



North Devon Homes

Right to Buy Policy

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1. Purpose

North Devon Homes will seek to implement the Preserved Right to Buy (PRTB) and Right to Acquire (RTA) schemes for properties under its ownership in accordance with the rules, regulations and time limits set out in the relevant legislation.

North Devon Homes will seek to provide such information and assistance as is necessary to ensure that tenants who are eligible to exercise either the PRTB or RTA fully understand the operation of the schemes, are able to access the schemes and are treated fairly and equally.

2. Principles

This policy sets out North Devon Homes' principles for the delivery of the Right to Buy service which includes the Preserved Right to Buy (PRTB) and Right to Acquire (RTA) schemes. The policy covers dealing with applications under the PRTB and RTA schemes and post-sale consent requests and other post-sale issues.

Due to the prescriptive nature of the schemes, this policy focuses on those aspects of the PRTB and RTA where we are able to exercise discretion. More details on the individual schemes are available in North Devon Homes' booklet *Your Right to Buy and Right to Acquire – making the right choice* and in booklets regularly produced and updated by the Department for Communities and Local Government, eg *Your Right to Buy*.

In establishing a clear policy position, we have identified each area of the Right to Buy service as a discretionary service area in respect of the main policy, as summarised in the table below.

The following principles will apply to this policy and it will:

- be open, fair, transparent and applied consistently
- reflect the current standards of operation and will be reviewed whenever legislation or guidelines change
- promote consistency and full compliance with legal requirements
- reflect the Company's staff, customer and Board members' views where discretion can be exercised

- be realistic, achievable and provide value for money
- be periodically reviewed as set out in section 5
- support all corporate customer care standards.

1 Customer Care	We are committed to provide such information and assistance as is necessary to ensure our tenants are aware of and understand their rights to buy their home and the process for doing so.
2 Exercise of discretion - Applications	We are committed to ensure that we comply fully with the statutory requirements of the PRTB and RTA schemes, but in doing so we exercise discretion reasonably and fairly to address individual applicant's special circumstances, as and when appropriate.
3 Exercise of discretion – Post-sales	We are committed to applying our discretion in respect of post-sale consents and issues in a clear, fair and consistent manner.
4 North Devon Homes' Right of First Refusal Covenant	We seek to protect the continued availability of affordable homes by reserving and administering the right to buy back properties, which we sell under the PRTB and RTA schemes.
5 Charging PRTB owners for the maintenance of unadopted roads, paths drains and other services.	We are committed to recovering charges due under the PRTB, RTA and original Right to Buy sale covenant requiring owners to fairly contribute to the upkeep of unadopted services, but also to allowing flexibility to assist those who have genuine difficulty in meeting charges.
6 Management and reporting	We are committed to providing a service which is fully legally compliant, efficiently administered for the benefit of tenants and is monitored to assist budget planning.
7 Equal opportunities	The PRTB and RTA schemes restrict the right to buy to those tenants who meet

	the scheme's strict qualification criteria and have the financial resources to buy. We can only therefore aim to ensure that all qualifying tenants are aware of the scheme and are treated fairly and equally when exercising their right to buy.
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3. Review

We will review this policy, procedures and any staff training requirement at least once every three years to ensure that it continues to operate within best practice, achieve measurable results, and achieve continuous service improvement.

Alternatively, the policy and all associated procedures will be reviewed immediately following any relevant change to government policy, regulation or legislation.

The Head of Regeneration & Development will be responsible for ensuring that policy reviews are undertaken, that appropriate consultation takes place and that revisions are reported to the Executive Team who

4. Responsibilities

The Head of Regeneration & Development for ensuring that this policy is communicated and implemented.

Detailed procedures will be developed and maintained by the Commercial Officer (CO) in line with this policy to provide further guidance during delivery of the Right to Buy and Right to Acquire service.

5. Scope

This policy applies to all tenants of North Devon Homes.

