Housing Dialogues
Shaping the Homeownership Journey

HOUSING AUTHORITY

Contract Process Guidebook

A practical guide for Housing Authority schemes, transfers and contracts.

Contracts, Collaboration and the Buyer Experience

13 NOVEMBER 2026

WELCOME

Introduction

This guidebook has been prepared by the Contracts Section within the Housing Authority to bring together practical guidance primarily for notaries, as well as other relevant stakeholders, on the schemes and contract types most frequently encountered in their work with the Authority. It has been developed for distribution at the conference **Shaping the Homeownership Journey: Contracts, Collaboration and the Buyer Experience**.

The guidebook is divided into four parts, each designed to be read independently. To ensure consistency and ease of reference, each part follows the same six-section structure, allowing readers to navigate between schemes and contract types efficiently without having to familiarise themselves with a different layout each time.

	SECTION	WHAT YOU WILL FIND
1	**General Overview**	What the scheme or contract type is, and who it applies to.
2	**Key Facts**	The main figures, conditions and obligations at a glance.
3	**Step-by-Step Procedure**	The contractual process, from instruction to post-contract filing.
4	**Time Frames**	When to start, and when to request a publication date.
5	**Key Contacts**	Which section of the Housing Authority to approach, and how.
6	**Private Notary Checklist**	A tick-box summary of every step.

THE CONTRACTS SECTION

The Contracts Section within the Housing Authority is responsible for the administration and execution of promises of sale and deeds of sale relating to Government properties, as well as agreements concerning grant assistance and deeds of hypothec in cases involving the installation of lifts in Government-owned residential blocks. The Section also oversees the resale of former Government properties, including the assessment, approval and execution of the relevant deeds of resale.

Furthermore, the Section is responsible for overseeing the approval and execution of deeds relating to redeveloped plots, determining redemption amounts and executing the corresponding deeds of redemption. Through these activities, the Contracts Section plays a key role in facilitating property transactions, ensuring the proper formalisation of contractual arrangements and generating revenue for the Housing Authority.

HOW TO READ THE PAGES

> **IMPORTANT NOTE**
>
> Notes shaded in this way flag points that must be followed to avoid delays and amendments.

- Items in the checklists can be ticked off as each stage of the file is completed.
- Acronyms are explained on the Definitions page that follows.

BEFORE YOU BEGIN

Definitions

Acronyms used in this guidebook.

ACRONYM	MEANING
CIR	Commissioner for Revenue
ESS	Equity Sharing Scheme
HAP	Housing Allocation Programme
HOS	Home Ownership Scheme
POA	Power of Attorney
SRP	Sir Sid Darek 2 Scheme
SSD	Sir Sid Darek Scheme

WITH THANKS

Acknowledgements

This guidebook is the product of close collaboration, and the Housing Authority wishes to place on record its sincere gratitude to everyone who contributed to it.

Special thanks go to the Contracts Section. Day after day, the Section administers and executes promises of sale and deeds of sale of Government properties, grant assistance agreements, deeds of hypothec, deeds of re-sale, deeds relating to re-developed HOS and HAP plots, and deeds of redemption. The practical knowledge, precision and patience that the Section brings to every one of these files is the foundation on which this guidebook stands.

The Authority is particularly grateful to the Contracts Section for sharing its working knowledge of how each scheme operates in practice: the conditions that must be reflected in every deed, the observations most often raised at vetting, the time frames that must be allowed, and the points that commonly cause delay. Its vetting notaries deserve special mention for the many hours devoted to reviewing draft deeds, and for the constructive and courteous way in which observations are communicated to private notaries. The Section's officers also stand behind every appointment, publication and post-contract filing, and make it possible for contracts to be published on time.

Thanks are also due to all the sections of the Housing Authority that support the Contracts Section in verifying files, establishing amounts due and coordinating approvals, and to the organisers of the conference Shaping the Homeownership Journey: Contracts, Collaboration and the Buyer Experience, for providing the occasion on which this guidebook is launched.

Finally, the Authority thanks the private notaries who work with it. Their diligence, their professionalism and the care with which they prepare their deeds are what allow families and individuals to complete their journey to homeownership with confidence. It is hoped that this guidebook will serve notaries and other relevant stakeholders well, and the Authority welcomes their feedback so that future editions can be improved further.

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QUICK REFERENCE

Schemes at a Glance

PART	WHO IT IS FOR	CORE FEATURE
PART ONE **Development (HOS and HAP)**	Owners of HOS and HAP properties redeveloping into multiple units.	Removal of the one-unit, two-storey restriction. Fee of 25% of land value, or hypothecs on eligible units.
PART TWO **Transfers and Cancellations**	Owners transferring properties that carry Housing Authority obligations.	Case-by-case approval, deed vetting, any subsidy refund, and cancellation of hypothecs or other securities.
PART THREE **Equity Sharing Scheme (ESS)**	Individuals aged 25+ unable to obtain sufficient financing. Value up to €250,000 (€350,000: former matrimonial home, 40+).	Applicant buys at least 50%. The Authority may buy up to 50% (max. €100,000), to be bought back within 20 years.
PART FOUR **Sir Sid Darek (SSD)**	Eligible tenants of Government-owned residential property.	50% subsidy where total assets do not exceed €150,000.
PART FOUR **Sir Sid Darek 2 (SRP)**	Eligible tenants of designated Government properties.	Selling Price of 50% of the commercial price calculated by the Housing Authority.

The Process at a Glance

01

Approval

The Authority's approval letter or scheme documents set the conditions the deed must reflect.

02

Draft deed

Submit to the Contracts section, preferably at least three (3) months before the intended publication date.

03

Vetting

Amendments come back using Track Changes. Address every observation and prepare a final clean version.

04

Scheduling

Request a publication date only once the deed has been fully vetted and agreed by all parties.

05

Signing

A Housing Authority representative attends. The deed presented must be identical to the vetted version.

06

Afterwards

Submit the legal copy, Note of Enrolment, Notes of Hypothec and Reference and Land Registry forms, where applicable.

Housing Dialogues
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PART ONE

Development of HOS & HAP Plots

Redevelopment of HOS and HAP plots:
The development fee and hypothec arrangements.

01 General Overview

The Housing Authority permits owners of properties acquired under the Home Ownership Scheme (HOS) and under the Housing Allocation Programme (HAP) to apply for approval to redevelop their property into multiple residential units, subject to the conditions established in the original deed. The HAP relates to land, which was allocated by the now, Lands Authority, whereby the ground rent was redeemed under the Housing Authority's HAP scheme. HOS and HAP contracts generally include restrictive clauses, secured by hypothec, limiting development to one unit with a maximum of two storeys. Through this process, owners may request the Authority's approval to remove that restriction and proceed with the proposed development.

Where approval is granted, applicants will be required to settle a development fee equivalent to 25% of the land value, as determined by the Housing Authority's Estate Management Section. The total amount due is apportioned among the residential units resulting from the development, and the obligations applicable to each unit are then established accordingly.

Depending on the circumstances of the case, applicants may either settle the development fee in full or, where permitted under Housing Authority policy, have hypothecs registered on one or more of the redeveloped units in favour of the Authority. One residential unit may be retained by the beneficiary and secured by hypothec, while additional qualifying units transferred to first-generation children/parents may also be subject to hypothec registration in accordance with the applicable policy conditions. In all other cases, the relevant fee, or part thereof, will become payable.

Accordingly, redevelopment cases may involve one or more of the following:

- Payment of a development fee;
- Registration of hypothecs on one or more redeveloped units; or
- A combination of payment and hypothec registration.

Applications are submitted directly to the Housing Authority through an online application and assessed before any deed is prepared. Once the relevant valuation and conditions and approval has been issued, applicants who wish to proceed must appoint a private notary to prepare the required contractual documentation and coordinate the publication process with the Housing Authority.

