



**BRENTWOOD  
BOROUGH COUNCIL**



# **Empty Homes Strategy 2017-2020**

# Introduction

Brentwood Borough Council is committed to ensuring that Brentwood remains a pleasant and healthy place in which to live, work and relax for the benefit of current and future generations.

Part of this commitment is in supporting those in greatest need and to manage the housing stock within the available resources. This includes housing provision in the private sector. Within the Borough there are several currently empty properties, many of which are privately owned.

The aim of this Strategy is to effectively reduce the number of empty properties and to bring them back into use to provide homes for residents and reduce the adverse effect that long-term empty property can have on an area.

The Strategic Housing Market Assessment (SHMA) for Brentwood has identified a shortfall in affordable housing units in the Borough which could be assisted by returning empty property into this market.

Housing prices in Brentwood are on average £100,000 higher than in the rest of England making affordability a key issue for the Borough, identified as an objective in the Borough Housing Strategy. Whilst the number of long-term empty properties in Brentwood is well below the national percentage and is lower than most of the other Essex authorities it is important to ensure that as many homes as possible are available for occupation.

The Government, working with the Empty Homes Agency is encouraging local authorities to adopt measures to bring privately owned empty homes back into use as part of their strategic housing approach. The Council is seeking to engage with owners to find solutions, which could take the form of offering incentives such as loans or advice on selling, leasing and tax issues. This approach is dependent on good will and co-operation from owners and where this has been achieved it can be highly effective. Local authorities may also need to resort to enforcement action where it has not proved possible to achieve re-occupation of empty homes through voluntary means.

The Council's new Housing Strategy 2017-2020 identifies Empty Homes as an area for development to assist in the provision of accommodation for local people in the Borough.



# Aims

The aims of the strategy are as follows:

1. Reduce the number of long-term empty properties in the Borough
2. Encourage owners to participate in bringing empty homes back into use
3. Assist with schemes to make empty homes decent and available for affordable housing to prevent properties becoming long-term empty
4. Raise awareness to identify empty property
5. Using enforcement powers where necessary, appropriate and cost-effective

## Prioritising actions

Some of the factors affecting the actions to be taken are:

### **1. Length of time property has been empty**

Long-term empty homes are those homes which have been empty for six months or more. We will concentrate resources on bringing long-term empty homes back into use; it is proposed to initially work with those properties which have been identified as empty for over two years.

These properties will be subject to increased Council Tax at a rate of 150% because of the length of time they have been empty – at present in the Borough there are 75 properties identified as empty for over two years. As more data becomes available we will work with the owners of empty homes to provide assistance at an earlier stage.

### **2. Condition and type of property**

Some types of property may not be suitable for housing due to their original purpose or state of repair which means that they cannot reasonably be brought back into residential use. In these cases, we will consider appropriate alternative measures and work with the owners to look at available opportunities which may include demolition or sale of the site for redevelopment.

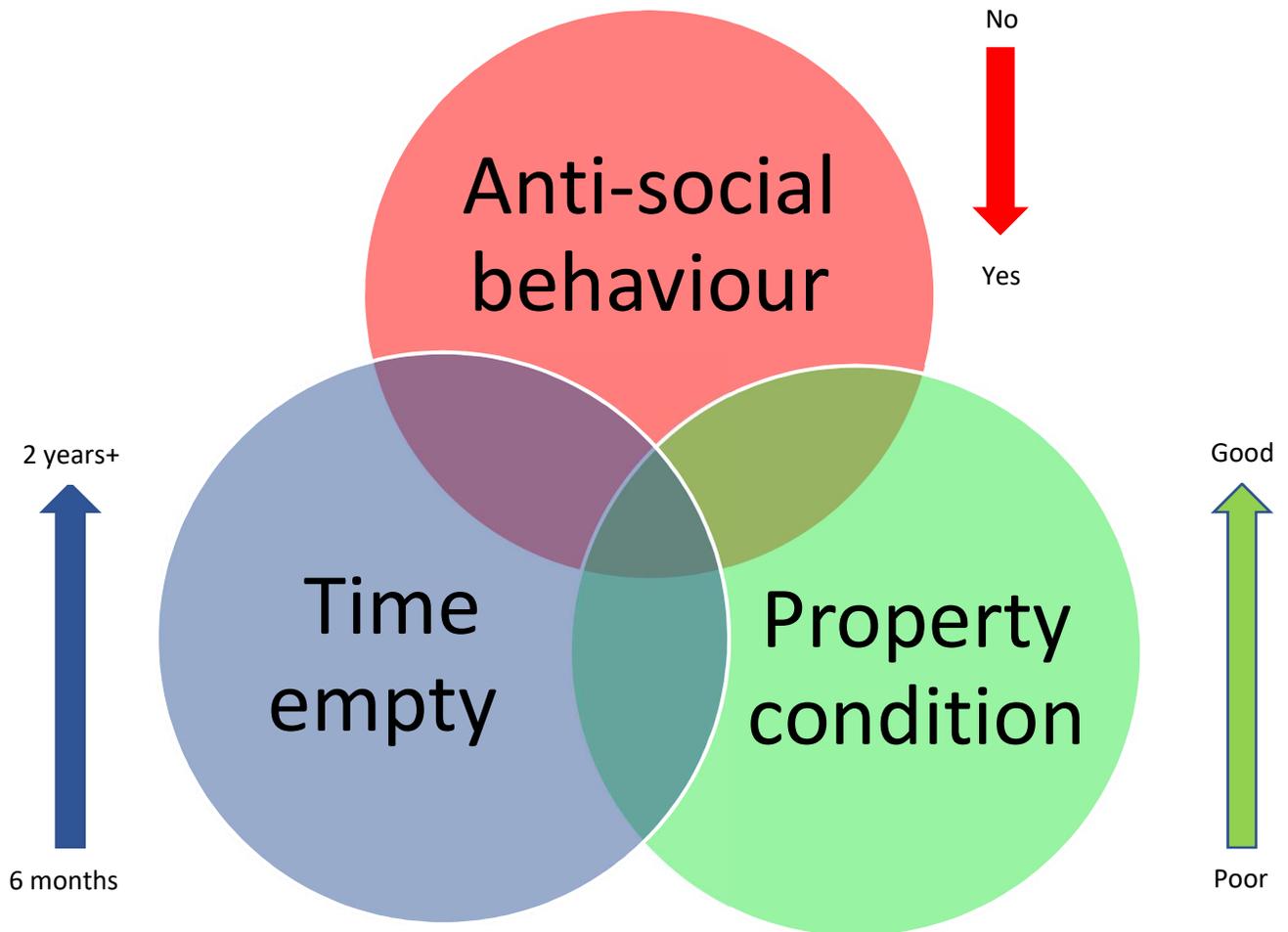
We will look to assist in identifying repair works and will determine whether financial assistance from the Council would result in a successful outcome and re-use of the property. Decent Home Loan funding is available to assist with works to enable a home to meet the Decent Homes standard and will be promoted where possible to encourage renovation work.

