

Private Sector Housing Renewal Policy 2013-2018 – Policy Outline

Introduction

South Kesteven's Private Sector Housing Renewal Policy flows from the district's Housing Strategy which has a vision for the future of the District Council within the context of the corporate priority of creating the environment to support good housing for all.

The Housing Strategy sets out four strategic housing priorities:

- Priority 1: High quality affordable homes available to rent or buy
- Priority 2: Improved housing standards across the district and for all tenures
- Priority 3: Access to housing and wellbeing services
- Priority 4: Promotion of sustainable neighbourhoods and communities

In 2010 the Government released Planning Policy Statement 3: Housing which contains the key housing policy goal "to ensure that everyone has the opportunity of living in a decent home, which they can afford, in a community where they want to live".

The majority of housing both nationally and locally is in the private sector, being either owner occupied or privately rented. South Kesteven's 2009 stock condition survey shows that private sector housing within the district is in a worse condition than housing in the public sector and privately rented homes have the worst conditions.

The Joint Health and Wellbeing Strategy for Lincolnshire 2013-2018 is based on the five priorities identified in Lincolnshire's Joint Strategic Needs Assessment

Under priority 5, tackling the social determinants of health, the Joint Health and Wellbeing Strategy for Lincolnshire has the outcome of:

People's health and wellbeing is improved through addressing wider determining factors of health that affect the whole community.

To meet this outcome, a priority for the Health and Wellbeing Board is to:

Ensure that people have access to good quality, energy efficient housing that is both affordable and meets their needs.

We aim to help achieve this outcome by taking action to promote, encourage and where necessary enforce standards, help vulnerable home owners and tenants to remain living independently in their homes where it is appropriate, encourage the best use of private housing and target assistance toward the most vulnerable.

Understanding South Kesteven's Private Sector

South Kesteven has a population of 134,100. By 2031 the population is estimated to increase to 164,400.

Property tenure in South Kesteven

Tenure	Dwellings	Percentage
Owner Occupied	41,343	71%
Privately Rented	8,935	15%
Total Private Sector Stock	50,010	86%
Local Authority	6,197	11%
Registered Social Landlords	1,783	3%
Total Social Housing	7980	14%
Total All Tenures	57,990	100%

Source: 2011 Census

The South Kesteven private sector house condition survey 2009 estimates that 10,700 dwellings in the district do not meet the decent homes standard (meets the current statutory minimum standard for housing, is in a reasonable state of repair, has reasonably modern facilities and services and provides a reasonable degree of thermal comfort), with non decent dwellings most likely to be converted flats and private rented properties built pre-1919. The cost to remedy this is estimated to be around £87.5 million, an average of £5,100 per non decent property.

Housing and Health

The quality of the home has a significant impact on health; a warm, dry and secure home is associated with better health. Housing-related hazards that increase the risk of illness include damp, mould, excess cold and structural defects that increase the risk of an accident (such as poor lighting, or lack of stair handrails).

In addition to basic housing requirements, other factors that help to improve well-being include the neighbourhood, security of tenure and modifications for those with disabilities. The Building Research Establishment (BRE) has calculated that poor housing costs the NHS at least £600 million per year.

In South Kesteven the highest significant hazard in the private sector is for excess cold. In 2010/11 there were estimated to be 70 excess winter deaths (ONS 2011) across all types of tenure.

Strategic Links

There are close links with a range of legislation, national and local strategies and policy. These include;

- Housing Act 2004
- Energy Act 2011
- Regulatory Reform (Housing Assistance) (England and Wales) Order 2002
- Decent Homes Standard
- Laying the Foundations: A Housing Strategy for England
- Joint Health and Wellbeing Strategy 2013-2018
- Lincolnshire Affordable Warmth Strategy
- Lincolnshire Homelessness Strategy 2012-2016
- Lincolnshire Housing Strategy 2009-2014
- South Kesteven Housing Strategy 2013-2018

Policy Priorities and Aims

This policy sets out the structure of assistance and support that the Council provides to support home owners and private tenants. The aim is to raise housing standards, support and enable independent living and improve the supply and quality of housing in the private sector.

