

Voluntary Right to Buy Policy (Website Version)											
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1		Annette Homer	New – Government pilot
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1. POLICY AIM

To deliver the Government's Voluntary Right to Buy (VRTB) Pilot, in relation to tenants of Bournville Village Trust (BVT) and Bournville Works Housing Society (BWHS) and to process applications fairly, accurately and within prescribed timescales (Appendix One).

2. SCOPE

This policy applies to all employees of BVT who may be asked to give advice to tenants regarding their eligibility for the VRTB including the Customer Service Team (CST), front line staff, the Head of Housing & Customer Services (Birmingham), the Head of Housing (Shropshire), the Director of Housing & Community Services and anyone involved in the teams identified for processing applications.

3. RELATED DOCUMENTATION

- 3.1 Appendix One – The application process & timescales
- Appendix Two – Exempt Properties
- Appendix Three – Portable Discount Policy

4. INTRODUCTION

In its 2015 manifesto, the Government made a commitment to extend the Right to Buy (RTB) to Housing Association tenants. In September 2015, the NHF, on behalf of the HA sector, made an offer to Government to extend RTB level discounts to eligible tenants through a voluntary rather than a statutory approach. The offer was accepted by Government in October 2015. As a result of the agreement, the Housing & Planning Act 2016 was drafted to enact only what was necessary to enable the Secretary of State to underpin the agreement. This includes powers to compensate private registered providers for the cost of discount; and home ownership criteria that creates an expectation that all HA's will provide a home ownership offer to tenants and this will be monitored by the Regulator.

An initial pilot ran during 2016-17 with five HA's across England. A larger regional pilot was confirmed in the Government's 2017 Autumn Budget and the Midlands region was chosen for this pilot. Whilst meeting tenants aspirations of home ownership this new pilot aims to test one for one replacement of housing sold, portability of discounts for tenants who are unable to buy the property they currently live in, and fraud prevention.

5. ELIGIBILITY

Tenants are eligible if:

- They can prove they have been a tenant of social or affordable housing for at least 3 years. This need not have been with the same landlord, or continuous.
- They currently hold an un-demoted secure tenancy, an un-demoted assured tenancy or a fixed term flexible tenancy of 2 years or more.
- They have the right to reside in the UK, and can demonstrate that they meet the immigration status checks. (All documents to be checked in the presence of the holder).
- They have lived in their current home for 12 months or more.

Tenants are not eligible if:

- They have the Preserved Right to Buy or Statutory Right to Buy.

- At the time of application, they hold an assured short hold tenancy (other than a Localism Act fixed term tenancy), a contractual (non-assured, non-secure tenancy or are a licensee).
- They have a fixed term tenancy of less than 2 years, or if they have a periodic assured shorthold tenancy (including a starter tenancy which has not converted).
- They do not have the right to reside in the UK, and cannot demonstrate that they meet the immigration status checks.
- They are currently subject to the mortgage rescue scheme. They will become eligible if they move to a new property or are granted a new tenancy.
- They are residents of almshouses, co-operative HA's, care or Sheltered Schemes which are exempt from the pilot.
- They have any rent arrears. (Rent arrears at any point of the process will result in cancellation of the application without refund of the £250 application fee).
- They or any joint applicants are subject to bankruptcy proceedings or unfulfilled credit arrangements. (BVT will run a credit check with a credit agency which may affect tenants' credit ratings).
- They have committed anti-social behaviour (ASB) as defined in the Paragraph 11 of Schedule 11 to the Anti-Social Behaviour, Crime and Policing Act 2014 and the HA has initiated legal proceedings as a result of this. Tenants would become eligible if such legal proceedings were withdrawn or discontinued.
- They are currently subject to legal proceedings, e.g. injunction proceedings have been issued or a notice of seeking possession (NOSP) has been served. Tenants would become eligible if such legal proceedings were withdrawn or discontinued, or if the landlord failed to send papers to the court for issue within 6 months of expiry of NOSP, or the landlord loses the case in court (including following any appeal).
- They are subject to legal proceedings at any point between application and completion. Tenants would become eligible if such legal proceedings were withdrawn or discontinued.
- They already own a property at the point of application; and will not end their ownership on or before the completion of the VRTB.
- They hold an assured fixed term tenancy where the original term was 21 years or more (i.e. a long term tenancy).
- They occupy only a room, or rooms, in a shared house or flat, even if the terms of the occupancy amount to an assured tenancy.

