

Report to Executive

Agenda
Item:

A.3

Meeting Date: 1 June 2015
Portfolio: Economy, Enterprise and Housing
Key Decision: Yes
Within Policy and Budget Framework: Yes
Public / Private: Public

Title: Low Cost Home Ownership Policy
Report of: Director of Economic Development
Report Number: ED17/15

Purpose / Summary:

The Council currently manages both the initial sale and all future re-sales of approximately 300 Low Cost Home Ownership properties, provided through developer planning contributions (Section 106 Agreements) with many more in the pipeline. However, despite the significant level of equity that has been invested in these properties over a number of years, there is currently no formally approved detailed policy for managing the scheme - a draft policy is therefore included for Executive's consideration at *Appendix 1*.

Recommendations:

That Executive endorses the Low Cost Home Ownership policy and refers it to 11th June Community Overview & Scrutiny Panel.

Tracking

Executive:	29 June 2015
Overview and Scrutiny:	11 June 2015
Council:	14 July 2015

1. BACKGROUND

- 1.1** The Council's Housing team began managing a Low Cost Home Ownership scheme over 15 years ago to help local people who have been priced out of the housing market. Properties are sold at a fixed percentage discount, with the owner passing on the discount upon each successive re-sale. For over 10 years properties provided through the scheme have been at a 30% discount from open market value; however, the older properties are at a 20% discount and a few of the earliest homes included in the scheme are at a 10% discount. Allocation of properties and the waiting list is managed using a bespoke Microsoft Access database but the policy currently only consists of a double-sided leaflet.
- 1.2** The number of Low Cost Home Ownership schemes has steadily increased over time, and the Council now manages 298 discounted sale properties (detailed in *Appendix 1* of the draft policy) through its Low Cost Home Ownership register, with many more currently in the pipeline, including 143 on schemes already on site or with planning permission approved.
- 1.3** These affordable homes have been funded by substantial levels of planning obligation contributions, through Section 106 Agreements, with the cost borne by the landowner and developer. As an approximation, if the 298 homes currently within the scheme was multiplied by the median property price for Carlisle District: £123,221¹ and then the 30% discount (which applies to all but the earliest properties in the scheme) was applied – then the level of equity in the scheme would equate to:-

298 (LCHO properties) x £123,221 (median house price for 2014¹) x 30% (LCHO discount) = **£11.02 million**.

Yet despite the significant level of equity invested in the scheme the Council has never had a detailed Low Cost Home Ownership policy.

2. PROPOSALS

- 2.1** The new policy would seek to give increased priority to households in the greatest housing need for a particular property type. Low Cost Home Ownership properties are currently allocated to qualifying persons, based solely on the date of application, without taking into account the needs of a particular household. The key recommendations to make the Low Cost Home Ownership policy fairer and add clarity are set out in sections 2.2 and 2.3.
- 2.2** The most significant change in the draft policy is in respect of giving a priority to families in need for a particular type of property – i.e. households with

¹ Median house price for Carlisle District in 2014, per *CACI Paycheck* figures provided by Cumbria County Council

children for larger family properties, and older or disabled people in respect of bungalows or adapted accommodation. This is an important issue, as housing need evidence is used when negotiating the type of properties provided through Section 106 Agreements with the developers, but at present applicants are prioritised on a “first come, first served” basis, simply on their date of application, regardless of housing need. This is currently inconsistent with Housing Association affordable rented properties secured through Section 106, which are allocated based on housing need through the ‘Cumbria Choice’ lettings system.

All qualifying persons (as detailed in the Section 106 Agreement) would still be eligible for any of these low cost properties: all that is proposed is that those people in greatest housing need are referred before people with no specific need for a property of a particular type, as set out in section 1.8 of the draft policy in *Appendix 1* - detailed below.

Applicants meeting the local connection criteria set out in the Section 106 Agreement for each particular scheme will be ranked by date of application. However, for some types of accommodation an additional priority is given to particular types of household with a greater need for that type of property, as follows:-

- 4/ 4+ bedroom houses:-

- i) households including 3 or more children (or having joint custody of 3 or more children); then
- ii) households including 2 children (or having joint custody of 2 children); then
- iii) households including 1 child (or having joint custody of 1 child).

- 3 bedroom houses:-

- i) households including 2 or more children (or having joint custody of 2 or more children); then
- ii) households including 1 child (or having joint custody of 1 child).