02 Key Facts

ITEM	DETAILS
Applicable Scheme	HOS and HAP development requests.
Purpose	Removal of the two-storey restriction to allow redevelopment into multiple residential units.
Development Fee	25% of the land valuation determined by the Estate Management Section.
Fee Allocation	Apportioned among the units resulting from the redevelopment.
Alternative to Payment	Eligible units may be secured by hypothec instead of immediate payment.
Owner's Retained Unit	One unit may be retained and secured by hypothec, subject to policy conditions.
Transfers to Children/Parents	Qualifying units donated to first-generation children/parents may be secured by hypothec.

03 Step-by-Step Procedure

01 Receipt and Review of the Housing Authority Approval Letter

Before preparing the deed, the appointed private notary should obtain and review the Housing Authority approval letter issued by the Contracts Section. The private notary must ensure that all conditions imposed by the Authority are clearly understood. Depending on how the original development request was submitted, the letter may be sent directly to the applicants or to the appointed private notary on their behalf.

Particular attention should be given to the following:

- The amount of the development fee;
- The number of units resulting from the redevelopment;
- The amount allocated to each unit;
- The units that are to remain secured by hypothec and the units for which the applicable development fee must be paid; and
- Any special conditions imposed by the Housing Authority.

The approval letter forms the basis of the contractual documentation and must be accurately reflected in the deed. The appointed notary should therefore review it carefully before preparing the draft deed.

02 Preparation and Submission of the Draft Deed

Once the approval letter has been reviewed, the appointed private notary should prepare the draft deed and ensure that all Housing Authority conditions are accurately reflected.

The deed should clearly allocate the development fee and/or hypothecs in line with the approval letter and should reflect the principal points identified during the initial review.

Once completed, the draft deed should be submitted to the Contracts Section for vetting, together with any required supporting documentation. If any discrepancy is identified between the approval letter and the intended transaction, the appointed notary should seek clarification from the Contracts Section before proceeding.

03 Vetting of the Draft Deed

Once the draft deed has been submitted, it will be reviewed by the Housing Authority's notary to confirm that the conditions set out in the approval letter have been correctly reflected and that the Authority's interests are adequately safeguarded.

Any amendments, observations, or corrections identified during vetting will be returned to the appointed private notary using Track Changes.

The appointed private notary should review all comments and observations raised during vetting and address them before publication of the deed. Where clarification is required, the notary should communicate directly with the Contracts Section so that all outstanding matters are resolved promptly.

Early cooperation and clear communication between the appointed notary and the Housing Authority will support a more efficient publication process.

> **IMPORTANT NOTE**
>
> The private notary should ensure that the final version of the deed presented on the date of publication includes all agreed amendments and that all Track Changes have been accepted. This will help avoid delays, confusion, and unnecessary amendments during the signing appointment.

04 Scheduling the Publication Appointment

Once the draft deed has been vetted and all observations have been addressed, the appointed private notary should contact the Contracts Section to coordinate a publication date. Where applicable, the private notary should also liaise with any local bank involved in the transaction to ensure that all parties are available on the proposed date.

Before requesting a publication date, the private notary should ensure that the draft deed has been finalised, all supporting documentation has been obtained, and any outstanding matters raised during vetting have been resolved. This will help avoid unnecessary postponements and support a smoother publication process.

Once the appointment has been agreed, the private notary should inform all parties of the date, time, and venue of publication and advise them of any documents or payments required on the day of signing. Payments need to be in the form of Bank Drafts.

IMPORTANT NOTE

Publication dates should only be requested once the deed has been fully vetted and agreed. Scheduling appointments prematurely may result in unnecessary delays or the need to reschedule the publication date.

05 Signing of the Deed

On the day of publication, a Housing Authority representative will attend the signing appointment to safeguard the Authority's interests and confirm that the requirements set out in the approval letter are complied with.

The appointed private notary should ensure that all parties are informed of the appointment details and that all documentation required for publication is available and ready for execution. For ease of reference, the approval letter issued by the Contracts Section should preferably be attached to the deed. The notary may provide a copy of the approval letter or request one from the Housing Authority representative attending the appointment.

On publication of the deed, the Housing Authority representative will collect any development fees due, whether in full or in part, together with the standard administrative charges. Official receipts will be issued for all payments collected.

IMPORTANT NOTE

The final version of the deed presented for publication should be identical to the vetted version approved by the Housing Authority. Any amendments should be discussed with the Authority before publication to avoid delays or complications during the signing appointment.

06 Submission of Post-Contract Documentation

Following publication of the deed, the appointed private notary must submit the relevant documentation to the Housing Authority for record-keeping and compliance purposes.

The following documents should be provided to the Housing Authority as soon as they become available:

- A legal copy of the deed;
- A copy of the relative Note of Enrolment pertaining to the deed;
- A copy of the relative Notes of Hypothec and Reference, duly registered at the Public Registry and pertaining to the deed; and
- Copies of the relevant forms duly registered at the Land Registry, where applicable.

Timely submission of these documents is essential to enable the Housing Authority to update its records and fulfil its post-contract obligations under the scheme.

04 Time Frames

The HOS and HAP Development process involves several stakeholders, including the Housing Authority, the Estate Management Section, the appointed private notary, the applicants, and, where applicable, their children/parents, agents, developers, and local banks. Early preparation is therefore essential to ensure that the publication process proceeds efficiently.

As a general guideline, appointed private notaries should submit draft deeds for vetting at least three (3) months before the intended publication date. This allows sufficient time for vetting, amendments, approvals, resolution of queries, and coordination of publication arrangements.

Private notaries are strongly encouraged not to request a publication date until all of the following have been completed:

- The draft deed has been fully vetted and agreed;
- Any observations raised by the Housing Authority have been addressed;
- All supporting documentation required for publication has been obtained; and
- Any payments or obligations arising from the approval letter have been confirmed.

Delays in submitting documentation, responding to vetting observations, or providing outstanding information may result in postponement of the publication date. The Housing Authority can only proceed with publication arrangements once all necessary information has been received and reviewed.

> **IMPORTANT NOTE**
>
> The recommended three (3) month timeframe should not be interpreted as the total duration of the development approval process. Development requests should be submitted to the Housing Authority as early as possible to allow sufficient time for valuation, assessment, and issuance of the approval letter before the contractual process begins.

05 Key Contacts

QUERY	CONTACT	DETAILS
General Queries	Customer Care	customer.care.ha@ha.gov.mt
Queries related to Development fee	Estate Management Section	pdaform.ha@ha.gov.mt
Sending of Draft Deed	Contracts Section	Online Application www.housingauthority.gov.mt
Queries related to vetting process	Contracts Section Vetting Notary	contracts.ha@ha.gov.mt
Appointments	Contracts Section	contracts.ha@ha.gov.mt
Queries related to Copy of Deeds	Contracts Section	contracts.ha@ha.gov.mt

06 Private Notary Checklist

Use this checklist to confirm that each stage has been completed before moving to the next.

STEP 1 Receipt of Approval Letter

- ☐ Obtain and review the Housing Authority approval letter.
- ☐ Verify the development fee, number of units, and amount allocated to each unit.
- ☐ Identify units secured by hypothec and units subject to payment.
- ☐ Review any special Housing Authority conditions.

STEP 2 Preparation and Submission of Draft Deed

- ☐ Prepare the draft deed in line with the approval letter.
- ☐ Reflect all Housing Authority conditions accurately.
- ☐ Verify the allocation of development fees and/or hypothecs.
- ☐ Confirm supporting documentation and clarify discrepancies before submission.
- ☐ Submit the draft deed.

STEP 3 Vetting

- ☐ Review amendments, observations, and comments raised during vetting.
- ☐ Address all observations raised by the Housing Authority's notary.
- ☐ Clarify outstanding matters with the Contracts Section.
- ☐ Accept all Track Changes before publication.

STEP 4 Publication Appointment

- ☐ Confirm that the deed has been fully vetted and agreed.
- ☐ Ensure that supporting documentation is complete.
- ☐ Coordinate the appointment with the Contracts Section and any local bank.
- ☐ Inform all parties of the date, time, and venue.

