

Empty Homes Strategy

2021 - 2026

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Foreword

I am pleased to introduce New Forest District Council's Empty Homes Strategy 2021-2026.

This Strategy outlines our plans to bring long-term empty properties back into use as quality housing to help meet high demand for accommodation in the New Forest District.

The Council recognises that for the neighbours of empty properties they can often generate concerns regarding potential anti-social behaviour, fly tipping, vermin and the visual impact on their neighbourhood.

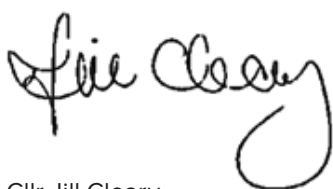
It is important that the Council works pro-actively to engage, influence and encourage owners of long-term empty properties to support them return properties back in to use.

We understand there are a variety of reasons why properties remain empty. Therefore, this strategy concentrates on properties that have been empty for two years or more, at which point the Council has agreed to take additional steps to intervene. One action already agreed is the recovery of an additional council tax premium of 100% on top of the full council tax due.

The strong focus on encouragement and advice for owners and landlords, will be to provide the necessary support structure for them in turning around empty properties for re-use.

However, we have to recognise that this approach will not work in every case, and the Council may need to consider the use of enforcement powers to ensure that empty properties do not remain empty and wasted, that private sector property standards are improved, and management standards are of a high quality.

Only when empty properties are occupied, do they become a 'home', whereby both the resident and neighbours can enjoy comfort and well-being in their community.



Cllr Jill Cleary
*Portfolio Holder for
Housing Services*



Introduction

In common with other Districts, New Forest District Council faces an increasing shortage of affordable homes for its residents. This gives rise to the increased homelessness and difficulty accessing affordable accommodation for any people.

This Empty Homes Strategy 2021 - 2026 compliments our overarching Housing Strategy 2019-2024 and Private Sector Housing Strategy 2020 - 2025 and outlines how we will identify empty homes and consider local issues in order to utilise resources effectively to reduce the number of empty properties that exist across the district.

The strategy aims to identify the causes of empty properties, why they remain empty and a clear action plan showing how we intend to reduce this number. The overarching aim of this strategy is to help alleviate the housing need within the district, to offer wider housing choice to residents and to reduce the detrimental effect empty properties can have within the community.

What is an empty property?

In this strategy the term 'empty property' is taken to be an empty domestic dwelling house.

There is no officially recognised definition of an empty property and it is not always as straightforward to identify an empty property as it may seem. There are broadly two main types of empty properties: short-term empty properties and long-term empty properties.

Short-term empty properties are generally empty up to six months, usually due to change in tenant or ownership and are part of the normal cycle of people moving to a new house, though they may be empty longer should they be subject to major renovation works.

In some instances, a property may be empty or appear empty, but is not classed as empty. A property does not have to be used all the time to be classed as occupied. For example, if it is:

- a second home or a holiday home;
- a property which is part of a wider regeneration programme and could be in the process of being developed or marked for demolition;
- a property which has pending planning permission, could be waiting refurbishment or could be waiting for new occupants to move in;
- a property where the owner is living elsewhere to provide or receive personal care.

Why do homes become empty?

There are many reasons why homes initially become empty and are allowed to remain empty for long periods of time. These include, but are not limited to:

- Inheritance/ complications with probate
- Lack of interest and neglect from owners/ landlords
- Lack of funds to repair or refurbish
- Repossession
- Abandonment
- Property is subject to a legal dispute, i.e. a divorce settlement.
- Awaiting planning consent for improvements or changes.
- Purchased as an investment and allowed to remain empty waiting for a capital gain.

Not all empty properties cause a problem and a percentage are required to allow the housing market to function. However, the council recognises that if left empty, at some point a short-term empty home can become a long-term problematic empty home.

By working closely with the Council's revenue service and by monitoring and maintaining an empty property register, we can reduce the risk of properties becoming empty in the long-term, falling into disrepair or becoming subject to vandalism and at worst, becoming detrimental to the neighbourhood.

