

(xxxxxx RP NAME)

TO

WELWYN HATFIELD BOROUGH
COUNCIL

GENERAL NEEDS SOCIAL RENT
NOMINATION AGREEMENT

relating to Affordable Housing on the
Land at (xxxxxx Site Location and
address), Hertfordshire

Margaret Martinus
Solicitor
Legal Services Manager
Welwyn Hatfield Borough Council
Council Offices
The Campus
Welwyn Garden City
Hertfordshire AL8 6AE
Tel: 01707 357000

“the RP” means xxxxxxxxxx (insert RP name) or another registered provider of social housing as defined within the provisions of the Housing and Regeneration Act 2008

"A Void" means a vacancy created as a result of the death of a tenant or where the tenant secures alternative accommodation for themselves and vacates the Property.

2. The Social Rented Housing shall only be occupied on a tenancy agreement as determined by the RP's tenancy policy at a rent set at a level complying with the guidance issued from time to time by the Homes England under Section 80 of the Housing and Regeneration Act 2008 or at a lower level agreed between the RP and the Council (both acting reasonably) PROVIDED ALWAYS AND IT IS HEREBY AGREED as follows:-
 - 2.1 Following practical completion of the works comprising the Development and during the Perpetuity Period the RP will let the Properties in accordance with the RPs letting policy and rules provided that such rents will be adjusted in accordance as necessary with the Homes England's Rent Restructuring Regime from practical completion of the Properties
3. When any Property becomes available for occupation the RP will let the Property to a person within the letting policy rules of the RP and subject to the Nomination Rights contained in clauses 4 to 10
4. On completion of the Development the Council will be entitled to Nomination Rights in respect of 100% of the initial vacancies and 75% of Void Properties thereafter. (In addition, if an RP tenancy becomes empty as a result of the tenant accepting a property from the Council's Housing Needs Register, then the Council will have the absolute right to exercise Nomination Rights in respect to the subsequent letting of that Property even though nomination will exceed the level of Nomination rights specified in this Clause 4.)
5. Every nomination made in accordance with these terms and conditions shall comply with Welwyn Hatfield Council approved allocations scheme at the time of nomination
6. The RP will notify Welwyn Hatfield Council by email using the standard Nomination Request Form (Appendix 2) 14 days before advertising when a Property in respect of which the Council is entitled to exercise Nomination

Rights becomes available to let and the following details should always be provided:-

- 6.1 the full postal address of the Property
- 6.2 the estimated rent and service charge
- 6.3 the anticipated tenancy commencement date
- 6.4 the type of Property (e.g. house flat bungalow)
- 6.5 the floor level
- 6.6 any special requirements (e.g. is the Property adapted for a wheelchair user)
- 6.7 if the nomination needs or should preferably be made in respect of a specific type of nominee
7. Welwyn Hatfield Council will notify the RP within seven working days of receipt of the email notification from the RP referred to in condition 6 of its Nominee and notification from the Council will be made in writing using the agreed standard Nomination Details Form (Appendix 3)
8. If the Nominee fails to accept the offer of accommodation within four working days of receipt of the offer or the RP refuses to accept the nomination on reasonable grounds the RP must notify Welwyn Hatfield Council as soon as possible and Welwyn Hatfield Council can then exercise further Nomination Rights in respect of the Property within the time period as set out in clause 7 until a letting to a Nominee is achieved
9. The RP shall notify Welwyn Hatfield Council by email of the outcome of the nomination within five working days and if the Nominee accepts the RP must within five working days notify Welwyn Hatfield Council by email of the date of letting the name of tenant and the address of the Property let using the standard Outcome of Nomination Form (Appendix 4)
10. The RP may allocate a tenancy of a Property in accordance with their own letting policy in any one of the following circumstances:-
 - 10.1 Welwyn Hatfield Council fails without reasonable cause to exercise a Nomination Right within seven working days of receiving the notification referred to in clause 6

- 10.2 Welwyn Hatfield Council has given written notice following the seven working days period referred to in clause 7 that it does not wish to exercise its Nomination Right on that particular occasion
- 10.3 That the third party nominee put forward by Welwyn Hatfield Council pursuant to its Nomination Rights has either failed to accept the offer or is rejected by the RP pursuant to Clause 8.
11. The RP shall supply to Welwyn Hatfield Council full details of its letting policy rules and its letting activity at intervals not exceeding [six months using the agreed Lettings Return Form (Appendix 5)
12. The terms of this Agreement are personal to the parties hereto and are not binding on:
 - 12.1 a mortgagee of the Property (including a security trustee or other charge);
 - 12.2 a receiver appointed by such mortgagee in exercising a power of sale;
 - 12.3 anyone deriving title through such a mortgagee or receiver;
 - 12.4 a tenant of the RP who has acquired a dwelling under a statutory right to acquire and his successors in title;
- 13.0 Unless otherwise stated this Agreement does not, and the parties do not intend to confer any right or benefit which is enforceable by virtue of the Contracts (Right of Third Parties) Act 1999 upon any person who is not a party to this Agreement

