



# **ARDEN GLEN HOUSING ASSOCIATION LIMITED**

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## **MUTUAL EXCHANGE POLICY**

<b>Date Presented to: Management Committee</b>	<b>02/03/10</b>	<b>Date passed by: Management Committee</b>	<b>02/03/10</b>
<b>Date of next Scheduled Review</b>	<b>March 2013</b>	<b>Designated Review Body to Provide Recommendations</b>	<b>HMSC</b>
<b>Policy complies with performance standard</b>			<b>AS1.1</b>

## **MUTUAL EXCHANGE POLICY**

Ardenglen Housing Association can provide this policy on request, in large print, in Braille, on tape or in other non-written format, and in a variety of languages.

### **CONTENTS PAGE**

SECTION 1 – Introduction

SECTION 2 – Mutual Exchanges – Who qualifies?

SECTION 3 – Grounds for refusal

SECTION 4 – Dealing with requests

SECTION 5 – Disputes, Monitoring & Review

## **1. INTRODUCTION**

- 1.1 The Housing (Scotland) Act 2001 introduced a number of new rights to Scottish Secure tenants. Included in these rights were the right to apply for a mutual exchange with another Scottish Secure tenant.
- 1.2 Ardenglen recognises that mutual exchanges represent an important opportunity for tenants to satisfy housing needs and aspirations. These rights are therefore incorporated in the Association's Scottish Secure Tenancy Agreement. This policy explains how the Association will process such requests.

## **2. MUTUAL EXCHANGES – WHO QUALIFIES?**

- 2.1 Both applicants should be Scottish secure tenants of either a local authority or another registered social landlord.
- 2.2 In certain circumstances the association will consider requests from applicants where at least one party does not hold a Scottish Secure Tenancy Agreement. An example of this would be mobility exchanges from other parts of the United Kingdom or holders of a Short Scottish Tenancy Agreement. Each case will be looked at on an individual basis
- 2.3 Consent must be granted from both landlords. Both applicants must apply in writing to each of the landlords involved. Where both tenants are the tenants of Ardenglen, they must both write to Ardenglen.

## **3. GROUNDS FOR REFUSAL**

- 3.1 Where there are arrears to the landlord of more than the equivalent of one month's rent for sums directly related to the tenancy.
- 3.2 Where applicants have a live legal notice served on them by their landlord.
- 3.3 Where applicants have a current eviction decree granted by the courts against them.
- 3.4 The house belonging to Ardenglen is designed or adapted for persons with special needs and if the exchange was allowed no one living in the house would require this type of house.
- 3.5 The exchange would result in the house belonging to Ardenglen becoming under occupied by more than one room.

- 3.6 The house belonging to Ardenglen would be overcrowded as a result of the exchange. Overcrowding will be defined in terms of the guidance contained within the Associations allocation policy
- 3.7 Anyone in either family has an Anti Social Behaviour Order against them.
- 3.8 There is outstanding repair work in either property that it is the tenant's responsibility to repair.
- 3.9 The house does not match the incoming tenant's needs, for example, they require ground floor accommodation on medical grounds and the proposed exchange is to a house with internal stairs.
- 3.10 The Association believes that the request results from a financial or other inducement offered by one party or from misrepresentation by one party or where the exchanges appears to be contrived to circumvent normal allocation processes. In this regard particular attention will be given to the motives of applicants wishing to make a mutual exchange which would worsen their circumstances.
- 3.11 Any other reasonable grounds which the Association consider appropriate to refuse the exchange

#### **4. DEALING WITH REQUESTS**

- 4.1 The Association will actively promote mutual exchanges and will advertise in the office properties that are available for exchange.
- 4.2 When an exchange partner is identified, through whatever source, housing management staff will carry out a home visit to the Ardenglen tenant and where practically possible, the other applicant within 14 days of the written request being received
- 4.3 The purpose of the visit is to carry out a property inspection and confirm details of housing requirements in order to ascertain whether or not the criteria set out in section 2&3 of the policy applies.
- 4.4 Approved mutual exchanges will be granted on the basis that the current decoration and repair condition is accepted. The Association will only carry out repairs within the remit of the maintenance policy.
- 4.5 Applicants should make their own arrangements for viewing each other's properties.
- 4.6 Both parties will be required to terminate their tenancy and sign up to a new Scottish Secure tenancy agreement with the Modernised Right to Buy. All paperwork must be completed at the same time.

- 4.7 Where appropriate staff will advise where a mutual exchange will result in changes to the Right to Buy conditions.
- 4.8 The date of entry can be mutually agreed by both parties. Both moves must take place on this day.

**5. DISPUTES, MONITORING & REVIEW**

- 5.1 Disputes in relation to the mutual exchange policy will be dealt with under the Associations complaint policy.
- 5.2 The policy will be monitored and review as required, but at least on a 3 yearly cycle. The review will take account of legislative changes, new policy guidance, best practice and the views of users