

Right to Buy Policy

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1. Version control

Date	Details	Updated by
07/11/2024	V1	Kelly Kinnair
19/03/2025	V2	Jordan Davies

2. Eligibility

2.1 Eligibility Criteria

If you are renting your home from Torbay Council, Right to Buy gives you the opportunity to purchase your home at a discounted price, subject to the following criteria:

- It must be your only or main home
- It must be self-contained
- You need to be a Secure Tenant
- You have had a public sector landlord (council, housing association or NHS trust) for 3 years or more (the 3 years do not have to be in a row or at the same property, or even with the same landlord)

You can make a joint application to buy with someone who shares your secure tenancy (e.g., spouse or partner).

You can also make a joint application with up to 3 family members who have lived with you at the property for the past 12 months and are over 18 years old. The family members do not have to be named on the tenancy agreement; however, it must be their main home.

If the council previously owned your home, and sold your home on to another landlord, such as a housing association whilst you were living in the home, you may still have the Right to Buy. This is known as Preserved Right to Buy, you should ask your landlord whether this applies.

2.2 Properties you do not have the Right to Buy:

- A property that is designed for people with a disability
- A property that is particularly suitable for the elderly, and was let to be lived in by someone aged 60 or older
- You work for Torbay Council and your home is part of your conditions of service (this only applies in some cases)
- You are on an introductory tenancy or demoted tenancy
- A final demolition notice is in place
- A property is held by the landlord on tenancy from the Crown
- Tenancies for homeless people secured under section 193 of the Housing Act 1996
- Torbay Council does not own the freehold and the remaining lease:

(a) Has less than 21 years remaining (house or bungalow)

(b) Has less than 50 years remaining (flat/maisonette)

In either instance above, the date relates to when the tenant serves the RTB1 form.

You can find a full list of the exceptions to the Right to Buy in Schedule 5 of the Housing Act 1985: <https://www.legislation.gov.uk/ukpga/1985/68/schedule/5>.

2.3 Ineligibility

Reasons you may not be eligible for Right to Buy:

- You are someone buying with you is subject to a bankruptcy order, has a bankruptcy petition pending or are an undischarged bankrupt
- You or someone buying with you have unfulfilled terms with creditors
- You or someone buying with you have had a history of tenancy fraud

- You or someone buying with you benefits from a moratorium period under a debt relief order
- You or someone buying with you is subject to a suspension period under an order made under section 121A of the Housing Act 1985 due to anti-social behaviour

You can find more information on Right to Buy here: [Your Right To Buy Your Home A Guide](#)

3. Discount and Discount Repayment

3.1 Discount

Anyone who qualifies for Right to Buy can get a discount on the purchase price of their council home. The maximum discount across England from 21st November 2024 will now be subject to regional variations, as announced in the Budget on 30th October 2024. Torbay Council hold social housing stock in the South West of England, therefore the maximum discount available for tenants with a Right to Buy within our authority will be £30,000.

Your discount will be worked out based upon:

- How many years you have been a tenant with a public sector landlord
- The type of home you are buying (house or flat)
- The value of your home
- If you are buying with others, you can count the years of whoever has been a public sector tenant the longest.
- The money spent by the landlord to repair or maintain the home exceeds the sale price or market value (The 'cost floor')
- If you have previously bought another council property, any discount you got previously will usually be deducted from the discount you would get when you buy again.

3.2 Financing your purchase

You are responsible for how obtaining finance to buy your home, you will have access to the same mortgage products available on the market as anyone else.

There is nothing in law that specify how a right to buy purchase should be financed, so long as they are from a legitimate source. A family member, or another source, could provide the funding for the purchase.

Please note that legal ownership of the property can only be in the names of the eligible tenant/s and other eligible applicants.

3.3 Resale

If you sell your home within 10 years of buying through Right to Buy, you must first offer the property back to Torbay Council, or another social landlord in the area. The property should be sold at the full market price agreed between you and Torbay Council (or another social landlord). If you cannot agree on a value, a district valuer will say how much your home is worth and set the price. You will not pay for this valuation. If Torbay Council does not agree to buy back your home within 8 weeks, you can sell the property on the open market.

