

# ADVICE

## For Owners of Empty Homes In

## MERTHYR TYDFIL

Coordinated by:

**Melissa Clee,**  
**Public Health Department**  
**Merthyr Tydfil County Borough Council,**  
(01685 725411)

**Disclaimer**

Whilst, at the time of writing, every effort has been made to ensure the accuracy and validity of the information contained within this advice document, **persons are advised to contact relevant organisations and bodies to ensure that the information remains accurate.** No liability will be assumed for any errors or omissions in the contents of the document.

## **Introduction**

Over the past decade the issue of empty properties has gained prominence at both a national and local level.

Empty Homes represent waste, financial expense and missed opportunity. They deny homes to those in housing need, which is a particular concern in today's economic climate. They can blight communities, attract vandals and squatters and tie up the resources of local authorities and the emergency services. Bringing empty homes back into use is a sustainable way to meet future housing demand and helps to alleviate pressure to develop greenfield sites. Living next to an empty property can devalue a home by up to 10%. The Empty Homes Agency estimates that if just 2% of the empty private sector homes were brought back into use, the revenue would exceed £50 million per year. This is a tremendous wasted resource for individual owners and society as a whole.

As at 1<sup>st</sup> April 2024 there were 539 long term vacant properties in Merthyr Tydfil; these are empty dwellings that have been vacant for longer than 6 months.

In order to assist owners this information pack has been produced. It contains advice on the various options available to owners to bring their properties back into use such as: -

- Selling Your Property, including Merthyr Tydfil's Empty Properties into Homes Initiative
- Letting / Renting Your Property
- Refurbishment
- Legal enforcement procedures applicable to Empty Properties.
- Useful Contact Details

# **Selling your Property**

## **Options Available**

### **Merthyr Tydfil's Selling Empty Houses Initiative**

A number of local developers have advised us that they would be keen to buy vacant dwellings and renovate them with a view to letting them to local people. So if you have a vacant property you wish to sell and we have your permission we will pass your details to such developers so that you may discuss a potential sale. A number of properties have been brought back into use by this method.

We will not advertise the details of you or your property – we will only pass on your details where you wish us to do so. The Council will have no role in enabling the sale of vacant dwellings – our role is to facilitate introductions between sellers and potential buyers through making details of vacant dwellings more readily available.

## **Estate Agents**

You may wish to sell your property privately yourself or through an estate agent.

For Local estate agents you may also wish to consult local or web directories.

## **Auctions**

You may also want to consider selling your home by auction. Prospective buyers make bids for the property on the auction day, and the successful (highest) bidder must go through with the purchase within a specified number of days. This can be an effective way to dispose of property that is difficult to sell and often results in a good price being achieved for dilapidated properties.

If you would be interested in selling your property by this method, below is a list of Auctioneers who may be able to help you.

This is not an exclusive list and you may also wish to consult local or web directories or the Royal Institution of Chartered Surveyors (RICS) (see below) for details of other auctioneers running auctions in your area.

### **Peter Alan Auctions**

52 High Street, Cowbridge, CF71 7AH  
Tel: 0800 905 905

Website: [www.peteralan.co.uk](http://www.peteralan.co.uk)

We have negotiated preferential rates with Peter Alan Auctions for our empty property owners; if you would like further information please do not hesitate to contact us on 01685 725411 to discuss.

**Astley Samuel Leader**

49 Mansel Street, Swansea, West Glamorgan SA1 5TB

Tel: 01792 655891

Fax: 01792 476926

Email: [enquiries@astleys.net](mailto:enquiries@astleys.net)

Website: [www.astleysamuelleeder.co.uk](http://www.astleysamuelleeder.co.uk)

Frequent sales of mainly property from West Glamorgan but they give no details of dates, lots etc on their website.

