

## **Tonbridge and Malling Borough Council Help to Buy Allocations Protocol - Revised July 2013**

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### **Introduction**

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This Protocol applies to the sales allocation of all forms of shared ownership affordable home ownership provided by **Registered Providers of social and affordable housing within Tonbridge & Malling, including:**

- 1) Shared ownership Newbuild (Help to Buy Shared Ownership)
- 2) All resales of the above tenures (and historic equivalents such as HomeBuy)
- 3) Rent To Buy

Help To Buy Equity Loans are not covered by this Protocol. Purchasers are able to purchase any new build property where the developer is in contract with the Homes & Community Agency (HCA) and offering Help to Buy equity loans.

### **Protocol aims and objectives**

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- n To establish a sales policy that is flexible, non-discriminatory and responsive to demand, while contributing to the need to be inclusive and the need to ensure sustainable communities.
- n To establish an efficient, transparent, fair and effectively controlled basis for the acceptance and processing of applications for affordable home ownership.
- n To provide a system of prioritising applicants ensuring that homes are allocated to people in housing need and to those whom these types of tenure are an appropriate solution.

### **Eligibility criteria**

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- Applicants must have a local connection to Tonbridge and Malling Borough Council<sup>1</sup>

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<sup>1</sup> A local connection is where the applicant has lived in the borough for six out of the last twelve months, or three out of the last five years, has a permanent job which is based in the borough, or has immediate family (mother, father, brother, sister or adult children) living in the borough who have lived here for at least five years.

- Applications are accepted from single or joint applicants.
- Applicants should be a first time buyer, except those who have previously owned a home with a partner and the relationship has broken down. These applicants will be considered the same as first time buyers. However, where applicants hold interest, or have previously held interest in a property, the Help To Buy Agent must secure proof of sale, or a signed undertaking to dispose of the interest, prior to exchange of contracts.
- Applicants must demonstrate they are unable to purchase a home of suitable size and location for their needs on the open property market.
- Applicants must clearly demonstrate that they are able to sustain the affordability of home ownership (mortgage, rent, service charge, repairs, etc) over the long-term future.
- The financial eligibility of joint applications will only take into account the applicants who are taking out the mortgage, i.e, a joint mortgage application. Where only one person is taking out the mortgage only that person's financial situation will be considered. The finances of the applicant not taking out the mortgage will not be taken into account.
- Applicants must satisfy the status requirements of a reputable mortgage lender, interest only mortgages are not acceptable (sub-prime mortgage lenders are not acceptable).
- Applicants must be able to afford the initial costs of purchase through savings or access to funds of approximately £4,000.
- Applicants must be at least 18 years old and have a bank or building society account (in the case of affordable home ownership schemes for the elderly, applicants must be at least 55 years old)

Where additional criteria apply within certain schemes, e.g., s.106 restrictions, residency and/or work conditions, these will also apply. Where such criteria exists, the Council will inform the Help To Buy Agent.

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## **Prioritisation of applicants**

The Help To Buy Agent will work with the Council to enable the latter to fulfil their duties to people in priority need.

Priority will be given to applicants who are:

- Households living and/or working or have a local connection to the Tonbridge and Malling borough;
- Nominated by Tonbridge and Malling Borough Council in accordance with this procedure;
- On the Council's Housing Register;
- Existing tenants of a local authority, housing association or other public body whose property would subsequently be re-let to another household in housing need;
- Families with children
- Key and essential workers;
- Shared owners who need to move because their home is either too small or too large for their household needs

The suitability of applicants' existing accommodation will also be assessed and taken into account, in relation to:

- <sup>n</sup> Security of tenure, eg, threat of homelessness or temporary accommodation
- <sup>n</sup> Overcrowding
- <sup>n</sup> Health (where a member of the household's health is affected by the standard of the existing accommodation) or disability
- <sup>n</sup> Sexual or racial harassment

(Where applicants have received a Notice of Seeking Possession (NOSP) on their existing property, a copy of the NOSP must be obtained and held on file for record purposes.)

## **Procedure for applications**

1. Applicants are required to complete an application form and provide sufficient information for an eligibility assessment to take place.

