

# customer information

## BUYING BACK EX-COUNCIL PROPERTIES SOLD THROUGH RIGHT-TO-BUY

All properties (freehold and leasehold) sold under Right to Buy legislation since **18<sup>th</sup> January 2005** contain a covenant which requires any owner intending to sell their property within **10 years** of purchase from the Council (Charnwood Borough Council) a requirement to offer the property back to the Council.

### What do I need to do to offer my property to the Council?

You should write to the Council and include the following information:

- A statement signed by the owner(s) saying that they wish to dispose of the property and that they are offering the property to the Council with the 'Right of First Refusal' in accordance with the covenant
- The full postal address of the property being offered
- Information about the property (semi-detached house, ground floor flat etc.), the number of bedrooms, details of the heating system
- Details of the current property condition including any structural assessments undertaken
- Details of any alterations and improvements made since purchasing the property from the Council
- The open market value of the property as certified by a Chartered Surveyor
- Details as to the current occupiers of the property (occupied by the original purchaser, tenants etc.)
- Contact details (address, landline and/or mobile telephone number, email address etc.)

You should send this information to:

Right to Buy Officer  
Charnwood Borough Council  
Southfield Road  
Loughborough LE11 2TT  
Email [asset.management@charnwood.gov.uk](mailto:asset.management@charnwood.gov.uk)



## Does the Council have to buy my property?

The Council is not obliged to buy back properties that are offered in this way. The Council will consider each offer on an individual basis.

The Council's decision whether to buy back a property or not will be determined by the following factors:

- The Capital funds available
- Housing need and demand for the type of property being offered in the area where the property is located
- The cost of any refurbishment work to bring the property up to the Decent Homes Standard
- Whether the purchase represents value for money

The Council may nominate a Registered Provider, formerly known as a Housing Association, to buy the property.

## What happens once I have sent my request?

The Council will acknowledge your offer letter within 5 working days and confirm the date of receipt of your offer.

The Council may contact you to arrange a viewing and/or a valuation by the Council's nominated valuer or to seek additional information.

If the Council have not accepted your offer or nominated a Registered Provider to accept the offer within 8 weeks of receipt of your offer you may dispose of the property in accordance with the regulations.

## What happens if the property is not disposed of?

If the property is not disposed of within 12 months following the 8 weeks expiry date the owner is required to serve a fresh offer to the Council to buy back the property in accordance with the regulations.

## What happens if the Council accepts my offer?

If the decision is to accept your offer the Council will send you an 'Acceptance Notice' either accepting the offer or nominating a Registered Provider to accept the offer.

The 'Acceptance Notice' does not commit the Council or a Registered Provider to buy the property until a binding contract is entered into. If the Council accepts your offer our Legal Service will be instructed to progress the purchase of the property, you will need to instruct a solicitor to complete the sale on your behalf. If a Registered Provider has expressed an interest in accepting your offer they will communicate with you directly regarding the sale.

## Can I appeal?

The Council is NOT required to buy back any property that is offered. Therefore, if the decision is not to buy the property there is no right of appeal.

## What happens if the Council rejects my offer and I proceed to sell the property?

If you sell your property within 5 years of buying you will have to pay back to the Council some or the entire discount you received when you purchased the property.

In accordance with the Housing Act 2004 the owner will be required to pay back a percentage of the discount applied on a sliding scale as shown below:

Property Purchase Period	Discount repayable
Property sold during the first year	100% discount must be repaid
Property sold during the second year	80% discount must be repaid
Property sold during the third year	60% discount must be repaid
Property sold during fourth year	40% discount must be repaid
Property sold during fifth year	20% discount must be repaid
Property sold after five years	No repayment of discount required

The amount you pay back depends on the value of your home when you sell it.

### Example

If you brought your home worth £100,000 and got a 40% discount (£40,000) and then sold your home after 18 months for £120,000.

40% of £120,000 is £48,000. As you are in the second year, you would be required to repay 80% of £48,000 (£38,400) back to the Council.