**Darlows** 6-8 North Street, Newport, Gwent NP20 1JZ

Tel: 01633 225798

Fax: 01633 225777

Catalogue Request Line: 09062 655000 (Calls cost £1 per minute)

Email: [auctions@tmxdarlows.com](mailto:auctions@tmxdarlows.com)

Website: [www.darlows.co.uk/auctions/](http://www.darlows.co.uk/auctions/)

You can download the catalogue as PDF. Also gives future dates.

**Dawsons** 11 Walter Road, Swansea, West Glamorgan SA1 5NF

Tel No 01792 646060

Fax No 01792 643974

Email: [sw@dawsonsproperty.co.uk](mailto:sw@dawsonsproperty.co.uk)

Website: [www.dawsonsproperty.co.uk](http://www.dawsonsproperty.co.uk)

Holds frequent sales. No information about the auctions currently on the website.

**Halifax** National Auction Division: 0115 982 9740

Auctions Catalogue telephone 0906 753 0166 (all calls charged at 75p per minute)

Website: [www.halifax.co.uk/home/](http://www.halifax.co.uk/home/)

Direct Link: [www.halifax.co.uk/estateagency/propertyauctions.shtml](http://www.halifax.co.uk/estateagency/propertyauctions.shtml)

Holds auctions round the country including Wales & Scotland. See properties online, along with amendments, previous results, forthcoming dates and venue details. You can also subscribe if you want all the catalogues covering the next 12 months.

**Paul Fosh Auctions**

87 Church Road, Newport, Gwent NP19 7EH

Tel: 01633 254044

Fax 01633 254045

Email: [enquiries@paulfoshauctions.co.uk](mailto:enquiries@paulfoshauctions.co.uk)

Website: [www.paulfoshauctions.co.uk](http://www.paulfoshauctions.co.uk)

You can request a catalogue by phone or by filling in the online form. Current lot details can be viewed as individual PDFs. Previous results are also available.

**Seel & Co**

The Crown House, Wyndham Crescent, Cardiff, South Glamorgan

Tel 029 2037 0100

Fax 029 2037 0121

Website: [www.rhseel.co.uk](http://www.rhseel.co.uk)

You can view current lot details and past results online.

# Letting/Renting Your Property

## **Options Available**

### **Acting as Landlord Yourself**

You may wish to let your property with yourself acting as landlord. Landlords have many legal responsibilities but the letting process itself is now much less complex since the introduction of Assured Shorthold Tenancies.

When letting a property the steps you need to follow are:

- Consider the different types of tenancy available
- Choose an appropriate tenancy type
- Decide on the terms of the tenancy
- Find and choose a tenant
- Set out the terms of the tenancy clearly

### **Thinking of Renting your Property??**

This quick guide can provide some basic advice on becoming a landlord and help point you in the right direction, however by no means does it cover everything that you need to know.

If you require any further advice or information on becoming a landlord you should contact the following: -

Merthyr Tydfil's Environmental Protection and Housing Enforcement team can provide information in respect of legal obligations in the maintenance and repair of tenanted properties. Tel No 01685 725000.

Your solicitor or a professional residential letting agent can provide independent legal advice.

The Association of Residential Letting Agents can also provide information on letting (contact details below).

### **The Landlords Forum**

The Landlord Forum is an excellent way to keep informed of topical issues affecting landlords within our area. It provides an opportunity for Landlords and others who have an interest in the private rented sector to meet and network together. Information and presentations are provided by guest speakers with knowledge and experience of the private rented sector.

### **What do I need to provide?**

Anyone who decides to let their property should ensure the following:

- The property is clean and tidy

- The kitchen is of reasonable standard with safe facilities for storing and preparing food
- It should have an electricity supply. You must ensure that the installation and any electrical appliances you provide are safe to reduce the risk of fire and electrocution. Electrical installations should be inspected and tested at least every five years and appliances more frequently dependent on their type. For details on how to find a registered electrician visit: [www.esc.org.uk](http://www.esc.org.uk).
- All gas appliances must be checked by a registered Gas Safe Engineer and you must give your tenants a copy of the landlord certificate.
- All properties up for sale or to let must have an Energy Performance Certificate (EPC) and this must be shown to prospective tenants. A copy must be given to anybody who takes up the tenancy. EPC's usually cost between £60 and £100. If you let your property without an EPC, the Council's Trading Standards may issue you with a £200 fine.

