



Llywodraeth Cymru
Welsh Government

Help to Buy – Wales

Equity Loan Programme
April 2023 – March 2025

Builder Participation
and Registration Guidance



www.gov.wales/helptobuy

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Part 1: *Help to Buy – Wales: Equity Loan 2023-2025*

1. Programme Overview

1.1 The Welsh Government's new *Help to Buy – Wales: Equity Loan* funding from 2023-2025 is available to assist eligible buyers to purchase eligible new homes in Wales from 1 April 2023 to 31 March 2025.

1.2 The *Help to Buy – Wales: Equity Loan 2023-2025* programme was announced in December 2022 by the Minister for Climate Change. The programme is administered by Help to Buy (Wales) Limited, which is a company owned by the Development Bank of Wales Limited, a wholly owned subsidiary of the Welsh Government.

1.3 The scheme has been designed to support people who would like to buy their own home but need financial assistance to do so. The scheme has also been developed with the intention of providing a boost to the housebuilding industry and support to its supply chains.

1.4 The *Help to Buy – Wales: Equity Loan 2023-2025* programme is an entirely new scheme subject to new:

- terms and conditions;
- operating procedures;
- regulations; and
- legal documentation for purchasers and Developers to enter into with Help to Buy (Wales) Limited.

It is not a continuation of the *Help to Buy – Wales Historic Programme*.

1.5 The *Help to Buy – Wales: Equity Loan 2023-2025* programme is subject to eligibility criteria and requirements set out within the Provider's Administration Deed, which each Developer is required to enter into.

1.6 To access the *Help to Buy – Wales: Equity Loan 2023-2025* programme funding:

- purchasers must satisfy the "Eligible Purchaser" criteria
- new homes must also comply with the "Eligible Dwelling" criteria which includes a requirement that the Full Purchase Price must not exceed £300,000.

1.7 The assistance is offered to Eligible Purchasers.

1.8 The *Help to Buy – Wales: Equity Loan 2023-2025* programme is consumer demand-led (within available funding). All Developers will be expected to offer *Help to Buy – Wales: Equity Loan* on all their eligible new build homes which have a value up to the Full Purchase Price Cap.

1.9 To participate in the *Help to Buy – Wales: Equity Loan 2023-2025* programme ALL Developers **MUST**:

- Register with Help to Buy (Wales) Limited for the *Help to Buy: Equity Loan 2023-2025* programme; and
- Enter into a Provider's Administration Deed with Help to Buy (Wales) Limited in respect of the *Help to Buy – Wales: Equity Loan 2023-2025* programme.

Developers registered under the *Help to Buy – Wales: Historic Programme* must therefore also comply with the above requirements.

All *Help to Buy – Wales: Equity Loan* deeds and Provider's Administration Deed for the *Help to Buy – Wales 2023-2025* programme, will be entered into by *Help to Buy – Wales Limited*.

2. Product Overview

2.1 Eligible Purchasers will be able to apply to access a *Help to Buy – Wales: Equity Loan* for up to 20% of the Full Purchase Price, subject to the Full Purchase Price Cap. The *Help to Buy – Wales: Equity Loan* will be funded by Help to Buy (Wales) Limited. There is no cap on the Eligible Purchaser's household income. However all applicants are expected to maximise their contribution to a reasonably affordable level, and **if the applicant(s) income shows they could afford more than 90% of the purchase price of the chosen property without the support of Help to Buy – Wales, the application will be declined**. This will be calculated on a 4.5 multiple of the applicant(s) gross income.

2.2 Eligible Purchasers will be required to raise funding, (comprising a First Charge Lender Loan with an Approved Lender plus a cash deposit of at least 5%) of at least 80% of the Full Purchase Price.

2.3 It is a strict condition of the *Help to Buy – Wales: Equity Loan 2023-2025*

programme that Eligible Purchasers must always contribute a 5% cash deposit (5% of the Full Purchase Price) to their purchase upon exchange of contracts. The deposit must be paid by the Eligible Purchaser and not gifted/incentivised by the Developer.