National context

The latest statistics available from the Ministry of Housing, Communities and Local Government (MHCLG) relate to October 2019. At that time, the number of empty properties in the England was 648,114. This represents a 2.2% increase on the previous year's total. Of the 648,114, 225,845 were classed as long-term empty properties (empty for longer than six months).

The government have stated that they “want to address the issue of empty properties. It can't be right to leave a property empty when so many are desperate for a place to live”. Two years is considered sufficient time for homeowners to sell, rent or complete any major renovations that might be required, and the premium seeks to incentivise owners to bring their properties back into use.

Under the Council Tax (Empty Dwellings) Bill 2018, from April 2019 local authorities have the discretion to charge up to 100% council tax premium on properties which have been unoccupied and substantially unfurnished for more than two years, thereby doubling the council tax on a property.

The government introduced additional changes so that:

- From April 2020, local authorities can charge up to 200% council tax premium on properties which have been empty for more than five years.
- From April 2021 local authorities can charge a premium of up to 300% on properties which have been empty for more than 10 years.

There are certain exemptions in place for homes that are empty due to the occupant living in armed forces accommodation for job-related purposes, or to annexes being used as part of the main property. While not an exemption, guidance states that consideration should be given for properties which are genuinely for sale or available to rent, and that owners should not be penalised in cases of hardship. These decisions are made on a case by case basis.



Local context

In January 2020 our Private Sector Housing Survey estimated the private sector stock to be 76,464 dwellings, with 94.5% occupied and the remaining 5.5% being vacant.

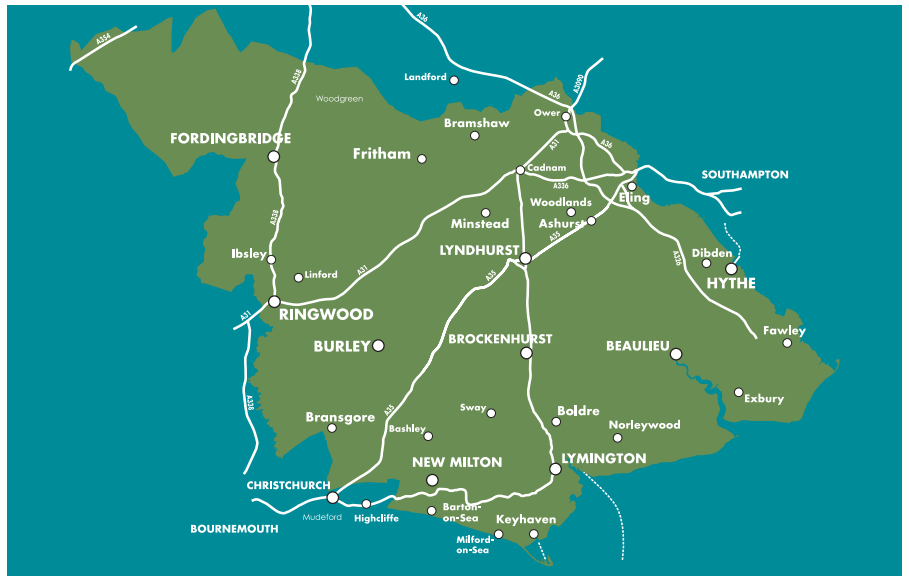
At that time the majority of vacant dwellings (2,592 dwellings – 3.4%) were vacant under six months and are expected to return to occupancy in the short-term. These will typically include dwellings for sale or rent and those currently undergoing major repairs and/or improvements.

A further 685 vacant dwellings (0.9%) were assessed as vacant for over 6 months and are typically regarded as problematic; the remaining 918 vacant dwellings (1.2%) were deemed to be either holiday lets or second homes.

Short-term vacancy rates are in line with normal housing market turnover expectations.

Council tax records in May 2021 showed 738 properties vacant for less than six months, 428 properties vacant from between six months and two years and 193 properties vacant for over two years.

