



Solihull
Community Housing
Shaping our neighbourhoods

Becoming a leaseholder

2020

Becoming a leaseholder

This leaflet is for people who have bought their properties under the Government's Right to Buy (RTB) scheme, or on the open market, and have a long lease.

When you buy a leasehold property, you sign a contract called a lease. The lease is a legal document which explains your rights and responsibilities as a leaseholder and the rights and responsibilities of Solihull Council as your landlord. We provide the service to leaseholders on behalf of Solihull Council.

Not every leaseholder has the same lease. This leaflet gives a general overview of what a lease contains. If you are unsure about any part of your lease or if you disagree with any part of your lease you should get independent legal advice.

If you are already a leaseholder or are thinking of becoming a leaseholder (either by buying your property under the Right to Buy scheme or buying a property on the open market) and would like an appointment with us to discuss being a leaseholder, please contact us.

Service standards

If you are a leaseholder, we will:

- send you an estimated service charge statement every year as well as a summary of your rights and responsibilities
- send you an actual service charge statement for the previous financial year
- send you a service charge and ground rent bill, a statement of your service charge and ground rent accounts and a summary of your rights and responsibilities four times a year
- give you at least 30 days' notice (showing the estimated cost of the work) if we need to carry out any large repairs we expect you to pay more than £250 towards

- give you notice of any new long term agreements (longer than 12 months) where we expect you to contribute more than £100 towards services.

Definition of leaseholder and freeholder

A leaseholder owns their flat or maisonette (this is everything within the four walls, including floorboards and plaster to walls and ceilings, but does not usually include the external or structural walls and roof). The freeholder owns the structure and shared areas of the building and the land it stands on, and is responsible for maintaining these and carrying out any repairs. Solihull Council is the freeholder.

Leasehold ownership is a long tenancy, giving the right for someone to live in the flat or maisonette for the length (term) of the lease, usually 125 years. The term of the lease is fixed when the property is first sold under the Right to Buy (RTB) scheme. The flat or maisonette can be bought and sold on the open market during the term of the lease.

What is a lease?

A lease is a contract between the leaseholder (you) and the landlord (Solihull Council) that gives you the right to live in the property that stands on the council's land for a fixed period of time.

The lease sets out your and your landlord's responsibilities.

Common terms used in the lease include the following.

Terms used	Meaning
Leaseholder or lessee	The owner of the flat or maisonette
Lessor	The landlord (Solihull Council)
Demised premises	The internal 'shell' of the flat or maisonette and any outbuildings which you have bought, which are set out in your lease.
The common or communal parts or shared areas	This means the shared parts of the building your flat is in, such as the roof, outside walls, stairs, hallways, landings, shared gardens and services such as sewers, water supply, gutters, down pipes, and so on.
Covenants	Things you agree to do when you buy the leasehold of your flat or maisonette, such as paying your service charges and not causing nuisance to your neighbours. They are legally binding. If you do not do these things, you have broken the terms of your lease.

Service charges

Service charges are payments you must make to Solihull Council for all the services you receive.

These charges cover your share of the costs that Solihull Council builds up by managing, maintaining, repairing and improving the structure and shared areas of the building your flat is in.

Service charges can vary from year to year and they may go up or down without any limit. However, Solihull Council can only ask you to pay costs which are reasonable. You can find details of what Solihull Council can and cannot charge you for, and the amount you can be charged in your lease.

If you disagree with the service charges, contact us.

If you are not happy with our explanation and you feel the service charges are not reasonable, you can apply to the First-tier

Tribunal. They are an independent organisation who will decide whether or not the charges are fair. If they decide the charges are fair, you must pay them.

Five-year protection period

When Solihull Council sold your flat for the first time, the buyer will have received a Section 125 Notice – 'Notice of Purchase Price'. This document gives details of the purchase price and discount. It also lists how much the service charges are likely to be during the first five years of the lease.

Once we have estimated the repair and improvement costs for the first five years, we cannot charge more for those works than the amount shown on this service charge estimate, plus an allowance for inflation. If we have overestimated, we will only charge what it actually cost to provide the services.

