



**North Devon Homes**

**Right to Buy Policy**

# Contents

# Page

<b>1</b>	<b>Purpose</b>	<b>2</b>
<b>2</b>	<b>Principles</b>	<b>2</b>
<b>3</b>	<b>Review</b>	<b>4</b>
<b>4</b>	<b>Responsibilities</b>	<b>4</b>
<b>5</b>	<b>Scope</b>	<b>5</b>
<b>6</b>	<b>Policy Statement</b>	<b>5</b>
<b>7</b>	<b>Consultation</b>	<b>6</b>
<b>8</b>	<b>Equality Impact Assessment</b>	<b>6</b>

## **Appendix A Procedure**

## 1. Purpose

North Devon Homes will seek to implement the Preserved Right to Buy (PRTB) and Right to Acquire (RTA) schemes for properties under its ownership in accordance with the rules, regulations and time limits set out in the relevant legislation.

North Devon Homes will seek to provide such information and assistance as is necessary to ensure that tenants who are eligible to exercise either the PRTB or RTA fully understand the operation of the schemes, are able to access the schemes and are treated fairly and equally.

## 2. Principles

This policy sets out North Devon Homes' principles for the delivery of the Right to Buy service which includes the Preserved Right to Buy (PRTB) and Right to Acquire (RTA) schemes. The policy covers dealing with applications under the PRTB and RTA schemes and post-sale consent requests and other post-sale issues.

Due to the prescriptive nature of the schemes, this policy focuses on those aspects of the PRTB and RTA where we are able to exercise discretion. More details on the individual schemes are available in North Devon Homes' booklet *Your Right to Buy and Right to Acquire – making the right choice* and in booklets regularly produced and updated by the Department for Communities and Local Government, eg *Your Right to Buy*.

In establishing a clear policy position, we have identified each area of the Right to Buy service as a discretionary service area in respect of the main policy, as summarised in the table below.

The following principles will apply to this policy and it will:

- be open, fair, transparent and applied consistently
- reflect the current standards of operation and will be reviewed whenever legislation or guidelines change
- promote consistency and full compliance with legal requirements
- reflect the Company's staff, customer and Board members' views where discretion can be exercised

- be realistic, achievable and provide value for money
- be periodically reviewed as set out in section 5
- support all corporate customer care standards.

1 Customer Care	We are committed to provide such information and assistance as is necessary to ensure our tenants are aware of and understand their rights to buy their home and the process for doing so.
2 Exercise of discretion - Applications	We are committed to ensure that we comply fully with the statutory requirements of the PRTB and RTA schemes, but in doing so we exercise discretion reasonably and fairly to address individual applicant's special circumstances, as and when appropriate.
3 Exercise of discretion – Post-sales	We are committed to applying our discretion in respect of post-sale consents and issues in a clear, fair and consistent manner.
4 North Devon Homes' Right of First Refusal Covenant	We seek to protect the continued availability of affordable homes by reserving and administering the right to buy back properties, which we sell under the PRTB and RTA schemes.
5 Charging PRTB owners for the maintenance of unadopted roads, paths drains and other services.	We are committed to recovering charges due under the PRTB, RTA and original Right to Buy sale covenant requiring owners to fairly contribute to the upkeep of unadopted services, but also to allowing flexibility to assist those who have genuine difficulty in meeting charges.

6 Management and reporting	We are committed to providing a service which is fully legally compliant, efficiently administered for the benefit of tenants and is monitored to assist budget planning.
7 Equal opportunities	The PRTB and RTA schemes restrict the right to buy to those tenants who meet the scheme's strict qualification criteria and have the financial resources to buy. We can only therefore aim to ensure that all qualifying tenants are aware of the scheme and are treated fairly and equally when exercising their right to buy.

### 3. Review

We will review this policy, procedures and any staff training requirement at least once every three years to ensure that it continues to operate within best practice, achieve measurable results, and achieve continuous service improvement.

Alternatively, the policy and all associated procedures will be reviewed immediately following any relevant change to government policy, regulation or legislation.

The Head of Regeneration & Development will be responsible for ensuring that policy reviews are undertaken, that appropriate consultation takes place and that revisions are reported to the Executive Team who

### 4. Responsibilities

The Head of Regeneration & Development for ensuring that this policy is communicated and implemented.

