

## Pentland Housing Group

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# **Pentland Housing Association Ltd**

## **Mutual Exchange Policy**

### **1 Introduction**

- 1.1 Pentland Housing Association recognises that promoting mutual exchanges encourages tenant mobility and tenant choice and thereby helps to create sustainable communities.
- 1.2 Mutual exchanges can take place between two tenants of Pentland Housing Association or between one tenant of Pentland Housing Association and a tenant of another landlord, such as another Housing Association or a Local Authority. On occasions, multiple exchanges can take place, which involve more than two tenants.

### **2 Implementation**

- 2.1 Tenants of Pentland Housing Association must apply in writing to the Association for consent to the mutual exchange and complete the Association's standard request form. The Association will deal with applications promptly, fairly and efficiently and in accordance with the Mutual Exchange Procedure.

### **3 Qualification**

- 3.1 Requests for Mutual Exchange will be considered on the following basis.
- 3.2 A tenant of the Association can seek an exchange with:
  - Another tenant of the Association.
  - A tenant of another registered Housing Association or Housing Co-operative.
  - A tenant of a Local Authority.
  - A tenant of any other Registered Social Landlord.
- 3.3 Any Association tenant wishing to participate in an exchange should have a clear rent account and not owe any other monies to the Association. Similarly, the Association will not normally accept a tenant who has current rent arrears unless a payment plan is in place and payments have been made continuously for a period of 3 months.
- 3.4 Mutual Exchanges may not be permitted where one of the parties has an unsatisfactory tenancy record in relation to breaches of tenancy conditions.

- 3.5 Where an exchange involves a tenant of another landlord, that landlord must consent to the exchange. In order to meet the aims and principles applying to this policy Pentland Housing Association will:
- Promote opportunities for tenant mobility through the Pentland Housing Association Mutual Exchange Register and through national schemes such as Highland House Exchange Scheme which is linked to national schemes.
  - Give general advice on the implications of taking over the Tenancy agreement of another tenant. Tenants should also seek independent legal advice where appropriate.
  - Ensure that a property inspection is carried out to the homes of Pentland Housing Association tenants involved in the exchange to identify works to be carried out by itself or by the tenant, prior to approval of the exchange.
  - Any such works found to be necessary will be carried out even if the exchange is not approved, or does not take place following approval should there be a risk to safety of the tenant or property.
  - Ensure that tenants are aware that any works identified during the property inspection that are deemed to be caused by their own actions are their responsibility to rectify, prior to the approval of the mutual exchange.

#### **4 Consideration of Requests for Mutual Exchange**

- 4.1 Mutual Exchange applications will normally be granted where they appear to be reasonable and to offer a benefit to one or more of the parties involved.
- 4.2 While it is not possible to provide a full list of criteria the following are examples of situations where a request for Mutual Exchange is unlikely to be approved if:
- we have served a notice on you warning that we may seek eviction on certain grounds of your conduct;
  - we have obtained an order for your eviction;
  - your house was designed or adapted for persons with special needs and if the exchange was allowed, there would be no persons living in the house who require 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 exchange would lead to the criminal offence of overcrowding.
  - there is a suspicion that one or both parties do not intend to reside in their new properties as their main residence.
- 4.3 These examples do not in any way alter our general right to refuse permission on reasonable grounds.

- 4.4 Once tenants have agreed that they would like to proceed with an exchange, each tenant must put their request in writing to their own landlords. Exchanges will not be allowed to proceed until the respective landlords have given their consent in writing. Under no circumstances should tenants move before such consent is given.
- 4.5 The exchange must not result in overcrowding or any other breach of existing Association policy. In addition, mutual exchanges are likely to be refused where significant under-occupation would result eg 2 bedrooms in excess of required bedroom need.
- 4.6 In all instances, the parties to a mutual exchange agree and bind themselves to accept the responsibilities imposed by the landlord (whether the Association or somebody else), whether by way of conditions of tenancy or any other specific or implied condition of occupancy, with particular regard to the condition of fittings and fixtures.
- 4.7 Routine repairs will only be carried out in the normal way by the Association. Where major refurbishment or planned maintenance is programmed, this will be carried out as part of the Annual Programmes in the normal way. A change of tenancy will have no effect on programmed work.
- 4.8 In any instances where one of the parties fails to take up occupancy or vacates within 6 months the property to which they agreed to exchange or a mutual exchange without the consent in writing of the landlords, then the Association reserves the right to commence legal action requiring the parties to vacate the properties to which they exchanged.
- 4.9 Before transferring, each tenant will be required to terminate their existing tenancy and each shall sign a Tenancy Agreement with respect to the new tenancy.

## **5 Equal Opportunities**

- 5.1 We will seek to ensure equality of access in our provision of services and we will aim not to discriminate against any groups or individuals on any of the grounds detailed in the Equal Opportunities Policy.

## **6 Reviewing the Mutual Exchange Policy**

- 6.1 The operation of the Mutual Exchange policy is subject to a 5 yearly review so that Pentland Housing Association Ltd can assess its effectiveness and examine whether any changes are needed.