2.4 The term of the *Help to Buy – Wales: Equity Loan Agreement* is usually 25 years.

2.5 Developers will receive the Full Purchase Price for Eligible Dwellings through a combination of the Eligible Purchaser's own funds (including mortgage finance) and the *Help to Buy – Wales: Equity Loan*. Help to Buy (Wales) Limited's contribution will be provided to the customer's conveyancer at legal completion of purchase.

Developer's specific attention is drawn to the Longstop Date (the date which the Eligible Dwelling is required to have reached full (legal and practical) completion as set out in Part 2.

Part 2: Eligibility Requirements

1. Purchaser Eligibility

Purchasers must comply with the full definition of “Eligible Purchaser” as set out within Clause 1.1 of the Provider’s Administration Deed.

Help to Buy – Wales Agent Approval and Applicant Affordability Criteria

1.1 Applicants for a Help to Buy: Equity Loan will be required to undergo a sustainability check with *Help to Buy – Wales*, to ensure they can afford to sustain home ownership. Upon reservation of the Eligible Dwelling the purchaser is required to immediately apply to Help to Buy (Wales) Limited for the *Help to Buy – Wales: Equity Loan*. The sale will only be able to proceed if the purchaser has been approved by the Help to Buy (Wales) Limited. If the purchaser’s application is ineligible, the Developer is required to immediately cancel the reservation and fully refund any reservation fee taken.

2. Property Eligibility

The full “Eligible Dwelling” requirements which each property forecast for *Help to Buy – Wales: Equity Loan* must comply with are set out within the definition

First Charge Lender Mortgage Requirement

1.2 It is a condition of the scheme that purchasers must have a First Charge Lender Mortgage which must be on a repayment basis and be a minimum of 25% of the market value of the Eligible Dwelling. Purchasers must contribute a 5% cash deposit of the Full Purchase Price upon exchange of contracts. Developers cannot therefore offer the deposit as part of a permitted incentives package.

No Developer Connection

1.3 Eligible Purchasers must not be connected to the Developer (or anyone with a connection with the Developer). For avoidance of doubt Help to Buy (Wales) Limited defines connected as company employees and immediate family including spouse, parents, grandparents, children, brothers, sisters, uncles, aunts and cousins.

of Eligible Dwelling of the Provider’s Administration Deed. These include (but are not limited) to:

New Build

2.1 All Eligible Dwellings must be new build properties. This means properties which are newly constructed and completed dwellings including flats created by utilising the airspace above an existing property, converted commercial premises and any conversions which have not been used as residential dwellings immediately before conversion. Houses split into flats are therefore not included in the definition.

Occupied Homes

2.2 Homes which have been previously occupied either by an owner-occupier, licensee or a tenant before sale may not be purchased with *Help to Buy – Wales* assistance. The Eligible Purchaser will not be permitted under any circumstances to occupy the Eligible Dwelling prior to legal completion.

Application and Longstop Date

2.3 Applications will close for the 2023-2025 programme at 5pm on 31 March 2025. The long stop date will be 19 December 2025. The Longstop Date is the date that Eligible Dwellings are required to have reached Completion (both practical and legal).

2.4 All Eligible Dwellings forecast by the Developer for purchase in 2023-2025 must have reached full completion by 19 December 2025.

2.5 Failure by the Developer to comply with these conditions will result in *Help to Buy – Wales* funding being immediately withdrawn.

Applications for Eligible Dwellings beyond these dates will not be accepted.

Building Warranties

2.6 Eligible Dwellings must have the benefit of an NHBC Building Warranty or other equivalent Building Warranty. Architects certificates and professional consultant certificates are not acceptable.

Satisfaction of Planning Conditions

2.7 All pre-commencement and pre-occupation planning conditions set out within any Planning Permission or Planning Agreement must have been complied with prior to the Eligible Dwellings having reached Practical Completion. Developers must ensure that the evidence of discharge is supplied to the Eligible Purchaser’s conveyancers prior to legal completion.

Building Regulations

3. Developers must ensure each eligible home built during phase 3 extension, as a minimum, complies with the 2022 energy efficiency requirements of Building Regulations (Part L), unless transitional arrangements apply.

