

**Cabinet Meeting: Monday, 09 December 2024**

**Question from: Councillor Prashad**

**Question to: Councillor Patient**

As at September 2024, there were 2544 empty residential properties in Calderdale. It seems almost criminal that there are so many people in Calderdale needing accommodation when these properties are sitting empty. The presumption is that some of these properties require updating. What are Calderdale doing to try to engage with property owners to persuade them to bring properties back into use, and could they be pressurised to do so with the threat of an Empty Dwelling Management Order.

### **In response**

There are a variety of reasons why homes become empty including death of the owner (and subsequent probate application), changes in relationships, 'buy to leave' investment (or money laundering), mental ill health, negative equity / market conditions, vacant between tenancies.

Whilst it would seem common sense to use vacant dwellings to provide accommodation for residents in temporary provision or need of alternative accommodation, the issue is slightly more nuanced.

Firstly, the specific addresses within the number of empty homes changes from month to month as properties are eventually sold, or let, or taken up for owner occupation. So, it is not the same addresses that remain continually vacant.

Secondly, the owners of the empty properties have a right to own and use them as they wish, even if they are left vacant, as long as they do not cause a statutory nuisance or blight the surrounding area.

Thirdly, even if the vacant dwellings could be made available for use, not all the applicants on the Choice Based Letting scheme would want to live in them due to their location.

The empty homes challenge spans across various teams and services in the Council.

Customer First and Council Tax services must ensure billing account records are accurately maintained, and kept up to date, when (and if) bill payers (or landlords) inform the authority of a change in circumstances or occupancy of a property. Proactive contact is also required with Executors, especially to keep up to date if vacant properties are part of complex Probate applications, or where family disputes may be delaying matters.

The Healthy Homes Service employs a full time Private Sector Development Officer who focuses on the empty homes agenda, providing advice, support, information and guidance to encourage owners to bring their homes back in to use through sale / disposal, private let, or owner occupation. Around half of their time is spent investigating and providing updated details on whether a property is occupied or vacant. We have previously provided unsecured interest free repayment loans (up to £5,000) to help with refurbishments; the scheme had limited uptake and was expensive to administer for the 'returns'.

Under the powers available through the Local Government Finance Act (2012), Cabinet has previously authorised the implementation of an Empty Homes Premium on levy on Council Tax bills. This applies to homes unoccupied and unfurnished for more than one year, unless a different unoccupied exemption applies, such as Probate, In Care, In Hospital, Repossession, Bankruptcy.

From 1 April 2024, homes unoccupied and unfurnished for 12 months had a 100% Premium applied on top of the 100% rate. This doubled the Council Tax bill for empty home owners.

Previously, Cabinet had already applied a 200% Premium for homes empty and unfurnished for homes vacant for 5 years or more (tripling bills), and a 300% Premium for homes empty and unfurnished for 10 years or more (quadrupling bills). These Premium rates act as a disincentive for owners, but may encourage higher levels of attempts to defraud the system by providing fake tenancy agreements, or claims for single occupancy discount, or even attempts to furnish them. Data accuracy to understand the impact of this policy is critical, along with sufficient officer resource to inspect empty homes, investigate fraud, and take appropriate enforcement action to recover unpaid bills.

If long term empty homes cause statutory nuisance or blight, or become a danger to the public, the local authority has a range of legislative powers across its various services including Building Control, Environmental Health, and Planning. These powers can be used to serve Notice on the owner, and if they don't or can't carry out the required works, the authority can instruct a local contractor to carry out the remedial works (in default of the Notice). As long as the right primary legislation is used and correct process is followed, these cost of the work, plus staff fees, can often be recovered by using an Enforced Sales process. This approach addresses the disrepair, recovers the authority's costs, and may solve the problem of the long term empty home by bringing it into new ownership.

The use of Empty Dwelling Management Orders has been investigated but found to be challenging to implement for several reasons. Properties have to be empty for at least two years before they can be considered. An application has to be made to a Tribunal with evidence presented that the property is causing attracting anti-social

behaviour, criminal activity, or in a severe state of disrepair. A managing agent is also required to carry out repairs and manage the property if an EDMO is successful. None of the social landlords in Calderdale were interested in taking this role on.

Finally, Compulsory Purchase Orders (CPO) can be considered for properties that cause severe blight, complaints, criminal behaviour, and disrepair. Such a threat has previously brought 3 long term empty properties back in to use. A CPO is currently in its final stages for a long term vacant dwelling in King Cross. The Council has served the General Vesting Declaration and will take possession of the property in March 2025. Using this process needs dedicated legal resource, time and sufficient budget for costs and market value compensation for the owner. If it's threatened, we must be able to implement the approach. In return, some costs can be recovered through immediate open market disposal of the property, and bringing it into new ownership (with appropriate legal conditions) can bring about privately funded refurbishments and a return to use.