

# EMPTY HOMES STRATEGY 2010



*This strategy sets out the aims and objectives to tackle empty properties in the Chiltern District over the coming years. The detailed actions in this strategy will be monitored and reviewed annually to ensure that they are successfully addressing the issues.*

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## Executive Summary

The average house price in the Chiltern District is £432,904, (source Land Registry Oct – Dec 2009) making it one of the most expensive places to live in the country. The latest available Strategic Housing Market Assessment [SHMA] or Housing Needs Assessment [HNA] for the area has identified that 272 affordable homes per annum are needed to meet the shortfall in the area. Due to restrictions imposed by the Metropolitan Greenbelt and Area of Outstanding Natural Beauty [AONB], the opportunities for new housing development are limited. Consequently our attention must be focused on the existing stock in the district through initiatives such as returning empty properties back to use and encouraging letting.

Over the last three years, the number of empty properties at any one time in the district has remained steady, between 878 - 986 (approximately 2.5% of the total housing stock). Over half these properties are short term vacant.

Properties which have been empty for more than six months are defined by the Council as “long term empty” (LTE) and it is these dwellings that will be focused on. Many of these properties are empty because the owner is in care, they are awaiting sale or a tenant, or renovations are being carried out to bring the dwelling up to a decent standard. There has been a steady decrease in the number of long term empty dwellings in the district, from approximately 493 as of 1 April 2009 to 476 as of 1 April 2010 a decrease in the number of LTE homes in 12 months. This might be partly attributed to employing a dedicated empty homes officer and utilizing a systematic process for encouraging and working with owners to return the properties to use.

The Council also have a dedicated Empty Homes web page on their website and have produced a community information leaflet to inform people about the mechanisms available to return an empty property back into use.

This strategy explains in more detail the empty property issues at a national and local level. There is also reference to the Housing Act 2004, which became effective from April 2006 and introduced new powers to local authorities which will impact on their ability to return properties to use. However, the main body of the strategy outlines a number of key action areas (in accordance with Chiltern District Council’s Community Plan and wider objectives) that will shape the future of tackling empty properties in the district.

The key action areas are summarised below.

- Obtaining Council Tax information to identify empty homes
- Research to establish why homes are empty
- Provision of information to empty home owners requiring assistance
- Chiltern District Council’s support for owners
- Use of formal powers where owners have shown no reasonable attempts to return a property back to use
- Maintaining an effective and meaningful consultation on the strategy
- Exploring the changes to Council Tax with regard to second homes and empty properties

## Introduction

An empty property represents a wasted resource, loss of accommodation and potential income stream. The vacant dwelling may also present challenges to the local community through vandalism, squatting, anti-social behaviour, neglect and lower property prices.

Properties that are empty but awaiting sale or tenants for short periods of time are inappropriate targets for empty homes action. Likewise, dwellings undergoing renovation, subject to probate, where the occupier is in care or where the outcome of a planning decision is awaited are not considered to be a priority. Their vacancy tends to be short-term and their re-use is planned.

Nationally it is considered that properties vacant for periods in excess of six months or for longer periods should be the focus of attention. Of the 878 empty dwellings in Chiltern District identified by the Council in their Housing Strategy Statistical Appendix (HSSA) at the 1<sup>st</sup> April 2010, 476 had been vacant for six months or more. This strategy is designed to target these long-term empty properties.

Council Tax records and the results of the Private Sector House Condition Survey (2003) indicate that there are limited numbers of long-term empty private dwellings in the district compared to other areas. It is estimated that these comprise around 0.97% of the total housing stock. Using the comparison tables from the Empty Homes Agency 2009, the figure for the South East region is 2.32% of the total housing stock. However, the demand for all forms of housing including affordable units still exceeds supply making it essential that best use is made of all forms of accommodation.

Region	Total Empty	Council owned	Housing Assoc	Privately owned	Private owned over 6 months
North East	40,685	2,468	23	490	21,986
North West	122,632	3,714	418	4,721	64,332
Yorks & Humber	90,768	5,716	426	214	42,566
East Midlands	62,134	3,332	591	82	29,797
West Midlands	69,002	3,460	175	1,587	33,780
East of England	54,169	2,295	806	82	29,262
London	75,706	9,277	954	183	28,804
South East	84,205	2,821	1,214	702	36,073
South West	52,692	1,472	1,128	311	20,401
ENGLAND	651,993	34,555	5,735	8,372	307,001

(Source Empty Homes Agency 2010)

In the Chiltern District it is particularly difficult for key workers, young people leaving home and single persons to access suitable housing. The opportunities for new affordable housing development are limited to sites where intensification is possible. The local plan has been recently updated to require sites of 15 or more dwellings to have 30% affordable housing. Even with this change to planning policy, few sites are coming forward for affordable housing. Maximising the use of existing resources is therefore essential if the housing need in the district is to be addressed. By working in partnership with empty property owners, we can offer financial assistance and letting options to help return a property back to use or consider re-use of the site for more intensive housing use.

Chiltern District Council offer loans to help owners of empty properties to bring them back to use and details of current financial assistance are available to view on the website.