IN WITNESS whereof the parties have executed this Agreement as a Deed the day and year first before written

Appendix 1 Site Location Map

APPENDIX 2

NOMINATION REQUEST FORM

| | |
|--|--|
| PARTNER LA: | |
| LANDLORD: | |
| PROPERTY CODE: | |
| CONTACT PERSON DETAILS | |
| NAME: | |
| TEL NO: | |
| EMAIL TO: | housingoptions@welhat.gov.uk |
| EMAIL FROM: | |
| FAX: | |
| DATE OF REQUEST: | |
| REASON FOR VOID: | |
| ENERGY PERFORMANCE LEVEL/PROVISIONAL EPL: | |

REQUEST

| | | | |
|--------------------------------|--|--|----------------|
| ADDRESS: | | | |
| POSTCODE: | | | |
| NO. BEDROOM: | | | |
| SEPARATE DINING | YES <input type="checkbox"/> NO <input type="checkbox"/> | | |
| BED SPACE (occupancy) | MINIMUM | | MAXIMUM |
| SHELTERED ACCOMMODATION | YES <input type="checkbox"/> NO <input type="checkbox"/> | | |
| IF YES | RESIDENT WARDEN <input type="checkbox"/> | | |
| | WARDEN ON CALL <input type="checkbox"/> | | |

| | |
|---------------------------------------|--|
| MINIMUM AGE (where applicable) | |
| PROPERTY TYPE | |

| | |
|---|--|
| HOW MANY STEPS ARE THERE UP TO YOUR PROPERTY? | |
| LIFT | YES <input type="checkbox"/> NO <input type="checkbox"/> |
| FLOOR LEVEL | |
| HEATING TYPE: | |
| ADAPTATIONS IN PROPERTY (PLEASE TICK ALL THAT APPLY) | <input type="checkbox"/> Doorways Widened <input type="checkbox"/> Powerpoints raised <input type="checkbox"/> Shower installed Shower Type: <input type="checkbox"/> Over bath <input type="checkbox"/> Level entry <input type="checkbox"/> Level access <input type="checkbox"/> Taps fitted <input type="checkbox"/> Raised toilet (on a plinth) Lift installed: <input type="checkbox"/> Through floor lift <input type="checkbox"/> Facility for stair lift <input type="checkbox"/> Ceiling track for hoist Ramps (front) installed <input type="checkbox"/> Ramps (rear) installed <input type="checkbox"/> Extension built <input type="checkbox"/> Hardstanding (for vehicle) <input type="checkbox"/> Storage for mobility scooter <input type="checkbox"/> Level Threshold <input type="checkbox"/> Visual Doorbell <input type="checkbox"/> Lighting modified <input type="checkbox"/> Downstairs WC installed <input type="checkbox"/> Lower Kitchen Unit |
| GARDEN (exclusive/shared/none) | |
| GARAGE? | YES <input type="checkbox"/> NO <input type="checkbox"/> |
| COUNCIL TAX BAND? | |
| SUITABLE FOR PETS? | YES <input type="checkbox"/> NO <input type="checkbox"/> |

| | |
|---|---|
| TYPE OF TENANCY (i.e. Shared Ownership, Key workers, Assured Tenancy etc.) | |
| DOES A LOCAL LETTINGS POLICY APPLY? If yes – Please give details | YES <input type="checkbox"/> NO <input type="checkbox"/> |
| RENT (weekly/monthly) | |
| SERVICE CHARGE: | |
| SUPPORT CHARGE: | |
| EXPECTED TENANCY START DATE: | |
| FEATURES: | |

PLEASE ATTACH PHOTO WHERE POSSIBLE

APPENDIX 3

NOMINATION DETAILS FORM

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|---|--|
| Date | |
| Name and Address of Housing Assoc. | |
| Contact | Welwyn Hatfield Council |
| Phone number: | 01707 357613 |
| e-mail address: | housingoptions@welhat.gov.uk |
| Fax number: | 01707 357630 |

ADDRESS OF PROPERTY NOMINATED FOR:

| | |
|--------------------------------|--|
| Property type and size: | |
|--------------------------------|--|

NOMINEE DETAILS:

| | | | |
|--|--|--------------|--|
| Applicant name | | D.O.B | |
| Address | | | |
| Postcode | | | |
| Phone (home) | | | |
| Phone (work) | | | |
| Phone (mobile) | | | |
| e-mail address | | | |
| Joint applicant | | D.O.B | |
| Address:(if different from above) | | | |
| Postcode | | | |

| | |
|---------------------------|--|
| Application Number | |
|---------------------------|--|

| | |
|------------------------|--|
| Band & Date | |
|------------------------|--|