- They are a shared ownership tenant.

Properties are eligible for sale if:

They are not included in the exempt list as approved by the Trustees of BVT/BWHS. (see Appendix 2)

As the VRTB is a voluntary agreement, the Government has agreed that HA Boards have absolute discretion over which homes are eligible and which are exempt from the sale and there is no appeal to this decision. Trustees agreed their strategy on 28th March 2018.

In determining their Strategy, Trustees considered the Objects of the Charity and the vision of BVT's founder, George Cadbury who created mixed tenure communities. This concept of "pepper-potting", where tenants, home owners and more recently shared owners live side by side with no distinction between tenures has proved to be successful for 118 years and contributes to community sustainability. However, BVT also have some mono tenure estates (social rented housing only), and therefore when considering the success of a mixed tenure approach, it was recognised that a number of sales within some of these communities would only support our founders vision.

If a tenant is eligible for the VRTB, but, their home is exempt, if they wish, they can seek an alternative rented home from either BVT or another social rented landlord, through the Homes Direct Choice Based Lettings System, and upon acceptance of their bid, obtain a discount on that home, vacating the BVT/BWHS exempt home to enable this to be let to a person in need of social rented housing. Upon acceptance of their bid, they will transfer to the new home and should the sale not complete for any reason, they will remain a tenant of that new home. (see Appendix 3).

6. COMMENCEMENT OF THE PILOT

The Midlands pilot for the VRTB will run for a 2 year period commencing with an announcement from Government on 16th August 2018.

The Government has decided that following the announcement, the Government's portal will be open until 16th September to allow tenants to register their interest in purchasing. The portal will then close and a random ballot will be carried out by Government resulting in a list of successful tenants who will then be issued with a Unique Reference Number (URN), allowing them to pursue an application with their landlord.

There is no appeal against the process should a tenant not be chosen in the ballot.

BVT/BWHS tenants seeking advice should be directed to the Government's website: www.righttobuy.gov.uk and www.righttobuy.gov.uk/agent-service, email: enquiry@righttobuyagent.gov.uk, or telephone: 0300 123 0913 where Right to Buy Agents can give advice on tenant eligibility and all elements of the VRTB together with further helpful advice, for example the cost of home ownership in order to give tenants further insight as to the true costs of owning their own home.

However, it will be the role of BVT/BWHS Customer Service Teams to also advise on whether their home is, or is not available for sale and to advise on options, as detailed in the Portability Policy (Appendix 3).

Upon receipt of an enquiry from a tenant, QL, the BVT computer system should be checked in order to understand if the property is available, or exempt from the VRTB:

If a property has a Preserved Right to Buy (PRTB) flag, then the tenant does not have the VRTB.

If a property has the Right to Acquire (RTA) flag, the tenant also has the VRTB and can choose which process to follow. The VRTB will give them a greater discount.

If the property has the VRTB flag ticked, then it is available to purchase if the tenant is eligible.

If no flags are ticked, the property **is not** available to purchase. The tenant then has two options, either they continue to rent, as now, or, if their application progresses successfully and they wish to do so, they may be able to buy a home from another social housing landlord, through Homes Direct, the Choice Based Lettings System.

7. NOTIFICATIONS OF APPLICANTS

On 16th September 2018 the ballot will close and the Ministry of Housing, Communities and Local Government (MHCLG) will notify each Social Housing Landlord in the Midlands, how many of their tenants have been successful in the ballot.

The MHCLG will notify all tenants, by email, if they have been successful in the ballot or not. Tenants will then receive their URN over a period of 4 weeks. By phasing the allocation in this way, the Government's intention is that this will aid landlords in managing the volume of applications.

If a tenant fails to make an application to their landlord within 4 weeks of their URN being issued, the URN is cancelled by the MHCLG and no application can be made.

The award of an URN by the MHCLG does not mean that the tenant is eligible to buy, nor does it recognise if their home is exempt or not. They merely have approval to submit an application which can be found on BVT's website in PDF form for printing off, completing and returning to us. When completing the application form, it is down to the tenant to supply proof of various conditions, this is not BVT/BWHS role. All social housing landlords will use the same application form. This cannot be completed on line on BVT's website.

