

## FOI DOF/2022-0408

**Request and response****RE: Rating of Empty Homes (REH) - Application for Exclusion**

**Q1. A copy of the legislation relating to the rating of empty homes, with the sections relevant to my application indicated or specified**

A1. The Rates (Unoccupied Hereditaments) Regulations (Northern Ireland) 2011 provides for the circumstances for rate relief in relation to unoccupied properties, and is available at [Rates \(Unoccupied Hereditaments\) Regulations \(Northern Ireland\) 2011 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukui/2011/1153/2011-01-01) .

Schedule 11 relates to the circumstances related to your application:

*11. The person entitled to possession of the hereditament is so entitled only in his capacity as the personal representative of a deceased person.*

**Q2. Copies of any guidance or briefing for LPS staff relating to the relevant legislation**

A2. LPS staff have been provided with the guidance at Annex B, provided as a separate document accompanying this letter.

**Q3. Copies of any guidance provided to your staff who answer queries regarding REH as relevant to my application**

A3. In addition to the guidance provided in response to Q2, LPS staff and NI Direct have been provided with the guidance at Annex C, provided as a separate document accompanying this letter.

**Q4. Transcript of the telephone conversations I had with your staff, if these are recorded (please confirm if such calls are normally recorded and specifically if mine were and what your policy is on recording such calls).**

A4. This question is being responded to separately via Subject Access Request SAR/DoF/2022-0277 LPS.

**Q5. Notes made, and any information recorded electronically or by other means, by your staff in relation to my telephone enquiries.**

A5. This question is being responded to separately via Subject Access Request SAR/DoF/2022-0277 LPS.

**6. Any written guidance provided for the public on making an application for exclusion from REH.**

A6. The NI government public information web site provided the guidance in relation to exclusion applications for empty homes:

<https://www.nidirect.gov.uk/rating-empty-homes>

LPS also provides an *insert* with the annual bills which provides information on how to get help with domestic rates. Please see Annex D provided as a separate document accompanying this letter.

**Q7. Copies of all documentation and correspondence relating to your decision to decline my application.**

A7. This question is being responded to separately via Subject Access Request SAR/DoF/2022-0277 LPS.

### **Rating of empty homes**

Property rates apply to all domestic properties with a rateable capital value of £20,000 or more, including empty properties. The amount due is the same as if the property is lived in. Automatic exclusions and successful applications receive 100 per cent relief.

### **Identifying an empty property**

For rates assessment, an empty property is:

- Empty as no-one is living there.
- Unfurnished.
- Not used for storage.

The owner is responsible for paying rates on an empty property. Four per cent early payment discount is applied to empty property rates.

### **Rating exclusions on empty homes**

Rate exclusions are available on certain empty homes. For most exclusions, the owner needs to apply and give LPS supporting evidence. When an empty home is excluded from rates, the owner gets 100 per cent rate relief.

The rating exclusion categories are:

- The empty home cannot be legally occupied by you or anyone else.
- The empty home cannot be occupied by you or anyone else due to the actions of a public body.
- The empty home is a listed building.
- The empty home is an historic monument.
- The empty home is in the possession of the personal representative of a deceased person.
- There is a bankruptcy order against the owner.
- The owner is a trustee under a deed of arrangement.
- The owner is a company in administration.
- The owner of a property is a liquidator.
- The owner is the Foyle, Carlingford and Irish Lights Commission.
- The owner is in care (nursing home, residential care or hospital).
- The owner is in detention.
- The owner made a successful application to the Housing Executive under the Special Purchase of an Evacuated Dwelling (SPED) Scheme.
- The home is empty due to flooding.

**Guidance for front line telephone calls**

Exclusion from empty property rates – Domestic

If the domestic property is considered empty for rating purposes (unoccupied, unfurnished, not used for storage purposes, and all furniture not permanently attached to a wall, floor or roof is removed) ratepayers can apply for a Rating of Empty Homes exclusion in 14 specific circumstances.