In some cases the identification of an empty property owner may be difficult; however we usually know the owner's details (through Council tax records) or a neighbour may do. Experience has shown that in order to return an empty property back to use, it is essential to contact the owner and start dialogue with them. Sometimes there are 'quick fixes' but it should be recognised that an empty property can take a considerable period of time to return to use, particularly if the owner is not willing to co-operate.

It is extremely important that the best use is made of empty homes. Just one empty property can cost the owner over £10,500 in lost revenue each year, making them a costly wasted resource. The legislative changes which enabled the sharing of Council Tax information made the process of contacting owners and persuading them to bring their properties back into use a much more manageable task. Similarly increasing council tax on second homes has assisted with returning empty properties back to use and the funding raised has been used to support crime and disorder and other affordable housing initiatives throughout the district.

## **Empty Homes – The Causes and Costs**

### **The Causes...**

Properties become empty for a variety of reasons. The following are some of the more common reasons:-

- Ø After sale, a property may become empty for a short period before occupation by the new owner
- Ø The property may be subject to a planning application for redevelopment/replacement
- Ø The property may deteriorate to a state where renovation is required, and the occupiers move out prior to and during the works
- Ø The property may remain in probate for long periods of time until legal aspects are resolved before a sale or tenancy agreement can be negotiated
- Ø The occupier may require extended care, the property then remaining empty until a decision is made over the most suitable form of assistance or care for the householder
- Ø The owner is temporarily living elsewhere (new relationship or abroad) but intends to return
- Ø The property is surplus to the owner's requirements and concerns over landlord/tenants rights prevents reoccupation

Conversely, there are a number of reasons which may prevent sale of the dwelling:-

- Ø The property is in poor condition or derelict and awaiting renovation
- Ø That particular sector of the housing market may be experiencing a period of stagnation
- Ø The owner may be hoping that market conditions will improve, so that the value of the property will rise



## **Local Authority Legal Powers**

To alleviate this problem, the Government conducted an enquiry into empty homes in 2001. A number of recommendations were made in the House of Commons Select Committee Report, including improving the quality of the data for work on empty properties, integration of the empty properties strategy within the wider housing strategy and harmonisation of Value Added Tax (VAT) rates.

Following the enquiry, a number of measures have been introduced to monitor the level of empty homes and encourage local authorities and property owners to return vacant dwellings back to use. These measures can be summarised as follows:-

### **Council Tax Legislation (under The Local Government Act, 2003)**

The Local Government Act 2003 empowers the Council Tax Billing Authority to reduce the discount on second homes and long-term empty dwellings. **A long-term empty dwelling is defined as a substantially unfurnished property that is unoccupied.**

Such properties are exempt from any charge for up to six months or, in some cases, twelve months. However, under The Local Government Act 2003 the Billing Authority can resolve to levy a Council Tax of up to 100% in respect of these properties once the exempt period has expired.

The Local Government Act 2003 also made changes which enable Council Tax information to be shared between local authority departments, to help identify vacant dwellings or assist in bringing them back into use. The information that can be shared is limited to an individual's name, address or telephone number but is a significant development when trying to 'join up' action between partners.

### **Value Added Tax (VAT)**

The liability for VAT has been reduced from 17.5% to 5% for the renovation of dwellings that have been empty for 2 years or more, and to 0% for renovating dwellings which have been empty for more than 10 years in order to encourage their re-use.

### **The Housing Strategy Statistical Appendix (HSSA)**

The HSSA for local authorities collects information on the number of empty dwellings in the District, and the number that have been vacant for more than six months. This information is submitted annually to the Government.

### **Legal Powers**

Furthermore there are a number of additional legal powers available to local authorities to encourage a reluctant owner to consider alternative courses of action (other than leaving the property empty). These powers are listed in Appendix A. Enforcement action could involve a number of Council departments, acting in partnership to resolve the matter.

The coalition Government's Draft Structural Reform Plan (July 2010) states that they will be reviewing and developing options to bring more empty homes back into use, working with local authorities and housing associations and some of the property owners, neighbours and others affected.

## Chiltern District Council's Commitment to Empty Properties

### Chiltern District Sustainable Community Strategy 2009-2026

The latest Chiltern Sustainable Community Strategy identified five broad themes covering challenges and priorities in the district:

- Thriving Economy
- Sustainable Environment
- Safe Communities
- Health and Wellbeing
- Cohesive and strong Communities

### Objectives

In addition to the community strategy priorities above, Chiltern District Council identified three key objectives, which will drive its future direction from 2009 - 2026. The Council's work in tackling empty dwellings impact on each objective as follows:

#### **Objective 1: Efficient and effective customer focussed services.**

*- Our work in the empty properties sector is regularly monitored to ensure that the service we are providing is both accurate and efficient. We are committed to providing high quality information and services to empty property owners. The District Council offers a landlord's decent homes equity loan of up to £20,000 to help meet the major cost of repairs to a property in addition to various letting options and general advice.*

#### **Objective 2: Safe and healthy and cohesive communities.**

*- This will involve returning flats over shops back into use, encouraging owners to let to persons off the Housing Register and ensuring that attention is focussed on long-term empty properties.*

#### **Objective 3: Conserve the environment and promote sustainability.**

*- Returning empty properties back to use will be of benefit to the surrounding environment. In extreme cases, vacant dwellings can become a target for graffiti, vandalism and squatters in addition to being an eyesore and reducing the value of surrounding properties. The re-use of existing stock would also reduce the need to develop green field sites.*

A focused strategy and structured programme on returning empty properties back to use will help to meet the aims and priorities outlined in this section.