Based on the South Kesteven Housing Strategy 2013-2018 the outcomes to be delivered to improve housing standards across the district for the private sector are considered to be:

- Improvements in the quality of housing and environment in our neighbourhoods
- Improvements to the quality of private sector housing
- Households being assisted to remain safely in their homes
- An increased supply of good quality private rented accommodation
- Increasing proportions of houses reaching affordable warmth standards.

From these, priorities for action for the private sector are:

1. Improving standards in the private sector
2. Supporting independent living
3. Maximise the number of empty homes bought back into use
4. Tackle fuel poverty by delivering affordable warmth and reductions in energy use
5. Driving up management standards and professionalism in landlords

Priority 1: Improving standards in the private sector

The private sector makes up 87% of the districts housing stock and contains a range of house types and ages. A large proportion of the stock (63%) was built after 1964 with high numbers of bungalows and detached houses. However, the majority of privately rented homes (60%) were built before 1919 and suffer the highest rates of non decency.

The enforcement of housing standards is a duty placed upon the Council which is delivered by the Private Sector Housing Team within Environmental Health Services.

Under the Housing Act 2004, local authorities have a duty to deal with Category 1 hazards (that being those hazards which present the most risk of harm to health). Private rented properties are of greatest concern due to the high numbers of vulnerable people who live in poor housing conditions in this sector.

Although this is an enforcement service, the focus is also on helping responsible landlords to achieve high standards in their property by providing advice and guidance to assist them.

Issues:

- Long term deterioration of private sector stock where owner occupiers are unable to maintain their homes
- No further Capital funding from Government
- Average SAP ratings across the private sector of 54 (owner occupied) and 43 (privately rented) EPC band E
- 60% of privately rented homes were built pre-1919
- Non decency in the private rented sector is 57%
- The cost to make dwellings decent in the private sector is estimated to be £87.5 million – an average of £5,100 per property
- 11,700 dwellings are estimated to have at least one Category 1 hazard
- The main reason for the presence of a Category 1 hazard is excess cold
- Changes to benefits mean that single people between the age of 25-34 who rent from a private landlord will be entitled to enough benefit to rent a room in a shared house. As a result they will need to access alternative shared housing e.g. houses in multiple occupation

Actions we can take:

- Undertake property inspections, hazard rating and action in accordance with the enforcement policy
- Undertake work in default and initiate prosecutions following non compliance with statutory notices
- Carry out a private sector stock condition survey every 5 years
- Undertake property inspections for submission to the UK Border Agency/Embassy for immigration applications
- Identify, inspect and licence (where required) houses in multiple occupation
- Inspect and licence mobile home sites
- Provide financial assistance to vulnerable owner occupiers. Recognition that to make the most of remaining Government funding this may need to become a Category 1 hazard only service rather than a grant to bring up to decent home standard.
- Expand engagement with letting agents eg training ref. HHSRS
- Promote good practice among landlords (accreditation)
- Continue to provide information, training and engagement with landlords
- Continue to provide information and advice for private tenants

The number of people aged 65 and over in the district that cannot manage at least one self-care activity on their own is set to increase to 15,157 from 8,389.

There is a strong association between disability and income as 25% of households with a disabled or frail elderly resident have a household income below £10,000 per annum compared with 16% where there is no person with a disability.

The Council has a statutory responsibility to provide grant assistance to help people to adapt their home to meet the needs of a disabled occupant.

