

Leasehold Housing Guide



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|--|----|
| 1 Introduction | 3 |
| 2 About Colne Housing Society | 3 |
| Contacting us | 4 |
| Meeting with the Society | 4 |
| 3 Retirement Housing | 5 |
| 4 Your Rights and Responsibilities | 5 |
| What is leasehold? | 6 |
| Why is my property leasehold? | 6 |
| Your rights as a leaseholder | 6 |
| Your responsibilities as a leaseholder | 6 |
| Our rights as a landlord | 6 |
| Our responsibilities as a landlord | 7 |
| 5 Repairs and Maintenance | 7 |
| Who is responsible for repairs? | 7 |
| How to report a repair | 7 |
| Emergency Repairs – Same Day Response | 7 |
| Urgent Repairs –Within 24 Hours | 8 |
| Routine Repairs –Within 15 working days | 8 |
| Safety & Security | 8 |
| Reporting out of hours emergency repair & holiday periods | 8 |
| Contractors | 9 |
| Planned works | 9 |
| 6 Your Service Charge & Accounts | 9 |
| What is a sinking fund provision? | 9 |
| Why have a sinking fund | 9 |
| How are Management costs calculated and what do they cover? | 9 |
| How are the Service Charges allocated? | 10 |
| What do the Accounts show? | 10 |
| What is the timetable for the producing the accounts? | 10 |
| How are the service charges calculated for the November meeting? | 10 |
| What if the estimates are wrong? | 10 |
| What payment types are available? | 10 |
| 7 Complaints | 11 |
| 8 Where to get more advice | 11 |

1 Introduction

This guide is for people who are living in a Colne Housing Society leasehold property. It contains information about your lease and your relationship with Colne Housing Society. We aim to provide an exceptional service and make sure you have all the information you may require now you have purchased the lease on one of our properties.

This guide explains about service charges, the scheme accounts, your lease and your rights and responsibilities. It also has information for people who are living in retirement housing.

2 About Colne Housing Society

Colne Housing Society is a Housing Association formed in the early 1970s to provide high quality affordable housing for people in housing need. Since then the Society has continued to develop new properties and currently has over 1500 in management. During the last 26 years the Society has developed and managed a variety of developments for older people.

Chairman: Mr R Leng

Chief Executive: Mr Mark Powell Davis, BA FCIH

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Registered under the Industrial Provident Society's Act. Registration Number 20799R

Registered with the Housing Corporation. Registered Number LH1651

Member of the National Housing Federation

Investor in People award (2003)

ISO9001 Accredited (Maintenance function)

2 About Colne Housing Society (continued)

▶ Contacting us

The Society employs over 50 staff, including those who are office based and some based off site. If you wish to report a repair please see Section 4 for more information on what repairs Colne is responsible for and how to report your repair.

Customer Services

Colne Housing Society has a dedicated Customer Service Team who can assist with any queries you may have or put you in touch with the person you need to speak to. They are available on (01206) 244700.

Supported Housing Manager

Responsible for the line management of our Scheme Managers and Wardens in our leasehold retirement housing, liaison with the local authority wardens, the emergency-call system and overseeing the management of leasehold retirement housing, including the contractors employed by the Society.

Housing Manager

Responsible for the line management of our Housing Officers overseeing the management of leasehold housing, including the contractors employed by the Society.

Customer Services Team Leader

For enquiries concerning property sales.

Accounts Manager

For enquiries concerning service charges.

Meeting with the Society

Colne Housing Society is keen to include you in its decision-making. As a leaseholder you have a legal interest in your property and the way we manage it. We meet formally at each development we manage at least twice a year – in June to present the annual accounts and again in November to set the service charge. You will be sent a letter advising you of the time, date and venue.

In the meantime you may wish to support Colne Housing Society by joining our Best Value Group to represent tenants & leaseholders views on developments and changes the Society proposes. Further details can be obtained from Customer Services, (01206) 244700.

Residents Associations

If you are interested in forming a residents association please let us know. We can provide practical advice and support to help you.



3 Retirement Housing

Our Leasehold retirement housing is designed for people over 55 years old. Restrictions placed upon the lease and planning conditions forbid us to allow anyone younger to be in full time residence. As you may expect such schemes benefit from additional security and often have a Warden or Scheme Manager service.