STEP 5 Signing

- ☐ Ensure all parties attend and all documents are available.
- ☐ Attach or obtain the Housing Authority approval letter.
- ☐ Confirm that the final deed matches the vetted version.
- ☐ Ensure that payments are settled and receipts obtained.

STEP 6 Post-Contract Documentation

- ☐ Submit the legal copy of the deed.
- ☐ Submit official receipts and hypothec registration documentation, where applicable.
- ☐ Submit any additional documentation requested by the Housing Authority.
- ☐ Confirm that all post-contract requirements have been satisfied.



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PART TWO

Transfers to Third Parties & Cancellations

Approvals, subsidy refunds and hypothec cancellations on properties linked to Housing Authority schemes.

01 General Overview

The Housing Authority has an interest whenever residential properties that were either originally transferred by the Housing Authority or have benefitted from subsidies, grants or other forms of assistance under one of its schemes are subsequently transferred, assigned or otherwise disposed of. This is because certain obligations arising from the original transfer, sale, grant of assistance or related contractual agreement/contract may continue to affect the property after acquisition and may therefore have implications upon any future transfer of ownership.

Certain transfers require the Housing Authority's approval prior to the publication of the deed. Depending on the terms of the original contract, the transfer may require the refund of subsidies granted by the Housing Authority, the settlement of outstanding amounts, or the cancellation of hypothecs and other securities registered in favour of the Authority and the inheritance of existing original obligations by the new owners.

The Housing Authority assesses each request on a case-by-case basis to determine the conditions applicable to the proposed transfer and to ensure that its rights and interests are adequately protected. The process generally involves a review of the original contractual agreement/contract, the determination of any financial obligations that may be due, the vetting of the draft deed, and verification that all contractual requirements have been satisfied prior to publication.

02 Key Facts

ITEM	DETAILS
Housing Authority Approval	Required in applicable transfer cases prior to publication of the deed, especially where the original deed states that Housing Authority approval must be sought before the transfer, and particularly where there is an active hypothec.
Draft Deed Vetting	All draft deeds must be reviewed by the Housing Authority prior to publication.
Transfer Conditions	Existing contractual obligations may be inherited by the new owners.
Subsidy Refund	May be applicable depending on the provisions of the original agreement/contract.
Hypothec Cancellation	May be required where obligations have been satisfied or refunded in accordance with scheme regulations.
Housing Authority Attendance	A Housing Authority representative may attend the publication of the deed where required. Otherwise, the hypothec may be cancelled beforehand.
File Review	Every transfer request is reviewed individually based on the original agreement/contract and applicable Housing Authority conditions.

03 Step-by-Step Procedure

A. Transfers of HOS Properties

01 Request for Transfer Conditions

When a beneficiary intends to transfer a property originally acquired under the Home Ownership Scheme (HOS), the appointed private notary should either submit a transfer request on behalf of the beneficiaries or ensure that the beneficiaries obtain the Housing Authority's approval letter relating to the proposed transfer. It is important that the request clearly specifies whether the property is being transferred as a single residential unit or for development purposes.

> **IMPORTANT NOTE**
>
> Where the transfer forms part of a development proposal, the relevant Development Procedures must be followed, as additional conditions and approvals may apply.

The approval letter will outline any conditions arising from the original deed of emphyteusis that must continue to bind the property and be incorporated into the transfer deed.

02 Preparation and Submission of the Draft Deed

The appointed private notary shall prepare the draft deed in accordance with the instructions and conditions communicated by the Housing Authority.

Once completed, the draft deed should be submitted to the Housing Authority's Contracts section for review. Particular attention should be given to the conditions/hypothecs specified in the approval letter to ensure that they are accurately reflected in the draft deed.

> **IMPORTANT NOTE**
>
> To avoid delays, notaries are encouraged to submit draft deeds as early as possible and ensure that all property details, ownership particulars and inherited conditions have been correctly included prior to submission.

B. Transfers of properties previously owned by the Housing Authority

01 Request for Transfer Approval and Issue of Approval Letter

When a beneficiary intends to transfer a property that was originally acquired from the Housing Authority and may be subject to subsidy refund or other contractual obligations, the appointed private notary should either submit a transfer request on behalf of the beneficiaries, together with a copy of any active hypothec,

or ensure that the beneficiaries have already obtained the Housing Authority's approval letter relating to the proposed transfer.

Upon receipt of the request, the Housing Authority will review the original agreement/contract and determine whether any obligations remain applicable, including any subsidy refund that may be due in terms of the original agreement. Where necessary, additional information may be obtained from other Housing Authority departments to establish any amounts due.

Following its review, the Housing Authority will issue an approval letter outlining the conditions applicable to the proposed transfer. Depending on the terms of the original contract, the letter may include:

- Conditions that must be incorporated into the deed.
- Any subsidy refund payable to the Housing Authority.
- Any outstanding amounts that must be settled prior to publication.
- Any other obligations or requirements applicable to the transfer.

The appointed private notary should carefully review the approval letter before commencing preparation of the draft deed, as the conditions contained therein will form the basis of the vetting process.

02 Preparation and Submission of the Draft Deed

The appointed private notary shall prepare the draft deed in accordance with the conditions and instructions communicated by the Housing Authority.

Attention should be given to:

- Any subsidy refund clauses.
- Conditions that are required to continue binding the property.
- References to the Housing Authority's approval.
- Any financial obligations that must be settled upon publication of the deed.

Once completed, the draft deed should be submitted to the Housing Authority's Contracts Section for review. To avoid delays, notaries are encouraged to submit draft deeds as early as possible and ensure that all relevant conditions have been accurately reflected in the draft.

Steps Common to A and B

Once the draft deed has been prepared and submitted under Step 2 of Section A or Section B, Steps 3 to 6 below apply equally to both types of transfer. Points that apply only to transfers of properties previously owned by the Housing Authority (Section B) are identified as such.

03 Vetting of the Draft Deed

Upon receipt, the draft deed will be reviewed by the Housing Authority's vetting notary. Any amendments, observations or corrections required by the Housing Authority will be communicated to the appointed private notary using the Track Changes feature.

The appointed private notary should carefully review all observations and ensure that the requested amendments are incorporated into the deed prior to publication. Early communication during this stage can assist in avoiding delays and facilitating a smoother publication process.

04 Scheduling the Publication Date

Once the draft deed has been approved by the Housing Authority's vetting notary, the appointed private notary may coordinate the publication date with all parties concerned.

Publication dates should only be scheduled once all observations have been addressed and final approval has been obtained from the Housing Authority.

Section B transfers: settlement of financial obligations

Before publication of the deed, the appointed private notary must ensure that all amounts due to the Housing Authority are settled in accordance with the approval letter. Normally, payments due to the Housing Authority are accepted only by means of a bank draft or a cheque issued from the notary's clients' account. Any payment instructions communicated by the Housing Authority should be followed strictly to avoid delays in publication.

In Section B transfers, the publication date should only be scheduled once all financial obligations have been addressed and all outstanding matters have been resolved.

05 Publication of the Deed

On the day of publication, a representative of the Housing Authority will attend the signing of the deed to safeguard the Authority's interests and verify that all approved conditions have been incorporated into the final contract.

The appointed private notary should ensure that all parties are present and that any documents required to form part of the deed are available on the day of signing.

Section B transfers: verification and payment on the day

In Section B transfers, the Housing Authority representative will also verify compliance with the approval letter and collect any outstanding amounts due to the Housing Authority, where applicable. The appointed private notary should ensure that any applicable payments are available on the day of signing.

06 Submission of Post-Contract Documentation

Following publication, the appointed private notary is required to submit the relevant documentation to the Housing Authority for record-keeping purposes.

The following documents should be provided as soon as they become available:

- A legal copy of the deed.
- A copy of the relative Note of Enrolment.
- Copies of the relative Notes of Hypothec and Reference, where applicable (Section B transfers).
- Copies of any documents registered at the Public Registry and/or Land Registry relating to the transfer, where applicable.