Issues:

- The high proportion of older residents has implications due to the potentially greater need for support associated with older households.
- The high proportion of low income households with a disabled occupant means that demand for disabled facilities grants is high
- Older or disabled residents may have physical difficulty dealing with repairs
- It is estimated that 6,200 private sector homes have at least one resident with a long term illness or disability

Actions we can take:

- Deliver mandatory disabled facilities grants efficiently
- Ensure that grant conditions are imposed to ensure the best use of resources
- Consider requests for discretionary funding outside the scope of a mandatory disabled facilities grant
- Provide funding to support the Handy Person Service provided by the Lincolnshire Home Improvement Agency
- Utilise the First Contact system to provide advice or services and signpost customers to other organisations
- Work with the Lincolnshire Home Improvement Agency to promote the use of their "Trusted Traders" list, offering peace of mind to elderly residents who may need work on their homes.

Priority 3: Maximise the Number of Empty Homes Bought Back into Use

Empty homes represent a wasted housing resource. They also attract vandalism and antisocial behaviour and can be a blight on communities contributing to decline in an area.

We currently provide support and assistance to owners of empty properties to encourage them to bring them back into use. In addition to this, there are also a range of legal powers to ensure that empty homes are bought back into use where no agreed solution has been found.

Issues:

- A small number of empty homes cause significant nuisance and blight neighbourhoods
- The lack of financial credit currently available to owners can block the renovation of properties
- Empty property owners are often unprepared and uninformed
- Re-use of empty homes can be blocked for significant periods of time e.g. probate or ownership issues

Actions we can take:

- Continue to provide financial assistance to owners of empty properties to bring them back into use for the rental market at an affordable rate
- Provide advice and support to owners of empty properties who wish to bring them back into use
- Maintain a firm response to all empty property nuisance to protect neighbourhoods and impress on owners the liabilities of owning empty homes
- Issue Empty Dwelling Management Orders (interim then final following Residential Property Tribunal decision) to allow the council to repair, manage and let the property
- Force the sale of an empty property to recover costs
- Take action to secure empty properties against unauthorised entry
- Take action on land which is unsightly or attracting vermin
- Make Compulsory Purchase Orders where other interventions have failed

Priority 4: Tackle fuel poverty by delivering affordable warmth and reductions in energy use

Tackling fuel poverty is a corporate priority. Our 2009 Private Sector Stock Condition Survey indicated that the average SAP rating in owner occupied stock was 54 and 43 in privately rented stock. Both represent a Band E. Nationally the average SAP rating is now 57.

Through a range of measures it is possible to improve energy efficiency and reduce carbon emissions in the private sector, particularly where it impacts on the most vulnerable residents, and also contribute to the council's climate change aspirations.

Issues:

- It is estimated that the overall rate of fuel poverty in South Kesteven is 16%. The highest rate of fuel poverty is found in the private rented sector, where 36% are in fuel poverty
- Government grant schemes have ended e.g. Warmfront
- Converted flats have the lowest mean SAP rating (42), followed by terraced housing (50).
- The mean SAP for a pre-1919 property is 38 (EPC band F)
- The Energy Act 2011 makes provision to prevent landlords from letting premises that fall below a specific EPC band (expected to be E), unless the landlord has enabled the maximum package of measures under the Green Deal.
- It is estimated that 33% of homes in South Kesteven are off the gas network and 24% have solid walls making them "hard to treat"
- The most "hard to treat" homes are yet to be improved
- The health implications of fuel poverty are significant

Actions we can take:

- Provide advice and assistance to residents and signposting to other organisations for specialist support
- Promote and support the Green Deal, Energy Company Obligation and other government initiatives aimed at improving energy efficiency
- Continue to pursue funding for area improvements to significantly improve the energy performance of the private sector stock
- Maintain partnership of the Lincolnshire Home Energy Partnership and work together to deliver the Lincolnshire Affordable Warmth Strategy
- Ensure that landlords of private rented homes understand their obligations under the Energy Act 2011
- Ensure that residents benefit from the Responders to Warmth scheme and any other local, regional or national programmes
- Train members of the private sector housing team in energy awareness to deliver in house support and advice to residents in their own homes.
- Work with Trading Standards to promote and enforce EPC regulations in the private sector
- Continue to pursue large scale funding opportunities to improve energy efficiency in the private sector

Priority 5: Driving up management standards and professionalism in landlords

We recognise that strong relationships with professional private landlords are necessary to ensure that there is a good supply of high quality, professionally managed accommodation that is affordable to a wide range of households.

