

Mutual Exchange

A guide for tenants



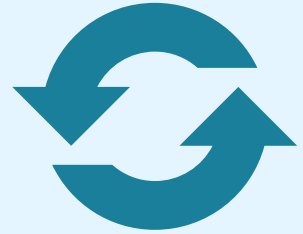
Alliance
homes



This leaflet explains who is eligible for a mutual exchange, how to find somebody to swap with and what your rights and duties are when you have swapped.

What is a mutual exchange?

A mutual exchange is where two or more tenants exchange (swap) their homes and tenancies.



Why exchange? For many tenants wishing to move, particularly those living in areas of housing shortage, a mutual exchange is often the best option. You also may want to move for work or want to be near family and a mutual exchange is an option if you do not fit the criteria for housing of the local authority in that area.

Only tenants with an Assured or Secure Tenancy can apply for a mutual exchange. If you are unsure about what type of tenancy you have, please contact your landlord. It is best to check before you put in an application to avoid possible disappointment later on.

Before you agree to swap

When you have identified someone who might like to swap with you it is normal to visit each other's property. Most people agree to an exchange based on the location of the property and the number of bedrooms. You will need to think carefully before you consider exchanging, to ensure you are happy with the property you may move into and that you are aware of the rights and responsibilities of the tenancy you will be taking on.

For example, if you have the Right to Buy you may lose this right if you swap with a tenant of a housing association. If you are unsure of your rights with your current home, and whether these will be affected by your proposed move, contact your landlord for advice.



There are a few other things to consider:

About the neighbourhood

- How near will you be to local services such as shops, doctors, schools?
- Have a look at the property at different times of the day.
- What's the parking like? What access is there to public transport?

About the property

- Are all the doors in good working order, including doors on kitchen cupboards?
- Will you need to decorate?
- Is there a gas or electricity supply for the cooker?
- How is the house heated, and how does the heating work?
- Is there a water meter?
- Is the house clean and in good condition? It's a good idea to check the loft space, garden and fencing.
- Is the size of the property and the garden right for you, will you be able to manage it?
- Will you have to pay any service charges?
- Can you have pets in the property?
- Will your housing benefit or housing element of Universal Credit be affected?
- Have any improvements been completed on the property, outside the landlord's standard improvements?
- Are there repairs outstanding? You will be responsible for certain repairs – look under the heading 'Repairs' in this leaflet for further information.
- Come to an agreement about what will be staying (for example, carpets, curtains) and what will be going. Strictly speaking all fixtures and fittings should stay, but it is worth sorting this out before the move, rather than disputing it later



Safety First



Remember, although the threat of danger is very small, follow simple rules on personal safety when inviting people into your home, or when visiting strangers' homes:

1. Do ensure you are not alone when inviting someone to view your home.
2. Do take a relative or friend when viewing someone else's property.
3. If you cannot get anyone to accompany you do tell somebody where you are going and what time you will be back.
4. Don't display valuable items in your home at the time of the viewing, including personal items such as keys and credit cards.

What happens when you have found someone to swap homes

Getting Permission

When you have agreed with all parties involved in the exchange that you want to go ahead and swap homes you should all ask for a mutual exchange application form. All parties need to complete and return these to us before we will proceed. Once the forms have been received, we will check the application and let you know, at this stage if there is any reason why the exchange cannot proceed. We will also contact the landlord of the person you want to exchange with and asking them to confirm the details of their tenant to ensure that they are eligible to exchange.

Landlords have 42 days, from receipt of the exchange forms, to make a decision on whether to approve a move. However, most decisions are made much quicker than this.

Reasons why an application may be refused The reasons a landlord can refuse an exchange are set out in the Housing Act (1985). The most common reasons for refusal are:

- A recent notice to seek possession or a court order has been served on the property due to a breach of tenancy.
- The property is too big or too small for the family moving in, although we may allow you to move to a property which has one bedroom more or less than you need.
- The property has been adapted for disability needs and there is nobody with those needs moving into the property.
- If you are currently bankrupt or subject to a Debt Relief Order.
- The property has been specially designated for the elderly and you or the tenant you are exchanging with do not meet the criteria.

If any of these apply you will be contacted and advised of the reason that the exchange cannot proceed.

What happens next?

Once we receive your application to exchange, this will be registered by the Tenancy Team. You will then be contacted to arrange an inspection of your property. The property will be assessed for any alterations made to the property and the inspector will draw up a list of any repairs which needs to be completed before the exchange can proceed.

The incoming tenant will be provided with a list of any alterations to the property which they will take on as part of the exchange and accepting the property in its current condition. You'll be asked to sign a form to confirm this. For example, any extensions or conservatories, sheds, or other types of outhouses installed by the tenant, will also not be included. Non-standard fittings (e.g. kitchen units or other fittings installed by the tenant) will not be maintained by Alliance Homes.

Your rent account needs to be up to date at the time of the exchange.

Once the property inspection has been completed and any works required have been approved, we will carry out a full electrical test on the day of exchange. If we need to repair any electrical wiring, you may be recharged the cost if we believe that you are responsible for the work being necessary. If the property has gas or oil central heating, a heating service will also be completed on the day of the exchange. Once a date has been agreed between yourself, the other tenant, and their landlord we will suggest a date for the exchange to take place and draw up the appropriate paperwork to be signed by all parties.

Do not exchange before all parties exchanging have completed the required assignment forms and obtained the written permission from their landlord.

Do not offer (or accept) financial inducements to encourage a swap to take place as this is illegal and if it takes place, court action could be taken against you to remove you from the property.

Your new tenancy will start on the date of assignment, which will be clearly shown on your copy of the Deed of Assignment. You will be required to pay rent and service charges applicable to your new home (the property you are exchanging into) from the date of assignment. A breakdown of the rent and service charges are set out on the Deed of Assignment for you to review prior to signing. Please keep this document safe as it your record that the exchange has taken place. Remember, you will only be eligible for housing benefit or Universal Credit Housing element if you are the tenant of the property and are living there. This means that if you assign your tenancies and do not move immediately, there may be a period during which you may not get benefits. A mutual exchange is an assignment of a tenancy (under the Housing Act 1985). It is not a new tenancy.

On the day you move you should take meter readings for both your old and new home and contact your utility companies to let them know you are moving.



Repairs

When a tenant moves into a property, through a mutual exchange, they take on responsibility for the condition of the property, as if they were the previous tenant. That means that any damage, poor decoration, and rubbish clearance is the responsibility of the new household, in the same way as it was for the previous tenant(s).

You need to check that the property and garden is clear of the previous tenant's belongings before you move in. This includes outhouses, garages, and loft spaces. Lofts should be kept clear.

We will not remove rubbish or belongings left by the previous tenant.

Also ensure that you collect all keys to the property and outbuildings from the outgoing tenant as we do not hold keys for tenanted properties. If a lock change is required, you will have to pay for it.

A mutual exchange does not, however, affect our obligations and duties as a landlord. If the repair was one that we ordinarily undertook, because of fair wear and tear, then we would do it. However, if the repair came about because of inappropriate use, or malicious damage, even if that damage was caused by the previous tenant, we would not undertake the repair (or we might recharge the new household the cost of the repair).