[WWW.NIDIRECT.GOV.UK/RATING-EMPTY-HOMES](http://WWW.NIDIRECT.GOV.UK/RATING-EMPTY-HOMES)

Information on empty homes due to flooding can also be found at:

[WWW.NIDIRECT.GOV.UK/ARTICLES/WHAT-DO-IF-FLOOD-HAPPENS#TOC-9](http://WWW.NIDIRECT.GOV.UK/ARTICLES/WHAT-DO-IF-FLOOD-HAPPENS#TOC-9)

Specific circumstances:

- The empty home cannot be legally occupied by anyone.
- The empty home cannot be occupied due to instructions from or as a result of the actions of a public body (eg with a view to prohibiting its occupation or to acquiring it).
- The empty home is a listed building.
- The empty home is an historic monument.
- The owner is the personal representative of a deceased person - Send a Rating of Empty Homes form even if the property is still furnished.
- The owner is subject to a bankruptcy order.
- The owner is a trustee under a deed of arrangement.
- The owner is a company in administration.
- The owner of a property is a liquidator.
- The owner is the Foyle, Carlingford and Irish Lights Commission.
- The owner(s) are in care (nursing home, residential care or hospital) - Send a Rating of Empty Homes form even if the property is still furnished.
- The owner(s) are in detention - Send a Rating of Empty Homes form even if the property is still furnished.
- The owner(s) have made a successful application to the Northern Ireland Housing Executive under the terms of the Special Purchase of an Evacuated Dwelling (SPED) scheme.
- The property has been unoccupied for 4 weeks or more due to severe flooding following heavy rain or tidal surge and the owners have qualified for a compensation payment from their District Council.

Further guidance: where a local authority has taken legal action to prevent occupation on the grounds of a risk to health and/or safety, or where an occupation of the building would lead to legal action by the relevant authority or body to bring the occupation to an end.

It is not sufficient for a person to simply state that the property is not fit to be used or that there are health and safety concerns – there must be some legal basis on which the occupation is prohibited eg Court Order to say no-one can live in the property, NIHE or local council has declared the property unliveable (condemned).

# Help with domestic rates



## ✓ Rate Rebate for home owners and tenants eligible for Universal Credit (UC)

Rate Rebate provides help with rates if you are in receipt of UC and you or your landlord are liable for rates for a property you live in. As this is a digital scheme, to apply you need to register online for a Rate Rebate account. Landlords also need to register to verify property and rate account details.

[www.nidirect.gov.uk/rate-rebate-scheme](http://www.nidirect.gov.uk/rate-rebate-scheme)

## ✓ Housing Benefit and Low Income Rate Relief

If you and your partner (if you have one) have reached State Pension age you may be entitled to a reduction in your rates. Housing Benefit is a means tested benefit so your household income, savings and household circumstances will affect your entitlement.

**You may be entitled to Housing Benefit / Rate Relief if:**

- You (and your partner if applicable) are Pension age; **and**
- Your (and your partner's) total capital and savings do not exceed £50,000; **or**
- You are claiming Pension Credit; **or**
- You are not eligible for Universal Credit.

[www.nidirect.gov.uk/rates-housing-benefit](http://www.nidirect.gov.uk/rates-housing-benefit)

## ✓ How can I apply:

**For Homeowners:**

If you own the property you live in you can apply to LPS until **31st May 2022**. Details can be found on the NI Direct website [www.nidirect.gov.uk](http://www.nidirect.gov.uk) or by phoning 0300 200 7802 (text relay: 08001 300 200 7802). From **1st June 2022** you will need to apply to the Northern Ireland Housing Executive (NIHE). Full details can be found on the NIHE website: [www.nihe.gov.uk](http://www.nihe.gov.uk) or by phoning 03448 920 902

[www.nihe.gov.uk/Housing-Help/Housing-Benefit](http://www.nihe.gov.uk/Housing-Help/Housing-Benefit)

**For Tenants:**

If you are a tenant, bought your home through a co-ownership or rental purchase scheme or are having your day in the property, you can apply to the Housing Executive (NIHE).

Full details can be found on the NIHE website: [www.nihe.gov.uk](http://www.nihe.gov.uk) or by phoning 03448 920 902

[www.nihe.gov.uk/Housing-Help/Housing-Benefit](http://www.nihe.gov.uk/Housing-Help/Housing-Benefit)

✓ **For Housing Benefit or Rate Rebate queries:**  
Tel: 0300 200 7802  
Text Relay: 18001 0300 200 7802

For details on Universal Credit eligibility visit:  
[www.nidirect.gov.uk/universalcredit](http://www.nidirect.gov.uk/universalcredit)

## ✓ Lone Pensioner Allowance (LPA)

Ratepayers aged 70 or over and living alone are entitled to a 20% reduction in their rates.

**You may be entitled if you pay rates and:**

- Are aged 70 or over; **and**
- Live alone.

In some circumstances you can have someone living with you (such as a carer) and still be awarded LPA.