### **Avoid the Pitfalls of Private Renting**

1. **Speak to your mortgage lender** – you could be in breach of your mortgage agreement if you rent out your property without getting consent from your mortgage lender.
2. **Finding a tenant** – Any advertisements should clearly state the type of tenancy you are prepared to grant, the exact amount of rent you intend to charge and what that covers (e.g. is it inclusive of bills such as water rates and heating etc), whether or not the property is furnished, the size of the accommodation (how many bedrooms, is there a garden etc), if any facilities are to be shared and whether or not you will accept pets. It may also be useful to give information about the location e.g. details of local amenities and access to transport links etc.
3. **Get References for potential tenants** – You should be cautious when choosing a tenant. It is advised that you interview any prospective tenants yourself and take up any references they provide. Referees are normally previous landlords, the tenant's employer, or the tenant's bank. However, under no circumstances should you make your choice of tenant based on race, religion, sex, age or disability. This will be construed as discrimination and could result in prosecution.
4. **Prepare a formal tenancy agreement** – All tenants are required to be provided with a secure contract or a standard contract as set out in the Renting Homes (Wales) Act 2016.

5. **The Tenancy Deposit Scheme** – this came into force on the 6th April 2007. When a landlord or letting agent takes a deposit from a tenant, the deposit must be protected in a government-authorised tenancy deposit scheme. This new rule applies if the tenancy is an assured shorthold tenancy.

At the beginning of a new tenancy agreement, the tenant pays their deposit to their landlord or agent as usual. The landlord or agent must then ensure it is protected.

Landlords and agents must protect deposits through one of the three tenancy deposit protection schemes:

My Deposits ([www.mydeposits.co.uk](http://www.mydeposits.co.uk))

The Deposit Protection Service ([www.depositprotection.com](http://www.depositprotection.com))

The Dispute Service ([www.thedisputeservice.co.uk](http://www.thedisputeservice.co.uk))

If you do not follow the rules, you may be ordered by the Courts to pay the tenant three times their original deposit, plus the deposit itself in compensation. You may also lose the right to regain possession of the property.

Tenants have a responsibility to return the property in the same condition they took it on. At the end of tenancy the condition and contents of the property should be checked against the agreement made at the start of the tenancy. The landlord or agent then agrees with the tenant how much of the deposit will be returned to them.

Within 10 days the agreed amount of the deposit will be returned to the tenant.

6. **Find out whether you need a property licence.** As you may or may not be aware, the Housing Act 2004 has introduced mandatory licensing for Houses in Multiple Occupation (HMO) and a new definition for HMOs. Under the new Act, a property is regarded as a HMO if it is occupied by persons not forming a single household, with two or more households sharing one or more basic amenities. And now, any HMO of three or more storeys with 5 or more people who share amenities will be subject to mandatory licensing. If your property meets the requirements of a HMO and mandatory licensing, please contact this department for further information and for an application pack. Fines of up to £20,000 can be incurred for failing to apply for a Licence while renting a licensable property.
7. **Minimise the risk from fire** – as a landlord you are responsible for fire safety measures in your property. You must ensure that a suitable fire detection and alarm system has been fitted, the type of system will depend on the structure and type of property – the



housing enforcement team can advise you of the exact requirements for your property. You must also ensure that there is a safe means of escape from the property in the event of a fire

8. **Ensure your property presents no risk to your tenants' health and safety.** Before the start of the tenancy, carry out an inspection of your property and look for any obvious hazards. The accommodation must be in good repair, well-maintained, and capable of being effectively heated. Any identified hazards must be promptly dealt with.
9. **Don't find yourself in Court.** Being a landlord comes with huge responsibilities and you will need expert advice. There are a number of associations available to provide such information, such as National Landlords Association ([www.landlords.org.uk](http://www.landlords.org.uk)), the Residential Landlords Association ([www.rla.org.uk](http://www.rla.org.uk)) and the British Property Federation ([www.bpf.org.uk](http://www.bpf.org.uk)).

