

2. Your rights and responsibilities





Your rights and responsibilities

As a leaseholder your rights and responsibilities are contained within the lease. These are described in some detail below, but for full clarification it may be necessary to refer to your own lease. This may be held by your mortgage company, or your solicitor.

Freeholders' rights and responsibilities are different as you retain the responsibility for your own home; however, conditions apply to the common areas or estates, described later in this section.

Your rights as a leaseholder

Your lease is a legally binding document and is the contract between you and Hackney Homes/Hackney Council.

Your solicitor or conveyancer should have explained what the lease means before you purchased, and what your rights and duties are under the Lease. Hackney Homes/Hackney Council also has rights and duties under the Lease.

The words used in legal documents, like your Lease, are often words we do not use in everyday life. We hope you will find this section helpful as it provides a simpler explanation.

Your lease explained.

Your lease is a legally binding contract between you and Hackney Homes/Hackney Council which you freely accepted when you purchased your property. The first person in your Block who bought their

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property will have a lease for a maximum period of 125 years. If you then purchased 10 years later your lease would be for 115 years. There are some leasehold houses with longer periods, i.e. 900 years.

Initial Clauses

The first few pages of each lease contain clauses which describe the sale of property under the right to buy between the original purchaser and the Council. There are also clauses which describe conditions about the sale of the property, such as paying back discounts. See the section on 'selling your home' for more details.

It also includes the requirement to pay service charges, major works, communal repairs, management and administration costs and ground rent.

The lease also has nine sections known as schedules described below.

Schedule 1 – the estate

This schedule shows the area covered by your estate, if you have one, and includes a plan showing the boundary of the estate, which includes your home.

Schedule 2 – the block

This schedule identifies the block or building in which your flat, maisonette or house is located. This

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may describe the extent of a block or part of a larger building.

Schedule 3 – the reserved property

These remain in Hackney Homes' ownership and can be summarised as the structure, fabric, exterior and common parts of your block and estate.

Hackney Homes repairs and maintains these parts and you have a duty to pay your share of the cost. These parts include:

- Foundations
- Walls (not the surface of the walls within your home)
- Balconies and walkways (communal and individual)
- Windows and window frames in communal areas
- Window and door frames to individual properties
- Doors and door frames in communal areas
- Roofs and gutters
- Shared staircases or corridor
- Lifts
- Communal cold water storage tanks

Please note that this is not an exclusive list and other areas may be chargeable. Please check with Hackney Homes Repairs Centre if you are not sure **(020 8356 3691)**.

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Schedule 4 – the demised premises

Sets out the property leased to you and parts that are your duty to maintain include:

- Floor surfaces
- Wall surfaces
- Ceiling plaster or plaster board
- Doors
- Window glass
- The inside surface of exterior window frames
- Independent central heating
- Immersion heaters
- Wiring and plumbing within the property

Schedule 5 – the leaseholder's rights

This sets out your rights, for example, to use rights of way to and from your home, to use refuse chutes, to use shared gardens and open space.

Schedule 6 – Hackney Homes' rights

This sets out our right to enter your home in certain circumstances. We may, for example, enter your home to carry out emergency repairs where other flats are affected, such as by flooding.

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Schedule 7 – the leaseholder's obligations

This sets out your duties and includes:

- keeping your home in good repair and condition
- allowing us to inspect the inside of your home
- not using your home for business purposes
- getting the Council's permission in writing before altering your home
- not causing a nuisance or an inconvenience to any of your neighbours
- to pay estimated service charges or major works monthly in advance
- to pay any difference at the time actual service charges are compiled

Schedule 8 – Leaseholders Regulation

This schedule lists the regulations you must keep to. For example, they include rules forbidding you to throw litter from your home and stressing that you are responsible for any nuisance or damage caused by your children and your visitors.

Schedule 9 – Hackney Homes' responsibility

This schedule sets out our responsibilities and includes:

- Keeping the structure of the building in good repair

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- Insuring the structure of the building which includes your home
- Decorating and repairing the outside of the building and the shared parts
- Lighting the shared parts of the building (such as hallways and staircase)
- Keeping the grounds in good condition
- Employing any agent or contractor to carry out works or services

These are the things that we are responsible for doing at the Leaseholder's expense, i.e. such costs will form part of annual service charges or major works charges.

Underlease or Headlease

On rare occasions Hackney Homes is not the Freeholder. In these cases the owner, known as the Freeholder or superior landlord, has granted Hackney Homes a Lease. In turn, we have granted to you what is known as an Underlease and we are your landlord. On these occasions Hackney Homes may grant you a lease for a shorter term than Hackney Homes is bound by the headlease.

Your rights as a Freeholder

Your Deed of Transfer of Part is a legally binding document and is the contract between you and Hackney Homes/Hackney Council.

Your legal advisor should have explained what this contains before you purchased your property and what your rights and duties are. Hackney Homes also has rights and duties under your Transfer of Part.

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Depending on where your property is situated, your Transfer of Part may contain up to 3 Schedules. These Schedules explain your rights and Hackney Homes' liabilities to maintenance and management for the benefit of your property.

The words used in any legal documents such as your Transfer of Part are often words we do not use on a daily basis; therefore you may wish to seek legal advice on items you might need further guidance.

Contact Us

Leasehold & Right To Buy Services

Below are the Sections that make up the Leasehold & Right to Buy Services. You can contact us between 9am - 5pm Monday to Friday. We also open from 9.00am - 7.30pm on the second and last Wednesday of every month.

All our teams are located at:

Leasehold & Right to Buy Services
1st Floor, 298 Mare Street
London
E8 1HE

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Customer Services (General enquiries)

- Sellers Pack
- Subletting

Phone: 020 8356 2100

Email: leaseholders@hackneyhomes.org.uk or freeholders@hackneyhomes.org.uk

Right to Buy

- Applications
- Offers

Phone: 020 8356 2010/2232

Email: RTB@hackneyhomes.org.uk

Service Charge Accounts

- Preparation/Billing of Estimates
- Preparation/Billing of Actuals

Phone: 020 8356 2099

Email: Service.charges@hackneyhomes.org.uk

Service Charge & Major Works Recovery

- Payments and Arrears

Phone: 020 8356 2299

Email: major.works@hackneyhomes.org.uk and Service.charges@hackneyhomes.org.uk

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Major Works

- Estimates and Invoicing

Phone: 020 8356 2400

Email: major.works@hackneyhomes.org.uk

The contents of this Handbook are believed to be accurate at the date of publication (November 2006).

