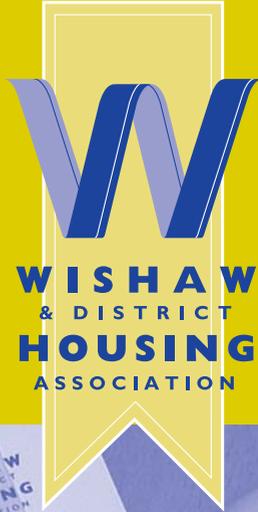


Mutual Exchanges

A guide to applying for a mutual exchange



Wishaw & District Housing Association Limited
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Our Ref: HMTF/Exchange
Date: 1 February 2005

Mr & Mrs McPhail
17 Oban Crescent
Wishaw

Dear Mr & Mrs McPhail

MUTUAL EXCHANGE APPLICATION

I refer to your application to exchange houses with
received by the Association on 12 January 2005.

We have now completed all of our checks and
We are therefore happy to approve your application.

However, the
make any

Please
tenant

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do not hesitate to



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What is a mutual exchange?

A mutual exchange is when two tenants of a registered social landlord agree to swop houses with each other.

Mutual exchanges are often used by people who are unable to get the housing they require through the waiting list system. In particular, exchanges can be a quick way to get another size or style of house or a move from one area to another.

Who can get a mutual exchange?

If you are a tenant of Wishaw and District Housing Association you can apply to exchange with another tenant of either the Association or another registered social landlord such as a Housing Association or Cooperative or a Local Authority like North Lanarkshire Council.

You do not have to have the same landlord as the person you wish to exchange with but please remember that where two landlords are involved you will need the written permission of BOTH landlords before the mutual exchange can go ahead.

How do I find someone to exchange with?

It is up to you to find a tenant in the size, type and/or area of housing that you want to live in that is willing to move into your house.

Anybody who wants to find someone to exchange with can register with the Association and the details of their property will be publicly displayed in our reception. Details of properties will also be posted on our website.

N.B. Only information on the property will be displayed and no personal information on tenants such as names and telephone numbers will be made available to members of the public without the tenant's permission.

If you see a property you are interested in on either the Association's website or register, you should leave your name

and contact telephone number with a member of staff. We will pass these along to the registered tenant who will decide whether they wish to contact you and pursue an exchange.

Some people also advertise their property on information boards in shops such as Safeway and Tesco or in local newsagents while others advertise in local newspapers. If you see an advert that you are interested in it is up to you to make contact with the tenant and make the arrangements to apply for an exchange.

Other landlords in the area such as North Lanarkshire Council will also have information on people interested in a mutual exchange.

How do we apply for permission for a mutual exchange?

Once you have found someone that agrees to exchange with you BOTH of you must apply to your landlord(s) for permission to exchange houses.

If the person you wish to exchange with is also a tenant of Wishaw and District Housing Association there is only one form to be completed but both you and the person you wish to exchange with have sections to fill in.

If you wish to exchange with a tenant of another landlord you must complete the form from the Association AND contact the other person's landlord for advice on how to apply to them as well.

When you are completing the application form please make sure that you answer all relevant sections. If we do not have all the information we need the processing of your application may be delayed. Both households will also need to provide access to their houses to allow a home visit and inspection to be carried out.

If the person you wish to exchange with is a tenant of another landlord, the Association will ask their landlord for a tenancy reference. Both of you are expected to have conducted your tenancy satisfactorily and, where there are rent arrears of more than one month's rent, to have a repayment arrangement in place that is being strictly adhered to.

How long will it take before I can move?

The Association will try to ensure that it lets both parties know its decision within 28 days of the completed application being submitted to the office but this may not be possible if we have to wait on supporting information from either party or if we are waiting on a tenancy reference from another landlord. If there is going to be a delay in responding to your application we will write to let you know.

However if you are exchanging with a tenant of another landlord please remember that you need the permission of both landlords before the exchange can go ahead and you should not arrange your move until you have written permission from both the Association and the other landlord.

Once you have written permission for the mutual exchange you can arrange your move for a date that suits both of you. Although you will need to end your tenancy with the Association, you will not be required to give the normal 28 days notice.