2. The Help To Buy Agent will assess the applicant in accordance with the criteria agreed with the local authority.
3. Applicants that are eligible will be registered onto the Help To Buy Agent's database for properties in the areas they request. For people who apply online through the Help To Buy's website, this screening process is automated.
4. The Help To Buy Agent will provide the Council with a copy of the application and any supporting information in order for the Council to consider the case if requested. The Council will make the final decision on whether the applicant is accepted onto the database. The local authority's decision is final.
5. Following database registration, applicants will be able to search for properties and contact providers who have properties they may be interested in.
6. Eligible applicants in accordance with this procedure whose requirements match the available homes, will be initially selected by the Help To Buy Agent and their details forwarded to the local authority for approval.
7. The Registered Provider will arrange an interview the purpose of which is to;
  - a. Confirm that the information provided within the application form is accurate and that eligibility criteria has been met
  - b. Assess and confirm financial suitability and sustained affordability
  - c. Outline the initial and ongoing costs involved
  - d. Explain the features of the shared ownership lease, including rent, management charges, service charges and repairs obligations
8. Applicants will be informed, in writing, whether or not they have been allocated the property. Reasons will be provided for applicants who are not selected to proceed.

### **Applicants' records and data**

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Information on applicants and their households held within Help To Buy Agent's records is subject to the Data Protection Act 1998. Every care will be taken to keep the information

secure and confidential and held only for as long as is necessary for the purpose it is intended for. The data can only be disclosed to relevant third parties provided it is in accordance with the statement included within the application form.

Electronic data will be cleansed regularly and data retained for the following periods:

- Electronic data relating to enquiries: three months from date of enquiry (unless an application form is submitted)
- The Help To Buy Agent will contact the applicant after 6 months to enquire if there are any changes to incorporate and that they are still wishing to be on the database. After a year the applicant must contact The Help to Buy Agent to update or reinstate their information or they will be cancelled off the database.
- Electronic data relating to applicants who are not considered eligible: three months from date of letter informing them of this decision

Hard copies of application forms will be kept for the same periods as the above, after which time they will be destroyed.

### **Equalities and diversity**

Properties will be allocated on a fair and non-discriminatory basis in accordance with the Council's and Help to Buy Agent's equal opportunities policies and the criteria set out in this procedure.

A confidential diversity monitoring form will accompany all application forms to ensure fair access.

All Help To Buy Agent literature will be made available in large text, audio tape or translated into another language on request.

Allocation of affordable home ownership properties/scheme funding to staff, Board members, and/or their relatives - We will exercise due care and attention to ensure accountability

and fairness when managing applications from staff<sup>2</sup>, Board members and/or their relatives<sup>3</sup>.

The following will be adhered to:

- Applicant/s must be approved by the local authority before a nomination can be made.
- Staff members of the Help To Buy Agent and local authority involved in this process must have no personal relationship to the applicant. The staff/Board member involved will have no influence in the allocation of homes/funding for the particular scheme.
- If authority to proceed is granted, the head of Help to Buy Agency Service will seek written approval from the Chief Executive. A report detailing these applications and subsequent approval/rejection status will be provided to the Moat Board for information.

Details of any applications within this category that proceed to completion will be recorded by the Help To Buy Agent.

## **Appeals**

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Appeals against allocations decisions will be considered via the Help To Buy Agent's and Council's Complaints procedure. All allocations decisions must be made with due care such that they can be justified within an appeal.

If an applicant's refusal of a property is considered reasonable it will not be of any detriment to the application and future offers will be made where possible. Where an applicant refuses up to three offers without providing valid reasons the team manager will reconsider the application and reserves the right to cancel it.

## **Miscellaneous**

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This procedure will be reviewed at least once a year by the Help To Buy Agent and local authority.

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<sup>2</sup> The term *staff* relates to employees of Moat. The same applies in the interpretation of the term *Board member*.

<sup>3</sup> The term *relative* is defined as a member of the immediate family or household, i.e., partner, wife, husband, son, daughter, brother, sister, mother or father.

*Copies of this document will be made available upon request to anyone who requests a copy.*