



# **Mansfield District Council**

*Creating a District where  
People can Succeed*

## **EMPTY HOMES STRATEGY 2013-2018**

### **Strategic Housing Service**

|                      |  |
|----------------------|--|
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# EMPTY HOMES STRATEGY

## Contents

|   | <b>PAGE</b> |
|---|-------------|
| <b>Strategy Introduction</b>                          | <b>3</b>    |
| <b>1.0 The Empty Homes Problem</b>                    | <b>4</b>    |
| <b>2.0 Reasons for Property Vacancy</b>               | <b>4</b>    |
| <b>3.0 Empty Homes Strategy Aims &amp; Objectives</b> | <b>5</b>    |
| <b>4.0 Empty Homes – A Strategic Context</b>          | <b>5</b>    |
| <b>5.0 Empty Dwelling Analysis</b>                    | <b>7</b>    |
| <b>6.0 Prioritising Empty Properties</b>              | <b>8</b>    |
| <b>7.0 Evidence Based Approach</b>                    | <b>8</b>    |
| <b>8.0 Bringing Empty Homes Back to Use</b>           | <b>9</b>    |
| <b>9.0 Empty Homes Strategy Action Schedule</b>       | <b>10</b>   |
| <b>10.0 Strategy Amendments</b>                       | <b>11</b>   |

# EMPTY HOMES STRATEGY

## STRATEGY INTRODUCTION

This document sets out the way in which Mansfield District Council will deal with privately owned empty homes with a view to bringing them back into use. The Council recognises that empty, neglected properties can attract criminal activity and anti-social behaviour and are a wasted housing resource.

The Council has achieved considerable success in returning empty homes to use through the preferred route of cooperation and assistance. This strategy builds upon this success and the best practice applied in previous years. Unfortunately however, informal action does not always achieve the desired outcome, and the Council therefore recognises that the use of formal enforcement action is an important tool to achieve success. This document therefore includes a summary of the key enforcement tools available for dealing with empty homes and outlines a shift in emphasis to dealing with longer term and problematic empty properties.

To complement both our informal and formal activity, the strategy also describes how the Council will explore funding opportunities for empty homes work and how it will work with its partners to achieve its aims and objectives.

The strategy is a working document and will change over time to reflect changes in policy and procedure. It is also supported by a detailed Empty Homes Action Plan which sets out how the Council plans to achieve its aims and objectives.

## EMPTY HOMES STRATEGY

### 1.0 The Empty Homes Problem

- 1.1 An empty property can have a considerable negative impact upon a local community and can, in some cases, blight an area and the houses adjacent to it. Empty homes often attract vandalism and anti-social behaviour which can then lead to crime and an increased fear of crime.
- 1.2 Empty homes are also a wasted housing resource in a time when there is significant housing need in the district. With a total of over 6500 individuals on the housing waiting list currently, Mansfield's 413 long term empty homes could provide housing for a substantial number of them.
- 1.3 There has been considerable government focus recently on the return of empty properties to the useful housing stock. It is recognised both nationally and locally that it will not be possible to provide all the required affordable housing through new build alone. Unlocking the potential of empty homes is therefore an essential part of meeting housing need. To this end, the strategy places an increased emphasis on not just the return to use of the property, but of what use it is returned to. We will therefore actively encourage owners to offer their properties for affordable housing using a number of initiatives and, where appropriate, through involvement with the Council's Registered Social Landlord (RSL) partners.

### 2.0 Reasons for Property Vacancy

- 2.1 Most dwellings are only temporarily empty as they are waiting to be sold or let. As a result, such properties are exempt from certain statutory actions. Many remain empty while they are undergoing renovation or improvement prior to occupation. It can be said that these empty properties are a consequence of the housing market. This period may be prolonged during times of low economic growth and as such, these dwellings should be identified and allowed to be brought back into use through the market without significant intervention from the Council. However, in some cases there is a failure in this turnover process and a home may be left vacant on a long term basis. It is the intention of this strategy to intervene at this point of the process.
- 2.2 There are numerous contributory factors to why homes become and/or remain empty, these include:
  - Lack of funds for refurbishment
  - Reluctance to rent out
  - Abandonment
  - Employment linked homes
  - Capital Investment properties
  - Probate, estate or legal ownership issues.
  - Lack of awareness of options
  - Inaction of owners unable to sell or let
- 2.3 The Empty Properties Survey 2008 undertaken by Nottingham University for the East Midlands Empty Properties Forum found that *"Ongoing renovations and*