This five-year protection period applies to repairs and improvements from the date the first buyer buys the lease. If the lease is sold within this time, the next buyer is entitled to what is left on the five-year protection period. There is not a new five-year protection period each time the lease is sold on.

Paying your service charges by Direct Debit

Paying your service charges by Direct Debit every month is the most straightforward way to pay. You simply fill in a Direct Debit form and send it back to us. Your bank will then pay us the monthly amount on the 10th day of each month (or the first working day afterwards).

If the amount of the Direct Debit changes, we will always tell you at least 10 working days beforehand. If we make a mistake with your Direct Debit, we promise to put it right straight away. Your bank also guarantees to give you your money back if they make a mistake.

What happens if you don't pay your service charges?

As a leaseholder, you have the responsibility of paying service charges. If you are having difficulties paying these, contact us as soon as possible.

It is very important that you contact us so an arrangement can be made for you to pay the money you owe. The sooner we know about any problems you are having in paying your service charges, the easier it will be for us to help you.

If you fail to make, or keep to, an arrangement for you to clear the money you owe, Solihull Council may apply to the county court for an order against you. This could affect your credit rating in the future. They will also tell your mortgage lender that they are

taking you to court, and you could risk losing your home.

If you contact us as soon as you know you won't be able to pay your service charges, this will prevent the situation from becoming serious and help us to help you deal with the problem rather than start legal action or repossess your home.

If you want to speak to a member of the Money Advice Team in confidence, please contact us.

Insurance – buildings

Solihull Council arranges the buildings insurance cover of your property. This insurance covers the full costs of rebuilding your building if this is necessary, for example, following a fire. You can find a copy of the buildings insurance policy on our website.

It is a condition of your lease that you pay for the buildings insurance. The yearly premium forms part of your service charge.

It is your responsibility to make an insurance claim if you believe that any repair charges should be covered by the policy.

If you leave your flat empty for more than 30 days in a row, you will no longer be insured, under the buildings insurance, for the following risks:

- Malicious damage
- Theft or attempted theft
- Loss of water and damage to other people's property from any fixed pipes or tank

If you want more information about the buildings insurance or you need a claim form, please contact us.



Insurance – contents

You will need to arrange your own contents insurance for your household contents and personal belongings. We make it easy for you to insure your belongings under a special household contents insurance scheme for leaseholders. If you want to apply for home contents insurance, please contact us.

Safety and security

You are responsible for making sure you keep your flat or maisonette safe and secure. If you are concerned about the security of yours building, please contact us.

Repairs and maintenance

Solihull Council is responsible for maintaining the structure, outside and shared parts of your building. Depending upon the design of the building and how it was built, this might include work and services to:

- outside walls
- the roof
- the foundations
- timbers and joists
- beams
- chimney stacks
- rainwater and soil pipes
- outside sewers and drains
- gas, water and electricity pipes up to the flat
- lifts
- the decoration inside and outside communal areas
- inside shared areas such as stairs, landings, rubbish chutes, and so on
- shared windows and doors
- shared grounds.

You must contribute towards the cost of these repairs as well as paying ground rent and service charges. The cost of repairs to shared areas is shared equally between the

properties in your building. The share of costs for flats that are still rented from Solihull Council is covered by the tenants' rent.

How to report a repair that is the landlord's responsibility?

For repairs to the structure or outside of your building, you should phone us on 0121 717 1515.

If you have an emergency outside office hours call 0121 717 1515 and choose the option to be put through to our out of hours' service. Out of hours' contractors will only respond to emergencies.

An emergency repair is work that must be carried out to avoid danger to people or serious damage to the building.

Your responsibility to repair

You are responsible for all repairs to the inside of your home. This means if you cannot carry out the repair yourself, you must pay for somebody else to do it.

This includes repairs to:

- fittings such as kitchen units and sinks
- floorboards
- non-structural walls inside your home
- plaster or other surface materials on inside walls and ceilings
- front door and window locks
- doors and door frames inside your home
- toilets, baths and showers
- radiators, cisterns, tanks, boilers and pipes used only within your flat
- gas, water and electricity installations used only in your flat
- windows in your flat (including putting in glass)
- fixtures, fittings and decoration inside your home.