Source – LACORS; Thinking about renting out your home?

If you don't want to take on the management of the property yourself, you may want to consider using a reputable letting or managing agent.

### **Merthyr Tydfil County Borough Council's Leasing Scheme**

**Leasing Scheme Wales (LSW)** is a leasing scheme funded by Welsh Government and managed by local authorities. The scheme provides you with the opportunity to lease your property to their local authority for hassle free guaranteed monthly rental income.

Benefits for property owners:

- Hassle free guaranteed rental income for the length of the lease (at the relevant Local Housing Allowance rate) – meaning no rent arrears and no voids.
- Grants to bring the property up to rental standard.
- Property inspections, repairs and maintenance covered (subject to reasonable wear and tear.
- Full management of the property and tenant for the lifetime of the lease.

If you are interested in this scheme, please get in touch with your expert local team of housing advisors on 01685 725000 or Email: [HousingGateway@merthyr.gov.uk](mailto:HousingGateway@merthyr.gov.uk).

### **Private Rental Agency**

You may wish to let your property through a private rental agency. If so, you might be interested in The National Approved Letting Scheme (NALS).

Letting agents who have signed up to the NALS scheme must provide professional standards of service to both landlord and tenant.

NALS-approved agents will: advise you on rent levels and insurance; find tenants and check references; collect rent and hold the money in a separate client account; provide a monthly statement; arrange utilities safety checks; transfer bills into the tenant's name; arrange routine maintenance work; arrange regular inspections of the property; and deal with all legal and administrative paperwork between tenant and landlord.

Fees vary from agency to agency. As landlord you would be responsible for insuring the building and major repairs and maintenance.

NALS is supported by the Association of Residential Letting Agents (ARLA), the National Association of Estate Agents (NAEA) and the Royal Institution of Chartered Surveyors (RICS) who all operate similar schemes to ensure high professional standards for lettings agents. It is in your interests to ensure that the agent you use belongs to one of these schemes.

Useful contact details: -

The National Approved Letting Scheme - <http://www.nalscheme.co.uk/>

The Association of Residential Letting Agents - <http://www.arla.co.uk/>

The National Association of Estate Agents - <http://www.naea.co.uk/>

The Royal Institution of Chartered Surveyors <http://www.rics.org/default>

## **Useful Information relating to Private Lettings**

### **Renting in Wales**

Recent legislative changes in Wales have seen the introduction of two new pieces of housing legislation that will govern and change the way homes are rented in Wales. They are:

The Housing (Wales) Act 2014  
The Renting Homes (Wales) Act 2016

#### **The Housing (Wales) Act 2014**

This piece of legislation received royal assent on 17<sup>th</sup> September 2014.

The key elements of the act are:

- Introduction of a compulsory registration and licensing scheme for private rented sector landlords and letting and management agents, which will be delivered by Rent Smart Wales.
- Reform of homelessness law, including placing a stronger duty on local authorities to prevent homelessness and allowing them to use suitable accommodation in the private sector
- placing a duty on local authorities to provide sites for Gypsies and Travellers where a need has been identified
- introduction of standards for local authorities on rents, service charges and quality of accommodation
- reform of the Housing Revenue Account Subsidy system
- giving local authorities the power to charge more than the standard rate of council tax on long-term empty properties and certain types of second homes
- assisting the provision of housing by Co-operative Housing Associations, and
- amendment of the Leasehold Reform, Housing and Urban Development Act 1993.

### **Rent Smart Wales**

The main change for landlords is the registration and licensing scheme. The new Housing Act places new legal obligation on landlords who have rental property in Wales.

**Landlord Registration** – Any landlord who has a rental property in Wales is required to register. Depending on how a property is owned will determine

who needs to register it. All registrations are done with Rent Smart Wales and a fee must be paid.

