

MUTUAL EXCHANGE POLICY

1. Introduction

- 1.1 The Housing (Scotland) Act 2001 includes provisions for tenants to exchange houses with other tenants, providing both are subject to Scottish Secure Tenancy agreements. This policy takes account of the legislative requirements of the Housing (Scotland) Act 2001.

2. Mutual Exchanges

- 2.1 A Mutual Exchange takes place when two tenants agree to exchange houses with each other. Those wishing to exchange must be tenants of a social housing landlord i.e. a local authority, housing association, registered social landlord or co-op or fully mutual co-ops. Tenants do not need to have the same landlord, but the exchange requires the approval of all landlords involved.

3. Aims and Objectives

- 3.1 The aim of this policy is to assist in meeting housing needs and aspirations by:
- Maximising effective use of the housing stock.
 - Promoting choice for tenants.
 - Enhancing access to alternative accommodation to alleviate housing need and to meet tenants' aspirations.

4. Conditions for Approval

- 4.1 Ayrshire Housing will consent to the exchange unless it considers that there are reasonable grounds for refusing such consent.

Grounds for refusing the exchange may include, but will not be restricted to, the following:

- Overcrowding or under-occupation of the property would occur as a result of the exchange.
- If the property was deemed not medically suitable for the incoming tenant or a member of their household.
- One of the properties has been designed or adapted for occupation by a person whose needs were met by such adaptations and where, if the exchange was approved, there would not be a person with such needs occupying the house.
- Where a tenant is in clear breach of their tenancy e.g. both rent accounts should be clear.

- The house and/or garden of either party is in an unsatisfactory condition or other tenancy conditions have been broken.
- A Notice of Proceedings for Possession has been served on the tenant.
- An order for Recovery of Possession has been made against the tenant.
- Where a financial incentive has been offered to encourage one of the parties to exchange.
- If Ayrshire Housing is not satisfied that a genuine exchange is taking place.

4.2 Overcrowding/Under-Occupation

The association will not normally approve an exchange that results in a property being overcrowded or underoccupied. However, discretion may be considered where the extent of overcrowding or underoccupation is not worsened as a result of the exchange. Consideration will also be given to an application where one of the applicant's circumstances are alleviated by the exchange e.g. they may still be technically overcrowded but less so than in their current accommodation.

5. Tenancy

- 5.1 A Scottish Secure Tenancy will normally be granted to tenancies created as a result of a mutual exchange.
- 5.2 Both parties will be required to remain in their new tenancies for at least 6 months after the exchange has taken place.

Where one tenant terminates their tenancy within 6 months the association, where it believes that the reasons for the exchange were not genuine and that the tenancy was granted by a false statement made knowingly or recklessly, may consider whether to take action to recover possession of the remaining tenancy.

6. Process

- 6.1 Ayrshire Housing tenants and other social housing tenants can register an interest in seeking an exchange with one of our tenants, by accessing our online Mutual Exchange site at www.housingonline.org.uk/exchange/. There is also a link to this site on the association's website at www.ayrshirehousing.org.uk/.
- 6.2 Ayrshire Housing will maintain a list of properties whose tenants have expressed an interest in a Mutual Exchange. The list of properties will be held on the association's mutual exchange website at www.housingonline.org.uk/exchange/ which can also be accessed via the association's website at www.ayrshirehousing.org.uk/.
- 6.3 Both parties to the exchange must submit application forms to Ayrshire Housing and to any other landlord involved. Where there is a joint tenancy the association will require the written consent of all tenants before the request can be considered. In the case of tenants who have a spouse, partner or co-habitee (and that said spouse, partner or co-habitee is not a joint tenant) their consent will also be required.

- 6.4 Home visits will be made to Ayrshire Housing's tenants and, where practical, taking account of location and travelling distance, other parties to the application i.e. tenants of other landlords.
- 6.5 Tenancy references will be requested for those who are not tenants of Ayrshire Housing.
- 6.6 In circumstances where serious antisocial behavior or criminal activity by any of the applicant's or by members of their households is known or suspected, police reports may be requested and taken into consideration.
- 6.7 Tenants will be advised in writing within 28 days of receiving the application as to whether the request has been approved or refused. If the request has been refused the reasons for the refusal will be provided.

7. Private Schemes

- 7.1 A number of private exchange schemes are also available, including national exchange schemes. Tenants are free to register with these schemes, although the same procedures and conditions of approval outlined in this document still apply to tenants wishing to exchange.

8. Equality and Diversity

- 8.1 Ayrshire Housing is committed to equal and fair treatment of all sections of the community. Accordingly, no person will be discriminated against during the implementation of this policy on the grounds of sex, marital status, family circumstances, race, ethnic or national origins, disability, age, religion, political or sexual orientation. In delivering this policy, Ayrshire Housing's staff and contractors will comply fully with the requirements of the association's Equality and Diversity Policy.

9. Complaints

- 9.1 Complaints about the implementation of this policy should be dealt with through the association's Corporate Complaints Handling procedures, further details of which are available from the association's office and website.

Any appeals in relation to decisions made under this policy should be submitted to the Head of Housing Services.