



Homes  
England

Date: 14 November 2022

Our Ref: RFI4095

Tel: 0300 1234 500

Email: [infogov@homesengland.gov.uk](mailto:infogov@homesengland.gov.uk)

Making homes happen

██████████  
By Email Only

Information Governance Team  
Homes England  
Windsor House – 6<sup>th</sup> Floor  
50 Victoria Street  
London  
SW1H 0TL

Dear ██████████

**RE: Request for Information – RFI4095**

Thank you for your request for information which was processed in accordance with the Freedom of Information Act 2000 (FOIA).

You requested the following information:

*Under the Freedom of Information Act, please could you provide me with the legal information about HOLD including **the person/s responsible for this scheme.***

We asked for clarification, and you advised the following:

*What I am trying to find out is the legal obligations required by Housing Associations that purchase properties with disabled people under the HOLD scheme. For example, **is it a legal requirement that the Housing Association conduct a proper survey and provide a repairing lease for the tenant?***

**Response**

We can confirm that we do hold some of the requested information and will address each point in turn.

***the person/s responsible for this scheme***

The Home Ownership for people with a long-term disability (HOLD) scheme is a variant of the standard Shared Ownership scheme. We can confirm that Homes England can only be deemed responsible for the guidance and requirements for the Shared Ownership scheme. Once a home has been purchased, the responsibility then lies with the landlord and the shared owner and no longer with Homes England as the lease (or in effect the 'contract') is between the landlord and the shared owner. The lease is agreed between both parties prior to purchase based on the requirements established by Homes England through model leases that are made available. These model leases contain fundamental clauses that cannot be changed without Homes England's approval. However, outside of these

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fundamental clauses, the relevant parties are free to amend the model shared ownership lease to suit circumstances.

***is it a legal requirement that the Housing Association conduct a proper survey and provide a repairing lease for the tenant?***

We can confirm that for HOLD purchases, the home selected must be acceptable to the HOLD provider and for mortgage loan purposes, and be in a reasonable state of repair as evidenced by a homebuyer's survey and valuation or equivalent. Homes England's guidance recommends a homebuyer's survey is carried out as with any property purchase. Any purchase decision arising from this survey is a decision for the purchaser, landlord and possibly the lender. However, as mentioned above, it is for the legal parties to agree to the provisions set out in the lease.

**Advice and Assistance**

We have a duty to provide advice and assistance in accordance with Section 16 of the FOIA. To comply with this duty we are able to advise that the guidance and requirements are set out within its Capital Funding Guide - Shared Ownership at section 1.4 which can be found via the below link:

<https://www.gov.uk/guidance/capital-funding-guide/1-help-to-buy-shared-ownership>

**Right to Appeal**

If you are not happy with the information that has been provided or the way in which your request has been handled, you may request an internal review. You can request an internal review by writing to Homes England via the details below, quoting the reference number at the top of this letter.

Email: [infogov@homesengland.gov.uk](mailto:infogov@homesengland.gov.uk)

The Information Governance Team  
Homes England – 6<sup>th</sup> Floor  
Windsor House  
50 Victoria Street  
London  
SW1H 0TL

Your request for review must be made in writing, explain why you wish to appeal, and be received within 40 working days of the date of this response. Failure to meet this criteria may lead to your request being refused.

Upon receipt, your request for review will be passed to an independent party not involved in your original request. We aim to issue a response within 20 working days.

You may also complain to the Information Commissioner's Office (ICO) however, the Information Commissioner does usually expect the internal review procedure to be exhausted in the first instance.



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The Information Commissioner's details can be found via the following link:

<https://ico.org.uk/>

Please note that the contents of your request and this response are also subject to the Freedom of Information Act 2000. Homes England may be required to disclose your request and our response accordingly.

Yours sincerely,

**The Information Governance Team**  
For Homes England

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