**Landlord Licensing** – Landlords who are not involved in setting up tenancies and managing their rental properties do not need a licence; however they must use a licensed agent and register as a landlord declaring their agent on the registration. Landlords who do undertake letting and management tasks at their rental properties in Wales are required to apply for a licence. Such landlords are often described as self-managing.

In order to obtain a licence, the landlord is required to undertake suitable landlord training and complete a ‘fit and proper’ person declaration. A licensing fee is also applicable and a licence lasts for 5 years. There is a requirement for the licensed landlord to keep their information up to date and to also comply with the conditions of the licence, this is to ensure a consistent standard of letting and management practice in Wales.

If a licence holder fails to comply with any condition of their licence or is no longer ‘fit and proper’ their licence can be revoked. This is a serious action as it would mean a landlord could no longer control the letting and management activities at their rental properties. Instead they would have to instruct a licensed agent to do the work on their behalf.

Please visit [www.rentsmart.gov.wales](http://www.rentsmart.gov.wales) for further information

### **The Renting Homes (Wales) Act 2016**

This piece of legislation received royal assent on 18th January 2016.

In the UK all residential tenancies let by non-resident private landlords have been governed by the Housing Act 1988. There are two main types of tenancy: ‘Assured Shorthold Tenancies’ and ‘Assured Tenancies’. However this new legislation will change the way in which homes are let in Wales.

The main changes in the Act are the new ‘occupation contracts’. With a limited number of exceptions, the act replaces all current tenancies and licences with just two types of occupation contract:

- Secure contract – modelled on the current secure tenancy issued by Local Authorities
- Standard contract – modelled on the current assured shorthold tenancy used mainly in the private sector.

Once implemented, the Act will require landlords to issue a written statement of the occupation contract which clearly sets out the rights and responsibilities of landlords and those renting from them. To help landlords comply with this requirement, the Welsh Government will provide free model contracts.

A minimum six-month occupation period will be maintained by the Act and landlords will have to ensure the property is fit for human habitation and that the structure and exterior of the dwelling are kept in repair and that the service installations are in proper working order. The Act will also help protect people from being evicted simply for complaining about the condition of a property.

People who find themselves in difficult circumstances will also benefit from the Act. It will help to prevent current homelessness situations where a joint tenant leaves the tenancy, thereby ending the tenancy for everyone else. The new approach to joint contracts will also help victims of domestic abuse by enabling the person carrying out domestic abuse to be targeted for eviction.

Inequalities in how someone can succeed to a tenancy are also addressed, with a new succession right for carers created.

The Act will enable landlords to repossess an abandoned property without needing a court order, enabling the property to be re-let more quickly, which is in everyone's interest.

## **Refurbishment**

If your property is currently in a poor state of repair there are a number of ways in which you can arrange financial help to fund any repair work that is necessary.

### **Empty Homes All Wales Grant Scheme**

Grants of up to £25,000 are available to renovate empty properties to make them safe to live in and improve their energy efficiency.

The grant is available in instalments as the work is undertaken. A minimum 15% contribution is required from the applicant.

#### **Eligibility**

Anyone can apply for a grant however, in order to qualify:

- The home must currently be registered with the authority's Council Tax Department as empty (unoccupied and unfurnished) and have been so for a minimum 12-month period at the date of application.
- The property must be owned, or in the process of being purchased, by the applicant at the time of application; and
- If successful, the applicant must live in the property for a minimum of 5 years post completion of the works as their main and only residence.

In order to apply please visit <https://www.gov.wales/apply-empty-homes-grant> or alternatively please contact:

Rhondda Cynon Taff County Borough Council

Telephone: 01443 494712

Email: [EmptyHomesGrant@rctcbc.gov.uk](mailto:EmptyHomesGrant@rctcbc.gov.uk)

### **Houses into Homes Interest Free Loans**

The Welsh Government launched the three year Houses into Homes scheme in April 2012 to help tackle the 23,000 empty homes in Wales. The scheme is supported by a £20million recyclable loan fund which provides loans to bring empty houses or commercial buildings back into use as homes for sale or rent. The loans are interest free and are available to individuals, charities, companies and businesses. A maximum loan of £25K is available per property and this has to be paid back within two or three years, depending on whether the property is sold or let.