Issues:

- Quality and management issues in the private rented sector
- Growing demand for rooms in houses in multiple occupation can lead to lower standards where demand outstrips supply
- New landlords are uninformed of their responsibilities
- Variable standards among letting agents
- The sector is seen as insecure – 6 month assured short hold tenancy is the norm
- Many buy to let mortgage companies will not allow a fixed tenancy period beyond 12 months
- Some buy to let mortgages will not allow multiple occupancy of a property
- Conditions relating to the property and landlord must be met for the Council to discharge its homelessness duty into the private rented sector
- Tenants fearful of complaining in case of retaliatory action or harrassment by the landlord

Actions we can take:

- Work with landlords to drive up standards in the private rented sector using advice, support and enforcement where necessary
- Identify unlicensed houses in multiple occupation and take action where appropriate
- Participate in the organisation and delivery of the county wide landlord forums
- Publish a Lincolnshire wide quarterly landlords newsletter
- Establish a landlord accreditation scheme
- Work with the Fire Service to ensure houses in multiple occupation are safe
- Work with letting agents to ensure that they are aware of their responsibilities
- Provide information, training and engagement with landlords
- Make the private rented sector a choice to help meet the homelessness demand
- Support work to address antisocial behaviour in the private rented sector

Resources

Funding for expenditure in the private sector has historically relied on Government grants; unfortunately, the Government discontinued funding for the private sector renewal programme from March 2011, although South Kesteven still has some funding available. Financial support to deliver disabled facilities grants continues.

The Government recognises that poor quality housing has an impact on the health of occupants and on the quality of life in the area, and states that “responsibility for maintaining privately owned homes rests first and foremost with their owners but some targeted assistance

may be available from local authorities...., for the elderly and less well off, to pay or contribute to carrying out essential maintenance/improvement work”.

As financial assistance going forward would be reliant on funding from the Council’s capital, we will take every opportunity to bid for funding from other sources to supplement this and to develop new, and reinforce existing partnerships which can maximise income opportunities such as the New Homes Bonus.

Changes to existing grant assistance

Better Homes Grants

There is currently £300,000 of the decent homes government grant funding remaining. It is recognised that the Council needs to maximise the use of this budget, so by re-naming this grant and reducing the scope of qualifying works from Decent Homes Standard to a lesser standard, which requires the removal of Category 1 hazards (and repairs to ensure the integrity of the property or to protect residents from immediate exposure to dangerous or insecure building elements e.g. leaking roofs which do not rate highly under the Housing Health and Safety Rating System), it will allow a larger number of households to be offered grant assistance.

Empty Homes Grants

Renovation grants aimed at bringing empty properties back into use have been a significant tool in negotiations with owners; however their existing relatively low value of £3,000 when compared to the relatively onerous grant conditions has made it unattractive to some. Increasing this to a maximum of £6,000 per property reflects the increased costs of building material and labour and provides an incentive to bring an empty property back into use for the increasing private rental market. The owner would still be required to let the property at the Local Housing Allowance rate for that type of property for 3 years.

Proposed Financial Assistance

Authorities have a general power to give financial assistance for home repair, improvement and adaptation. In accordance with the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 authorities are required to give assistance under these powers in accordance with a published policy

The proposed assistance promotes the property owners responsibility to repair and improve their homes while providing support to vulnerable homeowners, those who are committed to bring an empty property back into use for the private rental market and the disabled.

