



Local Connection Policy for Other Affordable Housing

(properties not allocated via the housing
register)

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1 Accessibility of Document

Our aim is to make our services easy to use and accessible for everyone.

We will take steps to make any reasonable adjustments needed for you to contact us, access our policies, or any requests to provide responses in other formats.

Depending on the individual's needs, these might include:

- Using larger print, or a specific colour contrast
- Giving more time than usual to provide information or comments on a complaint
- Using the telephone rather than written communication
- Communicating with a person through their representative or advocate
- Arranging a single point of contact
- Having an 'easy read' version of the document

If you would like to contact us about reasonable adjustments or alternative formats, please email edi@dacorum.gov.uk or call us on **01442 228000**

If you prefer to write to us, send your letter to:

Equality, Diversity and Inclusion Team
Dacorum Borough Council
The Forum, Marlowes, Hemel Hempstead
Hertfordshire
HP1 1DN

You can find information on Advocacy support here:

<https://www.dacorum.gov.uk/home/do-it-online/contact-us/advocacy-support>

2 What is the goal of the policy?

The aim of this policy is to ensure that, where possible, Affordable Housing in Dacorum that is not required to be let through Dacorum Borough Council's Housing Register (i.e. Other Affordable Housing):

- is prioritised for eligible households with a local connection
- helps to deliver a sustainable local economy
- offers a range of housing options and tenure types to residents in housing need

This policy is also designed to be used, at the Council's own discretion, where there is an oversupply of property types that exceed the needs of those on the general housing register.

3 Who and what does the policy impact?

For the purposes of this policy Affordable Housing, at the time of writing, most commonly refers to the definition of Affordable Housing set out in Annex 2 of the National Planning Policy Framework.

The Council's Allocations Policy already addresses the local connection criteria for the housing register for affordable and social rented properties let by registered social landlords in Dacorum.

This Local Connection Policy applies to Other Affordable Housing in Dacorum as described below and will be administered by the Housing Needs Team:

'Other Affordable Housing'

For the purposes of this policy Other Affordable Housing describes Affordable Housing in Dacorum that is not required to be allocated via the Council's Allocations Policy for those on the general housing register. Other Affordable Housing therefore includes First Homes and Intermediate Affordable Housing such as Shared Ownership, Rent to Buy, and Discounted Market Sale, Intermediate and Affordable Private Rent. It will also include, at the Council's own discretion, Affordable Housing for Rent where there is an oversupply of property types that exceed the needs of those on the general housing register.

The policy is designed to benefit local eligible households by prioritising them for Other Affordable Housing in Dacorum.

The policy details to those households, registered providers, developers, landlords and vendors, the Council's expectations with regards to the Local Connection Criteria for Other Affordable Housing tenures to be applied in the Dacorum area.

4 How does the policy comply with the law and other requirements?

All employees, councillors and anyone who delivers services on the Council's behalf e.g. contractors, partners, agents or other third parties with access to the Council's assets, have a responsibility to promptly report any suspected policy breach.

Policy breaches that result from a deliberate act or omission or from an otherwise negligent disregard of any of the Council's supporting procedures, may result in disciplinary action being taken against the employee under their contract of employment or, in the case of a councillor, under the Members' Code of Conduct. In the event that breaches arise from a deliberate or negligent disregard for the Council's policies and/or procedures, by a user who is not a direct employee of the Council, or a councillor, the Council may seek to take such punitive action against that user and/or their employer as the Council deems appropriate.

The Council may refer the matter of any breach of the Council's security policies and/or procedures to the police for investigation and (if appropriate) the institution of criminal proceedings if in the reasonable opinion of the Council such breach has or is likely to lead to the commissioning of a criminal offence.

5 Supporting Policies or Procedures

1. **Procedures / Guidance / Impact Assessments:** Community Impact Assessment Local Connection Policy report
2. **Dependant policies / strategies:** Interim Affordable Housing Supplementary Planning Document and Housing Strategy

6 EDI Statement

The Council is committed to promoting equality of opportunity. The Council has procedures in place to ensure that all individuals are treated fairly and without unlawful discrimination.

7 Policy Statement

1.0 Context

- 1.1 This policy supports the Council's Housing Strategy and the Corporate Plan goal to provide good quality affordable homes.
- 1.2 The policy intends to secure, where possible, Other Affordable Housing (as defined at Para 3 above) for eligible households with a local connection to Dacorum or as defined in the policy.