The fact that a URN is issued does not mean that funding is available for that tenant's discount. No guarantees can be given. BVT will check funding availability prior to valuation and prior to the formal offer letter.

8. APPLICATION FEE

A checklist is available to guide the BVT/BWHS assessor through the application form. Evidence of certain criteria must be provided by the tenant as failure to do so will result in the application being cancelled.

The application must be accompanied by a £250 payment, by credit or debit card, taken by the Customer Service Team from the tenant which will be deposited in the VRTB Project Account. (no cheques will be accepted).

No application will be accepted or logged without payment of the fee and any accompanied by a cheque will be returned to the tenant. Any application received without the fee having been paid will be cancelled. This will be clearly communicated on BVT's website and by the CST, i.e. tenants must phone or call in to make the payment at the time of submitting their application.

If the tenant is unable to proceed with the application because they fail the eligibility test, or because the property is subject to the Boards discretion not to sell and the tenant does not wish to purchase an alternative property through Homes Direct, this fee is refundable. The fee is also refundable on successful completion of sale. However, the fee is not refundable if the tenant changes their mind and decides not to progress the application, or if incorrect information or fraud is detected.

The original VRTB pilots highly recommended that in the interest of fraud detection, face-to-face interviews be held with tenants and all parties to the purchase in order to verify documentation. BVT/BWHS will follow this recommendation.

9. TENANT VERIFICATION

All joint tenants must agree to purchase the property or sign the VRTB application form to say that they do not wish to be included in the purchase.

All signatures will be checked against the Tenancy Agreement. If there is any discrepancy then the tenant/s will be asked to provide further evidence such as a Passport or Driving Licence. Tenants may also be asked to come into the office with ID and sign in front of the assessor.

If the tenant/signature cannot be verified then the application will be suspended until it has been. If verification has not occurred after 8 weeks the application will be cancelled.

10. SHARING FAMILY MEMBERS

If the tenant is applying jointly with a spouse, civil partner and/or up to 3 family members they must:

- Demonstrate that it is the main home of every applicant
- Prove that it has been their residence for at least 12 months

No joint applicant can be added or removed from the application during the process without voiding the application. There will be no refund of the application fee in these circumstances.

It is the responsibility of the tenant to prove the qualification of any sharing family member (SFM). Proof of residency will include:

- P45, P60 or payslip
- Current benefit or pension claim letter, book or card
- A utility or council tax bill
- Bank or credit card statement
- Mobile phone bill

Doctor's letters and Statutory Declarations will not be accepted.

If an application is received which includes a SFM but the relevant evidence is not included the SFM will be denied, the application cancelled and the application fee will not be refunded.

The death of the tenant, at any point in the process will result in the application being cancelled.

11. QUALIFYING PERIOD

The qualifying period, and the period on which discount is calculated, can include:

- Non-consecutive periods as public sector tenants.
- All un-demoted secure or un-demoted assured tenancies.
- Fixed term assured shorthold tenancies.
- Completed probationary periods.
- Periods spent as a public sector licensee (e.g. almshouses, MOD tenant).
- Periods as an assured shorthold tenant with a registered provider in an affordable housing product.

It is the tenant's responsibility to provide evidence of any tenancies held with other public bodies. The tenant should provide either:

- A letter from the landlord confirming the tenancy start and end date and the full name of the tenants.
- A copy of the rent card/book showing the names of the tenants and the start and end date of the tenancy.

If neither of the above is available then BVT/BWHS will accept a Statutory Declaration but only when accompanied by:

- A copy of the electoral register confirming occupancy during the period being claimed.
- A letter from the landlord confirming the property was in their ownership during the period being claimed.

12. VALUING THE PROPERTY

Valuations must be carried out by a Royal Institute of Chartered Surveyors (RICS) qualified surveyor, registered with the RICS to undertake a “Red Book” open market valuation in line with the Charities Act 2011. Tenants will be given a choice of valuers from a list approved by BVT/BWHS. The initial valuation will be funded by BVT/BWHS. The tenant must notify BVT/BWHS of their chosen valuer within 3 working days or the application will be cancelled with no refund of the application fee. Contact details of the tenant will be passed to the valuer. The valuer will make direct contact with the tenant to make arrangements for the home visit. If the tenant does not engage with the valuer, or misses two appointments, the application will be cancelled and the application fee will not be refunded.

