



Renfrewshire  
Council

# Right to Buy for Council Tenants

Information for Existing Tenants



The old right to buy applies to tenancies which began before 30 September 2002

The modernised right to buy applies to tenancies which began on or after 30 September 2002.

If you took up a tenancy for the first time after 1 March 2011, you will not have the right to buy.

If you return to social housing after 1 March 2011, after a voluntary break, you will not have the right to buy. However, there are a few exceptions to this.



# Situation 1

you were a tenant before 30 September 2002  
and have not moved home

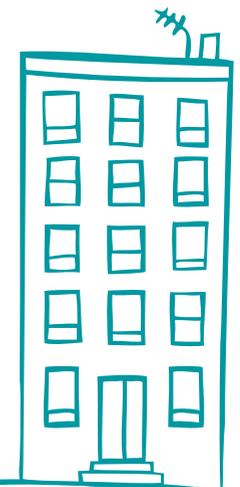
If you have been in your current property since before 30 September 2002, you keep the old right to buy with a two-year qualifying period and discount of up to 70% of the market value of your home if it is a flat and 60% if it is a house. The qualifying period can include time you have spent with any social landlord. It does not have to be your present council but the tenancies must have been continuous (landlords can, or may have to, ignore a break that was outside your control).

You do not have a right to buy in the following circumstances.

- If the property you rent is not your only or main home.
- If your home has features that are substantially different from an ordinary house and it has been designed or adapted for people of pensionable age who need these special features. The council can apply to Scottish Ministers for consent to refuse the sale and, if this is granted, you cannot buy. Each case is considered on its merits.
- If the council plans to demolish your home. The council can apply to Scottish Ministers for permission to refuse to sell it. If this is granted, you cannot buy.
- If the property is part of a group housing scheme such as sheltered housing where tenants have specific facilities for their use and/or they are provided with support services.
- If the property is a police house and the council needs it for police operational reasons.

Your council may also refuse to sell in the following circumstances.

- If you have missed rent payments or council tax, water or sewerage charges, or if you owe other amounts as a result of your current tenancy or a previous tenancy.
- If they are in the process of evicting you because of your conduct, such as antisocial behaviour or for breaking your tenancy conditions.



# Situation 2

your tenancy started on or after 30 September 2002  
or you moved to another tenancy after 30 September 2002

**Important – this applies if you transferred to another council tenancy on or after 30 September 2002, no matter how long you have previously been a tenant with the council or any other social landlord. This can also apply if you moved on a transfer or mutual exchange, or you got your tenancy through assignation or succession. It does not apply if you succeeded to the tenancy as a joint tenant, partner or husband or wife.**

You have a modernised right to buy, which means that you will get up to a 35% discount off the market value of your home or £15,000, whichever is lower, and there is a five-year qualifying period before you can buy. The qualifying period can include time spent with any social landlord. It does not have to be your present council but the tenancies must have been continuous (landlords can, and in some cases must, ignore a break that was outside your control).

If you have an old right to buy with your landlord and make the choice to move to another property owned by the council or any other social landlord, for whatever reason, you will lose the old right to buy and move to the modernised right to buy. As a result, this will affect your discount. If you move to a property that your landlord has recently built or bought, you may have your right to buy suspended for the time you live in that property. If you move to a 'pressured area', you will have your right to buy suspended for the time you live in that area. Because of this, you should think very carefully before moving from your home and make sure that you get advice. In the first instance, your landlord will be able to tell you how your right to buy would be affected. You will not lose your right to buy if the council gets a court order so that you have to move, for example because your home is overcrowded, they need your home for another purpose, or if you agree to move because your home is due to be demolished.

You do not have a right to buy in the following circumstances.

- If the property you rent is not your only or main home.
- If your home has features that are substantially different from an ordinary house and it has been designed or adapted for people of pensionable age who need these special features. The council can apply to Scottish Ministers for consent to refuse to sell it and, if this is granted, you cannot buy. Each case is considered on its merits.
- If the council plans to demolish your home. The council can apply to Scottish Ministers for permission to refuse to sell it. If this is granted, you cannot buy.
- If the property is part of a group housing scheme such as sheltered housing where tenants have specific facilities for their use and/or they are provided with support services.
- If the property is a police house and the council needs it for police operational reasons.

Your council may also refuse to sell in the following circumstances.

- If you have outstanding arrears of rent, council tax, water or sewerage charges, or if you owe other amounts as a result of your current tenancy or a previous tenancy.
- If they are in the process of evicting you on conduct grounds such as anti-social behaviour or breach of tenancy conditions.

You may have your right to buy suspended in the following circumstances.

- If your local council has designated the area or type of property you live in as 'pressured'. Councils can do this to protect housing which they rent out when the need for social housing in an area or a particular type of house is, or is likely to be, a lot greater than the housing available. This applies if the situation is likely to be made worse by tenants buying their homes. These suspensions can last for up to 10 years. At the end of 10 years, councils can continue to designate areas as pressured. During that time you still build up time towards your qualifying period and discount but you cannot buy your home while the designation is in place. Councils have to follow strict guidelines before they can decide that an area or type of property is pressured.

Your landlord will be able to tell you if the area you live in has been designated as a pressured area. If you are thinking about moving to a different area, you should also ask if that area is pressured.



# Situation 3

you became a tenant after 1 March 2011

- If you are a first-time council tenant and your tenancy began after 1 March 2011, you do not have the right to buy any property you rent from the council.
- If you were previously a council tenant (or the tenant of any other social landlord) and have returned to the sector after a break and now rent a council property, you do not have the right to buy any property you rent from the council.

However, this does not apply if you have had a break because the council had asked you to move, for example if you have been accommodated elsewhere (decanted) by the council, or the council wants to demolish your home. The council can also, and in some cases must, ignore a break that was outside your control.



# Situation 4

you become the tenant of a 'new-supply' council home

On or after 1 March 2011, new-supply housing means:

- property that has been built since 25 June 2008;
- property that the council has bought since 25 June 2008 (for example, a property that the council buys on Mortgage to Rent);
- a property that the council has bought back from you and is then renting out to you (Mortgage to Rent). The missives must make clear that you lose your right to buy in these circumstances. This kind of property will not be subject to the right to buy for any future tenants.

If you move to take up the tenancy of new-supply council housing, you will generally not have the right to buy. This may only apply for the time you live in that property.

- If you become a tenant for the first time after 1 March 2011, you do not have the right to buy your new-supply house now or in the future.
- If you move to a new-supply council home and when you moved you had an old right to buy or modernised right to buy in your previous home, you will not be able to buy the new-supply home. (There are some limited exceptions to this, for example if you move to this kind of home because the council gets an order to recover possession of your home, or if your council does not tell you at least seven days before you take up the tenancy that you will not have a right to buy the property.) But, if you move again later to a house that is not new supply, you will move to the modernised right to buy.

- This means that you do not lose your right to buy. However, it does mean that you cannot use that right while you are living in a new-supply house.

## Example 1

You have been the tenant of your home since 1995. You have the old right to buy and decide to move to a new-supply home.

You lose the old right to buy and do not have any right to buy while you are living in the new-supply house. If you later move again to a property that is not new supply, you will have the right to buy it but under modernised terms.

## Example 2

You have been the tenant of your home since October 2002. You have the modernised right to buy and decide to move to a new-supply home.

You keep the modernised right to buy but cannot use it while you are living in the new-supply home. If you later move again to a home that is not new supply, you will have the right to buy it on the modernised right-to-buy terms.

## Example 3

You moved to a new-supply home after 25 June 2008 but before 1 March 2011.

You have the right to buy that home under modernised terms.

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contact details etc?