

Empty Homes Plan 2019-21



1.0 Introduction

Empty and derelict properties have an adverse effect on neighbourhoods. They are unsightly and can attract crime and anti-social behaviour such as squatting, arson, graffiti and fly-tipping. They may also affect the value of neighbouring properties by creating an impression of neglect and decline within the community. Communities are less likely to flourish and prosper in areas where multiple empty properties are in close proximity.

Such properties are not only eyesores and a source of neighbourhood distress; they are a wasted resource in a time of ever growing housing demand. Many people cannot access good housing, yet many homes stand vacant.

Properties can remain empty for a number of reasons, including inheritance complications, high repair costs combined with low values, limited or negative equity, adverse lending policies, and owners going into residential care. A lack of awareness of available options and sentimentality are common reasons.

Council interventions help increase overall housing supply and reduces the negative environmental and economic effects that empty properties have on neighbourhoods.

The purpose of this empty homes plan is to provide clarity on the approach that Mid Devon District Council intends to take in tackling empty homes across the district.

The main objectives of this plan are:

- To regenerate areas where empty homes are having an adverse effect on the community;
- To maximise the use of the districts existing housing stock;
- To provide more homes to meet the demand for affordable housing;
- To alleviate the pressure on the Councils own housing stock;
- To improve the visual impact of derelict and eyesore properties;
- To rejuvenate town centres by utilising empty units above commercial premises as housing;

The Plan covers a three-financial year period: 2019/20, 2020/21 and 2021/22.

2.0 Context

Tackling empty homes in our communities continues to be a priority. According to data released by the Empty Homes Network in October 2018 there are over 200,000 homes that have been empty for more than six months in England.

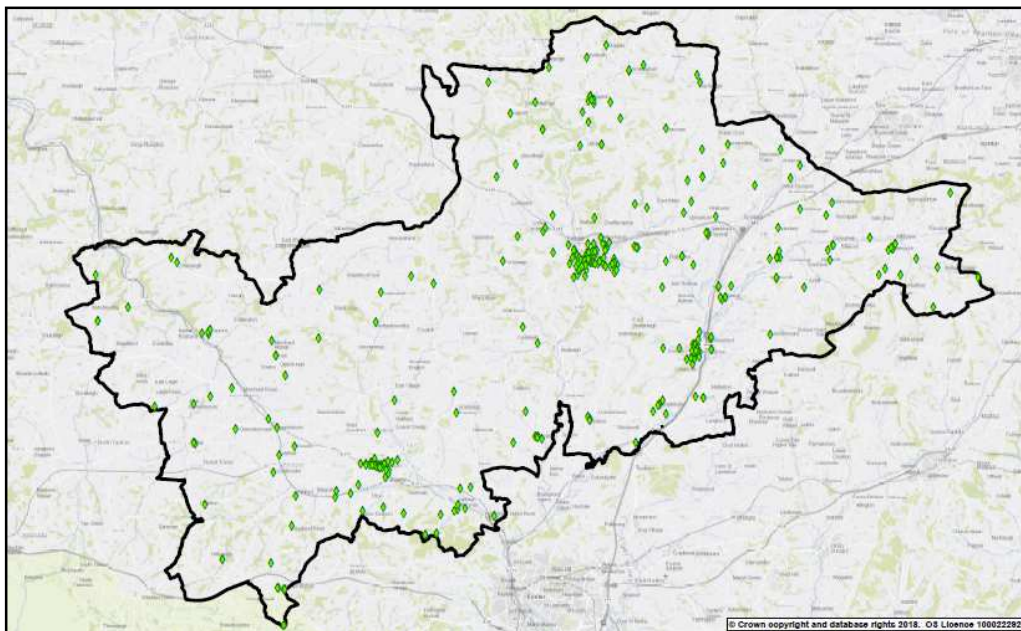
The Housing White Paper 'Fixing Our Broken Housing Market' February 2017, specifically identifies empty homes as a priority. 'Chapter 4: Helping people now' states:

"Empty homes

4.41 We will also continue to support local authorities to encourage efficient use of our existing stock, making best use of homes that are long-term empty. *Local authorities have powers and incentives to tackle empty homes. Through the New Homes Bonus they earn the same financial reward for bringing an empty home back into use as building a new one. They also have flexibility to impose a council tax premium of up to 50% (on top of the council tax bill), on properties that have been empty and substantially unfurnished for more than two years. Great progress has been made in recent years and the number of empty homes stands at its lowest since records began. At May 2010 over 300,000 homes in England had been standing empty for longer than 6 months. As of October 2015 the number of long-term empty properties had fallen to 204,000."* DCLG Live Table 615 - All long-term vacant dwellings by local authority district, England, from 2004'

In Mid Devon the number of long term empty homes is around 340 although the figure fluctuates month on month where properties regularly move from being empty to occupied or vice versa. As of the 31st December 2018 there were 337 on the list being actively engaged with. This plan focuses on properties that have been empty for 6 months or more. Each month a check is made for any new properties that have reached the 6 month empty point and are added to the list of homes actively being monitored.

The map below illustrates the location of homes that have been empty for more than 6 months, across Mid Devon, at October 2018.



3.0 Links to other Policies and Strategies

3.1 Corporate Plan

The Mid Devon District Council Corporate Plan 2016-20 identifies four priority areas; Economy, Homes, Community and Environment. Bringing empty homes back into use is identified under the priority heading 'Homes' but this activity contributes to other aspects of the Corporate plan as detailed below:

Economy - Improving and regenerating our town centres:

Intervening in empty homes that are in poor condition; ensuring that space above commercial units is being utilised; ensuring that where possible the space above commercial units is safe for occupation.

Homes - Facilitating the housing growth that Mid Devon needs, including affordable homes:

Working with landlords to improve housing conditions across the private rented sector; bringing empty homes back into use as housing across the various tenures including private rented, affordable rent and home ownership; providing loans to assist landlords, home owners and empty home owners to improve their properties, carry out essential repairs and install energy efficiency measures.

3.2 Housing Strategy

Priority one of the Mid Devon District Council Housing Strategy 2015-2020 makes reference to empty homes by 'continuing to work with private sector landlords to bring empty homes back into use and also partner agencies, if appropriate.'

The private rented sector is seen as a vital component in dealing with housing provision and preventing homelessness. Bringing empty homes back into use as private rented accommodation helps to meet some of the local housing need.

In addition to using the private sector to bring homes back into use, some properties have the potential to meet local housing need in specific locations. In consultation with the housing options team some of these properties may be considered by the Capital Strategy and Asset Management Group for further intervention.

3.3 Enforcement Policy

The Public Health and Regulatory Services Enforcement Policy is under review but provides details on the range of enforcement tools available to deal with empty homes and guidance on taking formal action.

4.0 Options for intervention

There are a number of options available to the council to tackle empty homes and no single type of action fits all circumstances.

4.1 Initiatives

Initiatives are informal and are regularly reviewed for viability. There are a range of possible initiatives that the Council may wish to adopt and further work will be needed to implement such schemes if they are not currently available.

Initiatives are more likely to be successful at achieving the objectives of the empty homes plan but require resources to set up and manage.

The following initiatives are already in place:

- Partnership with a property auction company;
- Promotion of the loan scheme to revitalise stalled works;
- Use of the Councils in house services to provide repairs and garden clearance for empty home owners.

The following are initiatives that are being developed:

- Purchase by negotiation for housing purposes through the Capital Strategy and Asset Management Group;
- Grant/loan scheme specifically for units above commercial premises.

4.2 Enforcement

Enforcement can be a useful tool in achieving a particular outcome where the owner is absent or failing to engage with the council. Enforcement can be time consuming and lengthy but in some cases is the only option.