## EMPTY HOMES STRATEGY

*improvements to the property and the associated costs were the most frequently cited reasons for properties currently standing empty."*

- 2.4 As part of the process of monitoring empty homes, the Council will seek to establish at the outset the reasons for a property being vacant. This information will then inform the type of intervention to be taken by the authority and will help our overall understanding of the issues within the district.

### **3.0 Empty Homes Strategy Aims and Objectives**

- 3.1 The aim of the Empty Homes Strategy is to permanently and significantly reduce the number of long term empty dwellings and reduce the detrimental effect of empty dwellings on the community.
- 3.2 With a view to bringing empty homes back into use, the strategy has three key objectives:
1. Develop and improve the information available on empty dwellings for use by the Council, empty property owners and the public.
  2. Identify priority empty homes and develop and apply effective intervention options to bring priority empty homes back into use.
  3. Establish well defined, evidence based policies and procedures that return empty homes into use and prevent the development of long term empty dwellings, to monitor their effectiveness and to continually improve them.

### **4.0 Empty Homes – A Strategic Context**

#### **National Context**

- 4.1 This strategy has been framed within the national, regional and local strategic context. Nationally, successive Governments have identified empty homes as a key housing policy issue and particularly, a means of meeting housing need. More recently, during the Comprehensive Spending Review £100m of funding has been made available to bring empty homes back into use and the New Homes Bonus (NHB) was introduced.

#### **The New Homes Bonus**

- 4.2 NHB recognises that empty homes brought back into use can provide accommodation in the same way that new build properties do. To this end, the NHB scheme rewards Councils via the payment of the equivalent council tax income to the Council for six years following its return to use. In the same way as a reduction in the number of empty homes attracts a bonus, an increase attracts a penalty, eating into any NHB that may be payable on new build homes. It is therefore in the interests of the Council to not only reduce the number of properties left empty but also to ensure the number remains as low as possible

## EMPTY HOMES STRATEGY

- 4.3 The Council are to a certain degree at the mercy of the macro housing market in regard to NHB payments however, in any event, an effective empty homes strategy can potentially either earn NHB or minimise the loss of NHB for the Council.

### Empty Homes Practitioner Networking

- 4.4 There are several national campaign groups and charities raising awareness of the empty homes issue and supporting the work of local authorities. Mansfield District Council has an active role in bodies such as the Empty Homes Network and the regional East Midlands Empty Property Forum to ensure we remain at the forefront of empty homes policy development and implementation.

### Regional Context

- 4.5 Mansfield, Ashfield and Newark & Sherwood District Councils have adopted the joint Sherwood Forest Area Housing Strategy 2008 – 2018. This is a shared strategy linking into the Council's own Housing Strategy and Corporate Plan. The Empty Homes Strategy aligns with the sub regional strategy priority 1.3: 'Increase accommodation supply through existing provision' and it aims to reduce the actual number of long term empty properties in the sub region.

### Local Context

- 4.6 The aims and objectives of the Empty Homes Strategy link with the following Mansfield District Council Corporate Plan priorities:
- Housing – ensuring there is an adequate supply of good quality, well managed housing which is accessible and affordable to those who need it
  - Crime – reducing crime and disorder
  - Regeneration and employment – Revitalising our district, town centres and neighbourhoods, encouraging inward investment and creating a climate for job creation and growth.

The strategy also links with the Council's Housing Strategy 2013-18, the Private Sector Housing Renewal Policy 2011-14 and the Mansfield Homelessness Strategy 2013-18.

