



MUTUAL EXCHANGE POLICY

1.0 INTRODUCTION

- 1.1 Section 33 of the Housing (Scotland) Act 2001 gives Scottish Secure tenants the right to exchange their house with another SST tenant, subject to permission being given in writing and subject also to the grounds for refusal specified in the Act. The decision to allow a mutual exchange will always be at the discretion of Almond Housing Association Limited (AHA Ltd.).
- 1.2 This policy sets out the criteria that must be met before a mutual exchange can be granted. It is supported by detailed procedures.

2.0 RESPONSIBILITIES

2.1 Board of Management

- To ensure that there is in place a Mutual Exchange policy which complies with current regulations, guidance and good practice.
- To monitor compliance with the policy.

2.2 Management

- Head of Housing Management: To manage the implementation of the policy and procedures on a day-to-day basis, advising the Board of Management, other Heads of Section and all employees as required on specific matters.

2.3 Employees

- To ensure they have read and understood the policy and procedures, and to implement them as required in the course of their work.

3.0 ELIGIBILITY

- 3.1 Before a mutual exchange is considered or approved, the following conditions must be met:
- a) All re-chargeable repair accounts must have been paid.
 - b) There must be a clear rent account, **OR**
where there are arrears, they must either:
 - be less than one month's rent, **OR**

- if they are more than 1 month's rent, a satisfactory payment arrangement must have been agreed, the tenant must have made payments in accordance with that agreement for at least 3 months, and be continuing to make the agreed payments on time,

AND

- it is agreed that it is in both the applicant's interest and our interests to approve the exchange.

- c) There must not be any current Notice of Proceedings issued to the applicant.
- d) There must not be a decree for repossession awarded against the applicant.
- e) Where the applicant for an Almond property is the tenant of another landlord, a satisfactory reference must be received from the other landlord.
- f) The exchange must not result in the overcrowding or under-occupation of a house, except that in special cases we will take account of a tenant's wishes, e.g. a request to move to the same size of house in a different area for particular reasons.
- g) To comply with AHA Ltd.'s Allocations policy, the exchange must not result in children under the age of 12 years old living in a flat in a common stair. However children may live in ground floor flats with direct access (or indirect access via a common close) to a private garden.
- h) Following inspection by AHA Ltd. and with reference to our Letting Standards, the condition of the property, e.g. the decoration or any alterations/improvements carried out, must be acceptable.
- i) If the property has been altered, the outgoing tenant must have received written permission to carry out the work and AHA Ltd. must have approved the final work, in accordance with the Tenant Alterations & Improvements policy.
- j) If permission for an alteration was not received the outgoing tenant must apply for and be granted retrospective permission.
- k) Any work to be done by the existing tenant must be completed to AHA Ltd.'s satisfaction.

3.2 Mutual exchanges involving specially adapted bungalows will only be approved if the incoming tenant or a member of their household has a specific medical need for that type of property. Exchanges involving other bungalows will only be approved if the incoming tenant or a member of their household has a recognised medical condition requiring that type of accommodation.

3.3 Those moving into an AHA Ltd. property must agree in writing to stay for at least six months following an exchange.

4.0 RESPONDING TO AN APPLICATION

4.1 An application for a mutual exchange must be submitted in writing. AHA Ltd. will respond to the application in writing within 28 days of its receipt, failing which it will be taken that we have approved the exchange.

4.2 The process for considering and approving or refusing an application is detailed in the procedures supporting this policy. An exchange tenant will not be allowed to move into an AHA Ltd. property until they have signed their new Tenancy Agreement.

5.0 APPLICATION REFUSED – FURTHER APPLICATION

- 5.1 If an application for a mutual exchange is refused because it does not comply with one or more of the eligibility criteria listed in section 3 above, the applicant will have the right to make a further application in the future.

6.0 APPEALS

- 6.1 The applicant will have the right to appeal against any decision to refuse a mutual exchange. Details of how the appeal will be handled are given in the procedures supporting this policy and will be provided to the applicant in our written response.
- 6.2 Should the applicant remain dissatisfied they will be advised that they also have the right to raise proceedings in the Sheriff Court under Part 2 of Schedule 5 of the 2001 Act.

7.0 REVIEW

- 7.1 The Head of Housing Management will ensure that this policy is reviewed by the Senior Management Team at least every five years.

FIRST APPROVED IN	MARCH 1997
CURRENT VERSION 5.0 APPROVED IN	MAY 2020
NEXT REVIEW DUE BY	MAY 2025