Most of the information in this book is relevant to you whatever type of property you have, however the following points are specific to our retirement housing:

Scheme Manager/Warden

The Scheme Manager is the person employed either directly by Colne Housing Society or contracted by us from another organisation, (e.g. a local authority) to monitor your general welfare and provide emergency assistance. Local arrangements vary as do job titles, e.g. Scheme Manager, Resident Manager, Warden.

The Scheme Manager at your development will explain the hours they are on duty and arrangements for contacting them. Please respect their privacy when they are not on duty. They will ask you for some information to assist them in their job, including your next of kin and other contact details. Please ensure you let them have as much information as possible and remember to let them know if anything changes. It is also important you let them know if you are away overnight so that in the event of an emergency at the scheme we know you are not at home.

The Scheme Manager or Warden is not allowed to undertake medical or nursing duties, undertake manual



handling or lifting or accept service charge payments. These restrictions are for your protection.

Emergency Call System

This is a link between your property and the Warden when on duty or a call centre when they are not. The call centre can summon assistance in an emergency. Most systems have a pull cord in each room and a speech unit in the hallway. Please do not tie up the pull cords; they are designed to be reached if you fall. Most emergency call systems can be linked to a pendant or bracelet by private arrangement with the emergency call provider if you wish.

Some of the personal information you complete when you move in is for the call centre. Please remember to let your Scheme Manager know if anything changes, like a relatives telephone number. They will inform the call centre.

4 Your Rights and Responsibilities

As a purchaser of a leasehold property it is in your own interest to understand the legal framework of leasehold ownership. This section is an introduction but it is not a substitute for reading your lease or for obtaining legal advice. Section 2 of this booklet includes details of where you can obtain further advice.

What is leasehold?

Leasehold ownership is a long tenancy, granted for the term of the lease. The lease itself is a contract between the leaseholder (you) and the landlord (us). When you bought your house or flat the seller assigned all the rights and responsibilities of the lease to you.

Why is my property leasehold?

Leasehold is a common form of ownership for properties that share responsibilities, for example communal gardens, and for flats because of the difficulty associated with insuring and maintaining the structure of the building. Some people prefer leasehold because it assigns certain responsibilities to the landlord and relieves them, for example, of maintenance and gardening responsibilities.

Your rights as a leaseholder

Your rights are explained in your lease. They will vary slightly between different

developments but first and foremost you have the right of peaceful occupation of your property for the term of the lease. In addition you will also have the right to access to common parts of the building and grounds. You will have the right to sell your property (although some developments have restrictions on the amount you can ask and who you can sell to – if you are in doubt please contact the Society for clarification).

You also have the right to be consulted about certain decisions the Society makes, particularly about repairs and maintenance. This is covered in more detail below.

Your responsibilities as a leaseholder

As a leaseholder you have a responsibility to pay your share of the costs associated with maintaining your property and common parts. This is usually through

payment of the service charge (See section 5). As with any other type of property ownership you have a responsibility to act with consideration towards your neighbours. We will try to help if a neighbour causes a nuisance to you. You are responsible for the decoration inside your property. More details and other responsibilities will be listed in your lease.

Failure to fulfil your responsibilities as a leaseholder could result in legal action being taken against you by Colne Housing Society. This may result in you losing your home.

Our rights as a landlord

We have the right to make decisions about how we manage your development, including the repair and maintenance of it. We also have the right to charge you for the cost of managing your development including maintenance and repairs.

The Society has the right of entry to your property in certain circumstances. These include carrying out emergency repairs that threaten another property, for example if a leak in your property was flooding another, and if we fear for your health and safety the Scheme Manager or Warden may enter.



Our responsibilities as a landlord

Colne Housing Society has to keep your property and the common parts in good repair and in a reasonable state of decoration. The exact responsibilities will vary between different developments and will be listed in your lease. We also have a responsibility to collect the service charge and other fees due to us.

We also have a responsibility to consult with you about repairs and maintenance to your development. These are set in law and currently include repairs that cost more than £250 per leaseholder and on services that cost more than £100 per leaseholder per year.

5 Repairs and Maintenance

Repairs and maintenance responsibilities are listed in your lease. This guide contains details of the main responsibilities that are common to most leases.

Who is responsible for repairs?

We are responsible for looking after the common parts, including common entranceways, halls, gardens and shared utilities and facilities used by all such as the lift and laundry equipment. Specific additions or exclusions to these examples will be contained in your lease.

You are responsible for all fixtures and fittings and the decoration of the inside of your property. There may be other items included in your lease such as external doors and windows.

How to report a repair

If your development has a regular

Scheme Manager or Warden it is usually best to report non-urgent repairs to them. They can then keep track of the repair and make any necessary arrangements with us.

If you need to report a repair direct or if you don't have a regular Scheme Manager or Warden you can telephone our customer services team during normal office hours. The contact numbers for repairs are (01206) 244701 or (01206) 244717

When you report a repair we will ask for some details, including your name, address and contact telephone number. We will let you know if the repair is our responsibility and also if we need to inspect it before we instruct our contractors. We will also tell you what priority we are giving your repair. Some examples of our repairs priority are listed overleaf, but please remember these are only examples and our obligations may vary.

5 Repairs and Maintenance (continued)

▶ Emergency Repairs – Same Day Response

- Gas Leaks
- Dangerous electrical faults
- Total loss of electrical power
- Total loss of water supply
- Total loss of gas supply
- Complete lighting failure
- Serious roof leaks
- Blocked/broken/leaking drains
- Dangerous structures

Urgent Repairs –Within 24 Hours

- Partial loss of electrical power
- Partial loss of water supply
- Partial loss of gas supply
- Lift breakdown
- Faulty front door locks
- Minor roof leaks
- Door entry phone not working

Routine Repairs –Within 15 working days

- All other items of a day-to-day repair nature

Safety & Security

It is in your interest and the interest of your neighbours to take reasonable steps to ensure the security of your development. If you have a door entry system only let people into the building who you are expecting. If they are working for us or working for a utility company (e.g. to read your electricity meter) they will carry identification. Please ask to see identification at the front door of the development, not your flat. Never let anyone in who says they are visiting one of your neighbours. If you see people on the development that you don't recognise please report them in the same way. Genuine callers or visitors will not mind being challenged or reported.

If you live in retirement housing and you are in doubt pull the emergency cord or contact

your Scheme Manager or Warden and report your concerns.

Reporting out of hours emergency repair & holiday periods

If your repair is an out of hour's emergency or it occurs during an extended holiday period when the office is closed, you can still call customer services. You will get a message that includes emergency contact numbers for our contractors. Please have a pen and paper ready. Alternatively you can use the emergency-call line to get assistance and report the repair.

Please do not report a repair as an emergency unless you are sure it warrants immediate attention. If our contractors respond and it doesn't qualify as an emergency we may charge you for the call out.

Contractors

The Society employs contractors to undertake repair and maintenance work. If you have a query about their work please contact the



Society. Normally our contractors are not allowed to take instructions from anyone other than us. This is to ensure we manage your development effectively.

Planned works

There are some works that we can plan for like external painting, but other repairs only come to light after a detailed examination. Therefore we carry out a detailed stock condition survey once every 5 years to keep us informed about the condition of our properties and to help us plan for the future.

6 Your Service Charge & Accounts

Service charges are those costs incurred by the landlord, defined under the terms of the lease, for providing and maintaining communal facilities, maintenance of the building, buildings insurance, management costs, sinking fund provisions, and other allowable items. These could include provision of warden services, emergency call system, auditor's fees, and other items specified in the lease.

What is a sinking fund provision?

Some maintenance work is expensive but not required very often. For example, replacing a lift or re-tiling a roof. The estimated cost of such works are calculated and then spread over a number of years. The service charge

includes an element of these costs each year. Colne holds these as a 'sinking fund' in a separate bank account. When the maintenance works are paid for these funds are transferred to pay for the work. Every year the value of the fund for each leaseholder scheme is declared and audited. Any interest received on these

'sinking funds' is credited back to the leaseholders.

Why have a sinking fund

To spread the costs of these major works over a number of years, rather than face a large bill that has to be paid in one go.

How are Management costs calculated and what do they cover?

The Governing body for Landlords like Colne Housing is The Housing Corporation. Each year they set financial limits for management costs, above which landlords cannot charge.

Management costs are charged to cover the costs of running the scheme, managing the repairs and major works, administration of the service charges, and preparation of the accounts.

How are the Service Charges allocated?

The expenditure is recorded for each Leaseholder scheme throughout the year. The Auditors then check the costs and approve the accounts as being a fair summary based on the records.

Your lease will set out how the charges are then split between the leaseholders. ▶

6 Your Service Charge & Accounts (continued)

▶ What do the Accounts show?

The financial year runs from 1st April to 31 March. The accounts will show how much was paid by the leaseholders during the year, against what was spent. They also show the estimates that were made and reasons why the actual costs differ.

What is the timetable for the producing the accounts?

We hold two meetings each year with leaseholders - in June and November. Plenty of notice is given and wherever possible the meetings are held at the scheme. All leaseholders are invited. Senior members of the Society's management team will be present, so it is an opportunity to raise any concerns you may have.

The accounts for the previous financial year are presented in June. An update is also given of the major works programme going forward.

The estimated service charges for the following financial year are presented in November. An indication is also given of the half-year accounts for the current financial year.

How are the service charges calculated for the November meeting?

Current expenditure is looked at, together with inflation rates, and current market conditions. Where applicable, tenders for the next year are obtained for expenses such as cleaning and gardening. The costs are then worked out and allocated accordingly to each leaseholder.

What if the estimates are wrong?

When the accounts are presented in June, any under or over charge will be

highlighted. The terms of the lease then dictate what happens next. A one off payment may be asked for or a refund given. Alternatively the difference may be set against the surpluses brought forward, or possibly added to the service charge for the forthcoming year.

What payment types are available?

The service charges can be paid weekly, monthly, quarterly, or annually. They can be paid by direct debit, debit or credit card over the phone, or by cheque. A payment card is also provided - this can be used at Post Offices, PayPoint, and PAYzone outlets.

7 Complaints

The Society seeks to maintain the highest standards in the level of service it provides to customers. We recognise, however, that there may be occasions when the service provided falls below the high standards we aim to achieve.

The information we get through complaints is welcome because unless we are aware of the problems (which may affect more than one resident) we cannot take corrective action to put things right.

The Society's complaint's procedure is as follows:

1 If you have any concerns or complaints about the Society's service, you should raise this with the member of staff you have been dealing with. We try to resolve as many complaints as possible this way.

2 If you are not happy with the response you receive you can write to the Line Manager for the person you have been dealing with who will investigate further and responds within 10 days.

3 If you are still not satisfied with the response you receive from their Line Manager you can write to the relevant Director, who will carry out further investigation, and respond to you within 10 days. It is helpful if your complaint is made using our standard form that is available on request.

4 If you are unhappy with the response you receive from the Director you can ask for your complaint to be referred to the Chief Executive. The Chief Executive will investigate the complaint and respond to you within 10 working days.

5 If you are dissatisfied with the Chief Executive's response, you can ask for your complaint to be referred to the Society's Board. The Chief Executive will ask the Board to consider your complaint at their next meeting, and the Board will inform you of their decision within 5 working days of that meeting.

8 Where to get more advice

If you are unsure about your lease or want more advice please contact us. If you would like independent advice you may like to consider one of the following:

- Your solicitor
- Your local Citizens Advice Bureau

LEASE

The Leasehold Advisory Service is an independent advice agency, funded by Government grant. They provide free advice to leaseholders, landlords, professional advisers and others on the law affecting residential leasehold property. Advice can be provided by telephone, in person at the office, or by letter. LEASE is based in London, and is open for visitors by appointment

Tel: 0845 345 1993

Web: www.lease-advice.org/main.htm

Postal address:

**70-74 City Road,
London,
EC1Y 2BJ**

E-mail: info@lease-advice.org

Age Concern Information Line

The Age Concern Information Line provides a service to older people and their relatives and friends, as well as professionals and carers. Age Concern has over 40 helpful and impartial factsheets, available individually or as a regularly updated set.

The Information Line is open seven days a week from 7am to 7pm to obtain written information on income and benefits, community care, health, housing and consumer issues.

Tel: 0800 00 99 66

Web: www.ace.org.uk/

Postal address:

**Age Concern,
Freepost (SWB 30375),
Ashburton,
Devon
TQ13 7ZZ.**