

Mutual Exchange

HM36

Introduction

A mutual exchange involves the direct exchange of homes between two tenants - in exceptional circumstances the exchange of more than two homes may be involved. This policy also explains how Shian will respond to mutual exchange requests. This policy is one of a number aimed at promoting the options for tenant mobility and responding to tenants whose needs change.

Policy Objectives and Principles

Shian currently has limited options for the provision of transfer opportunities and encourages tenants to consider mutual exchanges as a means of moving to a property which is more suited to the needs of the household.

The key objectives of the Mutual Exchange Policy are:

To encourage tenants who need to move to seek a mutual exchange.

To make application forms, advice and assistance available to tenants requesting mutual exchanges.

To ensure mutual exchanges are carried out by way of assignment and to comply with the law.

To reinforce the express terms of residents' tenancy agreements relating to the right to exchange properties.

Scope

This policy applies to all general needs permanent housing tenancies (affordable rented).

Main Provisions of policy

Tenants who wish to move will be given information and advice on mutual exchange, the Homeswapper scheme, other mobility schemes and low cost home ownership schemes.

The Operations Director will approve and authorise all requests for mutual exchanges.

Within **5 working days** of receipt of a written request for a mutual exchange, Shian will send a letter informing that investigations will be completed and a decision reached **within 42 days** (the statutory timescale).

Shian will only withhold permission to exchange if one or more of the grounds contained in Schedule 3 of the Housing Act 1998 apply. Reasons why a request will be refused are listed at appendix A.



The parties involved in a mutual exchange must meet any eligibility criteria referred to in Shian's Allocations and Lettings Policy.

Shian will investigate each request for a mutual exchange by **carrying out a home visit to assess the property's state** of repair and decorative condition, carrying out a visual electrical safety check, **and making requests to other Landlords for references.**

Tenants who request a mutual exchange will be advised of any changes in their rights and terms of tenancy resulting from an exchange with a tenant of another landlord.

Application for Housing needs to be sent to the incoming tenant and request information about the Proof of ID, Household members, Address, Income, Bank Statement, National Insurance number, Rent Statement (going back to 6 months) etc to support their application.

Within 42 days of receipt of a written request for a mutual exchange all applicants will be informed if permission to exchange has been given or refused. If the request is refused Shian will not tell the other parties why.

Tenants who exchange accept **the new home 'as seen' and any damage caused by the outgoing tenant will become the responsibility of the incoming tenant and** will need to be repaired at his/her own expense.

Shian will hold a mutual exchange register and will make it easily accessible to all tenants.

Responsibility

The Operations Manager is responsible for the effective implementation of this policy. All housing staff must be aware of it and observe its terms.

Monitoring, Review & Evaluation

This policy will be reviewed every three years by Association staff and residents. The review will ensure that a comprehensive service is being offered that meets residents' expectations.

The policy and procedures will also be reviewed in accordance with any future legislative changes as and when they occur.



Appendix 1

GROUNDNS FOR WITHHOLDING CONSENT

(Schedule 3 to the Housing Act 1985)

Where a court order has been made, giving possession of the dwelling to the landlord.

Where a Notice of Seeking Possession has been served on either the tenant, or on person(s) to whom the tenant proposes assigning his/her tenancy under any of the grounds for possession and the Notice is still in force.

Where the tenant's dwelling is substantially larger than is reasonably needed by the person(s) to whom the tenant proposes assigning his/her tenancy (more than one bedroom over the required household need).

Where the dwelling has been let to a tenant who was an employee of the Association, and the dwelling is within the boundaries of an operational building or within a cemetery.

Where the landlord is a registered charity, and the exchange would result in the tenant's occupation conflicting with the purposes of the charity.

Where the dwelling is designed or adapted to suit the needs of a physically handicapped person, and the exchange would result in it being occupied by someone without those needs.

Where the landlord is a Housing Association, or Housing Trust which caters for people with special needs, and the exchange would result in the dwelling being occupied by someone without those needs.

Where the dwelling is in a group of dwellings let to people with special needs, near some special facilities.

Where a S106 agreement is in place.

