

**TRANSFER & MUTUAL EXCHANGE POLICY**

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**1 Statement of Intent**

- 1.1 Maidenhead and District Housing Association (the Association) operates in an area of extremely high housing demand. This policy is part of a series of Lettings Policies that outlines the way the Association operates and manages the letting of its properties, in order to maximise the use of scarce resources in the most equitable and ethical way.
- 1.2 This policy concerns housing applicants who are already tenants of either Maidenhead & District Housing Association (MDHA) or Windsor Housing (WH). There is a separate Transfer and Mutual Exchange Policy for Bridgewater Housing Ltd., although existing tenants may seek to transfer between all three associations.

**2 Aims**

- 2.1 The aim of this policy is to enable movement within the Borough, to make the best use of available properties and to satisfy our tenants' housing needs. To achieve this aim, MDHA and WH have a partnership arrangement which allows tenants of either to apply for a move between the two areas of the Borough. Both associations aim to provide fair access to the transfer list whilst making best use of the available housing stock.

**3 Eligibility**

- 3.1 To be eligible for the transfer list, applicants must be tenants of MDHA or WH and must have a housing or priority need as detailed below. Therefore, in order to qualify for transfer, applicants must meet one of the following criteria:
- 3.2 Over-occupation.
- 3.2.1 Where a family currently occupies a property with too few bedrooms in accordance with the criteria listed in Appendix One.
- 3.2.2 If a dependant relative has moved into a property causing a family to be overcrowded proof of their residency at that address for at least three months must be provided before being eligible to go on the transfer list. If a larger

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property is offered because a dependant relative has moved in, the relative is not eligible for re-housing in their own right.

3.2.3 A dependant relative is defined as a member of the immediate family (parent, grand parent or child) whom the tenant is responsible for providing support and or care or who is providing this for the tenant. Non-family members who are providing full time support and or care are also recognised under this definition.

### **3.3 Under-occupation.**

3.3.1 Applicants who currently occupy a property with more bedrooms than they need, in accordance with the criteria listed in Appendix One, are eligible to apply for a move to a smaller property. The Association operates an incentives to move scheme in partnership with the Royal Borough which is designed to encourage tenants who under occupy a property to move to one which is a more suitable size for their current needs. Please refer to our 'Incentives to Move' policy for further details.

### **3.4 Living in a flat above the ground floor.**

3.4.1 Families occupying a property above ground floor with children are eligible to apply for a move to a ground floor property or house.

### **3.5 Transfers on Medical Grounds**

3.5.1 Applicants for medical priority points will only be considered where a move would significantly improve their physical and or mental health or would effectively limit hardship resulting from any physical disability. To be eligible for consideration under this priority category, applicants are required to complete a self-assessment medical form. Medical priority points (outlined in Appendix One) may then be awarded following an assessment by the Association's independent Medical Advisor.

3.5.2 The Association cannot reimburse applicants for any expenses incurred for obtaining medical information and therefore the applicant is responsible for any fees charged by a doctor to provide a supporting letter.

### **3.6 Transfers on Social Grounds**

3.6.1 Priority on social grounds may be awarded where there is documented evidence which shows an individual or family is vulnerable in their present home. This could be because of harassment or domestic violence. Supporting information would be sought from Social Services, the Police or other recognised statutory and voluntary organisations to confirm the level of housing need.

3.6.2 The final decision of agreeing social priority will be made by two senior officers (usually the Lettings Manager and the Assistant Director of Housing) and the priorities are identified in Appendix One.

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3.6.3 A social priority will not be granted on the grounds of overcrowding alone except if a household is deemed as statutorily overcrowded by Environmental Health and a supporting letter is provided.

3.6.4 If priority one is granted, only one offer of accommodation will be made in the areas specified by the tenant. If this offer is refused the priority will be rescinded.

