

# RIGHT TO BUY AND RIGHT TO ACQUIRE INFORMATION

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Earlier this year, the Government amended the 1985 Housing Act. This information sheet gives updated details of the Right To Buy and the Right To Acquire procedures now in effect.



## Preserved Right To Buy (PRTB) tenants information

*Information published in accordance with the requirements of the Housing (Right to Buy) (Information to Secure Tenants) (England) Order 2005 as applied by section 171 of the Housing Act 1985.*

### **You may be eligible for the preserved right to buy (PRTB) and you may exercise the PRTB if you:**

- are a tenant of Westlea Housing Association; and
- were a tenant of North Wiltshire District Council prior to the transfer of your home to Westlea Housing Association in December 1995 and therefore hold a protected tenancy; and
- have had no breaks in your tenancy since transfer from North Wiltshire District Council; and
- occupy your home as your only or principal dwelling.

### **You may share the PRTB with up to three members of your family if:**

- the property is their only or principal home; and
- they have been living in the property for the last 12 months (proof of residency must be provided).

### **You may not be eligible to exercise the PRTB if:**

- you are not a tenant of Westlea Housing Association;
- you were not a tenant of North Wiltshire District Council prior to the transfer of your home to Westlea Housing Association in December 1995 and therefore hold an assured tenancy (in which case you may be eligible for the Right to Acquire);
- you do not occupy your home as your only or principal dwelling;
- you were granted your tenancy in connection with your employment;
- your home is particularly suitable for the elderly, the physically disabled, the mentally ill or the mentally disabled, taking into account its location, size, design, heating system and other features;
- your home was let to you or the previous tenant for occupation by a person aged 60 or over, whether they were the tenant or not and was first let (to you or someone else) before 1 January 1990;
- you are obliged to give up possession of the dwelling

in pursuance of an order of the Court or will be so obliged at a date specified;

- you are declared bankrupt or are about to be declared bankrupt;
- if you have been served with a notice of intention to demolish your home.

### **The procedure for claiming the PRTB:**

- An application form (RTB1) will be supplied on request by first class post or alternatively you can pick one up from the Methuen Park Offices.
- Once you have completed the RTB1 form and returned it to us we will provide you with an RTB2 form which admits or denies your application (reasons for denial will be given) within 4 weeks of receipt of your application.
- Once your application has been admitted we will request our appointed Valuation Officer to contact you to arrange an appointment to assess the current market value of your home.
- We will provide you with an offer (section 125 notice) within 8 weeks (for a house) or 12 weeks (for a flat) from the date of your RTB2 form. This notice will set out the terms and conditions of the sale.
- You have 12 weeks from the date of the offer notice to advise us of your intentions.
- Please note that the application can be withdrawn at any stage if you wish.

### **The price you will have to pay:**

- The appointed Valuation Officer will provide us with an open market value of your home, which will be confirmed within the offer notice.
- If you are eligible for the PRTB then you will be entitled to a discount on the valuation of your home.
- The longer you have been a tenant of ours or another Right to Buy landlord or any of the public bodies listed in the 'Your Right To Buy Your Home' booklet, the more discount you will receive up to a maximum of £30,000 if you live in the South West. This figure varies depending of where you live. The booklet will be supplied on request by first class post or alternatively ►

you can pick one up from the Methuen Park Offices.

- The discount can be no more than 60% of the open market value for a house and 70% for a flat. However, please note that this can not exceed the £30,000 maximum amount that is determined by the Secretary of State.
- If you have ever received a previous discount for a RTB purchase this will be deducted from the amount of discount you are entitled to for your current application, as you are unable to claim discount for the same period twice.
- The price you will have to pay for your home will be the open market value minus the discount you are entitled to.
- If you do not agree with the open market value determined you must inform us, within 12 weeks of the date of your offer (section 125 notice), in writing, stating your reasons for disagreeing, and we will arrange for the District Valuer to redetermine the value. The District Valuer's valuation is the final decision, even if it has been determined at a higher price than the original valuation.
- If your home benefits from communal facilities (for example a flat) you will also have to pay service charges. These will be estimated within the offer notice and will not exceed the amounts estimated within the first 5 years.
- Your home may be subject to the cost floor rule which means that the discount you receive must not reduce the price of your property below our costs for building, buying, repairing or maintaining it.

