



Govanhill

HOUSING ASSOCIATION

Mutual Exchange Policy

Approved xx2025
Next Review xx2028

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1. Introduction

Govanhill Housing Association is committed to enabling tenants to exchange houses, wherever possible, to satisfy their housing needs, to promote mobility and to make the best use of its housing stock. This aim is in accordance with the Housing (Scotland) Act 2001 which governs mutual exchanges and states that a landlord must not unreasonably refuse permission for the mutual exchange of a house. Details of how mutual exchanges will operate are contained within Govanhill Housing Association's Scottish Secure Tenancy Agreement and this policy

2. Aims and Objectives of the Policy

A mutual exchange does not need to be with another of Govanhill Housing Association's tenants but must be with another house where the tenant holds a Scottish Secure Tenancy Agreement. This may be with another housing association or local authority. Mutual exchange is a useful tool to ensure housing stock is used efficiently. However, care must be taken to ensure that no abuse of the system is taking place i.e. tenants must have a genuine desire to exchange. As a result, the personal information provided in connection with a Mutual Exchange request will be treated as confidential and in line with the requirements of the General Data Protection Regulation. (GDPR).

3.Compliance with Performance Standards, Legislation and Good Practice

Govanhill Housing Association will have full regard to legislative and good practice requirements in this policy and also its approach to managing all requests to mutually exchange tenancies.

The main legislation and guidance we will have regard for are:

- **The Scottish Secure Tenancy Agreement** –paragraph 4 of this agreement states: If you wish to carry out a mutual exchange you must first get our written permission. To apply for our permission, you must tell us in writing the details of the proposed change including who you want to sublet or assign or give up possession to, take as a lodger or joint tenant or exchange with (and the house involved); AND when you want the exchange to take place.

We will not unreasonably refuse permission for a mutual exchange of your house. The exchange must be with another house where the tenant holds a Scottish secure tenancy . The landlord does not need to be us. The other landlord must also agree to the exchange. Reasonable grounds for refusing permission include the following:

- We have served a notice on you warning that we may seek eviction on certain grounds because of your conduct.
- We have obtained an order for your eviction.
- your house was let to you because of your employment with us.
- your house was designed or adapted for 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 or it is not suitable for the needs of you and your family.
- the proposed exchange would lead to the criminal offence of overcrowding.

These examples do not in any way alter our general right to refuse permission on reasonable grounds. See paragraph 10.2 for more detail on getting permission (Appendix 2).

- **The Scottish Social Housing Charter** – The Scottish Government, through the Scottish Social Housing Charter, sets the outcomes it expects Housing Associations to achieve for its residents, in terms of how Associations manage their allocations:
- **Outcome-** All applications to mutually exchange a tenancy will be processed lawfully, fairly and transparently, in line with this policy and with full regard to Scottish housing legislation and Govanhill Housing Association's tenancy agreement.

3. Eligibility Criteria

All Association tenants with an SST will be eligible to apply for an exchange. Normally all parties will have resided in their existing property for at least a year. Tenants of hostels and supported accommodation are not eligible for mutual exchange. More than two tenants may wish to exchange homes therefore, all parties will be required to complete a

Mutual Exchange request form. (Appendix 1). Where any of the parties has a joint tenancy with another person, the joint tenant must also sign and be in agreement to mutual exchange.

The Association will not withhold consent unreasonably, but may refuse an application to mutually exchange on tenancies on grounds that include:

- The rent account of one or more of the tenants has not been conducted satisfactorily and there are current arrears on the account of one month's due rent or more.
- A Notice of Proceedings for Recovery of Possession has been served on the tenant specifying one of the 'conduct' grounds set out in paragraphs 1-7 of Schedule 2 of the Housing (Scotland) Act e.g. rent arrears, anti-social behaviour.
- A Court Order for Recovery of Possession has been granted against the tenant.
- The Association has reason to believe that one or more of the tenants has received payment in cash or in kind to affect the Mutual Exchange.
- There is substantial damage to the property caused by the tenant, a member of the household or a visitor to the property.
- The Mutual Exchange would lead to overcrowding or under-occupation of one or more of the properties in line with the Association's Allocation Policy.

4. Appeals Procedures

If you are unhappy with the outcome of your application, we would encourage you in the first instance to speak to your Housing Officer.

If you remain unhappy you must submit a written appeal to the Senior Housing Officer within 28 days of receiving the decision. The Senior Housing Officer will review the appeal and provide the applicant with the result of their decision in writing. If the applicant is still dissatisfied, recourse can be sought through the Association's Complaints Policy and Procedures.

5. Equal Opportunities Statement

We recognise our pro-active role in valuing and promoting diversity, fairness, social justice and equality of opportunity by adopting and promoting fair policies and procedures. We are committed to providing fair and equal treatment to all applicants and tenants and will not discriminate against any on the grounds of race, colour, ethnic or national origin, religion, age, gender sex, sexual orientation, marital status, family circumstances, employment status or physical ability.

6. Policy Review

This policy will be subject to review every 3 years unless significant changes in the operating environment dictate otherwise.

Appendix 1 -Mutual Exchange Application form [Mutual Exchange Application Form](#)

Appendix 2- 10.2 of Tenancy Agreement-Permissions [10.2 Tenancy agreement permissions](#)

Appendix 3-Mutual Exchange procedures [Mutal Exchange Procedure](#)