### 3. Complaints

Where empty properties have become the target for anti-social behaviour or other sources of complaints we will identify appropriate action if the owner is not prepared to take steps to secure or re-use the property.

We will use data from Council Tax records to identify long-term empty properties; contact will be made with the owners identified to determine whether the property is still empty and if so what the owner's intentions are. Based on this information we will then determine the next course of action, ranging from informal advice and assistance through to enforcement action which could include planning enforcement, securing the property, repairs etc.

The prioritisation of empty homes in the Borough will commence with the properties that have been empty for over two years and those which are attracting anti-social behaviour – our priorities are illustrated in the diagram below:



## Options for owners

Where we have contacted the owners of properties we will encourage them to bring property back into use. Depending on repairs needed the options could include selling the property or renting either directly, through a letting agent or through an arrangement with the Council.

Once a property has been identified as empty contact with the owner is intended to commence as soon as possible to establish reasons and likelihood of remaining empty.

The aim will be to engage with owners of property to deal with issues caused to the community and ensure that action is effective in minimising the length of time that a property remains empty.

The Council may also be able to assist with the Rent Deposit Scheme for tenants and financial arrangements to help landlords rent their property including Decent Homes Loans to enable repairs to bring the property to a decent condition.

There are many reasons why properties remain empty for lengthy periods of time – we will try to assist in determining and removing any obstacles to them being occupied.

It should be clear from the outset that the Council will consider use of its powers to assist in returning property to use where this is practicable. Early contact with owners will enable us to establish their intentions and should identify where further action will be needed to achieve the property returning to use.



# Enforcement Options

Where our attempts to work with owners have not been successful we will consider the appropriate use of enforcement action. This may be achieved by use of the powers outlined below, in isolation or in combination and possibly involving various departments within the Council taking an active role:

## **Housing Act 2004**

Improvement Notices to remove Category 1 or 2 hazards.

## **Building Act 1984** sections 77/78

Notice to require owner to make a ruinous or dilapidated property safe or enable Local Authority to take emergency action to make the property safe.

## **Building Act 1984** section 79

Notice to require the renovation or demolition of a ruinous or dilapidated building.

## **Housing Act 1985**

Demolition Orders

## **Local Government (Miscellaneous Provisions) Act 1982** section 29

Power of local authority to prevent unauthorised entry or prevent the building from becoming a danger to public health.

**Environmental Protection Act 1990** section 80; **Building Act 1984** sections 78 allow the Local Authority to serve a notice requiring the owner to take steps to secure the property or allow the Local Authority to board it up in an emergency.

**Prevention of Damage by Pests Act 1949** s. 2-7 notice to require an owner to take steps to clear the land of vermin, to remove waste likely to attract vermin; local authority has power to carry out works in default.

## **Environmental Protection Act 1990** sections 79-81

## **Public Health Act 1961** section 34

## **Building Act 1984** section 79

Local Authority powers to serve notice on an owner to remove nuisance.

## **Town and Country Planning Act 1990** section 215

Power to take steps requiring land to be cleaned up when its condition adversely affects the amenity of the area. Action can be taken against land and buildings.

## **Law of Property Act 1925**

### Enforced Sale Procedure

If there is a charge registered against a property in favour of the Council e.g. for work carried out in default can be recoverable through enforced sale of the property.

## **Housing Act 1985** Compulsory Purchase Order (CPO)

The Council can apply to the Secretary of State as a last resort when other powers have been exhausted where long term empty properties are causing a serious nuisance or blight to an area.

## **Housing Act 2004** Empty Dwelling Management Order (EDMO)

Prerequisites for EDMOs include the production of an Empty Property Strategy and selection of managing agents and contractors.

Voluntary solutions must be considered and all requirements must be met for a Residential Property Tribunal (RPT) to authorise an Interim EDMO.

The RPT must be satisfied that

- the property has been empty for more than six months, with little prospect of occupation without an EDMO
- the authority has notified the owner of its intention to apply for an EDMO and tried to find out what plans the owner has to return the property to use
- the authority has considered the rights of the owner and the interests of the wider community

If an Interim EDMO is granted by the RPT the Council must insure the property, carry out a detailed survey and prepare a costed schedule of works. Contractors must be appointed to carry out the works necessary to enable the property to be occupied at the Council's expense – the costs are recovered from rental income.

# Appendix A Empty Homes Procedure