Financial Assistance Proposed

Assistance Type	Purpose	Eligibility	Amount available	Conditions
Mandatory Disabled Facilities Grant (DFG)	To adapt the home of a disabled person to meet their needs. Needs assessed and recommended by an Occupational Therapist from LCC	Any disabled person, owner occupier or tenant. The property must be reasonably and practicably capable of being adapted to meet the needs of the disabled person. The works must be necessary and appropriate to meet the needs of the disabled person as detailed by an Occupational Therapist.	Maximum Grant of £30,000 Applicant's contribution will be determined by a "test of resources", except for applications on behalf of children under 19 as these are exempt.	Where a grant equal to or above £10,000, is approved and where additional floor space is created within the property, (e.g. an extension or conversion) a local land charge of up to £10,000 will be applied for 10 years from the date of completion of the work. This amount is repayable if the property is sold within 10 years. Where equipment funded through a DFG could be reused if no longer required, an additional condition may be imposed enabling the council to remove the equipment (e.g. stairlift or ramp).
Discretionary Disabled Adaptations. (Assistance to top up mandatory DFGs)	To provide additional assistance where the cost of the work exceeds the maximum Mandatory Disabled Facilities Grant, where the assessed	As for Mandatory DFG	Maximum of £10,000 although the council has discretion to determine a reasonable amount in excess of this in exceptional circumstances	A local land charge will be placed on the property for 10 years for the full amount of the assistance. This amount is repayable if the property is sold

	contribution cannot be met or for works falling outside the mandatory criteria which are needed for the welfare or employment of the disabled person.			<p>within 10 years.</p> <p>Where assistance is provided for an applicant who does not have capital to pay their assessed contribution outright then the council can arrange for payment to be made in instalments over a period of time.</p>
Discretionary Disability Relocation Assistance	To provide assistance to a person qualifying for a Mandatory Disabled Facilities Grant but where the property cannot practically be adapted to help that person move to a more suitable property. e.g. legal expenses, furniture removal.	The existing home of the disabled person must not be reasonably or practically capable of being adapted to meet their needs. The property which they wish to relocate must have been assessed as being suitable by an Occupational Therapist or capable of being made suitable. The extent to which a new home requires adaptations funded through the mandatory DFG will be a determining factor in ensuring overall value for money.	Maximum of £10,000 although the council has discretion to determine a reasonable amount in excess of this in exceptional circumstances	<p>Each application is approved on a strict case by case basis.</p> <p>Discretionary grants are subject to the availability of funding.</p>

<p>Repair Grant (new) replaces existing decent homes grant and has focus on cat 1 hazards and not available to landlords</p>	<p>To address the most serious hazards that are likely to cause injury or ill health to occupiers.</p> <p>To reduce the number of homes with Category 1 hazards</p> <p>To increase the number of vulnerable owner occupiers living in homes which meet minimum standards.</p>	<p>The applicant must be the owner occupier and have owned and lived in the property for a minimum of 3 years.</p> <p>The owner occupier must be in receipt of a means tested benefit.</p> <p>Properties are eligible if a survey identifies category 1 hazards (or category 2 hazards likely to become category 1 hazards within the next 12 months) that could not be rectified through other forms of financial assistance e.g. the Energy Company Obligation.</p> <p>Reasonable and practicable works will be undertaken having regard to the age and condition of the dwelling or mobile home.</p> <p>The council reserves the right to apply means testing (using the prescribed test of resources for disabled</p>	<p>Maximum Grant of £5000 per property within a 5 year period. This means that two or more grants can be approved at the same property as a result of separate problems occurring at the same house, but they may not total more than £5000 within a 5 year period.</p>	<p>The property must be the sole residence of the applicant. The applicant must have owned and lived at the property for a minimum of 3 years prior to application.</p> <p>A local land charge will be placed on the property for 5 years from the date of completion of the works.</p> <p>If the property is sold within 5 years of completion the grant amount must be re-paid on a sliding scale which reduces by 20% for each full year since completion of the works.</p> <p>Discretionary grants are subject to the availability of funding.</p>
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		facilities grants) to determine the maximum amount a household is eligible to apply for.		
Home Repair Loan (new)	To remove HHSRS category 1 hazards from privately owner-occupied homes.	Home owners who are not eligible for a Repair Grant.	Maximum of £5,000 per property (subject to any upper limit applied by LincUp)	<p>Must meet criteria of Lincolnshire Credit Union (LincUp) Repayment plan to be arranged with Lincolnshire Credit Union.</p> <p>Maximum re-payment period of 5 years.</p> <p>A local land charge will be placed on the property for the term of the loan. Any remaining balance must be re-paid if the property is sold during this period.</p>
Empty Homes Grant (revised value)	To contribute to the wider empty homes strategy by providing financial assistance to owners of empty homes to bring them back into use for the rental market	<p>Applicants must be the owner of the property</p> <p>The property must have been empty for at least 6 months at the time of the application (determined by council tax payments).</p> <p>The grant does not cover works which have already commenced or the following;</p>	Maximum of £6,000 per property.	<p>The property must meet the decent homes standard on completion</p> <p>Financial commitment to undertake the work must be evidenced</p> <p>The work must be completed within 12 months of approval of the grant and the property actively marketed for rent.</p>