More detailed information on the local context can be found in the Private Sector Housing Stock Condition Survey report.



Corporate context

We are committed to reducing the number of empty properties. The Council understands that one of its deterrent powers to reduce the number of empty homes is additional Council tax premiums.

The Council considers that it should act when a property has been vacant for two years or more.

Properties that have been empty and unfurnished for more than two years are charged a premium of 100% on top of the full Council Tax.

Where a property has been empty and unfurnished for more than five years, a premium of 150% applies on top of the full Council Tax.

There are exemptions for empty annexes or where a property is left empty by service personnel.

Where the owner is genuinely taking steps to sell or let the property, or where there are exceptional circumstances beyond the owner's control, there is discretion to apply a temporary exemption to charging an empty homes premium. The Council will consider these on a case by case basis.

On 4th November 2020 The Council's Cabinet recommended to Council that the current Empty Homes Premiums remain unchanged from 1 April 2021; and that the Empty Homes Premiums applicable from 1 April 2022, be reviewed by Task and Finish Group during 2021.

Conditions	Discretion available	Current premium applied by NFDC	Quantity
Vacant for two years or more	Up to 100%	100%	123
Vacant for five years or more	Up to 200%	150%	45
Vacant for 10 years or more	Up to 300%	150%	21

Quantities are based on figures as at June 2021.



Strategic priority 1

Pro-actively work to identify long term empty properties and target those which have a significant detrimental impact to the neighbourhood.

Actions

- Establish a catalogue of long term (empty two years or more) empty properties with regular review dates
 - Monitor a catalogue of short-term empty properties to understand trends and localised issues
 - Make contact with owners when a property is empty for 18 months to establish their situation
 - Proactively engage with all owners whose property has been empty for two years or more
- Work alongside the Council's Council Tax department to review the catalogue on a regular basis, to ensure all empty properties are reported formally and to report back findings for annual council tax premium reviews
- Follow up on resident reports of empty properties within 48 hours
- Contact owners to establish the likelihood of the property being returned to use and to offer support.
- Carry out site visits to assess property condition.
- Prioritise properties that require structural attention, to reduce the impact on the neighbourhood



Strategic priority 2

Provide support, advice and information to homeowners to bring empty properties back into use.

Actions

One of the most important measures in ensuring properties do not remain empty is through engaging with empty property owners and providing good quality advice and assistance.

- We will work with owners to offer advice and assistance by:
 - Agreeing a plan of action with owners at an early stage
 - Providing advice on how to let their property
 - Providing advice on how to sell their property
- Develop an area on the Council's Web Site with information for homeowners and landlords on options for bringing empty properties back into use.
- Offer the ability for the property to be included in the Council's Private Sector Lease (PSL) Scheme
- Utilise loan funding (Home Repair Loan) and the associated policy to support owners return their properties to use



Strategic priority 3

Enforcement – Use of Legislative powers

Actions

We will adopt a strategic and measured approach to tackling empty homes.

- Each year we will review the numbers and condition of empty homes and the reasons why they are empty to inform our Council Tax Charge Policy on empty homes.
- Following the offer of support and advice, where properties continue to remain empty and cause problems in the long term, enforcement actions may be considered when other interventions fail.

The options available include, but are not limited to:

- **Enforced Sale (Law of Property Act 1925)**
The use of enforcement actions on empty properties can result in the gradual build-up of debt if works are completed by the council (in default of the owner failing to comply with the enforcement notice). Where a reasonable charge has been registered against the property it is possible that the council could ‘force the sale’ of the property to recover that debt. This removes control of the property from the current, often neglectful owner.
- **Empty Dwelling Management Orders (EDMOs)**
The Housing Act 2004 gives local authorities power to apply to the Residential Property Tribunal for an interim management order which may lead to the compulsory leasing of the property for a fixed period of time.
- **Compulsory Purchase Order (CPO) Section 17 Housing Act 1985**
Where owners cannot be located or are unwilling to bring their property back into use, the council will consider using its compulsory purchase powers to purchase a property and then sell it on the open market, for sustainable occupation.



