

Transfer & Exchange Policy & Procedure

Reviewed:	January 2023
Next Review:	January 2026

Approved by:

Board:	19th September 2023
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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"> • Details eligibility for allocations and homelessness
Localism Act 2011 – Part 7	<ul style="list-style-type: none"> • Paves the way for a national home swap scheme • Outlines provision of transfer of tenancies for secure & assured tenancies
Equalities Act 2010	<ul style="list-style-type: none"> • Fairness
Data Protection Act 2018	<ul style="list-style-type: none"> • Storage of data and disclosure of information

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 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 or exchange 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 existing own stock, then nomination and referral methods will be considered.

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

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

Mutual exchanges are another way of moving from your property into something more suitable for your needs. All tenants considering a mutual exchange will need written permission from their landlords, which will not normally be refused.

Tenants can register an interest to exchange with tenants of other providers via a homeswapper scheme on www.homeswapper.co.uk . St Peter's subscribe to this scheme.

Please read our information guidance if considering a mutual exchange.

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.

A full needs and risk assessment will be carried out where tenants wish to move into Middle College House.

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.

If not accepted onto the waiting list, the letter will include the reason for refusal.

Mutual Exchanges

All tenant's requesting an exchange, within St Peter's or with another association, will be required to complete an exchange form identifying the person they wish to exchange with.

Upon receipt of completed forms, the Housing Services Manager will consider the applicants request to exchange. 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.

A property inspection will be carried out and applicants informed of work needed before a possible exchange and a needs and risk assessment carried out where tenants wish to move into Middle College House.

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

Mutual exchange applicants will be notified within a maximum of 42 days in writing whether or not their application has been successful as long as all the information has been completed correctly.

Reasons for refusal can include, but are not limited to:

- A landlord has started eviction proceedings
- The property is larger than the household needs
- The property is too small, and will become overcrowded
- The property has been adapted for a person with disability, that are not needed for new household
- A member of the household has behaved in an anti-social way, and action either taken place or being sought e.g. possession proceedings, anti-social behaviour orders

7. Transfer - 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 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, within 21 days from date of notification.

9. Reporting and Monitoring

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

All application decisions and allocations made will be monitored on a rolling basis throughout the year