



## **Joint Mutual Exchange Policy**

### **Oak Tree HA, Cloch HA and Larkfield HA**

Adopted

March 2017

Next Review Due

March 2022

## **1.0 General**

- 1.1 The Associations recognise that mutual exchanges are beneficial to the applicants and the associations as they help to maintain the best use of the Association's housing stock and meet housing need.
- 1.2 The Associations will, therefore, promote mutual exchanges and encourage and assist tenants to find suitable exchange partners. It will work with other associations to maximise the opportunity for tenants to exchange. Exchanges should result in permanent moves for both parties.
- 1.3 The Housing (Scotland) Act 2001 provides tenants with a right to request permission to exchange their tenancy. The Associations will not unreasonably refuse permission for a mutual exchange.
- 1.4 All requests for mutual exchanges must be made in writing by both applicants and to each landlord involved in the exchange.
- 1.5 This policy will apply when an exchange is proposed by 2 or more parties.
- 1.6 Applicants will not be treated less favourably than other applicants on the grounds of gender, family circumstances, health, status, race, nationality, language, social origin, marital status, age, religion, disability, culture, lifestyle, employment, economic status, sexual orientation or personal attributes including religious beliefs or political opinions. The Associations will comply with legislation, guidance and good practice in the allocation of their homes.
- 1.7 The Housing (Scotland) Act 2014 was passed into Scottish law in August 2014 but much of the implementation of the Act is subject to subsequent guidance. At the time of review of this Policy, the Act had not come into force and there is no timescale or set date for implementation. This policy will be reviewed again when the timescales for implementation are known.

## **2.0 Specific Conditions**

Exchanges will proceed subject to the following conditions: -

- 2.1 Neither party to the exchange should overcrowd or under-occupy the new accommodation. This will be assessed in line with the Allocation Policy, however if the proposed exchange will alleviate housing need for one household and there is no detriment to the other household then the exchange could still be considered.
- 2.2 All applicants must meet the criteria for application to the Inverclyde Common Housing Register as set out in the Joint Allocations Policy.
- 2.3 If a property is adapted or has specific features which make it suitable for a person with a disability, an exchange will only be granted if the exchange partner has a relevant disability or will benefit from the property features.
- 2.4 The tenants must satisfy the Association that they have a valid reason for wishing to exchange. This can be aspirational and not related to housing need. The Association can ask for additional information from either party when making its decision on whether or not there is a valid reason for the request.

- 2.5 The tenants must both have satisfactory tenancy records and not be in breach of the conditions of their tenancy. All parties must have a clear rent account and there should be no outstanding rechargeable repairs balances. Where a tenancy issue is identified the Association will advise the tenant what the barrier to granting an exchange is and work positively with the tenant over time to rectify it.
- 2.6 A property inspection will be carried out for both tenants to ensure the standard of repair and decoration in the property is satisfactory. The criteria should mirror that applied to Transfer applicants when assessing the condition of the property. Any repairs, which are identified, as being the tenant's responsibility will be carried out prior to the exchange being approved. If the property is in particularly poor condition then the Association may refuse permission until the house has been returned to a reasonable condition.
- 2.7 The tenants will accept the property in the condition in which it is let.
- 2.8 The Association must be satisfied that there is no suspicion that money has changed hands or that false or misleading information has been provided. The exchange should result in a permanent move for both tenants. If the Association has reason to doubt that one of the parties do not intend the exchange to be a permanent move then this would be a reason to refuse the Exchange
- 2.9 If it is found that the mutual exchange was approved on the basis of false, withheld or misleading information, this will be ground for eviction and legal action will commence to recover possession of the property. The Association could also insist that one or more parties return to their previous property

### **3.0 Approval and Appeals**

- 3.1 The authority to approve a mutual exchange, which conforms to the specific conditions stated above, will be delegated to staff members. If the exchange involves another RSL or Local Authority then agreement will need to be reached between the relevant officers before the tenant(s) are notified.
- 3.2 The applicants will be notified in writing and any specific conditions agreed between the parties detailed.
- 3.3 Where an exchange is refused because the conditions have not been satisfied, the applicant(s) will have a right of appeal to the Housing Services Manager. In deciding whether to approve the exchange, the Housing Services Manager will consider the following: -
- All the circumstances of the parties including the level of housing need
  - The reason for refusing the exchange
  - Any benefit to the Association caused by approving the exchange
  - The ability and willingness of the party or parties to take remedial action

### **4.0 Performance Targets**

- 4.1 The timescale for approving or refusing a mutual exchange application will be one month from the date of submission of both the mutual exchange application forms.
- 4.2 If a reply is not made within one month, it is taken that permission has been granted.

## **5.0 Policy Review**

The Policy will be reviewed at least every 5 years. The Associations may modify the Policy as required to reflect changes in legislation or to reflect changing needs or demands. Any proposed changes will be consulted on and publicised.