### **3.7 Management Need**

3.7.1 The association may need to transfer a tenant to ensure the effective and efficient management of its homes. Reasons for such transfers would include the need to re-house a tenant because of planned demolition or major refurbishment works. Appropriate priority would be awarded by the association in such cases.

## **4 General Criteria**

4.1 Tenants will not be offered a transfer if:

- they are in arrears with their rent or service charges or owe the Association any other monies (with the exception of arrears due to Housing Benefit being paid four weekly in arrears);
- they have deliberately worsened their situation or falsified information;
- their current property is not in a satisfactory condition i.e. there is evidence of willful damage or neglect. Tenants would be expected to rectify any damage prior to an offer of accommodation being made. If a tenant asks the Association to carry out the work, payment would be required prior to an offer of accommodation being made;
- they are in breach of the tenancy agreement in any way;
- they have deliberately attempted to obtain housing fraudulently. For example, by knowingly falsifying information during the application process. If such information comes to light after the tenant has signed, the association may, subject to the available evidence, seek possession of the tenancy through the courts.

4.2 Additionally;

- tenants are required to pay rent on both properties should they fail to return keys to the property they are vacating on the agreed date.
- tenants requiring sheltered housing will normally qualify when they are 60 years of age. Suitable tenants who are registered disabled will also be considered.

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- joint tenancies will only be granted to partners in accordance with the Association's Succession & Assignment Policy.

### **5 How transfer applications are ordered**

- 5.1 With the exception of priorities, transfer applications are placed in date order and properties made available to the transfer list will be let to the applicant with the earliest registration date.

### **6 Transfers to other areas of the country.**

- 6.1 The Association, along with most other housing associations and local authorities in the country, participates in the Moves UK scheme; a central Government funded housing mobility service. Applicants with particular needs can be nominated to other council areas for assistance and a small percentage of Association vacancies are used to house applicants from other areas. Tenants or housing applicants who need to move to another area, should contact this Association for advice on the options available. Applications to the Association will be considered on merit and availability of accommodation required. If accepted, applications will be ordered according to date of registration.

### **7 Mutual Exchanges**

- 7.1 The Association will actively support applications for mutual exchanges from tenants who wish to exchange with other tenants of the Association or with tenants of other housing associations or local authorities.
- 7.2 Any tenant can have their name entered on the mutual exchange register in order to facilitate an exchange. The Association operates a 'Plus One' policy with regard to mutual exchanges. This means that tenants are allowed to under-occupy a property and exchange to a property size one above their requirement as defined in Appendix One. For example, a family with one child would only be eligible to apply for a 2 bedroom property on the transfer list but could exchange to a 3 bedroom property.
- 7.3 The Association's consent is required before any move takes place, although consent will not be withheld unreasonably. Possible grounds for refusal are listed below.
- Exchanges that would lead to over-crowding or undue under-occupation of one of the Association's dwellings.
  - There are outstanding rent arrears on the accounts of either tenant.
  - There is an imminent or recent legal action against either tenant as a result of other breaches of conditions of tenancy.
  - Where the exchange would result in a tenant occupying special needs accommodation where this was not required by the tenant or by a member of

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his/her family. Such an example would be where a property has been specially adapted for the use of a disabled person.

- Where the accommodation is considered unsuitable for the incoming tenant.
  - Where a property has been inspected and has been found to be in an unsatisfactory condition
- 7.4 The Association maintains an exchange register which can be viewed at its offices or at the Royal Borough's Offices at the Town Hall, St Ives Road, Maidenhead and Windsor Housing's offices in Park Street, Windsor. Applicants are also encouraged to register on the national HomeSwapper website [www.HomeSwapper.co.uk](http://www.HomeSwapper.co.uk)
- 7.5 To counter fraud the Association requires that all applicants for housing provide a recent photograph of themselves. This photograph should be provided by the applicant at the time of signing up for the tenancy. The photograph can be provided in the following ways:
- 7.6 Provision of a recent passport sized / standard photograph;
- 7.7 Provision of a passport or photo ID or driving license (which will be copied by the Association's staff), and National Insurance number or;
- 7.8 The Association's staff will take a photograph of the applicant/s at the time of the tenancy sign-up using the Association's equipment.
- 7.9 Photographs will be held on the tenancy file and will not be shared with any person or organisation external to the association.

