

RUTHERGLEN & CAMBUSLANG HOUSING ASSOCIATION LTD

Policy Name	Mutual Exchanges
Policy Category :	Housing Management
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MUTUAL EXCHANGE POLICY

Tenants of Rutherglen & Cambuslang Housing Association may arrange mutual exchanges within Association properties or with tenants of other landlords e.g. other Housing Associations, Co-ops, Scottish Homes of Local Authorities. You must first get our written permission. To do this, you must tell us in writing:

- the details of the proposed change including who you want to exchange with (and the house involved); AND
- when you want the exchange to take place;

The Association keeps a register giving details of mutual exchange requests, on which the public may advertise their details. Where a mutual exchange is not appropriate, applicants will be offered alternative advice on rehousing such as other local housing providers. If appropriate, advice will also be offered on options to exchange to other areas via the Homeswapper or similar Mutual Exchange scheme.

To comply with GDPR the Association has amended the information within the register we publish online to remove names and telephone numbers of applicants, enquiries of interested applicants should be directed through the Association.

The Association will aim to respond to any Mutual Exchange application in writing within 10 working days and we will endeavour to make our decision regarding an application within 28 days of receipt of the application. If an application is refused, the Association will advise the applicant of the reasons for refusal and the applicants rights to appeal. We will not unreasonably refuse permission for a mutual exchange of your house. The exchange must be with another house where the tenant is also a tenant of a local authority landlord, a registered social landlord, a water authority or sewerage authority. The landlord does not need to be us. The other landlord must also agree to the exchange. Reasonable grounds for refusing permission include the following:

- we have served a notice on you warning that we may seek eviction on certain grounds because of your conduct;
- we have obtained an order for your eviction;
- your house was let to you because of your employment with us;
- your house was designed or adapted for persons with special needs and if the exchange was allowed, there would be no person living in the house who required those designs or adaptations;
- the other house is substantially larger than you and your family need or it is not suitable for the needs of you and your family;
- the proposed change would lead to the criminal offence of overcrowding.
- The Association will not allow a mutual exchange to proceed where development work is planned to one or both properties-This exclusion will be lifted one year after the development work has been completed.

These examples do not in any way alter our general right to refuse permission on reasonable grounds. The following grounds relate to the incoming exchange applicant and mirror the responsibilities that the Association places on applicants within our Allocations process:-

- Anyone who has been violent or has used abusive, threatening or anti-social behaviour towards any of the Associations staff.
- Anyone who has been evicted by the Association or a previous landlord, or is the subject of an Anti Social Behaviour Order or involved in the harassment of others. These circumstances will be taken into account when assessing the Association's response to any application, though they will not necessarily prevent the applicant being rehoused by the Association. The applicant will however, require to show the Association staff justification for these actions or that despite the problems he/she has experienced in the past he/she will work with the Association and other appropriate agencies in developing a sound tenancy.
- Where Eviction or A.S.B.O's are an issue, a Senior Housing Officer will have discretion to consider a Short Scottish Secure Tenancy or supported accommodation in certain circumstances where appropriate to assist an applicants opportunity to obtain future rehousing.
- Repossession of a tenancy on grounds of damage to the property.
- The tenant or a member of their family has been convicted for past anti social behaviour in the vicinity of the property.
- Anyone or their spouse, partner or family members included in their application who have had previous convictions or have pending convictions for any offence in connection with the use or supply of any controlled drugs or for using the house for immoral or illegal purposes or offences punishable by imprisonment that were committed in the vicinity of the house.
- Anyone who fails to respond to two items of correspondence from the Association will have their application suspended until they make contact.
- Anyone who has more than one months rent arrears/former rent arrears, or other significant outstanding tenancy liability including service charges/repair recharges, or who has not maintained an arrangement to clear such charges for a continuous period of 3 months. Continuing indebtedness to a landlord, eg through an unpaid former rent arrears or rechargeable repair account, or a recent history of anti-social behaviour will be taken into account when assessing the Association's response to any application, though it will not necessarily prevent the applicant being rehoused by the Association. The applicant will however, require to satisfy the Association staff that despite the problems he/she has experienced in the past he/she will work with the Association and other appropriate agencies in developing a sound tenancy.
- Anyone who has given false or misleading information with relevance to the outcome of their application or withheld relevant information in order to obtain a tenancy will have their application suspended for a period of 6 months from the date of the disclosure.
- Failure to allow a risk assessment to be carried out(where appropriate) or where essential housing support is deemed necessary, but has been refused or not provided.

A suspended application will remain suspended for 6 months or may be reconsidered during this time if the reason for suspension has been fully addressed.

An exchanging tenant must have been resident in their current property for at least one year. The Association will exercise discretion in these requirements to ensure that a tenant is not unreasonably restricted from applying for and obtaining rehousing. Both parties must remain in the exchanged houses for at least one year from the date of the exchange.

The Association's property will be accepted in the condition seen, we will not be responsible for any changes to decoration, or non standard repairs/improvements.

The Association will seek a tenancy report from the existing landlord, and will only allow the exchange if a favourable report is given.

APPEAL PROCEDURE

Any applicant who wishes to have a decision reviewed has the right of appeal to a Senior Housing Officer, and thereafter to the Association's Housing Management Sub-Committee. Appeals should be made in writing within **10** working days of the notification and should be responded to within a further **10** working days. A further final right of appeal is also available via the Association's separate complaints Policy, if any applicant feels they have been treated unacceptably or inappropriately by staff – details of the complaints policy are available from the office on request.

REPORTING

Reporting on Mutual Exchanges will be made to the Housing Management Sub Committee.