		<ul style="list-style-type: none">• Legal fees• Insurance costs• Agents fees		<p>The property must be rented at a rate not exceeding the LHA rate for a period of 3 years.</p> <p>A local land charge will be applied to the property until works are completed. The grant is to be fully repaid if the work is not completed within 12 months and the property actively market for rent.</p> <p>The property must be available for rent by persons referred by the councils Housing Solutions Team.</p>
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Proposed Private Sector Enforcement Policy

Introduction

The supply of good quality, affordable private rented accommodation is essential to meet our local housing need and is linked to the economic success of the district.

In South Kesteven the majority of landlords are small portfolio holders, along with approximately 30 social landlords. The service aims to provide clear guidance and advice to landlords to give them the opportunity to put problems right before taking enforcement action. The private sector housing team will usually become involved where there is a clear case for intervention. There may be circumstances where legislation requires that formal action has to be taken immediately where there is an imminent risk to health.

Following a complaint about poor housing standards in a private rented home, the Council will take appropriate action to investigate the complaint. Initial investigations may result in advice or assistance being given or where necessary an inspection of the property will be undertaken.

Inspections can take place in response to a complaint or request for service, or proactively in accordance with statutory requirements or risk based assessment (such as mandatory licensing for Houses in Multiple Occupation).

Inspections are made using the Housing Health and Safety Rating System (HHSRS). This is a risk based method of assessment used to identify and protect against potential risks and hazards to health and safety from any deficiencies identified in dwellings. Inspections are carried out by officers who are authorised and have received appropriate training to enable them to carry out their duties competently.

Powers of entry

Section 239 of the Housing Act 2004 gives a local authority power of entry to properties in pursuance of its duties under Part 1 of the Act when certain conditions are met. This enables an inspection to be carried out to see whether or not a Category 1 or 2 hazard exists. 24 hours notice must be given to the owner and/or occupier of the premises in most circumstances. Where entry is refused, the property is empty or where prior warning would negate the purpose of access a warrant may be obtained.

Category 1 and 2 hazards

Hazards are identified as either Category 1 or Category 2 Hazards in accordance with the Housing Health and Safety Rating System Operating Guidance. The action taken in relation to the hazards will be the most appropriate, taking into account the score, whether there is a duty to act and both the actual and potential vulnerable occupiers.

To encourage consistency, officers will have regard to any “worked examples” provided by Local Government Regulation and the Housing Health and Safety Enforcement Guidance when considering the most appropriate course of action. Enforcement action must follow the principles of the Enforcement Concordat.

The Housing Act 2004 places authorities under a general duty to take appropriate action in relation to a category 1 hazard. The options available are:

- serve an improvement notice in accordance with section 11;
- make a prohibition order in accordance with section 20;
- serve a hazard awareness notice in accordance with section 28;
- take emergency remedial action under section 40 or make an emergency prohibition order under section 43;
- make a demolition order under section 265 of the Housing Act 1985 as amended;
- declare a clearance area by virtue of section 289 of the 1985 Act as amended.

