

### Empty homes policy

The purpose of this policy is to support the Teignbridge Ten programme “A roof over our head” in the Council Strategy. The policy aims to reduce empty homes through a range of measures, including support and enforcement and compliments the existing housing strategy by supporting other housing objectives including meeting housing needs, supporting homelessness and improving housing conditions. The policy also supports other corporate projects such as clean scene, strong communities and action on climate.

#### Why are empty homes important?

Homes may become empty for a number of reasons and in most cases this is a short term or a temporary situation, for example awaiting sale or letting or to be renovated prior to occupation. The financial and personal circumstances of owners influences whether the property is brought back into use in a timely fashion.

However empty homes are a waste of valuable resource and sometimes can be a source of serious nuisance to those who live near them.

Bringing long term empty homes back into use helps the Council address the needs of the district as well as attracting grant funding from central government – New Homes Bonus (NHB). In Teignbridge £27.6M NHB has been raised over a 12 year period.

Empty homes are classified by Council Tax depending on why and how long they have been left empty. This classification includes owners in hospital or receiving care, unresolved ownership matters (usually following the death of the owner), financial matters such as bankruptcy etc. and dependent on the circumstances an owner of an empty property may be exempt from paying council tax.

Appendix 1 demonstrates the categories of dwellings which are exempt from Council tax payment.

Owners of unoccupied and substantially unfurnished empty properties receive a discount of 100% for **1 month**, followed by 100% Council tax charge.

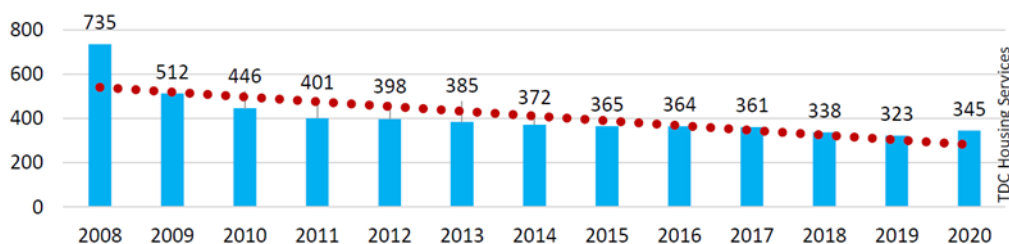
Premiums are applied to annual Council Tax charges once properties, falling outside of exemption categories, have been empty for 2 years plus to encourage owners to bring properties back into use sooner, as follows:

- 2 years or more – 100% premium (i.e. twice the annual charge)
- 5 years or more – 200% premium (i.e. three times the annual charge)
- 10 years or more 300% premium (i.e. four times the annual charge)

## Empty homes in Teignbridge

Properties which have been empty for 6 months or more and are substantially unfurnished (Class C) have a negative impact on the amount of New Homes Bonus the Council receives and need to be kept to the minimum. In Teignbridge this number has decreased year on year since 2008 although the impact of Covid 19 has seen an increase in 2020 due to the initial slow-down in the housing market, owners shielding, lack of tradesman and materials etc. This is illustrated in in graph 1.

Total empty homes, Teignbridge



Number for empty homes in Teignbridge as at October each Year

The number of Class C properties in Teignbridge as of the 6<sup>th</sup> October 2020 was 345 which equates to approximately 0.54% of the housing stock in Teignbridge.

These properties are further categorised as 214 properties that have been empty for between 6 months and 2 years and 131 properties that have been empty for 2 years or more. Whilst the majority of these properties have been vacant for less than 2 years, over a third have been empty for more than 2 years.

Targeting those properties which have been empty between 6 months and 2 years is more likely to have an impact on NHB and increase income for Teignbridge District Council, whilst properties which have been empty for 2 years or more are more likely to have a detrimental impact on neighbours and their surrounding area.

### Aims and objective of the policy

The aim of the empty homes policy is to reduce the number of long term empty homes in Teignbridge by returning homes back into use and discouraging owners from leaving properties empty, ensuring the effective use of the housing stock in Teignbridge and negating the negative impact on a local area.