C. Cancellations of Hypothecs and Other Housing Authority Scheme Obligations

This section applies to cases involving the cancellation of hypothecs, release of obligations arising from Housing Authority schemes, and transfers of properties benefitting from Housing Authority assistance where the Authority's interest is limited to the cancellation of hypothecs and/or the settlement of any applicable subsidy refund.

Unless otherwise stated in the Housing Authority's approval letter, the procedure outlined under Section B. Transfers of properties previously owned by the Housing Authority, together with the Steps Common to A and B, shall apply. The following additional guidance is intended to address circumstances specific to cancellation requests and scheme-related obligations.

Important Considerations

Submission of Copy of Hypothec

When requesting the cancellation of a hypothec, the appointed private notary should always submit a copy of the relevant hypothec together with the request. This will assist the Housing Authority in identifying the relevant file, verifying the applicable conditions and expediting the processing of the request.

Cases Where a Subsidy Refund or Other Amount Is Due

Where the Housing Authority determines that a subsidy refund, administrative charge or any other amount is due, the appointed private notary shall follow the procedure outlined under Section B. Transfers of properties previously owned by the Housing Authority (together with the Steps Common to A and B), including the preparation and submission of a draft deed for vetting by the Housing Authority prior to publication.

Cases Requiring Cancellation Only

Where no subsidy refund, financial obligation or other Housing Authority interest remains applicable, and the request relates solely to the cancellation of a hypothec, the appointed private notary may contact the Housing Authority directly to ask for approval and once approval is given arrange an appointment for publication without the need to submit a draft deed for prior vetting.

Notaries are nevertheless encouraged to contact the Contracts Section at an early stage to confirm that no further requirements apply before scheduling the publication date.

Transfers Requiring Only a Cancellation

In transfer cases where the Housing Authority's remaining interest is limited to the cancellation of a hypothec or other security, the appointed private notary should provide the Housing Authority with a copy of the proposed deed of transfer prior to publication.

This enables the Housing Authority to verify that any residential use clause or other condition required to survive the cancellation has been correctly incorporated into the deed before publication takes place.

Post-Contract Documentation

Following publication, the appointed private notary shall provide the Housing Authority with the relevant registered documentation, including where applicable:

- A legal copy of the deed.
- A copy of the relative Note of Enrolment.
- Copies of Notes of Hypothec and Reference.
- Public Registry and/or Land Registry registrations relating to the deed and cancellation.
- Any other documentation specifically requested by the Housing Authority.

04 Time Frames

Transfer, cancellation and other scheme-related cases often require the review of historical contractual documentation, the retrieval of file numbers, verification of Housing Authority conditions, deed vetting and coordination between multiple parties.

As a general guideline, all documentation and information required for contract purposes should be gathered and submitted to the Housing Authority at least three (3) months before the intended publication date. This time frame is intended solely to facilitate the contract preparation, vetting and publication process.

Requests for transfer approvals, subsidy calculations, hypothec cancellations, verification of scheme obligations and any other preliminary assessments should ideally be submitted well in advance, particularly where file numbers must be retrieved or complex contractual conditions require review.

Notaries are strongly encouraged not to schedule publication dates until:

- The Housing Authority's approval has been obtained.
- The draft deed has been fully vetted and approved, where vetting is required.
- Any observations raised by the Housing Authority have been addressed.
- Any amounts due to the Housing Authority have been settled, where applicable.
- All supporting documentation required for publication has been obtained.

Delays in providing documentation, obtaining approvals or responding to vetting comments may result in the postponement of the publication date. The Housing Authority can only process requests once complete and accurate information has been received. Early preparation by the appointed private notary remains the most effective way of avoiding delays and ensuring a seamless completion of the transaction.

05 Key Contacts

QUERY	CONTACT	DETAILS
General Queries	Customer Care	customer.care.ha@ha.gov.mt
Queries related to Transfers	Contracts Section	contracts.ha@ha.gov.mt
Sending of Draft Deed	Contracts Section	Online Application www.housingauthority.gov.mt
Queries related to vetting process	Contracts Section Vetting Notary	contracts.ha@ha.gov.mt
Appointments	Contracts Section	contracts.ha@ha.gov.mt
Queries related to Copy of Deeds	Contracts Section	contracts.ha@ha.gov.mt

06 Private Notary Checklist

Use this checklist to confirm that each stage has been completed before moving to the next.

A. Transfers of HOS Properties

STEP 1 Request for Transfer Conditions

- ☐ Submit a request for transfer to the Housing Authority on behalf of the beneficiaries, or confirm that the beneficiaries have already obtained the Housing Authority's approval letter.
- ☐ Clearly indicate whether the property is being transferred as one residential unit or for development purposes.
- ☐ Where the transfer is linked to development, ensure that the relevant Development Procedures are followed.
- ☐ Review the Housing Authority's approval letter and identify all conditions from the original deed of emphyteusis that must be inherited by the new owners.

STEP 2 Preparation and Submission of the Draft Deed

- ☐ Prepare the draft deed in accordance with the conditions communicated by the Housing Authority.
- ☐ Ensure that all property details, ownership particulars and inherited conditions are accurately reflected in the draft deed.
- ☐ Submit the draft deed to the Housing Authority's Contracts Section for review.

B. Transfers of properties previously owned by the Housing Authority

STEP 1 Request for Transfer Approval and Review of Approval Letter

- ☐ Submit a request for transfer to the Housing Authority on behalf of the beneficiaries, together with a copy of any active hypothec, or confirm that the beneficiaries have already obtained the Housing Authority's approval letter.
- ☐ Provide the Housing Authority with the relevant file reference and any documentation required to identify the original contract.
- ☐ Await confirmation from the Housing Authority regarding any obligations, subsidy refund or other financial amounts due.
- ☐ Review the Housing Authority's approval letter before preparing the draft deed.
- ☐ Identify any conditions that must be incorporated into the deed.
- ☐ Identify any subsidy refund payable to the Housing Authority.
- ☐ Identify any outstanding amounts or other obligations that must be settled prior to publication.

STEP 2 Preparation and Submission of the Draft Deed

- ☐ Prepare the draft deed in accordance with the Housing Authority's approval letter.
- ☐ Include any applicable subsidy refund clauses.
- ☐ Include any conditions that must continue to bind the property.
- ☐ Include correct references to the Housing Authority's approval.
- ☐ Ensure that any financial obligations to be settled upon publication are clearly reflected, where applicable.
- ☐ Submit the draft deed to the Housing Authority's Contracts Section for review.

Steps Common to A and B

STEP 3 Vetting of the Draft Deed

- ☐ Review all amendments, observations or corrections received from the Housing Authority's vetting notary.
- ☐ Ensure that all required amendments are incorporated prior to publication.
- ☐ Communicate with the Housing Authority in case of any clarification or outstanding issue.

STEP 4 Scheduling the Publication Date

- ☐ Confirm that the draft deed has been approved by the Housing Authority's vetting notary.
- ☐ Schedule the publication date only once all observations have been addressed and final approval has been obtained.

Section B Transfers:

- ☐ Confirm the exact amounts due to the Housing Authority in accordance with the approval letter.
- ☐ Ensure that payment is arranged by bank draft or by cheque issued from the notary's clients' account, where applicable.
- ☐ Ensure that clients are informed of all amounts due before publication.
- ☐ Ensure that any administrative charges or other applicable amounts are available on the day of publication, where applicable.
- ☐ Confirm that all financial obligations have been addressed.

STEP 5 Publication of the Deed

- ☐ Ensure that all parties are informed of the publication appointment.
- ☐ Ensure that all parties are present and punctual on the day of signing.
- ☐ Ensure that all documents required to form part of the deed are available on the day of publication.
- ☐ Ensure that the Housing Authority representative is provided with any required documentation at signing.

Section B transfers:

- ☐ Ensure that all applicable payments due to the Housing Authority are available on the day of signing.
- ☐ Ensure that the Housing Authority representative is able to verify compliance with the approval letter and collect any outstanding amounts, where applicable.