Similar powers are available to deal with category 2 hazards. However, emergency measures cannot be used in respect of category 2 hazards, and authorities cannot make a demolition order, or declare a clearance area in response to a category 2 hazard.

In addition, prior to certain enforcement action the Council may be required to consult with Lincolnshire Fire and Rescue, or may need to make an application to the Residential Property Tribunal. In certain circumstances it may also be necessary to undertake a Neighbourhood Renewal Assessment as part of an options appraisal process.

The Council has a duty under part 1 of the Housing Act 2004 to take enforcement action where Category 1 hazards exist. Where the person in control of the property has not voluntarily taken action and commenced work to remedy the hazard(s) within an agreed timescale a statutory notice will usually be served.

Under Section 7 of the Housing Act 2004, local authorities have a power rather than a duty to take enforcement action in respect of Category 2 hazards. Where there are Category 2 hazards and Category 1 hazards present at the property action will normally be taken to remove or reduce all of the hazards to an acceptable level.

Charging for Enforcement Notices

As permitted by Section 49, the Council may and do make a charge for enforcement notices served under Part 1 of the Housing Act 2004. The charges will be reviewed and published annually.

Enforcement options

Where enforcement notices are not complied with or where there are serious breaches of legislation enforcement action can be carried out as follows;

- Simple Caution
- Prosecution

Other enforcement Options

There may be instances where other legislation may be more appropriate to achieve acceptable housing standards. Other legislation may include;

- Environmental Protection Act 1990
- Public Health Act 1936
- Prevention of Damage by Pests Act 1949
- Building Act 1984
- Town and Country Planning Act 1990

Immigration Inspections

In addition to enforcement inspections, the council is from time to time asked to inspect properties for immigration control purposes. The property will be assessed in accordance with the Housing Health and Safety Rating System and a report made to the relevant embassy or UK Border Agency. A charge is made for this service. The charge will be reviewed and published annually

Houses in Multiple Occupation

Inspections of Houses in Multiple Occupation (HMO) will be undertaken:

- When a new HMO is identified
- Following a complaint about standards
- Before issuing an HMO licence
- Periodically in accordance with a risk based inspection programme

Mandatory HMO licences will be valid for 5 years and will specify the number of occupiers and households. The occupancy number will depend on the size of rooms and the facilities available.

HMOs must meet certain standards to be licensed. These are set out in Schedule 4 of the Housing Act 2004. Additional local conditions have also been set and may be used where

appropriate. Where a property does not meet the statutory requirements a number of courses of action are available;

- Apply conditions to the HMO licence
- Reduce the length of the licence from 5 years and apply conditions to the granting of the licence
- Restrict the occupation of the property until conditions are met
- Refuse to grant the licence

Licence and renewal fees will be reviewed and published annually. The renewal fee is only applicable where the licence holder has submitted their application prior to the expiry of the licence and there are no changes in circumstances or to the property. Where the licence has expired or where there are changes to circumstances or the property the full licence fee is payable.

The licensee has a right to appeal to the Residential Property Tribunal against refusal to grant a licence, licensing conditions and the maximum number of occupiers or households specified on the licence.

Where breaches of licence conditions are reported an officer will normally inspect the property and take appropriate action. This may include variation or revocation of the licence.

Where a landlord fails to licence a HMO, the council may take a case to the Residential Property Tribunal. The Residential Property Tribunal may on conviction for failure to licence, make a Rent Repayment Order requiring up to 12 months rent to be repaid to the tenant or the Council where the tenant is in receipt of Housing Benefit.

Empty Homes – Policy Considerations

Introduction

The Government has identified returning empty homes back into use as a priority, and with the introduction of the New Homes Bonus there is financial reward equivalent to 6 years council tax at band D. This is earned either through new build properties or by returning empty homes back into use. However, if the number of empty homes increases this will cancel out any bonus payment for the same number of new builds. Through bringing empty homes back into use the council benefits firstly through the New Homes Bonus, and then from the council tax payable on the property. South Kesteven are currently working with CapacityGrid to ensure that any unclaimed New Homes Bonus is exploited.

