

RIGHT TO ACQUIRE POLICY

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EIA Required? No	<input type="checkbox"/>
EIA Completed?	<input type="checkbox"/>
Revision number:	1
Lead officer:	Emma Crick

1 INTRODUCTION

1.1 The 'Right to Acquire' is a government initiative designed to help housing association tenants purchase the property they live in providing both they, the landlord and the property they live in are eligible.

1.2 Eligible properties must have been built or bought by a housing association after 31st March 1997 and funded through a social housing grant provided by the Homes England or the local council.

1.3 Landlords must be registered with the Regulator of Social Housing.

1.4 Properties must be self contained and be the only or principal home for the tenant.

2 STRATEGIC LINKS

2.1 The Right to Acquire Policy links to legislation and guidance set out to govern the scheme. These include:

- Housing Act 1996
- Capital Funding Guide
- 2008 Housing and Regeneration Act sections 180-185 (as amended by section 165 of the Localism Act 2011) and sections 304 to 310
- 2004 Housing Act sections 180-189 and 192-193
- 1996 Housing Act sections 16 and 17, 20,21,24,25,26
- 1985 Housing Act part V
- The Housing (Right to Acquire) Regulations 1997 (Statutory Instrument No. 619)
- The Housing (Right to Acquire) (Discount) (Amended) Order 2002 – SI 1091

3 KEY FEATURES OF THE POLICY

3.1 The policy sets out SHG's approach to the Right to Acquire scheme taking account of:

- The statutory obligations of both parties;
- The duty of SHG to manage its resources efficiently and protect the public purse from fraud.

3.2 SHG will apply the requirements and conditions set out in statute strictly.

3.3 Tenants will usually be eligible to purchase their home under the Right to Acquire if they meet the following requirements:

- They have had a public sector landlord for a **minimum of three years**;

- They use the property as their **only and principle home**;
- They do not qualify for the **Right to Buy**;
- They **do not** pay rent type: 'intermediate rent'.

3.4 Any tenant or applicant subject to the following orders will not be allowed to join in the Right to Acquire:

- Possession Order including Suspended Possession Order
- Ground 2 Criminal Nuisance Order
- Right to Acquire Suspension Order
- Bankruptcy order – undischarged bankrupts, have a Bankruptcy petition pending or where an agreement has been made with a creditor terms have not been fulfilled.

3.5 Tenants may apply jointly with up to three family members. Family members must be eligible able to prove to SHG's satisfaction that they:

- Occupy the property as their only or main home;
- Have been living at the property for the 12 consecutive months prior to the application being submitted. Note: SHG may use discretion in relation to the length of time a family member has resided at the property but will not do so unless there are exceptional circumstances.

3.6 SHG will carry out full credit/fraud checks on all applicants involved in a Right to Acquire transaction.

3.7 The property must have remained in the social rented sector since it was built or purchased with grant funding. This has the effect of excluding properties that have been previously sold under the Right to Buy scheme and subsequently 'bought back' by SHG.

3.8 If a tenant's Right to Acquire application is admitted, SHG will only carry out emergency repairs and repairs to keep the property weather tight during the Right to Acquire process and until the purchase completes.

3.9 Discounts for the Right to Acquire scheme are set by the Government and are based on the geographical area in which a property is situated. The current discount level in Stockport is £11,000. This figure can be verified at www.gov.uk

4 EQUALITY IMPACT ASSESSMENT

4.1 The EIA screening form has been completed. A full EIA is not required. The RTA is government legislation and SHG can support customers, or sign post for support, if any customer requires assistance in applying for the RTA.

5 OWNERSHIP, MONITORING & REVIEW

5.1 This policy is owned by the Property Management Service and will be monitored in line with policy review and any legislative changes.