



## MUTUAL EXCHANGE POLICY

### **1. What is a Mutual Exchange?**

1.1 A mutual exchange is an arrangement which allows tenants to swap homes with other tenants living in public sector rented accommodation. This normally means housing association or council tenants.

1.2 Most CHISEL tenants have an 'assured tenancy'. If this is the case, the person with whom you arrange to swap homes will also be granted an assured tenancy with CHISEL, regardless of the type of tenancy they had with their previous landlord. The type of tenancy you will receive from your new landlord will depend on that landlord and you should check this out before arranging the exchange.

#### 1.3 Homeswapper

It is up to an individual tenant to find the other tenant with whom they wish to exchange. However, CHISEL is a participating association in the Homeswapper scheme, which is a self-help web based scheme that puts housing association and council tenants in touch with others who might like to swap. Homeswapper caters for people wishing to move either locally or to different parts of the UK. The scheme is free for CHISEL tenants. You need to register at [www.homeswapper.co.uk](http://www.homeswapper.co.uk) to get information about suitable exchanges. Homeswapper will then automatically check its register on a daily basis for any new possible exchanges for you and you can log-in at any time to view these. For more information visit the website or contact the housing manager at the CHISEL office.

### **2. Who is allowed to Exchange?**

2.1 The CHISEL assured Tenancy Agreement permits most assured tenants to make a mutual exchange by assignment, provided you have our permission.

2.2 Tenants with a self-build tenancy agreement cannot make a mutual exchange by assignment because it is not possible for the incoming exchange tenant to take over a self-build tenancy. Provided all other requirements of this policy are followed in the normal way we will offer a new tenancy to the incoming exchange tenant instead of agreeing a mutual exchange by assignment when a self-build tenant wishes to exchange.

2.3 The CHISEL assured short-hold or starter tenancy does not permit a tenant to make a mutual exchange by assignment. The director has discretion to permit an exchange of such a tenancy if it is reasonable to do so and if the CHISEL property is suitable for the incoming tenant. If you have a short-hold or starter tenancy and would like to exchange please contact the housing manager for further advice.

2.4 If you have an assured tenancy, regardless of whether you are also a member of a co-op, we can only refuse permission for an exchange to take place on grounds set out in Schedule 3 of the 1985 Housing Act as amended by the Housing Act 2004. The most likely

reasons for CHISEL to refuse a mutual exchange are:

- The tenant is subject to a current court order.
- The tenant is subject to a current Notice Of Seeking Possession.
- The exchange will lead to the CHISEL home being underoccupied (one spare bedroom only is the maximum normally allowed).
- The CHISEL property is too small for the needs of the incoming tenant.
- The CHISEL property has features which make it particularly suitable for people with disabilities or is part of a group of properties designed specifically for people with disabilities and the exchange would result in no one with the relevant needs being in occupation.

2.4 Neither tenant should be in rent arrears on their current tenancy at the time the exchange takes place. Rent arrears must be paid off in full before the date of the exchange or it will not be allowed to proceed.

2.5 You need to remember that the landlord of the tenant you are exchanging with will also need to agree to the exchange.

### **3. What is the Procedure?**

3.1 When you have found someone suitable with whom you wish to exchange, you should contact the housing manager who will send you a Mutual Exchange Application Form to fill in and return. An Application Form will also be sent to the tenant with whom you want to exchange.

3.2 When you have returned the form, we will confirm that we have received it, both to you and the tenant with whom you hope to exchange, within 14 days.

3.3 CHISEL will supply a reference and information about the property, the tenancy and the make-up of the tenant's household to the exchange tenant's landlord and will seek similar information back.

3.4 CHISEL will check the information supplied (as will the exchange tenant's landlord) to make sure that there are no reasons why the exchange should not be allowed. If we have any queries concerning the information supplied we may seek further information from you, the exchange tenant or the exchange tenant's landlord. We may wish to arrange an interview with the exchange tenant or to talk to the exchange tenant by phone.

3.5 CHISEL and the exchange tenant's landlord will exchange letters to confirm agreement to the exchange taking place. Once the exchange has been agreed by CHISEL and the other landlord we will write to you to tell you that this is the case and provide you and the exchange tenant with information on how to complete the exchange. We will do this within 14 days of giving our consent and receiving written consent from the exchange tenant's landlord.

3.5 If you are a member of a co-op with an allocations agreement with CHISEL, we will supply details of the proposed exchange to your co-op. The arrangements CHISEL has with different co-ops vary. You should check with your co-op to see what, if any, involvement your co-op has in the mutual exchange process. It would be normal for the co-op to supply the exchange tenant with information about the co-op and what extra responsibilities living in a co-op entails. Some co-ops may want to speak with the exchange tenant or require that the exchange tenant is interviewed by the co-op as part of the process. But the co-op cannot unreasonably restrict or delay an exchange if a co-op tenant's tenancy agreement gives the

tenant the right to exchange.

3.6 Once CHISEL and the exchange tenant's landlord have agreed to the exchange, you will need to agree a date on which the exchange will take place with the exchange tenant that is acceptable to both CHISEL and the exchange tenant's landlord. Both you and the exchange tenant will need to arrange to sign the mutual exchange assignment agreements with CHISEL and the exchange tenant's landlord. Unless otherwise agreed with the housing manager, CHISEL will require at least 14 days notice of the date on which the exchange will take place. If you exchange before the assignment documentation has been completed you will continue to be liable for the rent on your former home until 14 days after CHISEL receives the required documentation.

#### **4 Policy Review**

CHISEL aims to review all its policies on a regular basis. This policy will be due for review in 2016 or earlier if the environment in which CHISEL operates changes significantly.

Policy agreed by CHISEL Board of Management 19 April 2011