6. Policy Statement

Preserved Right to Buy

This policy addresses the responsibilities and obligations placed upon North Devon Homes under sections 171A and 171H of the Housing Act 1985 as amended by the Housing and Planning Act 1986 and the Housing Act 2004. Detailed conditions of eligibility and procedures are contained in The Housing (Preserved Right to Buy) Regulations 1993 S. I. 1993 No. 2241 (as amended).

In respect of tenants who tenants of the Council on or before 21st February 2000 the policy covers our obligations to all tenants who immediately prior to the transfer of housing stock from North Devon District Council had the Right to Buy. These tenants have the right to buy their home at a variable discount, according to length of tenancy, but subject to a fixed maximum amount as prescribed by the regulations.

North Devon Homes also owes a duty of care to North Devon Council under the LSVT right to buy sharing agreement, in correctly administering the PRTB scheme to ensure that the relevant share of sales proceeds are accounted for and transferred to the Council.

Right to Acquire

This policy sets out the responsibilities and obligations placed upon North Devon Homes under The Housing (Right to Acquire) Regulations 1997 which modify the right to buy legislation contained in the Housing Acts 1985 and 1996. Additional changes to the scheme were introduced by the Housing Act 2004.

The policy covers our obligations to our tenants who became tenants of North Devon Homes following the transfer of stock on the 21st February 2000.

The scheme gives secure and assured tenants the right to purchase their existing property at a fixed discount. It also obliges Registered Social Landlords to maintain a Disposal Proceeds Fund from the proceeds of RTA sales for the purpose of replacing the properties sold under the scheme.

The procedure that we follow for PRTB and RTA is shown at Appendix A.

7. Consultation

The Customer Group C90 has been consulted on this policy.

Date	Consultation methodology	Challenge / impact / result
23 April 2020	C90 Group	

8. Equality Impact Assessment

1.1 Potential impact on each of the diversity “groups”.

Strand	No impact	Negative impact	Positive impact	Comments / evidence (if negative impact, how does the policy address this)?
Race				
Disability				
Gender				
Gender Reassignment				
Sexual orientation				
Religion or belief				
Age				
Rural issues				
Social Inclusion issues				
Pregnancy and maternity				
Marriage and civil partnership				

We seek to embrace equality and diversity in all aspects of our business.

We aim to ensure that all of our customers regardless of race, colour, gender, religious beliefs, age, disability, sexual orientation, marital status or appearance have the right at all times to:

- be treated fairly and equally
- enjoy their homes quietly.

We undertake to produce this document or parts of it on request in other languages or formats such as large print to ensure that everyone is able to access the policy.

Language Line provides all corporate translation services who can be contacted on 0800 169 2879

We are committed to the principles of fairness and respect at North Devon Homes and, therefore, seek to embed statutory guidance and policy relating to Equality and Diversity in to all activities.

We will seek to ensure that it does everything reasonably within its power to combat any form of harassment.

Next review date:	Responsible Officer
March 2023	Head of Regeneration and Development Commercial Officer
Author	Related Documents
<p>Martyn Gimber Chief Executive</p> <p>Martyn.gimber@ndh-ltd.co.uk 01271 312505</p>	<p>More information can be found on our web site at https://www.ndh-ltd.co.uk/</p> <p>Or on the Government Website https://righttobuy.gov.uk/</p> <p>The Housing (Preserved Right to Buy) Regulations 1993 S. I. 1993 No. 2241 (as amended).</p> <p><i>Your Right to Buy and Right to Acquire – making the right choice</i> and in booklets regularly produced and updated by the Department for Communities and Local Government, eg <i>Your Right to Buy</i>.</p>

Appendix A – Procedures

PROCEDURES FOR PRESERVED RIGHT TO BUY (PRTB) & RIGHT TO ACQUIRE (RTA) APPLICATIONS

Where RTA procedures differ from PRTB this is shown highlighted in **yellow**.

