



“Offering our community more than a home”

Shared Ownership Buy Back Policy

Management Committee submission	12 May 2020
Last Approved:	05 February 2019
Date Approved:	12 May 2020
Next Review date:	March 2023

CHA Objectives:

- To provide quality, affordable housing that meets the changing needs of our customers and to ensure fair access to housing within our area.
- To manage the houses provided, in a professional and cost effective manner, for the benefit of our local community and the environment.
- To ensure that our resources are adequate to deliver our objectives by investing in our people, demonstrating value for money and through robust procurement practices.
- To promote social inclusion by applying principles of equality and diversity to everything we do.

Regulatory Standards:

- The governing body leads and directs the RSL to achieve good outcomes for its tenants and other service users.
- The RSL is open about and accountable for what it does. It understands and takes account of the needs and priorities of its tenants, service users and stakeholders. And its primary focus is the sustainable achievement of these objectives.
- The RSL manages its resources to ensure its financial well-being, while maintaining rents at a level that tenants can afford to pay.
- The governing body bases its decisions on good quality information and advice and identifies and mitigates risks to the organisation’s purpose.
- The RSL conducts its affairs with honesty and integrity.

Any breach or non-compliance with legislation/regulatory requirements in relation to this Policy constitutes a Notifiable Event and the Regulator will be informed via the SHR Portal.

This policy can be made available on request in a variety of different formats, such as on CD, in large print and translated into other languages.

POLICY AIMS AND OBJECTIVES

This policy has been developed to set out the guidelines of Clydebank Housing Association Ltd (CHA) in relation to Shared Ownership buy back transactions.

This Policy and associated procedures will take into account relevant legislation and follows best practice including guidance from the Scottish Government and the Scottish Housing Regulator (SHR).

SCHEME OVERVIEW

The Association currently owns less than 45 shared ownership units, with sharing owners holding, in the main, 25% ownership.

This buy back policy has been devised in conjunction with Scottish Government Housing Investment Guidance Note (HIGN 2009/07) issued in May 2009 and has been agreed with the Scottish Housing Regulator. The guidance note details a change to operational procedures for shared ownership set out in SHGN 2000/15. HIGN 2009/07 is attached to this policy document for information.

In January 2011, following the publication of the Low Cost Initiative for First Time Buyers (LIFT) Evaluation, the Scottish Government took the decision to discontinue funding for shared ownership and to allocate any future funding to the Open Market Shared Equity and New Supply Shared Equity Schemes

POLICY REQUIRMENTS

The guidance now allows the Association to consider, the following options depending upon whether a property is to be purchased with vacant possession or with a sitting tenant: -

The Association will consider buy back in the following circumstances: -

1. Buy back with vacant possession to make available for rent so long as the Local Housing Strategy demonstrates to the satisfaction of the current grant provider, a clear shortage of rented housing relative to the need for shared ownership and no additional grant is required for the purchase. In other words, there must be no evidence of a need for shared ownership properties in the Clydebank area. The Association has continued to see a dramatic reduction in its shared ownership reserve list and therefore this option should be considered.

Consideration, for buy back with vacant possession, will also be given for shared ownership properties where the sharing owner's circumstances have considerably changed and the property is no longer suitable for their requirements. For example, medical needs or evidence of financial hardship.

The Association will not buy back a shared ownership property with the sole purpose of re-selling on a shared ownership basis; however, it will offer marketing assistance to sharing owners at a flat fee of £75.

2. Buy back with a sitting tenant – purchase of a shared ownership property and offer the tenancy to the former sharing owner so long as the Association confirms that it has a policy, which sets out how it will assess and prioritise such cases, as outlined below, and no additional grant is required.
In consideration of sharing owners who face severe financial hardship as a result of a change in their personal circumstances, the Association will consider a buy back request on the following terms: -
3. If the property has not yet been valued, then only the District Valuer's Valuation will be considered. However, if the sharing owner has recently instructed and paid for a detailed Home Report, this will be accepted.
4. The valuation must be reasonable in that the estimated additional rental income resulting from the purchase must cover the capital outlay within a 30-year period as well as estimated future maintenance costs. Where the property is situated in an external factored development, these costs should also be considered.
5. Any offer to purchase will include heritable property only. Sharing owners' fixtures and contents will not be included in the purchase. i.e. Carpets, curtains, shared owners' improvements, etc.
6. Each party to bear the cost of their own legal and valuation fees (valuation fee to be paid with application or deducted from sales proceeds where necessary).
7. The property must be brought up to our lettable/housing quality standards prior to purchase, the cost to be borne by the sharing owner.
8. Any monies outstanding to the Association e.g. rent, repairs costs, factor's accounts, will be deducted from the purchase price at settlement.
9. The sharing owner must demonstrate that the loan (if applicable) in respect of the percentage share owned has been fully repaid and discharge of security obtained for delivery to the Association.
10. Housing Management and landlord responsibilities/implications must be considered in each and every case.
11. The Association will only consider requests where financial hardship can be demonstrated by the sharing owner, e.g. in receipt of housing benefit.
12. The sharing owner will be required to sign a standard Scottish Secure Tenancy Agreement prior to completion of the transaction.