### Progress to date

In January 2003, Chiltern District Council bid for external resources in partnership with Buckinghamshire Community Action, The Countryside Agency (now DEFRA), The Housing Corporation, Aylesbury Vale District Council, Buckinghamshire County Council and Hastoe Housing Association to support the Rural Housing Enabler Project. The project operates in the Aylesbury Vale and Chiltern Districts and in Chiltern delivers the programmed work to return empty properties back to use. In addition the Rent Deposit Guarantee (RDG) scheme, being delivered as part of the Public Service Agreement also contributes to returning empty dwellings back to use, by enabling tenants on low incomes to access private accommodation without having to outlay capital for the deposit.

The success of the project is reflected in the number of properties that have already been returned to use, see table below:

<b>Year</b>	<b>Target</b>	<b>Actual</b>
2003/04	10	15
2004/05	15	28
2005/06	20	40
2006/07	40	102
2007/08	40	74
2008/09	55	126
2009/10	55	140
Total	235	525

In 2005 the Rural Housing Enabler Projects running throughout the country were evaluated by the CLA, with the Chiltern project being identified as a successful example. A 2008 report by Bucks County Council Overviews and Scrutinies Committee acknowledged the importance of getting empty homes back into use and the Task group identified areas of best practice by Chiltern District Council. The importance of the project is reflected in the Council's continued financial support for the enabler, with funding recently confirmed to extend the post into 2011.

*"The Rural Housing Enabler is an independent broker, ensuring that these links are maintained through case conferences, updates and joint action between Environmental Health, Housing, Planning and Community Safety.*

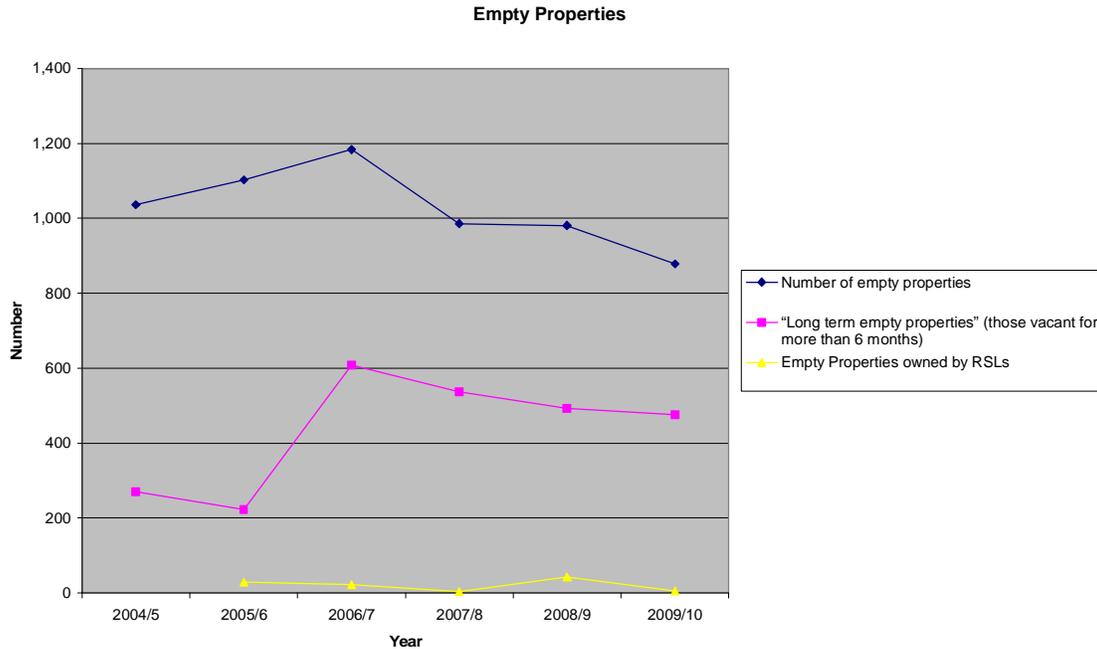
*This has proved to be a really good initiative, before the Rural Housing Enabler was appointed it was difficult to find the resources to address the empty homes issue, and the contribution of the RHE has definitely made the difference."*

*Martin Holt, Head of Health and Housing*

### **Graph of Long Term Empty Properties (as at 1<sup>st</sup> April 2010)**

Chiltern District Council's Empty Property Strategy and Rural Housing Enabler programme has made steady progress. As at 1<sup>st</sup> April 2010, it was estimated by officers using Council tax records that the number of long term private sector empty properties (i.e. those vacant for more than six months) was 476. Included in this figure were 5 dwellings in the ownership of RSLs (Registered Social Landlords).