All original signed Notices should be issued to the customer. Copies of the signed Notices should be retained for the file.

Standard letters referred to in these procedures can be found in the following folder:-

<S:\Shared2\Development & Regeneration\10.1 RTB-RTA\6. Procedure & Protocols\1. Procedures & Protcols - Jan 19\6. Standard Letters>

Procedure Appendices are located in:

<S:\Shared2\Development & Regeneration\10.1 RTB-RTA\6. Procedure & Protocols\1. Procedures & Protocols - Jan 19\5. Procedure Appendices>

Template Forms & Documents are saved in:-

<S:\Shared2\Development & Regeneration\10.1 RTB-RTA\6. Procedure & Protocols\1. Procedures & Protcols - Jan 19\7. Template Forms & Docs>

Hyperlinks to the relevant documents are contained within this procedure.

The Commercial Development Officer (CDO) receives PRTB/RTA application on form RTB1 or RTA1 (which must be signed and dated). Do not process further until you have established whether it is the PRTB or RTA that applies to the applicant. If neither then send appropriate reply to applicant with reason/s why they are not eligible. Template letters available in the Standard Letters Folder.

1. Open the Academy Record for the customer and select the "Documents Icon" to review the tenancy records to include Tenancy Agreement etc.
2. Review Academy and/or look through the House file to confirm the start date of the tenancy (see [Appendix A](#)). If the applicant's tenancy begins with NDDC the RTB applies, if the tenancy begins with NDH then the RTA applies. If an RTB1 is received and the initial check reveals that RTA applies send form RTA1 to applicant using [Letter R](#). No further action taken until appropriate form received.
3. All applications must be logged in Academy. You will now need to ascertain the next application reference number to use, shown in [Appendix B](#). Once you have obtained the last number used, use the next number in the sequence for your application.

4. Enter a Task in your Outlook Calendar, (in 4 weeks time from date of receipt of RTB1/RTA1 if tenancy only with NDH/NDDC or 8 weeks if there are tenancies with additional landlords) - for example: "Issue RTB2/RTA2 to 27 Gould Road – 5005".
5. Add the new application to the RTB Current Status Spreadsheet and the RTB Monthly Stats Spreadsheet contained in the following folder:-
[S:\Shared2\Development & Regeneration\10.1 RTB-RTA\5. Live Schedule & Monthly Reports](#)

The RTB Current Status Spreadsheet is used as an overview of all live applications, so that the next deadlines can be seen as a whole and actioned. You will need to update this spreadsheet throughout the process to outline the next deadline, as well as adding a note to your outlook calendar.

6. Send an email to CCT, Neighbourhoods, Asset Staff, Income Team & Regeneration, quoting the UPRN and property address advising that a RTB/A application has been received.
7. You now need to set up a new record for the application on Academy, (refer to [Appendix C](#)). When you are setting up the record also make a note of the UPRN for the file.
8. Once the record has been created, Academy will need to be updated as and when each stage of the process is completed. [Appendix D](#) outlines how this is undertaken.
9. Make up a physical paper, print off and complete a [File Monitor sheet](#) (\Procedures\File Set up forms) and clip this to the front of the file.
10. Print off and complete the [Actions Check Sheet](#) and the [RTB Checklist](#) (this need be signed off once complete and referred to neighbourhoods for validation and approval).
 The following table provides explanations as to how to complete the RTB Checklist :-

Q1	Enter address
Q2	Enter Property reference number
Q3	Yes
Q4	Check housing file and Academy for details (No. Bedrooms, Semi/terrace/flat, Traditional or Non-Traditional (PRC) construction , etc)
Q5	If application is on RTA basis is property in a Rural or Non-Rural area
Q6	No (NDH Ltd does not, at present have any properties in this category)
Q7	Check housing file for details
Q8	Check housing file for details

