



Mutual Exchange Policy

05.03.2025

Next review due: March 2028

This document is available in alternative format, for example easy read, on request.

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1. Introduction

- 1.1 This Policy sets out Funding Affordable Homes Housing Association's (FAHHA) position for our residents who would like to mutually exchange their home with another social housing resident.
- 1.2 If there is any variance between this Policy and individual tenancy agreements, we will follow the tenancy agreement.
- 1.3 In this Policy, the terms 'you' and 'your' mean our residents. The terms 'we', 'our', and 'us' mean FAHHA.
- 1.4 In this Policy, we use the term 'residents' to refer to tenants named on the tenancy agreement. This does not include household members.

2. What is a mutual exchange?

- 2.1 Mutual exchange is when residents in social housing obtain written consent from their landlord to exchange homes with other social housing residents.
- 2.2 Mutual exchanges can take place between two or more properties and can be between the same or different landlords.
- 2.3 You will take on the responsibilities and any issues from the resident you are exchanging with.

3. Who has the right to a mutual exchange?

- 3.1 If you have a secure tenancy, you have a statutory right to a mutual exchange.
- 3.2 If you have one of the following agreements, you have a contractual right to a mutual exchange if it is written into the terms of your tenancy agreement:
 - Assured tenancy
 - Fixed term assured shorthold tenancy with an initial fixed term of more than two years.
- 3.3 If you occupy on any of the following forms of agreement, you do not have the right to exchange:
 - Starter tenancy, including extension periods;
 - Fixed term assured shorthold tenancy where the initial fixed term was less than two years;
 - Periodic assured shorthold tenancy.
- 3.4 We currently operate only two types of tenancy - starter tenancies for new social housing tenants and assured tenancies.

4. Additional criteria

- 4.1 To exchange your home, you must:
 - Be complying with your tenancy conditions;

- Not have rent arrears equivalent to more than one month's rent, unless there are exceptional circumstances. We may make it a condition of our approval that you clear any arrears by a specific date before the exchange takes place;
 - Meet any criteria for the type of home you are exchanging into (e.g. age-restricted homes);
 - Move to a home that's a suitable size for your family. If you are downsizing, you may under-occupy by one bedroom in your new home;
 - Rectify any resident responsibility repairs or alterations.
- 4.2 Sometimes, we may not be able to agree an exchange. This could, for example, be because of restrictions such as covenants on our title or an agreement containing planning obligations or restrictions under section 106 of the Town and Country Planning Act 1990. We will let you know where these apply.
- 4.3 We will not agree to exchanges where there that would result in a breach of the law, for example, if we allowed you to exchange into a home too small for your family.
- 4.4 You must not offer any financial incentive or use coercive behaviour to exchange with another person. We will not allow exchanges where this has occurred.

5. How a mutual exchange works

- 5.1 You are responsible for finding someone to exchange with. You can register on a mutual exchange site to find a suitable exchange partner. Both exchange partners must obtain FAHHA's consent to the exchange.
- 5.2 If a mutual exchange takes place without our written consent, the exchange will be unlawful, you must return to your respective properties immediately or we will treat occupants as unauthorised and take legal action to repossess the property/ies.
- 5.3 If you are moving into one of our properties, you must provide supporting documentation to prove your identity and so we can carry out Right to Rent checks.
- 5.4 Mutual exchanges involving a joint tenancy require signed consent from all joint tenants.
- 5.5 We will notify all parties applying for an exchange of our decision within 42 days from when we receive their full application, including the correct supporting documentation.

6. Inspection and repairs

- 6.1 We will schedule an inspection of your home to assess the condition and identify any repairs needed. We will rectify any major repairs or safety issues for which we are responsible and aware of prior to the exchange taking place. You must let us know about any safety or repair issues which you are aware of.
- 6.2 If you have made alterations without our consent, we may ask you to reinstate the property to its original state.

- 6.3 You must leave the property in good order, clean and clear of any belongings when you move.
- 6.4 You accept the condition of the property you are moving into on completion of the exchange. We are not responsible for any:

- 'Making good'
- Decorations
- Fittings that have been left in the property
- Removal of items left in the property.

7. Gas and electrical safety certificates

- 7.1 We will arrange for a new 'satisfactory' Electrical Installation Condition Report (EICR) to be produced the week before the outgoing resident moves out and the incoming resident moves in.
- 7.2 We will provide a valid Energy Performance Certificate (EPC) on change of a tenancy, as required by law.
- 7.3 It is important that homes are in good and safe condition for an exchange to proceed. We will arrange an inspection of each applicant's property to establish if there are any matters that need resolving and will complete Health and Safety checks on FAHHA properties to the gas and electrical systems.
- 7.4 Incoming and outgoing residents are responsible for taking meter readings and notifying energy suppliers of the change of resident.
- 7.5 You are responsible for providing instructions to the incoming resident for any appliances or services in the property.

8. Completing the mutual exchange

- 8.1 On completion of the mutual exchange, depending on the tenancy types, you will either:
- Sign a Licence to Assign, taking over the outgoing resident's tenancy agreement or
 - Surrender your existing tenancy and sign a new tenancy agreement
- 8.2 If you are moving to another social housing provider where your exchange partner has a fixed term tenancy, we will check and inform you of the:
- Tenancy type they will offer you
 - Term of the tenancy
 - Rent they will charge.

You should seek independent legal advice on what this means.

9. Appeals against the decision

- 9.1 You can appeal the decision on a mutual exchange request in writing within 14 days of our decision. The appeal must set out why you feel the decision is not justified.
- 9.2 A manager not involved in the original decision will review the mutual exchange request. They will only uphold the appeal if they find the original decision did not meet legal requirements or follow this Policy. They'll respond with their decision within 14 working days.
- 9.3 If you believe we have not followed this Policy or met our legal obligations, you can use our complaints process (see Complaints Policy).

10. How we'll keep your information safe

- 10.1 We will store residents' information securely in line with our Data Protection Policy.
- 10.2 We may share personal information with other organisations; we may give or receive information. We will ensure information is kept safe and confidential. We will only share information where we have sharing protocols in place and/or confidentiality agreements signed. We'll also give information to other organisations where we have to by law.

11. Review

We will review this policy every 3 years to ensure it remains effective unless there is a relevant significant event or legislative or regulatory changes, in which case we will review this policy sooner.

12. Related Policies and regulatory requirements

- Tenancy Management Policy
- Data Protection
- Equality and Diversity
- Complaints Policy
- Regulator of Social Housing Tenancy Standard

Date of Board approval	Date of Review
05.03.2025	