

Housing Management	Mutual Exchange Policy (General Needs tenants)
Providence Row Housing Association	VERSION: 2

Mutual Exchange Policy (General Needs tenants)

INTRODUCTION

Our policy sets out:

- Who can exchange (swap)
- How to exchange
- Possible reasons why an exchange could be refused
 - The responsibility for repairs and improvements in an exchange.

The policy covers all Providence Row Housing Association tenancies allowing mutual exchange.

Who can exchange

Mutual exchange is when two or more tenants 'swap' homes. This can only occur when both sets of tenants are currently tenants of Registered Providers (Housing Associations) or Councils and meet the criteria set out below.

There should be no cost to Providence Row Housing Association because of the exchange. When you exchange, you'll take on the responsibilities of the tenant you exchange with. This includes any damage that may have been caused by the tenant.

PRHA tenants with a fixed term, assured, or secure tenancy can apply to exchange in the UK. Starter tenants cannot exchange, but can exchange once they successfully move onto an assured or fixed term tenancy. Assured shorthold tenants cannot exchange.

Table 1 table below shows who can exchange:

Table 1:	
PRHA Tenancy Type	Can you exchange?
Assured	Yes
Secure	Yes
Fixed Term	Yes
Starter tenancy (Assured shorthold)	No

Conditions of the mutual exchange

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If you are a joint tenant, you must have the agreement of the other tenant to exchange. If this is not possible, for example if the relationship has broken down, you should ask us about assigning the tenancy.

When you exchange, you will take on the rights and responsibilities of the tenant you exchange with.

Fixed term tenants exchanging with assured tenants must give up their tenancies. We will issue a new tenancy. We call this surrender and re-grant. We'll offer fixed term tenants a new tenancy for the rest of the existing fixed term (with a minimum term of two years) and assured tenants a new assured tenancy. We'll calculate the rent for the fixed term tenant in line with our tenure policy.

Fixed term tenants exchanging with other fixed term tenants will assign their tenancies for the rest of the fixed term. We'll calculate the rent for the fixed term tenant in line with our tenure policy.

If you exchange with a tenant who is not our tenant, their landlord must agree to the exchange.

The table below shows the type of tenancy you'll get when you exchange.

Table 2			
Tenancy before exchange		Tenancy after Exchange	
Tenant 1	Tenant 2	Tenant 1	Tenant 2
Secure	Secure	Secure	Secure
Assured	Assured	Assured	Assured
Secure	Assured	Assured	Secure
Assured	Secure	Secure	Assured
Fixed term	Assured	Fixed term	Assured
Fixed term	Secure	Fixed term	Secure

How to exchange

You can find out about exchanges and tenants who want to exchange by:

- Contacting us – especially if you need help filling out forms, or want to know more about how exchanges work
- Checking the lists in our offices
- Using a scheme called Homeswapper – available online at

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<http://www.homeswapper.co.uk>

If you find someone to exchange with, contact them first. Then contact us so we can help. You should complete a mutual exchange application form and send it to us.

Possible reasons why an exchange could be refused

You must get our written permission before you move. Your rights may be affected if you exchange and move without our written permission. We'll take legal action as a last resort in some cases.

We must give you our decision within 42 calendar days. You should move within three months of our decision unless there are exceptional circumstances - for example, ill health, or bereavement. We may re-assess your application if you do not move within three months. You must let us know if your circumstances change after you gave us your application.

We normally only refuse an exchange for one or more of the following reasons (grounds) as set out in Schedule 3 of the Housing Act 1985 (modified for assured tenants and fixed term tenants as indicated). The list below is in summary only:

- **Ground 1**—if you or the other person applying to exchange, are obliged to give up possession of the home under a court order.
- **Ground 2**—if you or the other person applying to exchange has outstanding possession proceedings against them, or there is a Notice of Seeking Possession (NOSP) in place for either tenant (whether they are assured, secure or fixed term tenants)
- **Ground 2a**—if anyone exchanging has in force, or has an application for, any legal action associated with anti-social behaviour -section 191 of the Housing Act 2004
- **Ground 3**—if your home is too big for the tenant you are exchanging with. We will not allow our homes to become under-occupied (see section 5.5 for more details)

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- **Ground 4**–if your home is too small for the tenant you are exchanging with. We will not allow our home to become statutorily overcrowded
- **Ground 5**–if your home was let to you because of your employment
- **Ground 6**–if the exchange would conflict with our status as a charity
- **Grounds 7, 8, and 9** –if the home is unsuitable for the person you want to exchange with because it is adapted for a support need that the other person does not have
- **Ground 10**–if the tenant you are exchanging with refuses to become a member of a tenants association, who manage the property.

If you have rent arrears or are in breach of tenancy, but have not been served a Notice of Seeking Possession, you will normally need to clear the arrears or fix the breach. This includes disrepair of the home and anti-social behaviour. You should contact us for help if this is the case.

We will normally refuse your exchange if your home is too big for the tenant you want to exchange with. This is to prevent residents getting into arrears and potentially losing their home due to the bedroom tax (also known as the under-occupation charge). It will also ensure larger properties to be available for families who need them.

Ground 3 allows us to refuse permission where the property is “substantially more extensive than reasonably required by the proposed assignee” (the person you want to exchange with). Where a property has more bedrooms than permitted by under the bedroom tax, we consider it will be substantially more extensive than is reasonably required. In line with this, we'll calculate the number of rooms needed using the criteria outlined by Government in their bedroom tax calculations to decide if the property is too big, namely:

- One bedroom each for:
 - Each couple or person over 16
 - Children under 16 sharing (if the same gender)
 - Children under 10 sharing (any gender)
 - A carer (who doesn't normally live there) if overnight care is required.

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- A foster child (Approved foster carers, currently fostering or who have fostered a child or registered to foster in the last 12 months)
- An adult child serving in the armed forces, who still lives with their parents when not on service
- Disabled children, where the local authority agrees they are unable to share a room due to their disability.

We will apply this calculation whether the incoming tenant (the person you want to exchange with) is in receipt of benefits or not.

If we refuse your exchange, we'll advise you how to find an alternative exchange and how to re-apply. You can appeal our decision through our complaints procedure.

Repairs and Improvements responsibility

Before we agree the exchange, we'll

- Inspect your home
- Confirm the condition
- Advise both tenants of their repairs responsibilities and liabilities. We'll ask both tenants to agree who will complete repairs where they are the tenants responsibility.

You'll be charged if you cause damage to the home you leave, or take on through an exchange.

When you exchange you will take on the responsibilities of the person you exchanged with. This includes changes, improvements, or alterations they made to the home.

For example, if the tenant replaced a bath with a shower, we won't replace it with a bath after you exchange. You should always ask us for advice, and we will help where we can.

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