The valuer will survey the property and mark out the boundary lines. It is the tenant’s responsibility to identify any outlying buildings such as garages or sheds that should be included in the sale; these will be verified by BVT/BWHS. Information that should be supplied to the valuer is listed in the procedure.

13. DISPUTING THE VALUATION

The tenant has the right to dispute the valuation and may request a second valuation. The second valuation must be carried out by a valuer from the original list and the cost must be met by the tenant in advance. If BVT/BWHS disputes the valuation then there will be no additional cost to the tenant for the second valuation. This will be funded by BVT/BWHS.

If the tenant decides not to purchase following valuation, the application is cancelled and the application fee is not refunded.

14. REPAIRS AFTER VALUATION

No repairs will be carried out to the property once the application fee has been received unless they are required for BVT/BWHS to comply with:

- Section 11 Landlord & Tenant Act 1985
- Environmental Protection Act 1990
- Section 4 Defective Premises Act 1972

No planned improvement or cyclical works will be undertaken to the property once the application fee has been received.

15. CALCULATING THE DISCOUNT

For each complete year of confirmed tenancy, the tenant is entitled to receive a discount based on a percentage of the open market value of the property. The monetary value of this percentage is deducted from the market valuation of the property. The total periods of qualifying tenancy are added together and the discount is calculated on the total years.

Freehold Sales (houses)

- The tenant is awarded a total discount of 35% for the first 3-5 years and a further 1% for each additional complete year of confirmed tenancy, up to a maximum of 70% or £80,900 across England and £108,000 in London boroughs, whichever is the lower.

Leasehold Sales (Flats)

- The tenant is awarded a total discount of 50% for the first 3-5 years and a further 2% for each additional complete year of confirmed tenancy up to a maximum of 70% or £80,900 across England and £108,000 in London boroughs, whichever is the lower.

NB. A tenant receives 35% discount for a house, or 50% discount for a flat whether they have been a tenant for 3, 4 or 5 years.

16. FUNDING

An application can only proceed if the funding is available. BVT will check via the Government's computer system (via IMS) at two stages in the application:

- Before the valuation is requested
- Before the formal Offer is made to the tenant

However, the MHCLG, on behalf of the Government, has the right to put a hold on funding at any time.

17. OFFER NOTICE

Once the valuation has been received BVT/BWHS will serve a Notice on the tenant confirming the valuation, discount and selling price. If the property is leasehold, the Notice will also confirm details of service charges and an estimate of costs of services and works expected over the next 5 years.

A full list of what has to be included in the Offer Notice is in the procedure. The tenant has 4 weeks to accept the offer or the application is cancelled and the application fee not refunded.

18. COMPLETING THE SALE

The tenant must confirm in writing that they wish to proceed with the sale or the application will be cancelled with no refund of the application fee. Confirmation must include details of the solicitor acting and how the purchase is being funded. If the tenant is securing a mortgage, the lender must be registered with the Financial Conduct Authority. If it is a cash purchase then the tenant must provide evidence of how this is being funded, for example, copies of bank statements, supporting letters and I.D.

As a guide, the conveyancing process should take approximately 12 weeks from the acceptance of the offer. If the tenant cannot secure a mortgage within 3 months of the application, it will be cancelled and the application fee will not be refunded.

If at any stage throughout the application/purchase process, arrears accrue on the rent account, the application will be cancelled without prior notice to the tenant and the application fee will not be refunded. This includes immediately prior to completion.

No delay Notices will be sent to the tenant. Timescales will be clearly outlined throughout the process (Appendix One) and it is the tenant's responsibility to ensure these are adhered to. Failure to adhere to the timescales will mean the application is automatically cancelled without further notice.

19. REPAYMENT OF DISCOUNT

The voluntary scheme sets out where a discount will be repayable on a sliding scale if the property is sold within 5 years of the purchase date.