Strategic priority 3 (continued)

A summary of the various enforcement powers that are available to the council in respect of property aesthetics, maintenance and addressing long term empty concerns are described below:

Problem / Concern	Legislation	Statutory power
Dangerous or dilapidated buildings or structures	Building Act 1984 (s77 & s78)	To require the owner to make the property safe (section 77) or enable the Local Authority to take emergency action to make the building safe (Section 78)
	Building Act 1984 (s79)	To require the owner to repair ruinous or dilapidated buildings seriously detrimental to an area
	Housing Act 2004 (part 1)	Under the Housing health and Safety Rating system local authorities can evaluate the potential risks to health and safety arising from deficiencies within properties and take appropriate enforcement action
Unsecured properties (where it poses the risk that it may be entered or suffer vandalism, arson or similar)	Building Act 1984, s78 Local government (Miscellaneous Provisions) Act 1982, s29	To allow Local Authority to fence off the property. To require the owner to take steps to secure a property or allow the Local Authority to board it up in an emergency.
Blocked or defective drainage or private sewers	Local Government (Miscellaneous provisions) Act 1976 (s35)	To require the owner to address obstructed private sewers.
	Building Act 1984 (s59)	To require the owner to address blocked or defective drainage.
	Public health Act 1961 (s17)	To require the owner to address defective drainage or private sewers.
Vermin (where it is either present or there is a risk of attracting vermin that may detrimentally affect people's health)	Public Health Act 1961 (s34)	To require the owner to remove waste so that vermin is not attracted to the site, destroy any infestation and remove any accumulations prejudicial to health.
	Prevention of Damage by Pests Act (s4)	
	Public Health Act 1936 (s83)	
	Environmental Protection Act 1990 (s80)	
	Building Act 1984 (s76)	

Strategic priority 3 (continued)

Problem / Concern	Legislation	Statutory power
Unsightly land and property affecting the amenity of an area	Public Health Act 1961 (s34) as above	To require the owner to remove waste from the property (see above)
	Town and Country Planning Act 1990 (s215)	To require the owner to address unsightly land or the external appearance of a property
	Building Act 1984 (s79)	To require the owner to address unsightly land or the external appearance of a property
Recovery of debts against a property	Law of Property Act 1925 (s101 & s103)	To apply for an order of sale of the property to recover council tax debts or debts secured as a legal charge after work in default carried out
Properties empty for over two years and causing nuisance in the community	Housing Act 2004 (s133 – 183)	To apply for an Empty Dwelling Management Order (EDMO) to enable the local authority to take over the management of eligible empty properties, to bring them back into use
Long-term empty properties where no traceable owners, or where all efforts to return the property to use have been exhausted	Housing Act 1985 (s17)	To seek to acquire a property under a Compulsory Purchase Order (CPO)

Monitoring and review

Performance and progress against each of the actions within this strategy will be reviewed in conjunction with members and stakeholders.

A transparent annual position statement will be produced to highlight our progress and how effective these measures have been in bringing empty properties back into use.

We are keen to understand the ongoing impact on our residents and our annual review will incorporate a full statistical analysis of approaches to the service. This will enable us to be responsive in tackling any emerging issues.

New actions and targets may be agreed if further changes are made to national legislation and policy. There is likely to be further legislation implemented over the next couple of years to increase safety and enhance security of tenure in the private rented sector.

Outcomes and learning from work carried out to bring empty homes back in to use will be reported annually to the Council Tax Task and Finish Group in order to review annual premiums for empty homes.

The Portfolio Holder for Housing Services, working with the Executive Head of Governance & Housing and Service Manager – Housing Options, Rents, Support and Private Sector Housing will lead the review of the delivery plan.

In reviewing its strategy this council remains committed to embracing amended policy direction and incorporating it within updates



New Forest District Council

Appletree Court, Beaulieu Road, Lyndhurst. Hampshire. SO43 7PN

newforest.gov.uk  @newforestdc  newforestgov  newforestcouncil

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