

Introduction

Many Council tenants have the Right to Buy their Council properties. This right allows them to buy and take over the maintenance of the property. Discounts are available to tenants who take up this right but there are some exemptions.

The information contained in this leaflet applies to Council housing only.

The Council makes no administrative charge to tenants who apply to buy their Council house.

Who can apply to purchase?

Many tenants who hold a Scottish Secure Tenancy have the Right to Buy their Council house or flat if they have occupied their home continuously for at least five years leading up to the application. Tenants can apply jointly with one or more members of their family, provided they are at least 18 years old and have lived at the address continuously for the 6 months immediately before the application.

If your current tenancy began before **30 September 2002**, you can apply to purchase your house.

If your current tenancy began **between 30 September 2002 and 28 February 2011**, you can apply to purchase after having held your tenancy (in your current house or in any number of properties with relevant landlords) for 5 years continuously immediately prior to submitting your application.

If your current tenancy began **on or after 1 March 2011** and you moved directly from another Council property, you can apply after 5 years continuous tenancy, as above. The exception to this is if the property you currently live in is classed as New Supply Social Housing.

Are there any exemptions to the Right to Buy?

The Housing (Scotland) Act 2010 came into force on 1 March 2011 and new tenants whose tenancies begin on or after that date will not have the Right to Buy their home.

Tenants who have housing-related debt, or who are subject to an Anti-social Behaviour Order, may not be eligible to purchase.

Some properties are exempt from the Right to Buy, including:

- Individual houses in group housing schemes for people with special needs, e.g. Sheltered Housing;
- Individual houses provided for persons of pensionable age e.g. amenity housing (with approval from Scottish Ministers);
- New Supply Social Housing which includes newly built and newly acquired properties;
- Houses in Pressured Areas (there are currently no such areas in Angus).

Discount

The discount that tenants are eligible for depends on the length of time spent in occupation of a property provided by any one of the relevant landlords. This includes local authorities, Registered Social Landlords (e.g. registered housing associations) and property owned by Government Departments and other public bodies. A full list of relevant landlords is contained within the application form (Form APP2).

Occupation can include time spent:

- As a sole or joint tenant, or as the spouse or civil partner of a tenant;
- In a property that was provided rent-free by a relevant landlord;
- In a property previously tenanted by your parents where you have succeeded to that tenancy. This only includes any periods of time where you were over the age of 16.

If your current tenancy began **before 30 September 2002**, the level of discount depends on the type of property and the length of time you have occupied relevant properties.

If you live in a house, the discount starts at 32% after 2 years and goes up by 1% for every complete year to a maximum of 60% after 30 years tenancy.

If you live in a flat or maisonette (including 4 in block properties), the discount is higher. Discount starts at 44% after 2 years and increases by 2% per complete year to a maximum of 70% after 15 years tenancy.

If your tenancy began **after 30 September 2002** (including transfers), there is no distinction in the level of discount between houses and flats.

There is a minimum discount of 20% after 5 years, which increases by 1% for every complete year to a maximum of 35% of the market value after 20 years tenancy, or £15,000, whichever is the lower.

Only the period of continuous occupation prior to submitting your application form will be taken into consideration when calculating discount entitlement.

In certain very limited circumstances, a tenancy that began after 30 September 2002 may be treated as if it had commenced before that date e.g. where a tenant has had to move because the house they occupied is to be demolished, or if the tenancy passes by succession to a deceased tenant's partner. The Council can provide full details of those circumstances on request.

What happens next?

Once you have submitted your application form giving full details of the present and any previous properties you have occupied, any previous properties you have purchased from a relevant landlord, and any improvements you have made to your home, an acknowledgement letter will be sent to you within 5 working days of receipt.

From the date you apply to purchase, the Council only has a responsibility to carry out emergency repairs to the property. Your house will also be removed from any planned maintenance or improvement programme.

If there are any grounds for refusal of your application, you will be notified of this within one month of the date of application.

You will receive a formal offer of sale from the Council within two months of the date you apply to purchase your home. During this time, a number of other things will take place:

- The Council may contact you to provide confirmation of the details on your application form;
- The Council will arrange for the District Valuer to value the property;
- A Deed Plan will be prepared showing the property and any garden ground you tenant.

The District Valuer will contact you to arrange an appointment to value the property.

Staff from your local ACCESS Office will also arrange an appointment with you once the deed plan has been prepared. It is important that you confirm the plan is correct as it shows the garden ground, etc, that will be sold to you. Your neighbours will also be asked to check the plan.

