

## Mutual Exchange Policy and Procedure

### 1.0 Introduction

- 1.1 The Company's tenants are able to swap their homes with one another, by way of a Mutual Exchange.
- 1.2 A Mutual Exchange occurs when two or more tenants agree to exchange property with the approval of the Company and any other registered social landlord or local authority involved.
- 1.3 The Company recognises that for many tenants Mutual Exchange represents the only way to satisfy their housing need, given the increasing pressure on housing lists for social housing in all sectors. The Company will provide this facility to its tenants.
- 1.4 For this reason we encourage any tenant wanting to move to other housing, but who does not have a high priority on the transfer list to try to mutually exchange with another tenant, subject to certain conditions and qualifications.

### 2.0 Aims

- 2.1 The Company will consider all applications to assign a tenancy by way of mutual exchange in accordance with Schedule 3 of the Housing Act 1985, and having regard to Section 15 of the Housing Act 1988 and all other relevant legislation.
- 2.2 The Company will process all applications to assign a tenancy by way of mutual exchange, and give a decision within 6 weeks.
- 2.3 The Company will ensure that all applicants are kept informed of progress relating to their application and will facilitate the exchange and provide help and assistance when required.
- 2.4 The Company will ensure that full liability is taken by applicants for any defects to the property that are through neglect or damage by the tenant, family members or invited visitors.
- 2.5 Where there are applicants from other RSLs or local authorities, the Company will ensure full and comprehensive liaison is maintained to process the Mutual Exchange application.

### 3.0 Qualification

- 3.1 Requests for Mutual Exchange will be considered when a tenant of the Company applies, seeking an exchange with:
- Another tenant of the Company;
  - A tenant of another registered Housing Association or Housing Co-

- operative;
- A tenant of a Local Authority; or
- A tenant of any other Registered Social Landlord.

3.2 Mutual Exchanges are not limited to two parties and “three way” or multiple exchanges will be permitted subject to qualification

3.3 A Company tenant wishing to Mutually Exchange would be encouraged to have a clear rent account and not owe any other monies to the Company. Similarly, the Company will not normally accept a tenant who has current rent arrears unless a payment plan is in place.

3.4 A Mutual Exchange will not be permitted where:

- The tenant or the proposed assignee is subject to a possession order or a suspended possession order;
- A notice seeking possession is in force against the tenant or the proposed assignee or possession proceedings have begun against either party;
- The accommodation is substantially larger than is reasonably required by the proposed assignee;
- The extent of the accommodation is not reasonably suitable for the needs of the assignee;
- The proposed assignee's occupation would conflict with the objects of the Company's charitable status;
- The dwelling is designed to make it suitable for a physically disabled person and if the exchange took place, no such person would be living in the dwelling; or
- The dwelling is one of a group which is let to persons with special needs and a social service or special facility is provided close by in order to assist the tenants - if the exchange took place there would be no person with special needs living in the dwelling.

3.5 Where an exchange involves a tenant of another landlord, that landlord must consent to the exchange.

#### **4.0** Scope

4.1 All staff of the Company involved in the management of the housing service, must implement the procedure to bring about the best possible outcomes for the tenants wishing to exchange, whilst observing the regulations concerned.

#### **5.0** Appeal

5.1 Any applicant who has had a request for Mutual Exchange refused may request that the decision be reviewed. The review will be carried out by the Housing Services Manager

5.2 The Company operates a formal Complaints Procedure, where an applicant or any other person receiving a service can complain about any aspect of the service with which they are unhappy, for example:

- If an applicant feels they have been unfairly discriminated against; or
- If an applicant does not receive information they have asked for.

5.3 Copies of our Complaints Procedure are available upon request.

## **6.0** Procedures

6.1 All parties must apply to the Company in writing, and have completed the form issued by the Company for this purpose.

6.2 All applications will be acknowledged and the parties will be advised in writing that no removal should take place before written approval for an exchange has been given.

6.3 The Company will carry out a property inspection of all applicants and will confirm the findings in writing.

6.4 Reports on all of the tenants involved will be considered by the Housing Officer who will decide whether the Mutual Exchange can proceed. This would be subject to the consent of any other landlords involved.

6.5 Whenever possible a decision on any request for Mutual Exchange will be made within 28 days of the applications being received by the Company. This does not necessarily mean that the exchange will take place within this time.

6.6 Mutual Exchanges can be effected on any mutually agreed date after written approval has been given by all landlords concerned.