A range of statutory powers can be used to help bring empty homes back into use and the most significant forms of intervention include:

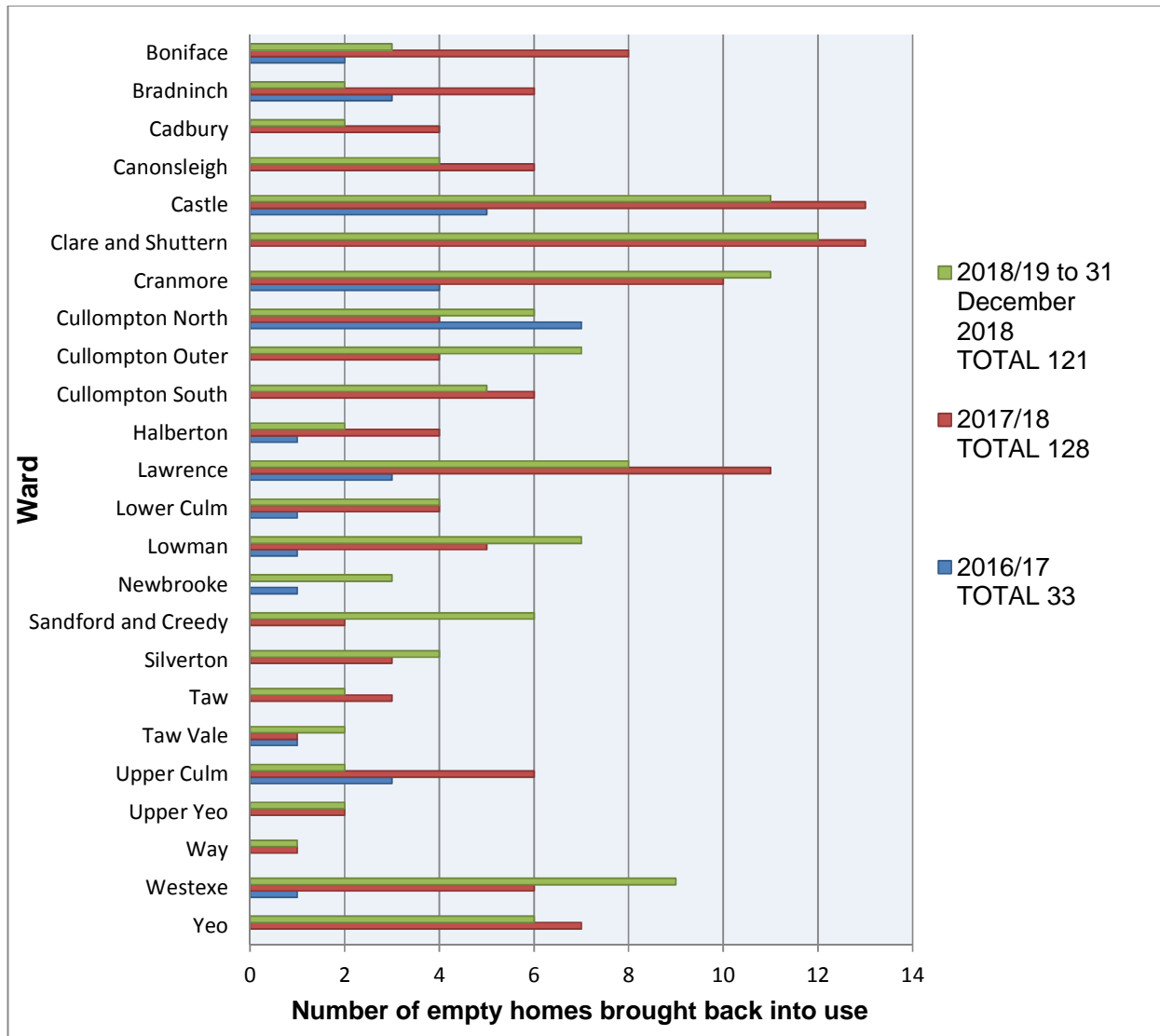
- The compulsory purchase of the land or building concerned to ensure that the site is brought back into use;
- Following the service of a statutory notice, the carrying out of works-in-default to improve property conditions (and the placing of a charge on the property to secure the repair costs as a debt);
- The enforced sale of a property, as a means of recovering any debt owed to the council (such as a debt resulting from works-in-default).

The Public Health and Regulatory Services Enforcement Policy provides more detail on the enforcement tools available and how these tools are used. This is due to be incorporated into a broader Operations Directorate Enforcement Policy due for adoption in April 2019.