2.0 Policy content

2.1 Eligibility

Eligibility for Other Affordable Housing is limited to households who:

- do not already own or have an interest in a property and
- cannot usually afford to buy or rent on the open market and

- have a household income below the threshold set by the Government (the current threshold for households outside of London is £80,000).

Eligibility and/or Local Connection criteria for units of Other Affordable Housing would normally be defined either by government and/or as part of the planning conditions or planning obligations contained in a corresponding legal agreement (e.g. s106 and/or nominations agreement).

Where Other Affordable Housing has come forward other than through the planning route, for example grant funded units, eligibility will be determined by considering the terms of any relevant funding agreement and/or any other prescribed eligibility criteria. In summary:

Where Local Connection IS referred to in an agreement and that agreement DOES detail the local connection criteria for Affordable Housing then that agreement must be followed, and this policy need not apply. An example of this would be a Rural Exception Scheme. In all other cases the following will apply:

2.1.1 Local Connection Policy (2.2 to 2.6)

- For Other Affordable Housing, planning and/or nomination agreements that refer to a **Local Connection Policy** where no further detail of said policy is provided, this policy will apply.
- In cases of oversupply of property types that exceed the needs of those on the general housing register then the Council will continue to have nomination rights to these properties but may, at their discretion, choose to apply this **Local Connection Policy**.

2.1.2 Local Connection Criteria (2.2 only)

- Where **Local Connection Criteria** IS referred to in an agreement, but the agreement DOES NOT provide the detail of those criteria then, for tenures that fall within the meaning of Other Affordable Housing in this policy, **Local Connection Criteria** will be taken to mean those criteria defined only at **2.2 below**. An example of this would be First Homes.
- Where Local Connection has NOT been detailed or referenced in any agreement, then, for tenures that fall within the meaning of Other Affordable Housing in this policy, we will ask vendors and landlords to prioritise local people using the **Local Connection Criteria** set out in **2.2 below**. An example of this might be units grant funded under the Homes England Affordable Homes Programme.

2.2 Local Connection Criteria

Households with an income over £80,000 *will not* be eligible for Affordable Housing and should seek housing in the open market.

Some military personnel, members of the British Armed Forces and, in some instances, their divorced/separated or bereaved spouse or civil partner, *will not require a local connection* and may even have priority over those that do have a local connection for some properties. Further information below¹. Where Members of the Armed Forces have not been defined elsewhere this policy will use the same definition used in the Council's Housing Allocations Policy and these households will require no local connection to Dacorum for Other Affordable Housing.

Thereafter applicants or one applicant (in the case of joint applications), for tenures covered by this policy (including First Homes), will need to provide evidence of at least one of the following:

- i. **Current residency:** Normal residence in the 'area' for at least one year immediately prior to exchange of contracts for the relevant dwelling.
- ii. **Employment:** in permanent employment in the 'area', consisting of 16 hours a week or more, for at least six months immediately prior to exchange of contracts for the relevant dwelling. Home workers must show that their main workplace is in the 'area' (in an actual place of work, not where the head/regional office is located).
- iii. **Key worker criteria:** - applicant has been living outside the 'area' but employed or with a firm job offer within the 'area' that falls within the definition of keyworker below.
- iv. **Family connection:** an immediate family member (parents, children, siblings) over the age of 18 has continuously lived in the 'area' for at least the last three years.
- v. **Special circumstances such as caring responsibilities:** a requirement to move to the 'area' to give care or support to a family member (or receive care or support from a family member).
- vi. If you do not meet the above criteria but have exceptional circumstances which you are able to evidence this will be considered on a case-by-case basis.

Where 'area' is the location of the property and falls within one of the named villages boundaries², applicants with a local connection as above to that village shall be prioritised for the first month of marketing before extending priority to people

¹ <https://commonslibrary.parliament.uk/research-briefings/sn04244/>

² Aldbury, Bovingdon, Chipperfield, Flaunden, Flamstead, Great Gaddesden, Gaddesden Row, Kings Langley, Little Gaddesden, Long Marston, Markyate, Northchurch, Potten End, Wilstone and Wigginton

meeting one or more of the above local connection criteria from the wider Dacorum area for the following two months of marketing.