It is important to keep these appointments otherwise the sale of your house could be delayed.

The offer will contain information about how the selling price is calculated. The selling price is usually the market value of the property, less any discount entitlement. However, the cost of any repairs, maintenance and improvements carried out during the last 10 years is taken into consideration and can affect the price. This is known as the cost floor rule - your offer of sale will show if this has affected the selling price.

You should consider approaching banks and building societies if you need to arrange a mortgage, and should also contact a solicitor at this time.

Once you have received your formal offer, you have two months after that to accept or reject the offer.

Should you wish to go ahead, your solicitor will act on your behalf in all discussions with the Council's Legal staff and the date of entry is usually set around 6 months from the date you applied. All rent and council tax payments must be up-to-date before the sale can go through.

If you decide not to go ahead with purchasing your house, you should advise the Council in writing as soon as possible.

The average time that it takes to complete a Council house sale is 26 weeks from the date of application.

Other Costs

Although the Council makes no administrative charge to tenants who apply to purchase, there are other costs associated with buying your home.

- **Solicitor's Fees** - these can vary so you should shop around for the best deal.
- **Mortgages** - again, it is worth contacting various lenders to find the mortgage that suits you best.
- **Insurance** - As a homeowner, you will be responsible for arranging building insurance as well as contents insurance. Your lender or solicitor can advise you on this.
- **Repairs and Maintenance** - As well as being responsible for any repairs and maintenance to the property, you will be liable for any common and mutual repairs. This is particularly important if you live in a flat. Housefacts Leaflet RT8: Buying Your Home - Repairs Responsibilities goes into this in more detail. Copies are available from your local ACCESS Office.

- **Discount Repayment** - If you sell the property at any time within 3 years, a proportional amount of the discount must be repaid. If you sell within the first year, you must repay the full amount of discount given, if it is during the second year, 66% of the discount must be repaid and in the third year, 33% must be repaid.

Additional Ground

If there is an area of ground near to your home that is not included with your tenancy, the Council may consider selling this to you. This would be separate from your application to purchase your house and the price of the additional area would not be discounted.

If you wish to purchase such an area of ground, you should apply in writing to Housing Headquarters.

As well as the purchase price of the ground, you would be liable for the Council's reasonable expenses, for example the valuation fee, legal fees, the cost of having a plan prepared and an administration fee. Furthermore, you will have your own legal costs to meet.

Right to Buy Application Packs are available from all ACCESS Offices, ACCESSLine and Council Headquarters. You can get an application pack by telephoning one of the numbers on the back of this leaflet, or collect one from your local ACCESS Office. If you need assistance to complete the form, please ask a member of staff.

If you need any further information about buying your Council house, please contact your local ACCESS Office or Housing Headquarters.

You have the right to make a complaint about a council service to the Scottish Public Services Ombudsman. Any such complaint must be submitted within 12 months of the day when you first had notice of the matter you wish to complain about.

Scottish Public Services Ombudsman
FREEPOST, EH3 0BR
Tel: 0800 377 7330, Fax: 0800 377 7331
email: ask@spsso.org.uk
website: www.spsso.org.uk

Angus Council ACCESS Offices are located at:

Arbroath

Old Parish Church, Kirk Square, Tel: (01241) 434212

Brechin

36 Bank Street, Tel: (01356) 622184

Carnoustie

26 High Street, Tel: (01241) 853335

Forfar

Municipal Buildings, Tel: (01307) 464966

Kirriemuir

5 Bank Street, Tel: (01575) 572845

Montrose

Town House, Tel: (01674) 673280

Monifieth

81 High Street, Tel: (01382) 534900

**To contact any council service telephone
the ACCESSline on: 08452 777 778**

email: housing@angus.gov.uk website: www.angus.gov.uk

**This leaflet can be translated, on request,
into other community languages.**

**For people with visual impairment,
large print, audio or braille versions can
also be provided.**

Management Housefacts Leaflets M1 - M17

M1 Sub-letting	M10 Gardens, Common Areas and Stair Cleaning
M2 Being a Good Neighbour	M11 Lodger Permission
M3 Homelessness	M12 Ending your Tenancy
M4 Guidance for Dog Owners	M13 Succession of Tenancy
M5 Tenant Participation	M14 Vehicles, Parking and Garages
M6 Anti-Social Behaviour Orders	M15 Operating a Business from your Council House
M7 Help with Neighbour Problems	M16 Abandonment of Tenancy
M8 Buying your Council House	M17 Keeping of Animals in Council Properties
M9 Repossession	

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Housefacts M8



Buying your Council House

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