You are responsible for any leaks or burst pipes, including damage caused to other property as a result. For more information, see our repairs leaflet.

Landlord's permission to make alterations or repairs

In many instances you may need permission from us, as the representative of Solihull Council, to carry out alterations to your property. This is because Solihull Council must protect other residents in the building. We will not refuse permission unless we have good reason to do so, but in some circumstances, we may attach conditions if we do give you permission.

These conditions will include making sure the work is carried out to a reasonable standard by a competent contractor.

If you sell the property in the future, solicitors may ask questions about alterations that have been made to the property. So, it is in your best interests to discuss the alterations you want to make with us.

You must get Solihull Council's permission for the following:

- making an addition (such as an extension or conservatory) or alteration to the structure of the flat or building or individual garden area (if this applies)
- installing new windows or outside doors
- removing any inside walls
- major plumbing, electrical and gas work.

If you want to make an addition or alteration, Solihull Council will consider your request. However, they will not give permission for a loft conversion. This is because the loft is not included as part of the property you own – Solihull Council own the loft.

You do not need Solihull Council's permission for the following:

- redecorating the inside of your home

- minor plumbing or electrical work
- fitting new inside doors
- fitting new bathroom or kitchen units.

If you are not sure whether you need our permission, contact us.

You must make sure you have our permission before you start any work that needs it. If you start work without our permission, you could:

- put yourself, your family and your neighbours in danger if the work is not carried out to a reasonable standard
- have problems selling your home
- have to pay to have the alteration changed back again
- have to pay extra costs (such as solicitor's fees) to get permission at a later date.

To get permission, write to us giving us as much detail as possible about the work you would like to carry out. We will write to you with our decision.

You must also check whether you need planning permission before you begin. For planning advice, you should phone Solihull Council's Planning Department on 0121 704 6000.

Gas safety

We have produced a leaflet on gas safety which is available on our website. Every year about 14 people die from carbon monoxide poisoning caused by gas appliances and flues that have not been properly installed or maintained.

If you think your appliance is leaking carbon monoxide:

- switch off the appliance and do not use it again until you have had it checked and repaired or replaced
- open all doors and windows to let fresh air into the room – do not sleep in the affected room

- visit your GP straight away and tell them that you believe your symptoms may be related to carbon monoxide poisoning. Ask for a blood test or to give a breath sample.

If you smell gas:

- turn the gas off at the meter
- open windows and doors to get fresh air into the property
- do not use naked flames (such as matches)
- do not smoke
- do not use phones or mobile phones inside the property
- do not turn on lights or electrical switches
- leave the building if the smell is still there
- contact National Grid on 0800 111 999. They will be at your property within two hours.

Keep your gas fittings, pipework, flues and appliances in a safe condition by arranging for a gas installer who is on the Gas Safe Register to do a safety check on each gas appliance and flue (except cookers) once a year.

Solihull Council's responsibilities

Full details of Solihull Council's role as your landlord and your rights and responsibilities as a leaseholder are included in your lease. You should read your lease carefully and make sure that you understand it.

Solihull Council must:

- repair, maintain and redecorate the structure and outside of the property including outside pipes and roofs
- keep the building insured against fire, lightning, explosion and similar risks that are usually insured against
- manage your building in a reasonable way

- tell you their estimate of what your service charges will be for the year
- provide a summary of costs at the end of each year showing the actual costs for services to the building your home is in over the previous year, and your contribution towards them
- consult you before carrying out any major work to the building your home is in.

Solihull Council has the right to enter, repair or maintain shared facilities and to fix structural faults as long as they have given you reasonable notice. In an emergency, they do not need to give you any notice.

Solihull Council also has the right to rebuild, restrict the use of or develop any part of the building or estate or neighbouring land.

Your responsibilities

You must:

- pay the ground rent, service charges (including buildings insurance), and the costs of shared repairs and planned and major work
- tell us when you sell the property
- tell Solihull Council when you transfer your lease or mortgage to someone else
- keep your home in good repair and maintain any garden area that is included for only you to use as part of your lease
- pay a reasonable amount towards any major work carried out to your building
- keep to the conditions in your lease.