- 100% of the discount in the first year
- 80% in the second year

- 60% in the third year
- 40% in the fourth year
- 20% in the fifth year

BVT/BWHS will explain this requirement during the purchase process and a charge will be placed on the title deed when the property is sold to the tenant.

Similar discounts will be repayable if the tenant is found to be sub-letting the property.

The funding repaid by the tenant belongs to the Government as the HA will already have received compensation for the discount.

20. APPEALING ANY DECISION MADE BY BVT/BWHS

If the tenant disputes a decision made by BVT/BWHS then this should initially go to the PA to the Director of Housing & Community Services for investigation. The PA will check the policy and procedure and ensure that this has been followed; if it has then the appeal will not be upheld. If a decision has been made that falls outside of the policy or procedure then this will be investigated by the Director of Housing & Community Services who will confirm if the tenant has been treated fairly and reasonably. If it is found that the appeal should be upheld then the Director will advise the tenant and agree a way forward.

If the tenant is still not satisfied with the response then they can refer to BVT's formal complaints procedure including an appeal to the Ombudsman. The Ombudsman will consider if BVT/BWHS has acted in line with its policy and procedure. The Ombudsman has no role to play with regards to any Government directive or Board strategy, only against how BVT/BWHS have dealt with the application.

21. FRAUD AND EXPLOITATION

If at any time during the application process there is any suspicion of fraud or money laundering, BVT will suspend the application to carry out investigations with police involvement if appropriate. It is reasonable for the tenant to expect such investigations to take no longer than 6 months. If the suspicion is found to be correct, the application will be cancelled and no refund of the £250 fee will be made to the tenant. There will be no claim to the HA if funding for the VRTB is no longer available in the event that fraud has not been detected.

22. RIGHT OF FIRST REFUSAL

If a tenant decides to sell their home within 10 years of purchase, BVT/BWHS will have the right of first refusal. The tenant must offer to us and if we do not want the property, we can nominate another association to carry out the purchase.

23. RESEARCH

Research of the pilot will be commissioned by the MHCLG/NHF and BVT/BWHS will contribute to this research.

24. DISCLAIMER

The VRTB is a pilot initiated, directed and monitored by the Government through the MHCLG. BVT cannot be held accountable for any changes to the scheme, or guarantee that funding will be available for purchase at any point in the application process. The MHCLG may halt transactions at any point in time, for a period, if necessary. There can be no cause for complaint or appeal to BVT/BWHS for any part of the process over which it has no jurisdiction.

