Empty Property Policy 2012-2016
1. The Council’s Objectives

1.1 Empty properties are not only a wasted housing resource; they contribute to neighbourhood blight, attract anti-social behaviour, petty crime and devalue neighbouring properties. Effective action in respect of empty properties supports the priorities in the overarching Housing and Neighbourhood Renewal Strategy for Hull 2011-16 and the Private Sector Strategy.

1.2 This policy aims to balance reactive, proactive and area-based interventions to deal with empty properties. There is a recognition that this, in some cases, requires a cross tenure approach and that this policy should be considered in conjunction with the Empty Property Management Policy for local authority stock.

Empty homes have many detrimental effects including:

- Decrease in value of the empty property and neighbouring properties.
- Neighbourhood blight.
- Increased vulnerability to vandalism, squatting, arson attacks, vermin and anti-social behaviour.
- Deterioration of the fabric of the empty property.
- Loss of Council Tax revenue.
- Loss of private rental income.

1.3 In bringing empty properties back into use a number of benefits will be achieved. Individuals will benefit and prospective purchasers and tenants will also benefit from an increasing availability of housing and choice. The community will benefit from improving the local environment and reducing anti-social behaviour. Owners and landlords will benefit by improving the condition of the property and creating a productive asset.

1.4 In order for the housing market to function effectively the housing market needs vacant homes to allow for residential mobility and redevelopment. In most cases this is a short-term issue and these properties are described as transactional properties, which are outside the scope of this
strategy. However a significant proportion of homes remain empty for long periods, where property is not being actively marketed or prepared for occupation. These problematic long term empty properties fall under this policy.

2. Scope

2.1 The overall aim of the policy is to set out the range of measures that the Council will use to help to bring long term empty properties back into use. This policy will seek to ensure that the Council, through available legislative powers and informal persuasion, minimises the impact that long term empty properties have on adjoining properties and the local community and at the same time secure the re-occupation of empty properties to the benefit of residents with housing needs and owners of such properties.

To achieve this, a number of strategic objectives have been identified that link into the overarching Housing and Neighbourhood Renewal Strategy for Hull 2011-16. Of particular relevance to this policy are the objectives outlined in Theme 5 – Neighbourhood Renewal and Growth. Our goal is to provide a greater range of quality housing concentrating on the priority areas, making them great places to live whilst supporting opportunities for economic growth.

2.2 Specific activity that will contribute to the effective management of empty properties in the city include:

- **To raise awareness of empty property issues**
  Joint working and co-operation with other departments within the Council to achieve appropriate and creative solutions for bringing empty properties back into use and deal with the problems associated with long term empty properties.

- **To assemble relevant accurate and up-to-date information**
  Collection of data on the number, location and condition of empty properties within the city in the form of an up to date empty property data base.

- **Select the most appropriate course of action to bring empty properties back into use**
  Use either formal or informal methods to bring empty properties back into use.

- **Joint working with other departments**
  Not all enforcement powers for dealing with empty properties are within the remit of the private housing service. It is crucial that any actions taken by other departments assist with the Councils overall objective of bringing empty properties back into use and prevent empty properties from causing a statutory nuisance.

- **Joint working with other organisations**
  Housing Associations and private sector landlords all have a role to play in assisting the council deal with empty properties.

3. Partnership working

3.1 To raise the profile of empty property issues and making best use of housing stock, it is necessary to work closely in partnership with both internal and external services, organisations and individuals.

3.2 In particular, we will work closely with the following to aid intelligence gathering and mapping of the location of empty properties:

- **Revenues and Benefits** - Council tax records are a useful source of empty property information with ownership details which can be targeted for action. This information is crucial for maintaining an accurate empty property data base.

- **Other teams in Environmental Health** can help to identify empty properties and also carry out works to those properties that are open to trespass secured.

- **Housing Strategy and Renewal** have a key role to play in supporting intelligence gathering and options appraisals for the use of empty stock
in the city. Funding available through the HCA (housing and community agency) has been secured by the council to assist in dealing with empty properties.

