

# **Horsham District Council Empty Homes Strategy 2016-2020**

## **Purpose of this Strategy**

Horsham District Council is committed to bringing long-term empty homes back into use across the District. The Empty Homes Strategy has been developed to achieve this. The success of this strategy will make a contribution to the continued prosperity of the District and an increase in the supply of homes for the many households in urgent need. This strategy sets out the range of initiatives the Council has adopted to tackle the problem of empty homes.

## **Why a Strategy is needed**

Empty homes are a wasted resource in terms of housing available for people to live in, but they can also have a negative impact on their surrounding communities. The consequences of long-term empty homes experienced in Horsham District include:

- attracting crime (vandalism, arson, dumping of rubbish, anti-social behaviour)
- causing damage to, and reducing the value of, neighbouring properties
- being an eyesore, having overgrown gardens and encouraging pests
- costing time and money to Council departments and the Police
- being costly for the owner to maintain
- adding to the pressure for new housing provision

Therefore there are clear economic and social benefits in overcoming these problems by returning empty homes to occupation.

## **Focus of the Strategy and reasons why homes are left empty**

Many homes are left empty in the short-term during the process of sale or refurbishment. This strategy focuses on those which have been left empty for over six months or are causing problems to the community in which they are situated.

Some reasons for homes being left empty in the Horsham District include:

- owner abandoned it, sometimes due to age or ill-health
- property inherited – owner lacks knowledge or inclination to deal with property
- property involved in probate case
- purchased as investment property and left empty to profit from a rising market
- owner unaware of options to bring property back into use e.g. grants, VAT relief
- owner may not be in a position to finance refurbishment or repair costs
- speculative purchase but owner lacks skills or knowledge to manage this
- empty property above shops - unsuitable means of access, reluctant freeholder
- properties bought for the purpose of redevelopment and left empty

## **Aims of the strategy**

The overall aims are:

- to encourage homeowners and landlords to bring vacant homes back into use
- to consider all the options available for tackling the problems and make every effort to bring the home back to a good standard and into use as a dwelling
- to remove the negative impact empty homes in poor condition are having on their neighbourhood

## Implementing the Strategy

The Council will

**1. Maintain a database of current long-term empty properties**

This will be updated regularly to monitor the current state of the problem and the effectiveness of the Strategy.

**2. Take action to persuade owners to bring long-term empty property back into use**

The owners, once traced, will be contacted regularly and the reasons for the property remaining empty discussed. Any practical support available to the owners will be provided to this end.

**3. Provide information to owners and to people affected by empty properties about our policy and strategy**

Information is available through the Horsham District Council website, <http://www.horsham.gov.uk/environmentalhealth/environmental-health/housing> and through officers of the Horsham District Council.

**4. Maintain regular meetings of the Empty Homes Enforcement Group**

There are a number of Enforcement tools available to Officers of the Council to deal with empty properties which are causing problems in their neighbourhood. The Empty Homes Enforcement Group includes Officers from Legal, Council Tax, Environmental Health (Private Sector Housing), Planning, Building Control and Community Safety departments. These Officers are enabled to use different forms of enforcement and this group will be used to co-ordinate the enforcement activities of these Officers to maximise the effects and minimise the cost to Council tax payers.

**5. Provide grants to encourage owners to bring empty homes back into use**

Grants will be provided in specific circumstances to help owners to bring long term empty homes back into use in return for the rights of the Council to nominate tenants to the property once improved. The grant conditions are as follows, quoted from the Horsham DC Housing Assistance Policy:

**Empty Property Grants** will be offered to owners to bring empty properties back into use. These grants will normally be 50% of the cost of eligible works, up to a maximum of £10,000. For properties to be eligible they must be in need of repair or improvement and have been empty for a minimum of twelve months. Empty Property Grants will not be approved where tenants have been evicted in order to meet grant eligibility criteria. On completion of the works the property must meet the Decent Homes Standard, be free of any serious health and safety risks and be of a good lettable standard. Following completion of the works, the property must either be let directly to an individual or household nominated by the Council for a five-year period, at an agreed rent that would be equivalent to the Housing Benefit payable on the property or, should the Council not require the nomination rights, the property must be let as a residence, for a period of five years, to someone who is not a member of the owner's family, at an agreed rent that would be equivalent to the Housing Benefit payable on the property. Empty Property Grants are repayable should

any grant conditions be broken. All Empty Property Grants will be registered as a local land charge.

## **6. Undertake enforcement using Local Authority Legal Powers**

Where practical support has not resulted in the improvement of the property and it being brought back into use, Horsham District Council has a range of legal options to exercise (see Appendix 1). These powers include the ability to carry out works on land causing harm to the amenity of the area, and to dangerous or dilapidated buildings where the owners can't or won't do the work themselves.