Q9	Check housing file for details
Q10	Check dates/age(s) on system and housing file (see Margaret Biggs, para.11 page 20 for explanation)
Q11	If dwelling is of PRC construction issue PRC letter "B" (in TWIL letters folder)
Q12	Is there a large garden or an area of land used by tenant that is not part of the property
Q13	Check housing file for details (see below if not all tenants are named on RTB/A1)
Q14	Check housing file for details
Q15	Check housing file for details (3 years for PRTB or RTA) (see Margaret Biggs pages 9-11 for explanation) (send letter "C" in TWIL letters folder if other landlords tenancies advised on RTB1/RTA1)
Q16	Check housing file for details (e.g. not a short term or market rent let)
Q17	This can be found on the system
Q18	This can be found on the system
Q19	Check housing file for details, if succession obtain letter confirming that applicant has not had any break(s) in occupancy of property of more than 2 years each unless Housing file has the details (see Margaret Biggs page 31 and 34-35 for explanation)
Q20	This can be found on the system
Q21	Send e-mail to Income team (Ali or Lyn) to check if any in force (print reply for file)
Q22	Log on to the Land Registry, make a bankruptcy search for each applicant and print off result for the file
Q23	Check housing file for any Demotion Order (see Margaret Biggs page 17 for explanation)
Q24	Check housing file for any Demolition Notice (see Margaret Biggs pages 21 & 24 for explanation)
Q25	Check housing file for any ASB suspension (see Margaret Biggs pages 75-76 for explanation)
Q26	From RTB1. If not joint tenant(s) obtain written confirmation of occupancy at that property of at least 12 months (Letter "Q" found in \Non-Twil Letters\RTB Standard Letters) (see Margaret Biggs pages 40-41 for explanation)
Q27	Normally no, however if not sure seek advice.

11. Look through the file for any record of a Tenants Improvement Grant having been paid (e.g. for a fence or kitchen units). If there are any make a note of the date, the amount and the purpose of the grant and place this in the file. Also check if the tenant rents a separate garage. If notify Anne Humphreys, as their rent will increase for the garage at completion.

12. Locate the Tenancy Agreement from the documents tab of Academy and check that the signature matches that on the RTB/A application form. If the agreement is missing look for any other document that has been signed by the tenant so that you may compare with the application to verify that it is

genuinely signed by the applicant. If they do not match, you will need to write to the customer requesting further evidence.

13. Any correspondence received or sent should be held in or copied to the file. All letters to the applicant should be completed in Academy. If you receive any telephone enquiries that relate to a specific application make a note of the details and place the note in the file and add a note to the tenancy record in Academy.
14. For RTA application you will need to check if the property is a Designated Rural Area, by checking <http://legislation.data.gov.uk/cy/uksi/1997/621/made/data.htm?wrap=true>. If the property is in a designated rural area, the application must be declined and the application withdrawn.
15. Check whether the property is of traditional construction or if it is of PRC by referring to [Appendix E](#). If it is PRC write PRC at top of file front to highlight it.
16. Complete a Bankruptcy Search against each applicant via the Land Registry Portal. See [Appendix M](#) for information. When printed, note the results on the checklist. If it states "No subsisting entries" all is ok. If there are entries check through them to see if any refer to the applicant(s). Send the search result to the applicant asking them to sign to confirm they do not relate to them. If the report reveals that the applicant(s), or one of them, is bankrupt then that individual cannot take part in the purchase.
17. Send an e-mail to relevant Income Officer Team to check for any possession orders issued to tenant. Print their email response for the file and note the dates on the checklist.
18. The applicants qualifying period for discount needs to be checked. For NDH/NDDC this is completed by documents & information held on Academy/Tenancy file. If there are **other Landlords** it is necessary to write to them to confirm the details (send [Letter "C"](#)). If writing to other previous landlords ensure that applicant has completed the relevant page in the RTB/A1 authorizing release of the information under the DPA and enclose a copy when writing. If the tenant has the maximum % discount available from just the NDDC/NDH tenancy there is no need to contact the previous landlords. **All tenancy details must be entered onto the Application record in Academy – see [Appendix F](#) for details).**
19. Some applications may include family members that are not actually tenants of the property. If this is the case check Academy to see if the family member is listed as an occupant, and has been an occupant for at least 12 month prior to the application. Also run a check in HomeHub to confirm occupant registered to the address. If no evidence can be found then send out [Letter Q](#) to obtain proof together with form [7. Template Forms & Docs\Family Member Preserved Right to Buy.docx](#)

