

## RIGHT TO BUY LEGISLATION

The following is an extract from the right to buy legislation as it relates to older persons accommodation.

Schedule 5 of the Housing Act 1985 contains a list of exceptions to the right for a tenant to buy his/her property which includes the following:-

### **A. Dwelling houses for disabled tenants**

#### **1. *Physically disabled***

A dwelling house is exempt if all the following criteria are satisfied:

- 1.1 it has features that are substantially different from those of ordinary dwelling houses;
- 1.2 those features are designed to make the dwelling house suitable for occupation by physically disabled persons;
- 1.3 it is one of a group usually let for occupation by physically disabled persons;
- 1.4 social services or special facilities are provided for the occupants in close proximity to the group of dwelling houses wholly or partly for the purpose of assisting those persons.

#### **2. *Mentally disabled***

For persons who suffer or who have suffered from a mental disorder, a dwelling house is exempt with or without special features. The only criteria that must be satisfied are A.1.3 (for mentally instead of physically disabled persons) and A.1.4 above.

### **B. Dwelling houses for persons of pensionable age**

A dwelling house is exempt if all the following criteria are satisfied:

- 1.1 It is one of a group particularly suitable for occupation by elderly persons (having regard to its location, size, design, heating system and other features).
- 1.2. The dwelling houses in the group are usually let to persons aged 60 or above. They need not be let exclusively to the elderly if the other occupants are persons with a physical disability.

## APPENDIX 9

1.3. The group is warden controlled. If the warden is not resident, there must be a system for calling him/her and the use of a nearby common room. The exception also applies to single dwellings if:

2.1 the dwelling house is particularly suitable (see B.1.1 above) and

2.2 it was let before 1 January 1990 for occupation by a person 60 or over, either to the present tenant or his/her predecessor.

The elderly person need not be the tenant but the elderly person must be specified as an intended occupier at the time of the letting. Criterion B.1.1 above must be satisfied for the individual dwelling rather than a group. Any features provided by the tenant or his/her predecessor must be disregarded.

**If any of the criteria are unsatisfied the Schedule 5 exemption will not apply and the tenant will (subject to fulfilment of the other requirements of the Housing Act 1985) have the right to buy the dwelling house.**