- 4.7 To date, there are currently around 1170 empty properties in the Mansfield district. Around 650 of these empty properties have been vacant for more than 6 month. Many of these are likely to be 'transactional vacancies' as a consequence of the normal operation of the housing market, for example, properties in between lets and those on the market for sale. However, there are currently 177 properties in Mansfield that have been vacant for over 2 years and 38 properties vacant for over 8 years (as of January 2013). Not all of these properties will be 'transactional vacancies', some have been empty for considerable amounts of time, many years in some cases, and are therefore of the greatest concern to the Council. Consequently, it is the longer term properties which shall be the focus of this strategy and the various interventions described within it.

## EMPTY HOMES STRATEGY

- 4.8 In the current housing market, owners of empty properties report a preference for waiting for the market to recover rather than selling their properties immediately. They also advise that they are less willing to offer their properties for rent due to concerns about the cost of property damage outweighing potential income benefits. In combination with current economic insecurity and the more limited availability of credit, these conditions act as an additional barrier to bringing empty homes back into use.

### 5.0 Empty Dwelling Analysis

- 5.1 Table 1 shows an analysis of the number of empty dwellings in Mansfield over the years (as of January 2013). The table shows that 80% of empty dwellings in the district have been vacant for less than five years and 90% less than eight years. After eight years the numbers reduce significantly to 38 dwellings in total and taper down until they reach a level of around one property for every year.

**Table 1**

**The Number of Empty Dwellings in Mansfield, January 2013**

| Empty Dwellings as at January 2013 |                            |                                |  |  |  |  |
|------------------------------------|----------------------------|--------------------------------|--|--|--|--|
| Number of Years                    | Number of empty properties | Percentage of empty properties | Total number of properties empty for less than number of years | Total number of properties empty for more than number of years | Percentage of total empty properties empty for more than number of years | Percentage of total empty properties empty for less than number of years |
| 1                                  | 116                        | 28.09                          | 116  | 297  | 71.91  | 28.09  |
| 2                                  | 120                        | 29.06                          | 236  | 177  | 42.86  | 57.14  |
| 3                                  | 39                         | 9.44                           | 275  | 138  | 33.41  | 66.59  |
| 4                                  | 24                         | 5.81                           | 299  | 114  | 27.60  | 72.40  |
| 5                                  | 39                         | 9.44                           | 338  | 75   | 18.16  | 81.84  |
| 6                                  | 17                         | 4.12                           | 355  | 58   | 14.04  | 85.96  |
| 7                                  | 9                          | 2.18                           | 364  | 49   | 11.86  | 88.14  |
| 8                                  | 11                         | 2.66                           | 375  | 38   | 9.20   | 90.80  |
| 9                                  | 7                          | 1.69                           | 382  | 31   | 7.51   | 92.49  |
| 10                                 | 6                          | 1.45                           | 388  | 25   | 6.05   | 93.95  |
| 11                                 | 2                          | 0.48                           | 390  | 23   | 5.57   | 94.43  |
| 12                                 | 3                          | 0.73                           | 393  | 20   | 4.84   | 95.16  |
| 13                                 | 4                          | 0.97                           | 397  | 16   | 3.87   | 96.13  |
| 14                                 | 6                          | 1.45                           | 403  | 10   | 2.42   | 97.58  |
| 15                                 | 2                          | 0.48                           | 405  | 8  | 1.94   | 98.06  |
| 16                                 | 0                          | 0.00                           | 405  | 8  | 1.94   | 98.06  |
| 17                                 | 1                          | 0.24                           | 406  | 7  | 1.69   | 98.31  |
| 18                                 | 5                          | 1.21                           | 411  | 2  | 0.48   | 99.52  |
| 19                                 | 1                          | 0.24                           | 412  | 1  | 0.24   | 99.76  |
| 19+                                | 1                          | 0.24                           | 413  | 0  | 0.00   | 100.00   |
| <b>Total</b>                       | <b>413</b>                 |                                | <b>413</b>   |  |  |  |