If you are interested please contact Melissa Clee on 01685 725000.

### **Private Finance**

You could raise finance privately through equity release and re-mortgaging the property.

Alternatively, unsecured loans are useful for borrowing smaller amounts of money for smaller scale repairs. Such loans are assessed against your credit rating and although interest rates are higher the borrower is not expected to provide security. The amount of money you can borrow will obviously

depend on your income and expenditure and the value of the property. Remember to consider the likely income you will get when the property is let. In addition, the repayment of some loans can be deferred until the refurbishment works are completed. Nevertheless, you should **always read the terms and conditions of the loan** before going ahead with it. If you fail to keep up the repayments on a re-mortgage or any other type of secured loan then you are at risk of losing your property. The lender can obtain possession of your property and then sell it to recover the loan if you default on your repayments.

### **Tax Relief/Reductions**

The 2001 Budget introduced several enabling measures aimed at encouraging empty properties back into use. These include: -

- i. 100% Flat Conversion Allowance to provide up front tax relief for capital spending on the conversion or renovation of vacant or underused space above premise to provide flats for rent.
- ii. Reduction in the rate of VAT to 5% for the cost of converting residential properties into a different number of dwellings.
- iii. Adjustment to zero VAT to provide relief for the sale of renovated houses, which have been empty for 10 years or more.
- iv. Reduction of VAT to 5% on the costs of renovating homes, which have been empty for three years or more.
- v. An extension of the reduced rate of VAT to cover the conversion costs of residential communal homes, such as care homes, and into multiple dwellings.

### **Planning Permission**

In general terms, the Planning Department controls the appearance of buildings, their effect on the general environment and neighbouring properties and the correct use applied to the land.

Development is governed by two separate pieces of legislation and Planning Permission should not be confused with Building Regulations Approval (discussed below).

If you are changing the use of your property (e.g. you may be converting a house into flats, or converting it into a shop) you will need planning permission. You will also need planning permission if you plan on undertaking any major building works such as an extension, a loft conversion, or erecting a new structure within the grounds of the property. Further restrictions may apply if your property is in a conservation area or if it is a listed building.

Some extensions and other works can be carried out to residential dwelling houses without the need for planning permission. In order to gain advice on whether or not planning permission is likely to be required, and an informal opinion on whether or not planning permission is likely to be granted, prospective developers are advised to write in to the Planning Department (address below) with full details and dimensions of the proposed works, plus details of any existing extensions and the current use of the building.

## **Building Control**

Building Regulations are national standards that apply to all types of buildings, from major new developments to an extension or alterations to your home. They cover all aspects of construction, including foundations, damp-proofing, and the overall stability of the building, insulation, ventilation, heating, fire protection and means of escape in case of fire. They also ensure that adequate facilities for people with disabilities are provided in certain types of building.

In general, most building work needs formal approval and includes the:

- Erection of a new building or re-erection of an existing building
- Extension of a building
- Material alteration of a building
- Material change of use of a building
- Installation, alteration or extension of a controlled service or fitting to a building.

Typical Examples of Work Needing a Submission Includes:

- Home extensions such as for a kitchen, bedroom, lounge
- Loft conversions
- Internal structural alterations, such as the removal of a load-bearing wall or partition, installation of baths and showers, WCs which involve new drainage or waste plumbing
- Installation of new Heating appliances other than electric
- New chimneys or flues
- Underpinning of foundations
- Altered openings for new windows in roofs or walls
- Replacing roof coverings unless exactly 'like for like' repair
- Installation of cavity insulation
- Erection of new buildings that are not exempt
- Access improvements for disabled people

## **Energy Efficiency**

One topic that seems to be at the top of most people's agenda is energy efficiency. Excessive energy consumption is not only detrimental to the purse strings of home owners, landlords and tenants, but it is having a major impact on the environment.

