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Llywodraeth Cymru  
Welsh Government

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John Griffiths AM  
Chair Equalities, Local Government and Communities Committee  
National Assembly for Wales

 April 2017

Dear John

### **ABOLITION OF THE RIGHT TO BUY AND ASSOCIATED RIGHTS (WALES) BILL**

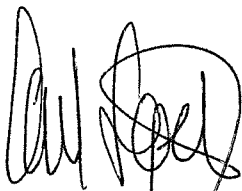
Thank you for your letter of 4 April following my attendance at the Committee's meeting on 29 March about the Abolition of the Right to Buy and Associated Rights (Wales) Bill.

In your letter, you mentioned a number of commitments I made to provide the Committee with further information. You also raised a number of additional questions.

Please find enclosed Annex A which sets out the further information I agreed to send – along with responses to the Committee's follow up questions. Also enclosed is Annex B – the Welsh Government's guidance for local housing authorities on applications to suspend the Right to Buy and related rights. I have also included the Information for Tenants document and flowchart (Annex C and D) for ease of reference.

If you would like any further information, please let me know. Otherwise, I look forward to attending the follow up meeting with the Committee which has been arranged for 25 May.

Yours sincerely



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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

**RESPONSE TO MATTERS RAISED IN THE LETTER OF 4 APRIL 2017  
FROM THE EQUALITIES, LOCAL GOVERNMENT AND COMMUNITIES  
COMMITTEE TO THE CABINET SECRETARY FOR COMMUNITIES AND  
CHILDREN**

**1. Figures on any increase in social housing stock in local authority  
areas where the Right to Buy and Right to Acquire have been  
temporarily suspended under the Housing (Wales) Measure 2011**

Since the passing of the Housing (Wales) Measure in 2011 five applications for suspension have been approved: Carmarthenshire in January 2015, Swansea in April 2015, Anglesey in September 2016, Flintshire in February 2017 and Denbighshire in March 2017.

43,459 (at 2015-16 levels) social rented homes are currently protected from disposal in the suspended areas representing 23% of the total general needs stock.

Suspension also means any investment in increasing the number of affordable homes is protected. Across three of the suspended areas a further 526 new homes have been delivered to date:

- 277 in Carmarthenshire. The Council purchased 48 properties from the private sector and refurbished a former social care property to create 13 new units and their RSL partners have delivered a further 216 units.
- 198 in Swansea. The Council has refurbished 10 units and their RSL partners delivered 188 social rented units.
- 51 on the Isle of Anglesey. The Council purchased 11 former RTB homes, built 3 new homes and their RSL partners built 37 new homes on the island.

The benefit of recent suspensions at Flintshire and Denbighshire will become apparent in the months ahead.

## **2. A note on the eligibility criteria and procedure for applications for temporary suspensions under the Housing (Wales) Measure 2011**

Section 1 of the Measure states that, before submitting an application, a local housing authority must have consulted stakeholders and, in the light of that consultation and other relevant information, concluded that the “Housing Pressure Condition” exists. That is:

- a) within the local housing authority’s area, the demand for social housing substantially exceeds its supply, or is likely to do so, and
- b) the imbalance between supply and demand is likely to increase as a result of the exercise of the right to buy and related rights.

Full details of the eligibility, criteria and procedure for applications for suspension under the 2011 Measure can be found in the Guidance to Local Authorities which is included at **annex B**.

## **3. Clarification on the purpose and intended effect of section 2 and 4 of the Bill**

Sections 2 and 4 of the Bill restrict the Right to Buy and Right to Acquire in respect of dwellings which have not been let as social housing within the six months prior to the coming into force of these sections. As such, any new stock of the landlord first let on social tenancies after these sections come into force will not be subject to the Right to Buy or Right to Acquire. This will include new builds, newly acquired homes from the private sector, or properties which have undergone extensive renovation by the landlord and not let during that time.

These sections will help ensure that the investment in social housing stock made by landlords is protected as soon as possible, without risk of homes being purchased under the Right to Buy or Right to Acquire.

There are exceptions to this restriction in sections 3 and 5 of the Bill where a tenant is forced to move by court order. This is to ensure that where a tenant has no choice in the move, they do not unfairly lose the opportunity to exercise the Right to Buy or associated rights. It will be open to a tenant to move by choice into new stock if they wish to do so in the knowledge that they will not be able to exercise the Right to Buy in respect of that property.

The two month period before these sections come into force is in line with the convention on the coming into force of Acts of the Assembly. This convention provides that no provisions of an Act of the Assembly should be commenced earlier than two months after Royal Assent, subject to some exceptions. This ensures that those affected by legislative change have at least that period of time to become aware of the upcoming changes in the law.

#### **4. A draft of the document containing information for tenants and prospective tenants required under section 8 of the Bill**

The draft document for tenants was sent to the Committee under cover of my letter of 12 April 2017. A copy is attached at annex C and D for ease of reference.

#### **5. Why a six month period has been chosen for the purpose of defining “previously let social housing stock” in section 2(2) and 4(2)?**

The definition of “previously let stock” is limited to stock which has not been let as social housing in the previous six months. This is to cover brand new homes and to ensure that stock which has undergone extensive renovation by the landlord, lasting more than six months, is classed as “new social stock” to which the Right to Buy and Right to Acquire will not apply in order to protect the investment of the

landlord.

In addition, the period needs to be long enough to allow for the natural “churn” that is apparent in social housing stock. At any point in time there may be a number of properties that are empty between tenancies; the policy is to ensure that these “voids” were considered to be part of the existing social housing stock. Therefore, for the above reasons I considered that six months was an appropriate period.

#### **6. Clarification on whether you intend to consult stakeholders on the draft document containing information for tenants and prospective tenants**

Subject to the Bill passing Stage 1 of the scrutiny process, the Welsh Government intends to consult stakeholders on the draft information document. In the meantime, any comments which the Committee may wish to make on the document, would be welcome.

#### **7. To provide further details on the safeguards in place, or that you intend to put in place, to protect vulnerable tenants from exploitation by companies or individuals who may seek to take advantage of the impending abolition of Right to Buy**

The draft document to inform tenants about abolition of the Right to Buy and Right to Acquire (which has already been sent to the Committee for comment) includes a statement that:

“It is important to get professional advice, for example, on financial matters. You should also consider taking legal advice. Organisations such as your local Citizens Advice Bureau may be able to explain how best to go about it. This is particularly important if you have been approached by someone offering to help you buy your home (perhaps in exchange for handing over ownership of the home to that person at a later date) or offering advice in return for a fee.”

Advice, to protect vulnerable tenants from possible exploitation concerning the **Right to Buy**, is already provided on the Welsh Government's website "Buying your council house" and in the booklet 'Your Right to Buy Your Home - a guide for tenants of social landlords in Wales'. Links to the website and booklet are attached:

<http://gov.wales/topics/housing-and-regeneration/housing-supply/buying-and-selling/council-house/?lang=en>

<http://gov.wales/docs/desh/publications/150801-your-right-to-buy-your-home-en.pdf>

I have asked my officials to ensure that similar advice is added to the Welsh Government's guide to the **Right to Acquire** and the accompanying website as soon as possible.