Figure 1: Summary of empty property figures



To summarise, the overall number of empty dwellings in Chiltern district has again steadily decreased between April 2009 and March 2010. This at least partly due to the efforts of the Council in supporting owners to return their properties to use (140 dwellings were returned to use through Council intervention in 2009/10).

Figure 2: Approximate breakdown of 476 long term empty properties

- 18 long term empty properties are age restricted or warden assisted
- 18 of the dwellings are new build
- 10 of the dwellings are annexes
- 5 properties are owned by the Paradigm Housing Group.
- It is too difficult to estimate how many properties are awaiting sale or a tenant at any one time.

All of the above figures are estimates; however it is fair to say that a sizeable proportion of the 476 dwellings vacant for over six months are empty for reasons where the Council would not normally intervene to return them to use. Additionally, it is likely that some of the remaining 402 properties (from the overall figure of 878 listed - see table above) will have recently been re-occupied and Council Tax accounts have not yet been updated to reflect the change. The Council is already aware of the remainder of the long term empty properties and is taking action to secure their return to use, including providing financial assistance to help bring empty properties up to a decent standard and letting options such as the RDG scheme and private sector leasing.

The Council is also keen to focus on those long term empty properties where officers have attempted to contact the owner (through letters and questionnaires) and no response has been received. The Empty Dwelling Management Orders (EDMOs - see below) will hopefully play a key part in encouraging owners to take action.

Whilst there are properties standing empty, the Council's list of people seeking suitable homes, including social housing tenants looking to transfer, continues to grow. At the 1<sup>st</sup> April 2010, there were 2,078 households on the Housing Register, which is a list of people seeking and eligible for assistance with housing by the District Council.

### **Involving Partners**

We have sought to identify key partners who can contribute to the delivery of an empty homes strategy. However, we recognise that there are likely to be other agencies, organisations and individuals who can contribute. We continue to welcome wider participation from other partners who believe that they can help in the delivery of this strategy and the achievement of our aims. The list of current partners includes:

Buckinghamshire County Council	Thames Valley Police
Paradigm Housing Group	Aylesbury Vale District Council
Parish and Town Councils	Resident and Community Association
Private Landlords	Local Letting Agents
Community Impact Bucks	Registered Social Landlords
The Homes and Communities Agency	Primary Care and Health Trusts

### **Legislation and initiatives – Empty Dwelling Management Orders (EDMOs) and Private Sector Leasing**

#### **What is an EDMO?**

EDMOs came into force in 2006 (following the Housing Act 2004) and enable Chiltern District Council to take over temporary management of longer term unoccupied houses and flats so that they can be let out to tenants. Properties will revert to their owners on an agreed date or sooner if the owner so requires, provided due notice is given and arrangements to repay any reasonable costs incurred by the council are settled.

There are two types of EDMOS: - "Interim" (that last up to 12 months) and "Final" (that last up to 7 years).

For each type of EDMO, the role of the Paradigm Housing Group will be:

**Interim EDMOs** - To work with Chiltern District Council once an interim order has been made by:

- identifying any renovation works required and preparing Schedules and costs for the works, and complete works necessary for occupation
- agreeing the type of rental most appropriate to each property, i.e. market rent or the level of sub-market rent,
- preparing the management Schedule for a future Final EDMO should it be required,
- managing any tenancies made with the consent of the owner during the period of an interim order.

**Final EDMOs** - To work with the council through the period of final orders by:

- managing the properties on behalf of the council in accordance with the property's Management Scheme,
- completing any renovation works necessary for the occupation of each dwelling,
- completing any repairs or other works necessary during the period of the orders,
- granting and managing tenancies for the properties including the collection of rents,
- keeping full accounts of income and expenditure for each property managed and making any necessary payments including those to the displaced proprietor and any other third parties,
- reviewing the operation of each EDMO and management scheme with the authority.

All the management and administration costs for inclusion in the individual management schemes will be agreed in outline within the overall contract for these services. Specific management costs will be agreed for each property at the time of making either an interim or final EDMO, taking into account the differences in management requirements for each property.

**All management costs, any renovation costs and any compensation payable to 3<sup>rd</sup> parties are expected to be covered by the rents received whilst managing the properties.**

When the full amount has been recovered, the property would revert back to the owner in a fit state to continue to allow the property to be rented out. During the intervening period the council would offer the owner training on becoming a landlord or advice on lettings agencies to ensure that the property remains in use.

To make the scheme more attractive to landlords, the council might offer a longer lease but during that period the owner of the property would also receive a small rental income. The council would have the nomination rights for the property for a longer period and the Housing Waiting List would be reduced. This scheme therefore has potential benefits for all parties.

## **Current Position**

### **Private Sector Leasing**

Chiltern District Council is continuing to research the possibility of working with a Registered Social Landlord (RSL) to deliver a Private Sector Leasing Scheme in Chiltern. This involves the housing association leasing properties from private owners for periods of up to 5 years and then letting the properties to persons from the Housing Register. As Paradigm acts on the Council's behalf in managing the Chiltern District Housing Register, the Paradigm Housing Needs Team will have a key role in identifying and nominating prospective tenants for these properties. The Council will want to work with the RSL partner to ensure that:

- (i) sufficient potential tenants have been identified for the scheme, and
- (ii) effective arrangements are in place to ensure that nominations are made within the required timescales set down in the agreement between the Council and the housing association.

