

## **Preserved Right to Buy/Right to Acquire Policy**

### **1. Aim**

Onward recognises its legislative obligations to offer qualifying tenants the opportunity to purchase the freehold or leasehold of their home via the right to buy or right to acquire schemes. This policy sets out our approach to managing applications from tenants to ensure that this is done fairly and in line with legislation.

### **2. Scope**

This policy applies to:

- a. Onward tenants
- b. Onward colleagues involved in processing right to buy/acquire applications

### **3. Managing Right to Buy/Acquire Applications**

#### **3.1 Applications**

Applications must be made using the prescribed application form.

On receipt of an application we will check the contents thoroughly and will request clarification, verification and/or evidence of the information provided where relevant.

We may request a face to face meeting with an applicant to discuss their application.

A tenant may withdraw their application at any time.

#### **3.2 Eligibility**

We will assess the eligibility of both the property and the applicant(s) in order to confirm whether the application is accepted or refused. This will be done in accordance with legislation and the terms of the tenancy agreement.

Where both the property and the applicant(s) meet the necessary eligibility criteria, the application will be accepted.

Where any of the criteria is not met, the application will be refused and we will provide the applicant with an explanation for the refusal. Any complaints will be dealt with through Onward Complaints Policy.

#### **3.3 Family Members Sharing the Right to Buy Acquire**

If a family member who is not a joint tenant wishes to share the purchase, we will require evidence that the property is their only or principle home. If suitable evidence cannot be provided, we will refuse the request.

### **3.4 Valuation**

We will arrange a valuation by an independent RICS (Royal Institute of Chartered Surveyors) qualified surveyor.

We will instruct the valuer to disregard any improvements made by the tenant, where stated on the application and verified if necessary, when determining the value.

Applicants have the right to appeal the valuation if they disagree with it. In this situation the District Valuer from HM Revenues & Customs will determine the value and their decision will be final.

### **3.5 Discount**

We will calculate the discount entitlement in accordance with Right to Buy/Acquire legislation.

Where an applicant wishes to count previous social tenancies towards their discount entitlement, we will require evidence of these.

If an applicant has purchased a property previously via Right to Buy/Acquire, we will reduce the discount accordingly.

If we have spent money building or maintaining your home we will reduce your discount accordingly.

We will require any outstanding rent payments or other amounts due to us to be paid in full prior to completion

### **3.6 Offer Notice**

We will issue an offer notice confirming the purchase price, discount, details of any structural defects and any service charge estimates on completion of the purchase, or any offer of alternative accommodation.

### **3.7 Timescales**

We aim to process all applications in accordance with the timescales prescribed in Right to Buy/Acquire legislation.

We expect applicants to meet their prescribed deadlines and applications/offer notices will be withdrawn where not met.

### **3.8 Post Sale**

In the event of a resale, we will enforce the legislative obligations on the purchaser to offer us first refusal and to repay discount.

We will only waive repayment of discount in exceptional circumstances and such requests will require approval from the Executive Director of Operations.

### 3.9 Fraud

Onward is committed to the prevention and detection of fraud, and will use and share information with other registered housing providers, the Benefits Agency and other agencies that may help us to identify potential fraud. Information sharing will be carried out in accordance with our Data Protection Policy

We will comply with money laundering regulations as part of the conveyancing process in relation to the funding of the purchase

### 3.10 Legislation, Regulation and Guidance

Government legislation has an impact on how Onward can implement its Right to Buy/Acquire policy. Listed below are the key Acts that have been acknowledged.

- a. Housing Act 1985
- b. Housing Act 2004
- c. Housing and Regeneration Act 2008
- d. Housing (Preservation of Right to Buy) Regulations 1993 (Statutory Instrument 2241), Schedule 6.
- e. Housing (Right to Acquire) Regulations 1997
- f. Housing (Right to Acquire) (Discount) Order 2002

## 4. Responsibility and Monitoring

Head of Leasehold and Regional Director - Lancashire will be responsible for ensuring the policy is complied with, monitoring and updating the policy.

Number of sales will be reported to Onward Senior Leadership Team monthly.

Linked Documents:	Onward's Data Protection Policy Onward's Money Laundering and Anti-Fraud policies Onward's Complaints Policy
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Date implemented:	12 March 2018
Policy lead:	Joanne Danaher, Head of Neighbourhood & Leasehold
Approved by:	Onward Homes Senior Leadership
Approved on:	12 <sup>th</sup> March 2018
Next review date:	March 2020 (or changes in regulation, legislation)

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Document replaces:	Right to Buy/Acquire polices Contour Homes, Hyndburn Homes, Liverpool Housing Trust, Peak Valley HA and Ribble Valley Homes