Various schemes have been developed to assist to bring properties back into use, these include a leasing scheme and some purchasing. This funding is to be generally targeted in specific areas of the city with enforcement options such as Enforced Sale, Empty Dwelling Management Orders and Compulsory Purchase being used as a last resort.

- Private sector landlords – play a major role in bringing existing empty properties back into use.

4. Enforcement options to deal with empty properties

4.1 The Council’s overall aim is to bring empty properties back into use wherever possible by negotiation with owners rather than through enforcement action. However, we do recognise that there will be occasions where the Council will have no option but to use its enforcement powers to resolve a situation.

4.2 The Council will decide on the most appropriate course of action to take in each case. The extent of enforcement will be related to the risk posed by the condition or situation and the likely benefits achieved by compliance.

4.3 The Council will take a consistent approach in similar circumstances. Enforcement action will be taken in a consistent manner across tenure and different property types throughout the city.

4.4 The Council will act informally initially in most cases. Exceptions to this are where previous involvement with the person responsible has not resulted in work being carried out as agreed or within an agreed timescale, where informal action previously has usually resulted in formal action or when there is an imminent risk to the health or safety of any person affected by the housing conditions.

4.5 Other factors that will influence the decision to take action to resolve a particular situation will include:

- The history of the business or individual.
- The willingness of the business or individual to prevent a recurrence of the problem and co-operate with officers.
- Whether it is in the public interest to take formal action.
- The likelihood of any legal action succeeding.
- Whether any other action would be more appropriate.

4.6 The range of methods available to do this are outlined below:

- **Enforced sale**
  This can be used when the council has taken remedial action against a property and a legal charge for the cost of the works has been lodged with the land registry.

- **Empty dwelling management order (EDMO)**
  This enables the Council to take over the management of a property that has been vacant for six months or longer. This includes carrying out works to bring the property up to a standard that would be suitable for occupation. The Council would then let the property and recoup monies owed to them as a result of works being carried out. This procedure requires that a case is made to the Residential Property Tribunal for their approval.

  This course of action may not be suitable for properties that require extensive remedial works.

- **Compulsory Purchase Order (CPO)**
  This enables the Council to apply to the Secretary of State to acquire the property. There are two main grounds that the council would use these are the use of land or property when the owner is not willing to sell to the council by agreement however there must also be a compelling case in the public interest for the property to be compulsorily purchased in both cases.
• **Demolition**  
When a property is beyond reasonable repair the Council can require the owner to demolish the property at their own cost. The land remains in the ownership of the owner.

• **Declaration of a clearance area**  
When a property is beyond reasonable repair and there may also be other properties usually adjoining that are also in a poor state of repair. The council can seek to acquire the properties by voluntary acquisition or by CPO. Once the council own the properties they then demolish them and decide the best future use of the site.

• **Improvement Notices**  
The Housing Act 2004 allows councils to serve statutory notices to require that landlords carry out works. Properties do not have to be occupied for the Council to require that works are carried out. If works are not carried out the council can carry out the works in default and a charge can be put on the property and/or prosecute the owner. This action could enable enforced sale.

• **Statutory nuisance**  
The Environmental Protection Act 1990 places a duty on councils to survey their areas for nuisances arising, this includes empty properties. If works are not carried out the Council can carry out the works in default and a charge can be put on the property and or prosecute the owner. This action could enable enforced sale.

• **Building Act 1984**  
The Building Act allows councils to take action to deal with ruinous and dilapidated buildings and also inadequate or defective drainage, this includes empty properties. If works are not carried out the Council can carry out the works in default and a charge can be put on the property and or prosecute the owner. This action could enable enforced sale.

5. **Financial assistance**  
5.1 Where appropriate the council will seek to provide a range of financial assistance measures to facilitate empty properties being brought back into occupation.

6. **Monitoring and reviewing the policy**  
6.1 To ensure that the Empty Property Policy is effective there will be regular monitoring and the policy will be reviewed at the same time as the Private Housing Strategy or sooner if there are changes to legislation relating to empty property management.

6.2 The number and type of empty properties will be monitored through the use of empty property questionnaires and council tax information. This information can then be used to benchmark with other local authorities in the region and beyond.

6.3 Monthly and quarterly returns will be used monitor annual targets for bringing empty properties back into use.
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