## **8 Appeals**

- 8.1 If an applicant feels dissatisfied with a decision made concerning their housing transfer or mutual exchange application, then they should discuss the matter in the first instance with the Association's Lettings Manager or Neighbourhood Manager. If they are still dissatisfied, then the complaint will be dealt with through the Association's Complaints Procedure, details of which are available on request. Complaints will be acknowledged within 3 working days and fully investigated. The complainant will be informed of the outcome within 15 working days. The Association will inform the complainant if unable to meet this timescale.

## **9 Equal Opportunities**

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9.1 The Association is committed to a policy of fair and equal treatment for all its members, tenants, employees and applicants, regardless of religion, sexual orientation, age, class, racial origin, sex, disability or marital status as determined in the Association's Equality and Diversity Strategy.

### **10 Review**

10.1 This policy will be reviewed on a three yearly basis or in response to changes in legislation, regulatory guidance, good practice or changes in other relevant Housing Solutions Group policy.

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### Transfer and Mutual Exchange Policy

#### Appendix One – Eligibility Criteria.

##### Over/Under-Occupation Criteria

<b>Persons to be Accommodated</b>	<b>Bedroom Requirement</b>
1 single person	Single Room Accommodation
A couple	1 Bedroom
Family with 1 child	2 Bedroom
Family with 2 children same sex under 8 years	2 Bedroom
Family with 2 children opposite sex joint ages total less than 8 years	2 Bedroom
2 single people	2 Bedroom
Family with 2 children of the same sex and one is 8 years old or above.	3 Bedroom
Family with 2 children opposite sexes whose joint age totals more than 8 years	3 Bedroom
Family with 3 children	3 Bedroom
Family with 2 children opposite sex with joint ages under 8 and 1 dependent relative	3 Bedroom
Family with 4 children (all same sex or 2 of each)	3 Bedroom
Family with 4 children (3 same sex and 1 opposite sex)	4 Bedroom
Family with more than 4 children	4 Bedroom
Family with 3 children and dependant relative	4 Bedroom

Note 1: A child is included in the assessment from birth and applicants are required to bring the original birth certificate to our offices at Crown House before the application can be accepted or updated.

Note 2: For a child to be classed as a member of the household the parent has to have sole custody of the child. If parents have joint custody only the parent in receipt of child benefit can apply for a transfer to a larger property if necessary.

##### Priorities for Transfers on Medical Grounds

Priority 1	Extreme Circumstances - Life threatening situation or severe medical problems which prevent a household from safely continuing to occupy their current home. E.g. applicant is currently hospitalised and on medical advice cannot return to their home. Move recommended as a matter of urgency.
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Priority 2	Considerable - Medical problems that would be alleviated by re-housing. E.g. hip replacement necessitates ground floor accommodation. Move recommended within 6 months.
Priority 3	Recognised - An applicant's health is affected by their housing condition but is not yet severe e.g. stairs are becoming a problem. Move recommended within 12 months.
Priority 4	The Disability Discrimination Act (DDA) may be applicable to this applicant's mental state (e.g. depression lasting more than six months) and this is connected to their housing situation.

### **Priorities for Transfers on Social Grounds**

Priority 1	Extreme Circumstances e.g. severe harassment or domestic violence. Move recommended as a matter of urgency and we may offer the next available suitable property in certain circumstances.
Priority 2	Considerable Circumstances e.g. family unable to live together. Move recommended within 6 months.
Priority 3	Recognised Social Problem e.g. requirement for specialised schooling. Move recommended within 12 months.

Additional priority can be awarded by the Association to effect transfers based on the need to manage the housing stock, for example in the event of demolition or major refurbishment.