There are grants available that could help you, your friends and family save energy, money and the environment, whilst also making homes feel more comfortable during the colder months.

There may be grants available for:

- Cavity wall insulation
- Loft insulation
- Central heating



- Draught-proofing
- Hot water tank
- Insulation
- And more

If you are a Home Owner or Private Sector Tenant and would like advice regarding Energy Efficiency in the home, or would like to know whether you are eligible to access any grants for energy efficiency measures, please contact any of the following:

1. South East Wales Energy Advice Centre on 0800 512012
2. HEES Wales (Welsh Assembly Government funded initiative) administered by EAGA Partnership Wales 0800 316 2815
3. Or alternatively you can contact your energy supplier directly who will advise on grants offered, criteria and energy advice.

If you are not eligible for a grant, often there are reduced rates to install energy efficiency improvements. Some improvements can pay for themselves within a year!

### **Further Information**

If you require further assistance please do not hesitate to contact:

South East Wales Energy Agency,

Clarence House,

Clarence

Newport, NP19 7AA

Tel 01633 216009

Email [HHESEWENERGY.org.uk](mailto:HHESEWENERGY.org.uk)

Web [www.SEWENERGY.org.uk](http://www.SEWENERGY.org.uk)

### **Choosing a Builder**

The process of choosing a builder must be undertaken with care to help ensure that your project is carried out in a professional manner. You may have employed an architect, surveyor or agent to guide you and their assistance may also be advisable during the construction phase to check the work as it proceeds. If you decide against this approach try to get advice from a person in the construction industry that you know and trust.

Always get at least three written quotations and have them checked to see that all work is included. Don't automatically choose the lowest quote.

Ask the builder questions such as:

Where they have worked before?

Are they happy for you to see their previous work?

Are they used to the type of work you propose?

Can they supply references from recent clients?

How do they want to be paid, on completion or in stages?

Are they happy to accept that you will hold a retention payment?

Will they give you a final completion date?

Will they accept a penalty clause if not completed on time?

Will they agree to independent arbitration should there be any dispute?

Useful contacts: -

With regards to building contracts - [www.buildingcontract.co.uk](http://www.buildingcontract.co.uk)

Chartered Institute of Building – [www.ciob.org.uk](http://www.ciob.org.uk)

## **Enforcement Procedures**

As you can see from the above there are a wide range of different kinds of help available to bring empty homes back into use and whatever you decide to do with your empty home, bringing it back into use is always to your advantage.

Invariably empty properties are neglected and in disrepair and in this time of economic crisis, leaving properties vacant is criminal. Properties that are left empty for no good reason can therefore be subject to a number of enforcement options that require owners to take action to repair renovate or remove problem buildings. Many enforcement options allow the Council to act and do necessary works where an owner fails in their duties. The costs of doing this are recoverable. These enforcement procedures include statutory notices, management orders, enforced sale and compulsory purchase orders.

The main options include: -

**Building Act 1984, Section 59** – The Council may take action to require the owner or person having control of such building to improve the appearance of the building or demolish it and clear the site. This The provision only addresses the external appearance of the building. This legislation does not address the internal condition of the building and may therefore be of limited benefit to the overall regeneration and reuse of a building. If the building is demolished in default and the resultant site is of value to the community e.g. Registered Social Landlords then the Council would consider usage of its enforced sale procedure.

**Town and Country Planning Act 1990, Section 215** – Power to require proper maintenance of land, if it appears that the area is adversely affected by its condition.

**Law of Property Act 1925, Section 103** – All Councils have the power to force the sale of a property where money is owed to the Council, for example as a result of remedial works undertaken in default. If Rhondda Cynon Taf carries out substantial works due to inaction on the part of the owner, we will seek to recover the costs by forcing the sale of the property and recovering our costs.

