



PROPERTY OWNER'S FAQ GUIDE:  
**EMPTY DWELLING  
MANAGEMENT  
ORDERS (EDMOS)**

## What is an EDMO?

EDMOs are Orders that can be made by a First-tier Tribunal of the Property Chamber and give the council the right to take over the management of an empty residential property in certain circumstances with a view to bringing it back into use and occupation. We will be pleased to work collaboratively with you throughout the process to bring your property back into use.

This does not mean that the council will own your property once an EDMO is in place, it will just enable us to possess and manage it for a certain period of time.

Once the order is granted, we will have the right to undertake and arrange actions concerning your property that previously only you would be entitled to do, such as entering the premises to perform an inspection and carrying out repairs.

You will receive three months' notice before we initially apply for an EDMO.

## What are the benefits to me?

Bringing your empty property back into use using an EDMO has a number of potential benefits from a property owner's perspective.

- **Taking away the worry of an empty property.** If we are successful in applying for an EDMO we will take over the management of the property for you, taking away the hassle of repairs and maintenance.
- **Avoiding a 150% council tax charge.** Properties that have been empty for over two years currently are liable for a 150% council tax charge. If the EDMO results in a tenant being successfully placed in the property, the extra charge will no longer apply. The tenant will be responsible for paying council tax once they are in the property.
- **The possibility of extra income.** Longer term empty properties are often difficult to let resulting in lost revenue. If the council is successful in letting the property to a tenant you will receive any surplus income minus the repairs and management costs.
- **Covering the cost of property management.** The council will pay for ground rent, service charges, maintenance and insurance costs whilst the EDMO is in place. We will recoup these costs through the rental income once a tenant is in the property.
- **Property improvements.** If the council succeeds in obtaining an EDMO we will carry out any repairs needed to make the property

habitable. We will deduct these costs from rental income once a tenant is in place.

## Are there different types of EDMO?

Yes, there are two types of EDMO:

- **Interim EDMOs.** These last for a maximum period of 12 months, during which time the council will work with you to get your empty property back into use. We must ask your permission before letting the property to a tenant under an Interim EDMO. If an agreement cannot be reached about letting the property then the council will apply for a Final EDMO. If the council decides not to apply for a Final EDMO it must end the Interim EDMO and return the property to the owner.
- **Final EDMOs.** These are a longer term arrangements lasting for up to seven years. This type of order gives you fewer rights to decide how your property is brought back into use. Final EDMOs will only be used if an agreement with the council cannot be reached using an Interim EDMO.

## Can the council apply EDMOs to every property?

No. There are clear rules and regulations about the type of properties the council can and cannot use an EDMO on. EDMOs do not apply in the following circumstances:

- **If a property is empty for less than 2 years** - the majority of cases will involve properties that have been empty for several years;
- **If the property is a person's only or main home and they are temporarily elsewhere such as:** a) working away from home; or b) being cared for, or caring for someone away from home;
- **If the property is a holiday home;**
- **If the property is in the process of being sold or let;**
- **If the property is going through probate,** or probate was obtained within the previous 2 years;
- **If the property is being used for non-residential purposes; or**
- **If the property is not wholly unoccupied.**

## Will an EDMO automatically be applied to my property if it doesn't meet the exemption criteria?

No. The council will contact you if it has any plans to apply for an EDMO on one of your properties.

We will ask you if you have any plans to bring your empty property back into use before taking

any further action. If you can show us that you're intending to bring your empty property back into use in the near future, an EDMO for that property may not be appropriate.

Whether we choose to apply for an EDMO on one of your properties will depend on a variety of factors, such as the council's priorities and the impact on the wider community of the property remaining unoccupied.

If the council does decide to apply for an EDMO on one of your properties, we will try where possible to work collaboratively with you to discuss the options available before taking things to the next stage.

### **Are there protections in place for property owners?**

Yes. There are clear checks and safeguards to protect property owners when the council applies to use an EDMO. We must get approval for an independent First-tier Tribunal (Property Chamber) to use an Interim EDMO on a property. EDMOs will not be granted automatically. The tribunal will give careful consideration to the property rights of the owner and will only grant authorisation if there are substantive grounds to do so. It is not an automatic entitlement.

### **In what circumstances will a tribunal grant permission for an EDMO?**

The tribunal will only grant permission if the following conditions are met:

- **The property has been unoccupied for two years or more;**
- **There is no reasonable prospect of it becoming occupied in the near future; and**
- **There is a reasonable prospect that the council could get the property occupied if an EDMO is granted.**

### **What happens once an Interim EDMO is granted?**

If the property tribunal decides to approve our request for an Interim EDMO to be issued, we are required to provide you with a copy of the order

within 7 days explaining why the order has been made. The notice will specify when the interim order will come to an end, which must be within a 12 month period.

Under this scenario, the council becomes responsible for the day-to-day management of the property and bringing it back into use by finding a suitable tenant.

When using an Interim EDMO we must obtain your consent before letting the property to a tenant.

If you are unwilling to let us place a tenant in your property the council will make a Final EDMO.

### **How is a Final EDMO made?**

We will only seek to use a Final EDMO when it has not been possible to reach an agreement with you using an Interim EDMO.

We will need to consider the impact the property is having on the wider community, as well as the effect it will have on you as the property owner, before applying for a Final EDMO.

We will not need any further approval from a property tribunal, if we decide to apply for a Final EDMO. We are required to provide you with a copy of the order within 7 days explaining why the order has been made, its consequences and your right to appeal.

You are able to appeal to the tribunal if you are unhappy with the decision to make a Final EDMO, but you should do so within 28 days of the date specified in the notice.

### **What happens once a Final EDMO is granted?**

Once the Final EDMO is made the council will be able to take over the management of your property for up to seven years. We will take whatever steps we deem necessary to get the property up to standard and keep it occupied. Under a Final EDMO the council is allowed to put a tenant in the property without your consent. The council is likely to put these matters into practice using a management arrangement. However, we will be required to keep the situation under observation and if the council decides it is not possible to occupy the property we must return it to you.



### **Will having an EDMO in place affect my ability to sell the property?**

The short answer is no. If an EDMO applies to your property this will not affect your right to sell it. However, the council will have its interest noted on the title of the property with the Land Registry, so it may be worth having a chat with us to come to an agreement so you can sell without this restriction.

You may be required to repay the costs of any repairs and maintenance work the council have carried out on the property, if we have been unable to recoup all of these funds through rental income. It is recommended that you check this out with the council before deciding to sell the property.

### **Can EDMOs be ended early?**

Yes. You are able to formally request that the council end an EDMO early. This is likely to apply in circumstances where you want to occupy the property yourself or sell it. We will need to be satisfied that the property will be occupied, or up for sale, in order to grant your request.

You can apply to the tribunal if the council refuses your request.

### **Do I have any rights of appeal?**

You can appeal to the First-tier Tribunal (Property Chamber) on the following aspects of EDMO activity:

- **A decision to make a Final EDMO;**
- **The terms of a Final EDMO** (including the terms of the management scheme);
- **The terms of an Interim EDMO** relating to payment of surplus rental income and any interest paid; and
- **A decision to vary or revoke an Interim or Final EDMO** - this also applies to refusing to vary or revoke an Interim or Final EDMO.

## **WANT TO KNOW MORE? GET IN TOUCH**

Our private sector team are always happy to help.

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