

Task 10. Mutual Exchange Procedure

What is a Mutual Exchange

A Mutual Exchange is an exchange of accommodation between two, three, four, or more parties and relies on each party moving permanently into their exchanged property. A tenant cannot exchange into an empty property.

- Mutual Exchange forms can be obtained from any One Stop Shop or sent directly from Housing Services.
 - Mutual Exchanges should be actively encouraged to enable tenants to improve their own Housing situation.
1. On receipt of completed application form;
 - **Check that the names of the parties to the exchange are the same as those on the Rent System and the Tenancy Agreement**
 - **Send a mutual exchange acknowledgement letter (T41).**
 - **The applications should be dealt with alphabetically; the Officer with the address that comes first should be the lead Officer.**
 - **Log mutual exchange application onto CBL as per task 10a.**
 2. If the exchange includes a tenant from outside the area, or with a Housing Association tenant, the Tenancy Officer designated to the Council property will deal with the exchange and liaise with the other party.
 3. Check the rent account.
 - **If any arrears have accrued, NOPP has been served, referral to court for possession or a suspended Possession Order has been obtained then the exchange can be refused. This is on the grounds contained in Schedule 3, Housing Act 1985.**
 - **In this situation send letter refusal (T42) to the tenant(s) whose circumstances make the exchange inappropriate.**
 - **Send refusal letter not connected to tenancy (T43) to the other tenant(s).**
 4. The Council can grant consent for a mutual exchange which is conditional (**T44**).
 5. Where a tenant has outstanding obligation to repair their property arising out of a failure to use the property in accordance with their tenancy conditions, the Tenancy Officer would refuse the mutual exchange on these grounds, however, the exchange could proceed if the repairs identified can be rectified by the tenant before the properties change hands.

- **Write to the tenant clearly setting out the grounds on which the exchange has been refused.**
- **If the tenant agrees to rectify the repairs identified the property must be inspected again before the exchange can continue.**
- **Any defects should be photographed and details placed on file, together with written reports concerning both parties.**

6. Check to ensure that the property is suitable for the needs of the applicant.
7. Check whether there is overcrowding or disabled adaptations in a property that are not needed for the new occupier.
8. If under occupied one bedroom more than requirements is allowed, e.g. a couple with no children would be allowed to exchange into a 2 bedroom property.
9. Applicants may exchange to sheltered accommodation as long as they are the required age, e.g. over 60 years of age for a bungalow.
10. Contact must be made with both parties as soon as possible to arrange an inspection, (carried out by the Tenancy Officer and Voids Supervisor) **(T45)**. **Both parties swapping homes should attend both inspections.**
11. If both parties are not at the inspection, then a further inspection date should be made and the exchange put on hold.
12. No exchanges will be permitted if both parties do not attend.
13. Tenants agree to accept the properties in the decorative state they are in.
14. The main purpose of the inspection is to ensure that no unauthorised alterations have been made or any rechargeable works are identified. **Photographs should be taken at this inspection.**
15. Tenants both sign the exchange form and one of the parties agrees to replace or pay the recharge or to accept any alterations. A checklist form is used at this time and a copy should be given to both parties (mutual exchange carbon copy checklist form)
16. If the Mutual Exchange is cancelled and an applicant reapplies then another inspection of the property **MUST** be carried out regardless of the time frame.
17. If the other party to the exchange lives out of the area, then a reference giving brief details of our tenant should be sent to their Authority **(T46)**.
18. In the event of a tenant refusing to complete repairs to their property, the Tenancy Officer will in normal circumstances, continue to insist the repairs are carried out before the mutual exchange is permitted.

19. In a situation where the repairs are of an urgent nature the Tenancy Officer will arrange for the repairs to be carried out and for the cost of the repairs to be recharged.

The Tenancy Officer could arrange for a NOPP to be served on the tenant for the failure to maintain the property in a tenant like manner. The Tenancy Officer will formally refuse the mutual exchange and inform the tenant in writing **(T47)**.

20. Once both inspection reports have been received and are satisfactory, then an electrical test should be carried out at all RBC properties. A job ticket should be raised on the Saffron Housing Management System.

- **Log on job ticket onto Saffron as per Task 10b.**

21. Once the electrical test has been **completed** the electrical contractor will fax through confirmation that the test has been completed successfully.

22. A letter approving the exchange should be sent to both tenants **(T48)**.

23. If the electrical test **fails** the contractor will need to complete the work before the exchange can continue. The tenant may receive a recharge for works if they have caused the damage.

24. Both parties will need to attend an appointment to sign the new Tenancy Agreements. If they are RBC tenants a Notice to Vacate form must be completed **(V1 or V1a)** as appropriate. *Relevant sign up information concerning rent, repairs, anti social behaviour and housing benefit should be thoroughly explained at this time.*

25. Mutual exchanges should bear no cost to Redditch Borough Council. Belongings or rubbish will not be removed by RBC unless it is considered to be a Health and Safety issue. Should RBC remove the items a recharge will be made to the tenant responsible.

26. It is a statutory requirement that all mutual exchanges should be completed within 6 weeks of receiving the application. *For any reason should the exchange be delayed ie. Tenant carrying out repair obligations the exchange time frame will be halted and re-started once the obligations have been met.*