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**Guidance**

# **Housing (Wales) Measure 2011**

**Guidance for local housing authorities on  
applications to suspend the right to buy and  
related rights**

Date of issue: **2012**

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## INTRODUCTION

1. The Housing (Wales) Measure 2011 (the Measure) enables local housing authorities to apply to the Welsh Ministers for a direction to suspend the right to buy and related rights in areas of housing pressure for a period of up to five years.

- The right to buy is available to **secure** tenants of local authorities and Registered Social Landlords to purchase their homes at a discount, provided they meet the qualifying criteria for the scheme.
- In this context, “related rights” include the **Right to Acquire** (which provides a right similar to the Right to Buy scheme for many tenants of Registered Social Landlords to purchase their homes at a discount) and the **Preserved Right to Buy** (which “preserves” tenants’ right to buy in cases involving stock transfer to a Registered Social Landlord). Local housing authorities should consult local Registered Social Landlords before submitting an application.
- A “direction” is a legal instrument to implement a Ministerial decision.

2. The Measure amends the Housing Act 1985 in respect of the right to buy and the Housing Act 1996 in respect of Registered Social Landlords. Part 1 of the Measure gives power to a local housing authority to apply to the Welsh Ministers under section 3 of the Measure for a direction to suspend the right to buy and related rights in a local housing authority's area.

3. The purpose of the provisions is to maintain the availability of social housing by providing a mechanism to suspend tenants’ rights to purchase their homes while the supply of social housing is increased by other means.

4. This document explains how the provisions will work and consists of two main sections. Part A provides a general overview of the process and is issued under section 71 of the Government of Wales Act 2006. Part B provides detailed guidance on the information to be provided by local housing authorities in their applications and is issued under section 30 of the Measure. Authorities will wish to pay particular regard to this guidance when preparing their applications.

5. This guidance is intended to supplement existing guidance on the Right to Buy and related rights, links to which are set out below:

- Your Right to Buy your home - *A guide for tenants in Wales*
- The Right To Acquire - *A guide for tenants*
- The Right To Acquire - *A Summary of Statutory Regulations*

<http://wales.gov.uk/topics/housingandcommunity/housing/social/buying/?lang=en>

6. More general information is set out in the following documents:

- Housing Measure

<http://wales.gov.uk/topics/housingandcommunity/housing/publications/measure2011/?lang=en>

- Housing Measure 2011 - *Explanatory Memorandum and Notes*

<http://wales.gov.uk/topics/housingandcommunity/housing/publications/measure2011/?lang=en>

- Technical Advice Note 2: Planning and Affordable Housing

<http://wales.gov.uk/topics/planning/policy/tans/tan2/?lang=en>

7. Before a local authority submits an application to suspend the right to buy and related rights in all or part of its area, it is recommended that any proposals are discussed informally with the Welsh Government. This will assist officials in dealing promptly with any application upon receipt.

8. If you have any queries on the guidance, please contact Louise Owen on 0300 062 8159 or by e-mail at [louise.owen@wales.gsi.gov.uk](mailto:louise.owen@wales.gsi.gov.uk).

9. Final applications for a direction should be e-mailed to the Welsh Government Housing Directorate in Word format. They should be addressed to the Affordable Housing Team Mailbox at [Affordablehousing.actionteam@wales.gsi.gov.uk](mailto:Affordablehousing.actionteam@wales.gsi.gov.uk)

## PART A

### General overview of the application process

#### Application for a direction to suspend the right to buy and related rights

1. Section 1 of the Measure states that, before submitting an application, a local housing authority must have consulted stakeholders and, in the light of that consultation, concluded that the “**Housing Pressure Condition**” exists. That is:

- a) within the local housing authority’s area, the demand for social housing substantially exceeds its supply, or is likely to do so, and
- b) the imbalance between supply and demand is likely to increase as a result of the exercise of the right to buy and related rights.

2. The stakeholders to be **consulted** include:

- a) providers of social housing with dwelling-houses in the proposed area;
- b) bodies representing the interests of tenants;
- c) a local housing authority (or authorities’) whose area is adjacent to the area to which it is proposed the direction is to apply; and
- d) any other persons which the local housing authority considers appropriate (which could include bodies representing the interests of local residents).

3. Section 3 of the Measure sets out the requirements to be met by the authority’s application. The authority must prepare a **draft** of the **direction** that it wishes the Welsh Ministers to issue. That draft direction must clearly identify the area to which it applies, which could be the whole of the authority’s area or one or more parts of it. Further information for local authorities in preparing a draft direction is given in Part B under Core Evidence to support an application. Details of what needs to be contained in the direction are contained within section 3 of the Housing Measure.

4. The draft direction must also make clear whether the direction is to apply to every relevant dwelling-house in that area and, if not, the **type or types of relevant dwelling** house to which it is to apply (e.g. it might apply only to dwellings with three or more bedrooms). The draft direction must also state the **period** for which the proposed direction is to have effect, which can be up to five years from the date of issue.

5. An authority’s application must also provide an explanation of the reasons why the local housing authority has concluded that the **housing pressure condition** exists and an explanation of why suspending the right to buy is an appropriate way to deal with the housing pressure condition.

6. The authority must also set out the action that it intends to take, in addition to applying to suspend the right to buy, in order to **address the imbalance** between the demand for social housing and its supply.

7. Finally, the application must describe what the authority has done to discharge its **consultation** obligation. Where the application applies to dwellings owned by another social housing provider (eg a local Registered Social Landlord), the Welsh Ministers must be satisfied that the authority has complied with its obligation to consult. Applications should therefore state whether or not the social housing provider supports the application.

8. As each application for a direction is likely to be different, the Welsh Government is not providing a standard **form** for authorities to use. It is considered that authorities are best placed to prepare applications in the format they consider appropriate to their particular circumstances to meet the requirements of the Measure.

#### 9. **Application Process - Summary**

- i) The local housing authority assesses information and prepares a proposal for consultation with tenants, stakeholders and Registered Social Landlords (More details in Part B)
- ii) Consultation takes place and an assessment of comments is made
- iii) Authority prepares draft application for informal discussion with officials in the Welsh Government Housing Directorate
- iv) Informal discussions with officials in the Welsh Government
- v) Submission of formal application for a direction

The application has the following elements:

- Core evidence to show that demand exceeds supply
  - Optional supporting evidence
  - Measures to be taken to increase supply
- vi) Consideration of application by the Welsh Ministers - local authorities will be made aware of the date on which this process takes place
  - vii) Announcement of decision by the Welsh Ministers - this will be within six months of when the Welsh Ministers first decide to consider the application

- viii) The Local Housing Authority informs its tenants, stakeholders and Registered Social Landlords of the decision and its effect
10. A **flow chart** setting out the main stages of the application process is at Annex 1.

## **Supplementary Information**

### **Application for enlarging variation**

11. The Measure contains provisions for the variation of a direction. Section 10 sets out the requirements which must be met by a local housing authority's application for an "enlarging variation". As with an application for a direction, an application for an enlarging variation involves preparing a draft of the direction that the authority wishes the Welsh Ministers to issue, an explanation of the reasons the authority considers the condition referred to in section 8 exists and why an enlarging variation would be an appropriate way to deal with it. The authority must explain what other action it will take, in addition to the suspension of the right to buy, in order to tackle the imbalance between the demand for and supply of social housing.