Where this, or other action, results in charges being registered on the property, Horsham DC may use the **Enforced Sale Procedure**. Under Section 103 of the Law of Property Act 1925, the local authority is able to force the sale of a property with a local land charge on it for money owed, either for works carried out in default by the Council or for unpaid Council Tax. Where works have been undertaken in default according to statute, the owner is invoiced for the costs of the works and any administration costs, and if the invoice is not paid then a county court judgment is obtained. That judgment is then made subject of a charging order and application is made to the county court for an order for sale. The property is sold to a third party and following the payment of any outstanding charges, including the mortgage, any remaining money is paid to the former owner or held in an account if the owners can't be traced. The procedure can have the double benefit of the debt being recovered and the property being returned to use. The use of such legislation will be employed once extensive negotiations with the owner have been exhausted.

## **7. Participate in Co-ordination across Sussex**

Empty Homes causes problems nationwide, but local solutions can be shared to the benefit of all Sussex Councils. Horsham DC is a member of the **Sussex Empty Homes Forum** which brings together empty property officers from across Sussex to work together and disseminate information and good practice. The forum also provides a key input into empty homes nationally. Horsham DC will seek extra funding available from public or private sources to support the Council's efforts to bring empty homes back into use as dwellings and the co-ordinated efforts of the Forum present one of the most likely chances of success in this area.

## **Monitor and Review**

The Council will keep records of the number of empty homes returned to use and the period of time they remained empty. The Strategy will be applied for five years, but will be reviewed and updated annually as necessary.

## **Contact Information**

Telephone: Private Sector Housing Team      01403 215405

Write to us at:      Environmental Health & Licensing, Horsham District Council,  
Chart Way, North Street, Horsham, West Sussex, RH12 1RL

E-mail: [publichealth.licensing@horsham.gov.uk](mailto:publichealth.licensing@horsham.gov.uk)

Website at [www.horsham.gov.uk](http://www.horsham.gov.uk)

Empty Homes Agency: source of information and the national picture:  
<http://emptyhomes.com>

## **Appendix 1: Legal Powers and Requirements**

### **Dangerous or dilapidated buildings or structures**

#### **Building Act 1984, Sections 77 and 78**

Require the owner to make the property safe (section 77) or enable the Local Authority to take emergency action to make the building safe (section 78) (may include demolition of whole or part, see also section 80).

### **Unsecured properties posing a risk of unauthorised entry**

#### **Building Act 1984, Section 78**

Allows the Local Authority to fence off the property (where there is a risk of trespass, vandalism, arson or similar)

#### **Local Government (Miscellaneous Provisions) Act 1982, Section 29**

Requires the owner to take steps to secure a property or allow the Local Authority to board it up in an emergency.

### **Unsightly land & property affecting the amenity of an area**

#### **Town & Country Planning Act 1990, Section 215**

Require the owner to remedy the condition of land causing harm to the amenity of the neighbourhood because of the state of the gardens or the external appearance of a property

#### **Public Health Act 1961, Section 34**

Require the owner to remove waste from the property

#### **Building Act 1984, Section 79**

Require the owner to take steps to address a ruinous or dilapidated property adversely affecting the amenity of an area

### **Vermin (where present or likely to be attracted)**

#### **Public Health Act 1961, Section 34**

Require the owner to remove waste so that vermin is not attracted to the site

#### **Prevention of Damage by Pests Act 1949, Section 4**

To require an owner to take steps to keep land free from rats and mice

## **Blocked or defective drainage or private sewers**

### **Local Government (Miscellaneous Provisions) Act 1976, Section 35**

Require the owner to address obstructed private sewers.

### **Building Act 1984, Section 59**

Require the owner to address blocked or defective drainage.

### **Public Health Act 1961, Section 17**

Require the owner to address defective drainage or private sewers.

## **Statutory Nuisance (repair, dampness, refuse)**

### **Environmental Protection Act 1990, Sections 79, 80**

Require the owner to take steps to abate the nuisance or carry out works where a premises is in such a state as to be prejudicial to health or a nuisance (e.g. causing dampness to a neighbouring property)

### **Building Act 1984, Section 76 (accelerated Statutory Nuisance procedure)**

Council's notice of intention to remedy where a premises is prejudicial to health or a nuisance, and where there would be unreasonable delay if section 80 Environmental Protection Act 1990 were used.

## **Breach of Housing Health and Safety Rating System Standards**

### **Housing Act 2004, sections 11, 12**

If the Housing Officers assess that there are Category 1 breaches of the housing health and safety rating system then Compliance Notices may be served for rectification of these breaches.

## **Where all else fails: Enforcement Orders for Empty Properties**

### **Compulsory Purchase Order (CPO)**

Under the Housing Act 1995, Section 17 the local authority has the power to compulsorily acquire land and property under certain circumstances, in order to satisfy local housing need.

### **Empty Dwelling Management Order (EDMO)**

This power introduced in the Housing Act 2004 is pursued through a Residential Property Tribunal (RPT) which must be satisfied that there is no reasonable prospect of the dwelling being returned to use in a reasonable timescale without an EDMO. If approved the Local Authority takes management control, initially for one year under an interim EDMO and then for seven years under a final EDMO.