## EMPTY HOMES STRATEGY

### **6.0 Prioritising Empty Properties**

- 6.1 In order to ensure the Council's resources are appropriately focussed, priority will be given to those dwellings that meet the following criteria:
- Dwellings that have been vacant for the longest periods and/or
  - Dwellings that are having a detrimental effect on the amenity of the neighbourhood and/or
  - Dwellings that are the cause of complaints from members of the public.
- 6.2 Proactive empty property work will therefore deal with those dwellings vacant for the longest periods first of all.
- 6.3 The Empty Property Officer will however continue to monitor all empty homes including those that are not considered to be priority empty properties. This will enable us to identify those properties where non-statutory intervention may bring them back into use before they become priority long term empty dwellings. Intervention in cases of non-priority empty homes will be subject to the availability of resources.

### **7.0 Evidence Based Approach**

- 7.1 To be effective in bringing empty properties back into use, a detailed understanding of empty homes in Mansfield is necessary. To this end, the Council's database of empty properties will be improved to provide detailed information on the reasons for homes being empty, the obstacles owners face when returning them to use and their preferred solutions. We will therefore collect specific information about each individual empty property including:
- The length of time a property has been vacant
  - Ownership details of the vacant property
  - Council tax banding
  - Property condition
  - Reasons given by the owner for the property being vacant
  - Owners' intentions i.e. renovate, rent, sell
  - Interventions by Mansfield District Council
- 7.2 The development of the database will help the Council target interventions and will also ensure tailored guidance and solutions are delivered. The Council's Empty Property Officer will continue to work closely with the Council Tax department and will exchange information as necessary to verify whether or not properties are vacant.
- 7.3 The Empty Property Officer will continue to collect information from questionnaires sent to empty property owners and will collate the responses to inform future action.

## EMPTY HOMES STRATEGY

- 7.4 The Council will respond to empty property related complaints from members of the public and the online empty property report form will continue to be available via the Council's website for public use. We will also respond to empty property reports sent from the national Empty Homes Network and other external organisations.
- 7.5 Empty homes data will be collated on an ongoing basis as part of the Council's internal performance management processes. The Council's performance framework will allow the Council's empty homes efforts to be reported and benchmarked and therefore improved where necessary.

### **8.0 Bringing Empty Homes Back to Use**

- 8.1 There are a number of intervention options for the Council when looking to manage the problems empty properties cause and for bringing them back to use. These can be both informal and formal statutory interventions.

#### Informal Interventions

- 8.2 Initial intervention with empty properties and their owners will usually be informal and will consist of advice and guidance tailored to the individual property. We will look to secure improvements to empty homes and their return to use through cooperative means wherever possible and the following options may therefore be explored:
- Advice on letting properties, privately or via an agent;
  - Referral to Mansfield & Associates Rental Solutions (MARS);
  - Referral to local private developers;
  - Redevelopment of the property or site;
  - Sale of the property;
  - Advertisement of property on the Council's website;
  - Agreed purchase by a Registered Provider (also known as a Housing Association or Registered Social Landlord) or by the Council.
  - Leasing the property via a lease/management scheme
- 8.3 The Council can offer advice on letting properties privately or via the Council's MARS scheme. The MARS scheme was introduced to provide good quality homes for people in Mansfield in conjunction with private sector landlords. The scheme provides tenancy support and financial assistance to tenants and owners.
- 8.4 Empty property owners may wish to advertise their property for sale on the Council's empty property web pages. We are also able to refer empty property owners to local private developers interested in purchasing and renovating empty homes.
- 8.5 The Council is successfully working with a Registered Provider partner to bring empty homes back into use through purchase and renovation using funding

## EMPTY HOMES STRATEGY

from the Homes and Communities Agency (HCA). Nottingham Community Housing Association has secured HCA funding for a three year period over which they will purchase and renovate 10 homes with assistance from the Council's Empty Property Officer. The Council has also bid for HCA funding for 2013/14 to continue this work and return around 12 long term empty homes back into use during the year.

- 8.6 The Council are currently exploring the option of introducing an empty homes management scheme whereby the Council will assist financially with the renovation of an empty property prior to it being offered as affordable accommodation under the management of the Council. Financial assistance for renovations will be in the form of a repayable loan
- 8.7 The Council will continue to liaise with other departments within the Council with regard to empty homes work including Building Control, Planning Enforcement, Environmental Health and Revenues and Benefits.

