

HOMES & COMMUNITIES COMMITTEE

16 MARCH 2020

RIGHT TO BUY REPORT

1.0 What is Right to Buy?

- 1.1 Right to Buy allows eligible council and housing association tenants in England to buy their home with a discount of up to £82,800. Eligibility requirements apply to the tenants and some properties are exempt from the Right to Buy legislation.
- 1.2 Legislation balances the rights of the tenant's aspirations of home ownership whilst recognising the importance of protecting the housing stock to meet the needs of current and future residents.

2.0 Tenant Eligibility

- 2.1 Tenants must meet qualifying criteria in order to be considered eligible for Right to Buy and this is assessed at the time of application. Tenants must be in a secure tenancy, and do not qualify until they have been a tenant for a minimum of 3 years with any qualifying tenancy. If a tenant or family member is subject to one of a selection of Court Orders, the individual will be unable to join in the Right to Buy. The applicable Court Orders includes Bankruptcy orders and Ground 2 criminal nuisance orders.
- 2.2 There are certain types of tenancies which cannot be considered as secure for the purposes of Right to Buy including introductory tenancies, demoted tenancies and properties that provide homeless accommodation. This list is not exhaustive but covers the key exceptions we would expect to see in the District.

3.0 Property Exemption

- 3.1 Property exemptions from the greater proportion of reasons why Right to Buy applications are denied. Each property is assessed as to whether it meets exclusion criteria when an application is made to ensure all relevant information is current and correctly assessed. The following extracts cover the core property exemptions where an assessment and interpretation of the legislation is required:
- 3.2 Schedule 5, paragraph 7 of the Housing Act 1985 with regards to exemptions for housing adapted to make it suitable for physically disabled persons:

The right to buy does not arise if the dwelling-house has features which are substantially different from those of ordinary dwelling-houses and are designed to make it suitable for occupation by physically disabled persons, and—

- (a) it is one of a group of dwelling-houses which it is the practice of the landlord to let for occupation by physically disabled persons, and*
- (b) a social service or special facilities are provided in close proximity to the group of dwelling-houses wholly or partly for the purpose of assisting those persons*

- 3.3 Schedule 5, paragraph 9 of the Housing Act 1985 with regards to exemptions for housing adapted to make it suitable for persons suffering from mental disorders:

The Right to buy does not arise if –

- (a) *The dwelling-housing is one of a group of dwelling-houses which it is the practice of the landlord to let for occupation by persons who are suffering or have suffered from a mental disorder, and*
- (b) *A social service or special facilities are provided wholly or partly for the purpose of assisting those persons.*

- 3.4 Schedule 5, paragraph 10 of the Housing Act 1985 with regards to exemptions for housing adapted to make it suitable for elderly persons:

The Right to buy does not arise if –

- (a) *Which are particularly suitable, having regard to their location, size, design, heating systems or other features, for occupation by elderly persons and*
- (b) *Which it is the practice of the landlord to let for occupation by persons aged 60 or more, or for occupation by such persons and physically disabled persons,*

And special facilities such as are mentioned in sub-paragraph (2) are provided wholly or mainly for the purposes of assisting those persons.

(2) *The facilities referred to above are facilities which consist of or include –*

- (a) *the services of a resident warden, or*
- (b) *the services of a non-resident warden, a system for calling him and the use of a common room in close proximity to the group of dwelling-houses.*

4.0 Eligibility Assessment Process

- 4.1 The primary area where individual dwelling assessment is required relates to general need housing that has received adaptations to support either current or past tenants. To support the process of assessing whether or not a dwelling is exempt from Right to Buy, an Adaptations Matrix (provided as Appendix A) is used to support a consistent decision making process in regards to assessing paragraph 7, part (a) and whether the property adaptations make it potentially exempt due to the nature of the adaptations made to the property. All properties with adaptations are advertised as such in line with Choice Based Letting Policy and priority is given to applicants that require such adaptations which addresses the criteria within part (a) that *'it is the practice of the landlord to let for occupation by physically disabled persons'*.
- 4.2 To address part (b) a short report is drawn up to outline what local social services and special facilities are provided that would impact the decision whether or not the dwelling would be exempt. Examples of the types of facilities and services in an area would include community centres, children's centres or services and disability groups.
- 4.3 To be considered an exempt property the dwelling must fully meet the criteria of parts (a) and (b) of the relevant paragraph. Where an application for Right to Buy is denied, an appeal can be made to the independent Residential Property Tribunal. Details of how to submit an appeal are provided to applicants with the confirmation that their Right to Buy application has been denied.