#### **The delay notice for westlea**

- You must inform us of your intentions within 12 weeks of the date of the offer notice.
- If you do not respond within 12 weeks we will send you a reminder giving you a further 28 days to respond otherwise your application to purchase your home will be withdrawn and you will need to reapply.
- If you respond within the 28 day reminder period then your application can continue to be processed.

#### **Notice to complete**

- If you do not complete the purchase of your home within 12 weeks from the date of the offer notice we will serve a first notice to complete on you, this requires you to complete within 56 days
- Failure to complete within the first 56 days will result in a final notice being served upon you, this requires you to complete within a further 56 days or your application will be withdrawn and you will need to re-apply.

#### **The delay notice for tenants**

- We must admit or deny your PRTB within 4 weeks of receipt of your form RTB1.
- We must send you an offer notice, setting out the sale price and terms and conditions of the sale within 8 weeks (if a house) 12 weeks (if a flat) of the date of your RTB2 form.
- We must not unduly delay the conveyancing process.
- If these time limits are exceeded then you are entitled

to serve a notice of delay on us.

#### **The delay notice procedure for tenants**

- Complete form RTB6 (this will be provided on request by first class post or alternatively you can pick one up from the Methuen Park Offices).
- We must respond within 28 days with a valid counter notice, explaining the reasons for the delay, the first notice then has no further effect, however, if we continue to delay the process you must complete a second RTB6.
- If we do not respond within 28 days you can serve an Operative Notice of Delay and should complete form RTB8 following which you may be entitled to a credit on your rent account. Any credit due would be calculated and taken into account on completion.

#### **Completion of your purchase**

- You will be required to pay any outstanding debts to Westlea before completion takes place.
- You must also ensure that rent is paid up to the date of completion.

#### **Initial costs likely to be incurred which you must consider**

- Legal fees – solicitors should provide you with a quote prior to you appointing them;
- Mortgage fees and valuation fee payable to your lender;
- Surveyors fees – this will vary depending on the type of survey you have carried out;
- Land Registry registration fees;
- Stamp Duty in accordance with current legislation.

#### **Regular costs of home ownership which you must consider**

- Mortgage payments;
- Building and contents insurance;
- Utilities – gas, electric, water, telephone etc;
- Council Tax;
- Service Charges (if applicable);
- Any maintenance and repair costs towards your home.

#### **Risks of repossession**

- You must be aware that you may be at risk of losing your home if you do not meet your mortgage payments, your lender could take possession proceedings against you if you do not keep up with your payments.

If you require any further information or would like to consider purchasing your home then please contact Westlea and we will provide you with an RTB application pack. ■

## Right To Buy and Right To Acquire advice is free

Westlea has received reports of companies contacting tenants offering to help them submit a 'right to buy' application, but making a charge for this service. We would like to emphasise that such applications can be made directly to Westlea, at no cost to the tenant. Help will be given, if needed, to complete the form either over the telephone or in person, by contacting the Corporate Administration team on **01249 466047**.



## Right To Acquire (RTA) tenants information

*Information published in accordance with the requirements of the Housing (Right to Buy) (Information to Secure Tenants) (England) Order 2005 as applied by section 16 and 17 the Housing Act 1996.*

### **You may be eligible for the right to acquire (RTA) and you may exercise the RTA if:**

- you are an assured tenant of Westlea Housing Association; and
- you have spent a minimum of two years as a secure tenant of a local authority, in armed forces accommodation, or as an assured tenant of a Registered Social Landlord (RSL), such as Westlea, this period increases to 5 years if your tenancy commenced on or after 18 January 2005; and
- you occupy the property as your only or principal home; and
- your home is a self-contained property; and
- your home was built or purchased by an RSL funded on or after 1 April 1997 through social housing grant provided by the Housing Corporation or a local authority or transferred from a local authority to an RSL on or after 1 April 1997 or certain other public funding.

### **You may share the RTA with up to three members of your family if:**

- the property is their only or principal home; and
- they have been living in the property for the last 12 months (proof of residency must be provided).

