

# Transfer & Exchange Policy & Procedure

<b>Reviewed:</b>	<b>November 2019</b>
<b>Next Review:</b>	<b>November 2022</b>

**Approved by:**

**Board:**

**Responsibility:**

**Housing Services Manager**

## 1. Introduction

This document outlines the processes that will be followed when transferring and exchanging properties.

The aims of this policy are to:

1. Maximise the opportunities for tenants to transfer or exchange their properties
2. Facilitate a straightforward application process
3. Enable tenants to make informed choices through the provision of clear information and advice.

## 2. Legislation

Legislation	Relevance to Allocations & Lettings
Housing Act 1996	<ul style="list-style-type: none"> <li>• Details eligibility for allocations and homelessness</li> </ul>
Localism Act 2011	<ul style="list-style-type: none"> <li>• Paves the way for a national home swap scheme</li> <li>• Outlines provision of transfer of tenancies for secure &amp; assured tenancies</li> </ul>
Equalities Act 2010	<ul style="list-style-type: none"> <li>• Fairness</li> </ul>
Data Protection Act 2018	<ul style="list-style-type: none"> <li>• Storage of data and disclosure of information</li> </ul>

### 3. Regulatory Framework

This policy operates within The Regulatory Framework for Social Housing in England from April 2015. The main relevant standard is outlined below:

Tenancy Standard

Allocations & mutual exchanges

- We clearly set out the criteria for considering transfer and exchange requests.
- We let properties that addresses housing need & makes best use of housing stock taking into consideration under-occupation and overcrowding.
- We will publish our Transfer and Exchange Policy including accessing the service, criteria for exclusions and assessment of applications
- We will record all lettings via CORE.
- We provide our tenants with free access to Homeswapper, an internet based mutual exchange service. We advertise this service on notice boards and newsletters to tenants and help those with no access to the internet, access the service.

### 4. Fairness

We will ensure that this policy does not discriminate against any tenant on the grounds of gender, age, ethnic origin, disability, religion or sexual orientation by monitoring our allocations every year.

Applicants will be invited to disclose information to support this monitoring. This information will be stored confidentially and we will not disclose personal data.

We aim to provide adequate housing for all tenants and will therefore support and assist those who wish to transfer or exchange due to changes of circumstances / housing need.

To ensure openness and transparency the Transfer and Exchange Policy will be published on our website.

### 5. Eligibility

Tenants wishing to apply for a transfer must have lived with us for at least 12 months. Starter tenancies do not have the right to transfer or exchange.

In either case the tenants must meet the following criteria:

- Property must be in a lettable condition
- Must have a clear rent account (no rent arrears) and other debts e.g. rechargeable repairs
- Not breached any tenancy conditions in the previous 12 months (ASB)
- Leave the property clear of all unwanted items and rubbish.

**In extreme circumstances – exceptions may be made such as:**

- Domestic violence, Harassment etc.
- Rent arrears caused by the spare room subsidy and needing to downsize

Tenants wishing to apply for an exchange or transfer who do not meet the above criteria must send their request in writing marked confidential to the Housing Services Manager to assist with the request if necessary.

If we are unable to assist tenants with alternative accommodation within the Community, nomination and referral methods will be considered.

Transfer applications will be considered for the following reasons and may be asked to provide supporting documents:

- Medical
- Health and safety
- Overcrowding / Under-occupancy
- Harrassment

## **6. Assessment**

### **Transfer**

A tenant wishing to transfer to another property must complete a transfer form and a home visit will be carried out to discuss the application. <K:\Housing Management\Allocations\Transfer & Exchange\Transfer application form.doc>

A property inspection will be carried out and applicants informed of work needed before a possible transfer.

Transfer requests meeting the criteria will be assessed as per the waiting list.

Transfer applicants will be notified in writing whether or not their application has been accepted. Rejected transfer requests have the right to Appeal – see Appeals procedure. <K:\Policies, Procedures & Plans\Housing Management\Appeals Policy.doc>

### **Mutual Exchanges (within St Peter's)**

As well as complying with the criteria for Transfers (no rent or rechargeable repairs arrears and property in lettable condition), tenant's applications for an exchange will only be considered if the property they are moving to is suited to their needs.

Tenant's requesting an exchange will be required to complete an Exchange form identifying the person they wish to exchange with. <K:\Housing Management\Allocations\Transfer & Exchange\Mutual Exchange Forms.doc>

Upon receipt of completed forms, the Housing Services Manager will consider applicants request to exchange, taking into account any overcrowding or underoccupancy concerns.

Mutual exchange applicants will be notified in writing whether or not their application has been accepted.

### **Mutual Exchanges (with other Housing Associations)**

Tenant's wishing to do a mutual exchange with a tenant from another Housing Association must comply with the criteria for Transfers (no rent or rechargeable repair arrears and property in lettable condition).

Tenant's requesting an exchange will be required to complete an Exchange form identifying the person they wish to exchange with. <K:\Housing Management\Allocations\Transfer & Exchange\Mutual Exchange Forms.doc>

Upon receipt of completed forms, the Housing Services Manager will consider applicants request to exchange, taking into account any overcrowding or underoccupancy concerns.

The Housing Services Manager will arrange to interview prospective tenant within 10 days of request.

The Housing Services Manager will write and request a reference from the prospective tenant's landlord.

Mutual exchange applicants will be notified in writing whether or not their application has been successful.

Tenants can register an interest to exchange with tenants of other providers via a homeswapper scheme on [www.homeswapper.co.uk](http://www.homeswapper.co.uk) . St Peter's subscribe to this scheme.

## **7. Offer of properties**

Upon a suitable property becoming available, an inspection will be carried out to ascertain the condition of the tenant's property. The tenant will be required to carry out any minor work deemed the tenant's responsibility, including decoration if necessary so that the property is left in a lettable condition. If the tenant fails to do so, the offer may be withdrawn.

If a suitable offer is made to a tenant and this is refused without reason, the tenant will be removed from the transfer list for a period of 12 months.

In the event of more than one applicant being suitable and applying at the same time priority will be given to the applicant in the most housing need.

## **8. Appeals**

All tenants and applicants have the right to appeal against any decision made. Appeals should be made in accordance with our Appeals Policy which will be made available on request.

## **9. Reporting and Monitoring**

We will keep records of all application and allocation decisions made.

All application decisions and allocations made will be monitored annually.