12. This part of the Measure is intended to provide a mechanism to address significant changes in local circumstances which the local housing authority considers should be addressed promptly (to extend the scope of the existing direction), instead of allowing the direction to run its normal course.

### **Application for reducing variation**

13. Section 15 outlines the requirements to be contained in an application to the Welsh Ministers for a reducing variation. The authority must prepare a draft of the direction it wishes the Welsh Ministers to issue and explain the reasons why it believes the condition set out in section 14(2) exists.

14. As with provisions for an enlarging variation, this part of the Measure is intended to provide a mechanism to address significant changes in local circumstances which the local housing authority considers should be addressed promptly (to reduce the scope of the existing direction) instead of allowing the direction to run its normal course. The date when an enlarging or reducing variation ceases to have effect is the same as that set out in the existing direction.

### **Application for extension**

15. Section 20 sets out the requirements which must be contained in a local housing authority's application for an extension of a direction. The authority must explain the reasons why it has concluded that the housing pressure condition exists, why an extension is an appropriate way to deal with it, what other action it has taken to deal with it and what other action it proposes to take to reduce the imbalance between the demand for social housing and its supply within the authority's area during the proposed period of extension.

16. The requirements of an application for an extension are similar to those for a direction under section 3. However, in recognition of the situation that:

- (a) tenants' statutory rights to purchase their homes have already been suspended for up to five years, and
- (b) the original application included an explanation of what action the local housing authority proposed to take to reduce the imbalance between the demand for social housing and its supply during that period,

the Welsh Ministers will expect to see a detailed explanation of the action taken over the period to reduce the imbalance between demand and supply and why it is considered that a further direction is required.

### **Application to revoke a direction**

17. A local housing authority may apply in writing to the Welsh Ministers to revoke a direction provided the condition in section 23(2) exists. This is that the demand for social housing covered by the direction does not substantially exceed its supply or is not likely to, or even if that is the case, that the exercise of the right to buy is not likely to increase that imbalance. An application must explain why the authority has concluded that this condition exists.

18. Where significant changes have occurred to the Housing Pressure Condition, this provision is intended to provide a mechanism to revoke the direction to enable tenants to exercise their statutory rights promptly instead of allowing the direction to run its normal course.

### **Provision of further information**

19. Section 27 allows the Welsh Ministers to require a local housing authority to provide further information to enable them to decide an application for a direction or for the revocation of a direction.

### **Joint Applications from neighbouring authorities**

20. The application provisions in the Measure are designed to only consider requests for a direction from individual local housing authorities. Where two or more authorities are considering the case for a direction (eg where a local housing market straddles a number of local authority boundaries), separate applications should be submitted, although each application should refer to the other(s) so that the Welsh Ministers are aware of the situation.

21. The reason for requiring separate applications is that, if two authorities submitted a joint bid but only one part of it met the requirements of the Measure, the whole bid would have to be refused. The restriction on repeat applications would result in both authorities having to wait for two years before submitting a new application which was substantially the same as that which was refused. This could be unfair to the local housing authority whose information met the requirements of the Measure. It is therefore considered that separate applications would be preferable in such circumstances.

## **Effect of a direction**

22. The effect of a direction is to suspend the right to buy and related rights of tenants living in the properties covered by the direction for the duration of the direction. This includes tenants who transfer into a property covered by the direction after the date on which the direction begins.

## **Publication of directions**

23. Under section 28, an authority must publish a direction by whichever means it considers appropriate and it must take other reasonable steps to bring a direction or revocation to the attention of persons likely to be affected. Steps should also be taken to inform new tenants who may be considering moving or transferring into an area affected by a direction.

## **Maximum suspension period**

24. Section 18 provides that the maximum duration for the suspension of any tenant's right to buy and related rights is 10 years (eg. if a direction for five years is followed by an extension for a further five years).

25. After the extension direction ceases to have effect, the local housing authority must wait for a period of two years before submitting an application for a direction which is substantially the same as a previous direction.

26. This provision is intended to allow a reasonable amount of time for tenants whose statutory rights have been suspended for a substantial period to consider whether they wish to exercise the right to buy or related rights before the local housing authority can apply for a fresh direction.

## **Requests from tenants to exercise the right to buy during this process**

27. Requests from tenants to exercise the right to buy or related rights served on the landlord **prior** to the Welsh Ministers considering an application for a direction should proceed in the normal way. However, section 31 of the Measure provides that requests served on the landlord **after** the date on which the Welsh Ministers decide to consider the local housing authority's application for a direction shall be "**stayed**".

28. If a claim to exercise the right to buy or related right is stayed at the time the Welsh Ministers grant an application for a direction, the right to buy claim is treated as if it had never been made.

29. If the Welsh Ministers have not granted or rejected an application for a direction within six months, beginning with the date on which they decided to consider the application, the "stay" will be lifted on the day after the end of that period. Local authorities will be made aware of the first date on which the Welsh Ministers begin to consider an application.



## **Restriction on repeat applications**

30. Section 29 states that, where the Welsh Ministers have refused to grant an application for a direction, an authority cannot apply for a direction that is substantially the same for a period of **two years** from the date of refusal.

31. Where there is a direction in place, the authority may not, during the period of the suspension or for two years after it has ended, apply for another direction that is substantially the same. Instead, it must apply for an extension (with the additional condition of demonstrating it has taken adequate action to date to address the housing pressure condition) to which there is an overall limit of ten years.

32. The restriction on repeat applications is based on a recognition of tenants' applications to exercise the right to buy and related rights being stayed during the period when the Welsh Ministers are considering an application.

## **Cross border issues**

33. Under the terms of the Government of Wales Act 2006, the National Assembly for Wales can only make legislation for implementation within Wales. As at May 2011, a number of dwellings owned by Registered Social Landlords registered in Wales are located in England and a number of homes located in Wales are owned by providers of social housing which are registered in England.

34. Local housing authorities may only apply to suspend the right to buy and related rights within their own boundaries. Although this might include dwellings owned by a Registered Social Landlord within the county, it will not include any dwellings owned by that Registered Social Landlord which are located elsewhere (eg in England, or in any other local authority area in Wales).

35. With regard to dwellings located in Wales which are owned by a provider of social housing registered in England, it is possible for such properties to be included within an application for a direction. However, local housing authorities should consult the relevant landlord and take its comments into account in preparing the application.

## **PART B**

### **Assessment of Housing Pressure and proposals to increase supply of social housing**

**The following guidance is provided under section 30 of the Measure. Local housing authorities should have regard to this part of the Measure when preparing an application to the Welsh Ministers for a direction to suspend the right to buy and related rights in areas of housing pressure.**

#### **Introduction**

1. The Welsh Government will expect the information submitted to address **both** of the statutory criteria for areas of housing pressure, but the precise nature of the information is likely to vary according to the size and nature of the proposed pressured area.
2. The Housing Measure sets out two specific criteria which must be met before the Welsh Ministers can designate an area:
  - the need for social rented housing (ie houses provided by the local authority or Registered Social Landlords) in the area in question is, or is likely to be, substantially in excess of social rented housing; and
  - this situation is likely to be exacerbated by tenants in the area exercising their right to buy.
3. The guidance is set out in three sections:
  - 1) Background information required for an application
  - 2) Information required to evidence housing pressure
  - 3) Measures to be taken to increase supply during the suspension period.

