



Mutual Exchange Procedure

1. Introduction

- 1.1 Our tenants have a legal right to exchange their home with other tenants. For most tenants this will be their best opportunity to move to a home of their choice. They need our agreement to do this but we can only refuse in certain circumstances.

2. Policy

- 2.1 This procedure applies to permanent and fully assured tenants only.

3. Procedure

- 3.1 The procedure starts when a request to exchange is received from one of our tenants by letter or on a mutual exchange request form. If an initial request is received from a tenant of another landlord contact our tenant for written confirmation that they wish to exchange before proceeding.
- 3.2 The application needs to be registered and passed to the relevant Housing Officer to action. Contact the other Landlord or Area office, if the exchange is with another Co-op Homes tenant, so that they can commence their investigations. Notice of a decision will be given within 42 days of the original application.
- 3.3 The tenancy details on the application form need to be checked with those on our records. Where discrepancies, or potential reasons for refusal are identified the case shall be referred to the Housing Manager.
- 3.4 Contact the tenant to arrange an inspection of their home and to discuss any issues identified through the record check. Send the tenant a letter which explains the purpose of the visit, what will be checked, what their rights are regarding the exchange and are timescale for making a decision on the exchange.
- 3.5 At the home visit, complete a Void Inspection Form to ensure that any property defects or alterations are noted prior to the new tenant moving in. Ensure that any alterations have had our approval and where appropriate planning and building consent. If there is any doubt arrange for a surveyor to inspect and report on the alteration prior to any approval being given. Information must be given concerning the implications of changing their tenancy.
- 3.6 After the visit, write to the tenant confirming / informing them:
- What repairs etc that the tenant is responsible for will need to be carried out
 - What tenancy conditions (if any) need to be met, e.g. clear rent arrears
 - Where known, the date the tenants would like the exchange to take place
 - The household members who will be moving with them
 - The exchange cannot take place until the consent of both landlords has been given.



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If, the exchange is to be refused, refer the case with reasons to the Housing Manager for their decision and then write to the tenant. The letter needs to make it clear the grounds for refusal and the condition that will need to be met before approval can be given, on what grounds the exchange is being refused or deferred on. When assessing mutual exchange applications, apply the grounds set out in Schedule 3, Housing Act 1985 as if they applied to Assured Tenancies.

- 3.7 When details on both tenants are received refer the case to the Housing Managers with recommendations using the mutual exchange report. Where necessary the landlord of the other tenant also needs to be informed of the decision.
- 3.8 Write to the landlord / Area Team of the other tenant setting out details of our tenant and our decision (subject to a report on their tenant if it has not been received) including if appropriate reasons for refusal. The grounds for refusal will be the same as those set out in the Housing Act 1985.
- 3.9 When consent has been given by both landlords write to own tenant confirming:
 - that the exchange has been approved
 - the date the exchange takes place
 - the type of tenancy they will have including any rights or benefits
 - the rent for the new property.
 - the appointment for both tenants to sign the deed of assignment (DOA). The DOA should be signed on the day the exchange takes place. It is important that a new Tenancy Agreement is not signed

Where consent is not given write to the tenant explaining the reasons

- 3.10 Arrange an electrical check and where appropriate a gas safety check prior to the exchange taking place.
- 3.11 When the tenants come in to sign the DOA check or seek confirmation from the outgoing tenant that the property has been left clean and tidy and all conditions including the clearance of any arrears have been met.
- 3.12 Provide the new tenant with a specimen copy of the tenancy agreement and explain the terms and conditions. Ensure that they have made arrangements to pay the rent in advance or have provided necessary documentation to enable and HB application to be processed
- 3.13 Make the tenant(s) aware that once the deed is signed, the assignment is considered to be complete and that if they fail to move we may take possession action against them.



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3.14 After the DOA has been signed by both parties and there is confirmation that the exchange has happened, end the tenancy of the outgoing tenant and set up a new account and file for the incoming tenant on Omni Ledger.

4.0 Guidance Notes

4.1 A register (HOMESWAP) of applicants wishing to exchange can be found on www.moveuk.org and on www.availablehomes.co.uk.

4.2 Where an exchange has been carried out without our consent a decision should be made by the Housing Manager on whether consent would have been given. If consent is not given action shall be taken for the tenants to return to their original properties or serve NTQ as appropriate.

4.3 A household are allowed to under occupy a property by one bedroom.

4.4 If the tenant is a successor in their present property the tenant coming in will not have succession rights.

4.5 A tenant who had preserved status with the Right To Buy in that property will be eligible for Right To Buy in the Co-op Homes property they move to if the property is eligible.

4.6 Tenants are allowed to exchange with tenants of other RSL's and local authorities. Seek guidance before considering requesting an exchange with an Organisation other than a local authority or RSL.

4.7 No new tenancy is created and tenants 'step into each others shoes'. The right of succession goes with the property, not the tenant, so an existing successor will not be entitled to further succession after the exchange.

4.8 If a tenant refuses to move after the deed of assignment has been signed action should be taken in the first instance to try and resolve the matter amicably. If they refuse to move and the other tenant still wishes to pursue the exchange possession action must be commenced immediately. Speed is important as the other tenant may have already arranged schools or removal companies. There is no need to serve NTQ or a NSP, refer the case to our solicitors who will instigate proceedings.