

NOMINATIONS PROTOCOL AGREEMENT

1. INTRODUCTION

The purpose of this protocol agreement between *[enter landlord details]* and *[enter local authority or housing association details]* is to specify the arrangements for the nomination of re-housing applicants for the *[insert number of units] properties located at [insert address of properties]* developed under the Scottish Government's Rural Homes for Rent Scheme.

2. PRINCIPLES

[enter landlord details] and *[enter local authority or housing association details]* aim to work together to assist those who are identified in the local authority's Local Housing Strategy as being in local housing and homelessness need. Specifically, the target tenants for the properties covered by this agreement are those for whom affordable rented housing within a rural community is a suitable housing option.

All nominations will be made in accordance with the allocations policy agreed between *[enter landlord details]* and *[enter local authority details]* and the Scottish Government, which aligns with the local authority's Local Housing Strategy and states that allocations will be made on the basis of the following:

*[enter allocation policy details and any specific target client groups identified within the policy to ensure clarity for those involved in the nominations process in regard to the criteria that nominations must meet]*¹

[enter landlord details] agrees to promote equal access to housing and is committed to a policy of equality which does not unfairly discriminate against any individual, household or group on the grounds of race, colour, ethnic or national origin, sex, disability or sexual orientation² In addition, *[enter landlord details]* will not discriminate against a tenant or prospective tenant because of their entitlement to Housing or other Benefit.³

All information provided in connection with the nominations will be treated as confidential by both parties.

3. SCOPE OF AGREEMENT

The nominations agreement is applicable to *[enter %]* of initial allocations and subsequent re-lets.⁴ This level refers to the level of nomination requests which will be made to the local authority or housing association, and not to the actual level of allocations as the grant recipient maintains the right to make the final allocations decision without invalidating the nominations process if the nominations provided by *[enter local authority or housing association details]* do not comply with the criteria set out in the nominations agreement.

¹ Any changes to the allocations policy must be reflected within the nominations agreement.

² National Core Standards for Private Landlords, Core Standard 2.1

³ National Core Standards for Private Landlords, Core Standard 2.3

⁴ At least 50% of new lets or re-lets are to be let to nominees but the landlord is free to enter into an agreement for a higher nomination level.

If the landlord enters into a nominations agreement with more than 1 party, for example with a local authority and a housing association, the total level of nominations requested from all parties will equate to the level detailed above.⁵ This will be of particular relevance to those landlords operating in areas where the Local Authority has carried out an LSVT and no longer performs a landlord function.

4. AWARENESS

[enter local authority or housing association details] will ensure that all eligible⁶ housing and homeless applicants are made aware of the opportunity to be housed at [enter scheme address] and will make applicants aware of tenancy type, rental levels, and tenant responsibilities and rights. Applicants must provide written consent that they are willing to be housed through this route and have been made aware of all relevant information regarding their potential tenancy prior to being nominated.

In areas where a Common Housing Register or Choice Based Lettings Scheme exist all those applying or registering to the CHR or CBLS should be made aware of this particular housing option, and should be provided with the opportunity to elect to be housed through this route if available.⁷

5. LIAISON ARRANGEMENTS

Both [enter landlord details] and [enter local authority or housing association details] will provide a dedicated contact email address and telephone number for nominations. It is understood that there may not be a named dedicated officer, but the local authority will ensure that the contact email address and telephone number are manned during office hours.

The contact email addresses and phone numbers should be listed in Appendix 1 of this agreement. Any changes must be notified in writing to the relevant party.

6. INFORMATION SHARING

Where appropriate, [enter local authority or housing association details] shall provide the landlord with confidential information, which may include details relating to the conduct of current or previous tenancies of nominated applicants, where this affects their re-housing application or has potential impact on the management of any tenancy offered by the landlord to the nominated applicant.

[enter landlord details] agrees that this information shall be provided on a confidential basis and should not be made available to any other party.

This information will be provided through the standard nominations request response form, Appendix 3.

⁵ For example, if a landlord enters into agreement to provide 50% of re-lets through nominations and subsequently agrees nominations with 2 RSLs and a Local Authority, the total level of re-lets provided through nominations from all 3 will equate to 50%.

⁶ Eligible refers to all applicants who comply with the allocations policy and who have indicated a desire to be re-housed within the rural area where the development is located.

⁷ This may require LA or RSL to adapt application forms slightly.

7. NOMINATIONS PROCESS

In relation to the initial allocation of the properties, [enter landlord details] will contact [enter LA or HA details] 8 weeks before the anticipated completion date. The [enter %] quota will apply.⁸ For re lets [enter landlord details] will contact [enter LA or HA] details as soon as they become aware of the potential re let and will ensure that the nominations request is made at least 4 weeks prior to the property becoming available for re let. It is in the landlord's interest to provide as much notice as reasonably possible to minimise the potential void period.