## Background Information

4. Under the provisions of the measure, it is for local authorities to make proposals for the make-up of an area to be included in a direction. **However, they should discuss any proposals informally with Welsh Government officials before they are submitted.**

5. Under Plan Rationalisation in 2006, local authorities' housing strategies have been integrated into Local Development Plans, Community Strategies and/or Health, Social Care and Well-being Strategies. However, local authorities' strategic approach to housing should still be contained within a detailed, published document. The Welsh Government will expect proposals to be consistent with a local authority's strategic housing statements.

### Basic data to support an application

6. The Measure allows a local housing authority to propose the inclusion of all or any part of its area or any type of housing in a direction, provided the specified criteria are met. Assessment and analysis of housing need should be up to date. Local Housing Market Assessments should be no more than two years old and will need to be updated if necessary.

### Selection of areas and Identification of boundaries

7. Although the precise boundaries should be a matter for local determination, the Welsh Government considers that these should be recognisable localities or neighbourhoods.

8. These may well be identifiable estates or neighbourhoods which may be coterminous with letting areas. This is also true in respect of areas for which an application is being made for a type of property to be suspended.

9. In most circumstances, relevant areas are likely to be a contiguous group of properties, but there may well be cases where this is not so.

### Consultation

10. The Measure requires that, before submitting proposals, a local authority consults with:

- a) all social landlords with dwellings in the application area
- b) adjacent local housing authorities
- c) the housing sector in the local area and bodies which represent the interests of tenants in the area

- d) any other person they see fit, stating why such persons are relevant

### **Evidence of consultation**

11. The Welsh Ministers will expect to see evidence of consultation, such as:
- Letters sent to Registered Social Landlords or representative bodies,
  - Minutes of meetings with stakeholders;
  - Communications to tenants.

### **Consultation best practice**

12. As a matter of good practice, the Welsh Government will expect local housing authorities to undertake wide-ranging consultations locally before finalising proposals for pressured area status.

13. There is no legal requirement to inform those on the waiting list. However, the Welsh Government suggests that it is best practice to inform tenants through a newsletter or through tenants' organisations, and/or by any other appropriate means.

14. Consultation should be about the need for a direction as well as amendments relating to the details of the boundaries and timing.

15. Local housing authorities will need to bear in mind that Registered Social Landlords in particular may wish to suggest the inclusion of a particular area in an application.

16. Local housing authorities may also wish to consult local property professionals such as estate agents, solicitors, property centres etc with an expert knowledge of the local housing market.

### **Equality Impact Assessments**

17. In order to ensure compliance with the Equality Act 2010, the local authority's proposed policy to suspend the right to buy and related rights in areas of housing pressure should undergo an Equality Impact Assessment. This is to identify any potential negative impact on people with protected characteristics and, if there is likely to be a negative impact, the local authority will need to state what it is doing to mitigate the impact.

18. The Equality Act 2010 clearly defines characteristics which are protected by law from all forms of discrimination, including indirect discrimination. Public bodies have a duty to take into account the needs of people with these characteristics when designing and delivering services and to take steps to promote equality of opportunity.

19. The Welsh Language is spoken in many rural and urban areas and the Welsh Ministers are keen to see Welsh speaking communities sustained. Affordable housing can be important in providing housing for local Welsh speaking households. The impact on the Welsh language of right to buy sales in communities should also be detailed and how suspension of the right to buy and related rights would safeguard the Welsh language. This may be taken into account by the Welsh Ministers.

## Information required to evidence housing pressure

20. Three types of evidence are expected to be considered for inclusion in an application for a direction to suspend the right to buy:

**Core Evidence** - this sets out the information that is expected to be of central importance to evidence that demand for social housing exceeds supply. Applicants will wish to pay particular attention to the evidence covered in this section when preparing their case. If, in the view of the applicant, the case for a direction as illustrated by the core evidence is exceptionally strong, then the applicant may consider that there is less of a requirement to strengthen that case through the presentation of supporting evidence.

**The Welsh Government supports this approach, but suggests that, in all cases, potential applicants discuss the nature of their proposed application with officials in advance.** A draft direction should also be included.

Information which should be provided in all applications is detailed here. This section will look at properties and tenants potentially affected and the impact of the suspension of the right to buy on housing need.

**Optional Supporting Evidence** – illustrates the type of evidence which would be considered as supporting and optional rather than core. Supporting evidence will be of greater significance in the assessment of those applications where the case for a direction, as illustrated by the core evidence, is less clear cut. In those circumstances, it is anticipated that applicants will wish to devote more attention to the supporting evidence in order to strengthen the application. Homelessness data can be included here.

**Measures Taken to Increase Supply** – this section must be included in all applications because the Housing Measure itself states that steps should be taken during any suspension of the right to buy to increase the supply of social housing.

## Core evidence to support an application

21. Some pieces of evidence are considered more important than others to enable an application to be assessed fully and fairly. Without these specific pieces of information in the application, it is likely that the Welsh Ministers may be unable to come to a view or, more likely, will need to make further requests for information which could cause delay. **The objective of this part of the guidance is for local authorities to evidence that demand for social housing exceeds supply or is likely to do so.**

### Ratio of waiting list applicants to number of lets

22. In over half of local authority areas, common waiting lists have been established. This should mean that more accurate analyses of annual lettings in relation to those on the waiting lists can be established.

- The ratio of the number of applicants on the waiting list to the annual number of lets will be a consideration in the assessment process. Local housing authorities should provide, wherever possible, the waiting list to lets ratio for the last three years, so that trends can be seen. This should be in financial years where possible. Where this is not possible, for whatever reason, an explanation should be provided.
- Applications may be presented on the basis of local lettings areas; others could look at Council wards. The geographical area should include the area where an application for suspension is being made and be recognisable to current and potential tenants as a neighbourhood and/or a housing search area.
- Local authorities should ensure that the waiting list data which they use to determine these ratios is as up to date and accurate as possible. Transfer applicants can be included. Where there is not a common housing waiting list, Registered Social Landlord waiting lists should also be included in calculations.  
a
- Local authorities should provide details of the last review of its waiting list (this may be an annual process) and of the waiting lists of Registered Social Landlords operating in the application area. Other commentary on and description of the waiting list data should be given. It is understood that waiting list criteria may vary between local authority areas.
- Local housing authorities may wish to be aware of how the ratios in their areas compare with the national average in Wales. It is our understanding that this is currently somewhere between 5:1 and 4:1 but may fluctuate over time. We understand that there may be some duplication and that this is not a wholly accurate figure.

- If a local housing authority wishes to apply to suspend in a specific area it should, if possible, supply evidence for that specific area and the wider local authority area.
- It should not be assumed that areas with ratios above the national average will necessarily be stronger candidates for suspension, nor that areas with lower ratios will inevitably be unsuccessful. The ratios will not be the sole determining factor to be taken into account for each area. The ratio for the specific area or type of housing where the right to buy and related rights are proposed to be suspended should be given.
- The legislation also allows for specific types of housing to be included in the application, e.g. four-bedroom larger family houses or three bedroom houses across the whole of a local authority area or within a certain area e.g. a community council area in rural areas. Housing waiting list information directly related to households waiting for this type of housing would also need to be prepared. This would show the ratio of lets to applications for the type of housing in that area.

