



## **KEY POLICY: SERVICE DELIVERY**

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**Last Reviewed: September 2005**

**Date: May 2009**

**Review: May 2012**

### ***MUTUAL EXCHANGE POLICY***

#### **1.0 Policy Statement**

South Lakes Housing (SLH) recognises that promoting mutual exchanges encourages tenant mobility and tenant choice and thereby helps to create sustainable communities.

This policy sets out the aims and principles which will apply in respect to mutual exchanges.

#### **2.0 Key Strategic Link**

##### Cumbria Housing Strategy 2006 - 2011

The Cumbrian authorities and their partners have traditionally worked in collaboration to develop housing services within the County. With a stronger regional framework we need to strengthen the sub-regional identity of Cumbria within that framework.

All of Cumbria's stakeholders agreed that by working together they would be able to improve the planning, implementation and delivery of all housing services within the sub-region. Particular emphasis is on the way our housing and planning services can improve the ability of Cumbria's housing markets to respond to social and community needs.

To deliver sustainable communities our sub-regional fit-for-purpose housing strategy will be integrated with complementary planning and economic development strategies.

#### **3.0 Key Policy Links**

This Policy should be read in conjunction with our Succession and Assignment, Allocations and Lettings, Rent Arrears, Anti-Social Behaviour, Special Needs and Vulnerable Persons Policies.

#### 4.0 Key Objectives

The Key objectives of the Mutual Exchange policy are:

- To comply with all relevant regulatory guidance and the law;
- To ensure that guidelines are in place for the proper authorisation of Mutual exchanges by SLH officers;
- To treat residents in a fair and non-discriminatory way, in accordance with our E & D Policy;

#### 5.0 Definition

A mutual exchange is where two, three, four or more tenants swap tenancies and relies on each party moving permanently into their exchange partner's property. A tenant cannot exchange into an empty property.

All council and housing association tenants with either secure or assured tenancies can apply to exchange their home. However, exchanging with tenants in leased or private rented accommodation is not allowed. All tenants must apply for and obtain permission from their respective landlord(s) before going ahead with an exchange.

#### 6.0 Key Points of policy

The Director of Operations is responsible for the overall implementation of the mutual exchange policy.

##### ***Mutual Exchange Policy***

SLH will grant mutual exchanges in accordance with Section 92 of the Housing Act 1985 and the Local Government & Housing Act 1989.

SLH will actively support applications for mutual exchanges from tenants who wish to exchange with tenants of SLH or with tenants of other housing organisations. Tenants are not required to be on the transfer list to apply for a mutual exchange.

SLH will maintain an up-to-date mutual exchange database. This will be available at all SLH reception areas with details of tenants who have expressed an interest in a mutual exchange giving the following details:-

- Name;
- Address;
- Telephone number;
- Type of dwelling offered;
- Type of dwelling wanted;
- Areas wanted;
- Other relevant information.

The database will be reviewed on an ad-hoc basis under which tenants will be asked to confirm whether or not they wish to remain on the database. The national HomeSwap website will also be available on request at all SLH receptions.

All requests to mutually exchange must be put in writing to SLH. SLH will acknowledge receipt of applications within five working days; and will advise applicants whether or not approval has been granted within three weeks where all parties involved are SLH tenants or four weeks where other landlords are involved. (The legal requirement is 42 days).

When visiting a dwelling potentially involved in a mutual exchange, SLH will ascertain whether or not there are any gas appliances in the property. Where such appliances exist, SLH will arrange a gas safety check. SLH will also ascertain whether or not there are any breaches of tenancy conditions or repairs that are the tenants' responsibility.

If appropriate, a reference should be requested. Tenants should be advised of any changes in their rights and any amendments to the terms of tenancy resulting from an exchange with a tenant of another landlord.

### ***GROUNDINGS FOR REFUSING A SECURE TENANT THE RIGHT TO EXCHANGE***

Permission to mutual exchange will not normally be withheld, however, it can be refused for the following reasons:-

- A tenant has a possession order or a suspended possession order or possession proceedings have started;
- The accommodation is too big or too small for the reasonable needs of the person the proposed exchange is with;
- The accommodation has been designed or adapted to make it suitable for a person with disabilities to live in and the proposed exchange is not with a person with disabilities;
- The accommodation is part of a development which is specifically designed or located for people with special needs, such as the elderly, and the proposed exchange is not with a person who has special needs;
- The dwelling has been let to a tenant who was an employee of SLH, and the dwelling is within the boundaries of an operational building or within a cemetery;
- Where a S106 is in place;

### ***CONDITIONAL CONSENT***

Conditional consent must be granted where:

- there are arrears of rent, but no notice or possession order is in force
- or**
- there is a continuing breach of the tenancy conditions, for which no Notice or possession order is in force e.g. repair work may be necessary to restore the property to a condition acceptable to the Council.

SLH will ensure that all parties to a mutual exchange complete and sign a properly witnessed Deeds of Assignment prior to the exchange taking place. SLH will make available a standard Deed of Assignment.

#### **7.0 Key Targets and Performance Indicators**

Number of mutual exchanges carried out within timescales.

#### **8.0 Monitoring, Review and Consultation Process**

It is the responsibility of Director of Operations to ensure that:

- all relevant staff are aware of the Mutual Exchange Policy

#### **9.0 Service Development and Comprehensive Service Review Priority**

SLH will review the effectiveness of this policy on a regular basis to ensure continuous improvement.

Policy Review Priority: Low.

#### **10.0 Equality and Diversity**

South Lakes Housing recognises that there is a broad range of visible and non-visible differences that characterise its tenants. Some of these qualities include race, religion, culture, nationality, ethnic background, colour, disability, sex, sexual orientation, age, literacy and income level. By understanding and respecting this diversity it is able to set a policy which ensures that all tenants are able to access services provided by South Lakes Housing in an equitable manner.

South Lakes Housing is committed to providing information and services equally and without discrimination so that they meet the needs of all sections of the community. These include our tenants, leaseholders and those living nearby or seeking access to or information on housing services in the South Lakeland area. In carrying out all housing management policies, South Lakes Housing's Equality and Diversity Policy will be adhered to.