

To update Members on the Activities of the Private Sector Housing Team

Outcomes 2018/19

- 22 empty homes brought back into use
- 54 complaints investigated
- 23 HMO's Licensed
- 19 Disabled Facilities Grants Approved
- 3 Healthy Homes Loans Approved
- Emergency Prohibition Order served on an unstable property.

Background

Private sector Housing is all accommodation which is not owned by the Council. This includes owner occupation, Social housing and privately rented accommodation. The last full private sector house condition survey was carried out in 2006 with a desk top modelled update being carried out in 2012. Every Local Authority is required to publish every 5 years a Private Sector Housing Renewal Policy which sets out what the Council's priorities and actions are going to be to tackle issues in the private sector.

The private rented sector is the tenure where most issues will be found, such as disrepair and cold and damp and is most likely to be occupied by vulnerable persons. ONS data estimates for 2017 indicate the private rented sector in Stroud to be 16.5% of the housing stock. Affordable warmth is an issue in all tenures but again is most likely to be found in the private rented sector. With rising house prices this is a rapidly increasing sector and where as it was once the housing option mainly for single persons, it is now often the only housing option for families as well.

SDC's private sector housing renewal policy was updated in 2018 to reflect this change and now prioritises the private rented sector.

The private sector housing team is part of Environmental Health and is referred to as Housing Renewal. The team consists of a team manager, 2 Principal Environmental Health Officers and 1.5 Private Sector Housing Officers.

All members of the team deal with the full range of private sector functions which includes; responding to complaints from private sector tenants, giving advice to private sector landlords, Disabled Facilities Grants, Healthy Homes loans, Mandatory HMO licensing, caravan site licensing and dealing with statutory nuisance complaints.

Each member of the team takes responsibility for an area of specialism, to ensure that procedures and policies are kept up to date and that other team members are also up to date. The areas of specialism are; empty homes, Houses in Multiple Occupation, Mobile Homes, Landlord and tenant liaison.

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Housing Enforcement

There are a number of pieces of legislation which can be applied to privately rented accommodation to make sure that it is safe, secure and warm. The main provisions are to be found in the Housing Act 2004 where by a LA can serve a formal notice on a landlord to carry out repairs required to remove Category 1 Hazards to the health of the occupants, or prohibit the use of the accommodation. The Housing and Planning Act 2016 introduced a system of substantial Fixed Penalty Fines which LA's can apply to landlords failing to meet their obligations.

Stroud is an area where there is a very high demand for private rented accommodation and very little accommodation available especially for those on low incomes. The LHA level rent is generally significantly below the market rent and it is estimated that only 10% of the properties are available at an affordable level to those in receipt of benefits.

The term 'Rogue Landlord' has been developed for those who are actively involved in criminal activity within the private rented sector. This is a problem which is largely limited to big cities. In general in Stroud we do not have a problem with rogue landlords; the majority of our private sector landlords are either ignorant of their responsibilities or lax in meeting their obligations.

The team therefore take an informal approach when investigating complaints and try to work with the landlord to ensure property is brought up to standard. Formal action is only the last resort when a landlord has failed to respond to the advice and assistance offered. Given the difficulty in finding affordable accommodation, there is a genuine fear amongst tenants that if they make a complaint they will be evicted. This remains a threat even though the Government introduced legislation in 2015 against retaliatory eviction as it only secures the tenants occupation for 6 months following the investigation of their complaint.

That said the team have in the last part of 18/19 identified and dealt with a 'Rogue Landlord', a 'bed in Shed' complaint and a landlord allowing a dwelling unit to deteriorate so as to force a protected tenant to leave.

Where there are concerns the team will work with other agencies such as; Fire Officers, police and Border agency and have taken part in several joint 'raids' this year.

The Minimum Energy Efficiency Standards Regulations (MEES) came into force on the 1st April 2018 where by a landlord cannot let a new tenancy to a property with a minimum EPC rating of E, it will apply to all tenancies from 1st April 2020.

The team are working with the Warm & Well partnership where privately rented properties have been identified that could benefit from the assistance they offer but the landlord is refusing to allow any improvement works to be undertaken.

Licensing of Houses in Multiple Occupation (HMO)

An HMO is a property which was originally built as a single occupation unit but has been divided so that 2 or more households are now occupying and sharing facilities. The Housing Act 2004 introduced a system of Mandatory Licensing for higher risk HMO's those occupied by 5 or more persons and being 3 or more storeys high. A licence fee can be charged on a cost recovery basis, the current Licence fee being £830 for a 5 year licence. Under these criteria 19 properties were identified and licensed. In October 2018 the 3 storey criteria was removed.

All data currently available to the team, including Council Tax, Electoral Registration and Housing Benefit was analysed to try to estimate the number of properties which may now fall under the new definition. This has been estimated to be around 150 but exactly where they all are we are not able to identify. The response to a publicity campaign which included writing to all property agents, know landlords and a press release was disappointing.

94 specific properties that could be licensable HMO's were identified and the team are now carrying out evening visits to these properties. To date 33 have been visited of which 24 were identified as HMO's and of which 5 were unlicensed.

Empty Homes

Empty properties are a wasted resource both for the community and the owner - they reduce the supply of housing and represent a loss of income for the owner. They are often an eyesore that can blight an area, can attract antisocial behaviour, cause concern to neighbours and the local community and affect the value of surrounding properties.

There are a number of tools available to a LA to encourage an owner to bring empty property back into use and in February 2013 the Council adopted an Empty Homes Action plan which outlined the options available and how the Council would implement them.

The action was update in 2018 and the following activities undertaken which resulted in 22 dwellings being identified as being brought back into use in 2018/19 as a result of one of the these activities;

- In July 2018 a letter was sent to all 257 properties which had been empty more than 12 months to try to establish the reasons behind their being empty so as to aid future targeting and activity.
- A series of 'fact sheets' has been developed which include information on the costs to owners of leaving property empty and actions that they can take and we can help with to bring them back into use and the possible penalties of not taking action.

- The Council's website has been updated including a new 'report it' link and copies of the fact sheets. 12 complaints about empty properties were received in 2018/19.
- An 'interested purchasers' list has been created so that owners interested in selling empty property can be connected with developers interested in purchasing empty properties.
- All 23 properties identified as empty undergoing major renovation have been visited and the owners contacted with regard to expected progress.
- Regular checks are being carried out with Council Tax to check whether those owners who responded to mail shots have yet brought properties back into use.
- Properties that have been empty more than 12 months will now receive a letter every 6 months with a corresponding factsheet so as to encourage them to bring them back into use. The letters are worded to raise increasing awareness of the possible penalties the longer the property has been empty.
- A system has been put into place with Council Tax so as to identify each month those properties which have become vacant more than 12 months in that month so that contact can be made with the owners.
- The private sector team have recently been authorised to serve 'Tidy Up' Notices under s215 of the Town & Country Planning Act 1990 which can be used to improve the appearance of empty properties that are having a detrimental effect on the neighbourhood. Subsequently, costs associated with any default work can then be recovered by using the enforced sale provisions in the Law of Property Act 1925 which can be very effective in encouraging owners to bring them back into use.
- Where encouragement and persuasion do not result in action being taken, then each case will be considered as to whether an Empty Dwelling Management Order (EDMO) or compulsory purchase are viable courses of action. Permission to make an EDMO on a property must be given by the Secretary of State. There is a very challenging criteria that must be met and very few properties where such action would be considered will meet that criteria.