Leasehold Houses

3.2 Leasehold properties will not qualify for the *Help to Buy – Wales: Equity Loan 2023-2025* programme unless the following minimum criteria is met:

- lease of a flat or apartment must be for a term of 125 years or more;
- a lease of a house must be for a term of 250 years or more and the house must have been constructed on inalienable freehold land only (being inalienable land owned by and registered to the National Trust or Crown Estate); and
- the maximum acceptable ground rent must be limited to a peppercorn in accordance with the Leasehold Reform (Ground Rent) Act 2022.

Estate Rent Charges

3.3 The use of Estate Rent Charge enforcement powers under Section 121 Law of Property Act 1925 or any other express means of enforcement of the Estate Rent Charge enabling forfeiture, the granting of a lease or repossession of an Eligible Dwelling will not be permitted under the *Help to Buy – Wales: Equity Loan 2023-2025* programme under any circumstances.

3.4 Developers must ensure that prospective buyers are made aware of likely charges/fees that will apply to the development/new home. An explanation of the charges and likely level of these charges must be provided, in writing, before a deposit commitment has been made.

Affordable Housing and Discounted Market Sale

3.5 The *Help to Buy – Wales: Equity Loan 2023-2025* programme cannot be used in respect of any property that is:

- Designated as affordable housing pursuant to any Planning Permission and/or Planning Agreement; and/or
- Sold as a Discounted Market Sale property.

Public Subsidy

3.6 The Eligible Dwelling must not benefit from any other grant or public subsidy other than via:

- the *Help to Buy: Equity Loan 2023-2025* programme;
- any Local Authority/Registered Social Landlord Funding;
- any other Welsh Government Funding; or
- any alternative funding or scheme confirmed by *Help to Buy (Wales) Limited* as being subject to this exception.

Part 3: Other Key Requirements and Developer Obligations

The full requirements of the *Help to Buy – Wales: Equity Loan 2023-2025* programme are set out within the Provider's Administration Deed (unless varied by

the Welsh Ministers) and Developers are required to comply with these in full. Developer's particular attention is drawn to:

1. Developer

Quality of new build homes

Buying a home is one of the most important purchases and biggest financial commitments people make in their lives. The Welsh Government is determined that homes bought using a Welsh Government subsidy will be of top quality to ensure people flourish and have the quiet enjoyment of their home.

To achieve this, developers/builders who wish to register with *Help to Buy Wales: phase 3 extension* must:

- Clearly communicate any quality marks they have been awarded or any quality schemes of which they are a member, for example Trustmark, in all *Help to Buy Wales* communications and advertisements. The developer/builder will notify *Help to Buy Wales Limited*, immediately if the award is withdrawn or membership ceases.
- Members of the Home Builders Federation (HBF) that participate in the star rating scheme must clearly communicate that rating on all *Help to Buy Wales* related communications and advertisements. Developers who are part of the HBF star rating scheme are required to have a rating of 4 stars and above to be part of the *Help to*

Buy Wales scheme. Any amendment in a developer/builders star rating must be communicated by the developer/builder to *Help to Buy Wales* immediately.

- Members of the Federation of Master Builders (FMB) must clearly communicate their membership on all *Help to Buy Wales* related communications and advertisements. Should the FMB expel the member or the member resign from the FMB then the member must notify *Help to Buy Wales* immediately.
- Have a system in place which ensures homes offered for sale through *Help to Buy Wales* are checked for quality of construction and finish during the build and on completion.*
- Ensure each eligible home to be sold under the phase 3 extension achieves a minimum EPC B rating (or better).
- In addition, as a minimum, each home must comply with the 2022 energy efficiency requirements of Building Regulations (Part L), unless transitional arrangements apply.
- Allow buyers to view the actual home being purchased (with their own surveyor if desired) before legal completion of sale.

- The Developer shall be subject to adjudication provided by the New Homes Ombudsman and any preceding voluntary arrangements, where developers are members, including adherence to associated Codes of Practice.

* Each developer/builder will have their own system, in addition to adherence to Regulations, for ensuring that homes are of good quality, in terms of build and finish, prior to handover. As a minimum this system must include the sign off from a senior member of the company prior to the handover of a home.