### **Distinction between urban and rural areas**

23. Some relevant data may not be available at the level of very small community councils and settlements. It may be that the lack of available social rented property in a particular area has a distorting effect on the waiting list information (ie no-one puts this area down as a choice for being housed because they are aware there are no rented properties in this area). In these circumstances, Rural Housing Enablers and housing officers may be able to commission or provide results of Local Housing Needs Surveys (Community Level Assessments) to evidence or gauge local demand.

### **Information on how to prepare a draft direction**

24. Details of what should be involved in a draft direction are given in Section 3 (2)(a) of the Housing Measure and the draft direction should be included in the application process. The Measure can be accessed through this link:

[http://www.assemblywales.org/bus-home/bus-legislation/bus-leg-measures/bus\\_legislation\\_measure\\_housing.htm](http://www.assemblywales.org/bus-home/bus-legislation/bus-leg-measures/bus_legislation_measure_housing.htm)

25. Details of what to include in the draft direction are given in section A of the Guidance. The draft direction will be a separate document and will include details of:

- The area where it is proposed that the right to buy and related rights should be suspended
- Details of what types of properties will be affected
- The proposed period of the suspension.

26. There are some key pieces of information regarding the areas applied for and the wider local authority area, which will help provide context for the evidence submitted. The Welsh Ministers will expect to see the information detailed below included in all applications. This element of the guidance gives local housing authorities the opportunity to show evidence that the imbalance between supply and demand is likely to increase as a result of the exercise of the right to buy and related rights.

27. It is assumed that local housing authorities will have access to local intelligence or data sources. However, authorities may find economic and statistical data published by the Welsh Government useful and these are listed in Annex 2. Local housing authorities should have a Local Housing Market Assessment not older than two years.

28. There are some pieces of factual information which can help in gaining a picture of both the area applied for and the wider local authority area, and to understand the context for the evidence provided. Local housing authorities will need to take a decision on how they interpret housing need as being substantially in excess of provision.

### **Social Housing Stock and Tenancy Information**

29. The following should be included in all applications and are listed below:

#### **For each of the areas being applied for:**

- the number of social housing units; and
- the total number of tenancies/tenants that would immediately be affected, split into:
  - Local authority tenancies; and
  - Registered Social Landlord tenancies

#### **For each house type being applied for:**

- the number of social rented units of that type; and
- the total number of tenancies that would immediately be affected, split into:
  - Local authority tenancies and
  - Registered Social Landlord tenancies

30. If a local authority is applying to suspend the right to buy and related rights across the whole of its area, then the information on units and tenancies would need to be for the whole of the area.



31. Where a local housing authority has transferred its housing stock and wants to suspend the right to buy and related rights in an area of housing pressure, it will need to work closely with the stock transfer Registered Social Landlord on the indicators referred to in this guidance and with other Registered Social Landlords in the area. Local housing authorities who are working towards the Welsh Housing Quality Standard through their approved business plans need to ensure that the suspension would not have an adverse effect on the ability of the organisation to meet its commitments.

### **Historical and Projected Right to Buy Activity**

32. The following information is required to evidence that the imbalance is likely to increase as a result of the exercise of the right to buy and related rights:

- the total number of social rented units;
- the number of sales under the right to buy and related rights for each of the previous three years, working backwards from the last available statistics;
- an assessment of whether the current annual average sales are likely to change over the period of the direction with the reasons for this assessment;
- evidence of the impact or likely impact of sales under the right to buy and related rights and, in particular, whether sales and re-sales have led, or are likely to lead, to a shortage of housing for households in housing need; and
- how the suspension of the right to buy and related rights will assist in tackling housing need in areas of housing pressure.

### **Evidence of Housing Need**

33. The estimated affordable housing need per annum for the next five years, disaggregated at an appropriate sub-area level where possible, obtained from a Local Housing Market Assessment or Local Housing Needs Survey which should be less than two years old.

34. A statement is required on the expected number of additional affordable units (through new build, acquisition, lease or refurbishment, including older persons' accommodation) to be completed for rent or low-cost home ownership for the next five years.

35. This will include units within and external to the area(s) of the proposed direction(s). This information should be consistent with other data supplied to the Welsh Government. It should be consistent with the annual affordable homes data collection and housing targets in Local Development Plans (LDPs). Inconsistencies in data will be one of the first issues to come to light in the case of which further clarification will be

sought. Information on the number of social rented homes expected to become available for let to households on the waiting list including transfers should be given.

### **Estimated Number of Sales**

36. It is helpful for the Welsh Ministers to know the local housing authority's view of the estimated number of sales which would be suspended during the course of the designation period. It is acknowledged that this will be an estimate because sales will always be subject to tenants' future intentions, which may be influenced by the economy and external factors. It is therefore recommended that a best estimate, based upon recent trends, is provided, together with an explanation of how the estimate was determined. It should be taken into account that, once it is publicly known that the right to buy and related rights may be suspended, there may be an increase in applications to buy prior to any application for suspension.

### **Pressure in the private sector**

37. It is also relevant to examine evidence of pressure in the private sector, arising from the demand by households for the available private housing stock or a reduction in the supply of private sector housing. Relevant evidence might be above average increases in private sector rents and in private house prices in the area in question compared to the average for that area, similar areas and/or the Wales average.

38. Trends in the house price to earnings ratios will also be essential as an indication of housing pressure. This should include ratios for the area where the right to buy and related rights are proposed to be suspended in comparison with other parts of the local authority area, other similar areas and the Wales average. Advice on obtaining some of this information is given in Appendix 2.

### **Optional Supporting Evidence**

39. The paragraphs below illustrate the type of evidence which would be considered "supporting" rather than "core". Supporting evidence will be of greater significance in the assessment of those applications where the application for a direction, as illustrated by the core evidence, is less clear cut. This information is entirely optional for local authorities to provide.

40. Other supporting evidence of local demand can be included here. This may include those on the housing register who would be unable to afford access to either home ownership or intermediate housing in the locality. Data on the changing nature of the social housing stock (including evidence of turnover rates within the proposed area, average letting times and anticipated time which those in priority need might expect to have to wait for re-housing).

## **Area development plans and strategies**

41. Supporting evidence is also important in terms of making a robust application to the Welsh Ministers. It is also the case that corroborating evidence could strengthen an application.

42. Local strategic housing documents should be submitted. It is advisable that a local authority that wishes to apply for suspension of the right to buy and related rights should continue to prepare a strategic housing document to support its application.

43. The relevant parts of the Local Development Plan (LDP) referring to housing should be submitted together with affordable housing targets, which should be consistent with other figures in the application.

## **Maps**

44. For ease of reference - and to give a spatial dimension to the proposals - local authorities may wish to provide the Welsh Ministers with a map or maps showing the boundary of any proposed area of housing pressure.

45. Any map would not necessarily identify individual houses affected. However, maps should be sufficiently detailed to distinguish clearly between those houses which are within and those which are outside the area of housing pressure. This could be particularly important in rural areas where homes are more widely dispersed. Maps should be emailed in pdf format.

