

MEETING: Management Committee	DATE REPORT PREPARED: 11 May 2020
DATE OF MEETING: 26 May 2020	REPORT PREPARED BY: Housing Manager
Policy Review: Homeswapper Mutual Exchange Policy Approved: May 2020 Due for Review: November 2022	

Homeswapper is a Mutual Exchange Scheme that the Association subscribes to which allows FHA tenants the opportunity to 'swap' their homes with both Scottish Secure Tenants and non-Scottish Secure tenants of Local Authorities and Housing Associations.

The Scheme is operated in line with the legal provisions contained in the Housing (Scotland) Act 2001 and the Associations (2019) Tenants Rights procedural manual.

Any Association tenant can apply to swap with any other Social Landlord tenants subject to certain terms and conditions which are laid out by both Landlords.

The Association carried out a consultative exercise during 2018/2019 with service users to determine whether the service was appropriate and whilst the level of response was poor, the respondents determined that it should remain as a valid option for tenants wishing to move outwith the Associations Allocation Policy criteria.

**HOMESWAPPER
MUTUAL EXCHANGE SCHEME POLICY**

As with all of the Association's Policies, this document can be provided in different formats such as in larger print or audio-format and translated into various languages, whenever appropriate.

Please ask a member of staff if you would like a version in a different format.

1. HOMESWAPPER SCHEME

- 1.1 The Association subscribes to a Mutual Exchange Scheme called HOMESWAPPER.

Mutual Exchange is an option, which allows tenants to move to alternate accommodation within the Associations stock or to another area and Landlord. It is important to note that although non-Scottish secure tenants do not have a legal right to exchange tenancies, we support exchanges between our tenants and tenants whose Landlords are either Local Authorities or Housing Associations in England or Wales.

This Scheme allows current tenants to register on-line if they are interested in pursuing alternative accommodation.

This service is offered **FREE OF CHARGE** to all Association tenants who wish to register and is promoted in Newsletters, on our Notice board located within the Associations office and on our Website at www.faifleyha.co.uk

- 1.2 Any tenant wishing to register can either apply directly on-line at www.homeswapper.co.uk or submit a completed application at the Associations office.

All applications submitted online will require approval by the Association.

2. PROCESSING OF APPLICATION FORMS

- 2.1 Where a tenant does not have access to the Internet, an application form will be provided to that tenant for completion, along with a signed confirmation of residence letter. Assistance will be offered to ensure that all relevant information is received at the time of application.
- 2.2 An information leaflet will also be provided to the tenant at the time of application.
- 2.3 Upon completion of the application, the Association will process it on behalf of the applicant.
- 2.4 No further action will be taken by the Association until the tenant has been matched up to a prospective exchange.

3. ON-LINE APPLICATIONS

- 3.1 Where a tenant does have access to the Internet, an on-line application should be completed. Once the Association has approved the application, no further action will be required by us until we have received notification that a match has been found.

4. ONCE A MATCH HAS BEEN FOUND

- 4.1 Once the applicant has found a prospective match, the Association will assess the proposed swap to ensure that the applicants meet the required criteria for exchange.

5. CONDITIONS FOR APPROVAL

- 5.1 Under the terms of the Policy, any Association tenant will be granted permission to propose and exchange their property subject to the undernoted criteria being met;
- a) Rent accounts are in arrears by no more than 1 month. Where arrears exist, a repayment arrangement must be in place.
 - b) The Association must be satisfied that a genuine exchange is taking place. No exchange will receive approval where there are grounds to believe that either or both parties have acted in such a way as to mislead the Association about the circumstances of the exchange or the intention of either party to occupy the new house.
 - c) Parties to the exchange will be required to declare their intention to occupy their new home as their principle residence for at least one year. If the exchange is between Association tenants, then failure to take up occupancy by one of the parties may result in action to recover possession of the tenancy involved.
 - d) Prior to granting an exchange, tenancy reports will be obtained from the other Landlord.

Poor house condition will not normally be regarded as grounds for refusing an exchange as long as both tenants are aware of the condition of each others houses and are prepared to accept same. This does not however apply where intention damage has been carried out at any of the properties and it is likely that this type of behaviour would continue.

The Association will not undertake any extraordinary repairs such as decoration, replacement of fitments etc following a mutual exchange but will fulfil its obligation to ensure that houses are wind and watertight.

6. GROUNDS FOR REFUSAL

- 6.1 There are, in particular, reasonable grounds for refusing consent:
- a) A notice of Proceedings has been served on the tenant in relation to conduct.

- b) An order for recovery of possession of the house which is the subject of the current tenancy has been made against the tenant.
- c) That the house was provided by the Landlord in connection with the tenant's employment.
- d) That the house has been designed or adapted for occupation by a person whose particular needs require accommodation of the kind provided by the house and, if the exchange took place, there would no longer be a person with such special needs occupying the house.
- e) If the house is substantially larger than that required by the tenant and the tenant's family, or the house is not suitable to the needs of the tenant and the tenant's family.
- f) Consent to the exchange would cause statutory overcrowding.

7. PREVENTING ABUSE OF THE POLICY

7.1 There are a number of areas where the policy could be open to abuse. Particularly, where the houses concerned are not equivalent in some significant way other than size.

- a) Exchanges involving main door house/tenemental property.
- b) Exchanges involving adapted for disabled/upgraded houses.
- c) Exchanges where one house is suitable for a medical condition and the other house is unsuitable.

In circumstances such as these, the Association must ensure that neither tenant is being encouraged for any other reason by the other to relinquish a more suitable house for a less suitable one.

7.2 In cases where any of the above applies, the following procedures will be applied:

Where an Association house has been adapted, an Occupational Therapist's report will be required before approving the exchange.

Where the Association property is ground floor and was awarded on the basis of medical priority and the tenant is still resident, an Occupational Therapist or medical report will be sought and the exchange refused if it means the tenant moving to unsuitable accommodation.

Where the exchange involves property that differs significantly in demand e.g. between a main door house and a flat, then further investigation will be required to determine the motives behind the proposed move if it is not immediately obvious.

Only when we are satisfied that the reasons for the exchange are legitimate will permission be granted.

8. RIGHTS OF APPEAL

- 8.1 If we refuse an application to exchange tenancy, the tenant will receive a written response detailing clearly why the application has been refused. This is important so that the tenant can raise an appeal if they disagree with our decision.
- 8.2 Tenants can appeal to the sheriff court if they are dissatisfied with our decision to refuse permission to the exchange. We promote the rights of the tenants to seek independent redress and we will provide them with information, in writing, about their appeal rights.

9. PERFORMANCE MONITORING

- 9.1 The Association will monitor exchange requests, to ensure that we meet our Legal obligations, as well as identifying gaps in service delivery.

This information will be reported our Management Committee on a half-yearly basis.

10. REVIEW OF THE POLICY

- 10.1 The Association will review the Homeswapper Mutual Exchange Policy every 3 years, or, where there are material changes in:
 - 1. Legislation
 - 2. Scottish Housing Regulator Guidance
 - 3. Any other monitoring document
 - 4. Internal Auditing