

FIRST SCHEDULE

AFFORDABLE HOUSING

The Council and the Owner hereby agree:

1. The physical location layout, size and specification of the Affordable Housing Units shall be approved by the Council's Head of Housing and Social Inclusion prior to the Commencement of the Development. This approval is additional to any requirements of the Planning Permission
2. The Affordable Housing Units shall for the Perpetuity Period not be occupied or permitted to be occupied by the Owner other than as Affordable Housing and in accordance with this Agreement and shall not be let or disposed of other than to a Designated Person
3. The Owner shall not occupy or permit to be occupied more than 50% of the Open Market Housing until the Owner has:
 - 3.1 Constructed and completed and made the Affordable Housing Units Available for Occupation by Designated Persons; or
 - 3.2 Transferred the Affordable Housing Units to an RSL
4. The Owner shall give three months written notice to the Council's Head of Housing and Social Inclusion of the date when the Affordable Housing Units shall be Available for Occupation and any notice served under this paragraph shall include details of the offer made to an RSL and state whether the Owner has exchanged contracts for the sale of the Affordable Housing (or any of the Affordable Housing Units) to an RSL
 - 4.1 Head of Housing and Social Inclusion shall be invited to nominate in priority order and in writing within twenty-five working days of receipt of such notice up to four prospective Designated Persons to occupy any of the Affordable Housing Units
 - 4.2 The RSL shall within ten working days have the reasonable right of interview enquiry and (on reasonable grounds) ultimate rejection of any prospective Designated Person so nominated by the Head of Housing and Social Inclusion provided that in the event of rejection of all four Designated Persons (in relation to any individual vacancy) or in the event that all four Designated Persons nominated fail to accept or refuse an offer of tenancy made by the RSL the RSL shall as soon as practicable so inform the Head of Housing and Social Inclusion and notify its reasons for rejection (if applicable) and in the case of any of the Affordable Housing Units in respect of which the Head of Housing and Social Inclusion has nominated such person in response to a notice served pursuant to paragraph 5 above the RSL shall invite further nominations and the Head of Housing and Social Inclusion shall

within five working days of notification nominate to the RSL a further four prospective Designated Persons in priority order and the RSL shall within five working days of such further notification inform the Head of Housing and Social Inclusion as to the identity of the Designated Person (if any) who shall occupy the Affordable Housing Unit

5. The Owner shall upon completion of the Development and at all times subsequently let each of the Affordable Housing Units to a Designated Person
6. A Designated Person is an individual who at all material times prior to the occupation of the Affordable Housing Unit in question is either:
 - (a) On the Housing Waiting List or Housing Transfer List of the Council or any RSL managing homes in East Devon and is eligible under the relevant priority band for an offer of the relevant Affordable Housing Unit under the Council's Allocation Scheme under section 167 of the Housing Act 1996 and nominated by the Council or
 - (b) nominated by the Council under paragraph 4 above
7. It is hereby agreed that the restrictions contained or referred to in this Schedule shall not apply to any mortgagee or chargee in possession of the Affordable Housing any part thereof nor to any receiver appointed by any such mortgagee or chargee to the intent that any such mortgagee chargee or receiver may deal with or dispose of the Affordable Housing or any part thereof freed from the said restrictions and on the basis that any person deriving title through or under such mortgagee chargee or receiver shall not be bound by the restrictions contained in this Schedule and **PROVIDED FURTHER ALWAYS** that the said restrictions shall cease to apply to any tenant of any Housing Unit owned by an RSL who exercises a right to acquire such dwelling and nor to any person deriving title through or under such tenant