Detailed procedures will be developed and maintained by the Commercial Officer (CO) in line with this policy to provide further

guidance during delivery of the Right to Buy and Right to Acquire service.

## 5. Scope

This policy applies to all tenants of North Devon Homes.

## 6. Policy Statement

### **Preserved Right to Buy**

This policy addresses the responsibilities and obligations placed upon North Devon Homes under sections 171A and 171H of the Housing Act 1985 as amended by the Housing and Planning Act 1986 and the Housing Act 2004. Detailed conditions of eligibility and procedures are contained in The Housing (Preserved Right to Buy) Regulations 1993 S. I. 1993 No. 2241 (as amended).

In respect of tenants who tenants of the Council on or before 21<sup>st</sup> February 2000 the policy covers our obligations to all tenants who immediately prior to the transfer of housing stock from North Devon District Council had the Right to Buy. These tenants have the right to buy their home at a variable discount, according to length of tenancy, but subject to a fixed maximum amount as prescribed by the regulations.

North Devon Homes also owes a duty of care to North Devon Council under the LSVT right to buy sharing agreement, in correctly administering the PRTB scheme to ensure that the relevant share of sales proceeds are accounted for and transferred to the Council.

### **Right to Acquire**

This policy sets out the responsibilities and obligations placed upon North Devon Homes under The Housing (Right to Acquire) Regulations 1997 which modify the right to buy legislation contained in the Housing Acts 1985 and 1996. Additional changes to the scheme were introduced by the Housing Act 2004.

The policy covers our obligations to our tenants who became tenants of North Devon Homes following the transfer of stock on the 21<sup>st</sup> February 2000.

The scheme gives secure and assured tenants the right to purchase their existing property at a fixed discount. It also obliges Registered Social Landlords to maintain a Disposal Proceeds Fund from the proceeds of RTA sales for the purpose of replacing the properties sold under the scheme.

The procedure that we follow for PRTB and RTA is shown at Appendix A.

## 7. Consultation

The Customer Group C90 has been consulted on this policy.

Date	Consultation methodology	Challenge / impact / result
15 October 2020	C90 customer group	

## 8. Equality Impact Assessment

Potential impact on each of the diversity “groups”.

Strand	No impact	Negative impact	Positive impact	Comments / evidence (if negative impact, how does the policy address this)?
Race				
Disability				
Gender				
Gender Reassignment				
Sexual orientation				
Religion or belief				
Age				
Rural issues				
Social Inclusion issues				
Pregnancy and maternity				
Marriage and civil partnership				

We seek to embrace equality and diversity in all aspects of our business.

We aim to ensure that all of our customers regardless of race, colour, gender, religious beliefs, age, disability, sexual orientation, marital status or appearance have the right at all times to:

- be treated fairly and equally
- enjoy their homes quietly.

We undertake to produce this document or parts of it on request in other languages or formats such as large print to ensure that everyone is able to access the policy.

Language Line provides all corporate translation services who can be contacted on 0800 169 2879

We are committed to the principles of fairness and respect at North Devon Homes and, therefore, seek to embed statutory guidance and policy relating to Equality and Diversity in to all activities.

We will seek to ensure that it does everything reasonably within its power to combat any form of harassment.



<b>Next review date:</b>	<b>Responsible Officer</b>
March 2023	Head of Regeneration and Development
<b>Author</b>	<b>Related Documents</b>
<p>Martyn Gimber Chief Executive</p> <p><a href="mailto:martyn.gimber@ndh-ltd.co.uk">martyn.gimber@ndh-ltd.co.uk</a> 01271 312505</p>	<p>More information can be found on our web site: <a href="https://www.ndh-ltd.co.uk/">https://www.ndh-ltd.co.uk/</a></p> <p>Or on the Government website: <a href="https://righttobuy.gov.uk/">https://righttobuy.gov.uk/</a></p> <p>The Housing (Preserved Right to Buy) Regulations 1993 S. I. 1993 No. 2241 (as amended).</p> <p>Ministry of Housing, Communities and Local Government (formerly DCLG) Publication:</p> <p>“Right to Buy could Open the Door” <a href="https://www.gov.uk/government/collections/right-to-buy/forms-and-guidance">https://www.gov.uk/government/collections/right-to-buy/forms-and-guidance</a></p>