The priority for households with children will also apply in cases where a member of the household is pregnant.

- Dormer bungalows - including a downstairs bedroom and downstairs w/c and bathing facilities: equal priority will be given to the following types of household:-

- households including someone aged 60 or over, and/ or households including someone registered disabled.

- households with children (or having joint custody). In the case of 4/4+ or 3 bed properties the criteria set out above, in respect of the prioritizing applicants based on the number of children in the household, would apply.
- Bungalows and adapted/ adaptable ground floor flats (e.g. built to 'Lifetime Homes Standard') – households including someone aged 60 or over, and households including someone registered disabled.

In cases where there is more than one qualifying applicant with an equal additional priority for the same low cost property, applications will be ranked by date of application.

2.3 Other key elements of the policy are summarised below:-

- Responsible borrowing - it is important that successful applicants for low cost home ownership do not overstretch themselves financially and put their homes at risk. It is therefore recommended that the applicants can borrow no more than 4.5x household income, which is the maximum income multiplier permitted under the Government's *Help to Buy* scheme. This would keep the policy consistent with the Government's flagship equity loan scheme, and the upper borrowing limit reduces the risk of potential repossessions. This is covered in more detail in Section 1.3 of the draft policy in *Appendix 1*.
- Eligibility criteria – applicants would need to demonstrate that they needed the discount to purchase the low cost property, and it would need to be the purchaser's only or main home (they cannot be purchased as buy-to-lets). This is detailed in section 1.6 of the draft policy.
- Local connection criteria – the Section 106 Agreement for each scheme will specify the local connection criteria in respect of the affordable homes; however a standard definition of "qualifying person(s)" is included in section 1.7 of the draft policy. Rural schemes will have stricter criteria due to the shortage of affordable housing in rural areas, meaning people with a connection to (e.g.) the parish receiving an initial priority, eventually "cascading" out to people with a local connection to the District.
- Rights of succession – the beneficiary would need to demonstrate that they met the local connection and eligibility criteria. This is covered in section 1.11 of the draft policy.

- Rental option – occasionally, circumstances may occur whereby the owner of a low cost property has been unable to sell their home, but has a genuine need to move (e.g. due to securing a job in another area). In these circumstances the Council may approve the property being let to a qualifying person at an affordable rent on a temporary basis. Section 1.13 of the draft policy covers this aspect in more detail.

3. CONSULTATION

- 3.1** Colleagues in Planning, Property, Policy, and Legal Services have been consulted on earlier versions of the draft policy, which has been updated to include their input, and a stakeholders workshop is being arranged for external interest groups – the outcome will be fed back in future reports.

4. CONCLUSION AND REASONS FOR RECOMMENDATIONS

- 4.1** Despite the multi-million pound investment in discounted sale housing through planning obligations, yielding some 300 properties with many more in the pipeline, the Council currently has no detailed Low Cost Home Ownership policy. Endorsement of the policy will add clarity and provide a higher level of priority for those households with a greater housing need for particular property types.

5. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES

- 5.1** We will address Carlisle's current and future housing needs.

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Appendices **Yes**
attached to report:

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:

- **None**

CORPORATE IMPLICATIONS/RISKS:

Chief Executive's -

Deputy Chief Executive – The policy supports the Council's Public Sector Equality duty to advance equality of opportunity between people who share a protected characteristic and those who do not. The planned consultation with stakeholders fulfils the authority's commitment to consider equality issues in policy development and community engagement.

Economic Development –

Governance – Given the importance of affordable housing to the Council's aspirations, it is sensible to have appropriate policy and guidance in place. 'Housing Investment' is reserved to Council by Article 4 of the Constitution and this policy should ultimately be approved by that body.

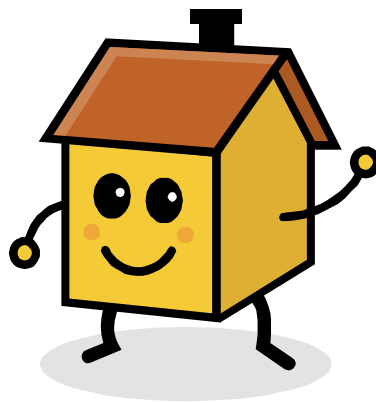
Local Environment –

Resources - This Policy formalises current working practices and will continue to be managed by the Council's Housing team. There are no financial liabilities for the Council arising from the Low Cost Home Ownership scheme as all transactions are between third parties.