More information on this initiative can be requested directly from a member of the Housing & Community Team.

## Chiltern District Council Actions

### 1. Information on Empty Homes

In order to actively work to return empty homes back to occupation, information is required to identify the properties.

To date there has been a reliance on Council Tax records, which provide information on the total number of empty homes at any given time as well as those that have been empty for six months or more. This information is forwarded to the Housing and Community Team on a monthly basis.

#### **Action:**

- We will continue to respond to information provided by neighbours of empty properties.
- We will continue to share Council tax information to identify empty property owners.
- We will continue to write to owners of all long-term empty properties, enclosing a questionnaire to find out why the property is empty. Where necessary, we will offer the owner advice and information leaflets on the services we offer (see section 3).
- We will serve a requisition for information notice on persons with an interest in the property. This is a formal request issued by the Council requesting information regarding the ownership details of the dwelling.
- We will seek to form partnerships with Parish Councils and other Agencies to help with the identification of empty homes and their owners.
- We will raise awareness of empty properties within District Council departments that have a 'visiting' function. This will include departments that have an active role in returning empty properties back to use such as Council Tax, Environmental Health and the Planning Department.

### 2. Research to Establish Reasons Why Homes Are Empty

Knowledge of why the property is empty is essential if we are to return it back to use. Not only will the information assist us in finding mechanisms to bring the dwelling back to use, but it may prove useful in the wider application of preventative action.

The simplest process is to send a series of letters accompanied with questionnaires to each of the empty property owners supplied by Council Tax. Those that have been empty for more than six months are likely to require action to bring about a change.

We started this exercise in September 2003 and it is considered to be the most appropriate method in researching why properties are empty.

#### **Action**

- We will write an initial letter to all property owners who own a dwelling, which has been vacant for six months or more. The letter will contain a questionnaire asking the owner to provide some background information on the property; when the dwelling was last occupied, how many bedrooms it has, the property type, why the property is empty, what condition it is in and how the owner intends to return it to use.
- We will include a leaflet containing help and advice on returning the property to use and a Freepost envelope
- We will carry out visits to empty properties to assess their potential for re-use.
- A second letter will be sent following this visit urging the owner to respond by completing the questionnaire mentioned above.

- If no response is received from the second letter within a reasonable time of it being sent, a third and final letter will be sent to the owner.
- Where an owner has not responded to our letters and has declined to cooperate or communicate, we will send further letters detailing enforcement options. We may serve a requisition for information

### 3. Provision of Information regarding Empty Properties

It is important that owners of empty properties can readily obtain information and advice on the choices that are available to them in returning a property back to use.

A wide range of basic information leaflets can be distributed to empty property owners within an easily obtainable package to answer common questions. Leaflets and information packs have been produced containing information on a range of ways to return properties back into use, from sale and letting to working with Housing Associations. A number of leaflets are also available covering taxation issues, guidance on tenancies, furniture and gas safety and energy efficiency. These leaflets are distributed to the owners of empty properties on request.

Articles published in the Bucks Advertiser and Chiltern Chronicle can help to highlight the advice and assistance available for empty property owners. Empty homes information can also be obtained on the Web site [www.chiltern.gov.uk](http://www.chiltern.gov.uk) or directly from an officer in the Housing & Community team.

#### **Action:**

- We will distribute leaflets providing information on empty homes to the owners of properties that have been vacant for over six months.
- Members of the Housing and Community Team will provide informal advice and information to empty property owners over the telephone or by email.
- The Housing and Community Team Officers can provide information on the landlord's decent homes equity loan and letting options. We will advise empty property owners of Housing Association initiatives that may be relevant to their property.
- We will arrange a personal meeting with the property owner to discuss the options available. This can be aided by an internal inspection of the property to assess its condition and potential for re-use.
- We will encourage the provision of a local private lettings register and links to letting agents on the Web site to help households access private rented property.

### 4. Support for Owners

We assist empty property owners to access funding and support so that their properties can be brought back into use to meet local housing needs.

Support offered by the Council can be the provision of information to a prospective tenant or landlord, private sector leasing, the provision of a rent deposit to enable a tenant to move in or financial assistance to the Landlords by way of a loan (subject to funds being available) to enable a property to be repaired.

#### **Action:**

- We will continue to seek advice and assistance from our partners on ideas and possible solutions in order to provide support for empty property owners.
- We will offer a landlord's decent homes equity loan where the property requires renovations to make it habitable and where the owner meets the necessary criteria.

- We will work with the Paradigm Housing Group to support the rental process of empty properties. This is particularly relevant with regard to the Council's Private Sector Leasing initiative.
- We will advise landlords on fire safety and housing requirements when converting properties for more intensive use.
- We will offer Council lettings options (such as the Rent Deposit Guarantee Scheme) where the owner is looking to let the property.
- We will continually seek feedback from owners on what help and assistance would encourage them to return their property back into use.