Broadband Ready

The Welsh Government believes it is essential that when buying a new home, owners can quickly connect to the Internet and have access to what is becoming considered an essential service.

The Welsh Government wants to ensure new homes are capable of receiving a fast and reliable broadband service at the time of construction.

To achieve this, developers/builders who wish to register with Help to Buy Wales Phase 3 Extension must:

Comply with Building Regulations (Wales): Part R.

Contact a broadband infrastructure provider as early as possible in the site, planning and development process to discuss requirements for the site ideally six months before your first property is ready to be occupied.

Work with broadband infrastructure providers, as necessary, to ensure there is minimum disruption on site, all responsibilities that fall within the developers' remit are completed on time and do not delay the connection of services to new build homes purchased with the support of a Help to Buy Wales shared equity loan.

Where a fast and reliable broadband connection may not be possible, for example, because of the location of the site, notify Help to Buy Wales as soon as possible where these issues arise.

Be clear in all communications with prospective purchasers/customers about likely broadband capability on the development.

New Homes Ombudsman

- The Developer shall be subject to adjudication provided by the New Homes Ombudsman and any preceding voluntary arrangements, where developers are members, including adherence to associated Codes of Practice.

Financial Conduct Authority requirements

1.1 The Developer's role in administering the *Help to Buy – Wales* Equity Loan 2023-2025 programme in conjunction with Help to Buy (Wales) Limited is not classed as "credit brokerage" for the purposes of the Financial Conduct Authority's (FCA) regulatory requirements.

1.2 Developers do not therefore need to apply to, or obtain authorisation from, the FCA in order to participate in the programme.

2. Developments

Land Ownership

2.1 Help to Buy (Wales) Limited full title requirements are set out within the definition of "Secure Legal Interest" in Definitions and Interpretations Clause of the Provider's Administration Deed.

2.2 Developers MUST be the registered proprietor of the freehold title to the Eligible Dwelling at HM Land Registry (unless the property is a house and has satisfied the leasehold house exemption) and have a Secure Legal Interest.

Minimum number of units

2.3 There is no minimum number of homes for participation by Developers in the *Help to Buy – Wales*: Equity Loan 2023-2025 programme.

The Welsh Government wishes to encourage all eligible developers, large and small, to register with the

scheme. Thus ensuring the scheme's aims are met and prospective customers have a broad range of options in terms of choice of developer, location throughout Wales, price and property type.

Additional Build Quality Standards as prescribed by Welsh Ministers

2.4 Developers are also put on notice that Ministers of the Welsh Government reserve the right to prescribe further build quality standards for the *Help to Buy – Wales* 2023-2025 programme as they may prescribe and publicise from time to time.

Consumer Code for Home Builders

2.5 Developers are required to have adopted and complied (and shall continue to adopt and comply) with the Consumer Code for Home Builders in respect of each Eligible Dwelling.

3. Disposals of Eligible Dwellings Advertising Requirements

3.1 Help to Buy (Wales) Limited must ensure that potential purchasers receive a consistent message about the *Help to Buy – Wales*: Equity Loan 2023-2025 programme from all Developers. In addition to compliance with all applicable legislative and regulatory requirements for the

advertising of such financial products (upon which Developers are encouraged to seek their own legal advice), Developers must comply with Help to Buy (Wales) Limited's Advertising Requirements/Branding Guidelines, including but not limited to:

- *Help to Buy – Wales* Logo guidelines must be applied (as applicable);
- Marketing material must include accurate descriptions of *Help to Buy – Wales: Equity Loan 2023-2025* programme (including any text prescribed by Help to Buy (Wales) Limited) and must always include clear, prominent reference to the home's **FULL Purchase Price**;
- Advertising that presents a “net” or “*Help to Buy – Wales* purchase price” is considered by Help to Buy (Wales) Limited to be misleading to customers and cannot be used under any circumstances in advertising or any other communications provided to any purchaser such as plot price list or reservation forms.

