

1.0 Introduction

- 1.1 The council is committed to maximising the provision of affordable housing for eligible households whose needs are not met by the market and currently aims to deliver at least 150 new affordable homes per year.
- 1.2 Coupled with the provision of new homes, the council strives to retain existing affordable housing stock. However, it is recognised that at times Housing Association Registered Providers (HARPs) need to dispose of affordable homes, for example larger, old units in relatively high value areas that may be too costly to bring up to modern standards. This can enable HARPs to invest in the development of new affordable homes within the district.
- 1.3 This policy sets out the council's approach towards the disposal of affordable homes within North Somerset.

2.0 Policy/Legal Context

- 2.1 The Homes and Communities Agency (HCA) has taken on the consent functions of the Tenant Services Authority (TSA). Through its powers under section 172 of the Housing Regeneration Act 2008 and section 133 of the Housing Act 1988, the HCA can give consent to HARPs for the disposal of affordable housing. The HCA have the capacity to grant HARPs a policy of disposals, referred to as General Consent, with the aim to provide a strategic approach to disposals and asset management. This means that the HARP does not have to seek the Regulators consent for each individual property disposal. In any case, the HCA specify that meaningful consultation should take place with the local authority prior to the disposal of any affordable housing unit.
- 2.2 Please refer to the HCA's ['Disposal of Land'](#) policy document for more information.

3.0 Stock Disposal

- 3.1 There is an identifiable need for all affordable housing types across the district from large family homes to smaller dwelling types. The council regards all types of affordable housing as critical and will endeavour to ensure that those units remain in use as affordable housing.
- 3.2 The council expects HARPs to clearly set out their approach to the disposal of affordable housing stock in their Business Plans. HARPs shall discuss any affordable properties they are proposing to dispose of with the council, prior to

any decision being made. Decisions regarding the intention to dispose of stock should be taken at HARP Board level.

- 3.3 Where the HARP is considering disposal of a single property, approval shall be sought from the Housing Strategy & Enabling Manager within the [Housing Strategy & Enabling Team](#). Where more than one property, or a portfolio of properties, is being considered for disposal, approval may be needed from the Head of Strategic Housing/relevant Executive Member. In either case, the Housing Strategy & Enabling Manager shall be the first point of contact for all potential disposals. (Please see section 4.0 for guidance).
- 3.4 This policy document relates only to vacant affordable housing units and the council will not support the disposal of tenanted units.
- 3.5 Any requirements or restrictions on the sale of affordable housing units set out within a s106 agreement (or other legal document such as a stock transfer agreement) shall take precedence over this policy.
- 3.6 Where the dwelling is being disposed of to an existing tenant under right to buy or right to acquire, prior consultation with the council is not required.
- 3.7 In the event that stair-casing occurs on a shared ownership dwelling, prior consultation with the council is not required. Information on staircasing shall be recorded separately under the council's Recycled Capital Grant Funding monitoring process.

4.0 Disposals Procedure

- 4.1 At the earliest possible stage, meaningful dialogue should take place between the HARP seeking to dispose of the affordable housing unit and the council's Housing Strategy & Enabling Team so that the council can assess the impact of the disposal on its ability to meet housing need in the district. Contact details as per 3.3 above.
- 4.2 **Stage 1**
The council will expect robust justification from the HARP when considering disposing of an affordable housing unit(s). A "Request to approve the disposal of affordable housing unit(s) by a HARP" form (see Appendix 1) must be submitted to the council as soon as a potential disposal is considered.
- 4.3 **Stage 2**
All reasonable efforts should be made to safeguard the units as affordable housing and the HARP shall cooperate with the council, using its best endeavours to secure a transfer to another HARP operating within the council's administrative district (non HDP (or its successor in function) members must sign up to the council's non-partner compliance statement).

[See a list of our delivery partners.](#)

4.4 Stage 3

Where the HARP has cooperated with the council and used its best efforts in attempting to secure a transfer to another HARP but a transfer has not taken place, approval will usually be given for the HARP to dispose of the affordable housing unit on the open market. This would be subject to:

- * Where an open market sale of an affordable housing unit(s) occurs the HARP shall commit to ensuring that any sale receipts are reinvested in additional affordable housing within the administrative district of the council, re-providing, as a *minimum*, the same number of affordable units disposed of.
- * Where the council has funded or partly funded the provision of the affordable housing being sold (to include development and/or purchase) all grant monies shall be repaid directly to the council.

A signed and dated "Request to approve the disposal of affordable housing unit(s) by a HARP" form shall be returned to the HARP. **Please note**, approval to dispose should not be assumed and no action to dispose should be taken until such time as this form has been received by the HARP, duly signed by the council.

5.0 Review

- 5.1 This policy will be reviewed as and when necessary following any material changes to national regional or local policy/legislation.

Appendix 1: Request to approve the disposal of affordable housing unit(s) by a HARP form

Request to approve the disposal of affordable housing units(s) by a HARP



This form must be completed and returned to the Housing Strategy & Enabling Team. (please note, approval to dispose has not been granted until this form has been signed and returned)

<p>1. HARP name</p>	
<p>2. Full address of property</p>	
<p>3. Property description (house/flat, no. of bedrooms, etc.)</p>	
<p>4. Vacant (Yes/No) If No; how are the current tenants being assisted to find suitable alternative accommodation</p>	
<p>5. Reason(s) for considering disposal</p>	
<p>6. Other options considered (e.g. re-design, conversion to meet a specific need etc.) For each alternative option, please state reason not pursued</p>	
<p>7. Original funding source (LA, HCA, other private/public funding)</p>	

<p>If LA funded, please attach a copy of the grant agreement</p> <p>If HCA grant, please state amount of grant liability</p>	
<p>8. Current valuation (recent report to be attached)</p>	
<p>9. Reinvestment of capital details</p> <p>Please provide confirmation that the receipt will be reinvested in affordable housing within North Somerset, with scheme details if known</p>	

Completed by (name and position):

.....(HARP)

Date:

Approval to dispose granted: Yes/No (delete as applicable)

Signature:

Name and Position:

Reason for decision:

.....

Date: