

# **Local Authority Action on Empty Homes**

## **What can Local Authorities do to owners who keep their property empty?**

### **Compulsory Purchase Orders (CPOs)**

Serving compulsory purchase orders (CPOs) on empty properties may be justified where there appears to be no other chance of a suitable property being used as a home. Before a CPO is confirmed, the Local Authorities will have to show that they have taken steps to encourage the owner to bring the property into acceptable use. They will also need to show that their reasons for making a CPO justify interfering with your human rights or those of anyone else with an interest in the property.

### **Housing Act 1985, section 17**

This Act gives Local Authorities the power to take over land, houses or other properties to increase the number of houses available or improve the quality of the housing stock. The main uses of this power are to get land for housing. This includes bringing empty properties back into use as homes, and improving substandard ones. Where control of a property is gained through this power, Local Authorities will usually sell it to:

- a private-sector developer
- an owner-occupier or
- a registered social landlord

### **Town and Country Planning Act 1990, section 226**

The powers in section 226 are intended to help Local Authorities which have planning powers to take control of the land they need to put in place their community strategies and local development documents. These planning powers are wide enough to allow the take over land for redevelopment.

### **Enforced sales procedures**

Law of Property Act 1925, where the Local Authority has issued and enforced a charge against a property, they have all the legal rights of a mortgage lender under the Law & Property Act 1925. The Local Authority may have issued a charge against the property because the owner did not:

- obey the terms of a statutory notice issued or
- pay Council Tax or other debts owed to the Local Authority.

### **Dangerous or dilapidated Buildings or structures**

Building Act 1984, sections 77 & 78 . Local Authorities can order owners to make property safe or allow them to take emergency action to make it safe.

### **Statutory nuisance (statutory nuisance or premises which can affect health)**

Environmental Protection Act, 1990, Section 80 (link) Building Act 1984, Section 76. Local Authorities can order owners to make their property safe or allow them to take emergency action to make the building safe.

### Unsecured properties

These are empty properties that are not secure so they can be broken into, vandalised, set on fire and so on. Under the Local Government (Miscellaneous Provisions) Act 1982, Section 29 Local Authorities can order owners to:

- make the property secure or allow the Local Authority to board it up in an emergency or
- allow the Local Authority to fence off the property.

### Empty Dwelling Management Orders (EDMOs)

The Housing Act 2004 allows Local Authorities to take out an empty dwelling management order (EDMO) to make sure that the empty property is used for housing. The Local Authority can make EDMOs on properties that have been empty for at least six months. There are two types of EDMO – interim and final. An interim EDMO lasts 12 months but a final EDMO can last up to seven, 14 or 21 years.

An EDMO allows the Local Authority to:

- ‘step into the shoes’ of owners of unoccupied buildings and
- make sure that empty properties are occupied and managed properly.

The Local Authority will bring the property back into use but will not own it. They can take any costs to improve the property from the rents they receive when they let the property.

The Housing Act 2004 gives the Local Authority new powers to make sure that properties are safe and suitable to live in. The powers may also apply to empty properties. These changes came into force in April 2006. For more information, see the [Housing Act 2004](#).

- Powers of entry – these allow the Local Authorities to enter a property to inspect it if the owner refuses to let them in (The Local Authority has to give at least 24 hours’ notice). If a Local Authority officer is prevented from getting in, the Local Authority may get a warrant to enter from the courts. This allows them to force their way in if they have to.
- Power to require information – The Local Authority can serve notices asking for certain information, for example, about who owns a property. This allows the Local Authority to act to improve the property using the other powers described.
- Hazard-awareness notices – these will make sure that the person responsible is aware of a danger and the need to carry out repairs or alterations ([Housing Act 2004](#)).
- Power to serve notices – the Local Authority can serve improvement notices when work needs to be done to improve living conditions for occupiers or neighbours. The work the Local Authority specifies, depends on the conditions they find and what the law allows them to do.
- Powers to enter a property and carry out work (emergency remedial action) – if work is not carried out to the standard specified by a notice, the Local Authority has the option of doing the work and charging for it.
- Power to take over managing properties – there are a number of reasons why the Local Authority may do this, including not being able to issue a licence or if a property has been empty for a long time ([Housing Act 2004](#)).
- Power to close a property (prohibition order) – The Local Authority would issue this notice only after they had carried out a detailed assessment to decide the best course of action to deal with a seriously substandard property. The Local Authority might close a property where improvements are too expensive or the condition of the property is too bad to repair. The notice would mean that nobody could live in the property. ([Housing Act 2004](#)).
- Power to order a property to be demolished or an area is cleared – this is done in similar circumstances to closing a property.