

# Housing

## Right to Buy Policy

October 2024 Teignbridge District Council



Document	Right To Buy Policy	
Date Approved	Date	October 2024
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Approval Route	Approval body/group	Council Executive Committee
Lead Officer	Name	Graham Davey
Change Dates	Date	Note

## 1. Purpose

- 1.1 This policy will ensure that we implement the Right to Buy scheme for properties owned by us for social rent in accordance with the rules, regulations and time limits set out in the relevant legislation.

## 2. Definitions & Scope

- 2.1 The **Right to Buy** (RTB) scheme applies to any person who is a secure, flexible or assured shorthold council tenant, or who has held a public sector tenancy (such as a local authority, housing association or NHS) for 3 years or more. The 3 years need not be consecutive. Tenants have the right to buy their home at a variable discount, according to length of tenancy, but subject to a fixed maximum amount and cost floor adjustments as prescribed by the scheme regulations.
- 2.4 An **eligible tenant** can make a joint application with a joint tenant, a spouse or civil partner, or up to 3 family members who have lived in the property as their main home for the past 12 months or longer.
- 2.5 A tenant will **not be eligible** if:
- They have an introductory tenancy that has not yet been converted,
  - The home is leased from another owner or to a charitable organisation,
  - They live in sheltered housing, or other housing suitable for and let to the elderly, or designed people with a disability,
  - They work for us, and the home is part of conditions of service (a warden or caretaker, for example),
  - Their home is due to be demolished,
  - They have legal problems with debt such as undischarged bankruptcy or a debt relief order,
  - The court has awarded a possession order,
  - An application has been made to the court to suspend a Right to Buy for a specified period on the grounds of anti-social behaviour.

Other exclusions may apply as detailed in legislation.

## 3. Legal and Regulatory Requirements

- 3.1 The Right to Buy scheme is governed by rules included in the Housing Act 1985<sup>1</sup>, as amended by the Housing and Planning Act 1986 and the Housing Act 2004.

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<sup>1</sup> Legislation.gov.uk, *Housing Act 1985*, <https://www.legislation.gov.uk/ukpga/1985/68/contents>, sourced April 2024.

3.2 Information and guidance is currently produced and updated by the Department for Levelling Up, Housing and Communities.<sup>2</sup>

## 4. Policy

Due to the prescriptive statutory nature of the Right to Buy scheme, this policy focuses on those areas where we are able to exercise discretion.

- 4.1 We will provide all tenants interested in the scheme with the relevant information and assistance as necessary to ensure that those who are eligible are able to exercise their rights within the timescales set out in legislation.
- 4.2 We will also provide information and guidance to potential applicants to make sure they fully understand the operation of the schemes, including their rights and potential liabilities and risks as owners, and to ensure that are treated equally and fairly.
- 4.3 On receipt of a completed RTB1 application form, we will ensure that eligibility criteria are met and will respond to the applicant within the timescales currently set in legislation.
- 4.4 We will not allow an application to be shared with another person other than those who have a statutory right.
- 4.5 As soon as an RTB1 application is received, we will only carry out essential repairs, and any planned improvements or non-essential maintenance will be put on hold. If the application does not subsequently proceed, repairs and maintenance will be reinstated.
- 4.6 The offer price will reflect eligible cost floor rules, to take account of the amount of money the Council has spent over the last 15 years, including acquisition or building and improvement costs.
- 4.7 Properties purchased under the Right to Buy scheme is a Designated Rural Area or a National Park contain a covenant which restricts subsequent resales to purchasers who have lived or worked in the Devon area for a period of three years or more. We support this principle and will not release this covenant in any circumstances.
- 4.8 We will always require repayment of the maximum discount possible under current legislation when a former customer dispose of a property they purchased under the Right to Buy scheme within 5 years.
- 4.9 We are committed to recovering charges due following any sale and will require owners to fairly contribute to the upkeep of shared services and unadopted areas.

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<sup>2</sup> Department for Levelling Up, Housing and Communities, *Your right to buy your home: a guide*, April 2024, <https://www.gov.uk/government/publications/your-right-to-buy-your-home-a-guide--2/your-right-to-buy-your-home-a-guide>, sourced April 2024.

- 4.9 We will seek to preserve the continued availability of affordable homes for rent by reserving and administering the right-to-buy-back properties that we sell under the scheme.
- 4.10 Where we have a Right of First Refusal on a property sold under the Right to Buy scheme, we will consider these requests on an individual basis, taking into account the property value, condition, local housing needs and available resources.
- 4.11 We will ensure sales receipts are treated in accordance with current legislation to benefit the residents of Teignbridge.

## 5. Complaints / Appeals

- 5.1 A tenant can appeal a decision to refuse a Right to Buy to the First-tier Tribunal (Property Chamber): Southern region. They must do this within 56 days of the date of the RTB2 notice, sent by the landlord to the tenant who has applied to buy their home and completed an RTB1 form.<sup>3</sup>

## 6. Monitoring and Review

- 6.1 We will review this policy, procedures and any staff training requirement at least every three years to ensure that it continues to operate within best practice, achieve measurable results and to achieve continuous service improvement.
- 6.2 The policy and all associated procedures will alternatively be reviewed immediately following any change to government policy, regulation or legislation.
- 6.3 Sales will be monitored through our Key Performance Indicators and reported to our governing body on a regular basis and to the Regulator of Social Housing, at least annually or as otherwise required.

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<sup>3</sup> <https://www.gov.uk/courts-tribunals/first-tier-tribunal-property-chamber>