You must not:

- do anything illegal or be a nuisance to or annoy other residents or cause damage to any part of the building
- play music or have your television, radio, and so on so loud that it annoys your neighbours, or so that it can be heard outside your flat, between midnight and 8am
- make alterations or additions to the structure of the building, including fitting or removing drains, outside pipes and windows, without first getting the council's permission in writing

You have the right to:

- information on service charges and the costs Solihull Council run up in managing your building
- be consulted about major work affecting your building.

The right to consultation

Section 20 of the Landlord and Tenant Act 1985 (as amended by section 151 of the 2002 Act) says that a leaseholder must be consulted before the landlord carries out work above a certain value or enters into a long term agreement with a contractor to provide services to the building or estate on their behalf.

We must consult you if you must contribute more than £250 towards qualifying work. Qualifying work covers outside decoration and major work and improvements. If we do not consult you before carrying out the work, we will not charge you more than £250.

We must also consult you if we enter into a qualifying long term agreement with an independent organisation or contractor for more than 12 months. The agreement can cover the supply of goods or services where the leaseholder must pay towards the cost. For example, the agreement could be for

maintaining the lifts or a fire alarm system.

If we enter into a long term agreement with an outside organisation or contractor, we must consult you if your share of the cost is more than £100 for any 12-month period. If we do not consult you, we cannot charge you more than £100.

How will I be consulted?

You will be consulted individually or through recognised Tenants' or Residents' Associations (TRA's).

For more information on the consultation process, read the DCLG's (Department of Communities and Local Government) leaflet, 'Residential Long Leaseholders - A guide to your rights and responsibilities'. You can get this from <https://www.gov.uk/government/publications/residential-long-leaseholders-a-guide-to-your-rights-and-responsibilities>

Planned maintenance and major work programmes

We will charge you separately for planned maintenance and major work programmes, such as replacing the roof and outside decoration. This work does not make up part of your ground rent or service charges.

Our Asset Management Team organise our planned maintenance and major work. You do not have a choice about whether this work is carried out, but if you have a problem with the way planned maintenance or major work has been carried out, you should tell us straight away. If you wait until you receive a bill for your share of the cost of the work, it may be too late for us to ask the contractors to correct any faults.

You cannot paint the outside of your building or carry out planned maintenance. Solihull Council is responsible for doing this. Read your lease for more information.

Paying for planned maintenance or major works

We recognise that some leaseholders may find the cost of some work difficult to pay for, but we have a responsibility to maintain the building.

We pay contractors for the work they do on our behalf when they have finished each stage of a planned maintenance or major work programme.

If you have difficulty paying for the work in a lump sum, we will write to you offering you different ways to pay. This includes paying by instalments, usually by Direct Debit. We will agree the instalment amount with you, and whether you want to pay every week or every month. The payments will be interest free.

You may be eligible for a grant or a loan arranged through Solihull Council. Please contact the Solihull Independent Living Team on 0121 717 1517 for more details.

How we deal with Antisocial Behaviour (ASB)

We investigate all cases of ASB that our residents tell us about.

The Antisocial Behaviour, Crime and Policing Act 2014 describe ASB as:

Conduct that has caused, or is likely to cause, harassment, alarm or distress to any person, or

Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises, or

Conduct capable of causing housing-related nuisance or annoyance to any person.

Some examples of ASB include racial harassment, violence or threats of violence, drug use or drug dealing, verbal abuse, intimidation and noise nuisance.

We do not consider everything that is reported to us as ASB. For example, we would not count the following as ASB:

- vacuuming
- using washing machines
- walking across a wooden or laminate floor while wearing shoes
- children playing inside or outside their home.

We have signed up to the Government's Respect standard. The Respect standard aims to build stronger, more responsible communities by giving residents more power and supporting their efforts to tackle ASB.

If you are experiencing ASB, talk to the person responsible to see if you can sort the matter out in a friendly way. They may not be aware that their behaviour is causing a problem. Give them a reasonable period of time to change their behaviour, and then let them know if things haven't improved.

If that doesn't work or you do not feel able to talk to the person responsible, contact us.