## 5. Use of Formal Powers

We will continue to provide information and advice for owners to encourage them to return empty homes back into use. However, when an empty property presents a risk to community safety or public health and there is an absence of progress in resolving matters informally, then we will resort to formal legal action.

The types of action could include a staged approach designed to engage a landlord and demonstrate commitment to return a property to use. This could include the formal abatement of a nuisance, action to require the repair a property, or in extreme cases, serving an Empty Dwelling Management Order (EDMO). Chiltern District Council will use all powers available in order to ensure that properties are not left empty without reason.

### Action:

- If an empty property presents a risk to community safety, or public health, formal legal action will be considered in order to remove that risk.
- Where appropriate Chiltern District Council will investigate serving an EDMO on a long term empty property in accordance with the adopted procedure (see Appendix B).

## 6. To Maintain an Effective and Meaningful Consultation

We will work with partners and other district councils to maintain and improve our information on empty properties and Best Practice.

For this strategy to be successful, it will need to be flexible to take account of the dynamic housing market conditions and the changing needs of owners.

To ensure we keep up to date and share best practice with neighbouring authorities we attend the Herts, Beds and Bucks Empty Homes Forum quarterly. Additionally we host a landlord's forum every six months, which advises private sector landlords and housing professionals of new policies or legislation that could affect empty properties.

### Action:

- Ongoing consultation will enable us to keep our stakeholders informed of any changes in the empty property strategy. This strategy will be reviewed on an annual basis to ensure that the information and objectives in the report reflect the current conditions.

## **7. Changes to Council Tax with regard to Second Homes and Empty Properties**

In response to the changes to Council Tax legislation (outlined on page 8) Chiltern District Council considered the position of second homes and empty homes. Chiltern District Council (along with the other District Councils in Buckinghamshire) decreased the Council Tax discount on second homes from 50% to 10% (from April 2005). The discount on empty properties remains at 50%.

### **Monitoring and Review**

Monitoring of this strategy is carried by holding regular Housing Team meetings and monitoring via the Council's Local Performance Indicators (including an annual indicator, recording the number of properties returned to occupation following Council action).

### **Feedback and Comments**

We welcome your views on both this strategy, our progress to date and how we can continue to return empty properties back to use. Please send your comments to:

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King George V Road  
Amersham  
Buckinghamshire  
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# APPENDIX A

## Local Authority Legal Powers

### **Building Act 1984 (Sections 77 and 78) and Housing Act 1985, (Sections 189 and 190)**

Both of these acts refer to properties that are considered to have dangerous or dilapidated structures or are unfit for Human Habitation. This legislation enables local authorities to request the owner to make the property safe (Building Act Section 77) or enable local authorities to take emergency action in order to make the building safe (Building Act Section 78). Sections 189 and 190 of The Housing Act 1985 apply if the property is unfit for human occupation, or in other cases of serious disrepair.

### **Local Government (Miscellaneous Provisions) Act 1976, (Section 35), Building Act 1984 (Section 59 and 76), Public Health Act 1961 (Sections 17 and 34), Prevention of Damage by Pests Act (Section 4), Public Health Act 1936 (Section 83), and Environmental Protection Act 1990 (Section 80)**

In some cases an empty property maybe attracting vermin following illegal dumping, or be the source of access to rodents from the sewerage system. Alternatively gutters and building structures may be causing water penetration into neighbouring properties. These acts enable local authorities the power to ensure that the owner addresses the problem.

### **Public Health Act 1961 (Section 34 – see above), Town and Country Planning Act 1990 (Section 215) and Building Act 1984 (Section 79)**

These acts only concern unsightly land and properties that affect the amenity of an area. It is a fact that empty properties can become an eyesore and attract vandalism and squatters as well as having a detrimental affect on the surrounding community. This legislation is in place to ensure that an owner (where necessary) removes waste from the property and/or improves the external appearance of a property, particularly where it affects the amenity of the area through its disrepair.

### **Section 17 of the Crime and Disorder Act, 1998**

Section 17 of the Crime and Disorder Act 1998 places a general duty on every local authority “without prejudice to any other obligation imposed upon it... to exercise various functions with due regard to the likely effect of the exercise of those functions on, and the need to do it all reasonably can prevent crime and disorder in its area.” In short, this means that Chiltern District Council’s Empty Property Strategy must be considered from the standpoint of its potential contribution to improving community safety. The council will consider using its powers under antisocial behaviour legislation to assist in returning an empty dwelling back to use where there is evidence of vandalism and other such behaviour.

# APPENDIX B

Chiltern District Council Empty Dwelling Management Order (EDMO) Procedure  
(Devised in partnership with the Herts, Beds and Bucks Empty Homes Forum)

## Specific Exemptions

Exemption	RPT Discretion?
Former owner occupiers temporary absence	Yes
Second Home	Very little
Holiday Home	No
Undergoing repairs and improvements	Yes
Outstanding Planning Permission / Building Regs consent	Yes
On market for sale or letting	No
First six months after probate granted	No
Owner giving / receiving care	?

