Solicitor’s Checklist

6 Winsor Meadow (Discounted Sale)

**This document must be included in the Memorandum of Sale.**

This property is a Discounted Sale property meaning an Affordable Dwelling Unit where 100% of the equity is to be sold at a Discounted Price. All subsequent sale prices of the property are to be a fixed percentage of the Open Market Value at the time of the sale.

The property is subject to a:

* a Section 106 Agreement dated 30June 2010, and
* a Deed of Variation dated 14 January 2019

Pursuant to the s106/DOV Agreement associated to this development, the Solicitor acting for the purchaser shall verify to the Council or its agent that the prospective purchaser meets the terms of the s106 Agreement by providing a sworn declaration to the Council or it’s agent. This sworn declaration should provide detail in line with this Solicitor checklist. It may be necessary as part of the sworn declaration process to obtain appropriate documentation from purchaser (examples of which are detailed in Appendix A below), or such other evidence or confirmation as the Council or its agent shall deem necessary or sufficient and if required by the Council or its agent provide copies of such evidence to the Council or its agent

The Section 106 and Deed of Variation include detail of the following requirements:

* The initial Discounted Sale price is £91,068
* All subsequent sales prices to be 56% of the Open Market Value of the property at the time of sale
* Advertisement for Sale details must be approved by NDC before advertisement commences
* The Advertised Sale Price must not exceed the Discounted Sale Price
* Potential buyer(s) must be in Housing Need, meet the Occupation Requirement and have a Local Requirement at the time of first occupation (see checklist below).

**In proof that your client(s), the potential buyer(s), complies with the following checklist, please have them swear a Statutory Declaration to this effect. Please return the original Statutory Declaration, during the conveyancing process, to:**

email: for the attention of Trudy Robinson at - [devonhomechoice@northdevon.gov.uk](mailto:devonhomechoice@northdevon.gov.uk)

**Checklist**

Housing Need and Occupation Requirement

**The potential buyer(s) (your client) meets the following Housing Need provisions:**

* They are currently occupying accommodation that is sub-standard and/or unsuitable for their requirements, including, but not limited to, disrepair, overcrowding, unaffordable on the grounds of cost, tenure insecurity (e.g. have an assured short-hold tenancy, at risk of homelessness, received notice to quit, have a temporary arrangement), lacking basic facilities (toilet, bathroom, kitchen), sharing basic facilities with any persons who are not in your intended new family household, unsuitable for their household’s health needs, need to move to give or receive support.

**and**

* They have income, savings and capital that is too low to buy accommodation appropriate to their circumstances on the open market in North Molton Parish

**and**

* They shall occupy the Affordable Dwelling as their sole or main residence

Local Requirement

**The potential buyer(s) (your client)** or a member of their intended new household **meets at least one of the following Local Requirement provisions:**

**For North Molton Parish:**

* A minimum continuous period of residence by a prospective owner or occupier of five years in North Molton Parish immediately prior to the Offer Date and whose existing accommodation is substandard or unsuitable for their present needs; or
* Employment\* in North Molton Parish for a continuous period of at least five years \*Employment is defined as employment other than of a casual nature, therefore permanent work, of a minimum of a 16 hour contract per week for a continuous period of at least five years and without a break in the employment period of more than three months; or
* Current employment in North Molton Parish in an agricultural related activity, the emergency services, as a professional healthcare or social worker or as a qualified primary or secondary school teacher; or
* A person who has moved away but has strong established and continuous links with North Molton Parish by reason of birth or family\* and still have a parent or guardian living there. \*Family is defined as parents/guardian, siblings and non-dependent children

**For one of the Adjoining Parishes** of Brayford, East and West Buckland, Filleigh, Bishops Nympton, Twitchen and Simonsbath. Local Requirement with one of the Adjoining Parishes is only accepted for any potential buyer if at least two months of the advertisement period has elapsed and no potential buyer meeting Local Requirement to North Molton Parish has come forward.

Please indicate which of the Adjoining Parishes applies:

* Brayford
* East and West Buckland
* Filleigh
* Bishops Nympton
* Twitchen
* Simonsbath
* A minimum continuous period of residence by a prospective owner or occupier of five years in the one of the Adjoining Parishes immediately prior to the Offer Date and whose existing accommodation is substandard or unsuitable for their present needs; or
* Employment\* in one of the Adjoining parishes for a continuous period of at least five years. \*Employment is defined as employment other than of a casual nature, therefore permanent work, of a minimum of a 16 hour contract per week for a continuous period of at least five years and without a break in the employment period of more than three months; or
* Current employment in one of the Adjoining Parishes in an agricultural related activity, the emergency services, as a professional healthcare or social worker or as a qualified primary or secondary school teacher; or
* A person who has moved away but has strong established and continuous links with one of the Adjoining Parishes by reason of birth or family\* and still have a parent or guardian living there. \*Family is defined as parents/guardian, siblings and non-dependent children.

**For the District of North Devon.** Local Requirement with any parish within the District of North Devon is only accepted for any potential buyer if at least four months of the advertisement period has elapsed and no potential buyer meeting Local Requirement to North Molton Parish or the Adjoining Parishes has come forward.

* A minimum continuous period of residence by a prospective owner or occupier of five years in the one the District of North Devon immediately prior to the Offer Date and whose existing accommodation is substandard or unsuitable for their present needs; or
* Employment\* in one of the District of North Devon for a continuous period of at least five years. \*Employment is defined as employment other than of a casual nature, therefore permanent work, of a minimum of a 16 hour contract per week for a continuous period of at least five years and without a break in the employment period of more than three months; or
* Current employment in the District of North Devon in an agricultural related activity, the emergency services, as a professional healthcare or social worker or as a qualified primary or secondary school teacher; or
* A person who has moved away but has strong established and continuous links with the District of North Devon by reason of birth or family\* and still have a parent or guardian living there. \*Family is defined as parents/guardian, siblings and non-dependent children.

Note: Potential buyer(s) meeting Local Requirement for North Molton Parish have priority over potential buyer(s) from the Adjoining Parishes or North Devon Parishes.

Appendix A

**Proof of identity (of prospective purchaser and where applicable close family member)**

* A current and valid passport
* UK residence permit
* A valid UK driving licence (paper and photograph parts)
* National Insurance number card
* Marriage certificate
* Medical card
* Letters about asylum from the Home Office

**Local connection**

* **Residency – sufficient evidence to cover the relevant local connection period for prospective purchaser/tenant/close family member as appropriate** 
  + Utility bills (gas electric phone etc.)
  + Council tax bills
  + Bank/Building Society account/credit card statements
  + State benefit books or receipts showing rent paid
  + Payslips showing home address
  + Written certification from either a Solicitor / Social Worker / Probation Officer / Inland Revenue Officer / Police Officer / Teacher or Doctor
* **Employment – sufficient evidence to cover the relevant local connection period** 
  + Payslips showing employer’s address
  + Employer’s letter confirming length and terms of employment (including hours worked if applicable)
* **Family connection** 
  + Supporting evidence to the reasonable satisfaction of the Council or its agent that the close family member is in need of support or able to give support

**Housing Need**

* Tenancy or licence agreement
* Rent book or other documentary evidence showing name and address of applicant
* Where applicable letter from friend or family member confirming residence at their address
* P60 annual statement of earnings for the most recent complete tax year
* Payslips covering last 3 months
* For self-employed persons a set of accounts no older than 12 months
* Bank/Building Society account or other statements showing savings/capital
* Evidence of any other income including state benefits