

# Mutual Exchange

## Introduction

You have the right to exchange your home with another Devon & Cornwall Housing Association (DCHA) tenant, or a tenant of another housing association or council. You will need to get our permission in writing before you make any arrangements (and the permission of any other landlord involved). We will not withhold our consent to the move unreasonably.

## How do I find someone to exchange with?

We do not hold any exchange lists as such, although we would be happy to place an advertisement from you in our local offices (if there is the facility) or on any of our schemes which have communal notice boards.

Your local council will have lists of people who wish to move to your area. If you contact your local housing department or housing advice centre they will be able to help.

DCHA subscribes to a national scheme called Homeswapper, which you can use free of charge. If you have access to the internet, go to: [www.homeswapper.co.uk](http://www.homeswapper.co.uk) and follow the on-line instructions.

Alternatively, ask your local office to print you off a form or enter your on-line details for you.

You will be sent either email, text or postal (small charge for postal) alerts when another tenant registers who might have the home you are looking for.

You can also advertise for an exchange yourself in shop windows or local newspapers.

## What do I do when I have found someone to swap with?

### State of repair

When you have found someone with whom you wish to swap it is a good idea to meet them and have a look at where they live. Inspect their property to see if it is in an acceptable state of repair and make a note of anything which needs attention. These matters can then be taken up with the other landlord, but it is best to inform them **before** you move. The other tenant's repairing duties will become yours when you exchange tenancies.

We do not fund redecoration costs when tenants exchange tenancies, and this may well be the case with other landlords.

### Type of tenancy

You will be taking over the tenancy of the person you are exchanging homes with, so it is important that you obtain a copy of their tenancy agreement and read it carefully.

If they do not have a copy ask for one from their landlord, also ask their landlord if you do not understand any differences between the types of tenancy.

Important areas to check are:

**Rents and service charges:** What are they? How are they set? Secure tenants' rents (fair rents) are set by an independent Rent Officer, assured tenants' rents are fixed by their landlord.

**Repairs:** What are your responsibilities and what are the responsibilities of the landlord?

**Succession:** What rights of succession will you have? Generally speaking a close member of a secure tenant's family has the right to take over the tenancy when he or she dies. The rights of assured tenants are different and are spelled out in the tenancy agreement. NB Assigning a tenancy by carrying out a mutual exchange is treated as one succession.

## Mutual Exchange (continued)

**Right to buy:** Does this apply? Some secure tenants may have the Right to Buy, but will lose this right on exchange with an assured tenant.

**Right to acquire:** Does this operate? Right to Acquire was introduced in 1996 and enables certain groups of housing association tenants to buy their homes at a discount provided the properties were built or improved after April 1997.

### What do I do now?

When you have both decided that you wish to swap homes you need our written consent and that of the other landlord.

Ask your Housing Officer at your local office for a Mutual Exchange Application Form. You should complete the form and return it to the office. Unless you are swapping with another DCHA tenant, we will need to exchange tenancy reports with the other landlord involved. This will involve passing on details about you and your family including the balance of your rent account and how you have conducted your tenancy. We will need to visit you and inspect your home.

We must give you a decision about your request within six weeks.

**Do not make any arrangements to move before you receive our written permission.**

### Would we refuse permission to exchange?

Each case is considered in the light of its own particular circumstances. We will usually only refuse permission on the following grounds:

- If either tenant is subject to a Possession Order, or proceedings for possession have started
- If your home is substantially larger or smaller than that required by the other party
- If our charitable objectives would be affected (e.g. if the incoming tenant has too high an income)
- If your home is sheltered or specially adapted and the incoming tenant does not require such accommodation
- If a 'Section 106' Planning Agreement applies.

**If you have rent arrears, or if you are responsible for making good any repair before you leave, you must clear your account and carry out the repair before the exchange can take place.**

### What do I do once consent has been given?

We will agree with you, the other tenant and the other landlord (if there is one) a date for the exchange to take place. We will meet you and the other tenant either at your old address or at our offices so that you may both sign a Deed of Assignment. This is the legal document which formally transfers both tenancies.

You may also be asked to sign a new tenancy agreement.

The move can then take place.