Empty homes also represent a wasted housing resource and can also be unsightly for residents, and attract crime and antisocial behaviour which contributes to the decline of an area.

In South Kesteven there are currently 494 long term empty properties (over 6 months) Of these, 202 have been empty for over 2 years. Some of these properties can give cause for concern for residents due to overgrown gardens and neglect, others deteriorate from being empty for so long and become uninhabitable unless major work is carried out.

From April 2013 changes to the Council Tax discounts now mean that owners of properties which have been empty for more than 2 years will pay a charge of 150% of the liability.

There are currently 1596 people on the Council's housing register. As it is not possible to meet the demand for affordable housing within existing social stock and through new build it is essential to make the best use of existing properties.

The requirement for affordable housing is a focus of this policy and as such it is a condition of any financial assistance that the property must be bought back into use for the rental market and at an affordable rent for a period of 3 years.

Maximising the number of homes bought back into use is a feature of our Housing Strategy 2013-18. This document sets the vision for the future of the district within the corporate priority of creating the environment to support good housing for all. Priority 2 of the strategy is to improve housing standards across the district for all tenures. Within this context is the need to provide an increased supply of good quality private rented accommodation. One way of doing this is by ensuring that we maximise the number of empty properties bought back into use.

Why do properties become empty?

- The owner has passed away and the property is in probate
- The owner has moved into residential care
- A couple move in together leaving one home empty
- The owner is in prison
- A tenant has left and the property has not been re-let
- The owner has abandoned the property

Why do properties remain empty?

- Lack of funds for owner to bring property up to standard
- Lack of knowledge/skills needed to refurbish or manage the property
- Indifferent – maximisation of assets is not an issue to the owner
- Inheritance disputes
- Ownership disputes
- Purchased as a renovation project but unforeseen reasons have caused project to stall
- Owners do not wish to sell or rent due to sentimental reasons
- Reluctant to rent due to bad experiences
- Waiting for value to increase before selling and not wanting to rent in the meantime
- Obstructive owners who simply do not want to bring the property back into use

Considerations for the policy:

- Increase awareness of the empty homes issue with the public
- Improve links with other departments particularly planning, legal, housing strategy and council tax
- Increase the value of the empty homes grant
- Utilise funding from the New Homes Bonus to support empty homes initiatives
- Identify external funding streams for empty homes projects
- Ensure that new initiatives link to the provision of affordable housing where possible
- Provide options advice via an annual mail shot to owners of all empty properties (6 months or more)
- Encourage voluntary re-occupation of properties
- Ensure that the evidence base for any future enforcement action is strong
- Identify empty “right to buy” properties and consider re-purchasing
- Consider purchasing empty properties by agreement for re-sale/renovation
- Target enforcement action against the most prominent empty properties where the owner is untraceable or non co-operative
- Consider using enforced sale for prominent empty properties
- Consider the use of Empty Dwelling Management orders for prominent empty properties
- Establish partnerships with registered social landlords who may purchase/lease empty homes for renovation

Definitions

- HHSRS** Housing Health and Safety Rating System. A statutory risk based method of assessment used to identify and protect against potential risks and hazards to health and safety from any deficiencies identified in dwellings
- SAP Rating** The Governments 'Standard Assessment Procedure' for energy rating of dwellings
- EPC** An Energy Performance Certificate needed whenever a property is built, sold or rented. An EPC contains information about a property's energy use, typical energy costs and recommendations about how to reduce energy use and save money.
- Immigration Inspection** Undertaken following an application for residence in the UK. Necessary to ensure that accommodation has been secured which is free from Category 1 hazards.
- HMO** House in Multiple Occupation. A house which is occupied by three or more unrelated persons, who do not form a single household.