STEP 6 Post-Contract Documentation

- ☐ Submit a legal copy of the deed to the Housing Authority.
- ☐ Submit a copy of the relative Note of Enrolment.
- ☐ Submit copies of any Public Registry and/or Land Registry documents relating to the transfer, where applicable.
- ☐ Section B transfers: Submit copies of the relative Notes of Hypothec and Reference, where applicable.

C. Cancellations of Hypothecs and Other Housing Authority Scheme Obligations

STEP 1 Request for Cancellation or Scheme Clearance

- ☐ Submit a request to the Housing Authority for the cancellation of the hypothec, discharge of obligations or approval of the relevant transfer.
- ☐ Attach a copy of the relevant hypothec together with the request to assist the Housing Authority in identifying and processing the case.
- ☐ Provide the Housing Authority with the relevant file reference and any documentation required to identify the original scheme or obligation.

STEP 2 Verification of Obligations

- ☐ Await confirmation from the Housing Authority as to whether any subsidy refund, administrative charge or other amount is due.
- ☐ Confirm whether the case requires draft deed vetting prior to publication.
- ☐ Confirm whether the Housing Authority's interest is limited only to cancellation of a hypothec or other security.

STEP 3 Cases Where Payment or Other Housing Authority Interest Is Due

- ☐ Where a payment is due, or where the Housing Authority has any other remaining interest in the transfer, prepare and submit the draft deed for vetting prior to publication.
- ☐ Ensure that any refund, cancellation, release or surviving obligation is correctly reflected in the draft deed.
- ☐ Follow the vetting, payment and publication process applicable to transfers of properties previously owned by the Housing Authority.

STEP 4 Cases Where No Payment Is Due

- ☐ Where no payment is due and the matter relates only to cancellation, confirm this position with the Housing Authority.
- ☐ Where prior vetting is not required, contact the Housing Authority to arrange an appointment for publication.
- ☐ Ensure that all documents required for cancellation are available on the day of signing.

STEP 5 Transfers Requiring Cancellation Only

- ☐ Where the transfer of a property previously owned by the Housing Authority requires only cancellation of the Housing Authority's security, send a copy of the eventual/proposed deed of transfer to the Housing Authority prior to publication.
- ☐ Ensure that the Housing Authority can verify the inclusion of the required residential clause before publication.
- ☐ Do not proceed to publication until any comments raised by the Housing Authority have been addressed.

STEP 6 Publication and Cancellation

- ☐ Ensure that all parties are informed of the appointment.
- ☐ Ensure that all required cancellation documents are available on the day of publication.
- ☐ Ensure that any amount due to the Housing Authority is settled, where applicable.
- ☐ Ensure that the Housing Authority representative signs or appears on the deed where required.

STEP 7 Post-Contract Documentation

- ☐ Submit a legal copy of the deed to the Housing Authority.
- ☐ Submit a copy of the relative Note of Enrolment.
- ☐ Submit copies of the relative Notes of Hypothec and Reference, where applicable.
- ☐ Submit copies of any Public Registry and/or Land Registry documents relating to the cancellation, transfer or scheme release.

Housing Dialogues
Shaping the Homeownership Journey

PART THREE

Equity Sharing Scheme (ESS)

Co-purchase of a home with the Housing Authority holding up to 50% of the property.

01 General Overview

The Equity Sharing Scheme (ESS) assists individuals aged 25 years and over who are unable to obtain sufficient financing from local banks to purchase their home without the support of the Housing Authority. The scheme applies to properties with a value of up to €250,000.

In cases where applicants are aged 40 years or over and are purchasing the remaining share of their former matrimonial home from their former spouse, the maximum eligible property value is €350,000. Under the scheme, applicants must purchase a minimum of 50% of the property using their own funds and bank financing.

The Housing Authority may purchase the remaining share, up to a maximum of 50% of the property's value, subject to a maximum contribution of €100,000. The scheme is intended to make home ownership more accessible to eligible applicants who would otherwise be unable to purchase a residence independently.

Beneficiaries are required to purchase the Housing Authority's share within 20 years from the date of the contract, at the same price originally paid by the Housing Authority. This scheme is currently being implemented in collaboration with APS Bank plc.

02 Key Facts

ITEM	DETAILS
Minimum Age	25 years
Maximum Property Value	€250,000
Special Case Maximum Value	€350,000 (Former Matrimonial Home Cases)
Applicant's Minimum Share	50%
Housing Authority's Maximum Share	50%
Housing Authority Maximum Contribution	€100,000
Buy-Back Obligation	Within 20 years
Buy-Back Price within 20 years	Original global price paid by the Housing Authority
Buy-Back Price after 20 years	Original global price paid by the Housing Authority plus rate of inflation at that time

03 Step-by-Step Procedure

01 Promise of Sale Stage

Once the applicant reaches the Promise of Sale stage, the appointed private notary must ensure that the Scheme Conditions Document, issued by the Housing Authority's Schemes Section, is attached to the Promise of Sale Agreement.

A copy of the signed Promise of Sale Agreement must then be submitted to the Housing Authority's Schemes Section so that the property's valuation and the respective shares to be financed by the applicant and the Housing Authority can be determined.

02 Issuing of Documentation

Once the valuation has been completed and communicated to the applicant by the Schemes Section, the Contracts Section will contact the appointed private notary by email, with the applicant copied for reference. The private notary will then be authorised to proceed with the preparation of the deed.

The following documents will be provided by the Housing Authority:

- Draft Equity Sharing Contract (in both Maltese and English)
- Draft Power of Attorney in favour of the Permanent Secretary of the Housing Authority.
- Latest Scheme Conditions as published in the Government Gazette.
- Terms and Conditions of the Equity Sharing Scheme, which must be attached to the deed.

03 Preparation and submission of the Draft Deed

The appointed private notary is responsible for completing the draft deed with all relevant details relating to the parties, the property, and the transaction. Attention should be given to the ownership shares to ensure they accurately reflect the scheme approval and valuation issued by the Housing Authority.

Once completed, the draft deed must be submitted simultaneously to the Housing Authority's Contracts Section and the APS Bank vetting lawyer. This allows both parties to review the deed concurrently, helping to reduce delays and avoid duplicate amendments. In addition, the private notary is to also submit the draft Power of Attorney in favour of the Permanent Secretary with all relevant details related to the parties and properties as well as a copy of the applicant's sanction letter and any subsequent amendments.

Should any queries or issues arise during the drafting or vetting process, the notary must communicate with both the Housing Authority and APS Bank to ensure that all requirements are addressed consistently.

> **IMPORTANT NOTE**
>
> For applications under the Equity Sharing Scheme (ESS), an Exemption from Examination of Title is strictly prohibited and will not be accepted by the Housing Authority.

04 Vetting of the Draft Deed

Once the draft deed has been completed and submitted, it will be reviewed by the Housing Authority's vetting notary. Any amendments, observations, or corrections will be returned to the appointed private notary using the Track Changes feature.

The appointed private notary is encouraged to carefully review the vetted draft deed, accept the agreed amendments, and submit a final clean version to the Housing Authority's vetting notary. This will help ensure that all requirements have been addressed before the deed is scheduled for signing.

05 Cheque Instructions and Contract Scheduling

Once the final version of the deed has been agreed upon, the appointed private notary must provide the Housing Authority with clear payment instructions relating to the Authority's share of the purchase price. Any necessary changes to the applicant's Sanction Letter will also be communicated at this stage.

For audit and control purposes, payments issued by the Housing Authority are made exclusively by cheque and directly in favour of the vendor/s. Housing Authority funds cannot be used to settle taxes, duties, fees, or any other liabilities of the vendor.

The private notary must specify:

- The name of the payee/s.
- The amount payable to each payee.
- The number of cheques required.

The issuance of one cheque is free of charge. Where multiple cheques are requested, an administrative fee of €25 for each additional cheque will apply.

06 Scheduling of the Contract

Once the draft contract has been approved and all payment instructions have been received, the private notary shall coordinate the signing appointment with the APS Bank plc. The appointments are generally held during pre-arranged slots agreed between the Housing Authority and APS Bank plc.