Financial Promotions and Incentives

3.2 Developers are required to comply with Help to Buy (Wales) Limited’s requirements surrounding financial promotions (as issued from time to time).

3.3 Developer “deposit-paid” incentives are not permitted. All *Help to Buy – Wales* purchasers must contribute their own 5% cash deposit to the purchase.

3.4 Incentives could include the payment of fees or provision of white goods and will need to comply with UK Finance (formerly CML) guidance and not exceed 5% of the Full Purchase Price and therefore impact on the valuation of the property. Developers will also be required to use the UK Finance disclosure of incentives latest form which is available to download at: <https://lendershandbook.ukfinance.org.uk/lenders-handbook/disclosure-form>

3.5 For avoidance of doubt part exchange and “assisted move” packages, or equivalent, must not be offered to purchasers under any circumstances.

Reservation Fees

3.6 The Reservation Fee for an Eligible Dwelling must not exceed £500. Under no other circumstances may any other fee be taken from the purchaser.

3.7 Developers must reimburse reservation fees (without deduction) to the purchaser if either the purchaser or the Developer withdraws from the purchase (for any reason) prior to exchange of contracts.

3.8 If a Developer or Eligible Purchaser withdraws from the purchase prior to exchange of contracts, the Developer must reimburse the Reservation Fee to the Eligible purchaser.

3.9 If a Developer or Eligible Purchaser withdraws from the purchase after exchange of contracts, the Reservation Fee must be returned but a Developer’s reasonable deductions can be made from the Reservation Fee subject to the Consumer Code for Homebuyers.

3.10 Once contracts have been exchanged the reservation fee must be refunded but subject to the Developers reasonable deductions in-line with the Consumer Code for Home Builders.

Pre-Completion Viewings

3.11 Developers must ensure that all Eligible Purchasers are given the opportunity to view the actual Eligible Dwelling that they are purchasing on or after Practical Completion (with their own surveyor if desired) and prior to legal completion of their purchase.



2.2 Only following conclusion of the registration compliance checks will Help to Buy (Wales) Limited review the Sales Forecast Estimate and agree a sales forecast for the relevant Financial Year (Agreed Sales Forecast). Note the Agreed Sales Forecast may be less than the Sales Forecast Estimate (in accordance with the terms of the Provider’s Administration Deed). Help to Buy (Wales) Limited will not approve any Sales Forecast Estimate in any year which are to legally complete after the relevant Long Stop Date.

2.3 Developers will then be issued with a Provider’s Administration Deed for execution and completion. The Provider’s Administration Deed covers the terms on which equity loans will be made available for individual purchases and for the administration of payment.

2.4 Help to Buy (Wales) Limited will invite Developers to submit forecasts as applicable for:

- Year 1 (1 April 2023 – 31 March 2024) for which all purchaser completions must be achieved by 19 December 2024;
- Year 2 (1 April 2024 – 31 March 2025) for which all purchaser completions must be achieved by 19 December 2025.

It remains the responsibility of the Developer to ensure that they manage their Agreed Sales Forecasts in line with demand.

3. Developer *Help to Buy – Wales* forecast performance management

3.1 The Provider’s Administration Deed includes the ability for Help to Buy (Wales) Limited to vary Sales Forecast Estimates.

Help to Buy (Wales) Limited will utilise this provision to ensure consumer demand is met and to enable full delivery of the programme in a timely fashion.



Part 5: *Help to Buy – Wales*: Equity Loan details

1. Valuations and the purchase price

1.1 To ensure properties are sold at market value, the Full Purchase Price must be a sum equal to the First Charge Lender’s independent valuation.

1.2 Incentives are excluded from the assessment of the market value for the purposes of calculating the amount of equity Help to Buy (Wales) Limited will invest (i.e. the investment equity calculation is undertaken on the Full Purchase Price after incentives have been discounted). For further information about our incentive requirements please see Part 3 paragraphs 3.2 – 3.5.



Part 6: Role of the Help to Buy (Wales) Limited

1.1. Help to Buy (Wales) Limited will review applications from potential buyers and determine whether applicants meet the minimum sustainability criteria for assistance through the *Help to Buy – Wales: Equity Loan 2023-2025* programme.