The objectives of empty homes policy are as follows:

1. Through a targeted approach bring empty homes back into use.
2. Adopt a zero tolerance policy for homes empty for 2 years or more, and take enforcement action across all services within the Council, where necessary, to ensure properties are brought back into use.

3. Where appropriate provide assistance to help bring empty homes back into use.

### **Action Plan to meet our objectives**

In bringing empty homes back into use it is recognised that there is a need to work both on a proactive and reactive basis. A coordinated approach across all departments within the Authority is paramount in the success in bringing empty homes back into use and it is recognised that there is no single solution which will resolve problems associated with empty properties.

#### **1. Through a targeted approach bring empty homes back into use..**

The Council will work directly and assertively with owners of unfurnished properties empty between 6 months and 2 years (Class C) by encouraging them and providing tools and mechanisms to bring their property back into use. Due to limited resources, the Council will prioritise those in areas of high housing need within the district:

- Newton Abbot, including Kingskerswell and Kingsteignton
- Dawlish
- Teignmouth

Where a housing need has been identified in other areas of the District through our housing options team we will adapt this policy to help meet this identified need.

Empty properties identified within these areas will be risk assessed (Appendix 2 – Empty Property Risk Assessment form) and prioritised for action using the following criteria:

- Length of time empty
- Priority area
- High profile location
- Social impact
- Poor housing conditions
- Structural issues
- Potential nuisance
- Security of property
- Impact on New homes bonus and
- Willingness of owner to cooperate to bring property back into use
- Likely to be brought back into use without assistance/enforcement
- Council Tax debts

Across all targeted work, owners will receive frequent contact from the Council. Standard letters including a link to our website for help available from will include information on VAT relief, loans and grants, advice for those considering letting, legislative requirements and referral to Support for People Renting in Teignbridge

(SPRINT) who offer free tenant finding. A proforma is also sent for owners to complete to inform what action is being taking to bring the property back into use, likely timescales for occupation and reasons for delays.

From the information received and the risk assessment it will be determined whether assistance is required or whether to escalate a particular case for enforcement. (See below)

Where owners do not respond to attempts to communicate with them and there is no evidence that they are taking action to bring about reoccupation, or where the property has been identified as 'high risk' using the empty property risk assessment, a zero tolerance approach will be adopted and the most appropriate enforcement action considered to bring the property back into use.

## **2. Zero tolerance enforcement policy**

Based on the risk assessment a zero tolerance policy will be adopted across properties within the priority areas that have been empty for 2 years or more. The following enforcement options will be considered and implemented where necessary to ensure that the property is brought back into use:

- a. Securing empty property – Notice to secure a property that is open to access, where it is evident that intruders are gaining access.
- b. Improving housing conditions –Improvement notice, Prohibition Order or a Hazard Awareness Notice to remove hazards.
- c. Eradication of vermin- notice to clear any land of vermin and remove waste/deposits/accumulations likely to attract vermin.
- d. Abatement of a nuisance – Notice to abate a statutory nuisance such as an accumulation or deposit that is prejudicial to health or a nuisance.
- e. Safety of empty homes –Notice to make a property safe or allow emergency action to be taken to make it safe. Notice to make satisfactory provision for drainage where it is not currently in place, including sewers, drains and rain water pipes that are currently in disrepair or missing.
- f. Unsightly condition of empty home and adjoining land – notice to address unsightly land or external appearance of a property.
- g. Compulsory purchase order and where appropriate to sell it on to allow it to be reoccupied.

- h. Enforced sale – enforced the sale of a property to recover debts incurred relating to carrying out works in default or to recover outstanding Council Tax debts to the property. Where debts are in excess of £4k Council Tax will begin the formal proceedings of applying for a liability order/charging orders.
- i. Empty Dwelling Management order to take control of the management of an empty property, carry out necessary works in order to secure its occupation and to let to tenants for a set period.