Carlisle City Council



Low Cost Home Ownership (Discounted Sale) Policy and Guidance



May 2015

Low Cost Home Ownership (Discounted Sale) Policy and Guidance

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Low Cost Home Ownership (Discounted Sale) Policy and Guidance

1.1 Background to Scheme

Carlisle City Council operates a **Discounted Sale** scheme to manage the sale of **Low Cost Home Ownership** (LCHO) properties, in respect of new build housing schemes, and each subsequent resale of these homes. Discounted sale is a form of 'intermediate' affordable housing, and the Council's scheme offers an alternative to shared ownership schemes - often run by Housing Associations (Private Registered Providers of affordable housing), or the Government's *Help to Buy* scheme, which provides equity loans to help first-time buyers onto the housing ladder.

Carlisle City Council's discounted sale scheme for low cost properties has been developed because the Council recognizes that many local people have been priced out of the housing market – in 2014 the median (or typical) property price to household income ratio for Carlisle District was 4.9x, but the "lower quartile" figure (more appropriate to households in need of affordable housing) this increased to 6.2x² – well above responsible borrowing levels (see **Section 1.3**).

These low cost properties are usually new build properties which have been negotiated with private developers as their contribution to affordable housing through a planning obligation. Low cost properties are subject to covenants contained in a Section 106 Agreement (S106 of the Town and Country Planning Act, 1990). A Section 106 Agreement is registered as a local land charge and remains in perpetuity - therefore when the property is sold any purchaser is bound by the terms and conditions contained in the S106 Agreement. It is binding upon owners and other bodies with an interest in the land i.e. a Mortgagee.

Carlisle City Council maintains a database of people who have expressed an interest in purchasing a discounted sale property, in respect of new properties and re-sales of properties previously purchased through the scheme.

1.2 Percentage Discount

The policy seeks to ensure low cost home ownership properties remain within reach of people on local incomes but without making schemes economically unviable. This is achieved through a **percentage discount**.

² Source: CACI Streetvalue & CACI Paycheck data

Low cost properties are typically sold at a discount of 30% from the open market value. On older schemes the discount is 20%, and on one or two of the very earliest schemes the discount is 10%.

Unlike some other forms of low cost home ownership (e.g. shared ownership) with discounted sale properties the purchaser owns their home outright – no other party retains a share of the equity, but the initial price and each subsequent resale is subject to the same percentage discount. The owner is responsible for all repair and maintenance costs.

1.3 Responsible Borrowing

Government recommendations on responsible borrowing, set by the Department for Communities and Local Government in the *Strategic Housing Market Assessment Guidance* (2007) were 3.5 x gross single household income and 2.9 x gross joint household income. This guidance has now been cancelled and replaced by the *National Planning Practice Guidance* (2014) which does not make any direct reference to responsible borrowing, unlike the previous guidance.

In the absence of any updated formal guidance, the former standard multipliers should therefore still be used as a guide; however, these guidelines were set a number of years ago, and since then many responsible lenders will now allow people to borrow slightly more and a number of lenders no longer operate simply on multipliers, but also take into consideration the amount of existing credit or loans the customer might have. If an applicant can provide a Mortgage Affordability Statement from a reputable lender for slightly more than the guideline multipliers (3.5x single/ 2.9x joint income) then this would be acceptable up to a maximum of 4.5x (single or joint) which is the maximum allowed under the Government's 'Help to Buy' scheme. This keeps the policy consistent with the Government's flagship equity loan scheme, and reduces the risk of potential reposessions.

Savings, equity in an existing property, and any financial assistance to be provided (usually from the applicant's family) will also be taken into account to determine the applicant's obtainable funds.

1.4 Setting Affordable Values

The open market value of any low cost property shall be determined by the developer on the first sale employing, at their own expense, their own RICS (Royal Institution of Chartered Surveyors), qualified valuer. The developer's valuations will then be verified by Property Services on behalf of the Council. Upon each subsequent re-sale the vendor will need to provide the Council with two valuations for approval by Property Services. In the event of a dispute over the valuation, an independent RICS qualified valuer will be appointed, whose decision will be final.

