

What is the Section 157 Housing Act 1985 restriction?

Prospective purchasers of former Council properties in one of the designated rural areas of East Devon must comply with Section 157 of the Housing Act 1985 in that they must have lived or worked in Devon, or a combination of the two, for three years immediately prior to purchase. If there are two purchasers, only one person has to satisfy this requirement. The restriction is intended to suppress the price of the property thereby making the property affordable to local people. Local people are defined as those who have lived or worked in Devon etc. as defined above.

Q: Does the Council hold any literature explaining the restriction?

There is no literature that the Council can readily give to a person explaining the Section 157 residency restriction, except for the attached extract of the Housing Act 1985: Section 157 of the Housing Act 1985.

Q: To which areas does the restriction apply?

This restriction only applies to Council properties in rural areas and it is easier to say that it applies to the entire district save Sidmouth, Honiton, Exmouth and Seaton

Q: What form of evidence of residency and/or employment is acceptable?

Where a purchaser qualifies because of the three year residency they should provide their solicitor with evidence that could be obtained from the electoral register of any of the Devon authorities, letters from employers or from academic institutions. They should then swear a statutory declaration. Where there is difficulty in obtaining evidence their solicitor should first contact Legal Services to confirm the full requirements for obtaining a Consent Certificate before swearing the statutory declaration.

The Council reserves the right to request from the purchaser's solicitor copies of the evidence provided.

Q. What happens after I have proved my residency and/or employment?

On receipt of the statutory declaration and the full names of all parties to the transaction, the Council's consent will be forwarded to the purchaser's solicitor who will arrange for it to be sent to the Plymouth District Land Registry on transfer of the property.

Q. What if I don't qualify because of three year residency in Devon.

If you do not qualify because of the three year residency then you may qualify under one of the special circumstances set out in the Council's policy. See the attached notice on the web page entitled SPECIAL NOTICE RELATING TO FUTURE SALES OF FORMER COUNCIL HOUSES. This document sets out special circumstances where a purchaser may qualify to obtain consent through key employment, economic hardship or long term family links with Devon. If you fulfil one or more of the criteria will need to make an application through Legal Services who will seek the support of the elected District Councillor for the ward where the property is situated. Applicants will need to provide supporting evidence as to why they qualify and this might include dates and full addresses of residence in Devon, Electoral Register records, letters from employers, self-employment details, details of existing family

connections to the area etc. **(All applications for special consent are considered on an individual basis based upon the information and supporting evidence provided).**

Q: Where can I get further assistance on this matter?

Legal Services, Council Offices, Knowle Sidmouth EX10 8HL- (01395) 516551