

## The Highland Housing Register



### Mutual Exchange Policy

The aim of Mutual Exchange is to give tenants another option for resolving issues that they have with their housing. Tenants have, by law, a 'right' to exchange. The law gives us a right to refuse a tenant's request to exchange. By law, our reasons for refusing exchanges should be reasonable and justifiable.

Most tenants want to do a Mutual Exchange because they have a need for a new home - for example they somewhere which is: bigger, or smaller; or closer to their work or support networks or; they need a garden for their children etc. Sometimes tenants want to move simply because they would like a change. Because we need to do work like safety checks, officer inspections and other work needed for tenants to move, every exchange costs us money. In some rural communities, housing is in short supply, options are scarce and there are lots of people who need to find housing so they can stay there. There are also reports of some people who misuse the exchange process.

Our proposals aim to help us use our resources wisely and continue to make sure that, as a priority, we can assist people with the greatest need for housing. In addition, we want to make sure that the same criteria are used for tenants across Highland no matter who their landlord is.

There are several reasons why we refuse requests. Some are set in law (Section 33, Housing (Scotland) Act 2001) others are those which we consider to be reasonable. We use these reasons when we assess requests so that we are making our decisions fairly and consistently.

By law we can refuse, if

- we have served a notice on you warning that we may seek eviction on certain grounds because of your conduct;
- we have an order for your eviction;
- your house was let to you because of your employment with us;
- your house was designed or adapted for use by 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 (we may allow exchanges to houses with 1 bedroom more or less than needed, if we agree that there are exceptional reasons for the exchange.)
- the other house is not suitable for the needs of you and your family;
- the proposed change would lead to the criminal offence of overcrowding.

It is also our Policy to refuse:

- if you have any tenancy related debt (such as outstanding rent / former tenant / recharges / garage arrears; Highland Council Tax arrears (THC tenants only) or recharges for repairs or legal costs outstanding.
- If we do not have the written permission of your husband or wife or civil partner (even if you are separated) or joint tenant;
- If there are repairs which are your responsibility which are still to be done or have not been done to the standard we require, within the timescale we have agreed with you.
- If you have refused to do anything we have asked you to do. Such as refusing to: take part in inspections or joint meetings or; complete things needed for the exchange to happen.
- If allowing the exchange to go ahead goes against the policies of another landlord

### **New Reasons Being Proposed and Consulted On**

To ensure fairness in the allocation of properties through the Highland Housing Register, we are proposing that we will consider it reasonable for us to refuse for the following reasons:

- If it is less than 6 weeks since you signed your tenancy agreement and / or you have not occupied the property as your main and principle home;
- you have not lived in your home for 12 months - unless the exchange will either: alleviate overcrowding; help you to get support that you could not get otherwise; help to resolve an issue which could lead to your tenancy failing; significantly alleviate travel-to-work issues or; resolve an issue which we agree is reasonable to resolve in this way
- If there is a) evidence of exceptionally high demand for the property you live in and, b), evidence that there is such a limited supply of such housing locally that households in high housing need would potentially be unable to have their needs met and c) no evidence that the exchange will help to resolve a housing, support or other relevant need.

### **Proposed Change**

Mutual Exchanges are to help tenants sort their housing issues. There is reported to be misuse of the process on occasion. When this happens, we do not think it is fair that the costs are passed onto all the tenants. We are considering that we will recharge tenants who have moved through a Mutual Exchange and who then, within the next 12 months, transfer or terminate their tenancy. This recharge will be reasonable and will reflect the costs of carrying out exchanges i.e. for electric and gas safety checks etc. We will not charge these costs if the exchanging tenant does not move within this short timescale. (We recognise that there may be exceptional reasons why a tenancy may come to an unexpected end and may waive costs in these circumstances.)