07 Signing of the Deed

On the day of the signing, a representative of the Housing Authority will attend the appointment to safeguard the Authority's interests and to provide the payment cheque(s) representing the Housing Authority's contribution towards the purchase of the property.

The appointed private notary is requested to encourage all parties to the contract to be present and punctual to avoid unnecessary delays.

Prior to the signing, the private notary must ensure that all documentation required to be attached to the deed is in place. Particularly the Power of Attorney in favour of the Permanent Secretary of the Housing Authority, which must be duly signed by the beneficiaries before the deed is executed.

The Scheme Conditions and the Terms and Conditions of the Equity Sharing Scheme will be provided by the Housing Authority representative on the day of signing and must be attached to the deed. The following documents must also be attached to the deed where applicable:

- The approved Sanction Letter and any subsequent amendments.
- The Events of Default document.
- The approved Property Plan.
- Any other documentation required by the APS Bank plc or by law to form part of the public deed.

In addition, the Housing Authority representative must be provided with a Certified True Copy of the original Power of Attorney executed by the beneficiaries in favour of the Permanent Secretary of the Housing Authority. This document will be retained by the Housing Authority for its records.

08 Submission of Post-Contract Documentation

Following the publication of the deed, the appointed private notary is required to submit the relevant documentation to the Housing Authority for record-keeping and compliance purposes.

The following documents must be provided to the Housing Authority as soon as they become available:

- A legal copy of the deed.
- A copy of the relative Note of Enrolment pertaining to the deed.
- A copy of the relative Notes of Hypothec and Reference, duly registered at the Public Registry and pertaining to the deed.
- Copies of the relevant forms duly registered at the Land Registry, where applicable.

Timely submission of these documents is essential to enable the Housing Authority to update its records and fulfil its post-contract obligations under the scheme.

04 Time Frames

The Equity Sharing Scheme involves several stakeholders, including the Housing Authority, APS Bank plc, the beneficiaries, vendors, estate agents (where applicable) and the appointed private notary. To ensure a smooth vetting and publication process, all necessary documentation and information should be gathered and reviewed well in advance of the intended publication date.

As a general guideline, the private notary should commence the collection of all documentation and required clearances at least three (3) months prior to the intended publication of the deed. This allows sufficient time for title searches, vetting, corrections, approvals, financing arrangements, and the resolution of any issues that may arise during the process.

Notaries are strongly encouraged to avoid scheduling publication dates until:

- The draft deed has been fully vetted and approved by all parties.
- Any observations raised by the Authority and APS Bank plc have been addressed.
- Payment instructions have been confirmed.
- All supporting documentation required for publication has been obtained.

Delays in providing documentation and/or responding to vetting comments, may result in the postponement of the signing appointment.

The Housing Authority and APS Bank can only process documentation and vetting requests once complete and accurate information has been received. Early preparation by the appointed notary is essential to avoid delays and ensure publication within the validity period of the Promise of Sale Agreement.

05 Key Contacts

QUERY	CONTACT	DETAILS
General Queries	Customer Care	customer.care.ha@ha.gov.mt Tel. 2299 1000
Queries related to working of shares in the approval letter	Schemes Section	schemes.ha@ha.gov.mt
Sending of Draft Deed	Contracts Section	Online Application www.housingauthority.gov.mt
Queries related to vetting process	Contracts Section Vetting Notary	contracts.ha@ha.gov.mt Tel. 2299 1190
Appointments	APS Bank plc	aps@mifsudadvocates.com.mt
Queries related to Copy of Deeds	Contracts Section Cristabelle Briffa	contracts.ha@ha.gov.mt Tel. 2299 1206

06 Private Notary Checklist

Use this checklist to confirm that each stage has been completed before moving to the next.

STEP 1 Promise of Sale Stage

- ☐ Attach the Scheme Conditions Document to the Promise of Sale Agreement.
- ☐ Submit a copy of the signed Promise of Sale Agreement to the Housing Authority's Schemes Section.

STEP 2 Issuing of Documentation

- ☐ Receive authorisation from the Housing Authority's Contracts Section to proceed with the deed.
- ☐ Receive the Draft Equity Sharing Contract (Maltese and English versions).
- ☐ Receive the Draft Power of Attorney.
- ☐ Receive the latest Scheme Conditions published in the Government Gazette.
- ☐ Receive the Terms and Conditions of the Equity Sharing Scheme.

STEP 3 Preparation and Submission of the Draft Deed

- ☐ Complete the draft deed with all relevant details relating to the parties, property, and transaction.
- ☐ Verify that ownership shares reflect the Housing Authority approval and valuation.
- ☐ Submit the draft deed to both the Housing Authority's Contracts Section and APS Bank's vetting lawyer simultaneously.
- ☐ Submit the draft Power of Attorney in favour of the Permanent Secretary with all relevant details related to the parties and properties as well as a copy of the applicant's sanction letter and any subsequent amendments.
- ☐ Communicate any queries, amendments, or issues to both the Housing Authority and APS Bank plc.
- ☐ Ensure that no Exemption from Examination of Title is included.

STEP 4 Vetting of the Draft Deed

- ☐ Review all amendments and observations received from the Housing Authority's vetting notary.
- ☐ Accept the agreed changes.
- ☐ Submit a final clean version of the draft deed for final approval.

STEP 5 Cheque Instructions

- ☐ Provide the Housing Authority with the names of all payees.
- ☐ Specify the amount payable to each payee.
- ☐ Confirm the number of cheques required.
- ☐ Inform beneficiaries of any applicable administrative fees for multiple cheques and the standard Housing Authority Administration Charge for signing of deed of €25.

STEP 6 Scheduling of the Contract

- ☐ Confirm final approval of the draft deed.
- ☐ Coordinate the signing appointment with APS Bank plc.
- ☐ Confirm the agreed date and time with all parties.

STEP 7 Signing of the Deed

- ☐ Ensure all parties are informed of the signing appointment.
- ☐ Obtain the beneficiaries' signatures on the Power of Attorney before execution of the deed.
- ☐ Ensure all documents required to be attached to the deed are available.
- ☐ Sanction Letter and any amendments.
- ☐ Events of Default document.
- ☐ Property Plan.
- ☐ Scheme Conditions as published in the Government Gazette.
- ☐ Terms & Conditions of the Scheme.
- ☐ POA of the Housing Authority.
- ☐ Any additional documents required by APS Bank plc or by law.
- ☐ Provide the Housing Authority representative with a Certified True Copy of the original Power of Attorney.

STEP 8 Post-Contract Documentation

- ☐ Submit a legal copy of the deed to the Housing Authority.
- ☐ Submit a copy of the Note of Enrolment.
- ☐ Submit copies of the Notes of Hypothec and Reference registered at the Public Registry.
- ☐ Submit copies of Land Registry documents (where applicable).

PART FOUR

Sir Sid Darek Schemes

SSD & SRP:

Tenant purchase of Government-owned residences at a subsidised price for eligible applicants.

01 General Overview

Sir Sid Darek Scheme (SSD) and Sir Sid Darek 2 Scheme (SRP) are closely related. Sections 1 and 2 describe each scheme separately. Sections 3 to 6 apply to both schemes and are set out once; wherever a point applies to only one scheme, it is marked **SSD only** or **SRP only**.

A. Sir Sid Darek Scheme (SSD)

The Sir Sid Darek Scheme (SSD) enables eligible tenants residing in Government-owned residential properties administered by the Housing Authority and/or the Lands Authority to purchase their residence and become homeowners. The scheme is intended to encourage tenants to acquire ownership of their home while continuing to use the property as their ordinary residence.

Eligible applicants whose total assets do not exceed €150,000 may benefit from a 50% subsidy on the approved sale price of the property. Applicants whose assets exceed this threshold may still purchase their residence at the applicable commercial price but will not qualify for the subsidy.

The sale of properties under the scheme remains subject to the approval and discretion of the Housing Authority. Certain properties, including those of strategic importance, high value, or historical significance, may not be offered for sale under the scheme.