5.0 Progress

5.1 Properties Brought back into use

The table below shows the number of properties that have been brought back into use by ward, between the beginning of the previous plan in October 2016 and 31 December 2018.



5.2 Auction partner

A tendering process was undertaken in 2017 to procure a property auction partner to assist owners of empty homes to sell their properties where this is appropriate.

Clive Emson Property Auctioneers were successful and were awarded the contract to provide their services in partnership with the council. Clive Emson offer owners of properties in Mid Devon a preferential rate to sell their property through them.

The advantage of auction is that the property will exchange contracts within 28 days of the property being auctioned. This provides a quick and cost effective solution for those owners that do not have the capacity or experience to sell a property or want to remove the burden of the property quickly.

There is a misconception that property sold at auction is cheap and sells far below market value - this is not the case. As part of the service Clive Emson surveyors will provide an auction valuation which is based on the property selling quickly. They will provide advice as to whether auction is suitable for the property and offer an option to place a reserve that ensures the property is not sold at an unreasonable price. If the surveyors believe that the property would benefit from being sold on the open market through an estate agent, they will tell the owner this would be a better option for them.

As part of the contract we receive a copy of the auction brochure and details of the property sale prices achieved at the auction. All of the Mid Devon properties that have sold through this auction process have sold above the top end of their guide price.

5.3 Empty Homes Week

Empty Homes Week is a national campaign that falls in October each year. We are committed to promoting empty homes week every year through media campaigns to raise awareness of the issues surrounding empty homes and the progress we have made in dealing with the problem locally.

5.4 Landlord Networking Event

The annual Landlord Networking Event is used to promote services relating to the private rented sector which includes encouraging landlords to invest in properties. A range of exhibitors pay to attend and provide advice to delegates on subjects such as tax, buying at auction, property maintenance, letting properties and management. This is a valuable resource for local property investors.

5.5 Loans

Wessex Resolutions Community Interest Company (WRCIC) is a not-for-profit company contracted to deliver loans to residents in the Mid Devon area and is funded by Mid Devon District Council.

The Home Improvement Loan is a flexible product that can be used for the following purposes:

- Home repairs and improvements;
- Adaptation works where grant is not available;
- To cover a client contribution to a grant;
- To cover the cost of the work over the DFG or Accessible Homes grant maximum;
- To bring empty homes back into use;
- For landlords to carry out repairs or improvement to rented accommodation;
- For energy efficiency improvements.

Owners of empty homes may apply for a loan to help pay for repairs to their property. Eligibility for the loan will vary and is based on the individual circumstances of each client. Loan advisors carry out an assessment providing independent advice on ethical and responsible lending and recommending the most appropriate product to suit the needs of each client.

Conditions may vary depending on the loan product selected and the individual circumstances of each applicant, with a typical 4.2% APR and are subject to status. Wessex Resolutions CIC may insist on loans being protected at the Land Registry by a Title Restriction. Missing payments could affect the client's credit rating and ability to obtain credit in the future.

5.6 Enforcement

So far most of the homes that have been brought back into use have been achieved through informal action. However, enforcement action has been used to abate some of the issues being caused by an empty home: Community Protection Notices have been used to tidy up overgrown gardens; Housing Act Notices have been used to carry out repairs and prohibit the use of uninhabitable accommodation; Prevention of Damage by Pest's Act notices have been used to clear excessive accumulations of rubbish outside empty properties; and consideration has been given to the Councils first Demolition Order.

We will also liaise with Development Management in respect of actions that may be undertaken to manage properties having an adverse impact on the amenity of an area and/or in disrepair, for example section 215 notices and listed building repair notices. Joint action may be considered where appropriate.

Enforcement is used where it is appropriate to do so and informal approaches to the owners are unsuccessful. The approach being used to deal with empty homes is discussed in more detail in section 6.0.

6.0 Approach

6.1 Checking records

Council tax records are checked monthly to provide a list of properties where the council tax code has changed. This list is then scrutinised to extract the new data. Where the code has changed to show an empty home as now being occupied, the addresses are then checked against our activity to identify those properties that have had any involvement from Public Health and Regulatory Services.

