

# SOCIAL HOUSING

## TRANSFER AND EXCHANGE POLICY

### Document Control

Version	1.0	Date modified:	20.03.2018
Responsible Officer (s)	Housing & GHA Tenancy Managers		
Committee approval date	20 March 2018		
GHA Board approval date	19 March 2018		
Review date	March 2021		

### Relevant Legislation and Policies

The States Housing (Statutory Tenancies) (Guernsey) Regulations, 2005
The States Housing (Statutory Tenancies) (Guernsey)(Amendment) Regulations, 2006
The States Housing (Statutory Tenancies) (Guernsey)(Amendment) Regulations, 2007
The States Housing (Statutory Tenancies) (Guernsey)(Amendment) Regulations, 2016
States Housing (Tribunal and Appeals) (Guernsey) Regulations, 2005
Data Protection (Bailiwick of Guernsey) Law, 2001
Allocations and Eligibility Policy
Review of Tenancy Policy
Income Threshold Policy
Capital Sums Policy
Pet Policy

## 1.0 INTRODUCTION

- 1.1 The Transfer and Exchange Policy has been developed jointly by Housing and Guernsey Housing Association (GHA).
- 1.2 Tenants' housing needs or circumstances may change over time. There are occasions when tenants may find that where they live no longer meets their needs; this may be due to lifestyle changes, changes in their household, the need to access a service or for other reasons.
- 1.3 Tenants can refer to this policy to understand how a request for a transfer or exchange will be processed. This policy makes clear the rights and responsibilities of tenants, Housing and GHA.

## 2.0 POLICY DESCRIPTION

- 2.1 This policy applies to existing tenants from both GHA and Housing and aims to address tenant's changing needs and to make best use of social housing stock.
- 2.2 This policy describes the process by which Housing and GHA manage transfers and exchanges.
- 2.3 The transfer and exchange processes are overseen by Housing and GHA and apply to properties owned and managed by Housing and GHA.
- 2.4 This policy enables Housing and GHA to separate tenants who meet the eligibility criteria into two categories:
  - 2.4.1 Transfers: Tenant(s) who need to move because they are inadequately housed, (e.g. under/over occupying, medical needs not met, social isolation)
  - 2.4.2 Exchanges: Tenant(s) who want to move, even though they are considered to be adequately housed.
- 2.5 Housing and GHA will consider all applications for transfer or exchange unless there is:
  - 2.5.1 A breach of tenancy in the preceding 18 months or an ongoing investigation of the tenant or a member of the household for alleged breaches of tenancy;
  - 2.5.2 A credible reason to believe that:
    - a) The tenancy may soon be terminated;
    - b) The tenant struggled or will struggle to manage a tenancy elsewhere;
    - c) A move would put the tenant or their prospective neighbours at risk;
  - 2.5.3 Where tenants have outstanding arrears or debts owing, they may be excluded from applying for a transfer/exchange unless there are exceptional circumstances.

### **3.0 TRANSFERS**

- 3.1 Housing and GHA tenants can apply for a transfer if they continue to meet the eligibility criteria for social housing (see Allocations and Eligibility Policy) and if they have complied with their tenancy agreement.
- 3.2 A tenant wishing to apply for a transfer is required to complete a Social Housing Allocation and Eligibility Form. Transfer applications are assessed in line with the Allocation and Eligibility Policy.
- 3.3 If an applicant (or anyone on whose behalf they are applying) have any medical or special needs that may have a bearing on the type of property they require, they will be asked to complete a Health Needs Assessment Questionnaire with the application. Should the applicant require assistance with completing the form they can be given assistance by contacting Housing in the first instance.
- 3.4 Where an 'assistance dog' is required for tenants to live independently and the property is unsuitable, priority for re-housing will be assessed in accordance with the Allocations and Eligibility Policy.
- 3.5 If Housing and GHA officers consider the tenant to be inadequately housed, either as part of a routine review of tenancy or as a result of a transfer application, the tenant's details are added to the waiting list in accordance with the Banding Criteria as stated in the Allocations and Eligibility Policy.
- 3.6 Every applicant will be informed in writing of the outcome of their application within 28 days of receipt of the application form, unless additional supporting information has been requested. If the decision is that they are adequately housed the tenant may opt to utilise the exchange process.
- 3.7 Tenants awaiting a transfer are obliged to bring any changes in their circumstances to Housing's and GHA's immediate attention in accordance with this policy and their tenancy agreement.

### **4.0 EXCHANGES**

- 4.1 Housing and GHA tenants can request an exchange if they continue to meet the eligibility criteria for social housing and if both parties have complied with their tenancy agreement. Any exchange requests must ensure both households will be adequately housed for their needs.
- 4.2 Tenants must complete and sign the Exchange Board Information Form (Appendix One).
- 4.3 Tenants will be made aware of their obligations under the exchange programme e.g. Tenants may be charged for electrical and gas safety checks prior to an exchange.