Keyworker criteria, for the purposes of this policy at (iii), are essential workers defined as:

- clinical staff employed by the NHS to include ambulance drivers, paramedics, healthcare workers;
- providing care services (including those working in care homes);
- police officers, community support officers, and frontline police staff;
- uniformed staff in the Fire & Rescue Service;
- prison officers, and frontline prison staff;
- probation officers;
- public sector employed teachers, social workers, planning and building control officers, environmental health officers, occupational therapists, speech therapists and educational psychologists;
- other critical workers that the council acting reasonably shall approve.

To clarify, the above **Keyworker Criteria** will be interpreted as being the **First Homes Keyworker Criteria** in a legal agreement. First Homes will also be bound by a further three months of marketing without the requirement for a local connection, or as per the corresponding legal agreement.

2.3 Evidence of local connection

Evidence of a local connection will need to be assessed and evidenced by the vendor or landlord, and authorised or rejected by the Council, as per the requirement of any corresponding legal agreement. Where not detailed in a legal agreement the following will apply:

- If the vendor or the landlord is NOT a registered provider of social housing, then: A form/declaration (either agreed between the parties or provided by the Council) and supporting evidence, will need to be completed and signed by both the purchaser and the vendor (if home ownership) or the landlord and tenant (if rented). Evidence must be attached to the form/declaration which would need to be submitted to the Council for approval. The Council may require further proof, confirmation and evidence, which must be provided upon request. No further progress on the purchase or let should proceed unless approval has been provided by the Council in accordance with an agreement, or within ten working days if not otherwise defined.
- If the vendor or landlord IS a registered provider of social housing, then: They must provide details of the prospective purchaser or tenant to the Council for

approval. They must provide supporting evidence to the Council only if requested to do so and within ten working days of the request, or, under the terms of the relevant agreement.

Examples of documents to prove the applicant's and/or the family member's local connection include but may not be limited to:

Proof of identity (full birth certificate or passport), Utility bill, council tax bill, bank statement, pay slips/employment contracts. Carers should provide evidence of a care or support plan from relevant professionals.

2.4 Marketing

Marketing of properties must commence at the time of handover notification, if not before, and notified and evidenced to the Council. At this point the time period for the local connection to apply will begin.

The vendor/landlord will be expected to market Other Affordable Housing tenures to a local audience. Marketing materials should indicate that priority will go to applicants with a local connection to Dacorum.

Marketing must include, but not be restricted to:

Advertising on the vendor's/landlord's website; with estate agents with a local geographical reach and/or on recognised property websites. We would also encourage vendors/landlords to advertise via the council's own communications channels. The Council, at the time of writing, are considering whether it is possible to hold a secondary register for, or to market to, households who may qualify for Other Affordable Housing. Please contact the Council for an update.

Applicants with a local connection will be expected to be prioritised as outlined in 2.2 for the first three months of marketing. An exception to this case would be Shared Ownership homes secured through planning obligations which are being re-sold (i.e. not new build properties at initial sale), in which case the terms of the vendor's lease will apply.

2.5 Releasing a property 'out of area'

Should no applicant with the above local connection be forthcoming in the first three months of marketing the vendor/landlord will be required to present evidence that all reasonable attempts have been made to market the property to households with a local connection during that period. Such evidence would include (but may not be limited to) dated copies of any paper marketing exercise, web promotion, estate agent literature etc.

Properties that, after three months of marketing, are requested to be released 'Out of Area' will require the agreement of Dacorum Borough Council's Head of Housing Operations. Such agreement will not be unreasonably withheld but the Council may wish, for example, to propose that the vendor/landlord consider a tenure conversion of the property.

2.6 Monitoring

The Council may require monitoring reports from the vendor/landlord in accordance with the legal agreement, or otherwise, no more than twice a year.

3.0 Roles and Responsibilities

3.1 Local connection will be administered by the same Housing officers who assess local connection for the housing register

3.2 The S106 Monitoring Officer will ensure compliance with the active marketing of the First Homes for the time period requirements as set out in the s106 and ensure the delivery of First Homes is in accordance with the s106 agreement.

The Strategic Housing, Investment & Regeneration Team (or equivalent) will conduct randomised testing to ensure compliance is adhered to where required in an agreement.

8 Review

The current version of this policy will be held on the Council's intranet (SharePoint) alongside supporting information, such as procedure guidance or impact assessments. Policies and strategies are continually monitored and reviewed at appropriate intervals.

You can find external policies on the Council's website. If a policy has been updated or reviewed, these changes will be shown in the website copy. Internal policies are stored on the Council's intranet (SharePoint) alongside supporting information.

9 Appendix

Appendix 1 - Policy Information

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