20. If a tenant named on the Academy record is not listed on the RTB1/RTA1 (either as taking part in the purchase or declaring that they are not) issue Letter "L" to warn non-applicants that their tenancy will end if the purchase goes through.
21. Once you have completed the checklist sign and date it and pass the file to the Neighbourhood Officer that covers that patch. The Neighbourhood Officer will check the details and then sign and date before passing the file to the Neighbourhoods Manager (or the Housing Manager) to countersign. He/she will then return the file to you.
22. Once the duly signed checklist/file have been returned, issue form RTB2 or RTA2 to the applicant to confirm their application has been accepted or denied (using RTBv2 Covering Letter adapt the letter if denying the application). If accepted and the property is PRC also send at the same time the PRC Warning Letter.
23. Complete the RTB2/RTA2 as follows: (The RTB2/RTA2 must be signed by the Finance Director, provide her with the full file to confirm compliance)

RTB2:

Landlords name is North Devon Homes Ltd
Part A – put in the name(s) of the tenant(s) purchasing, the address and the date the original application was received.

If **admitting** the right to buy cross out the boxes of Parts B and C

If **denying** the right to buy cross out the boxes for Part A and complete Part B or Part C as appropriate (deleting the other)

RTA2:

Landlords name is North Devon Homes Ltd
Part A – put in the name(s) of the tenant(s) purchasing, the address and the date the original application was received.
Part B – delete

If **admitting** the right to buy cross Part C through with a ruler (apart from where you sign)

If **denying** the right to buy complete Part C as appropriate.

If application is denied:

- Complete DENY step on Academy then hold file for 56 days in case an appeal is made.
- If no appeal is made within time limit of 56 days complete FINAL steps on Academy.
- Send an Email to the addresses at 5) above to inform them of the withdrawal ensuring that the UPRN and address are included in the message.

If application accepted:

Send out the RTB2/**RTA2** (together with the PRC letter if required) as described above.

Deadlines from receipt of application to sending out of RTB2/**RTA2** are:

- 4 weeks - If NDH/NDDC are sole landlords for qualifying period
- 8 weeks - For Landlords other than NDH/NDDC

Enter a note on the Outlook calendar & update the RTB Current Status Spreadsheet

FREEHOLD - 8wks from date on RTB2/RTA2

LEASEHOLD - 12wks from date on RTB2/RTA2

Example – "Issue S.125 Offer notice to 27 Gould Road – 5005"

24. During the visit with the tenant at the property, you will need to make sure you cover the following topics:-

- Overview of the Right to Buy process
- Implications of becoming a private owner compare to tenant – e.g. repairs responsibility
- Review of works completed by the tenant
- Review of boundaries
- Confirm the 5 year discount repayment clause at 10 year buy back clause
- Explain the next steps that will take place e.g. instruction of independent valuer – get confirmation that you can pass their contact details over.

When returning to the office from the visit, make detailed notes of all matters discussed within Academy and print a copy of this note from the paper RTB file.

25. From the Application record in Academy calculate the discount that the applicant is entitled to and note this on the file front. Place a note of how this was calculated inside the file. See [Appendix I](#) for details on calculating the discount.

26. If the property is being sold on a leasehold basis email the property details and a copy of the [estimates template](#) to the Planned Maintenance Manager requesting they calculate the leasehold service charges for future major repairs/planned maintenance. Refer to [Appendix N](#).

