

THIS DEED OF NOMINATION RIGHTS is made the
2021

8th July

day of

BETWEEN:

- (1) HAVEBURY HOUSING PARTNERSHIP of (Registered Society Number RS007648) whose registered office is at Havebury House, Western Way, Bury St Edmunds, Suffolk, IP33 3SP ('the Registered Provider') and
- (2) **MID SUFFOLK DISTRICT COUNCIL** of Endeavour House, 8 Russell Road, Ipswich, Suffolk, IP1 2BX ('the District Council')

1. Definitions

In this Deed:

- 1.1 'Affordable Housing' means subsidised housing that will be available to persons who cannot afford to rent or buy housing generally available on the open market
- 1.2 'Affordable Housing Units' means the thirty-eight (38) Dwellings all of which shall be Affordable Housing to be provided as Rental Dwellings to be let at an Affordable Rent or Social Rent and shall be occupied by persons allocated in accordance with a Choice Based Lettings Scheme to which the District Council is a party or otherwise nominated by the District Council pursuant to this deed of nomination rights as varied from time to time and Affordable Housing Units shall be construed accordingly
- 1.3 'Affordable Rent' means housing made available by a Registered Provider as low-cost rent accommodation (as defined by the Housing and Regeneration Act 2008 Section 69) with a rent charged at a level up to 80% of the equivalent market rent inclusive of any service charges applicable

- 1.4 'Chargee' means any mortgagee or chargee of the Registered Provider who is in possession or any receiver or manager (including an administrative receiver) appointed by such a mortgagee or charge or any other person appointed under any security documentation to enable such mortgagee or chargee to realise its security or any administrator (howsoever appointed) including a housing administrator of the whole or any part of the Affordable Housing Units.
- 1.5 'Chargee's Duties' means the tasks and duties set out in Clause 12.4 of this deed.
- 1.6 'Gateway to Homechoice' means the Greater Haven Gateway sub-regional Choice Based Lettings system
- 1.7 "the Service Level Agreement" means the Gateway to Homechoice service level agreement or such other service level agreement for the time being in force made between the Registered Provider and Others (1) and the District Council and Others (2)
- 1.8 'Initial Let' means the first tenancy of such newly constructed and previously unoccupied Affordable Housing Unit
- 1.9 'Local Connection Criteria' means an individual who immediately before taking up occupation of an Affordable Housing Unit
- 1.9.1 had his only or principal home in the parish of Mid Suffolk for a continuous period of not less than 2 years and in the event that there are no or insufficient individuals qualifying under this sub-paragraph then the choice of person shall

default to (but with no preference in ranking order) to those individuals fulfilling the criteria set out in the following sub-paragraphs 1.9.2 to 1.9.4 inclusive

- 1.9.2 has or a member of whose household has a parent adult child brother or sister whose only or principal home is and has been for a continuous period of not less than 2 years in the parish of Mid Suffolk and wishes to be near that relative or
- 1.9.3 is employed in the parish of Mid Suffolk on the date of the consideration of the individual's entitlement for an Affordable Housing Unit and has been continuously so employed for 2 years
- 1.9.4 who during the period commencing from the date on which an Affordable Housing Unit to which such individual is eligible pursuant to this sub-paragraph becomes available (for the purposes of this sub-paragraph called the "Availability Date") can provide satisfactory written evidence to the District Council of his or her former residency in the parish of Mid Suffolk for either (i) six months out of the preceding twelve months or (ii) three years out of the preceding five years and in either case such period of former residency shall end with the Availability Date
- 1.10 'Mutual Exchange' means the procedure by which a tenant may exchange their house with another council or housing association tenant
- 1.11 'Nomination List' means the Gateway to Homechoice Short List produced in accordance with the Gateway to Homechoice SLA
- 1.12 'Nominee' means a person named on the Gateway to Homechoice Short List who satisfies the Local Connection Criteria and is verified by the District Council as best meeting the criteria for the category of Affordable Housing Unit in respect of which

the Registered Provider is to select a person from the Nomination List and offer a Tenancy Agreement

- 1.13 'Practical Completion' means issue of a certificate of practical completion by the Registered Provider's surveyor or in the event that the Affordable Housing Units are constructed by a party other than the Registered Provider the issue of a certificate of practical completion by that other party's surveyor
- 1.14 'Property' means the land and dwellings off Violet Hill Road, Stowmarket Suffolk shown edged red on the plan annexed
- 1.15 'Protected Tenant' means any Nominee who has:
1. Exercised the right to acquire pursuant to the Housing and Regeneration Act 2008 or any statutory provision for the time being in force (or any equivalent contractual right) in respect of a particular Affordable Housing Unit
 2. Exercised the right to buy or the preserved right to buy
- 1.16 'Registered Provider' means Havebury Housing Partnership as a registered provider of social housing as defined in section 80(2) of the Housing and Regeneration Act 2008 and listed in the register kept by Homes England under Chapter III of that Act
- 1.17 'Rented Dwelling' means an Affordable Housing Unit which is to be let at an Affordable rent is let on the Registered Provider's standard form of letting in accordance with the terms of this Deed by a Registered Provider
- 1.18 'Social Rent' "low cost rental accommodation that is typically made available at rent levels that are set in accordance with the rent component of the Social Housing Regulator's tenancy standard. Rent levels should be calculated