Only when all these factors are considered and agreed upon, will a decision be taken as to whether to purchase or not. For cash flow management, consideration will be given to each application and the decision will be based on business and financial plans, cash levels and if the purchase is financially viable for the Association. Final decisions to be made by the Management Committee.

This is the normal policy of the Association, however, each application will be considered on its merits and it is not a guarantee that the Association will proceed with a purchase.

REVIEW

This policy will be reviewed at least every three years. The review will take account of legislative changes, new policy guidance, and changes in economic and social climate, best practice advice, and the performance of the Association in delivering its objectives.

EQUAL OPPORTUNITES

Our commitment to equal opportunities and fairness will apply irrespective of factors such as race, sex, disability, age, gender reassignment, marriage & civil partnership, pregnancy & maternity, religion or belief and sexual orientation.

An Equality Impact Assessment was carried out in conjunction with the preparation of this policy. It is deemed that this policy will not unduly affect any person(s) with the above mentioned characteristics.

For Office Use Only – Actions

Customer Consultation Required/Arranged	No
Intranet Update	Yes
F Drive Update	Yes
Website Update	Yes
Leaflet change required?	No
Newsletter Promotion?	No
Other information updated, e.g. posters, automatic email responses, post cards, answering machine messages, etc.	No
Equality Impact Assessment completed	Yes
Policy Declarations signed by staff	N/A

HOUSING INVESTMENT GUIDANCE NOTE

The Scottish
Government

To: All Registered Social Landlords

Subject: Shared Ownership Procedures
Guide: Amendment re buy back and
re-sales

Ref No: HIGN 2009/07

Issued by: Housing Investment Division

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Issued: May 2009

This guidance note tells you about a change to the operational procedures for shared ownership. It is an amendment to section 3.12 of the Shared Ownership Procedures Guide set out in SHGN 2000/15. **This change will take effect immediately.**

You will find a copy of this guidance note on the Scottish Government website at:

<http://www.scotland.gov.uk/Topics/Built-Environment/Housing/Investment/guidancenotes>

This Guidance Note has been copied to Glasgow and Edinburgh City Councils, COSLA and SFHA.

Introduction

SHGN 2000/15 sets out the operational procedures for administering shared ownership projects. With regard to buy back and re-sales, section 3.12 of the operational procedures currently states that if a sharing owner wishes to move from their home then the registered social landlord can buy back the property (if it wishes). The registered social landlord can however only buy back the property for the purpose of re-sale on a shared ownership basis.

Change to Shared Ownership Procedures Guide

This guidance note amends section 3.12 of the Shared Ownership Procedures Guide. With immediate effect, if a registered social landlord wishes to buy back a shared ownership property, the following options are available depending upon whether a property is to be purchased with vacant possession or with a sitting tenant:

- A registered social landlord can purchase a shared ownership property with vacant possession and make it available for rent, so long as:
 - (i) the Local Housing Strategy demonstrates to the satisfaction of the current grant provider, a clear shortage of rented housing relative to the need for shared ownership, and
 - (ii) no additional grant is required; or
- A registered social landlord can if it wishes, purchase a shared ownership property and offer the tenancy to the former sharing owner, so long as:
 - (i) the registered social landlord confirms that it has a policy which sets out how it will assess and prioritise such cases, and
 - (ii) no additional grant is required.

This procedural change has been agreed with Scottish Housing Regulator colleagues.

If you have any questions about any of the above please contact your local Scottish Government Regional Office or, in the case of Edinburgh and Glasgow, the City Councils.