The list is then checked for any properties that have a new long term empty council tax code. Those which have become empty for more than 6 months (previously identified as occupied or empty for less than 6 months) are then added to the teams active list for intervention.

A running total of properties that are empty using the above criteria is held and updated monthly. This list is used to target resources for intervention.

6.2 Stage 1 - Information

When an empty home first comes to our attention we send out an initial letter giving advice and asking for the owners to contact us.

The first letter introduces the empty homes project but also identifies the legal sanctions available to the council. It is important that this information is included at an early stage to ensure that correct legal process has been followed should enforcement action be required in relation to that property at any point in the future.

Very few initial letters result in further action. Most empty home owners make contact with the Council to advise of their intentions for the property or simply take action to bring the property back into use without further assistance.

6.3 Stage 2 - Intervention

After a period of six weeks, if there has been no response to the first letter, a second letter is sent again asking for contact to be made. It is important to provide owners of empty homes an opportunity to respond before more formal action is considered. The reasons for a home being empty can be complicated and sensitive particularly if the circumstances relate to the death of a family member or someone going into residential care for example. However, if there is no response to the second letter we will progress to Stage 3.

6.4 Stage 3 - Inspection

At this stage an appointment will be made to carry out a full inspection of the property. A notified inspection is necessary to allow us to take formal action under the Housing Act 2004 should this become necessary.

The Housing Act 2004 allows us to assess the condition of the property and require improvements to be made if appropriate. If the owner does not turn up to the appointment or doesn't arrange alternative access for the officer, an external inspection will still be carried out. The property will then be prioritised based on its condition, impact on the local area and its suitability for use as housing. If it is well kept and not causing a problem to the community, consideration will be given as to whether it is suitable for council housing purposes but no formal action is likely to be taken at this stage.

Where the property is considered to be a priority for action the legal process for gaining access will be followed which may result in applying for a warrant to enter.

Once a full inspection has been carried out the officer will determine the most appropriate form of action to deal with the property.

At all stages the owner will be given the opportunity to engage with us and access any of the available initiatives.

6.5 Targets

Targets for the number of empty properties bought back into use by year across the plan period are:

- 2019/20 - the business plan sets a minimum target 72 with an ambition to deliver up to 100
- 2020/21 and 2021/22 will be confirmed following a review towards the end of each year

7.0 Prioritising action

Due to the limited resources of the team it is necessary to prioritise the properties for action.

Not all long-term empty homes are in poor repair or in a location that is impacting on the amenity of the area; therefore it is not appropriate for us to intervene in every case. The resources available to the council must be used to good effect and be directed at those properties causing the most problems or that have the potential to be brought back into use as housing relatively quickly and cost effectively.

Once an inspection of the property has been carried out it will be assessed against a set of criteria to determine whether it is a priority for further action.

A property that has no impact on the community will be given a low priority for intervention. Where a property is having an impact on the community it will then be considered under the next set of criteria relating to the condition of the property (see flow chart below).

Community impact

- Crime and anti-social behaviour - historic and future risk; including arson, trespass, squatting, fly-tipping and graffiti;
- Prominence - property size and location; for example, whether the property is in a high profile location seen by many;
- Physical effect - whether the condition of the property is causing damage to other residential buildings; for example, whether the roof is leaking to such an extent that water penetration has begun to affect neighbouring homes;
- Desirability of the property for housing purposes - is the property type and location suitable to meet housing need.