Selling your home

You do not need Solihull Council's permission to sell your property. However, you must let them know, or ask your solicitor to do so on your behalf. This should happen when the solicitor of the person buying your home serves a notice of assignment on the council's Legal Service Team.

You can sell your home on the open market. We can give your solicitor details about previous and current ground rent and service charges, insurance policy details and known planned major work. (We give them all this information in the form of a sales pack.) We charge an administration fee for the sales pack, which is valid for 28 days. If your solicitor asks us for more information after 28 days, we will charge them extra for this.

We will tell your solicitor and the solicitor of the person buying your home about any money you currently owe us, or which you are due to pay to us.

Your solicitor will also talk to the solicitor of the person buying your home to make sure any service charges you have paid before they are refunded to you after your property has been sold. It is normally the solicitor of the person buying your home that asks your solicitor for confirmation of any money outstanding before your home is sold. Any money you owe on your service charge account must be cleared before you can complete the sale of your home.

If you sell your home within five years of buying it from Solihull Council under the Right to Buy (RTB) scheme, you may have to repay some or all of the discount you received. Solihull Council will work out the repayment as a percentage of the value of the property at the time you sell it.

You must also offer to sell the property back to us at its full market value. For more information, read our leaflet, 'Right to Buy'.

Subletting your home

You have the right to sublet your property as long as you get our permission.

You will need to fill in a 'Subletting your leasehold property – subletting information form'.

You can download the form from our website or phone 0121 717 1515 and we will send you one.

Buying the freehold of the building and the right to manage your home

The Leasehold Reform Act 1993 gives groups of leaseholders the right to buy the freehold of the building they live in from the landlord.

To have the right to buy the freehold, you must be a 'qualifying tenant'. This means you must be a long leaseholder of a flat and you can only buy the freehold with a group of other 'qualifying tenants'. The building you live in must meet the following criteria.

- Your building must have two or more flats (if there are only two flats in the building, both must want to buy the freehold).
- At least two-thirds of all the flats in your building must be held by a long lease.
- 75% of the floor area inside the building must be taken up by flats for people to live in, rather than business units.
- The leaseholders of at least half the flats in the building must want to buy the freehold.



The process of buying the freehold of your building can be very complicated and we recommend that you get independent legal advice before you apply. Before you start the process of buying the freehold, remember that Solihull Council would no longer be your landlord and all of the residents of the building would be responsible for the managing, maintaining and insuring the whole building, including any flats that are still owned by the council.

For more information on your right to buy the freehold of your building, or the right to manage, please contact us.

Customer satisfaction - feedback, complaints and compliments

Your feedback is very important to us as because it helps shape the way we deliver our services.

If you complain to us and we cannot sort out your complaint, or you are not happy with our response, you can take your complaint to the Local Government Ombudsman. However, the First-tier Tribunal deal with things relating to the management of your home, such as deciding if your service charges are reasonable or if certain planned work is necessary.

Useful contacts

Citizens Advice

If you want to know about your rights as a leaseholder, you can ask at your local Citizens Advice Bureau. They have their own solicitors who can give advice. Or, you can contact a solicitor of your choice.

Website: www.citizensadvice.co.uk

The Leasehold Advisory Service

Fleetbank House, 2-6 Salisbury Square,
London EC4Y 8JX

Phone: 020 7832 2500

Website: www.lease-advice.org

Email: info@lease-advice.org

Leasehold Valuation Tribunal (Midlands)

Centre City Tower, 5-7 Hill Street,
Birmingham B5 4UU

Phone: 0121 600 7888

The Local Government Ombudsman

PO box 4771, Coventry CV4 0EH

Phone: 0300 061 0614

Website: www.lgo.org.uk

Communities and Local Government offices

Communities and Local Government West
Midlands Office

5 St Philips Place, Colmore Row, Birmingham
B3 2PW

Phone: 0121 352 5050

Website: www.gov.uk/government/organisations/departments-for-communities-and-localgovernment

You can also contact:

Communities and Local Government

Eland House, Bressenden Place, London
SW1E 5DU

Phone: 020 7944 4400

Website: <https://www.gov.uk/government/organisations/ministry-of-housing-communities-and-local-government>

Get in touch

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