## Additional Specific Exemptions

Exemption	RPT Discretion?
Dwellings normally occupied by a minister of religion as a residence from which to perform his duties	No
Dwellings where the owner's absence is for the purpose of giving or receiving care	No
Dwellings where the mortgage lender is in possession under the mortgage	No
Dwellings that cannot be occupied due to criminal investigation proceedings	No
Dwellings subject to a court order freezing the property of the relevant proprietor	No

Dwellings where the owner is a serving member of the armed forces and the absence is a result of that service	No
Dwellings normally occupied by an employee in order to perform the duties required under the terms of an employment contract	No
Dwellings that are comprised in an agricultural holding or a farm business tenancy	No

### Abbreviations

RHE	Rural Housing Enabler
HCO	Housing Choice Officer
CT	Council Tax
HHH	Head of Health & Housing
PHO	Principle Housing Officer
PSHO	Private Sector Housing Officer
PHG	Paradigm Housing Group
F	Finance
CDC	Chiltern District Council
LDS	Legal & Democratic Services
RPT	Residential Property Tribunal

### 1. Before making an Interim EDMO

Ref	Action	By	Housing Act Reference
1.01	Establish if the dwelling falls within one of the exemption categories above (e.g. second homes, properties undergoing renovation etc)	RHE	
1.02	Make reasonable efforts to notify the owner that CDC is considering such action (e.g. through Uniform Letter process)	RHE	
1.03	Ascertain whether the owner intends to take steps to secure the occupation of the dwelling and there is no prospect that the dwelling will become occupied in the near future	RHE	
1.04	Undertake a balancing exercise between the rights of the owner and the interests of the wider community	RHE	
1.05	Confirm that the dwelling has been wholly unoccupied for at least six months (e.g. cross reference with Council Tax Information)	RHE/CT	
1.06	Establish there is reasonable prospect that the dwelling will be occupied once the order is granted, by looking at local market conditions (i.e. cross	HCO	

	reference with Paradigm Housing Register)		
1.07	Demonstrate that all voluntary approaches have been exhausted	RHE	
1.08	Discuss with Paradigm the viability of letting the dwelling	HCO	
1.09	Serve a notice under the Local Government (Miscellaneous Provisions) Act 1976 section 16 (if the owner's name and address are not known) or do Land Registry Search	RHE	
1.10	Produce evidence of letting prospect (i.e. cross reference with housing register)	HCO	S 134 (2)(c)
1.11	Prepare a draft report, and circulate it for comments (within 28 days) to the appropriate parties (i.e. empty property owner, Councillors, ward members etc). Consider the responses before making the final report	RHE	
1.12	Send a final report to the Martin Holt and Michael Veryard for delegated decision	RHE/PHO/HHH	
1.13	Inform the relevant parties of the decision (i.e. owner, ward Members, and relevant services)	RHE	
1.14	Draft EDMO and apply to RPT who will authorise or dismiss the Order	LDS/PHO	
1.15	If the Order is granted then serve Interim EDMO and notice on persons with interest and displaced managers within 7 days	LDS	Schd 6 para 7

## 2. After an Interim EDMO has been approved

Ref	Action	By	Housing Act Ref
2.01	Maintain account of all expenditure and any income	PHO	Schd 7 para 5(6)
2.02	Register as Local Land Charge (following instruction from Housing Team)	LDS	Schd 7 para 2(9)
2.03	CDC take possession and change locks (with police if necessary) as CDC now has responsibility for keeping the property secure	HCO/PHG	
2.04	Arrange property insurance immediately (with input from Housing)	F/RHE	S 135 (5)
2.05	Take proper management steps (e.g. arrange inspections on a regular basis etc)	RHE/HCO	S 135 (3)

Ref	Action	By	Housing Act Ref
2.06	Give 2 weeks notice to owner of any furniture etc CDC doesn't wish to use. CDC to arrange for storage.	HCO	Schd 7 para 20
2.07	Seek owner's consent to letting (If no, CDC needs to decide whether to proceed with a final EDMO based on renovations, market conditions etc). If CDC decide not to progress, the EDMO will need to be revoked.	RHE/ PHO	S 135 (2)
2.08	Deal with any owner application to RPT (if owner challenges accounts)	LDS/F	Schd 7 para 5(7)
2.09	Any variation of EDMO (e.g. if a Final EDMO is to be made).	LDS	Schd 7 para 6 Schd 6
2.10	Any revocation of EDMO	LDS	Schd 7 para 7 Schd 6
	<b>NB:</b> Any costs incurred during the Interim EDMO can be recovered from the rent if the owner agrees to let out the property. If the owner refuses to let out the property during the Interim EDMO then CDC can reclaim their incurred costs (as a Local Land Charge), so long as the amount is not in excess of the rent which could have been achieved within that period.		