27. Check on tenancy record in Academy for any warnings issued regarding tenant and note on file front (see [Appendix G](#) for details). You should now complete a set of [valuation papers](#) and a plan from Cartology. Check the [Z. Template Forms & Docs\Estate Schedule for Covenants.xls](#) and then select the Estates sheet to look up the estate number (e.g. 10 Gorwell Road and Estate) and enter this on the form (it is used by the solicitors to look up the correct conveyance wording for the estate). Use Keystone to look up NDH

improvements (e.g. new boiler, wiring etc). Cartology is also used to produce the Transfer Plan(s) to be used in the sale.

28. Make a written appointment for a valuation inspection (via standard letter (part of the RTB2/RTA2 covering letter) to establish boundary responsibilities, any rights of way that need to be set up and to confirm what improvements have been carried out by either NDH or the tenant.
29. When you have completed the inspection the full set of NDH valuation papers, a copy of the Transfer Plan(s) (corrected if required after your visit) and a copy of the property's asbestos report is issued to our independent valuers (currently [Abercorn](#)) to conduct the valuation survey. If the surveyor advises that there is a delay in gaining an appointment for the valuation, write to the tenant to advise that we must comply with the time scales of the regulations and that an appointment must be agreed at the earliest opportunity.
30. Once the valuation survey has been received check that it includes:
 - Valuation
 - Insurance valuation
 - Any notes on property condition (if it notes any problem advise the Asset team managers)
31. You now need to produce details for Cost Floor calculations, three sets of details are required; Pre and Post Academy and Keystone, all are obtained as reports from the computer system. Enter the total amounts from the reports on the file front. For details on how to produce these reports please see [Appendix H](#). We can only include costs incurred in the 15 years immediately prior to the application, ensure that you do not include any in error (e.g. most Pre-Academy items are now over 15 years old). If it is a PRC property (refurbished or rebuilt) you need to advise finance of this fact and ask them to check for additional costs related to the property to include in the cost floor calculations.
32. Enter the Pre and Post Academy response repair costs and the total cost floor calculation onto the front file checklist and complete the [RTB Cost floor detail sheet](#).
33. If property is being sold on a leasehold basis check that the service charge details have been received (see above) from the planned maintenance manager. Complete the details for other services – insurance, electricity etc. from latest service charge figures for actual recharging (refer to finance for actual) to be inserted into the [statement of estimates](#).
34. The file should now be passed to the Finance Controller to countersign the cost floor calculations. The Finance Controller checks cost floor and service charge calculations (in the absence of the Finance Controller pass file to the Finance Director). The Finance Controller will then return the file to the CDO.

35. You must now enter the Cost Floor details and the Valuation/Discount figures to the application record in Academy. For details on entering the Cost Floor figures see [Appendix J](#), to see how to enter the Valuation/Discount figures see [Appendix K](#).
36. Now complete the S125 Offer Notice for [house](#) or [flat](#) (or **RTA3**) and the Offer [Appendices A, B and C](#) (see separate procedures for [how to fill in](#) these forms).
37. When S125 Offer Notice/RTA3 are signed by the Finance Director, send out to the applicant with covering [letter "F"](#). Also enclose:
- Specimen Transfer/Lease together with plan
 - Service charges details – Offer Appendix A
 - Tenant's improvements details – Offer Appendix B
 - Structural defects information – Offer Appendix C
 - Copy of the property's asbestos report
 - Information referring to District Valuer time limit (should the applicant want to refer the valuation to him) and to engrossment charge of £30 by Solicitor (both details are contained within [Letter "F"](#) above)
 - [Offer Acceptance Form](#)
38. Monitor the time limit for response to S.125 offer: a Notice of Intention from the applicant (known as an s.125D – written confirmation by the applicant that they accept the offer or withdraw their application) must be received within 12 weeks of the s.125 offer notice being served, unless there is a request for a determination, by the District Valuer (which should be advised to the applicant using [Letter "G"](#) or by **RTA4** as applicable), in which case the applicant has 12 weeks from the date the results are received from the District Valuer.
39. If a District Valuer determination has been carried out and a revised value has been set a [s128\(5\) house](#) or [s128\(5\) flat](#) Notice must be issued to replace the s125 Notice originally issued.
40. Enter dates in electronic diary – Count 12wks from date on S.125 Offer notice (or S.128 if re-determination) e.g.: "Issue s125E on 78 Slade Valley Rd if no response to S.125 – 4922".
41. A s125E notice may have to be served if no intention notice is received from applicant within the statutory time limits (send [Letter "H"](#)), or [Letter "O"](#) if it is a re-determination. If no intention notice is received by the end of this period the application is deemed to have been withdrawn. If this is the case send the applicant [Letter Y](#).
42. If valuation is not agreed by applicant they may request re-determination by the District Valuer, if so, issue on [Letter "N"](#) to the District Valuer requesting

