

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 is available from our council tax team on 01252 398912.

If a property has been unoccupied and unfurnished for a continuous period of two years or longer, then the property becomes subject to a council tax empty homes premium charge of 100%. This is on top of the 100% liability, meaning 200% of the council tax figure will become payable.

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

EXEMPTIONS (for unoccupied dwellings)

CLASS	DEFINITION OF EXEMPTION
B	Empty and owned by charities (time limit of six 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 an owner who has died (for up to six 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 (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 two 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>From 1 April 2020, a 200% premium is added to the full council tax bill if the property has been unoccupied and unfurnished for five years.</p> <p>From 1 April 2021, a 300% premium is added to the full council tax bill if the property has been unoccupied and unfurnished for 10 years.</p>
Second home discount	No discount applicable, unless the property is left empty because the owner is required to live somewhere else for work purposes, when they may be entitled to a 50% discount.

Exemption from the empty homes premium

Two classes of property are exempt from the council tax empty premium charge. These are:-

- A property which was previously the sole or main residence of a member of the armed forces who is absent from the property as a result of such service; and
- An annexe, which is unoccupied because it is being used by the occupier as part of the main property.

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 for sale or rent, or properties with a restrictive covenant** – only where the owner is genuinely seeking to sell or rent the property in the local market conditions (realistic 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 by emailing 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.

In the case of property for sale or rent, we will not waive the premium charge where evidence suggests that the owner has not taken reasonable steps to sell or let the property. Furthermore, if the asking price is too high and, in the case of a property for rent, the rent is too high we will not waive the premium charge.

If a waiver is granted a review will be carried out every six months to consider if it 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 5 February 2019