### 3. If Interim EDMO is terminated

*(May not apply if followed by Final EDMO)*

Ref	Action	By	Housing Act Reference
3.01	Refund any surplus to owner	LDS/F	Schd 7 para 23(2)
3.02	Recover any deficit from owner (through local land charge)	LDS/F	Schd 7 paras 23(4-7)

### 4. Before making a Final EDMO

Ref	Action	By	Housing Act Reference
	<i>Management scheme must include:</i>		Schd 7 para 13(3):

Ref	Action	By	Housing Act Reference
4.01	Assess works needed	RHE/ PSHO /PHG/ HCO	(a)
4.02	Estimate total expenditure needed (capital and other)	RHE/ PSHO /PHG/ HCO	(b)
4.03	Estimate market rental	HCO/ PHG	(c)
4.04	Estimate rental which CDC will seek (including Housing Benefit)	HCO/ PHG	(d)
4.05	Assess any compensation payable to third parties (e.g. Mortgage Lenders)	HCO/ PHG	(e)-(f)
4.06	Provisions if CDC will not seek market rent	HCO/ PHG	(g)
4.07	Provision for periodic payments of surplus to owner	PHG	(h)
4.08	Provision for paying surplus to owner and/or any compensation to third parties after EDMO terminated	PHG	(i)-(j)
	<i>Management scheme may include:</i>		Schd 7 para 13(4):
4.09	CDC's/PHG's intentions for using rent to meet expenditure	F	(a)
4.10	Provision for paying owner interest on any surplus	F	(b)
4.11	Provision for using any surplus from Interim EDMO to meet expenditure under this Final EDMO	F	(c)
4.12	Provision for using any surplus from this Final EDMO to meet any deficit on a previous EDMO (whether Interim or Final)	PHO/F	(d)
4.13	Prepare a final EDMO draft report, and circulate it for comments to relevant parties (i.e. the owner, ward Members, and relevant services) as appropriate, for their comments within 25 working days	RHE	
4.14	Send a final report to the Head of Housing for delegated decision	HHH/ PHO	
4.15	Confirm agreement with PHG to let and manage	RHE/ HCO	

<b>Ref</b>	<b>Action</b>	<b>By</b>	<b>Housing Act Reference</b>
4.16	Inform owner and relevant parties of the decision	RHE	
4.17	Seek Capital Board approval of funding (may be earlier in the process depending on CDC)	PHO	
4.18	Draft Final EDMO	LDS/ RHE	
4.19	Send draft to persons with interest and displaced managers	LDS/ RHE	Schd 6 para 1
4.20	Consider any representations made	LDS/ RHE	Schd 6 para 1
4.21	Serve notice on persons with interest and displaced managers	LDS/ RHE	Schd 6 para 3
4.22	Consider any representations made	LDS/ RHE	Schd 6 para 3
4.23	Make Final EDMO	LDS	
4.24	Serve Final EDMO and notice on persons with interest and displaced managers	LDS	Schd 6 para 7

### 5. After making a Final EDMO

<b>Ref</b>	<b>Action</b>	<b>By</b>	<b>Housing Act Reference</b>
5.01	Maintain account of all expenditure and income	F	Schd 7 para 13(5)
5.02	Arrange property insurance immediately (unless not already done so for Interim EDMO)	RHE	
5.03	Register Local Land Charge (unless not already done so for Interim EDMO)	LDS	Schd para 10(9)
5.04	Periodically review operation of management scheme (every six months from start date of EDMO)	RHE/ HCO/ PHG	S 137(4)
5.05	Supervise letting/managing body	HCO	
5.06	Commission and supervise any refurbishment	HCO/ PHG/ PSHO	

<b>Ref</b>	<b>Action</b>	<b>By</b>	<b>Housing Act Reference</b>
5.07	Dealing with any appeals to RPT	LDS	Schd 7 paras 14 & 26
5.08	Any variation of EDMO	LDS	Schd 7 para 6 Schd 6 part 2
5.09	Any revocation of EDMO	LDS	Schd 7 para 7 Schd 6 part 2

**6. If Final EDMO is terminated**

<b>Ref</b>	<b>Action</b>	<b>By</b>	<b>Housing Act Reference</b>
6.01	Refund any surplus to owner	LDS/F	Schd 7 para 23(2)
6.02	Recover any deficit from owner	LDS/F	Schd 7 paras 23 (4-7)

Property Amenity Study (in accordance with 1.04 - CDC EDMO Procedure)

Property Address:

Owner's details:

Property Type:

Number of Bedrooms:

Estimated age of property:

Date Visited:

<b>Property Assessment</b>	<b>Yes/No</b>	<b>Comments</b>
Is the owner happy for CDC to make an EDMO on the property?		
Is the property vacant or boarded up?		
Is there evidence of dumping, garden rubbish etc?		
Is there evidence of vandalism, graffiti or squatting?		
Will the works reduce the risk/fear of crime?		
Is the property unfit?		
Is the work essential to safeguard the health and safety of the community?		
Does the property in its existing condition have a detrimental effect on the neighbouring community?		
Is the garden overgrown?		
Is the property close to local amenities?		
Are the surrounding properties occupied and in good condition?		

# APPENDIX C

## DATA

<b>1<sup>st</sup> April yearly</b>	<b>Number of empty properties</b>	<b>“Long term empty properties” (over 6 months)</b>	<b>Empty Properties owned by RSLs</b>
1 April 2005	1,037	271	N/A
1 April 2006	1,103	223	29
1 April 2007	1,183	608	22
1 April 2008	986	536	4
1 April 2009	981	493	43
1 April 2010	878	476	5