### Formal Intervention Options

- 8.8 The Council will look to cooperate with owners and use informal intervention options where appropriate to improve empty properties and return them to use. Where these measures fail to secure a desired outcome the Council can use a number of formal enforcement powers where it is considered to be the appropriate course of action. The powers available are listed in Appendix 1. They can be summarised as follows:
- Compulsory Purchase Order (CPO) – allowing the Council to apply to the Secretary of State to purchase a property empty for over 6 months.
  - Enforced Sale – used to recover charges through sale.
  - Empty Dwelling Management Order (EDMO) – enabling the Council to take over management of a property for a period.
  - Demolition or Clearance – where properties are past their useful life and renovation is not feasible or economically viable.
- 8.9 The Council has a broad range of formal powers for managing empty properties, improving their appearance and ensuring they are safe and secure. These powers can help ensure the negative impact on the community is minimised or removed. These powers are detailed further in Appendix 1.
- 8.10 The Council will continue to maintain records of all interventions taken and the outcomes secured. Interventions will be analysed with a view to monitoring resource implications and service effectiveness.

## **9.0 Empty Homes Strategy Action Plan**

- 9.1 Empty homes are a key priority for the Council and remain an important issue for Mansfield residents. Our plans and actions to tackle empty homes over the

## EMPTY HOMES STRATEGY

life of this strategy are therefore contained with a Service Plan Action Schedule for empty homes. In summary, the key action schedule objectives are:

- To raise awareness of Empty Homes issues
- To assemble relevant, accurate, and up-to-date information
- To put into effect specific measures so empty homes can be brought back into use
- To focus efforts proportionately and target longer term empty properties and those having a detrimental effect on the community.

9.2 The action schedule will be a working document and will be reviewed on an ongoing basis.

### **10.0 STRATEGY AMENDMENTS**

10.1 The Head of Housing has delegated authority to make minor amendments to the strategy which do not affect the broad thrust of direction. Other changes must be approved by the Council's Portfolio Holder for Housing Strategy and Regeneration.

# EMPTY HOMES STRATEGY

## Appendix I

### Empty Homes Interventions

| Type of Enforcement                           | Legislation  | Section                                   | Priority Charge | Interest | Costs/Risks  |
|---|--|---|-----------------|----------|--|
| <b>Compulsory Purchase</b>                    | Town & Country Planning Act 1990 or;<br>Housing Act 1985 | S 226<br>Acquire land or buildings<br>S17 | N/A             | N/A      | Compulsory Purchase Orders allow Local Housing Authorities to apply to the Secretary of State to compulsory purchase properties that have been empty for a minimum of 6 months. Potentially very expensive, Council will have to pay market value and can be time-consuming (up to 18mths) and Council will be left in ownership of property to manage, maintain or dispose of.  |
| <b>Enforced Sale</b>                          | The Law of Property Act 1925                             | S30<br>Recovery of charges through sale.  | N/A             | N/A      | This option can only be utilised where there is a debt owed to the Council registered as a charge against the property. Council Tax debts or works in default can be charged to the property in many cases, allowing the enforced sale process to begin. There is a risk that the charge may be paid before the order for sale is made and that the new owner may not immediately bring the premises back into use.      |
| <b>Empty Dwelling Management Order (EDMO)</b> | The Housing Act 2004<br>Part 4                           | S132 - 138                                | N/A             | N/A      | An EDMO can be made where an owner leaves a property empty and has no intention of securing its voluntary reoccupation. The Council or one of its partners may undertake the management of the property for a set period of time, up to 7 years. The Council funds any renovations and recovers costs through rental income. An owner may bring the property back into use voluntarily prior to an EDMO being confirmed. |