For each property, the range of enforcement actions will be considered and in some cases several enforcement actions will be considered working collaboratively across departments. Where appropriate regard will be made to the Council's Housing Enforcement Policy

<https://www.teignbridge.gov.uk/media/6066/171101-housing-enforcement-policy-2017-master-v4.pdf>

Where enforcement action has been taken that allows for works to be carried out in default the Council may carry out any necessary works and recharge the owner, including any charges as detailed in the Housing Enforcement Policy. Where monies are not paid accordingly, the Council will enforce the sale of the property to recover their costs.

Details of the Council's procedure including timescales for action for all work on empty homes can be found in Appendix 4.

### **Reporting of Empty properties**

Members of the public can advise the Council of properties which are empty.

The Council will determine why the property is empty using the Council Tax information available and will carry out a risk assessment to determine if action will be taken by the Local Authority. In some cases these properties do not appear on Council Tax as an empty home and are challenging in securing occupation.

### **Financial assistance**

The Council will work proactively with a range of partners to deliver the Empty Homes policy and ensure funding is maximised to bring empty properties back into use. Working in partnership with Lendology CIC (formally Wessex Resolution CIC) low costs loans may be offered to assist owners of empty homes carry out any necessary repairs/improvements to enable the property to be let, occupied or sold. Grants may be available where a loan cannot be provided. Details of the Council's grants and loans policy can be found [here](#).

**Properties that are exempt from paying council tax.**

Class B	A property owned by a charitable body which has been unoccupied for less than six months.
Class D	An unoccupied property where the liable person is held in detention.
Class E	An unoccupied property where the liable person has gone to live in a care home.
Class F	An unoccupied property where a person is acting as a personal representative of someone who has died and either no grant of Probate or Letter of Administration has been made or less than six months have passed since the day on which such a grant was made.
Class G	An unoccupied property where occupation is prohibited by law.
Class H	An unoccupied property awaiting occupation by a Minister of Religion from which to perform his/her duties.
Class I	An unoccupied property where the liable person has his/her sole or main residence in another place to receive personal care because of old age, disablement, illness, past or present alcohol or drug dependence or past or present mental disorder.
Class J	An unoccupied property where the liable person is now solely or mainly resident elsewhere to provide personal care for the reasons mentioned in Class I.
Class K	An unoccupied property where the liable person is a student and this was his/her previous sole or main residence.
Class L	An unoccupied property where the liable person is the mortgagor (borrower) and the property has been repossessed by the mortgagee (lender).
Class M	Halls of Residence providing accommodation for students.

Class N	A property wholly occupied by students or school leavers.
Class O	A property owned by the Secretary of State for Defence and is held for the purposes of Armed Forces accommodation.
Class P	A property where the liable person is a member of visiting forces.
Class Q	An unoccupied property where the liable person is acting in a capacity of a Trustee in Bankruptcy.
Class R	An unoccupied caravan pitch or boat mooring.
Class S	A property occupied only by a person or persons aged under 18.
Class T	An unoccupied annexe to an occupied property which may not be let separately without a breach of Planning Control within the meaning of Section 171A of the Town and Country Planning Act 1990.
Class U	A property occupied only by person(s) who are severely mentally impaired, or by student(s) who are living with severely impaired person(s) and who would (under normal circumstances) be liable to pay the council tax.
Class V	Main UK residence of a visiting diplomat.
Class W	An annexe or similar self-contained part of a property occupied by a relative of the other occupants who is over the age of 65 or severely mentally impaired or substantially and permanently disabled. (Effective 1 April 1997).

## Empty homes priority risk assessment

Length of time vacant	Under 6 months	0
	6 months – 12 months	5
	12 months to 2 years	10
	2 years plus	20
Priority Area	Yes	20
	No	0
High profile location	No	0
	Yes	10
Have complaints been received from neighbours	No	0
	Yes	10
Would intervention result in additional NHB	Yes – 1 unit	10
	Yes – 2 or more units	20
	No	0
Social Impact	Score per impact	
• Appearance (including garden)		10
• Vermin		10
• Fly tipping		10
• Anti Social Behaviour		10
• Squatters		10
Poor housing conditions (likely to have a category 1 hazards)	No	0
	Yes	10
Structural issues	No	0
	Yes	10
Property to cause a statutory nuisance	No	0
	Yes	10
Property secure	No	10
	Yes	0
Owner co-operative	No	10
	Yes	0
Likely to be brought back into use without assistance / enforcement	No	10
	Yes	0
Council Tax debts	No	0
	Yes	10
	No liability	10