that they determine the value of the property enclosing copies of all valuation papers and appendices.

43. When you receive confirmation of intention to proceed from applicant (s.125D). Change the diary note entered above, to: e.g. "Issue s140 Notice/**RTA5** to 78 Slade Valley Rd – 4922 - if no completion", extending time to 3 months from date of s.125 Offer Notice.
44. NDH's solicitors (Trowers) need to be notified of the offer acceptance and instructed to prepare the Transfer/Lease for the sale. Instruction of this is completed via email for efficiency. They will need to be provided with the following documents to proceed:
- Copy S125 Offer Notice/RTA3
 - S125 Offer Acceptance Form
 - T marked plans
 - Valuation Report

The solicitors will prepare the draft Lease/Transfer and issue to you for approval. Once approved this will be issued to the applicants solicitors direct from Trowers.

45. Monitor progress of application and, if the applicant fails to complete their purchase by the date entered as at 43 above, serve a Notice to Complete. A Completion Notice (s140/RTA5 together with Letter "J") should only be served if 3 months has elapsed since the S.125 Offer Notice, or the S.128 Offer Notice, were issued.

- A Completion Notice cannot be served if there is an outstanding District Valuer determination.
- The Completion Notice is an instruction to the applicant(s) to complete the purchase within a stipulated period. If, after the first 56-day notice has been served the applicant has not responded, we are obliged to serve a second and final 56-day notice (form s141/RTA6 together with Letter "K"). **Send this by Recorded Delivery.** If the applicant responds that they will complete the purchase within an acceptable continue as noted below.
- If, after the final notice has been served, there has been no response from the applicant(s) the Preserved Right to Buy / Right to Acquire application is deemed to have lapsed. Inform NDH's solicitors that the application has expired (using Letter X and notify the applicant that we have withdrawn their application using Letter Z.
 - Inform CCT, Neighbourhoods, Regen, Asset Team, Income & Lou Hunter via email, that the application has been withdrawn. Complete steps on academy