## **Best use of own stock**

46. Local authorities may want to enclose relevant indicators relating to efficient use of the local authority's own stock and that of its partners. This is readily available information on the Welsh Government website and details are given in Appendix 2.

47. Vacancy rates in social landlord stock may be presented. If indicators are not within the top two quartiles of local authority and Registered Social Landlord performance indicators, then an explanation should be provided. For instance, it may be that refurbishment and/or demolitions are taking place in some areas or there may be hard to let units which are part of out-dated sheltered accommodation which is under review.

48. The current averages for local authority and Registered Social landlord levels of voids could be used as comparisons. The Welsh Government figures show that, at 31 March 2010, 1.7% of social housing stock was vacant.

49. A local authority may have additional information available on levels of homelessness which it wishes to submit in support of an application to suspend the right to buy and related rights, that additional information should comprise the following:

- numbers of homelessness presentations in the last three years and numbers of households found to be statutorily homeless over the last three years;
- the number of households that are currently unintentionally homeless and in priority need; and
- the average time it is taking for a homeless household to be housed in permanent accommodation.

## Measures to be taken to increase supply during the suspension period

**(This section is a requirement and must be included).**

50. The Welsh Ministers fully recognise that, when a direction is issued, tenants' aspirations to own their homes will not be able to be met, albeit for a temporary period. Ministers need to be assured that, while the direction is in operation, local housing authorities and their partners are doing all they can to increase the supply of social housing in the area. Evidence of a planned increase in the numbers of affordable units being provided during the suspension period should be shown.

51. Previous references in the guidance have been to social housing but, in describing actions to be taken to increase supply, wider affordable housing initiatives can be referenced. Provision of intermediate rented properties and low cost home ownership units will normally increase supply of social rented properties and a percentage of social rented tenants are likely to take up the opportunity offered by the intermediate market property. However, figures for different tenures should be specified.

52. A statement on the expected number of additional **affordable** (including social rented) **units** to be delivered over the next five years should be shown. This should take into account new build housing, acquisition, leased and refurbished properties. **This will need to be consistent with Local Development Plan and other affordable housing targets.**

53. The methods used to both provide and increase the supply of affordable housing will include mechanisms detailed in the Guidance on Affordable Housing Delivery Statements (2009)

<http://wales.gov.uk/topics/housingandcommunity/housing/publications/affordablestatements/?lang=en>

and information in the Affordable Housing Toolkit (2006).

<http://wales.gov.uk/topics/housingandcommunity/housing/publications/affordablehousingtoolkit/?lang=en>

All of these are available on the Welsh Government website.

54. Some of the means to deliver and increase affordable housing supply are listed below. Evidence of action to be taken to increase supply should be demonstrated. Affordable housing is defined in Planning Policy Wales and Technical Advice Note 2 on Planning and Affordable Housing.

<http://wales.gov.uk/topics/planning/policy/tans/tan2/?lang=en>

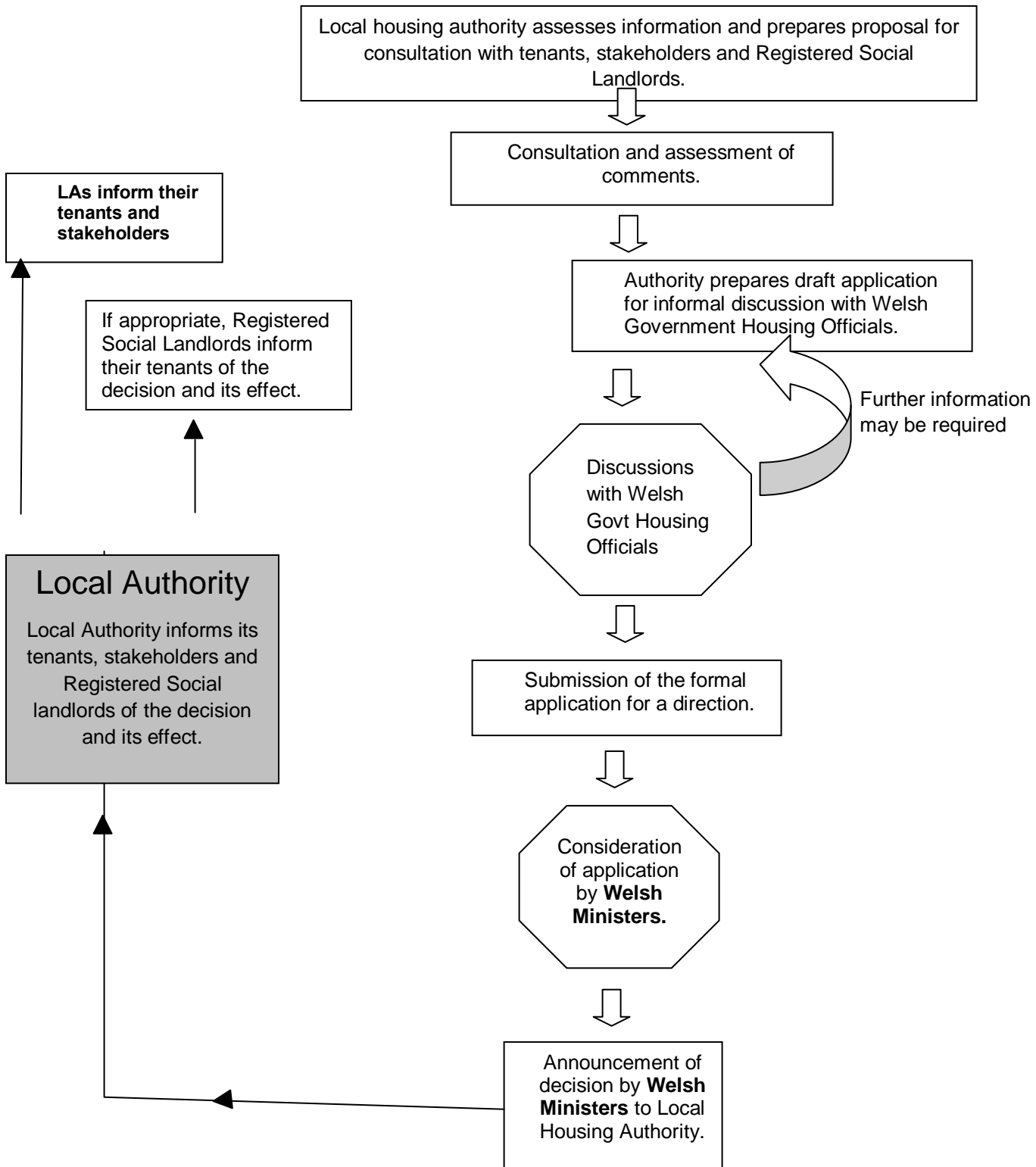
55. Where targets are set for affordable housing build (in the Local Development Plan and projected figures given for the affordable housing data collection), these must be practical and achievable. The Welsh Government will carry out a review by way of a request for information and a meeting after three years of the suspension period (where it has been successfully granted) to ensure that plans to increase supply of affordable housing are progressing. Local authorities should also closely monitor affordable housing targets and supply.