Beneficiaries are generally required to retain ownership of the property for a minimum period of ten (10) years from the date of the deed. If the property is transferred before the expiry of this period, the subsidy granted under the scheme may become refundable in accordance with the applicable scheme conditions, deed provisions, and any directions issued by the Housing Authority.

B. Sir Sid Darek 2 Scheme (SRP)

The Sir Sid Darek 2 Scheme (SRP) enables eligible Housing Authority tenants residing in designated Government residential properties to purchase their ordinary residence and become homeowners.

The Scheme applies to eligible properties situated in designated localities and areas, including Valletta, Xatt ir-Risq, Senglea, Mtarfa, Pembroke, Tigné (Sliema) and Qasam tal-Bujar (Marsascala). Only properties owned by the Housing Authority, or which may be transferred by the Lands Authority to the Housing Authority, may be sold under the Scheme.

The Scheme operates in a similar manner to the Sir Sid Darek Scheme (SSD), whereby applicants purchase the property at a reduced value and become subject to several conditions regulating occupation, transfer and succession.

Unlike the SSD Scheme, the subsidy granted under the SRP Scheme remains recoverable upon any transfer of the property, irrespective of the period of transfer. Furthermore, where beneficiaries pass away, their heirs must occupy the property as their ordinary residence within one (1) year from the date of death. Failure to satisfy this requirement will render the subsidy refundable to the Housing Authority.

The Scheme is based on two separate property values:

- **Market Price:** the full open market value of the property;
- **Selling Price:** the amount payable by the beneficiary, equivalent to 50% of the commercial Price calculated by the Housing Authority.

Where a subsidy refund becomes due, the amount refundable is calculated based on the difference between the Market Price and the Selling Price.

The appointed private notary is responsible for preparing the draft deed, submitting it for vetting, incorporating all agreed amendments and coordinating the publication appointment once authorisation to proceed has been confirmed by the Housing Authority.

02 Key Facts

A. Sir Sid Darek Scheme (SSD)

ITEM	DETAILS
Property Type	Government-owned residential property.
Eligible Applicants	Eligible Housing Authority tenants residing in Government residential properties.
Property Ownership	Only properties owned by, or transferable to, the Housing Authority may be sold under the Scheme.
Subsidy Threshold	€150,000 in total assets.
Subsidy Rate	50%.
Commercial Purchase Option	Available to applicants exceeding the asset threshold.
Residence Requirement	Property must be used as the beneficiary's ordinary residence.
Transfer Restriction	Early transfer may trigger refund obligations in accordance with the applicable scheme conditions and deed provisions.
Early Transfer Penalty	The subsidy granted may become refundable if the property is transferred within ten (10) years, subject to the applicable scheme conditions.

B. Sir Sid Darek 2 Scheme (SRP)

ITEM	DETAILS
Property Type	Government-owned residential property.
Eligible Applicants	Eligible Housing Authority tenants residing in designated Government residential properties.
Property Ownership	Only properties owned by, or transferable to, the Housing Authority may be sold under the Scheme.
Market Price	The full open market value of the property.
Selling Price	The amount payable by the beneficiary, equivalent to 50% of the commercial price calculated by the Housing Authority.
Residence Requirement	Beneficiaries must occupy the property as their ordinary residence in accordance with Scheme conditions.
Transfer of Property	Transfer is subject to the conditions established under the Scheme and the final deed.
Subsidy Refund on Transfer	A subsidy refund is always applicable upon transfer of the property, irrespective of the timing of the transfer.
Refund	Calculated based on the difference between the Market Price and the Selling Price.
Death	Heirs may succeed to the property subject to Scheme conditions.
Occupation by Heirs	Heirs must occupy the property within one (1) year from the beneficiary's death, failing which the subsidy becomes refundable.

03 Step-by-Step Procedure

01 Promise of Sale Stage

Once the Housing Authority's Schemes section approves the sale of a property under the Sir Sid Darek Scheme (SSD) or the Sir Sid Darek 2 Scheme (SRP), the applicants will be requested to sign a promise of sale agreement with the Housing Authority sent by the Contracts section. This agreement is executed directly with the Housing Authority and is not registered in the same manner as an ordinary promise of sale agreement. This procedure is acceptable to the Commissioner for Revenue (CIR). A signed copy of the promise of sale and plans will be forwarded to the applicants. When the application is ready to proceed to publication of the deed, the Housing Authority will issue a letter instructing the applicants to appoint a private notary.

> **IMPORTANT NOTE**
>
> The promise of sale agreement is not subject to bank financing and is valid for a period of one (1) year, unless otherwise extended by the Housing Authority.

02 Receipt and Verification of Documentation

Upon being contacted by the applicants, the appointed private notary should obtain all relevant documentation, including the applicants' details, the property address, the official Housing Authority file number, a copy of the signed promise of sale agreement, the approved property plans, and the table of approved prices and subsidies issued by the Housing Authority.

The private notary should carefully review the documentation and verify that the details of the parties, the property, and the approved purchase price are consistent with the information issued by the Housing Authority.

If not already in possession, the appointed private notary should request by email the latest draft deed template for the relevant scheme (SSD or SRP) from the Housing Authority Contracts Section before commencing the drafting process.

> **IMPORTANT NOTE**
>
> Notaries are reminded that publication of the final deed may only proceed once the property has been transferred and registered in the name of the Housing Authority and authorisation to proceed has been issued by the Housing Authority. Any intended publication date should therefore be discussed with the Contracts Section before being confirmed to the parties.

03 Preparation and Submission of the Draft Deed

The appointed private notary is responsible for preparing the draft deed of sale and inserting all relevant details relating to the parties, the property and the transaction. Attention should be given to the applicants' details, the property description, the approved purchase price, the subsidy granted (where applicable), the deposit already paid, and the balance payable upon publication of the deed.

Prior to submitting the draft deed, the notary should ensure that all documentation required for publication has been identified. This includes the approved property plans and the Terms and Conditions of the relevant scheme (SSD or SRP). These documents are generally provided by the Housing Authority representative on the date of publication and must be attached to the deed, unless otherwise directed by the Housing Authority.

Once completed, the draft deed should be submitted to the Housing Authority Contracts Section for review. Any queries or issues identified during the drafting stage should be raised with the Housing Authority Contracts Section at the earliest opportunity to avoid delays during the vetting process.

04 Vetting of the Draft Deed

Once the draft deed has been completed and submitted, it will be reviewed by the Housing Authority's vetting notary. Any amendments, observations or corrections will be returned to the appointed private notary using the Track Changes feature.

The appointed private notary is encouraged to carefully review the observations received, address any outstanding matters, and prepare a final clean version of the deed for publication. This helps ensure that all requirements have been satisfied before the deed is scheduled for publication.

IMPORTANT NOTE

The appointed private notary should ensure that the final version of the deed presented on the date of publication contains all agreed amendments and that all Track Changes have been accepted. This will help avoid delays, confusion, and unnecessary amendments during publication.

05 Scheduling the Publication of the Deed

Once the draft deed has been vetted and all observations have been addressed, the appointed private notary should contact the Housing Authority Contracts Section to coordinate a date for publication of the deed. Where applicable, the appointed private notary should also liaise with any local bank involved in the transaction to ensure that all relevant parties are available on the proposed date.

Before requesting a date for publication of the deed, the appointed private notary should ensure that the draft deed has been finalised, all supporting documentation has been obtained or identified, and any outstanding matters raised during the vetting process have been resolved.

Once the appointment has been agreed, the appointed private notary should communicate the date, time, and venue for publication of the deed to all parties involved and ensure that they are informed of any documentation or payments they may be required to provide on the day of publication.

IMPORTANT NOTE

Dates for publication of the deed should only be requested once the draft deed has been fully vetted and agreed upon. Scheduling appointments prematurely may result in unnecessary delays or the rescheduling of the publication date.