Condition of the property

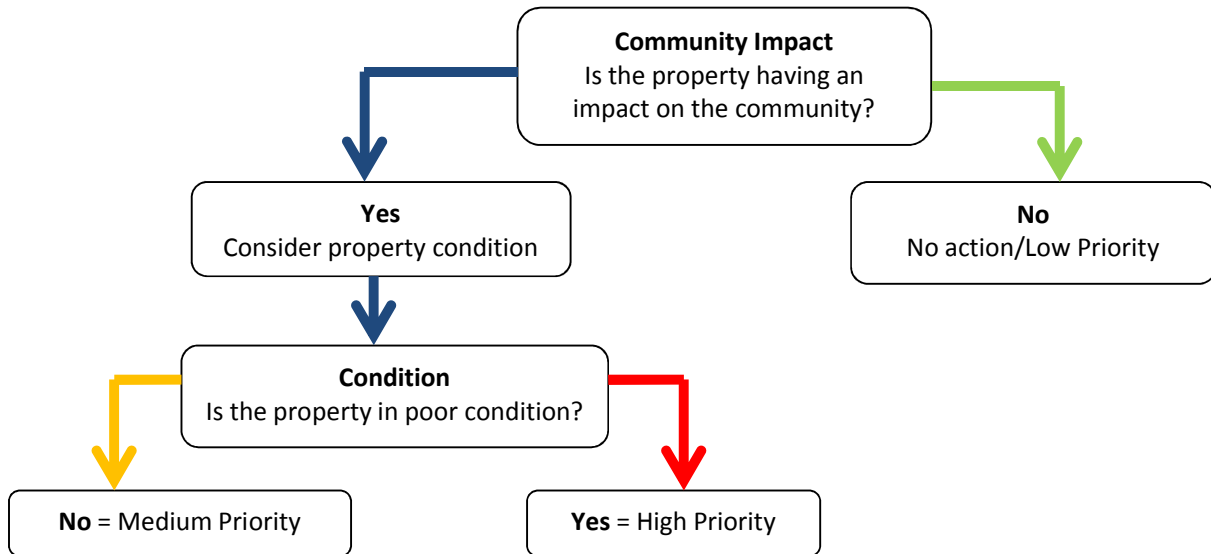
- Appearance - the degree to which the premises are unsightly and detrimental to the area, including matters such as decorative repair;
- Rubbish accumulations and overgrown vegetation;
- General condition - physical condition of the premises, both internal and external; for example, whether the building is in an uninhabitable condition.

This may involve liaison with other service areas as required, for example Development Management and Housing Needs as set out above.

A property with a community impact that is in fairly good condition will be given a medium priority. In consultation with the housing options team consideration will be given to the properties suitability to meet local housing need.

A property with a community impact that is in poor condition will be given a high priority for more formal action to be taken.

Properties given a Low priority are unlikely to be subject to further action.



8.0 Types of action

There are a range of enforcement tools available to the Council and these are detailed in the Mid Devon Enforcement Policy which describes the Councils approach to enforcement and the powers available. For full details on how enforcement is undertaken please refer to that policy.

This section provides an overview of the considerations when taking action with an empty home.

Priority	Considerations	Options available
Low	<ul style="list-style-type: none"> No relevant factors 	<ul style="list-style-type: none"> No further action other than monitoring
	<ul style="list-style-type: none"> Complaints have been received about the property 	<ul style="list-style-type: none"> Informal Letter Loan advice Auction advice
Medium	<ul style="list-style-type: none"> Property is of interest for housing purposes Owners have engaged 	<ul style="list-style-type: none"> Purchase by negotiation Empty Dwelling Management Order
	<ul style="list-style-type: none"> Property is of interest for housing purposes No engagement from the owner 	<ul style="list-style-type: none"> Empty Dwelling Management Order Compulsory Purchase

	<ul style="list-style-type: none"> Property not of interest for housing 	<ul style="list-style-type: none"> Auction Loan
High	<ul style="list-style-type: none"> Property is of interest for housing purposes Owners have engaged 	<ul style="list-style-type: none"> Purchase by negotiation Housing Act notices and/or work in default
	<ul style="list-style-type: none"> Property is of interest for housing purposes No engagement from the owner 	<ul style="list-style-type: none"> Housing Act notices and/or work in default Enforced Sale Compulsory Purchase
	<ul style="list-style-type: none"> Property not of interest for housing 	<ul style="list-style-type: none"> Demolition Order Auction Loan

9.0 Plan Review

This plan runs from April 2019 to March 2022.

A light-touch mid-point review will be carried out towards the end of each year, in particular to review the empty homes target for the coming financial year.

A full Plan review will be carried out in November 2021 or as required following any significant changes to legislation, the New Homes Bonus or any related statutory guidance.

Public Health and Regulatory Services
February 2019