

Melville Housing Association



Procedure: Property Swap

Subject:	Property Swap
Section:	Property Services
Objective:	To assist tenants exchange their homes as a way of satisfying housing need and desire
Performance Standard:	
Relevant Legislation	
Issue Date:	May, 2011
Review Date:	April, 2014
Procedure Ref No:	PROP 103

1.0 Procedure

- 1.1 All tenants have the right to exchange, in accordance with the Housing (Scotland) Act 2001.
- 1.2 We will encourage mutual exchanges since successful exchanges provide a valuable management tool in helping people obtain the housing they need or wish without altering the supply of houses available to applicants on the waiting list.
- 1.3 We will not unreasonably withhold requests for exchanges.

2.0 Procedure

- 2.1 Both tenants wishing to exchange must complete the appropriate application forms with us and make a written application to the other Landlord involved. The incoming tenant must also provide a tenancy reference with their application.
- 2.2 We will not register an exchange request until we have received both application forms and the tenancy reference for the incoming tenant.
- 2.3 If the tenancy is a joint tenancy, both tenants must sign the application forms.
- 2.4 We may refuse requests for exchanges in the following circumstances, but these examples do not take away our general right to refuse a request:
 - If a notice of proceedings for recovery of possession has been served on our tenant warning that we may seek eviction because of their conduct.
 - If we have obtained an order for recovery of possession of the house which is the current tenancy.
 - If the house has been designed or adapted for a person who has special needs and if the exchange took place, there would no longer be a person with such special needs occupying the house.
 - If there is a court case pending which may affect the suitability of the tenancy.
 - The accommodation in our property is larger than that required by the incoming tenant and their family or it is not suitable for the needs of the incoming tenant and their family.
 - The change could lead to the criminal offence of overcrowding
 - Provided that on exchange the existing tenancy is terminated and our tenant is granted a Scottish Secure Tenancy with the other landlord
 - If we receive a poor reference for the in-coming tenant regarding anti-social behaviour or if they have any tenancy debts which are greater than 1/12th of their annual rent.
 - If our tenant has any rent arrears or rechargeable repairs outstanding which are greater than 1/12th of the annual rent.
- 2.5 We will respond to a request to exchange within 28 days of receipt of the application giving our consent or refusal. If we refuse an exchange we will state why.

2.6 If we do not respond within 28 days, it should be taken that we have agreed to the request.

3.0 Appeals

3.1 All tenants have the right to appeal against any decision made concerning their request for an exchange. Appeals should be made in writing to the Director of Property Services in the first instance.

3.2 The Director of Property Services will notify the tenants of the outcome of the Review within 4 weeks of receiving the appeal.

3.3 The decision of The Director of Property Services regards any appeal is final. If the tenants are not satisfied, they have the right to raise a summary action in the Sheriff Court within 21 days from the date of notification.

4.0 Equal Opportunities

We will not discriminate in the operation of this procedure on the basis of age, gender, race, colour, ethnic or national origin, religion, marital status, family circumstances, political or sexual orientation, medical condition or disability.

We aim to promote equal opportunities and comply with the requirements of the Race Relations Act 1976, Sex Discrimination Act 1975 and Disability Discrimination Act 1995.

5.0 Procedure Review

The Director of Property Services will review these procedures every three years. Any minor amendments required will be submitted to the Director's Group for approval.