If you sell your home within the first 5 years of ownership you will usually have to repay some, or all of the discount you received. After the initial 5 years of ownership, you can sell without repaying any discount.:

- 100% of the discount in the first year
- 80% of the discount in the second year
- 60% of the discount in the third year
- 40% of the discount in the fourth year
- 20% of the discount in the fifth year

The amount you repay depends on the value of the home when you sell it. If you sign an agreement to transfer your home to someone else before you complete your purchase, or within five years of buying your home you'll have to repay all of the discount.

You may not have to pay back the discount if you transfer ownership of your home to a member of your family. You will need to agree this first with your landlord and then get a solicitor to do this for you.

4. Restrictions on Rural Homes

Your former landlord may limit who you can sell your home to if your home is in:

- a national park
- a designated area of outstanding natural beauty
- an area the government has designated as rural for Right to Buy purposes

When buying a property that is in one of these areas, the sale will be on the condition that you may only resell to someone who has been living or working in the area for at least 3 years. Alternatively, your landlord may require you to offer your home to them if you want to resell within 10 years of buying.

You may wish to consult with your mortgage provider to check they are happy to give you a mortgage on a home with a rural restriction.

Your landlord will tell you if this could apply to your home when you apply for Right to Buy.

You may find the following useful:

www.ownyourownhome.gov.uk on this page, there is lots of advice available on Right to Buy including a calculator tool, and access to free advice.

5. Things to Consider Before You Buy

The decision to buy a home is likely to be the biggest financial decision you will ever make, and it is a decision that should not be taken lightly.

There are several crucial factors that you should consider before buying your own home. These include:

Affordability - unlike your rent, your mortgage repayment will not include building insurance and a free repairs service. If you buy your home, you will have to pay these yourself. Other ongoing costs to consider are:

- Contents insurance
- Council Tax
- Water, gas, electricity, broadband and any additional services

Benefit entitlement - as an owner-occupier you will not receive any housing benefit OR Universal Credit to help with your mortgage costs. You may be entitled to income support to help with such costs; however, this is not usually payable for 9 months after you first claim it.

If you are elderly and own your own home, its value may be considered in assessing whether you are eligible for financial help with the cost of residential care.

If you are buying a leasehold flat/maisonette, you will have to pay a service charge/maintenance charge, and contribute to large scale repairs, maintenance or improvement works which could amount to hundreds, or thousands of pounds. Information in respect of these charges will be provided to you as part of your right to buy offer letter, but you should ask the landlord about any long-term plans for repairs, works or improvements to your block or the surrounding area.

6. Repairs During the Right to Buy Process

If you are purchasing the freehold of your home, once we have assessed your application to buy your council property and written to you to say that you are entitled to purchase your property, we will only carry out health and safety repair work to the property. The property will be removed from any of our improvement programmes.

We will, however, carry out routine compliance, repair heating breakdowns and plumbing leaks, and keep the property weather and watertight, until the point the sale completes, at which point, the responsibility for such things will pass to you.

If you buy the leasehold (usually the case with flats and maisonettes in larger blocks), we will continue to carry out repairs to the communal area, after purchasing the leasehold you will have to pay service charges each year and are likely to have to meet the costs of major repairs and refurbishment (as outlined in section 5).

7. How to Apply

Fill in the right to buy application form (RTB1 notice). You can download this online or we can arrange to send you a copy. The form can be found here: [Notice claiming the Right to Buy \(RTB1 form\)](#)

Send it to us via socialhousing@torbay.gov.uk

You can also get more details from the Right to Buy Agents by emailing enquiry@righttobuyagent.org.uk

We must say yes or no within 4 weeks of getting your application (8 weeks if we have been your landlord for less than 3 years). If we say no, we must say why.

If we agree to sell, we will send you an offer. We must do this within 8 weeks of saying yes if you are buying a freehold property, or 12 weeks if you are buying a leasehold property.

8. Valuation

The price you pay for your home will be based on the market valuation of your property which we will arrange to be carried out free of charge. If you think our valuation of your home is wrong, you can ask the district valuer to give an independent valuation, you do not have to pay for this service. You must make your appeal within 12 weeks from the date of the notice. The district valuer's decision is final, whether it is higher or lower than our valuation.