46. On receipt of applicant's confirmation of intention to complete, NDH's solicitor completes Transfer/Lease. Solicitors deal with/action the following;
- Response to enquiries from applicant's solicitors via agreed standard replies
 - 2 weeks warning to NDH of completion date to allow us to redo bankruptcy search and to check the rent account with the Income team.
 - Transfer/Lease sent to us to be signed and sealed, this is then returned to Solicitor with Letter "M" . The Transfer/Lease should be signed by the Chief Exec. and a Boards Member
 - T.T. of capital to NDH bank account
 - Requests for postponement to CDO to respond via standard letter
 - Completed Transfer/Lease (confirming that the sale went through) sent to CDO to be placed in the A&L Folder.
47. Send a completion of sale e-mail to CCT, Neighbourhoods, Regen, Income, Lou Hunter and Asset teams to advise that the property has been sold and is no longer maintained by us.
48. Update the RTB Schedule spreadsheet (found in ..\..\5. Live Schedule & Monthly Reports\Monthly RTB stats)
49. Place a copy of the completed Lease Transfer in the relevant title folder linked to the Assets & Liabilities Register.
50. Update steps under RTB/Application/Case Progress. When updating **EXTEN** (on Freehold and leasehold sales) and **XUPROP** (freehold sales only) screens you enter the sale as completed using a **Sunday** date as this sets the completion date on the system (sales are normally physically completed on a Monday so use the previous day's date, e.g. sale on 17/10, so enter as 16/10 – see Appendix L for details on how to input to Academy.
- (Note: when processing a Leasehold Property (a Flat or Maisonette) a **BSMOVE** Input will need to be made – see separate procedure sheets for details.)
51. Enter the completion date on file front.
52. For freehold sales only update the ownership overlay on Cartology and print off a replacement plan for the Ownership Plan folder (see Cartology DSI User Guide for further details on how to do this).
53. Enter details of the sale onto a CORE system New Sales Log and upload to the CORE portal: - <https://core.communities.gov.uk>. Guidance on completion of CORE can be found in 5. Procedure Appendices\CORE Sales Log Procedure.doc

54. For Leasehold properties a Leaseholders file should be opened, a copy of the Lease, a copy of the S125 offer notice and Statements A-C, should be placed in the new leaseholder file.

55. For RTA completion, you will need to reclaim the discount from Homes England using the following process [..\5. Procedure Appendices\Procedures for reclaiming discount on RTA sales.doc](#)

55) **WITHDRAWAL OF RTB/A**

If you have a withdrawal phone call, please make sure that the tenant puts this action in writing to us – we cannot action without written confirmation.

Copy the letter, send the original and a covering letter to NDH's solicitors [Letter "P"](#) and place the copies in to the RTB file.

Complete the relevant steps in Academy.

Send an email to CCT, Neighbourhood Team, Regen, Income, Lou Hunter and Asset Team to inform them of the withdrawal. Include the 8-digit reference number.

Updated by:	Lisa Chapple Commercial Development Officer 25 th January 2019
Review Date:	31 st April 2019

Further information

The following 3 pages show the logical order in which "steps" are taken. There is a separate flow chart showing the process in the RTB Procedures Folder: -

S:\Shared2\Develepment & Regeneration\10.1 RTB-RTA\5. Procedure & Protocols\1. Procedures & Protocols - Jan 19

RTB/A Steps Order:

1. Initial Application Made
2. Eligibility Checks
3. Serve RTB/A2 / Deny
4. Valuation Survey / Appeal
5. Boundary Check by Housing Officer
6. Service Charge
7. Cost Floor Calculation
8. Previous Tenancies Confirmed, **(letter C)**
9. Value Property
10. Prepare S125 (Step 125PRF or 125PRH)
11. Send S125 Notice, with speciman transfer/Lease, **(letter F)**
12. No Response to S125 Notice **(letter H)**
13. Acceptance/Withdrawn/S125E/DV – **if offer refused follow withdrawal procedures**
14. Offer Accepted
15. To Solicitor to prepare to confirm acceptance and instruction to prepare draft transfer/Lease,
16. Arrange signing and sealing of transfer paperwork, **(letter M)**
17. Sale completed by solicitor
18. Completed application
19. Cancel tenancy
20. Cancel property, and change status to **not owned**
21. Update ownership plans
22. End application

Withdrawal procedures

- 14a Offer refused by tenant

- 15a Withdraw application
- 16a End application

No response after S125D

- 14b Serve s140 Notice with **letter J**
- 15b No response to s140
- 16b Serve s141 Notice with **letter K**
- 17b No response to s141
- 18b Application expired
- 19b End application

Request for D.V.

- 14c Instruct DV to determine value with **letter N**
- 15c Send S128 Offer Notice with **letter G**
- 16c Follow any of the above, depending on which way the tenant wishes to proceed.