1.2. Help to Buy (Wales) Limited will issue their approval for a *Help to Buy – Wales* purchase to proceed to the applicant on the condition that the Developer is in contract.

1.3. Help to Buy (Wales) Limited's contact details can be found at www.gov.wales/help-buy-wales/contact-us.

1.4. Help to Buy (Wales) Limited are the administering agents for the *Help to Buy – Wales* shared equity scheme appointed by the Welsh Government.



Glossary

Advertising Requirements

Has identical meaning to that set out within the Provider's Administration Deed.

Agreed Sales Forecast

The number of the Developer's Eligible Dwellings agreed by *Help to Buy – Wales* Limited forecast for the relevant Financial Year as part of the *Help to Buy – Wales: Equity Loan 2023-2025* programme.

Building Warranty

A new build home guarantee or similar warranty.

Developer

Any house builder or registered provider either registered and fully contracted for the *Help to Buy – Wales: Equity Loan 2023-2025* programme (or intending to register) on development sites all over Wales.

Discounted Market Sale

Has identical meaning to that set out within the Provider's Administration Deed.

Eligible Dwelling

Has identical meaning to that set out within the Provider's Administration Deed.

Eligible Purchaser

Has identical meaning to that set out within the Provider's Administration Deed.

Estate Rent Charge

A rent charge created pursuant to Section 2(4) of the Rent charges Act 1977.

First Charge Lender Mortgage

A first charge mortgage with an Approved Lender (as defined within the Provider's Administration Deed).

Financial Year

1 April to 31 March.

Full Purchase Price

The full purchase price payable for any Eligible Dwelling, and which must not exceed £300,000.

Help to Buy – Wales Historic Programme

The *Help to Buy: Equity Loan* programme which operated between 1 January 2014 and 31 March 2023.

Help to Buy – Wales: Equity Loan 2023-2025 programme

The *Help to Buy: Equity Loan* programme which is due to commence on 1 April 2023 and expire on 31 March 2025.

Help to Buy – Wales: Equity Loan

The *Help to Buy – Wales: Equity Loan* in the form published by *Help to Buy – Wales Limited* for the *Help to Buy – Wales: Equity Loan 2023-2025* programme as may be updated by *Help to Buy – Wales Limited* from time to time.

HBF Star Rating

The star rating awarded to home builders under the Home Builders Federation (HBF) Star Rating Scheme.

Incentives

Any inducement or incentive provided to Eligible Purchasers of Eligible Dwellings over and above the standard specification for such dwellings (including without limitation any subsidies services cash-backs white goods additional fixtures fittings or enhanced specifications).

Planning Agreement

An agreement in respect of and affecting any Dwelling made pursuant to Section 106 of the Town and Country Planning Act 1990 and/or Section 33 of the Local Government (Miscellaneous Provisions) Act 1982 and/or Section 38 and/or 278 of the Highways Act 1980 and/or Section 104 of the Water Industry Act 1991 or an agreement with any competent authority or body relating to other services.

Phase 3 Extension

Means the *Help to Buy – Wales Scheme* to the extent that it applies between 1 April 2023 and 31 March 2025.

Planning Permission

The grant of detailed planning permission either by the local planning authority or the Welsh Ministers.

Practical Completion

Has identical meaning to that set out within the Provider's Administration Deed.

Provider's Administration Deed

The *Help to Buy – Wales: Equity Loan Provider's Administration Deed* in the form published by *Help to Buy Wales Ltd* (from time to time) and required to be entered into by every Developer participating within the *Help to Buy: Equity Loan 2023-2025* programme.

Sales Forecast Estimate

An estimate of the number of Eligible Dwellings for the relevant Financial Year that the Developer applies to be part of the *Help to Buy; Equity Loan 2023-2025* programme to be provided by region and local authority area.

Secure Legal Interest

Has identical meaning to that set out within the Provider's Administration Deed.

Year 1

1 April 2023 to 31 March 2024.

Year 2

1 April 2024 to 31 March 2025.

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This document or publication is also available on our website
www.gov.wales/help-buy-wales-builder-and-developer-pack