

## The Right to Buy

If you are a tenant of Epping Forest District Council you may have the legal right to buy your home. You would get a discount on the price depending on the length of your tenancy, and whether it is a house or a flat. The discounts are set out in a separate leaflet "Buying your home from the Council", available from the Home Ownership Team.

This leaflet on the Right to Buy gives some guidelines which you should read before you apply to buy your property. You will be given detailed information when you apply.

### **First you should check that you meet these conditions:**

- You must be a secure tenant. This is a legal term defined in the Housing Act 1985 (Part IV).
- The house or flat you wish to purchase must be your only home and it must be a self-contained property.

### **You cannot purchase under the Right to Buy if any of the following exceptions apply:-**

- You live in sheltered housing or a home particularly suitable for occupation by older people.
- You live in temporary housing on land due to be developed.
- An 'absolute possession order' has been granted against your property (usually due to rent arrears or other breach of the Tenancy Conditions).

### **Qualifying period**

The tenant applying must have held the tenancy for a qualifying period of at least two years if the tenancy started before 18<sup>th</sup> January 2005. In the case of a joint application this must apply to at least one of the tenants.

For any tenancy that started on or after 18<sup>th</sup> January 2005 the qualifying period is five years.

### **Purchasing your property under the Right to Buy**

1. The first step is to request a Right to Buy claim form (Form RTB1). You can call in, or write to The Home Ownership Team, Epping Forest District Council, Civic Offices, High Street, Epping, Essex CM16 4BZ, or you can phone the Home Ownership Team on 01992 564420. The email address is [housesales@eppingforestdc.gov.uk](mailto:housesales@eppingforestdc.gov.uk).

Please note, the application form will be sent direct to your home address and will not be handed out or delivered to any third party.

With this form we will send you the Government's guidance booklet which gives you more information about the Right to Buy.

2. Please complete the form and return it to the Home Ownership Team at the above address. You can post it or deliver it by hand to any of the Council's offices.
3. The Council will respond by sending you a notice (Form RTB2). This tells you whether you have the right to buy. If the Right to Buy is denied, the notice will explain the reasons for refusal. There is a right of appeal to the Residential Property Tribunal Service.

We must respond within four weeks of receiving your application, or eight weeks if we need to check a previous tenancy or tenancies.

4. If we agree to sell, a valuation of your property must be carried out. You will then be sent an offer notice (Section 125 Notice). This informs you of the full price of the property, the discount entitlement and terms and conditions of the sale.

If you have a house this offer notice should normally be issued to you within eight weeks of the Right to Buy being agreed, or twelve weeks for a flat or maisonette. However it could take longer in some circumstances, if a structural survey is required for example.

**Please Note:** We cannot give you an informal valuation. If you want a guide to prices please check with local estate agents, or in the local press. If you have access to the Internet there are several websites that can give you local information, but you may have to pay a small fee. The actual property valuation is carried out as part of the application process by the Council's Valuation Section

5. If you decide to purchase your property you must complete a "Notice of Intention" (Form HA20), and return it to the Home Ownership Team as quickly as possible. It must be completed no later than the date shown on the offer letter (3 months). Otherwise a 28 day default notice will be sent to you (this is required under section 125E of the Housing Act 1985) and we would be required to withdraw the offer price. You would need to re-apply if you wanted to continue with the purchase, and the property would have to be revalued.

Within the three-month deadline shown on the offer, you are allowed to challenge the valuation (this information is shown on your offer letter). However, please be clear that this could result in the valuation being increased or decreased. The District Valuation Office carries out the re-determination (checks the original valuation) and once they have decided the final valuation it cannot be challenged by you or the Council.

### **Getting a mortgage**

If you need a mortgage, this is the stage when you should talk to a bank or building society and engage a solicitor to advise you on your purchase. There are various kinds of mortgages now available and we suggest you get as much information as possible to choose the loan most suited to your needs. You may also wish to employ the services of a financial adviser.

6. When we have received your “Notice of Intention”, the application will be sent to our Legal Section so the sale can be completed with you and your solicitor. The sale should be completed as quickly as possible. You will be given a reasonable amount of time, but you will be served with two “56-day” notices, one directly following the other, if you fail to comply (under Section 140 and Section 141 of the Housing Act 1985). At the end of the notice period your offer will be withdrawn. You would need to re-apply, and the property would have to be re-valued.

The price you pay will be based on current market rates at the time you apply, less any discount awarded. The maximum discount in Epping Forest District is £34,000.

### **The Council’s duty**

We must abide by the law too. If we have not complied with the legal guidelines, and this has caused a delay in your application, you may be allowed a reduction in the purchase price. You should fill in a delay notice (RTB 6 form) and return it to us. If the Council does not respond within one month, you should send in a second notice of delay (RTB 8). The rent you pay during this delay will be taken off the purchase price (but not if you are on housing benefit).

### **Advice to purchasers**

You need to think about all the costs involved in buying your property, for example:-

- Stamp Duty
- Survey fees,
- Valuation fees
- Administration fees
- Costs associated with taking out a mortgage
- Costs if you employ a financial adviser
- The legal fees for employing a solicitor

When you have bought your home you will have regular payments to make such as:

- Your mortgage
- Buildings insurance, life assurance and mortgage protection insurance.

Your property must be insured for the full “re-instatement” value. A good policy will normally include the cost of alternative accommodation for you and your family in the case of a major disaster, but the premium is likely to be high.

If you are purchasing a flat or maisonette the Council will insure the building. You will be charged an annual premium towards the cost based on the re-instatement value of the property.

- Council Tax
- Water, sewerage, gas, electricity or other utility services.

- Service charges – if you purchase a flat or maisonette.

When you buy your flat or maisonette you acquire an interest in the property and become a Leaseholder. A condition of the Lease is that you must pay an estimated Management Charge every year for maintenance and service, in equal monthly instalments. A guide to the costs for the next five years is provided with the initial sale of the property to assist you.

Major work may be carried out from time to time, but we would consult you before any work starts. Some works can be costly and under the terms of your Lease you will be required to contribute to these costs.

The Council, as the freeholder, can apply for repossession of your flat if you fail to pay your leasehold charges, or for severe breaches of the leasehold terms and conditions (these will be stated in the Lease).

You will also need to budget for keeping the property maintained in good repair.

Your home could be repossessed if you fail to pay your bills - so please consider all the costs very carefully before applying.

This leaflet was produced for tenants of Epping Forest District Council to give some basic information on the Right to Buy. If you would like more details please ask our Home Ownership Team for the Government's guideline booklet "Your Right to Buy your home".

If you have any other queries, or assistance in relation to purchasing your home, please contact the Home Ownership Team. Phone: 01992 564420 or write in to the address shown below.

Home Ownership Team  
Epping Forest District Council  
Civic Offices  
High Street,  
Epping  
Essex  
CM16 4BZ