



Waterford County Council
2011 Purchase Scheme for Longstanding tenants

THE 2011 PURCHASE SCHEME FOR LONG –STANDING TENANTS ADOPTED BY WATERFORD COUNTY COUNCIL (THE HOUSING AUTHORITY) FOR THE SALE OF HOUSES UNDER SECTION 90 OF THE HOUSING ACT 1966 AND IN COMPLIANCE WITH THE HOUSING (SALE OF HOUSES TO LONGSTANDING TENANTS) REGULATIONS 2011 IS AS FOLLOWS :

Dwellings covered by this Purchase Scheme

1. Subject to paragraph 2, dwellings provided by the housing authority that are owned by them and let to tenants with reckonable tenancy in excess of 10 years shall be offered for sale under this Purchase Scheme in their existing state of repair and condition to those tenants or joint tenants. Reckonable tenancy shall be calculated in accordance with paragraph 5.

Exclusions from this Purchase Scheme

2. There shall not be offered for sale under this scheme:

(a) dwellings that have been specifically designed for occupation by one or more than one elderly person;

(b) separate and self-contained flats in a premises, divided into two or more flats; which would require arrangements for the upkeep and management of common areas, works or services other than by the purchaser;

(c) dwellings specifically designed for occupation by travellers, where more than one such dwelling is provided on the land concerned;

(d) caravans, mobile homes or a structure or a thing (whether on wheels or not) that is capable of being moved from one place to another (whether by towing, transport on a vehicle or trailer, or otherwise);

(e) dwellings that in the opinion of the housing authority ought not to be sold for reasons of proper management of the authority's stock of housing accommodation or on account of their structural condition

(f) dwellings that ought not to be sold for the time being on account of proposals the authority has to carry out reconstruction or improvement works under section 12 of the Housing Act 1988 or for the regeneration of the area concerned.

Purchase money and definition of market value

3. (1) The purchase money for each dwelling shall be its market value reduced first by the amount of the discount under paragraph 4 and then by any allowance under paragraph 6.

(2) In paragraph (a) "market value" means the amount which, in the opinion of the housing authority that owns it, a dwelling, if sold on the open market in its existing state of repair and condition and not subject to the special conditions referred to in paragraph 10, might reasonably be expected to realise, reduced,

(i) where improvements have been carried out to a dwelling other than by or on behalf of the authority, by the portion (if any) of such amount that, in the opinion of the authority, is attributable to such improvements, and

(ii) where the site of a dwelling was provided to the authority for a nominal sum, by the excess (if any) of the market value of the site over such sum.

Discount

4. The discount to be applied when determining the purchase money under paragraph 3 shall be an amount equal to 3 per cent of the market value in respect of each year of the reckonable period of tenancy determined by the housing authority in accordance with paragraph 5, subject to a maximum of 45 per cent of the market value.

Reckonable tenancy

5. (1) Subject to subparagraphs (2) and (3) below, the reckonable period of tenancy shall be the aggregate, on the earlier of the date of the completion of the sale or 31 December 2011, of the following periods to such extent as they are not contemporaneous:

(a) the period of the tenancy of the purchaser or his or her spouse or civil partner of the dwelling being purchased and of any other dwelling let by and not purchased from a housing authority,

(b) the period (if any) during which the purchaser or his or her spouse or civil partner occupied the dwelling as a purchaser under the terms of a previous sale of the dwelling by the housing authority, and

(c) where the purchaser or his or her spouse or civil partner —

(i) was, for a period of at least one year immediately preceding his or her appointment as tenant of any dwelling by a housing authority, bona fide resident in such dwelling as a member of the household of the preceding tenant, and

(ii) succeeded to the tenancy of such dwelling,

the period that would be reckonable in respect of such preceding tenant by virtue of this paragraph if such tenant were purchasing the particular dwelling to which the purchaser succeeded him or her as tenant.

(2) In the case of joint tenants of a dwelling, the longest period of a joint tenant in each category referred to in subparagraph (1) shall be included in the reckonable period of tenancy for the purposes of this Scheme.

(3) The reckonable period of tenancy determined in accordance with subparagraphs (1) and (2) shall be rounded up to the next number of complete years where such rounding up would not result in the addition of more than six months to such period.

Allowance for capital paid.

6. An allowance shall be deducted from the market value, after the discount under paragraph 4 has been allowed, of an amount equal to the amount (if any) of capital paid to the housing authority by the purchaser or his or her spouse or civil partner in accordance with the terms of a previous sale of the dwelling to him or her or to his or her spouse or civil partner by the authority, provided that the authority did not repay such capital to the purchaser or his or her spouse or civil partner.

Sale in Fee simple

7. A dwelling shall be sold in fee simple, by prescribed transfer order.

Payment for the dwelling

8. (1) The purchase money for a dwelling shall be paid to the housing authority in full on the completion of the sale.

(2) Where any portion of the purchase money is being financed by way of a loan by a housing authority to the purchaser under section 11 of the Housing (Miscellaneous Provisions) Act, 1992, "paid" means, in relation to the said portion, the completion by the purchaser of a mortgage contract in respect of such loan.

State of repair

9. No warranty shall apply or be deemed to be implied as to the state of repair or condition or the fitness for human habitation of a dwelling being sold. All responsibility for the repair and maintenance of the dwelling shall rest with the purchaser.

Special conditions

10. The following special conditions shall apply to a dwelling sold under this purchase scheme for a period of 20 years from the date of the transfer order

(a) the dwelling shall, unless the housing authority otherwise allow, be occupied as a normal place of residence by the purchaser or the purchaser's successor in title or by a member of the purchaser's family or the family of his successor in title,

(b) the dwelling or any part thereof shall not, without the consent of the housing authority, be mortgaged, charged or alienated otherwise than by devise or operation of law.

Period of application of this Purchase Scheme and closing date for receipt of applications

11. (a) This purchase scheme shall apply from the date of its adoption until 31 December 2012.

(b) The period within which the housing authority shall receive an application by a tenant to purchase a dwelling under this purchase scheme shall begin on the date of its adoption and end on 31 December 2011.