### **You may not be eligible to exercise the RTA if:**

- you are not a tenant of Westlea Housing Association;
- you have not spent a minimum of two years as a secure tenant of a local authority, in armed forces accommodation or as an assured tenant of an RSL, 5 years if your tenancy commenced on or after 18 January 2005;
- your property is in a rural area designated by order of the Secretary of State;
- the property is not your main or principal home;
- you were granted your tenancy in connection with

your employment;

- your home is particularly suitable for the elderly, the physically disabled, the mentally ill or the mentally disabled, taking into account its location, size, design, heating system and other features;
- your home was let to you or the previous tenant for occupation by a person aged 60 or over, whether they were the tenant or not and was first let (to you or someone else) before 1 January 1990;
- you are obliged to give up possession of the dwelling in pursuance of an order of the Court or will be so obliged at a date specified;
- you are declared bankrupt or are about to be declared bankrupt;
- if you have been served with a notice of intention to demolish your home.

### **The procedure for claiming the RTA:**

- An application form (RTA1) will be supplied on request by first class post or alternatively you can pick one up from the Methuen Park Offices.
- Once you have completed the RTA1 form and returned it to us we will provide you with an RTA2 form which admits or denies your application (reasons for denial will be given) within 4 weeks of receipt of your application.
- Once your application has been admitted we will request our appointed Valuation Officer to contact you to arrange an appointment to assess the current market value of your home.
- We will provide you with an offer notice within 8 weeks (for a house) or 12 weeks (for a flat) from the date of your RTB2 form. This notice will set out the terms and conditions of the sale.
- You have 12 weeks from the date of the offer notice to advise us of your intentions.
- Please note that the application can be withdrawn at any stage if you wish.

### **The price you will have to pay:**

- The appointed Valuation Officer will provide us with an open market value of your home, which will be ►

confirmed within the offer notice.

- If you are eligible for the RTA then you will be entitled to a discount on the valuation of your home.
- You will be entitled to a fixed amount of discount – these are published by the Government and depend on the area that you live in.
- If you have ever received a previous discount for a RTB purchase this will be deducted from the amount of discount you are entitled to for your current application, as you are unable to claim discount for the same period twice.
- If you do not agree with the open market value determined you must inform us, within 12 weeks of the date of your offer (section 125 notice), in writing, stating your reasons for disagreeing, and we will arrange for the District Valuer to redetermine the value. The District Valuer's valuation is the final decision, even if it has been determined at a higher price than the original valuation.

#### **The delay notice for Westlea**

- Following receipt of your offer notice, you must inform us of your intentions within 12 weeks of the date of the offer notice.
- If you do not respond within 12 weeks we will send you a reminder giving you a further 28 days to respond otherwise your application to purchase your home will be withdrawn and you will need to reapply.
- If you respond within the 28 day reminder period then your application can continue to be processed.

#### **Notice to complete**

- If you do not complete the purchase of your home within 12 weeks from the date of the offer notice we will serve a first notice to complete on you, this requires you to complete within 56 days.
- Failure to complete within the first 56 days will result in a final notice being served upon you, this requires you to complete within a further 56 days or your application will be withdrawn and you will need to re-apply.

#### **Completion of your purchase**

- You will be required to pay any outstanding debts to Westlea before completion takes place.
- You must also ensure that rent is paid up to the date of completion.

#### **Initial costs likely to be incurred which you must consider**

- Legal fees – solicitors should provide you with a quote prior to you appointing them;
- Mortgage fees and valuation fee payable to your lender;
- Surveyors fees – this will vary depending on the type of survey you have carried out;
- Land Registry registration fees;
- Stamp Duty in accordance with current legislation.

#### **Regular costs of home ownership which you must consider**

- Mortgage payments;
- Building and contents insurance;
- Utilities – gas, electric, water, telephone etc;
- Council Tax;
- Service Charges (if applicable);
- Any maintenance and repair costs towards your home.

#### **Risks of repossession**

You must be aware that you may be at risk of losing your home if you do not meet your mortgage payments, your lender could take possession proceedings against you if you do not keep up with your payments.

If you require any further information or would like to consider purchasing your home then please contact Westlea and we will provide you with an RTA application pack. ■

If you would like to have any part of this document explained or translated, or in a different format such as in larger print or on audio tape, please contact Westlea on 01249 465465 to discuss your needs.