



# MUTUAL EXCHANGE POLICY

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## **1. INTRODUCTION**

Leeds Jewish Housing Association (LJHA) recognises that mutual exchange is a useful way of satisfying housing needs. Therefore, this policy is to ensure that this process is done fairly and in line with regulation and legislation.

Mutual exchange is defined as the exchange of properties by a tenant of LJHA with a tenant of LJHA, another housing association or local authority, or the tenant of a new town development corporation. Exchanges can only take place between social housing tenants.

Mutual exchange does not include the internal transfer of LJHA residents to a vacant property.

Application for internal transfer, joint tenancy and mutual exchange will require approval from the Housing Manager. LJHA may refuse a request in line with current legislation or due to one of the reasons detailed in section 3 of this policy.

## **2. CONDUCTING A MUTUAL EXCHANGE**

Tenants of the Association have the right to swap their home with another tenant. When they express their wishes to exercise this right to the Association, the Housing Manager will send out the 'Moving Home' information leaflet to the tenant.

Tenants who wish to mutually exchange must complete a Mutual Exchange Request form. Written approval from LJHA is required before exchange can take place. In addition, the 'exchange' partner must get written permission from their landlord.

LJHA will seek a reference from the other landlord.

Both the LJHA tenant and the 'exchange' partner will be required to sign the 'Licence to Assign Tenancy' and 'Assignment of Tenancy' once permission to exchange has been obtained.

LJHA is in partnership with Leeds City Council and has access to House Exchange <https://www.houseexchange.org.uk>. This website assists tenants wanting to move to other parts of the country.

An LJHA tenant wishing to move to alternative LJHA property may apply to do so after 12 months by completing an LJHA housing application form giving in full the reasons for wishing to move. Once the application form has been returned, it will be dealt with in the same manner as a new application, except that the following will be taken into consideration:

- a. How the tenant has treated his / her present flat
- b. Rent payment record
- c. LjHA's points system

LJHA may approach tenants living in two or three bedroom houses or flats whose family needs have changed and request that they move to smaller properties, thereby allowing applicants requiring a larger house or flat to be accommodated.

An LJHA tenant wishing to move to a property within a different housing association or local authority may do so by registering with Leeds City Council or individual housing associations. LJHA's housing officer can give assistance with this.

### **Joint Tenancy**

Existing tenants of Leeds Jewish Housing Association who hold a single tenancy can apply for a partner, spouse, relative, etc. to become a joint tenant.

The association will send an 'Application for a joint tenancy' form to tenants who wish to change their sole tenancy into a joint tenancy.

Once the completed application form is received, and approved, tenancy records will be updated accordingly.

Consent will not be withheld for rent arrears if the tenant is exchanging with another LJHA tenant and wishes to downsize due to the bedroom tax or benefit cap.

**Apart from safety checks on gas and electric, no other repairs will be carried out on the exchanged property.**

### **3. ASSOCIATION'S RIGHT TO REFUSE**

There are certain circumstances where LJHA can refuse a tenant's request for mutual exchange and these are listed below:

- Tenant from either household is being taken to court for rent arrears.
- The home would be too big or too small for the people you are requesting a swap with, in line with the guidance below.
- Where there is evidence that the tenant or a proposed 'exchangee' or anyone associated with either party has been responsible for anti-social behaviour.
- Where there has been any material breach of the Tenant's Obligations detailed in LJHA's Tenancy Agreement.
- Where the 'exchange' partner does not meet LJHA's published allocations criteria.
- If a tenant has invalid gas safety certificate (or other regulatory certification) consent will be withheld until a check has been carried out.

If LJHA refuses a mutual exchange, the tenant will be sent a refusal letter which will quote the exact ground(s) for refusal.

### **Refusal on grounds of under occupation or overcrowding**

An exchange will be refused if it will result in under occupation or overcrowding. This will be calculated by the standard number of bedrooms required as follows:

- 2 or more people over 10 years of age and of different sex must not share a bedroom unless they are living as partners
- Every couple to share a double bedroom
- Every single adult must have their own single bedroom, except that a single parent is to have a double bedroom
- Two children of the same sex may share a double bedroom up to aged 16
- Two children of different sex, both under 10 years of age, may share a double bedroom.

Household	Bedrooms	Bed Spaces
1 or 2 adults	Bedsit or 1 bedroom	1 or 2
With one child	2	3 or 4
With 2 same sex children both under 10 years of age	2	4
With 2 opposite sex children, either child 10+ years of age	3	4 or 5
With 3 children	3	5 or 6
With 4 children same sex	3	5 or 6
With 4 children- 3 same sex, 1 opposite sex	4	6 or 7
With 5 children	4	7 or 8
With 6 children	4 or 5	8 or 9
With 7+	5	9 or 10

In determining whether the property will be overcrowded, LJHA will take into consideration any expected children i.e. where there is an expectant mother moving into the property, or if tenants have additional needs.