

Appendix A



**Empty Homes Policy
2012**

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1.0 Introduction.

- 1.1 Making best use of existing homes is a key objective in Cambridge City Council's Housing Strategy. The Council has a strong commitment to bringing long-term empty homes back into use. There is a shortage of residential accommodation available in the City as housing demand outstrips housing supply quite significantly and in particular there is a shortage of family accommodation available at reasonable rent. Each empty home denies a household somewhere to live and returning an empty home to use has social, environmental and financial benefits.
- 1.2 Empty homes are a wasted resource and can have a detrimental impact on neighbourhoods and the environment, as they can become an eyesore that may also cause problems for neighbours. Empty homes can quickly fall into disrepair and become magnets for antisocial behaviour and vandalism.
- 1.3 With housing and land in short supply in Cambridge it is necessary to ensure that empty homes do not remain empty unnecessarily and fall into misuse and dereliction.
- 1.4 The existing Empty Homes Policy 2008 is a brief and informal document. This Policy document needs to be reviewed and built upon to ensure that all options are considered to successfully bring empty homes back into use.

2.0 What is the definition of an empty home.

- 2.1 This is an empty home has been left unoccupied for more than six months. This can include single-family dwellings, flats and residential accommodation above shops.
- 2.2 Empty properties that come to the Council's attention will be assessed and validated before any advice or action is commenced.

3.0 Why do properties become or remain empty?

There are numerous reasons why homes become and/or remain empty including:

- Lack of funds for refurbishment
- Reluctance to let out
- Bankruptcy/repossession/abandonment
- Long term care/hospitalisation
- Waiting for refurbishment
- Employment linked homes
- Probate, estate or legal ownership issues
- Lack of awareness of options
- Inaction of owners unable to sell or let
- For sale or in a property chain
- Some owners need assistance, support, information or encouragement to help return empty homes to use.

4.0 The problems associated with empty homes?

- Long-term empty homes represent a missed opportunity and can cause a number of problems for the owner and the surrounding neighbourhood.
- Not using of a property that could provide an additional home in an area of high housing need.
- They can attract crime and antisocial behaviour including fly tipping, arson and squatting.
- They can reduce the value of surrounding properties.
- They can cause physical damage to adjacent properties through lack of maintenance.
- They can become an eyesore in the neighbourhood.
- They can pose a threat to safety, particularly to young children.
- They can become costly for the owner to maintain
- They can become costly for the Local Authority to investigate and are a loss of council tax revenue.

5.0 The benefits of bringing empty homes back into use.

There are significant advantages for everyone in the area by bringing empty homes back into use.

- For the owners – it unlocks potential capital if the property is sold; it will produce rental income if the property is let and there is the potential for an increase in property value.
- Leaving a home empty increases the risk of vandalism and crime, making the property more costly to insure empty, if it can be insured at all. This leaves the owner vulnerable to losing their asset completely if it were destroyed by fire.
- For local residents it reduces the opportunities for vandalism, fly tipping and antisocial behaviour in all its forms.
- Unsightly properties can have a negative effect on a neighbourhood; reducing house prices and lowering people's pride in the area.
- For the local economy – bringing an empty home back into use can contribute to the regeneration of an area, increasing spending in the local economy and helping to protect the value of surrounding properties.
- Unsightly properties can often deter investment in an area, which can lead to decline.
- For the wider community returning properties back into use may reduce demands on services such as the Police, Fire and the Council to deal with the associated problems.

6.0 Aims

6.1 The aims of this Empty Homes Policy are to review existing options and introduce measures that will:

- Return long-term empty homes back into use
- Make positive improvements to housing conditions and to the environment

7.0 Objectives

7.1 The objectives of this empty homes policy are

- To return a target number of empty homes to use annually
- To raise public awareness of the Council's approach to empty homes and the importance of reporting them to the Council
- To provide positive support and assistance to owners and people within the city affected by empty homes.
- To be proactive through enforcement action where owners are unable or unwilling to return property to use.
- To maximise the potential of empty homes
- The Council will treat Empty Homes owned by Registered Providers of Affordable Housing in the same way as other private sector landlords.
- Empty Homes that are owned by the Council fall out of the scope of this Policy.

8.0 National Perspective.

8.1 According to the Department of Communities and Local Government (DCLG) there were 279,000 long term empty homes around the country in December 2011. Tackling empty homes is a top priority for the coalition.

8.2 The New Homes Bonus commenced in April 2011 which included a financial incentive to the Council for returning empty homes to use. DCLG will match fund the additional Council Tax raised for empty homes brought back into use, for the following six years. Local authorities and their communities will have the freedom to spend New Homes Bonus revenues according to local wishes.

9.0 Local perspective.

9.1 Part of the Council's vision states that Cambridge is "A city which recognises and meets needs for housing of all kinds- close to jobs and neighbourhood facilities".