The developer will be required to enter into a S106 Agreement prior to planning permission being granted, setting out the numbers of units to be involved in the City Council's low cost home ownership scheme, the affordable housing discount (30% on new schemes), and the qualifying criteria, prior to first occupation of the dwelling following the valuation being agreed.

1.5 Owner Occupiers

Not all of the low cost homes would necessarily be first time buyer properties and referred purchasers may already have an amount of equity in an existing property which they wish to sell. This could include people needing a larger home as their family has increased but are unable to afford market prices or, conversely, older people looking to downsize into more manageable accommodation.

Some owner occupiers may also be "equity rich, cash poor" so rely on equity from the sale of an existing property, more than current income to secure a low cost home – this is particularly prevalent in the case of retired people.

Existing homeowners would need to have a sale 'subject to contract' before they can be formally nominated for a low cost property, due to the length of time it can take for an applicant to sell their home. However, if there are no other qualifying persons on the register, the developer or vendor should still be notified of their interest.

1.6 Eligibility Criteria

Applicants for low cost housing need to fulfil certain criteria:-

- ◆ Local connection (see **Section 1.7**).
- ◆ Demonstrate that they require the discount to purchase the property
- ◆ The low cost property would have to be the only or main home of the purchaser (they cannot be purchased as buy to let), and the purchaser would be required to live there not less than 10 months of the year. The Low Cost properties could only be resold at the discounted value, and could not be sold as second homes or holiday lets.
- ◆ The minimum age for applicants to join the database is eighteen years old.
- ◆ An applicant would need to have a right of residence in the UK.

1.7 Local Connection Criteria

The local connection criteria in respect of affordable housing are detailed within the relevant S106 for the property but the standard definition of “**Qualifying Person(s)**” means person(s) who:-

- (i) has a Housing Need; and
- (ii) has local connections which shall be conclusively presumed in the case of a person who:
 - (a) was born in the District; or
 - (b) has lived in the District for a continuous period of at least three (3) years up to and including the date on which a Disposal is agreed, subject to contract, of a Low Cost Unit; or
 - (c) has worked in the District for a continuous period of at least three (3) years up to and including the date on which a Disposal is agreed, subject to contract, of a Low Cost Unit; or
 - (d) is by blood or marriage a member of the family (as defined in Section 113 of the Housing Act 1985) of a person who falls or (in the case of any such relationship to a deceased person) would if such person were living fall within one of the above categories; or
 - (e) has an offer of employment in the District which is of a permanent nature; or
 - (f) has any other reason for living in District which is approved by the City Council; and
 - (g) has registered an interest in living in the District and is on the housing register maintained by the Local Housing Authority and/or any Registered Provider operating in the District.

On more recent schemes, low cost properties in the urban area of Carlisle may immediately be open to people with a local connection to Carlisle District, but rural schemes will initially be open to people from the parish (or sometimes more than one parish); then the Housing Market Area (e.g. Rural Carlisle East), before “cascading” out to people with a connection to the District. Each stage of the cascade – parish(es); Market Area; District; would typically be for 4 weeks, then after 12 weeks, properties would become eligible to people in need of affordable housing without a local connection, but would still need to be approved by the Council (for instance, it would need to be their only home). Older S106s may differ, and it would always be necessary to refer to the S106 Agreement for the specific scheme.

1.8 Prioritising Applicants

The specific local connection criteria will be set out in the relevant S106 Agreement. Applicants meeting the local connection criteria set out in the S106 Agreement for each particular scheme will be ranked by date of application. However, for some

types of accommodation an additional priority is given to particular types of household with a greater need for that type of property, as follows:-

- 4/ 4+ bedroom houses:-
 - iv) households including 3 or more children (or having joint custody of 3 or more children); then
 - v) households including 2 children (or having joint custody of 2 children); then
 - vi) households including 1 child (or having joint custody of 1 child).
- 3 bedroom houses:-
 - iii) households including 2 or more children (or having joint custody of 2 or more children); then
 - iv) households including 1 child (or having joint custody of 1 child).

The priority for households with children will also apply in cases where a member of the household is pregnant. The applicant will need to contact the Housing team as soon as possible to update their details (e.g. through providing a MAT B1 maternity certificate form).

