

Mutual Exchanges Frequently Asked Questions



What is a mutual exchange?

A mutual exchange (also known as tenancy exchange) allows you to swap your home with another council or housing association tenant anywhere in the UK with the written consent of your landlord and the landlord for the tenant you wish to swap with.

In a mutual exchange, two or more tenants swap their homes and take on the terms of each other's tenancy. There is no limit on the number of households that are involved in the chain.

A mutual exchange differs from a tenancy transfer; a tenancy transfer is an offer of accommodation made through the Housing Needs Register (Bidding) where tenants would move into a new property.

Mutual exchange is now the main mechanism through which many local authorities expect tenants to secure a move.



Lewes District Council

Southover House
Southover Road
Lewes
BN7 1AB

Tel: 01273-471600

Eastbourne Borough Council

Town Hall
Grove Road
Eastbourne
BN21 4UG

Tel: 01323-410000

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www.lewes-eastbourne.gov.uk

How can I find a mutual exchange?

You can use tenancy exchange websites to help find other tenants to swap homes with either locally or nationally. On the websites you can list your current house, and search for types of house that are suitable for you.

You can register for free on the HomeSwapper website www.homeswapper.co.uk. 

Other sites include, House Exchange, Swap and Move and Exchange Locata; however, registration fees may apply.

- www.swapandmove.co.uk
- www.exchangelocata.org.uk

Other options for finding homes to swap with are newspapers and local advertising.

Keeping safe whilst moving

The Government has now amended its guidance to allow people to move home however there are strict rules in place to safeguard all parties and restrict transmission of the virus. Please refer to the Government guidance which is available at <https://www.gov.uk/guidance/government-advice-on-home-moving-during-the-coronavirus-covid-19-outbreak>.

What should I look out for?

Dos and don'ts before you go ahead with a swap:

- check if repairs or redecoration is needed. When you exchange, you accept the property in the condition you find it in;
- find out what rent you will pay;
- don't move until you have all the necessary permissions in writing and have signed the relevant documents, can be evicted if you move without permission;
- don't make or accept any payment for exchanging. This is illegal and you could be prosecuted and evicted.

Number of bedrooms

Is the size of the property adequate? Mutual exchanges can be turned down on the basis that the properties are either too big or too small for the family's need.

The number of bedrooms needed by a household is calculated as follows:

- 1 bedroom for every adult couple;
- 1 bedroom for any other person aged 16 or over;
- 1 bedroom for any two children under 16 of the same sex;
- 1 bedroom for any two children aged under 8, regardless of sex;
- 1 bedroom for any additional child under 16.

Subject to a maximum of 4 bedrooms in total.

Joint custody of children:

Where an Applicant has joint custody/residence of a child, that child will not normally be counted as part of the Applicant's household where the child already has the use of a bedroom with another parent/guardian.

Expected baby:

Reference to a child includes a baby who is expected within 12 weeks. For the purposes of calculating bedroom entitlement until the baby is born, it will be assumed that the expected baby can share a bedroom with an existing child who is under 16, regardless of the expected sex of the baby.

Disabled adaptations

If there are disabled adaptations to either property the swap will only be approved if the tenant moving into the property requires those adaptations.

What restrictions are there on Disabled adapted properties?

Properties with disabled adaptations can only be swapped with if the family going into the property require those adaptations.

A letter from a medical professional or occupational therapist will be required to demonstrate that the specific adaptations in the property are needed by the incoming tenants.

Tenancy type

You may only swap your home if you are a secure or assured tenant of a local council or housing association.

How do I apply?

The easiest way to submit applications for you and all other parties is via SwapTracker, which can be accessed directly from your HomeSwapper account.

If you or your landlord don't have a HomeSwapper account, you can still apply via SwapTracker by emailing your name and requesting a link to the online mutual exchange application form to Mutual.Exchange@lewes-eastbourne.gov.uk. A link will then be emailed to back to you where you can complete the online application form.