25. DATA PROTECTION STATEMENT*

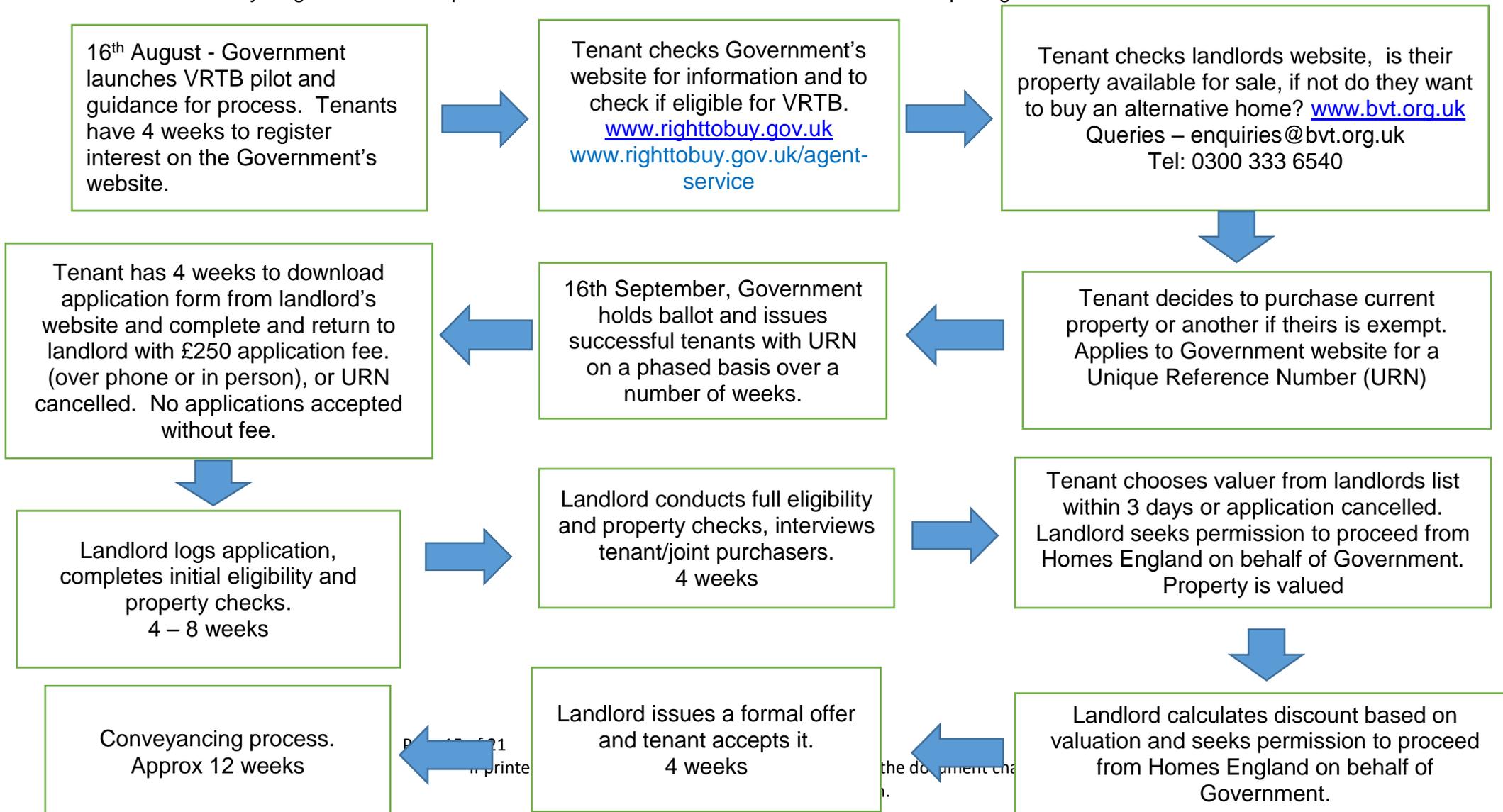
Bournville Village Trust manages all of the data referred to in this policy in accordance with the General Data Protection Regulations 2018. For more information on how we handle information, please see the Data Protection Policy and further documents contained within our Personal Information Management System.

Tenants should refer to the Government's website in relation to how it processes data in relation to this pilot.

RTB – The Application Process: (Timescales to be clarified)

Appendix 1

The Government are not accepting “first come first served” applications. Tenants have 4 weeks to apply for a Unique Reference Number (URN) if they are interested in purchasing. The Government will then hold a random ballot to identify successful tenants and issue them with a URN. Tenants therefore have time in the early stages to consider options and take advice to determine if Home Ownership is right for them:



Voluntary Right to Buy Policy – Appendix 2 – Exempt Properties

The Trustees of Bournville Village Trust/Bournville Works Housing Society have agreed to sign up to the Voluntary Right to Buy Agreement put forward by the National Housing Federation and agreed by Government.

Housing Association Boards have absolute discretion in terms of which homes they are prepared to sell and which will be exempt from the scheme, (in which case eligible tenants may be able to purchase an alternative property).

The Board of Trustees of BVT/BWHS has resolved not to sell properties in the following circumstances. This is intended as a guide only. For certainty in relation to a specific property, please contact a member of the Customer Service Team on 0300 333 6540.

Bournville Village Trust:

Homes not available for tenants to purchase:	Rationale:
BIRMINGHAM:	
Heritage stock.	To preserve the historic significance of these properties, built with no public subsidy.
Lower Shenley new build properties (all phases)	Respecting the planning restriction “to remain as social housing in perpetuity” and avoiding the risk of subsequent legal action for breach.
Non - Heritage properties elsewhere in Bournville. (NB. Not all homes are exempt. Please check with the Customer Service Team. Tel: 0300 333 6540)	Properties built with no public subsidy or with a planning restriction, as above.
All Extra Care, Sheltered Housing & Care Schemes	Specialist housing excluded from voluntary agreement.