DETAILS OF OTHER HOUSEHOLD MEMBERS:

| Surname | First name | D.O.B. | Relationship |
|---------|------------|--------|--------------|
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CORE INFORMATION:

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| Question 12 (current accommodation) | |
| Question 14 (homeless status) | |

APPLICATION TYPE:

| | |
|----------------------------|--|
| Homeless | |
| Waiting list | |
| RSL tenant transfer | |
| WHC tenant transfer | |
| Other | |

BRIEF SUMMARY OF CURRENT CIRCUMSTANCES, AND ADDITIONAL INFORMATION/COMMENTS:

| |
|---|
| <p>To discuss this case:</p> <p>Contact:</p> <p>Telephone number:</p> |
|---|

IF STAFF SHOULD BE ACCOMPANIED AT VIEWING PLEASE GIVE DETAILS:

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WILL NOMINEE REQUIRE ACCESS TO TRANSLATION SERVICES OR ASSISTANCE WITH READING PAPERWORK? IF SO, PLEASE GIVE DETAILS:

Has any member of the above household been the subject of any anti-social behaviour action by their current landlord – including the issue of a Notice of Seeking Possession, Acceptable Behaviour Contract or an Anti-Social Behaviour Order?

YES NO

If “YES”, then please provide details, including a copy of any Notice/Order/Contract and also a report on any behaviour issues which have occurred since the Notice/Order/Contract was issued.

Does any member of the above household:

Have difficulty climbing stairs? YES NO

Use a wheelchair? YES NO

Have a medical condition? YES NO

Have a support worker? YES NO

Have any special needs? YES NO

Require specialist housing? YES NO

Need support in addition to the usual YES NO

Housing/Estate Officer support?

Need (or is likely to need within 6 months)

Adaptations to a standard property? YES NO

If “YES” please provide full details, including contact details for any support worker.

Are there any rent arrears outstanding with their current landlord?

Yes No Not aware

If “YES” please provide full details of the arrear, any agreement the tenant has made to clear the outstanding amount and a record showing whether the agreements has been adhered to.

APPENDIX 4

OUTCOME OF NOMINATION FORM

| | | |
|---------------------------------|--|-------------------|
| Application number | | Void Code: |
| Receiving Association | | |
| Original nomination date | | |

NOMINEE DETAILS:

| | |
|-----------------------|--|
| Nominee's name | |
| Address | |

| | |
|--------------------------------|--|
| Property nominated for: | |
|--------------------------------|--|

Tenancy accepted

| | |
|-------------------------------------|--|
| Commencement of tenancy date | |
|-------------------------------------|--|

Tenancy refused

Reason nominee has refused

| | |
|---------------------------------------|--|
| Rent too high | |
| Does not want an assured tenancy | |
| Wants Right to Buy | |
| Wants different area | |
| Wants lower floor | |
| Wants different property type | |
| No longer interested in moving | |
| Wants larger property | |
| Does not want sheltered accommodation | |
| Wants sheltered accommodation | |
| Too far from amenities | |
| Too many stairs | |
| Unsuitable due to disability | |
| Risk of racial/sexual harassment | |
| Other (please specify | |

OR - reason housing association has refused

| | |
|---|--|
| Nominee's income is over Association's income limit | |
| Pets are not allowed at the property | |
| Nominee has history of ASB and not making efforts to overcome problem | |
| Nominee currently has RSL arrears with no agreement to clear | |
| Other – please specify: | |

| | |
|--|--|
| Housing Association Contact Officer | |
| Date | |

Appendix 5

LETTINGS RETURN

NAME OF HOUSING ASSOCIATION: _____

NAME OF CONTACT OFFICER: _____ TELEPHONE: _____

RETURN FOR 6 MONTH PERIOD ENDING: _____

| Date | Address including Postcode | Property Type (Inc. no of bedrooms) | General needs/ Sheltered/Specially Adapted | Reason for Vacancy | Date Let | Name of New Tenant | Previous Address | Source of Nomination | Ethnic Origin |
|------|----------------------------|-------------------------------------|--|--------------------|----------|--------------------|------------------|----------------------|---------------|
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| | | | | | | | | | |

| Date | Address including Postcode | Property Type (Inc. no of bedrooms) | General needs/ Sheltered/Specially Adapted | Reason for Vacancy | Date Let | Name of New Tenant | Previous Address | Source of Nomination | Ethnic Origin |
|------|----------------------------|-------------------------------------|--|--------------------|----------|--------------------|------------------|----------------------|---------------|
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EXECUTED AS A DEED by affixing)
THE COMMON SEAL of)
RP NAMEXXXXXXXXXXXXXXXXXXXXXXX)
XXXXXXXXXXXXXXXXXXXXXXX)
hereunto in the presence of:)

Authorised Signatory

Authorised Signatory

THE COMMON SEAL of WELWYN)
HATFIELD BOROUGH COUNCIL)
was hereunto affixed in)
the presence of)

Authorised Officer