- 4.4 Housing and GHA will maintain an up to date electronic list of all tenants who have been accepted to have their details placed on the exchange board. The Register will also be displayed at Edward T Wheadon House and the GHA offices for viewing.
- 4.5 Once a tenant has identified a suitable household to exchange with, they will need to complete, sign and return a Property Exchange Request Form (Appendix Two).
- 4.6 Both properties will be subject to inspection by Housing/GHA to assess whether the properties are in an appropriate condition for exchange.
- 4.7 Housing/GHA will advise all tenants of the decision in writing within 28 days of the inspection of both properties confirming whether they will approve or reject the exchange.
- 4.8 Both parties will be required to sign an agreement to accept the properties in their current condition at the time of any approved exchange.
- 4.9 Tenants must not move until an exchange has been approved by Housing and GHA and both exchange tenants have each signed a new tenancy agreement.
- 4.10 Any rejections will be fair, consistent and carefully considered. If any of the reasons in 2.5 apply as grounds to reject, Housing and GHA must be able to produce evidence to support the decision.
- 4.11 If an application is rejected, the reasons for rejection will be given in full unless such disclosure will breach data protection principles or compromise Housing's and GHA's abilities to discharge its duties. Unsuccessful tenants will be told whether a reapplication would be considered, and, if so, when and under what circumstances.

## **5.0 FALSE INFORMATION**

- 5.1 Tenants who knowingly give false information or who withhold information which would have a material effect on their application, will have their application rejected and will be removed from the waiting list or the exchange register. They may be prosecuted.
- 5.2 Tenants who are rejected on these grounds will not be allowed to reapply for 12 months. By exception, Housing and GHA may decide to accept a new transfer or exchange application if the tenant's circumstances have changed significantly.

## 6.0 RIGHT OF REVIEW AND APPEALS

- 6.1 If an applicant is dissatisfied with a decision, they may ask to have an internal review to be carried out. Any request to have a decision reviewed should be made in writing within 28 days of the date of the letter communicating the original decision.
- 6.2 Should the applicant still be dissatisfied with the decision made after the internal review has been carried out, they may appeal to the Independent Housing Appeals Tribunal if the decision relates to the following areas:
- Rent payments
  - Rent rebates
  - Tenancy reviews
  - Allocations (the properties that Housing or GHA offer you or refuse to offer you)
  - Applications for social housing
- 6.3 The appeal should be submitted in writing not later than 28 days after the decision of the internal review and on a form that will be provided through Housing.
- 6.4 The applicant will be advised of their statutory right to appeal in any decision communicated to them.

Information is available on <https://www.gov.gg/socialhousingappeals>

## 7.0 MONITORING

- 7.1 Housing and the GHA will review this Transfer and Exchange Policy every three years or earlier if change is identified to keep it up to date with changing Law or best-practice guidance.
- 7.2 There will be a process in place to monitor various aspects of this policy. This will be to ensure that the policy is operating in the most effective way and that any issues are identified and addressed as early as possible.

## Change History

Version	Date	Description	Change ID

APPENDIX ONE

## Exchange Board Information

The information you provide will be put on public display in the waiting area on Level 1, Edward T Wheadon House and at the Guernsey Housing Association (GHA). Only your first name will be displayed. In future we may put the same information on an electronic exchange board on GOV.GG

### Contact Details

<b>Name</b>	
<b>Tel</b>	
<b>Email address</b>	

<b>Current Property Address</b>	
<b>Postcode</b>	

<b>Please write brief description of your current property</b>			
<b>No of bedrooms</b>		<b>Property Type</b> (house, bungalow, flat)	
<b>Living Room</b>		<b>Dining Room</b>	
<b>Type of heating</b>		<b>Garden</b>	

<b>Desired Property Criteria &amp; Area</b>

I/We agree to the information on this form being used as stated above. I/We confirm that I/we meet the Transfer and Exchange Policy requirements and the Exchange Criteria as detailed overleaf. All Tenants as noted on your Tenancy Agreement must sign and date this form.

\_\_\_\_\_  
Tenant Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Tenant Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

APPENDIX TWO

# Property Exchange Request

**Household 1**

**Household 2**

<b>Name of Tenant(s)</b>	<b>Name of Tenant(s)</b>
<b>Tel</b>	<b>Tel</b>
<b>Email</b>	<b>Email</b>
<b>Address</b>	<b>Address</b>
<b>Postcode</b>	<b>Postcode</b>

**Please provide any additional information to support your request to exchange properties**

**Please provide any additional information to support your request to exchange properties**

We agree the information on this form is true and accurate. We confirm that we meet the Transfer and Exchange Policy requirements and the Exchange Criteria as detailed overleaf.

All Tenants as noted on each Tenancy Agreement must sign and date this form.

**Household 1**

**Household 2**

\_\_\_\_\_  
Tenant Signature / Print Name

\_\_\_\_\_  
Tenant Signature / Print Name

\_\_\_\_\_  
Tenant Signature / Print Name

\_\_\_\_\_  
Tenant Signature / Print Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date