

Factsheet 6

What legal action can a council take with long-term empty homes?

Empty properties are a wasted housing resource and can also cause blight and nuisance to local communities.

Most people who own properties that are empty want to bring them back into use – we offer information, advice and assistance to the many people who ask for it.

However with accommodation in high demand in the region and rapidly growing numbers of people looking for homes to buy or rent the four West of England councils are all committed to taking legal action if a property remains empty for a long period. The following information details the legal action that can be taken.

Legal action to prevent an empty property causing nuisance to neighbours

There are a number of pieces of legislation that councils can use if the condition of an empty property begins to cause nuisance or danger to neighbours or its appearance begins to affect the neighbourhood generally.

Before any legal action is taken a council will attempt to resolve the problem by working with the owner to deal with the issue informally. If this is unsuccessful a council may resort to serving a legal notice requiring remedial work to be carried out. If this notice is not complied with a council can carry out the work charging the owner for the cost and registering it as a financial charge against the property if it is not paid.

Legal action to recover the costs of work done and the owner has not paid

(Enforced Sale procedures)

If a significant financial charge remains on a property without being paid off a council is able to use powers to recover the outstanding amount by selling the property - the money owed being taken out of the sale price. This is a lengthy legal process during which the owner will have a number of opportunities to settle the debt and avoid losing the property.

Legal action to take over management of an empty property

(Empty Dwelling Management Orders).

A council is able to take over the management of a property which has been empty for at least two years and where they believe there is no realistic chance of the property being brought back into use without their intervention. To do this the Council use Empty Dwelling Management Orders (EDMOs).

A council must apply to the First-tier Tribunal (Property Chamber) for authorisation to make an EDMO. Initially the Council will make an Interim EDMO which lasts for a 12 month period during which the owner has the opportunity to come to an arrangement with the Council for them to organise the letting of the property on the owner's behalf. If the owner does not take up this opportunity the Council will move on to making a Final EDMO, which lasts for a seven year period and which gives it wide ranging powers to do whatever is reasonably necessary to bring the property back into use. The Council will normally achieve this by carrying out any renovation works that are needed to bring the property into a lettable condition and then letting it to tenants, returning the property to the owner's control after the seven year period has elapsed.



Rent received from a property managed under an EDMO is used to pay the costs of both repair works and the Council's expenses in managing the property. Any money that remains after these costs have been paid will be passed on to the owner when the property returns to the owner's control after the seven year period has ended.

Legal action to take ownership of an empty property ([Compulsory Purchase Orders](#))

A council is able to use a [Compulsory Purchase Order \(CPO\)](#) to take ownership of empty residential properties where all other attempts to work with the owner to bring about re-use have failed. This power is available to all local authorities where there is high un-met housing need. In the four West of England council areas the need for more housing is acute and the councils are able to use this CPO power from time to time in cases of the longest-term empties.

Where significant attempts to work with the owner have failed the following process can take place:

- The council resolves to begin CPO action and will then make a Compulsory Purchase Order.
- The owner is given the opportunity to make a formal objection to this Order and if they do a Government Inspector will be asked to consider whether the Order should be confirmed or not, either by holding a Public Local Inquiry if the owner agrees, by inviting written representations. In either case the owner has the opportunity to put forward a case for the order not to be confirmed.
- If the Order is confirmed then the owner has a right of appeal to the courts if they think that the proper procedure has not been followed. If there is no successful appeal the Council may proceed on to the final legal stage of taking ownership.
- The owner is able to claim compensation for the value of the property calculated at the point that it changed ownership. A council has three years from the date of a confirmed Order to implement the vesting process.

The CPO process is a lengthy one, normally taking well over a year from beginning to end. At any point the owner has the opportunity to avoid losing the property by taking their own action to bring about re-occupation. However if they take no effective action in this way then a confirmed Compulsory Purchase Order will inevitably lead to the property changing ownership.

Other factsheets available:

Factsheet 1: What shall I do with my property now no one is living there?

Factsheet 2: Letting your house or flat.

Factsheet 3: Keeping your house safe from crime and damage while it's unoccupied

Factsheet 4: VAT, Planning Control and Building Regulations

Factsheet 5: The costs and risks of owning an empty home

There's lots of information at www.no-use-emptywest.co.uk

You can talk to someone for advice by calling your local authority in the area you live:

Bath and North East Somerset:
01225 396411

Bristol: 0117 352 5010

North Somerset: 01934 426885

South Gloucestershire: 01454 865 565

