency for the Improvement and Development Agency (I&DeA)
- Housing Market & Needs Assessment 2012
- Dacorum Tenancy Policy
- Dacorum Homelessness Strategy
- Dacorum Affordable Housing SPD,
- Dacorum Core Strategy
- Dacorum Borough Council Private Sector Housing Assistance Policy
- Dacorum Borough Council Private Sector Housing Enforcement Policy

The strategy has also been informed through consultation and discussion with various individuals and groups including:

- Officers in various Council service areas including Council Tax, Housing Department.

It will be made available on the Council website.

HAVE YOUR SAY

This policy is regularly reviewed and updated - please tell us your views on the policy and include any comments or questions you have for us via email:

environmental.health@dacorum.gov.uk OR

use the space below and return to the following address:

FAO, Environmental Health Department, Civic Centre, Marlowes, Hemel Hempstead, Herts, HP1 1HH.

Name: (Optional)
Address: (Optional)

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