# EMPTY HOMES STRATEGY

|  |                                  |  |     |     |   |
|--|----------------------------------|--|-----|-----|---|
| <b>Demolition</b>  | The Housing Act 1985             | S265   | N/A | N/A | To be considered following social and environment assessment. Can be time and labour intensive and councils may consider using S79 Building Act which also gives option for demolition. Suitable option for properties which have gone past their usefulness and it is not economically viable to bring back into use. Can reduce blight. |
| <b>Clearance</b>   | The Housing Act 1985             | S289   | N/A | N/A | For use and consideration in clearance areas for regeneration projects. Can be expensive if CPO is required but is an option for reducing blight.   |
| <b>Management of the condition and appearance of empty dwellings</b> | Town & Country Planning Act 1990 | S215<br>Land adversely affecting the amenity of the neighbourhood (eyesore notice) | No  | No  | Owner to improve unsightly land or the external appearance of a property. Council can prosecute or do works in default, or both, at cost to the Council. Both Planning Enforcement Officers and the Empty Property Officer have enforcement powers to use this piece of legislation.  |
|  |                                  | S172<br>Planning Breach  | No  | No  |   |
|  | Building Act 1984                | S77 & S78<br>Dangerous Buildings   | Yes | No  | With S77 & S78 the council will need to consider the financial case in relation to possible demolition i.e. if property is beyond economical repair.  |
|  |                                  | S79<br>Unsightly land/property affecting the amenity of the area                   | Yes | No  | Requires the owner to execute repair work or restoration. Can also be used for demolition. Costs may be recovered by enforced sale and the debt has a priority charge.  |
|  |                                  | S59<br>Drainage  | Yes | No  | Owners will be instructed to remedy the defects as per Section of the Act.  |
|  |                                  | S60  | Yes | No  |   |

# EMPTY HOMES STRATEGY

|  |   |   |     |     |   |
|--|---|---|-----|-----|---|
|  |   | Soil Pipes  |     |     |   |
|  |   | S76<br>Defective<br>Premises                                | Yes | No  |   |
|  |   | S84<br>Yards  | Yes | No  |   |
|  | Local Govt<br>(Miscellaneous<br>Provisions) Act<br>1982 | S29<br>Unsecured<br>properties                              | No  | No  | Owner will be required to board up and works carried out in default if owner non-compliant. Reduces risk of squatters, vandalism and burglary. Generally work is required within 48 hours. Both officers within Environmental Health and the Empty Property Officer have enforcement powers to use this piece of legislation. |
|  |   | S27<br>Obstructed<br>Drains                                 | No  | No  |   |
|  | Local Govt<br>(Miscellaneous<br>Provisions) Act<br>1976 | S35<br>Private Sewer  | Yes | No  |   |
|  |   | S33<br>Restore<br>Services                                  | Yes | No  |   |
|  | Highways Act<br>1980                                    | S154<br>Hedges  | Yes | No  |   |
|  |   | S165<br>Unfenced Land                                       | Yes | No  |   |
|  | Housing Act 2004  | S11 & S12<br>Improvement<br>Notice Cat 1 &<br>Cat 2 Hazards | Yes | Yes | An option if contact cannot be made with the owner. Can register a charge against property. Notices are an effective form of enforcement activity. Can be expensive if large scale work required but the Council can recover costs.   |
|  |   | S40<br>Emergency<br>remedial action                         | Yes | Yes | This is difficult to implement if not in contact with owner and has limited use.  |
|  | Environmental   | S80   | Yes | Yes | Owner will be instructed to deal with nuisance, remove  |

# EMPTY HOMES STRATEGY

|  |  |                               |     |     |   |
|--|--|-------------------------------|-----|-----|---|
|  | Protection Act 1980                    | Statutory Nuisance            |     |     | waste or rubbish or repair property, if not, the Council will carry out work in default and incur debt and recover costs.                                   |
|  | Prevention of Damage by Pests Act 1949 | S4 (rats & mice)              | Yes | Yes | Owner to treat, remove food and harbourage and repair property to prevent rat or mice infestations. Work can be carried out in default and costs recovered. |
|  | Public Health Act 1961                 | S17 Defective, blocked drains | Yes |     | Requires an owner to un-block a stopped up drain.   |