

<b>KNOWES HOUSING ASSOCIATION LTD</b>	
<b>Policy Name</b>	Mutual Exchange Policy
<b>Policy Category</b>	Housing Management
<b>Policy Number</b>	HM06
<b>Date to Housing Services Sub-Committee</b>	21 November 2017 (signed)
<b>Previous Review</b>	July 2006, July 2009, December 2011
<b>Next Review Date</b>	November 2020
<b>Links to other Policies</b>	Allocations Policy
<b>Consultation</b>	Internal

## 1. AIMS & OBJECTIVES

- 1.1 This policy outlines the rights of Knowes' tenants to carry out a **Mutual Exchange** under the provision of the Housing (Scotland) Act 2001. The main aim of this Policy is to clarify to tenants/applicants how this legislation is carried out in practice.
- 1.2 A Mutual Exchange takes place when two or more tenants agree to exchange houses with each other, (generally a mutual exchange is between 2 people, however there are occasions where 3 people are involved in exchanging their property). Those wishing to exchange must be tenants of a social housing landlord i.e. a local authority, housing association or co-op. Tenants do not need to have the same landlord, but the exchange requires the approval of all landlords involved.
- 1.3 The Mutual Exchange procedure, which is a separate document, details how an Application for Mutual Exchange will be dealt with internally by officers of the Association. Every application will be logged and its progress recorded on the Association's IT system.
- 1.4 A Mutual Exchange Application will be processed and a decision made (in writing) within 28 days of the Association receiving the completed application. This covered in the Mutual Exchange Procedure that staff use when managing cases.

## **2. RISK MANAGEMENT**

- 2.1 By having a written detailed Mutual Exchange Policy & Procedure the Association is able to ensure that a uniform and professional approach is adopted throughout the organisation and the service delivered is compliant with law, best practice and internal policy.
- 2.2 The risk of not having this Policy in place is an absence of the above, poor record keeping regarding tenancy information and a poor reputation.

## **3. ELIGIBILITY**

- 3.1 In effect, any Scottish Secure Tenant has a right to mutually exchange their property with another property provided that property is governed by a Scottish Secure Tenancy. However to do so both tenants must have written consent from their landlords.
- 3.2 The procedure outlines reasonable grounds for Knowes HA refusing a Mutual Exchange Application, and these are also contained in Section 6 of this Policy. These grounds will be considered prior to approving any application. In terms of reasonableness, and unless there is a recognised housing need, Knowes tenants will not be considered for a Mutual Exchange unless they have tenanted their property for at least 6 months.
- 3.3 Tenants are asked to commit to residing in their new home following the exchange for a minimum period of 6 months and will not be considered for a Transfer to another Knowes Association property within this period, unless there is a recognised housing need. This is to ensure community stability and prevent the potential of fraudulent Mutual Exchange applications.

However tenants can move elsewhere without getting Knowes consent to do so.

## **4. HOMESWAPPER – IDENTIFYING AN EXCHANGE**

- 4.1 Knowes HA subscribe to HomeSwapper – [www.HomeSwapper.co.uk](http://www.HomeSwapper.co.uk), which is a national mutual exchange service for both council and housing association tenants wanting to swap homes throughout the United Kingdom.
- 4.2 HomeSwapper is an online service which matches applicants to any potential swaps/mutual exchanges and once registered, tenants will be contacted by e-mail or text with details of those matches. All Knowes' tenants qualify for free membership, subject to our approval.

## **5. APPLICATION & AGREEMENT**

- 5.1 Both tenants must apply on the appropriate application forms and provide full details of the person(s) they intend to exchange their properties with. The Association will refuse any application if it transpires that either party is receiving any payment for the Mutual Exchange.
- 5.2 If the application is accepted then both tenants (if the exchange is within Knowes' properties), or just the incoming tenant, will be called to the office to sign their new Tenancy Agreement(s) and complete all relevant paperwork. The new tenant(s) start of tenancy date will be the date the new tenancy agreement is signed. If another landlord is involved it is imperative that both the exchange and tenancy agreements take effect from the same day.

## **6.0 GROUNDS FOR REFUSAL**

- 6.1 The Association is required to provide written consent or refusal on a Mutual Exchange Application. Permission will only be withheld where there are reasonable grounds for doing so, such as: -
- A Notice of Proceedings for Repossession has been served on either of the tenants specifying any of the "conduct" grounds set out in paragraphs 1 to 7 of Schedule 2 of the Act;
  - An order for Recovery of Possession of the house has been made against either of the tenants under Section 16 (2) of the Act;
  - One of the tenants does not have a clear rent account and/or has other debts with the Association with no clear arrangement in place which has been adhered to for a minimum of 3 months;
  - If either tenancy inspection is unsatisfactory and there would not be enough time for the tenant to carry out the necessary repairs a refusal should be issued to the tenant(s) detailing the outstanding repairs.
  - The proposed incoming tenant (if not currently Knowes tenant) was previously evicted for anti-social behaviour within the last 5 years (this refers to eviction by social landlords);
  - The proposed Mutual Exchange would lead to substantial overcrowding or under-occupation, or is not medically suitable to the needs of one of the applicants or their family; or,
  - One of the properties has been designed or adapted for occupation by a person whose special needs require

accommodation of the kind provided by the house and, if the exchange took place, there would no longer be a person with such special needs occupying the house.

- The transaction is for financial gain and/or one of the tenancies has been acquired in the preceding 6 months and there is no housing need supporting the exchange.

## **7. FALSE INFORMATION**

- 7.1 Anyone applying for a Mutual Exchange will have to sign the application form thereby certifying that the information is correct and no false or misleading information has been given in order to get the tenancy, or relevant information withheld. Should the Association discover that an application has been falsified then the Association may commence legal action with a view to repossessing the tenancy.

## **8. APPEALS**

- 8.1 Any tenant who feels aggrieved by their treatment under this Policy can ask for a copy of the Association's Complaints Policy which is available at the Associations office. Tenants also have a right to complain to the Public Services Ombudsman. The Complaints Policy details the way in which Tenants can complain and the timescales for responding.

## **9. POLICY REPORTING**

- 9.1 A detailed report on the number of applications for Mutual Exchange received by the Association as well as the numbers granted and those refused will be submitted on an annual basis to Housing Services Sub-Committee each year.

## **10. EQUALITIES COMMITMENT**

- 10.1 Knowes Housing Association Ltd is committed to tackling discrimination on the grounds of sex or marital status, racial grounds, or grounds of disability, age, sexual orientation, language, social origin, or of other personal attributes, including beliefs or opinions, such as religious beliefs or political opinions.
- 10.2 Knowes' seek to embrace diversity, promote equal opportunities for all and eliminate any unlawful discrimination in all areas of our work.