However you are strongly advised not to actually move into your new home until your tenancy start date. This is because you are not the legal tenant until your tenancy starts and until that date, the other party has the right to withdraw from the exchange.

Who covers the cost of my move?

You will need to make your own arrangements for your move and cover any costs of the removal including the hiring of a removal van, the disconnection and reconnection of your telephone, mail redirection etc. If there are any repairs required to the house you are leaving as a result of damage caused by a member of your household or a visitor to your house, you may also need to carry out the repair at your own expense or pay for the Association to have the work done before you leave the property.

If you want to do any decorating or alteration works to your new house, you will need to pay for these yourself.

The person moving into your house will also be responsible for their own removal costs as well as for any decoration or alterations they wish to carry out in the house once they are the tenant.

Will my tenancy rights be affected?

If you are exchanging with another tenant of the Association you will sign a new tenancy agreement with all the same rights and obligations as you currently have.

If you are changing to another registered social landlord you will still be a Scottish Secure Tenant. Although there may be some minor contractual differences in the actual tenancy agreement you will, in essence, have the same rights, responsibilities and obligations that you currently have.

Can I buy the house I am moving to?

The Housing (Scotland) Act 2001 states that anyone starting a new tenancy with a registered social landlord (e.g. Wishaw and District Housing Association, North Lanarkshire Council etc) will not be able to buy the house they are moving to until **at least** September 2012. You will also only be entitled to the modernised rules on the level of discount you will receive if you decide to purchase the property.

Even if you currently have the right to buy your house under the old rules you must remember that you will *lose that right* when you move and you will only be able to buy your new home under the rules of the modernised right to buy.

Amongst other things, this would mean that you will only be entitled to a maximum discount of 35% of the market value of the property or £15,000, whichever is the lower. Under the old right to buy rules you are entitled to a maximum discount of 70% if you currently live in a flat and 60% if you currently live in a house.

Moving house may have a significant financial implication should you ever wish to buy your house. If this is important to you then you are strongly advised to seek more information and advice. If you want to discuss how your right to buy will be affected please contact the office.

What are the conditions for getting permission for a mutual exchange?

The Association cannot unreasonably withhold permission for a mutual exchange. However there are certain circumstances that are accepted under the law as reasonable grounds for refusing to give permission. These are where:

- The Association or the other landlord has served a warning that it may seek eviction because of the conduct of the tenant or another member of the household.
- A court has granted a decree for the repossession of either of the properties involved.
- The Association's property was designed or adapted for someone with special needs and this facility would not be utilised by the proposed incoming household.
- The exchange would result in the Association's property being overcrowded.

Although the Housing (Scotland) Act 2001 states that the above grounds for refusing permission for a mutual exchange are reasonable this is not an exhaustive list of the reasons why the Association could withhold permission. The Association also has discretion to refuse permission in certain other circumstances. For example, the Association would not normally give permission if the exchange would mean that its property was underoccupied or where either of the parties has rent arrears of more than one month's rent and has no repayment arrangement in place or is not adhering to the arrangement.

Before giving permission for the exchange the Association also has to be satisfied that:

- No one involved is being pressurised into agreeing to the exchange.
- No one involved is agreeing to the exchange for financial or material gain.
- The mutual exchange is not being used as a means of abusing the Allocations system.
- Everyone understands and accepts the implications and responsibilities of agreeing to the exchange.

Where permission is being refused the Association will write to both parties. The reasons for refusing permission will be given unless this would involve a breach of confidentiality (for

example, we cannot tell you that the other person is to be evicted for rent arrears as this would contravene the Data Protection Rights).

What if the Association does not give permission for the exchange?

Any party affected by the Association's decision in relation to an application for a mutual exchange has the right to appeal the decision and a copy of the Association's Complaints and Appeals Procedures is available from the office.

A copy of the Association's Mutual Exchange Policy is also available from the office on request.

**Further
information**

Wishaw & District Housing Association Limited
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Web: www.wishawdha.org.uk

Open: Monday – Thursday: 9.00am – 4.30pm and
Friday: 9.00am – 4.00pm
Closed for lunch: 12.30pm – 1.30pm

