SP14 Right to Buy and Right to Acquire Policy

1. Scope of Policy

This policy sets out Soha's approach to discharging its obligations to tenants who are entitled to buy their homes under the statutory provisions of the Preserved Right to Buy and Right to Acquire.

2. Aim

Soha recognises the rights of tenants who qualify under government schemes to buy their homes and will ensure that the service is delivered in accordance with the legislation adopting best practice and the principles of Value for Money.

3. Policy Statement

- Soha will comply with all legislation relevant to the Preserved Right to Buy in accordance with Section 171A of the Housing Act 1985 and
- Right to Acquire under the provisions of Section 16 of the Housing Act 1996.

4. Implementation

a) Soha will have written procedures for dealing with Preserved Right to Buy and Right to Acquire applications. The process and timescales for dealing with applications are set by legislation and will be set out in the procedures.

b) The Preserved Right to Buy allows the qualifying tenant to buy his/her home for the full open market price less a discount prescribed by the Secretary of State.

c) The purchase price is limited by any cost floor and the maximum discount set by the Government.

d) Right to Acquire is similar to Right to Buy but regardless of the length of tenancy the discount is a flat rate as prescribed from time to time by the Secretary of State.

5. Exclusions

The Preserved Right to Buy and Right to Acquire will not apply to:

a) Assured shorthold tenants;

b) Sheltered housing (with resident or non-resident Scheme Manager);

c) Dwelling houses suitable for occupation by elderly persons first let before 1 January 1990 and let to a tenant or predecessor in title for the purposes of occupation by a person aged 60 or over; and

d) Tolerated trespassers whose tenancies have been ended by a court order and have not been restored by the Court or legislation;

e) Tenants who are the subject of a court order under section 192 of the Housing Act 2004 suspending the right to buy/right to acquire for a specified period on the grounds of anti- social behaviour.

6. Resident Involvement

Right to buy and Right to Acquire are statutory schemes and the processes are set out in the legislation.

7. Responsibility

The Director of Finance & Resources is responsible for the effective implementation of this policy.

8. Monitoring and Review

Right to Buy and Right to Acquire information will be reported to the Senior Leadership Team as part of the Management Report and to the Board as required.

9. Context

Housing Act 1985 Part V

The Housing (Right to Acquire or Enfranchise) (Designated Rural Areas in the South East) Order 1997

Your Right to Buy Your Home - DCLG

The Housing (Preservation of Right to Buy) Regulations 1993

The Housing (Right to Acquire) (Discount) Order 2002

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