5.0 Right to Buy and housing needs in the District

5.1 The table below outlines the number of applications received annually over the past 4 years, the number of completed sales and the number of right to buys denied.

Year	Applications	Sales	Average Sales Value	Average Discount	Denied
2016-17	52	29	£121,526	49.3%	3
2017-18	61	31	£126,115	46.0%	3
2018-19	43	35	£117,251	49.5%	3
2019/20 (to 28/1/2020)	43	18	£124,208	47.5%	8

5.2 Of the 17 denied applications 8 were due to adaptations and 3 were due to being supported properties.

5.3 568* of Council properties are classed as adapted. This does not mean that all these properties are automatically exempt from Right to Buy as the adaptation may not be of a qualifying type (see Appendix A for further details on exempt adaptations) and part (b) relating to social services and local facilities must still be met. Where a significant adaptation is planned, the tenant is informed as part of the process that the adaptation may result in their property being classed as exempt from Right to Buy in the future.

5.4 37% of over 4000 applicants currently on the housing register have identified that they have a physical disability.

5.5 8 extensions, 171 major and 253 minor adaptations have been completed between April and December 2019.

5.6 The 2014 Strategic Housing Market Assessment for the District showed 27.5% of households as having one person with a long-term health problem or disability, an above average figure (20.3% average overall population), this is predicted to rise to 34% over time.

6.0 Summary

6.1 The correct assessment and exemption of adapted properties is important to help the Council meet the needs of future tenants, make best use of the housing stock available and to minimise the number of major adaptations required for future tenants.

6.2 Properties are assessed at the time of application to ensure that assessments are up to date and correctly applied regarding any adaptations and local services.

7.0 Equalities Implications

7.1 There are no equalities implications.

**Properties with ramps are not included in this figure due to the way information is recorded.*

8.0 Financial Implications

8.1 There are no financial implications arising from this report.

9.0 Community Plan – Alignment to Objectives

9.1 No direct link to objectives of community plan.

10.0 Comments of Director

10.1 In response to a request from the Committee, this report provides Members with a briefing about the Right to Buy which can apply to homes which are owned by the Council. In particular, the report explains the eligibility of properties which have been adapted to meet the needs of tenants for the Right to Buy.

11.0 RECOMMENDATION

That the contents of the report be noted.

Background Papers

Nil

For further information please contact Kristin McIntosh on 01636 655735 or 07970 262881

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RTB Adaptations Matrix

Any properties containing adaptations highlighted below in red will be exempt from the Right to Buy and will not be removed from void properties without SMT approval, the allocations procedure and policy will be amended to ensure all people with a medical priority will be identified and adapted properties will be used to satisfy this demand.

Any properties containing two or more of the adaptations highlighted below in amber will be exempt from the Right to Buy.

Any properties containing adaptations highlighted below in Yellow will not be exempt from the Right to Buy.

Key
Exempt
2 = Exempt
Not exempt

Level Access Shower	Ramp	Stepped Approach	Stairlift	Vertical Lift	Bedroom Extension	Shower Extension	Toilet Extension	Bed and Shower Extension	Fully Adapted Kitchen	Powered Door Opening Device
Partially Adapted Kitchen	Widened Doorways									
Assisted Toilet (Clos-o-mat)	Shower over Bath	Drop Kerb / Hard Standing	Hoist	Heating Upgrade	Safe Outdoor Space	Intercom	Deaf Aid			