

# The Right to Buy Process

## Application

When returning your RTB application form you may be required to provide the following evidence:

- Proof of any previous tenancies with Local Authorities or Housing Associations. This **MUST** include, the **start date, end date, type of tenancy help and confirmation if you did / did not purchase the property through right to buy.**
- A copy of your Marriage / Civil partnership certificate if you wish to purchase with your spouse / civil partner.
- Proof that any family member family member wishing to be included has resided at the property for the previous 12 months. This must be a bank statement with their name and the property address dated the month of application and 1 year previously.
- Certificate of service for the armed forces.
- Proof of any previous right to buy purchase, including the address, dates, discount received, if any of the discount was paid back when the property was sold, and if there were other people included in the purchase.

If you are able to provide this information with your application it will help to process your application as smoothly and quickly as possible. If we require any information that has not been provided, we will write to you and ask you to provide it within 14 days.

*If you get housing benefit, you can still apply to buy your home but please be aware, Housing Benefit may be informed that you applied and this benefit will stop once you own your home.*

## RTB2

The first document you should receive from us is an **RTB2 Notice**. This notice will tell you whether or not you have the Right to Buy.

We have:

- 4 weeks to send you the RTB notice if your qualifying period is with Colchester Borough Council, or
- 8 weeks if your qualifying period is outside Colchester Borough Council

(Qualifying period – 3 years as a public sector tenant if you have not been a public sector tenant prior to 18 January 2005). For further details see Department of Communities and Local Government Guide.

The main reasons for a Right to Buy application to be declined are:

- If you are not a Secure tenant or do not meet the qualifying required period of 3 years.
- An applicant is not a member of the applying tenants immediate family

- The property is suitable or adapted for an elderly or disabled persons dwelling (normally bungalows or rural areas)
- You do not use the home as your only or main home.

### **Valuation**

If your right to buy is accepted, you will then be contacted by the Council's Estates Department. The Estates Officer will contact you to arrange an appointment to carry out a valuation of your property. Once we receive the valuation we will use this information to calculate your discount and prepare your Offer Notice.

### **Offer Notice**

This notice will tell you how much it will cost to buy your home and if you live in a flat it will include estimates for service charges you will have to pay.

**Please note at least one tenant MUST be on the RTB2 and Offer Notice. At times we are asked to remove the tenant from the Offer Notice to help the other applicants obtain a mortgage – This is not possible!**

We have

- 8 weeks to issue a S125 Right to Buy Offer Notice if your property is a house, and
- 12 weeks if your property is a flat

Once you receive your S125 Offer Notice, you have 12 weeks to reply with your intention either to:

- Accept the offer
- Appeal to the District Valuer if you disagree with our valuation
- Or you can withdraw your application – there is a section for this on the yellow acceptance form too.

### **Redetermination:**

Once you have received your Offer Notice, if you do not agree with the valuation carried out by our Estates Department you are able to request a redetermination that will be carried out by the District Valuation Office. If you wish to request a redetermination, please contact us and we will send you the relevant forms.

Please note that the valuation provided by the District Valuation Office is final and can no Equal, higher or lower the valuation provided by the Colchester Estates Department.

### **Default Notice:**

If you have not contacted us after 12 weeks of your Offer Notice being sent we will send you a Default Notice. This will advise you that if you do not contact us within 28 days your Right to Buy application will automatically be withdrawn. Once a case has been withdrawn we cannot reopen it, and you will be required to reapply if you wish

to pursue your right to buy. If you receive a Default Notice and still wish to continue with your application please either return the Yellow Acceptance form or contact us immediately to discuss a possible extension.

### **What Happens If You Accept The Offer:**

If you decide you want to buy your home you should sign the **Yellow Right to Buy acceptance form** and send it to:

**Colchester Borough Homes, RTB/Leasehold Department,  
33 Sheepen Road, Colchester CO3 3WG**

When we receive your acceptance form we will write to you and provide you with the contact details of The Council's Legal Department. The Council's Legal Services will contact your solicitor so that legal paperwork can be agreed by both parties. Your solicitor should let you know when your purchase has been completed. Any money owed must be paid in full on the day of completion, including any Housing Benefit, Council Tax or Rent arrears on your current or previous properties.

Please remember that you will have to pay your solicitors fees and other charges e.g. stamp duty, land registry and search fees.

Before buying you should read all the information given to you in your Right to Buy Offer Notice. Ask your legal adviser to explain anything you do not understand before you decide to buy.

Buying your home is possibly going to be one of the biggest financial commitments that you will ever make. Take time to consider the responsibilities of home ownership and find out all that you need to know before buying.

**If you are buying a flat you will have to pay service charges and ground rent every year, as you will have a leasehold contract with us. You will also receive Major works invoices for your portion of the upkeep of the freehold building.**

***Remember if you default on your Mortgage or Service charges you risk your home being repossessed***

*If you believe Colchester Borough Homes have not kept to the regulatory deadlines for issuing the above notices you are able to issue an initial notice of delay (RTB6) – you can access this form through the internet or your solicitor.*

### **Selling your property**

If you decide to sell the property within 5 years of completion you will have to pay back between one fifth and the total amount of discount you receive. If you sell the property within 10 years of completion, you will have to offer the property to Colchester Borough Council. The Council must be offered first refusal, however it is under no obligation to buy back your property. We will consider your request and notify you within 60 days.