[www.nidirect.gov.uk/lone-pensioner-allowance](http://www.nidirect.gov.uk/lone-pensioner-allowance)

## ✓ Disabled Persons Allowance (DPA)

You may be able to claim a 25% reduction in rates.

**You may be entitled if:**

- A person with a disability lives in your home; **and**
- The property has been suitably adapted to meet the needs of the disabled person.

[www.nidirect.gov.uk/disabled-persons-allowance](http://www.nidirect.gov.uk/disabled-persons-allowance)

## ✓ Rating of Empty Homes Exclusions (REH)

A vacant home may be entitled to 100% exclusion from rates if specific criteria are met.

**You may be entitled if:**

- The property is entirely unoccupied, unfurnished and not used for storage purposes; **and**
- One of the specific exclusion criteria is met.

[www.nidirect.gov.uk/rating-empty-homes](http://www.nidirect.gov.uk/rating-empty-homes)



For LPA, DPA and REH queries:

Tel: 0300 200 7801

Text Relay: 18001 0300 200 7801



## Reminder

If you apply for help, you must continue to pay your rate bill while your application is being assessed.

# make the call

To find out if you are getting all the benefits, supports and services you're entitled to

**0800 232 1271** \*

text: 'ADVICE' to 67300\* • visit: [nidirect.gov.uk/makethecall](http://nidirect.gov.uk/makethecall)  
email: [makethecall@dfcn.gov.uk](mailto:makethecall@dfcn.gov.uk)

## Are you a tenant or landlord?

### Who pays the rates?

Who pays rates is determined by the rateable value of the property. A landlord can accept liability for rates regardless of the rateable value by applying for Agent Status. A landlord may be entitled to a **10% allowance** if they have an Article 20 or 21 account.

**Please note: If you set up a landlord Rate Rebate account you cannot set up a Direct Debit to pay rates for a tenant property.**

[www.nidirect.gov.uk/rates-rental-properties](http://www.nidirect.gov.uk/rates-rental-properties)

### What about Housing Benefit for rates?

Tenants may be eligible for help with rates either through the Rate Rebate Scheme administered by LPS or through Housing Benefit administered by the Northern Ireland Housing Executive.

[www.nidirect.gov.uk/articles/housing-benefit-and-rate-relief-tenants](http://www.nidirect.gov.uk/articles/housing-benefit-and-rate-relief-tenants)



## Reminder

When ownership or occupancy of a property changes, or if you own or occupy a property that you are not currently receiving a bill for, you should inform LPS as soon as possible. Your rates bill can then be assessed correctly and this will ensure you do not receive a backdated bill.

## Protecting public money

LPS has a duty to protect public funds and to this end may use information provided for the prevention and detection of fraud. LPS participates in the National Fraud Initiative (NFI), an exercise that matches electronic data within and between audited bodies to prevent and detect fraud.

[www.gov.uk/guidance/national-fraud-initiative-public-sector-data-requirements](http://www.gov.uk/guidance/national-fraud-initiative-public-sector-data-requirements)



## Information

If you require this information in a different language or format, please dial **0300 200 7801** (calls charged at local rate). Dial **18001 0300 200 7801** for text relay.

This leaflet is available in Irish/Tá an bhileog seo ar fáil as Gaeilge;

[www.finance-ni.gov.uk/publications/lps-rating-publications](http://www.finance-ni.gov.uk/publications/lps-rating-publications)

## How we use your information

Land & Property Services (LPS) processes your personal information under its statutory obligations to collect rating liabilities. We will only provide your information to others with your consent or where the law requires or allows us to.

### Why LPS collects information

- The assessment of liability and billing of rates;
- Collection and recovery of rates revenue;
- The assessment of benefit/relief claims; and
- To administer other functions of LPS.

### Information LPS may provide to others

LPS will not disclose information you provide to third parties or other government departments, unless it is required to do so to fulfil its obligations to you, or the law requires it to do so. Some of the parties with which we may share the information you provide include: the courts, on production of a valid court order; credit agencies, and debt collection agencies to support the collection of rates; and for the prevention and detection of fraud.

### Information security

LPS and other organisations working with it have a legal duty to protect the confidentiality of customer information. LPS take all reasonable steps to protect your information. You can find out more information about this in the LPS Privacy Notice:

[www.finance-ni.gov.uk/publications/lps-privacy-notice](http://www.finance-ni.gov.uk/publications/lps-privacy-notice)

or to update your personal details visit:

[www.nidirect.gov.uk/rates](http://www.nidirect.gov.uk/rates)



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