

Right to Buy and Right to Acquire Policy

1. What this policy is about

- 1.1 This policy explains how we will deal with Preserved Right to Buy (PRTB) and Right to Acquire (RTA) enquiries and applications including who is eligible for the schemes. These schemes allow our eligible customers to purchase their current home at a discounted price. The PRTB scheme gives discounts of up to 70% depending on length of tenancy. The RTA scheme gives discounts of £9000.

2. Our approach

Eligibility

- 2.1 Customers who are eligible for Preserved Right to Buy:

Customers who were tenants of KMBC at the time of stock transfer in 2002 (transferring tenants)	Customers must have continually remained a tenant with us since the transfer and have a transferring tenancy agreement
A customer who has been granted succession to a transferring tenancy	The discount will be calculated from the tenant's 16 th birthday or the date they moved into the property, whichever is the latest
Any customer who was a transferring tenant but has exchanged with an assured tenant	The transferring tenant will retain their PRTB, but the assured tenant will not become eligible for PRTB

- 2.2 Right to Acquire (RTA) is available to any of our customers who have an Assured Tenancy with Livv and who have held a tenancy or tenancies with any social landlord for a minimum of three years. The years do not have to be consecutive and also includes tenancies for His Majesties Forces

- 2.3 Properties which are exempt from both schemes:

- Some properties are exempt because they are particularly suitable for older or vulnerable tenants who need extra support.
- Homes due to be demolished.
- The tenancies of employees who have to live in homes owned by their employers so that they can be near work.
- Long term fixed leases (of over 21 years).

2.4 Customers who are ineligible for both schemes:

- Anyone who is an undischarged bankrupt, has a bankruptcy petition pending against them, or has a composite agreement with creditors.
- Customers where Livv have obtained an outright Possession Order from the courts.

2.5 Customers who are ineligible for Right to Acquire:

- Customers who live in properties that were not built or purchased with public funding.
- Customers where the amount of debt owed on the property exceeds the purchase price plus the discount due to the customer.

Application checks and required documentation

2.6 We will only process applications once we have received the prescribed application form signed by all applicants asking to share in the purchase.

2.7 For all applicants we will require proof of identity and current proof of residence. Tenants can include up to 3 family members who have lived in the property as their principal home for at least 12 months prior to the date of application. We will require proof of residence confirming this period.

2.8 Where customers have a joint tenancy we will normally sell to both tenants unless we receive written confirmation from both parties that it will proceed in one name only.

2.9 We will carry out the following checks on all applicants with the National Anti-Fraud Network (NAFN)

- Length of residency
- Ownership of any other properties
- Financial checks.

2.10 In order to meet Money Laundering requirements we will ask to see confirmation of how the purchase is being funded.

Timescales

2.11 We will meet all legislative timescales, in particular we will:

- Confirm acceptance of the application within 4 weeks.
- Issue the formal offer letter within 8 weeks of confirmation (12 weeks for residents of flats or maisonettes).
- If the customer does not respond to the offer within 12 weeks we will send a reminder giving a further 28 days before closing the application.
- If we believe an application is being delayed by the applicant we will serve an initial notice to complete within 56 days. If the sale does not complete in that period, we will serve a final notice to complete giving a further 56 days before closing the application.
- If a customer believes that Livv are deliberately delaying their PRTB application they are entitled to serve an initial and, if necessary, an operative



notice of delay. We will respond to any notices within legislative timescales. There is no delay process for RTA applications.

Implementation

- 2.12 All applications will be processed internally until the offer is accepted. They will then be forwarded to solicitors who will process them to completion by liaising with the buyer's solicitors.
- 2.13 We will appoint a RICS qualified independent surveyor to carry out valuations which will be used to confirm the offer price to customers. Customers 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.
- 2.14 Our offer letter will make clear that our survey is for valuation purposes only and the applicant should arrange a structural survey at their own cost.
- 2.15 It is the customer's responsibility to ensure that the necessary finance arrangements are in place to purchase the property.
- 2.16 All houses will be sold freehold. All flats and maisonettes will be sold leasehold.

Post sale

- 2.17 If a property is resold within 5 years it will trigger repayment of some or all of the discount in line with legislation.
- 2.18 We will only waive repayment of discount in exceptional circumstances and such requests will require approval from the Director of Development.
- 2.19 If the property is being resold within 10 years we will either exercise our right of first refusal or issue a certificate of compliance and lift any restrictions to allow the sale to take place.

Help and Support

- 2.20 Our RTB & Leasehold Team will provide support and advice for any customers interested in the scheme both before applying and throughout the process.
- 2.21 Further information on the scheme is available at <https://www.gov.uk/right-to-buy-buying-your-council-home/help-and-advice> or by calling to speak to a Help to buy agent on 0300 123 0913 or emailing enquiry@righttobuyagent.org.uk

Appeals

- 2.22 Customers can appeal our decisions where they feel that we have not taken all information into consideration, or they are unhappy with the outcome we have reached. Customers can appeal the decisions we have made about their eligibility for either scheme if they believe it conflicts with the legislation covering Preserved Right to Buy and Right to Acquire.
- 2.23 We will inform customers how to appeal a decision and how we will consider it. A manager who has not been part of the decision process will consider the appeal. Their decision will be final.



3. Responsibilities

- 3.1 RTB & Leasehold Manager is responsible for overall implementation of this policy. Specific responsibilities are set out below:

Role	Responsibility
RTB & Leasehold Manager	Overseeing processing of application
RTB & Leasehold Officers	Implementation of policy

4. Monitoring and review

- 4.1. Internal forms confirming eligibility for scheme and discount will be signed by two members of staff to ensure that eligibility and discount has been calculated correctly.
- 4.2. The number of completions will be reported monthly via the Pentana Risk and Performance Management System.
- 4.3. Business Information reports will be used to ensure that we are meeting statutory targets to process applications.
- 4.4. We will review this policy every 3 years, or sooner if our monitoring of the policy identifies that changes are required, for example because of changes to law, regulation or related Livv strategies and policies.



Control framework

Compliance

This policy supports compliance with:

- Housing Act 1980
- Housing Act 1996

Document control	
Version	1.0
Policy applies from	May 2024
Policy applies to	Livv Housing Group
Approved by	Executive Director – Finance, Risk and Performance
Approved on	21 May 2024
Replacing	Preserved Right to Buy / Right to Acquire Policy 2021
Review due by	May 2027
Responsible Executive Director	Executive Director – Finance, Risk and Performance
Policy author	RTB & Leasehold Manager
Equality Analysis	March 2024
Environmental Impact Assessment	Not required
Circulation	Intranet; Livv website

Version control		
Version	Date of Review	Summary of changes made
1.0	May 2024	Full periodic policy review.