9.2 There were 8,024 households on the Cambridge City Council's housing register in January 2012, having increased from just under 7,000 in April 2011.

9.3 At December 2011 there were 389 homes according to the Council Tax database that had been empty for over 6 months, which is the recognised definition of a long term empty home. This figure includes homes that are empty for a variety of reasons including new builds that had not been occupied.

9.4 There are currently 80 long-term empty homes where the Council have made contact with the owner and active intervention is underway.

10.0 What can the council do to bring an empty home back to use?

There are different options available to owners of empty homes to bring them back into use. The Council will always work informally with owners to help and encourage them to do this however there are also formal enforcement options available when the informal approach is not successful.

10.1 Informal advice and assistance.

The Council will always seek to provide informal advice and assistance to bring empty homes back into use. Initial contact will always be informal providing written advice and information to the owner outlining the options, including establishing why the property is vacant and help the owner return it to use within a reasonable timescale.

10.2 Offering to buy empty homes from the owner.

The Council will consider the purchase of certain long-term empty properties – e.g. larger or disabled adapted properties, or ex- Council homes, if the property meets the general needs providing capital funding is available. Ex council houses that were purchased under right to buy after 17th January 2005 must be offered back to the Council first under Right of First Refusal (RFR) provided that the owner wishes to sell within 10 years of acquisition.

10.3 Financial assistance to owners.

Financial assistance may be made available to owners in the form of loans to refurbish empty homes and return them to use. Owners will be able to choose how the property is used after renovation, whether on the open rental market or as Affordable Housing through the Council's Private Sector Leasing (PSL) scheme.

Where a loan is offered, a condition will be attached requiring the applicant to enter into a legally binding agreement with the Council to ensure that it can be repaid over an appropriate timescale.

10.4 Compulsory Purchase Orders (CPO)

The local authority will need to demonstrate that there is a compelling case in the public interest for the property to be compulsorily purchased, and that other methods of returning the property to use have been tried and have failed. In most cases this means that compulsory purchase is a method of last resort when all other options have not succeeded.

10.5 Dealing with dangerous buildings

The Building Act 1984 allows Local Authorities to deal with buildings that it considers being dangerous. The Council can apply to a Magistrates' Court for an order requiring the owner to make the building safe or demolish it. If the owner fails to comply, the Council can carry out the works in default.

10.6 Derelict and Ruinous Buildings and Structures

Provisions contained in Section 79 of the Building Act 1984 enable the council to take action against building owners who neglect their buildings allowing them to become ruinous and dilapidated. It empowers a local authority to serve notice requiring the building owner to either execute works of repair and restoration or if the owner chooses to, demolish it.

The qualifying criteria for action to be taken on derelict buildings are that in the opinion of the local authority they are ruinous and dilapidated and detrimental to the amenities of the neighbourhood. Evidence of 'ruin and dilapidation' relates to the building's condition whilst 'detriment to amenity of the neighbourhood' is a subjective judgment relative to the detrimental impact it has on the neighbourhood usually underpinned by the number of complaints it generates.

The owner can appeal against the notice within 21 days but only on specified grounds.

If works in default are undertaken a local land charge is put on the property against all titles and could lead to enforced sale in extreme circumstances.

Other options open to the Council that are less likely to be used to bring empty homes back into use.

In addition to the options in paragraph 10 there are also the following additional powers available to the Council when homes become empty and possibly rundown.

11.1 Requiring land to be cleaned up under Section 215 of the Town and Country Planning Act 1990

This legislation gives the Council a power, in certain circumstances, to take steps requiring land to be cleaned up when its condition adversely affects the amenity of the city. Action can be taken against land and buildings including empty homes. Amenity is a broad concept and there must be sufficient evidence that the amenity of that part of the area is being suitably affected by the condition of neighbouring land and buildings to justify service of a notice. A notice must be clear, concise and unambiguous. In the event that a notice is successfully appealed at the Magistrates' Court reasonable costs can be awarded against the Authority. Failure to comply with an enforcement notice may result in enforced sales procedure being undertaken.

11.2 Enforced sale

This is the procedure that allows Local Authorities to recover charges incurred following non-compliance with a notice after they have done works in default for example failing to comply with a S.215 Planning Notice. The power gives local authorities the right to require a house to be sold to recover the money they are owed if the owner fails to repay the charge for works in default. If the owner does not pay for the works in default the charge is secured as a local land charge. Once the charge is in place the local authority can pursue the enforced sale without further legal recourse.

11.3 Empty Dwelling Management Orders (EDMOs)

The Housing Act 2004 introduced a power for the Council to apply to a Residential Property Tribunal to take over the management of an empty property. This can only be for homes that have been vacant for at least two years. An EDMO is a local land charge and the Council may apply to have it entered on the Land Registry. Costs incurred by the Council will be recoverable from the owner of the property.