- Dormer bungalows - including a downstairs bedroom and downstairs w/c and bathing facilities: equal priority will be given to the following types of household:-
 - households including someone aged 60 or over, and/ or households including someone registered disabled.
 - households with children (or having joint custody). In the case of 4/4+ or 3 bed properties the criteria set out above, in respect of the prioritizing applicants based on the number of children in the household, would apply.
- Bungalows and adapted/ adaptable ground floor flats (e.g. built to 'Lifetime Homes Standard') – households including someone aged 60 or over, and households including someone registered disabled.

In cases where there is more than one qualifying applicant with an equal additional priority for the same low cost property, applications will be ranked by date of application.

1.9 New Developments

Carlisle City Council works closely with the developer's sales staff to ensure that the low cost housing scheme runs efficiently.

Prior to properties being released for sale the developer should:-

- ◆ Submit a sales release letter, this is normally no less than 6 weeks prior to the property being released for sale;
- ◆ Where relevant advertise the properties in the local press;
- ◆ Submit a valuation in respect of the low cost properties.

Following the above Carlisle City Council's Housing Section should:-

- ◆ Instruct Carlisle City Council's Property Services to undertake a valuation;
- ◆ Refer qualifying applicants to the sales office (once valuations have been agreed) - there is a time limit in which to do this (check individual S106 Agreement for details).

If the Council is unable to refer a sufficient number of qualifying applicants from the waiting list, the developer can refer qualifying applicants to Carlisle City Council for approval. In the event that an insufficient number of qualifying applicants has been identified, the developer can then advertise the remaining properties to qualifying persons, following the qualification criteria set out in the S106 Agreement.

1.10 Re-Sales

Upon the resale of a low cost property the vendor must:-

- ◆ Inform the Council's Housing team in writing of their intention to sell;
- ◆ Submit at least two valuations to Council.

In the event that the valuations submitted by both parties do not correspond and an agreement cannot be reached between the two parties, the vendor and/or Carlisle City Council has the right to request an independent valuation. The appointed surveyor must be mutually agreed and be a member of the Royal Institute of Chartered Surveyors (RICS). The cost of appointing an independent valuer is usually split between the vendor and the Council and the independent expert's decision is final.

1.11 Rights of Succession

If the owner of a low cost home wished to leave the property to a beneficiary in a will, the beneficiary would need to demonstrate that he/ she meets both the eligibility criteria (set out in **Section 1.6**) and the local connection criteria (set out in **Section 1.7**).

If the beneficiary was unable to meet both of these criteria the property would have to be sold at the discounted price, in accordance with the S106 Agreement, with the monetary value (equity) received from the sale going to the beneficiary.

Notwithstanding these arrangements around succession, any unusual circumstances may form the basis of a request to permit the property to be transferred to another party, subject to the Section 106 Agreement remaining on the property.

1.12 Section 106 Agreement – Legal Implications

A Section 106 Agreement is registered as a local land charge. This means that when a proposed purchaser undertakes a local search on the property the purchaser will become aware of the Agreement. They are entitled to request a copy of the Agreement from Carlisle City Council to make themselves aware of its terms. The purchaser should not proceed with the transaction unless and until they are satisfied of the terms and that they are not unduly affected by them. It is important for a purchaser to be fully aware of the terms to ensure that they do not breach the terms by completing their purchase. Once the sale has completed the purchaser also needs to make sure they are fully aware of the terms of the S106 Agreement to ensure that they do not breach the terms of the Agreement.

If anyone buys in breach of the Agreement or breaches the Agreement after the completion of their purchase the Council can enforce the terms of the Agreement which might be by way of an injunction to prohibit its use in contravention of the terms of the Agreement.

The Council should be notified of any sales of the property. If the Council were not notified of the sale and the appropriate officer became aware, attempts would be taken to secure that the Council's interests and the Agreement's terms were protected and preserved.

1.13 Rental Option

Occasionally, circumstances may occur whereby the owner of a low cost property has been unable to sell the property but has a genuine need to move out of the property (e.g. due to securing a new job in another area) and wishes to rent out the property on a temporary basis. This needs to be approved by the Council, but can be agreed if the property is let to a qualifying person at an affordable rent, providing the following criteria are met:-

- ◆ The property must have been for sale with an estate agent for a significant period of time (e.g. 6 months) and where no qualifying person has made an approach. The applicant must demonstrate that the property has been marketed for the period stated, by providing copies of advertisements or alternatively a letter from an estate agent or solicitor acting on their behalf.
- ◆ The owner should also be informed that permission would be needed from their mortgage company (if there is an outstanding mortgage there may be restrictions placed on this) and advising them to seek legal advice.

