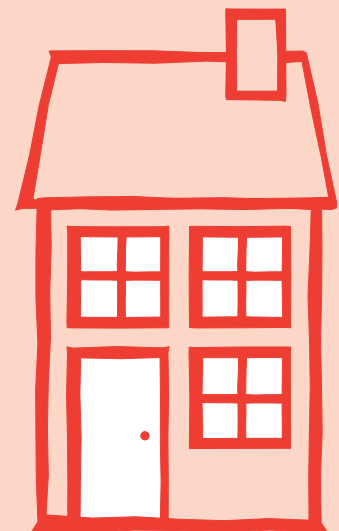


The Right to Buy

Notice Period

Buying your Home before Right to Buy Ends

Information for
Scottish Secure
Tenants



About this Guide

Right to buy is ending for all tenants of social housing in Scotland on 1 August 2016. This is part of the Housing (Scotland) Act 2014.

This guide is for you if you are thinking about buying your local authority (council) or housing association home. It aims to give you an idea of whether or not you might be able to exercise a right to buy. It gives information about what the end of right to buy may mean for you and what you should do if you are thinking about buying your home. The guide does not give legal advice. It is for general information only.

Right to Buy – the basics

The right to buy rules can be difficult to understand. Some tenants do not have the right to buy at all. Others have a right to buy but cannot exercise it because it is suspended. This could be, for example, because of when their tenancy began, where they live, who their landlord is or the age of their house. Before you start thinking about buying your home, it is advisable to find out whether you will be able to do so. You may be able to find information about your right to buy in your tenancy agreement, or you can ask your landlord.

In most cases, you will have a **preserved right to buy** if you had a tenancy before 30 September 2002 and you have not moved home since. This only applies if your tenancy gave you the right to buy before 30 September 2002. Not all housing association tenancies did so.

In most cases you will have a **modernised right to buy** if your tenancy began between 30 September 2002 and 1 March 2011.

In most cases you will not have the right to buy if you became a tenant for the first time on or after 2 March 2011.

Notice period

In this guide, the time you will have to buy your home before right to buy ends is called the **notice period**. The notice period ends on **31 July 2016**. If you are able to exercise a right to buy, you can apply to do so up to 31 July 2016. Any application made after that date will not be accepted as there will no longer be a right to buy. As long as your application is submitted by the end of the notice period, it will be considered in the usual way.

If you are applying close to the end of the notice period you may wish to take your application form personally to your landlord to make sure that they receive it on time.

Your application has to be valid, so make sure that all the details on the form are correct. It would make sense not to leave your application to the end of the notice period so that there is time to resolve any problems 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 therefore 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 should be able to help.

Preserved right to buy

If you have preserved right to buy, in most cases you will be able to use your right to buy during the notice period if you wish to do so. There are two exceptions to this:

- If you succeeded to a tenancy with preserved right to buy and had not previously been a tenant or joint tenant. You first have to satisfy a qualifying period of two years.
- If you succeeded to a tenancy with preserved right to buy and live in a pressured area. Pressured areas are explained more fully below. In all other circumstances, pressured areas do not affect people with preserved right to buy .

Modernised right to buy

If you have modernised RTB, you may be able to apply to buy your home during the notice period but there are circumstances where you will not. These include:

- If you have not completed a qualifying period of five years. For example, if you became a tenant on 31 January 2010 you will not

be able to apply to buy your home until 31 January 2015 so you would only have part of the notice period available to you.

- If you succeeded to a tenancy with modernised right to buy after 31 July 2011, and had not been a tenant before, right to buy will end before you have completed the qualifying period.
- If you live in a pressured area. This is explained more fully below.
- If you are a tenant of a housing association where modernised right to buy is suspended (the 'ten year suspension'). Your housing association will be able to tell you if this applies to you.
- If you moved to a 'new supply' house after 1 March 2011. A new-supply house is, mainly, one that the landlord built or bought after 25 June 2008. There are some exceptions to this rule, the main one being if you had to move to the new-supply house because your previous home was being demolished.

Pressured areas

Local authorities (councils) have the power to designate areas or types of house as pressured, where the need for housing or a particular house type is, or is likely to be, much greater than the housing available. Modernised right to buy is suspended in these areas. Your council will be able to tell you if you live in a pressured area.

Pressured areas apply to housing association tenants as well as council tenants.

Other ways to buy a home

If you are interested in becoming a home owner but won't have saved enough money before the end of the notice period, you will not be able to buy your council or housing association home under right to buy. In some cases, your council or housing association may be prepared to consider selling your home to you on a voluntary basis, but this is likely to be at the full market value of the house, without any discount. They do not have to do this. There are other low-cost home ownership schemes in place if you are interested in buying a different home. If you are interested, you can contact the Scottish Government's Central Enquiry Unit on ceu@scotland.gsi.gov.uk or 0300 244 4000 and they will direct you to the appropriate person.

Financial and legal advice

Buying a home is a big commitment and if you have the right to buy, and are thinking about buying your home, you should bear in mind that home ownership has costs as well as benefits. Apart from the price you have to pay for the home and any mortgage payments, there would be ongoing costs for things that are included in your rent just now, like repairs, maintenance and buildings insurance, and possibly factoring fees. As an owner you would have to pay for these and if you choose to buy you will need to be sure that you can meet the cost. Remember, too, that mortgage interest rates could go up in future.

If you are thinking about taking up a right to buy it is important to get trusted, professional financial advice to make sure you can get a mortgage and afford the repayments. You should also consider taking legal advice or discuss the matter with your local Citizens Advice Bureau, to make sure that your interests are fully protected. 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 house to that person at a later date) or offering advice in return for a fee.

After right to buy ends

After 31 July 2016, although right to buy will have ended, you will continue to have a Scottish secure tenancy with security of tenure.

Further information

If you want general information about the right to buy, please contact the right to buy mailbox: rtb@scotland.gsi.gov.uk. Using the mailbox is the best and quickest way to get a response to your enquiry. Alternatively, you can telephone us on 0141 242 5496.

If you want information about your own right to buy, you should contact your landlord. The Scottish Government does not have any information about tenants' individual circumstances.

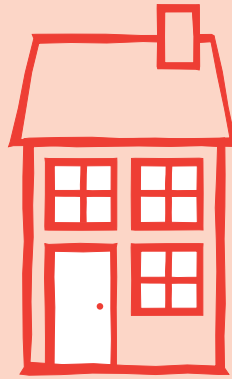
The Scottish Government has a guidance booklet for tenants, 'Your Right to Buy Your Home – a Guide for Scottish Secure Tenants'. It gives general information on the right to buy rules and how to apply. It can be found here:

<http://www.scotland.gov.uk/Resource/Doc/359695/0121528.pdf>

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

<http://www.scotland.gov.uk/Publications/2011/02/25123547/0>

If you would like hard copies of either of these, please contact the mailbox.



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