06 Publication and Signing of the Deed

On the day of publication, a representative of the Housing Authority will attend the signing appointment to safeguard the Authority's interests and ensure that all scheme requirements are complied with.

IMPORTANT NOTE

Personal cheques are not accepted. Any balance due on the purchase price must be settled by bank draft or another payment method accepted by the Housing Authority.

The appointed private notary should ensure that all parties are informed of the appointment details and that all documentation required for publication is available and ready for execution. For this scheme, the documents normally attached to the deed include the approved plans and the Terms and Conditions of the relevant scheme (SSD or SRP), unless otherwise instructed by the Housing Authority.

The Housing Authority representative will provide the above-mentioned documents and will collect any balances, administrative charges, arrears, or other amounts due where applicable. Official receipts for such payments will be issued by the Housing Authority representative.

> **IMPORTANT NOTE**
>
> The final version of the deed presented for publication should be identical to the vetted version approved by the Housing Authority. Any amendments should be discussed with the Housing Authority before publication to avoid delays or complications during publication.

07 Submission of Post-Contract Documentation

Following publication of the deed, the appointed private notary is required to submit the relevant documentation to the Housing Authority Contracts Section for record-keeping and compliance purposes, unless otherwise instructed.

The following documents must be provided to the Housing Authority as soon as they become available:

- A legal copy of the deed.
- A copy of the relative Note of Enrolment pertaining to the deed.
- A copy of the relative Notes of Hypothec and Reference, duly registered at the Public Registry and pertaining to the deed.
- Copies of the relevant forms duly registered at the Land Registry, where applicable.

Timely submission of these documents is essential to enable the Housing Authority to update its records and fulfil its post-contract obligations under the scheme.

04 Time Frames

The Sir Sid Darek Schemes (SSD and SRP) involve coordination between the Housing Authority, the applicants and the appointed private notary. To help avoid delays during the publication process, notaries are encouraged to begin gathering the necessary documentation and preparing the draft deed as early as possible.

As a general guideline, the draft deed should be submitted to the Housing Authority for vetting at least three (3) months prior to the intended publication date. This allows sufficient time for review, amendments and the resolution of any outstanding matters before the deed is scheduled for signing.

Notaries are strongly encouraged to avoid requesting a publication date until:

- The draft deed has been vetted and agreed upon.
- Any observations raised during the vetting process have been addressed.
- All documentation required for publication has been obtained.
- The applicants have been informed of any amounts payable upon publication and have made the necessary arrangements for payment. In particular, any balance due on the purchase price should be settled by bank draft or by any other method of payment accepted by the Housing Authority.

Delays in providing documentation or responding to vetting observations may result in the postponement of the intended publication date. Early preparation and timely communication will contribute to a smoother and more efficient publication process.

05 Key Contacts

QUERY	CONTACT	DETAILS
General Queries	Customer Care	customer.care.ha@ha.gov.mt
Queries related to subsidy and assets	Schemes Section	schemes.ha@ha.gov.mt
Submission of Draft Deed	Contracts Section	Online Application www.housingauthority.gov.mt
Queries related to vetting process	Contracts Section Vetting Notary	contracts.ha@ha.gov.mt
Publication Appointments	Contracts Section	contracts.ha@ha.gov.mt
Queries related to Copy of Deeds	Contracts Section	contracts.ha@ha.gov.mt

06 Private Notary Checklist

Use this checklist to confirm that each stage has been completed before moving to the next.

STEP 1 Promise of Sale Stage

- ☐ Obtain the applicants' details and property address.
- ☐ Obtain the official Housing Authority file number.
- ☐ Obtain a copy of the signed Promise of Sale Agreement.
- ☐ Obtain the approved property plans.
- ☐ Obtain the table of approved prices and subsidies issued by the Housing Authority.
- ☐ Verify that the details of the parties, property and approved purchase prices are correct.
- ☐ Clarify any discrepancies with the Housing Authority before proceeding.

STEP 2 Receipt and Verification of Documentation

- ☐ Review all documentation received from the applicants.
- ☐ Verify that the approved purchase price, subsidy, where applicable, and property details correspond with the Housing Authority documentation.
- ☐ Ensure that all information required to prepare the deed is available.
- ☐ If not already in possession, request the latest draft deed template for the relevant scheme (SSD or SRP) from the Housing Authority Contracts Section prior to commencing drafting.
- ☐ Raise any outstanding queries with the relevant Housing Authority section.

STEP 3 Preparation and Submission of the Draft Deed

- ☐ Prepare the draft deed with all relevant details relating to the parties, property and transaction.
- ☐ Ensure that the approved purchase price, subsidy, deposit paid and balance payable are accurately reflected in the deed.
- ☐ Verify that the approved property plans correspond with the property description contained in the deed.
- ☐ Ensure that all documentation required for publication has been identified.
- ☐ Ensure that the approved plans and the Terms and Conditions of the relevant scheme (SSD or SRP) have been identified for attachment to the deed.
- ☐ Submit the draft deed to the Housing Authority's Contracts Section.
- ☐ Submit the draft deed as early as possible and preferably at least three months before the intended publication date.

STEP 4 Vetting of the Draft Deed

- ☐ Review all observations, amendments and corrections received from the Housing Authority's vetting notary.
- ☐ Address any outstanding matters raised during the vetting process.
- ☐ Prepare a final clean version of the deed.
- ☐ Ensure that all agreed amendments have been incorporated.
- ☐ Ensure that all Track Changes have been accepted prior to publication.

STEP 5 Scheduling the Publication of the Deed

- ☐ Confirm that the deed has been fully vetted and agreed upon.
- ☐ Ensure that all supporting documentation has been obtained.
- ☐ Confirm that any outstanding vetting observations have been addressed.
- ☐ Contact the Contracts Section to agree on a publication date.
- ☐ Coordinate with any local bank involved in the transaction, where applicable.
- ☐ Inform all parties of the agreed date, time and venue.
- ☐ Ensure that applicants are informed of any payments required on the day of publication and of the method of payment accepted by the Housing Authority.

STEP 6 Publication and Signing of the Deed

- ☐ Ensure that all parties are informed of the publication appointment.
- ☐ Bring the final vetted version of the deed.
- ☐ Ensure that the approved property plans are available for attachment to the deed.
- ☐ Ensure that the Terms and Conditions of the relevant scheme (SSD or SRP) are attached to the deed.
- ☐ Verify that the version presented for publication is identical to the vetted version approved by the Housing Authority.
- ☐ Ensure that any last-minute amendments have been discussed with the Housing Authority prior to publication.
- ☐ Ensure that all annexed documents, where applicable, are signed where required.

STEP 7 Submission of Post-Contract Documentation

- ☐ Submit a legal copy of the deed to the Housing Authority Contracts Section.
- ☐ Submit a copy of the relative Note of Enrolment pertaining to the deed.
- ☐ Submit a copy of the relative Notes of Hypothec and Reference registered at the Public Registry.
- ☐ Submit copies of the relevant Land Registry forms, where applicable.
- ☐ Ensure that all post-contract documentation is submitted as soon as it becomes available.

Concluding Remarks

The journey to homeownership is a shared one. Behind every deed is a family or individual taking an important step towards securing their home. Behind every successful contract is a collaborative effort involving the Housing Authority, appointed private notaries, financial institutions and the many other stakeholders who contribute throughout the process.

The Housing Authority recognises and values the professionalism and expertise that private notaries and other professionals bring to this process. We are committed to fostering a smoother, clearer and more efficient contract journey for all involved. Early engagement, open communication and a shared understanding of requirements between the Contracts Section, notaries and other stakeholders are essential to achieving this.

The Authority warmly encourages notaries and stakeholders to share their experiences, suggestions and ideas for improvement. The practical insights of those who work on these files every day are invaluable in helping us refine procedures, strengthen guidance and inform future editions of this guidebook.

By working together and maintaining a shared commitment to collaboration and service, we can make the contract journey more transparent, efficient and straightforward for every family and individual taking this important step towards homeownership.

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Housing Dialogues
Shaping the Homeownership Journey

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