

Council Tax Empty Homes Policy

Council Tax Empty Property Charges

Some empty properties are exempt or receive a discount for Council Tax purposes. This means that a reduced amount of Council Tax is payable in respect of these properties. There are various classes and circumstances under which a property can be made exempt or receive a discount. These are listed below with a definition. These notes are for guidance only, further information can be obtained from the Council Tax Team on 01252 398912.

If a property remains unoccupied and unfurnished for two continuous years or more, a 100% Council Tax Empty Homes Premium will be applied. This is charged in addition to the standard 100% Council Tax, meaning the total amount payable becomes 200%.

If the property stays empty for five years or more, the premium increases to 200%, resulting in 300% of the normal Council Tax being payable.

For properties that have been empty for ten years or longer, a 300% premium applies, bringing the total charge to 400% of the standard Council Tax.

If your bill indicates that a discount or exemption has been allowed, you must tell the Council within 21 days of any change of circumstances, which affects your entitlement.

EXEMPTIONS

The table below shows exemptions for *unoccupied* dwellings:

CLASS	DEFINITION OF EXEMPTION
B	Empty and owned by charities (time limit of 6 months)
D	Left unoccupied by persons in detention (except for non-payment of Council Tax)
E	Left unoccupied by long-term patients in hospitals or care homes
F	Left unoccupied by deceased person (for up to 6 months after probate)
G	Unoccupied where occupation is prohibited by law
H	Unoccupied pending use by a Minister of Religion
I	Left unoccupied by people receiving care
J	Left unoccupied by people providing care
K	Left unoccupied by student(s) where the student(s) remain liable
L	Unoccupied where the mortgagee is in possession
Q	Unoccupied in the possession of a trustee in bankruptcy
R	Unoccupied caravan pitch or house boat mooring
T	Unoccupied Annexe which cannot be let separately without a breach of the Town & Country Planning Act

DISCOUNTS FOR EMPTY PROPERTIES

The table below shows discounts for **unoccupied** dwellings:

Property that is undergoing major structural repair works or structural alterations	50% discount for 12 months; then full Council Tax is payable
Property that is unoccupied and unfurnished	100% discount for 2 months; then full Council Tax is payable
Empty Property Premium	<p>100% premium added to Council Tax where a property has been unoccupied and unfurnished for longer than two years.</p> <p>200% premium is added to full Council Tax bill if the property has been unoccupied and unfurnished for five years or longer.</p> <p>300% premium is added to the full Council Tax bill if the property has been unoccupied and unfurnished for ten years or longer.</p>
Second Home Discount	No discount applicable, unless you leave a property empty because you are required to live somewhere else for work purposes, when you may be entitled to a 50% discount).

Exemption to long-term empty premiums

Two classes of property are exempt from the long-term empty premium:

- **Properties undergoing probate:** inherited properties have a 12-month exception from the empty home premium after probate or letters of administration have been granted. The property will be liable for the standard

rate of council tax once the class f exemption has ended; but a premium cannot be levied for a 12-month period.

- **Properties being actively marketed for sale or let:** A 12-month exception to the empty home premium applies to properties that are actively marketed for sale or let. The exception would run from when the exception first applies until the end of the exception period or until the property is no longer actively marketed, sold, or let (whichever is sooner).

Exceptions to the long-term empty home's premium

- Empty properties undergoing major repairs: properties undergoing major repairs or structural alternations will have a 12-month exception from the empty home's premium.

Discretionary power to waive the empty premium charge in exceptional circumstances.

The premium charge is calculated from two years after the property became unoccupied and unfurnished. This may be before the current owner became liable for the property, so the owner is liable for the charge when the two-year anniversary is reached, regardless of when their ownership of the property began.

There are exceptional circumstances in which we will consider waiving the premium charge:

- **Properties left to someone in a will and in need of renovation** – only where the new owner has taken action to return the property to occupation within a period of six months from taking ownership and can provide evidence that the action has been continuous and realistic.
- **Properties with a restrictive covenant** – only where the owner is genuinely seeking to sell or rent the property in the local market conditions (realistic or selling price or rent level) advertised on the open market through an estate agent registered with the National Association of Estate Agents.

All requests for a waiver must be made in writing and sent to:

Rushmoor Borough Council
Local Taxation Section
Council Offices
Farnborough Road
Farnborough
Hampshire
GU14 8AB

Or e-mailing localtax@rushmoor.gov.uk

All requests must include documentary evidence showing genuine, continuous and realistic action is being taken to bring the property into occupation.

We will not waive the premium charge where evidence suggests that the owner hasn't taken all possible steps to return the property to occupation.

If a waiver is granted within the conditions stated in this policy, a review will be carried out every 6 months to ensure that the waiver should continue. If the conditions for the waiver are no longer in place the full charge will be reinstated and may be backdated if there is evidence to support this.

Any periods of occupation of six weeks or less will be disregarded when considering how long a property has been empty. Periods of occupation for six weeks or less will not give rise to a further period of discount or start a new period of two years before charging the premium charge.

Policy approved by a meeting of the Council's Cabinet on 5th February 2019