

HJALTLAND HOUSING ASSOCIATION LTD

Mutual Exchange policy: Last Reviewed October 2009

MUTUAL EXCHANGE POLICY

1. Association tenants are permitted to organise mutual exchanges of property with other Hjalmland Housing Association, Shetland Islands Council tenants and other social rented tenants. Mutual exchanges between Association tenants and owner occupiers or privately rented occupiers will not be allowed.
2. Tenants who wish to seek a mutual exchange to alternative accommodation will be advised to register with the Home swapper service. This is a national organisation which makes direct contact with the tenant, once they have registered, to provide them with a list of possible exchanges from those registered on their system. The decision on whether a mutual exchange is undertaken is made by the Association.
3. The home swapper service has been adopted by the Association and the Shetland Islands Council as an effective means of enabling existing tenants to access the alternative accommodation they require. The cost of registering on the Home swapper service is covered by the Association and therefore free to tenants of the Association.
4. Tenants are also permitted to seek individuals to exchange with e.g. through advertising in the Shetland Times, local shops, through word of mouth. Permission to undertake the mutual exchange will be taken by the Association

Mutual Exchange Process

1. Once tenants have agreed that they would like to proceed with an exchange each tenant must put their request in writing to their own landlord. 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.
2. In reaching a decision the Association will take the following into account
 - A tenancy check will be under taken, in the case of tenants from other organisations a written tenancy report will be requested.
 - Applicants to have resided in their property for at least twelve months before an exchange can be considered.

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- 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 e.g. two bedrooms in excess of required bedroom need.
- Each tenant must have a clear rent account and not been the source of anti-social behaviour. If there are exceptional circumstances that warrant relaxation of this rule, then the Housing Services Manager will report this to the Chief Executive for decision.
- Each house must be inspected, prior to consent being given, to ascertain its condition. The parties to the exchange will be required to agree in writing to accepting the other property in its present condition. In respect of the Association tenants, where such inspection reveals unauthorised works to the property, this may require to be reinstated, at the tenant's expense and to the satisfaction of the Association, prior to consent to the exchange being granted.
- It is a requirement that, in giving consent to a mutual exchange, both parties to an exchange must reside in their new properties for at least twelve months. An application to exchange will be refused if there is reason to believe that one or both parties do not intend to reside in their new properties for this minimum period.
- In any instances where one of the parties fails to take up occupancy of 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.
- 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.
- 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 Programme in the normal way. A change of tenancy will have no effect on programmed work.
- Where consent is refused, then the tenant will be given reasons for refusal in writing.

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Equal Opportunities

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 para. 1.1 of our Equal Opportunities Policy.

Policy last reviewed 2006

Decision Date: Oct 2009

Next review date: 2012

This policy will be kept under review and will be reviewed at least every 3 years.