**Housing Act 2004** – Empty Homes Management Orders will allow LA's to purchase a compulsory lease on a long term empty property as a last resort against uncooperative property owners. The rental income will repay Council costs. At the end of the lease the habitable property will be handed back to the owner. This procedure would only be practical in areas of housing need. If an owner refuses to bring a property back into use and the property is having a degenerative effect on the area the Council has powers to

compulsory purchase. This procedure may be considered where the Council identifies a future purpose for the building.

**Building Act 1984, Sections 77-78** – Demolition orders can be made on houses that are not suitable for habitation. Where a number of poor houses are identified in one area the Council has powers to clear a number at once. These powers can be used for empty houses 5 Buildings that are in a dangerous condition and pose a risk to public safety will be acted on. Action may be taken either to require the owner to make a structure safe or if it is considered that the risk is immediate, the Authority may exercise emergency powers to remove the hazard.

**Local Government (Miscellaneous Provisions) Act 1982, Section 29** – A building or structure that has become unsecured may also present a risk to public safety. Persons may be in danger if they enter the site and adjoining buildings may be at increased risk of arson. The Authority may therefore take action to require the owner to secure the building within 48 hours .If the risk is considered significant the Authority may act immediately.

**Prevention of Damage by Pests 1949, Section 4** – If private land contains an accumulation of rubbish and /or rubble and/or vegetative overgrowth, which is liable to provide harbourage to rodents the Authority, is obliged to require the land owner to remove it.

**Environmental Protection Act 1990, Section 33** – If evidence is obtained to identify the persons responsible for fly tipping of waste, they will be pursued and prosecution proceedings initiated where it is deemed appropriate.

**The Listed Buildings and Conservation Area Act 1990** – Empty properties often attract fly posting of advertisements or graffiti, which create an eyesore. People who affix such items are committing an offence and may be liable to a fixed penalty fine or prosecution. Action in general cannot be taken against the owner of a building targeted by fly posting or graffiti, unless it can be proved that they had knowledge or gave implied consent to the perpetrator. There is a varying legislation available to enforce this provision and Public Health and Protection, Planning and Cleansing each have a role. Notwithstanding the above the Authority will take immediate action to remove any racial or offensive graffiti or posters. Provisions to deal with listed buildings include the power to compulsory purchase a property; serve repair notices or notices requiring urgent works. The Act allows the Council to recover its costs in respect of any works that it undertakes in default.

**Housing Act 2004 and the HHSRS (Housing Health and Safety Rating System** - The Housing Act 2004 introduces a new range of enforcement powers to deal with hazards that are identified within occupied dwellings.

The new assessment method focuses on 29 hazards such as such as that are present in occupied housing.

Hazards include:- Damp and Mould Growth; Excess Cold; Asbestos; Carbon Monoxide; Entry by Intruders; Structural Collapse and Falling Elements; Collision and Entrapment; Personal Hygiene Sanitation and Drainage; Falls associated with Stairs and Steps; and Domestic Hygiene Pests and Refuse.

In determining the most appropriate course of action to eliminate or minimize these hazards, the Housing Team of Public Health and Protection must have regard to the likely of the hazard causing harm and what type of harm would likely arise as a consequence of the hazard.

Where hazards are identified in a property, scores are assigned to the hazards based on the risk they present to the potential occupant. Scores in excess of 1000 points will render a hazard **category 1** requiring mandatory action. Scores below 1000 will render a hazard **category 2** where action is discretionary.

We will seek to reduce the number of homes in the district that pose a risk to the health and safety of the occupants and will take enforcement action where necessary and appropriate in accordance with the Council's Enforcement Policy.

Possible legal remedies could include:-

- Improvement notice
- Prohibition order
- Hazard awareness notice
- Emergency remedial action\*
- Emergency prohibition order\*
- Demolition order\*
- Clearance area\*

(\* Not available where a property exhibits category 2 hazards only)