- ◆ The Council's agreement is subject to confirmation from the owner that the lease will not be for more than seven years, as leases in excess of seven years are compulsorily registrable with the Land Registry.
- ◆ The property must be let at an affordable rent (as these are affordable homes subsidised through planning obligations) at no more than the Local Housing Allowance rate for the property type. This also applies in respect of annual rent increases.

1.14 Annual Review

The list will be reviewed on an annual basis. This is to check people still wish to remain on the list, and ensure people's circumstances have not changed, as people will not always remember to inform the Council (e.g. if they change job and their salary has changed). A letter with a tear-off slip and a deadline for its return will be sent out to all applicants.

However, applicants should always inform the Housing team of any changes in circumstances as soon as possible (e.g. financial, or changes to members of the household, including pregnancy) rather than relying on the annual review. This is important as the Housing team can only draw up a shortlist of qualifying applicants based on the most up to date information provided.

1.15 Appeals

The scheme will be administered in accordance with a straightforward policy linked to time on the low cost home ownership register. It is therefore not intended that there will be any appeals process.

**Appendix 1: Existing Properties Included in Carlisle City Council's
Low Cost Home Ownership Scheme (April 2015)**

Street / Development Name	Number of Beds / Type of Property (Total)
Albert Street, Longtown, Carlisle	2 Bed House (6)
Alder's Edge, Scotby	2 Bed House (1) 3 Bed House (3)
Antonine Way, Houghton, Carlisle	2 Bed Bungalow (7)
Anvil Close, White Flats, Irthington, Carlisle	2 Bed and 3 Bed House (6)
Barley Edge, Durranhill Road, Carlisle	3 Bed House (10)
Brackenleigh Development (Wigton Road), Carlisle	2 Bed House (7) 3 Bed House (32)
Cavaghan Gardens, Carlisle	2 Bed House (5) 3 Bed House (3)
Crindledyke Development, Carlisle	2 Bed House (3) 3 Bed House (5)
Edenside, Cargo, Carlisle	2 Bed House (8)
Field View, Faugh, Carlisle	2 Bed House (1) 3 Bed House (1)
Fulmar Place, Turnstone Park, Carlisle	3 Bed House (1)
The Grange, Dalston	2 Bed House (2) 3 Bed House (6)
Hanson Place, Warwick Square, Carlisle	1 Bed and 2 Bed Apartment (7)
Helvellyn Rise, The Beeches, Carlisle	2 Bed House (15)
Heron Drive, Kingfisher Park, Carlisle	2 Bed and 3 Bed House (16)
Huntsman Lane, Carleton Grange, Carlisle	2 Bed Bungalow (17)
Johnstone Drive, Carlisle	3 Bed House (1)
King George Court, Warwick Bridge, Carlisle	2 Bed Apartment (4)
Kittiwake Close, Carlisle	3 Bed House (1)
Ladyseat Gardens, Moor Road, Longtown, Carlisle	2 Bed Detached Bungalow (4)
Leywell Drive, Carleton Grange, Carlisle	2 Bed and 3 Bed House (4)
Lowry Hill Gardens, Lowry Hill, Carlisle	2 Bed Apartment (12) 3 Bed House (4)
Nook Lane Close, Dalston, Carlisle	3 Bed House (8)
Pennington Drive, Windsor Park, Carlisle	2 Bed and 3 Bed House (15)
Richard James Avenue, Carlisle	1 Bed Apartment (1)

	2 Bed Apartment (5) 3 Bed House (1)
The Ridings (Durdar Road/ Blackwell)	3 Bed House (4)
Teasdale Place Development, Carlisle	2 Bed House (2) 3 Bed House (18) 4 Bed House (2)
Turnstone Drive, Turnstone Park, Carlisle	2 Bed Apartment (18) 3 Bed Semi House (4) 2 Bed Terrace House (1)
Vallum Gardens, Burgh Road, Carlisle	3 Bed House (4)
Victoria Road (off Warwick Road), Carlisle	2 Bed and 3 Bed House (6)
Wellside Walk, Carlisle	2 Bed and 3 Bed House (16)
Wreay Sike Cottage, Wreay, Carlisle	4 Bed Detached House (1)
	Total 298 properties

PLEASE NOTE: The majority of these properties are already occupied and will only become available through re-sale.