



**Mutual Exchange Policy
2007**



INTRODUCTION

A mutual Exchange is where tenants agree to swap their homes, with their landlord's consent and approval. An exchange can take place between any tenant of a Local Authority or Registered Social Landlord.

1. POLICY STATEMENT

It is the Associations policy is to encourage exchanges as an effective means of increasing mobility. The Association will assist tenants by:

- 1.1. Advertising exchanges on notice boards at all Head Office and all area offices
- 1.2. Liaising with Local Authorities and other Registered Social Landlords on behalf of tenants wishing to exchange
- 1.3. Setting up three-way and other complex exchanges where appropriate

Legislative and Statutory Framework

- Housing Act 1985
- Housing Act 1988
- Local Government and Housing Act 1989
- Housing Corporation Tenant's Guarantee

2. IMPLEMENTATION

- 2.1. Mutual Exchanges by way of assignment take place when two tenants wish to exchange their homes. There is no new tenancy created and each tenant takes on their exchange partner's tenancy. The right to effect a mutual exchange by way of assignment is given to public sector secure tenants by section 92 of the Housing Act 1985 and has been given to the Associations assured tenants by way of a contractual right in their tenancy agreement. (Public sector tenants include Local Authority, Registered Social Landlord and new town Development Corporation tenants). For procedure purposes assured tenants are dealt with on exactly the same basis as secure tenants and are subject to the same restrictions and conditions.
- 2.2. The consent of both landlords, which can only be withheld on the grounds set out below, is required before a mutual exchange can take place.

Schedule 3 Housing Act 1985

- | | |
|-----------------|---|
| Ground 1 | Were a Court Order has been granted giving possession of the property. |
| Ground 2 | Were a Notice of Seeking Possession has been served on either the tenant or the proposed Assignee on any of the |



- Ground 3** Were the tenant's dwelling is substantially larger than is reasonably needed by the person to whom the tenant proposes assigning the tenancy.
- (The Secretary of State has called for flexibility in deciding Whether to refuse an exchange on these grounds and has Indicated that the enjoyment of one spare bedroom should Not be regarded as substantial under-occupation. In practice It is unlikely consent would be withheld for this reason).
- Ground 4** Were the tenant's dwelling would be too small for the needs of the person to whom the tenant proposes assigned the tenancy.
- Ground 5** Were the dwelling has been let to a tenant who was an employee of the landlord and the dwelling is within the boundaries of an operational building or with a cemetery.
- Ground 6** Were the landlord is a registered charity and the exchange would result in the new tenant's occupation conflicting with the purposes of the charity.
- Ground 7** Were the dwelling is designed or adapted to suit the needs of a Physically handicapped person and the exchange would result in its being occupied by someone without those needs.
- Ground 8** Were the landlord is Housing Association or a Housing Trust which caters for people with special needs and the exchange would result in the dwelling's being occupied by someone without those needs.
- Ground 9** Were the dwelling in a group dwellings let to people with special Needs near some facility, and the exchange would result in the Dwellings being occupied by someone without those needs.

If the tenant is in breach of the tenancy agreement consent to an exchange may be given conditionally. The most likely breaches to the agreement are that there are rent arrears, or there has been damage to the property, and consent can be given Conditional upon e.g. arrears being cleared, property being repaired. If the tenant/s have breached a suspended possession order then they are tolerated trespassers and they do not have the right to exchange. In these circumstances the case should be discussed with the Tenancy Management Co-ordinator.



3. RESPONSIBILITY

- 3.1. Overall responsibility for the implementation of this policy lies with the director of Housing.
- 3.2. The Tenancy Management Co-ordinator is responsible for the day-to-day management and implementation of the mutual exchange policy, for the application of the policy and procedures, monitoring and reviewing performance managing the budget, and making recommendations for improvement.
- 3.3. Tenancy Management Officers have a responsibility for the delivery of the Mutual Exchange Policy.

4. CONSULTATION

- 4.1. The Association will consult on an annual basis with the staff, outside agencies and benchmarking groups to promote continuous improvement and develop good practice in this policy
- 4.2. Prior to making any changes to this policy the Association will consent and consider the view of:
 - All relevant staff
 - Senior Management Team
 - The Tenants' Forum
 - Board of Management
 - Residents, Tenants Groups, individual interested tenants
 - All relevant outside agencies

5. REVIEW

- 5.1. The Association will formally review its Allocations Policy on a 3 yearly basis, unless changes in legislation or regulation require an earlier review.
- 5.2. Findings and recommendations will be presented to the Association's Board of Management after the views of the Forum have been considered. A review team will carry out each review.
- 5.3. Progress reports will be made to the Board of Management and Forum, to enable monitoring against strategic aims and objectives and agreed performance indicators. Performance data will be included in the annual report to tenants



6. TRAINING

6.1. The Association will provide all staff responsible for implementing this policy with comprehensive training

6.2. Training will be given to:

- New staff
- Existing staff on an annual basis as a refresher/update as required
- All relevant staff after change to policy/legislation
- To relevant outside agencies
- Any other times as identified by the Director of Housing Services, Team Leaders or Group Policy and Performance Manager

7. ASSOCIATED DOCUMENTS

7.1. The Association has the following relevant documents

- Variation of Tenancy Policy
- Rent Arrears Policy

8. POLICY REVIEW SUMMARY

Policy Title	Mutual Exchange Policy
Dated Created	April 2007
Person Responsible	Director of Housing Services
Version	2
Date last amended	2002
Authorised by	Board of Management
Review Period	3 Years
Review Committee	Board of Management
Date of last review	24 April 2007



Date of next review	April 2010