

## THIRD SCHEDULE

### (Restrictions and Obligations)

#### 1. Affordable Housing

- 1.1 To construct or procure the construction of the Affordable Housing Units in accordance with:
  - 1.1.1 the Permission; and
  - 1.1.2 the Homes and Communities Agency 'Design and Quality Standards 2007' (or to such subsequent design and quality standards of the Homes and Communities Agency as are current at the date of construction); and
  - 1.1.3 the Joseph Rowntree Foundation 'Lifetime Homes' standards; and
  - 1.1.2 level 3 of the Code of Sustainable Homes published by the Department for Communities and Local Government on 27<sup>th</sup> February, 2008 as updated by the technical guide version 2 published in May, 2009.
- 1.2 the Affordable Housing Units must at all times be let and managed [or co-owned] by a Registered Social Landlord in accordance with the guidance issued from time to time by the Homes and Communities Agency (or any successor agency) with the intention that the Affordable Housing Units shall at all times be used for the purposes of providing Affordable Housing in the tenure(s) specified in definition 1.8 of this deed (unless otherwise agreed in writing by the Council) to persons who are:
  - 1.2.1 registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and
  - 1.2.2 satisfy the requirements of paragraph 1.3 below.
- 1.3 The Affordable Housing Units must be advertised through Home Point and allocated in accordance with the Herefordshire Allocation Policy for occupation as a sole residence to a person or persons one of whom has:-
  - 1.3.1 a local connection with the parish of [*primary parish*]; or
  - 1.3.2 in the event of there being no person having a local connection to the parish of [*primary parish*] a person with a local connection to one of the following parishes: [  
]; or
  - 1.3.3 in the event of there being no person with a local connection to any of the parishes referred to in sub-paragraphs 1.3.1 and 1.3.2 above any other person ordinarily resident within the administrative area of the Council who is eligible under the allocations policies of the Registered Social Landlord if the Registered Social Landlord can demonstrate to the Council that after 28 working days of any of the Affordable Housing Units becoming available for letting the Registered Social Landlord having made all reasonable efforts through the use of Home Point have found no suitable candidate under sub-paragraphs 1.3.1 or 1.3.2 above.
- 1.4 For the purposes of sub-paragraphs 1.3.1 or 1.3.2 of this schedule 'local connection' means having a local connection to one of the parishes specified above because that person:
  - 1.4.1 is or in the past was normally resident there; or

- 1.4.2 is employed there; or
  - 1.4.3 has a family association there; or
  - 1.4.4 a proven need to give support to or receive support from family members;  
or
  - 1.4.5 because of special circumstances
- 1.5 For the purposes of paragraph 1.4 of this schedule
- 1.5.1 “normally resident” shall be established by having resided in one of the parishes specified in sub-paragraphs 1.3.1 or 1.3.2 of this schedule for 6 out of the last 12 months or 3 out of the last 5 years.
  - 1.5.2 “employed” shall mean in the employ of another (or a formal offer of such employment) not being of a casual nature but shall not exclude part-time employment of 16 hours or more per week or self employment.
  - 1.5.3 “family association” shall mean where a person or a member of his household has parents, adult children, brothers or sisters currently residing in one of the parishes specified in sub-paragraphs 1.3.1 or 1.3.2 above and who have been resident for a period of at least 12 months and that person indicates a wish to be near them.
  - 1.5.4 “support” shall mean a proven need to provide or receive personal and physical care to enable a person or a family member to live independently in the community and includes people who are in need of such support but are not normally resident but have long standing links with the local community.
  - 1.5.5 “special circumstances” shall not normally apply but amount to circumstances which in the view of the Council may give rise to a local connection.
- 1.6 The provisions of paragraphs 1.2, 1.3, 1.4 and 1.5 of this schedule shall not be binding on nor enforceable against
- 1.6.1 any mortgagee or chargee of the Registered Social Landlord which exercises its power of sale appointment of a receiver or power of entry as mortgagee or chargee or its successors in title deriving title under such mortgagee or chargee shall not be bound by any of the restrictions provisions or obligations set out in this Schedule if the mortgagee or chargee shall have complied with its obligations pursuant to Section 40 and 41 of the Housing Act 1996 and no proposals for the future ownership and management of the Land by a Registered Social Landlord shall have been agreed by the mortgagee or chargee within the moratorium period determined in accordance with Sections 42 to 45 of the said Act; or
  - 1.6.2 any occupier of an Affordable Housing Unit who has exercised a statutory right to buy or acquire the whole of the freehold estate in an Affordable Housing Unit nor any mortgagee of such occupier or their respective successors in title.
- [1.7 Where any of the Affordable Housing Units are made available for Shared Ownership the occupiers shall not be permitted to own more than 80% of the total equity value of such Affordable Housing Units.]