56. Some or all of these mechanisms may be used. There may also be others which are not included on this list, such as:

- use of Social Housing Grant from Welsh Government and expenditure of full allocation on a regular basis;
- greater use of local Registered Social Landlords' own resources;
- active use of Section 106 Planning Agreements for affordable housing;
- bringing empty properties back into use for affordable housing;
- leasing schemes to supplement a local housing authority's or a Registered Social Landlord's own stock;
- use of land owned by the Welsh Government, the local authority or other public sector land for affordable housing;
- making Social Housing Grant go further by use of lower grant level products such as Rent First intermediate housing where this meets housing need;
- effective use of Rural and Regional Housing Enablers to bring sites forward for affordable housing and engage with communities;
- use of Low Cost Home Ownership models targeting those on the housing waiting list;
- addressing under-occupation in social landlord stock;

- reviewing hard to let stock and considering appropriate redevelopment for affordable housing which meets housing need;
- consideration of alternative methods of housing provision including use of Community Land Trusts and/or Co-operative or Mutual Housing; and
- use of local housing authority's own capital programme for affordable housing.

**STAGES INVOLVED IN THE PROCESS TO OBTAIN A DIRECTION**



### **A Guide to Sources of Economic and Statistical data**

It is assumed that local housing authorities will have access to local intelligence or data sources. However, authorities may find the following economic and statistical data published by the Welsh Government and other Government departments/agencies useful. Links are given to the latest versions of the statistics available at the time of publishing this guidance. Local authorities should check whether more recent information is available at the time of compiling their evidence.

**Household estimates and projections** - for Wales and the 22 Welsh local authorities are produced and published by the Welsh Government. They are based on ONS's population estimates. Latest household estimates for the period 1991 to 2010 including information on average household size and household type are available at the following link:

<http://wales.gov.uk/topics/statistics/headlines/housing2011/111006/?lang=en>

Latest available Household projections for 2008 to 2033 are available at:

<http://wales.gov.uk/topics/statistics/headlines/housing2010/100929/?lang=en>

Information can also be downloaded from the Welsh Government's interactive StatsWales website at:

<http://www.statswales.wales.gov.uk/TableViewer/tableView.aspx?ReportId=28725>

<http://www.statswales.wales.gov.uk/TableViewer/tableView.aspx?ReportId=25024>

**Housing Need** - current and projected housing need and demands for Wales between 2006 and 2026 at a local authority and all Wales level is available from the research report *Housing Need and Demand in Wales: 2006 to 2026* published in 2010 and available at:

<http://wales.gov.uk/topics/housingandcommunity/research/housing/needanddemand/?lang=en>

**House Prices** - these are available by house type, mean and lower quartile from the Land Registry. The data set does not provide size of property but does provide new and second hand prices separately. Where authorities have address/postcode information on properties they sold under the right to buy, the Land Registry can provide information on who owns the property and the price paid if sold since April 2000.



<http://www1.landregistry.gov.uk/house-prices>

[http://www.landregistry.gov.uk/wps/portal/Property\\_Search](http://www.landregistry.gov.uk/wps/portal/Property_Search)

House price and mortgage information is also available on the Department for Communities and Local Government website at:

<http://www.communities.gov.uk/housing/housingresearch/housingstatistics/housingstatisticsby/housingmarket/livetables/>

From April 2012 the Office for national Statistics (ONS) will take over responsibility for the publication of a number of the live tables on house prices: These comprise:  
Live Tables: 502-508, 511-517, 521,523, 534,-540, 557,571,572, 590 to 594.

The ONS website is available at the following link:

<http://www.ons.gov.uk/ons/index.html>

**The Annual Survey of Hours and Earning** (Office for National Statistics) - provides information on the earnings of full time adult employees at April each year, which can be analysed at local authority level by sex, manual/non-manual employment types and other categories. It is now available on the basis of place of residence as well as the place of employment. The information can be used in conjunction with house prices to produce median and lower quartile house price to earnings ratios.

<https://www.nomisweb.co.uk/query/select/getdatasetbytheme.asp?theme=25>

**Neighbourhood Statistics** (Office for National Statistics) - provides detailed statistics within specific geographic areas including local authority, ward level and middle and lower layer super output areas:

<http://neighbourhood.statistics.gov.uk/dissemination/>

**Affordable Housing Supply** - information on the provision of additional affordable housing units based on the full [Technical Advice Note \(TAN\) 2](#) definition (including general needs, supported housing, sheltered accommodation and extra care units), whether through new build, purchase, acquisition, leasing or conversion of existing dwellings. Latest Wales and local authority level information is available at:

<http://wales.gov.uk/topics/statistics/headlines/housing2011/111019/?lang=en>

This includes information on the number of additional affordable units delivered between 1 April 2007 and 31 March 2011 as well as estimates of the number planned for delivery in 2011-12 and 2012-13.

Information is also available on the StatsWales interactive website at:  
<http://www.statswales.wales.gov.uk/ReportFolders/reportFolders.aspx>

**Dwelling Stock estimates** - Estimates of the total dwelling stock based on data from the population censuses and updated annually to take account of new house building and demolitions. The breakdown by tenure is estimated from 2001 Census information, information from the Labour Force Survey, local authority returns and registered social landlord (RSL) returns. Latest published data for 31 March 2011 is available at:

<http://wales.gov.uk/topics/statistics/headlines/housing2012/120222/?lang=en>

Information is also available on the StatsWales interactive website at:

<http://www.statswales.wales.gov.uk/ReportFolders/reportFolders.aspx>

**Social Housing Stock** – annual information available centrally on the amount of housing stock held by local authorities and registered social landlords across Wales at 31 March and the number of vacancies and number and type of lettings made within that stock. Latest data for 31 March 2011 available at:

<http://wales.gov.uk/topics/statistics/headlines/housing2011/111116/?lang=en>

More detailed information on the size and type of dwellings held and on tenant numbers would be available at a local level from local authority and registered social landlord records.

**Social Housing Sales** – annual information is available centrally on the number of social sector houses sold via Right to Buy, Right to Acquire and other schemes. Information on local authority sales includes the type of sale, the type of dwelling, the selling price and the discount applied at authority level. Information on RSL sales includes the number of sales by type of sale at individual RSL level. Latest information including trends over time can be accessed at:

<http://wales.gov.uk/topics/statistics/headlines/housing2011/110615/?lang=en>

Information is also available on the StatsWales interactive website at:

<http://www.statswales.wales.gov.uk/ReportFolders/reportFolders.aspx>

**New House Building** – quarterly and annual information is available centrally on the number of dwellings started and completed by tenure and local authority. This is based on the reports of local authority building inspectors and information provided by the National House Building Council (NHBC). Latest information as well as trends over time can be accessed at:

<http://wales.gov.uk/topics/statistics/headlines/housing2012/120321/?lang=en>

and on StasWales at:

<http://www.statswales.wales.gov.uk/ReportFolders/reportFolders.aspx>

**Wales level information on social housing vacancy rates** – this is published in the annual 'Social Housing Stock, Lettings and Vacancies' release and is available at:

<http://wales.gov.uk/topics/statistics/headlines/housing2011/111116/?lang=en>

Vacancy rates can be calculated at a local authority level by using the data shown in Table 5 of the release (Total Vacants/Total Stock \* 100)

Data by individual social landlord is available on the StatsWales website at:

<http://www.statswales.wales.gov.uk/TableViewer/tableView.aspx?ReportId=35327>

and

<http://www.statswales.wales.gov.uk/TableViewer/tableView.aspx?ReportId=35328>

**Waiting Lists** - there is currently no information collected centrally on social housing waiting lists. Information should be taken from local authorities' own records. In areas where Common Housing Waiting lists have been established this information should be used when calculating the waiting list to lets ratio for the last three years.