TELFORD:	
Bungalows	There is a recognised shortage of older person's accommodation as detailed in the Telford & Wrekin Council's Housing Strategy. BVT has no Sheltered Housing in Shropshire and has made the decision not to sell bungalows predominately occupied by elderly tenants.
Lightmoor homes	Respecting the planning restriction "to remain as social housing in perpetuity" and avoiding the risk of subsequent legal action for breach.
Lawley homes	As above.
Flats in small self-contained developments	All flats in small self-contained developments, i.e. previously privately owned flats, have been purchased by BVT in order to achieve control over key issues such as ASB, care of communal areas.
Extra Care Scheme & Care Schemes	Specialist housing excluded from voluntary agreement.

NB: In some circumstances, there may be an issue that prevents the sale of a particular home which may not be highlighted until the process has been initiated. An example of this would be a complication with regards to the legal title which solicitors uncover when in contact with the Land Registry. Should any issues come to light which would prevent the sale or cause it to be untenable, the application fee of £250 will be refunded to the tenant.

Bournville Works Housing Society:

All homes	To preserve the historic significance of these properties, built with no public subsidy.
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Voluntary Right to Buy Policy – Appendix 3 – Portable Discount

Please note: Elements of the policy detailed below still have to be agreed with Homes Direct partners and therefore the policy should currently be viewed as guidance only and is subject to change.

1. ELIGIBILITY:

If a tenant is eligible to purchase a home through the VRTB, but the home they live in has been made exempt from the pilot by the Board of Trustees, for one of the reasons set out in Appendix 2 of the VRTB Policy, the tenant may be eligible to transfer or “port” their discount to another home in the Midlands area, owned by either Bournville Village Trust (BVT), or another social housing landlord.

Only BVT/BWHS can initiate the porting process. BVT/BWHS will advise an applicant if they are eligible to port their discount. At this point the applicant will be required to confirm their intention to port their discount to an alternative property or not.

Applicants who decline the opportunity to port their discount or do not indicate whether they wish to port their discount within 3 days will have their VRTB application cancelled.

Applicants who confirm they wish to exercise the discount porting process will be advised of the process of registering with and bidding for homes via the Homes Direct Choice Based Lettings System.

There is no requirement for BVT/BWHS to find a “like for like” property for tenants, however, the Homes Direct system will give tenants choice in terms of where they would like to live, based on the size of their current household.

2. IDENTIFYING A PROPERTY TO PORT A DISCOUNT TO:

Homes Direct will operate an approach of ‘transfer and buy’ for porting applicants.

Due to the popularity of BVT homes, the vacancy rate is very low and very few opportunities will be available for BVT to offer an alternative home to buy via Homes Direct. It is unlikely that a comparable offer can be made and there may be times when only homes owned by another social housing landlord within the pilot area are available to bid on.

Upon acceptance of a successful bid via Homes Direct, the tenant will transfer to the new property whilst the sale progresses. If the BVT/BWHS home they are transferring from requires any work to bring it to an acceptable standard for re-letting, this will be charged to the tenant before the transfer is approved. After transferring, if for any reason the sale does not complete, the tenant will continue to rent the property from the landlord concerned, that they have transferred to. They will not be able to move back to their previous home.

Porting applicants will be required to register their details on the Homes Direct choice based lettings scheme (www.homesdirect.org.uk) where they will be awarded Band D priority and their application flagged as a porting tenant.

When a suitable property has been identified the applicant will move into the property and their right to buy application will be restarted by the new landlord.

If after 3 months, the tenant has not found an alternative property to port their discount to, their application will be cancelled and their application fee refunded.

3. PROPERTIES ELIGIBLE FOR PORTING A DISCOUNT TO:

Porting tenants will be considered for homes appropriate for their current household size as determined by the Homes Direct allocations policy.

Where improvements have been made in the applicants current home, and this includes decorating, alterations, fixtures and fittings, this will be disregarded when identifying a suitable alternative. BVT/BWHS will not be responsible for either compensating or replacing these improvements unless legally required to do so.

If the porting applicant requires equipment or adaptations in the alternative home it will be their responsibility to arrange for funding and installation after they have purchased the home.

4. DISCOUNT CALCULATION:

Valuations and discount calculations will be based on the property that the applicant ports their discount to and not the originating property.

