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## **VOLUNTARY SALES POLICY ORBIT LIVING POLICY**

Scope: This policy states how Orbit will handle voluntary sales to ensure our assets meet our operational requirements.

### **1. Introduction**

- 1.1 The operating associations within Orbit have charitable status. As a result customers do not have a statutory right to buy their homes. However with a customer focus and an asset management perspective, all customers will be able to apply to buy their home. This will be subject to legal and organisational requirements to determine if their request will be approved.
- 1.2 Charitable Status was obtained from April 1997. Prior to this time secure tenants enjoyed the statutory Right to Buy. Some customers will have the Right to Acquire in properties built after 1997
- 1.3 Customers were consulted at the time charitable status was obtained and advised that the previous statutory rights would be voluntarily protected.
- 1.4 All registered social landlords that have charitable status required General Consent from the Housing Corporation at the time in order to dispose of properties at a discount on terms no more generous than the statutory right to buy. The regulatory body is now the Homes and Communities Agency (HCA).
- 1.5 We will continue to follow the requirements of the General Consent 2003 and any future regulatory requirements in relation to the sale of properties under this Voluntary Sales Policy.

### **2. Definition**

- 2.1 This Policy applies to all tenants of Orbit Housing Association (OHA) or any successors in title within Orbit Housing Group Ltd (should the ownership of any property belonging to Orbit Housing Association be transferred to another member of Orbit Housing Group Ltd) subject to legal and operational requirements.
- 2.2 This policy does not apply to former tenants of Orbit Spa Housing Association who have never been able to exercise the Right to Buy as they have always had charitable status.
- 2.3 Properties formerly belonging to Orbit Spa Housing Association are also not subject to this Policy. This includes where a secure tenant of OHA has transferred to what was previously an Orbit Spa property. In such a circumstance we will advise an incoming secure tenant of the effect on any right to purchase they may previously have had.

### **3. Policy Statement**

- 3.1 The intention of this policy is to enable eligible secure tenants to exercise the right to purchase their property as if they had the statutory right to buy. For our customers, who are not eligible to exercise the right to purchase, Orbit will allow them to submit a request to buy their home but it will only be approved if it meets our operational requirements and the purchase will not be subject to a discount.
- 3.2 Subject to the conditions set out in Part V of the Housing Act 1985 (as amended from time to time) a customer who has had a secure tenancy with OHA prior to 15 January 1989 is eligible to apply for right to buy as if they had the statutory Right to Buy under this Policy.
- 3.3 This Voluntary Sales Policy is intended to reflect the provisions contained in the statutory Right to Buy set out in the Act (with the exception of section 128 relating to valuations (see below) and any other provisions Orbit Group & OHA/successors in title, OHE, OE&S Boards consider from time to time should be excepted).
- 3.4 The criteria that should be met by a customer in order to exercise this contractual Right to Buy under this Policy are identical to those set out in the Act. The purchasing customer must intend to use the property as their main residence.
- 3.5 In order to meet its obligations Orbit Group, OHA/successors in title, OHE, OE&S will seek 2 valuations of the property in order to ensure their interests are protected.
- 3.6 Although section 128 of the Housing Act relating to the use of the District Valuer does not apply to voluntary sales covered by this policy, our procedures will not include an appeals process should the customer wish to dispute the value of the property concerned.

- 3.7 Further details about the exercise of the Right to Buy can be found in Orbit's ***Right to Buy Guidance Notes***
- 3.8 If a request to purchase a property that is outside of the Right to Buy or Right to Acquire is received, it will not be entitled to a discount, and will be subject to a robust criteria to ensure that the request meets our operational requirements. A [matrix](#) will be used to assess the request in terms of our operational requirements.
- 3.9 When a decision has been made there will be no grounds for appeal as there are no legal obligations to grant a request to purchase a property, where there is no legal right. The decision will be based on operational requirements as a result of the outcome of the matrix.

#### **4. Administration of Policy**

- 4.1 For customers who are legally entitled to exercise the right to purchase we will follow the provisions of the Housing Act in administering voluntary sales (with the exception of section 128 relating to valuations) including the following issues:
- Procedures to be followed
  - Timescales applied
  - Obligations of respective parties
  - Information requirements relating to purchase
- 4.2 We will adhere to the conditions set out in the General Consent 2003 and any future regulatory or legislative requirements in relation to the administration of this policy, and will appropriately certify that each disposal of property accords with these.
- 4.3 For customers who have no legal entitlement but wish to purchase their properties the procedure will be as follows:
- Customers submit a request in writing, by email or via Orbit Social Network Sites
  - The request is acknowledged within 3 working days outlining the process and timescales.
  - The matrix will be applied to the property and a decision on whether the sale of the property meets organisational requirements will be made within 15 working days.
  - As soon as the decision has been made and no later than 10 working days a letter will be sent to the customer outlining the decision and informing them that there is no appeals process and that this is the final decision.

#### **5. Equality and Diversity**

- 5.1 We will ensure that this policy is applied fairly and consistently to all our residents. We will not directly or indirectly discriminate against any person or group of people because of their race, religion/faith, gender, disability, age, sexual orientation or any other grounds set out in our equality and diversity policy or legally protected characteristic.
- 5.2 Our aim is to ensure that policies and supporting procedures do not knowingly create an unfair disadvantage for anyone, directly or indirectly.

## **6. Data Protection & Privacy**

- 6.1 We are committed to our obligations in relation to the processing of personal identifiable information (PII) and acknowledge that all individuals have a right to expect that their privacy is respected and adequately protected in line with the Data Protection Act 1998. We use customer's personal identifiable information (PII) to enable us to deliver our products and services and also to support the relationship with our customers.
- 6.2 We use a range of communication channels to keep our customers informed (e.g. SMS, email, social media) dependent on what type of information we are sending out (e.g. newsletter by email),. However, if customers have a preference in the way we communicate (e.g. prefer email), we will update your records. More detailed information can be found in our Privacy Policy at [www.orbit.org.uk/privacy-policy](http://www.orbit.org.uk/privacy-policy). Alternative formats (e.g. braille) are available upon request.

## **7. Monitoring and Accountability**

- 7.1 Managers will ensure this policy is promoted, understood and implemented by all relevant employees ensuring consideration is given to any implications arising from policy decisions.
- 7.2 Orbit Living will be responsible for monitoring the effectiveness of this policy and recommending policy changes to improve services and to reflect the changing external environment.
- 7.3 A fundamental review of this policy will be completed within a 2 year period.