The landlord will contact [enter LA or Ha details] by email using the address provided under section 5 of this agreement and detailed in Appendix 1, and will provide the following details:

- Number of units available for let
- Size of units available for let.
- Date property will be available for let.
- Any information relevant to the allocation such as heating fuel type, size of garden and restriction on pets.⁹

This information shall be provided using the standard nominations form (Appendix 2)

[enter LA or HA details] shall take cognisance of [enter landlord details] allocation policy as referred to in Section 2 of this agreement when making the nomination, and will respond to the requested nomination within 3 working days. A minimum of 5¹⁰ nominated applicants will be provided by [enter LA or HA details] to the landlord.

[enter LA or HA details] will provide nominated applicants' details using the standard form, Appendix 3, and will provide relevant information in line with Section 6 of this agreement.

If [enter LA or HA details] fails to respond to the nominations request within 3 working days, [enter landlord details] will send a reminder of the outstanding request by email.

Should [enter LA or HA details] fail to respond within 2 working days of the reminder, [enter landlord details] shall treat this as a failed nomination. For monitoring purposes, failed nominations will count towards the [enter %] quota.

8. NOMINATIONS RESULTS

[enter landlord details] will inform [enter LA or HA details] of the successful nominated applicant within 5 working days from the receipt of the nomination

⁸ See footnote 3. Landlords are free to agree different nomination levels for new lets and re-lets, as long as the level of nominations is at least 50%.

⁹ Landlord and LA/RSL may wish to define the additional relevant information to be provided, and if so this should be clearly detailed here and in Appendix 2 form.

¹⁰ The landlord and the LA/RSL may wish to increase this to ensure a higher success rate.

Discussions with the few private landlords who have previously entered into nominations agreements through GRO and REPG a minimum of 5 nominations is required to ensure that the process succeeds. This is due to the fact that applicants may not wish to consider this housing option, may have changed circumstances and not notified the LA/RSL and in large number of cases the nominated applicants do not comply with the agreed allocations policy criteria.

information. [enter landlord details] will then notify [enter LA or HA details] of any allocation within 2 working days of the successful applicant accepting the property.

9. REJECTION OF NOMINATIONS BY LANDLORDS

[enter landlord details] will maintain the right to make the final allocations decision, and may reject [enter LA or HA details] nominations where:

- The nominee does not meet the criteria set out in the allocations policy and detailed in Section 2 of this agreement.
- The local authority does not provide all the information required by the standard form, Appendix 3, as referred to in Sections 6 and 7 of this agreement.
- The landlord is able to demonstrate that the alternative applicant to be rehoused (sourced through the landlord's waiting list) is in greater priority need than any of the nominees.

[enter landlord details] will advise [enter LA or HA details] of the decision to reject nominations within 5 working days from the receipt of the nomination information.

10. REFUSAL OF OFFER BY NOMINEE

The successful nominated applicant will be given 3 working days to consider the offer of accommodation from [enter landlord details].

If the successful nominated applicant refuses the offer, then the landlord should notify [enter LA or HA details] within 2 working days.

The landlord will then:

- Make an offer to any other nominee who meets the criteria set out in the allocations policy,¹¹ or,
- If there are no other nominees who meets these criteria, or the second nominee also refuses, the landlord may make an allocation from their own housing list.

Refusal of an offer by a nominee and subsequent failure of other nominees to comply with criteria will be counted towards the [enter %] for monitoring purposes.

11. DISPUTE

If [enter LA or HA details] disagree with the decision taken by [enter landlord details] under this agreement, then they should advise [enter landlord details] within 2 working days of being notified of the decision.

Both parties will endeavour to resolve any dispute arising from the operation of this agreement by informal discussion.

If the matter cannot be resolved informally then a formal recorded discussion between the parties.

¹¹ In terms of timescale for the second offer, the nominee will also be given 3 working days to consider the offer.

A formal dispute resolution or arbitration process will be developed if required at a later stage.

12 MONITORING AND EVALUATION

[enter landlord details] will complete a GRORE form for all allocations, including those not made through the nominations route. These will be submitted to the Scottish Government no later than 5 working days after the allocation.

The terms and conditions of the agreement will be reviewed annually at a review meeting between [enter landlord details], [enter LA or HA details] and the [enter relevant SG Regional Team]. This meeting will discuss performance by both parties, identify and address any issues, and agree any alterations to the agreement.

Prior to the annual meeting [enter landlord details] will provide a summary report to [enter LA or HA details] and the [enter relevant SG Regional Team]. This report will contain information on the total number of lets in the scheme, total number of nomination requests and their outcomes, and number of applicants on the landlord's own waiting list.