## Incentives for owners of Empty homes

### 1. Financial Assistance

Please refer to the Council Grants and loans policy for up to date information on what financial assistance is available

<https://www.teignbridge.gov.uk/media/7317/housing-grant-and-loan-policy-v4.pdf>

### 2. VAT reduction

VAT is chargeable at a reduced rate for works to bring long term empty properties back into use, see <https://www.gov.uk/guidance/buildings-and-construction-vat-notice-708> The Councils' empty homes officer can provide a letter confirming the relevant date which is acceptable by HMRC.

Unoccupied	VAT chargeable
2 years +	5%
10 years+	0%

### 3. Landlord Training Courses

Teignbridge District Council may offer training courses to both new and experienced landlords to provide landlords with the skills required to set up, manage and end a tenancy, ensuring that all legal requirements are met.

### 4. SPRINT - Tenant finding and rent support service

This provides a free service to help landlords prepare properties for let including an inspection to ensure that they are free from hazards under the Housing Act 2004, collating relevant legal certification/documentation, and introducing tenancy ready families to landlords. Tenants are assisted with benefit applications and support is provided to both tenants and landlords to ensure that tenancies are sustainable.

## Empty homes procedure

Action	Priority and Non Priority Group	Timescales		
<b>Initial letter</b>	Advice letter outlining importance of bringing empty homes back into use, support Council can provide and request to complete occupation status proforma to ascertain intentions and timescale.			
<b>Letter 2</b>	Reminder letter to complete the occupation status proforma	3-4 weeks		
<b>Visit</b>	Visit made and risk assessment carried out	2 weeks		
	<b>High Priority</b>	<b>Time scale</b>	<b>Non Priority</b>	<b>Time scale</b>
<b>Letter 3 – initial enforcement letter</b>	If no response stronger letter requiring urgent attention identifying enforcement powers available to the Council. A requisition for information will be served with the letter to confirm details of ownership requiring information within 15 days. Where a visit has not been previously made a risk assessment, carried out.	4 weeks	Letter identifying need to bring empty home back into use	8 weeks
<b>Letter 4</b>	If still no response, case reviewed with other relevant departments to determine relevant course of action and owner advised. If unable to gain access to property notice served and/or warrant obtained to gain entry.	5-6 weeks after letter 2		
<b>Enforcement action</b>	Following an inspection of the property, if the owner has made no attempt to carry out any works or has not	Time scales for enforcement action will be		

	<p>indicated a reasonable timescale whereby the works will be completed the Council <b>will determine the most appropriate enforcement action</b> to take as detailed above and including</p> <ol style="list-style-type: none"> <li>1. Securing the property where access can be easily gained</li> <li>2. Improving the housing conditions where a category 1 hazard has been identified, to stop further deterioration, reduce impact on neighbours.</li> <li>3. Eradicating vermin where there is evidence.</li> <li>4. Making the property safe where there is an imminent risk to health.</li> <li>5. Addressing unsightly external appearance</li> <li>6. Enforced sale</li> <li>7. Compulsory purchase order</li> <li>8. Empty Dwelling Management order</li> </ol> <p>This will be in consultation with other departments within the Council to ensure that the most appropriate and, if necessary, a range of enforcement action is taken.</p>	<p>determined in accordance with the requirements of the legislation.</p>		
<p><b>Commencement of works</b></p>	<p>Where an owner has commenced</p>			

	<p>refurbishment works a reasonable timescale will be given for these works to be completed. Regard will be given to the works being carried out but where works are minor then 12 weeks maximum would be deemed reasonable. Where works have commenced but there is no clear progression of works to completion or reasons for delays are unreasonable it will be necessary to explore the legal options available, having regard to other statutory obligations, to ensure the completion of the works using the necessary enforcement tools. Regard will be made to the Council's Housing Enforcement policy.</p>			
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