## INFORMATION ABOUT THE END OF THE RIGHT TO BUY AND RIGHT TO ACQUIRE

### Information for Tenants of Social Landlords

Note: This sample has been produced simply to illustrate the type of information which could be issued to tenants by their social landlord if the Bill to abolish the Right to Buy and Right to Acquire is passed by the National Assembly for Wales. It has been produced to inform Assembly Members and stakeholders during the scrutiny process should questions arise on how such a change would be communicated to tenants. The production of this draft guide does not in any way presume the outcome of the Bill's passage through the Assembly.



## SUMMARY

- The Right to Buy and Right to Acquire will end for all tenants of social landlords on **[insert date of abolition]**
- This guide explains what you need to know about the end of the Right to Buy and Right to Acquire and what you should do if you are thinking about buying your local authority (council) or housing association home.
- If you live in an area in which the Right to Buy and Right to Acquire has been suspended, you will not be able to buy your home under these schemes.
- This guide does not give legal advice, which you should seek separately if you want to buy your home.

## Right to Buy and Right to Acquire - The Basics

If your landlord is a local authority, you may have the **Right to Buy**. The Right to Buy allows eligible secure tenants of local authorities to buy their home at a discount to the market value. The maximum discount available is £8,000.

If your landlord is a Registered Social Landlord, referred to in this guide as a “housing association”, you may have the **Right to Acquire**. The Right to Acquire enables eligible assured and secure tenants of housing associations the right to buy their home at a discount to market value. The maximum discount available is £8,000. The Right to Acquire does not apply in certain designated rural areas.

If your home used to be owned by the local authority but was transferred to another landlord, such as a housing association, while you were living in it, you may have the **Preserved Right to Buy**. This is very similar to the Right to Buy and the maximum discount available is also £8,000.

Before you start thinking about buying your home, you need to find out whether you are eligible to do so. In order to qualify for any of the above discounts you must have rented your home from a public sector landlord (e.g. a local authority, a housing association, NHS Trust) for 5 years. But it doesn't have to be 5 years in a row.

Further information on the eligibility requirements is available in the links at the end of this document, or from your landlord.

## The end of the Right to Buy and Right to Acquire

The Right to Buy, Right to Acquire and Preserved Right to Buy are ending for all tenants in Wales on **[insert date of abolition]**. This is part of the Abolition of the Right to Buy and Associated Rights (Wales) Act 20[XX].

If you are able to exercise a right to buy your home, you can submit your application up to **[insert date of abolition]** and it will be considered in the usual way. Any application made after this date will not be accepted.

If you are applying close to **[insert date of abolition]**, you may wish to send your application to your landlord by recorded delivery to ensure the date it is received is noted or deliver it personally to your landlord's office to ensure it arrives by the deadline date. If you deliver it in person, you may wish to request a receipt to show the date it was received by your landlord.

You must take care to make sure that all the details on your application form are correct. If not, then your application may be turned down. With this in mind, it is better not to leave your application too late. You will want to allow as much time as possible to resolve any issues that may arise.

If you have arrears of rent or council tax when you apply to buy your home, your landlord can refuse to sell it to you. You should check that all your payments are up to date in case this causes a problem.

If there is anything you don't understand about the application form, or you are not sure what information you have to provide, your landlord will be able to help.

The end of the Right to Buy and Right to Acquire will not affect your tenancy in any other way.

## **Suspended Areas**

In Anglesey, Carmarthen, Denbighshire, Flintshire and Swansea, the Right to Buy and Right to Acquire have been suspended. If you live in one of these areas you will not be able to buy your home under these schemes. Your landlord will be able to give you more information if you live in one of these areas.

## **Early abolition on new homes only**

The Right to Buy, Right to Acquire and Preserved Right to Buy will end for "new homes" only on **[insert date 2 months after Royal Assent]**. A "new home" is one which has not been let as social housing for the six months before **[insert date 2 months after Royal Assent]**, for example a new build property, or a home that has been recently acquired by the landlord.

There are certain exceptions if you are forced to move into a "new home". Ask your landlord for further information if you are in this situation.

## **Other Ways to Buy a Home**

Other means of assistance to help you buy a home may be available. Talk to your landlord or visit the Welsh Government's website <http://gov.wales/topics/housing-and-regeneration/housing-supply/buying-and-selling/help-for-buying/?lang=en> for further information.

## **Financial and Legal Advice**

Buying a home is a big commitment. Home ownership has costs as well as benefits. The costs include: the price of the home (after the appropriate discount), legal costs, survey fees, and possibly some taxes e.g. Stamp Duty/Land Transactions Tax. After buying, there will be monthly payments for council tax and a mortgage (if you have one) as well as other on-going costs, which are currently included in your rent e.g. repairs, maintenance and buildings insurance. As the homeowner, you will have to pay for these. Remember, too, mortgage interest rates could increase at some point.

It is important to get professional advice, for example, on financial matters. You should also consider taking legal advice. Organisations such as your local Citizens Advice Bureau may be able to explain how best to go about it. This is particularly important if you have been approached by someone offering to help you buy your home (perhaps in exchange for handing over ownership of the home to that person at a later date) or offering advice in return for a fee.

## **Further information**

The guidance booklet 'Your Right to Buy Your Home - a guide for tenants of social landlords in Wales' is published by the Welsh Government. It gives general information on the Right to Buy rules and how to apply. It can be found here:

<http://gov.wales/docs/desh/publications/150801-your-right-to-buy-your-home-en.pdf>

The Welsh Government's guidance booklet on the Right to Acquire can be found here:

<http://gov.wales/docs/desh/publications/170203-the-right-to-acquire-en.pdf>

If you want general information about the Right to Buy, Right to Acquire or Preserved Right to Buy you can contact the Welsh Government by email at [righttobuy@wales.gsi.gov.uk](mailto:righttobuy@wales.gsi.gov.uk) or you can telephone on **[insert phone number]**.

If you want more specific information about buying your own home, you should contact your landlord.

Your landlord will be able to give you a Right to Buy application form, or you can download it here:

<http://gov.wales/docs/desh/publications/150122-notice-claiming-right-to-buy-en.pdf>

**[insert link to Right to Acquire application form]**

If you would like hard copies of any of these documents, please contact the Welsh Government at **[righttobuy@wales.gsi.gov.uk and insert office address]** or call **[insert phone number]**.

# DRAFT

## Are you a tenant with the Right to Buy, Preserved Right to Buy or Right to Acquire your home?

The chart below gives an overview for tenants on the availability of the Right to Buy (RTB), Preserved Right to Buy (PRTB), or Right to Acquire (RTA) if the “Abolition of the Right to Buy and Associated Rights (Wales) Bill” is passed by the National Assembly for Wales.