If you want to buy the property you will need a solicitor or Conveyancer to act for you on the purchase.

9. Delays

If you believe a delay in the buy application is the fault of the landlord, you can send an Initial Notice of Delay (Form RTB6), to the landlord. You must then give your landlord at least one month to take the next step in the sale process. If your landlord does not send you a counter notice within the time allowed, you can send the landlord an operative notice of delay (Form RTB8). If a valid RTB8 is received, the rent you pay while the delay goes on may then be taken off the price of the purchase of your home, but you must continue to pay rent.

However, if you have not responded to the formal offer letter within the 12 week notice period, or have not taken steps to complete the purchase in a reasonable period of time (which cannot be less than 3 months) after the formal offer letter is sent to you the council can end your Right to Buy application.

10. Survey

Before making the decision to buy, you should get an independent survey from a surveyor or structural engineer. When you apply for a mortgage the bank or building society arranges for a survey that will only normally be for the valuation of the property and may not tell you about structural faults in the property. You may wish to consult your lender about conducting a full structural survey, though there may be additional charges for this service from your lender.

11. Useful Links

If you have difficulty getting a copy of the Right to Buy application form or require further information or advice, please contact us.

In addition to this guidance, there are several resources available to support you in delivering Right to Buy including:

- GOV.UK: <https://www.gov.uk/right-to-buy-buying-your-council-home>

Alternatively, you can contact:

Right to Buy Agent Service

Email: enquiry@righttobuyagent.org.uk

Telephone: 0300 123 0913 The Right to Buy Agent service offers free advice on things like:

- Right to Buy and Preserved Right to Buy process
- Eligibility
- Filling out your application form
- Where you can get financial and legal advice
- What to do if your application is delayed If you need further support, please contact: Ministry of Housing, Communities and Local Government Right to Buy Fry Building 2 Marsham Street London, SW1P 4DF

Email: RTB@communities.gov.uk

Other Help For free, impartial advice about money contact: The Money and Pensions Service

Website: <http://www.moneyandpensionsservice.org.uk>

Telephone: 0800 138 7777

For free, impartial advice on leasehold law and rights (flats and leasehold houses), contact: The Leasehold Advisory Service (LEASE)

Website: <http://www.lease-advice.org>

Email: info@lease-advice.org

Telephone: 020 7832 2500

For information on mortgage lenders contact: The Financial Conduct Authority (FCA)

Website: <http://www.fca.org.uk>

Telephone: 0800 111 6768 For information on stamp duty and the latest rates go to:

- <https://www.gov.uk/stamp-duty-land-tax>

If you want to know about your rights, you can ask:

- Citizens Advice (<https://www.citizensadvice.org.uk/>) or a solicitor If you disagree with your landlord about buying your home, you can contact Right to Buy Agents or the MHCLG

If you are concerned about whether your Right to Buy application has been dealt with appropriately, you can make a complaint through Torbay Council's complaint procedure.

If you are not satisfied with the outcome of the complaint, you may wish to raise concerns with the Housing Ombudsman. Details of how to do this are available at: <https://www.housing-ombudsman.org.uk>

12. Equality and Diversity

Torbay Council is committed to promoting equality and inclusion and to ensuring that our communities thrive. We complete equality impact assessments (EIAs) to help us understand the possible impacts that our decision may have on different groups. This toolkit guides you through the different stages of the equality impact assessment process to help ensure that your EIA is meaningful and robust.

The Equality Act 2010 provides legal protection from discrimination across nine 'protected characteristics' which are: age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, pregnancy and maternity and marriage and civil partnerships.

Under the Act, the Council is subject to the Public Sector Equality Duty (PSED) which means that we must take steps to actively promote equality. The PSED requires public authorities to have due regard to the need to:

Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

Advance equality of opportunity between people who share a protected characteristic and those who do not, and foster good relations between people who share a protected characteristic and those who do not.

The PSED requires us to give 'due regard' to equality when making decisions and delivering services. This is to ensure our actions actively promote equality and do not directly or indirectly adversely affect people with protected characteristics.