Once you have applied online, this creates a dashboard within which you can easily upload requested supporting documents as well as being able to see the status of your application in real time.

For those applicants who do not have online or email access, or the support of somebody who does, then we could process your application manually but you will not have access to live updates. Signing of documents may also take longer as these will have to be posted to all parties, whereas these can all be signed online via the SwapTracker dashboard.

What happens after the application forms have been received?

References will be requested and checked against all tenants involved.

An energy performance certificate will be generated on your current property if we do not already have one available and provided to the incoming tenants.

Service checks will be carried out for gas and electric.

As part of the mutual exchange application process, we may undertake a visit to your property to highlight any repairs required and establish any non-standard items in your home that the other party needs to be made aware of. We are taking extra precautions to ensure the safety of our residents and staff by minimising face to face contact. As a result of this, officers may not have visited the property you are exchanging with to establish the condition or damage, and the only checks carried out are the mandatory gas and electric checks where required.

Whilst it is not a condition of an exchange taking place, we are asking all parties to provide photographs to us in advance of the exchange so that we can assist all parties by providing some guidance to help people make an informed choice about the exchange.

We recommend that you carry out your own thorough inspection of the property you wish to exchange into. Any non-standard fixtures or fittings will be the responsibility of the incoming tenant and most providers, including ourselves, will only undertake mandatory health and safety repairs after the exchange has taken place. You will be responsible for ensuring that the property meets our lettable standard at any point you decide to terminate your tenancy in the future even if this is not the condition when you moved in.

Please ensure that there is nothing left in your loft as per your tenancy agreement or you will be re-charged for any clearance required.

You will be contacted to arrange for a gas and electrical safety check; please adhere to any risk assessments required to allow for these checks to be carried out.

Mutual Exchange Photographs

In order for us to support each party, please would you provide us with the photographs. To avoid issues with the size of emails, we will request these in batches via the SwapTracker dashboard.

On the rare occasion that your application is not being managed via SwapTracker, please email your photos in manageable sizes and include in the title of the email, your address and what each photo is (for example 'Town Hall, Grove Road, Eastbourne, BN21 4UG - Front of house, Kitchen, Bathroom'), and send to the senior caseworker who is managing your exchange.

Photos should:

- ✓ Clearly show all rooms.
- ✓ Clearly show all external areas, including front and back of property.
- ✓ Highlight any repairs that are needed.
- ✓ Show any alterations or improvements that you have made to the property (e.g., have you changed the doors, or light fittings, made changes to your kitchen or bathroom, added decking or sheds?)

Once received by us, they will be assessed by the surveying team and taken as the condition of the property. Should they not be clear, or the surveying team are not sure, they will contact you and a virtual visit over a video conferencing platform may be required.

If the information and photographs indicate that there are major (unauthorised) alterations or significant damage, or other breaches of tenancy are evident the exchange may be refused or the exchange will be conditionally approved providing that the alteration / damage / breach is remedied to the satisfaction of the Council. This would include any necessary works identified as a result of the gas and/or electric checks.

Under what reasons can a mutual exchange be refused?

- Eviction proceedings have been started already.
- If rent recovery action has been undertaken (approval may be conditional on clearing any outstanding arrears).
- The property was provided in relation to a job.
- The property is adapted for a person with special needs and nobody in the new tenant's household has those needs.
- The property is much larger than the household needs (a disclaimer may be required).
- The property is too small for the household and would be overcrowded.

If the application is refused on the ground that there are tenancy issues with the other party, we are not able to give you the specific reason as to why it has been refused due to data protection. In these cases, we would encourage you to get in touch with the other tenant/s involved in the exchange to discuss this further.

How long does it take to get a decision?

A decision will be made within 42 days after receipt of all applications.

Please note this is not a moving date. A moving date will be agreed by all landlords and parties once permission has been granted for the exchange to go ahead.

How do I get my decision?

Tenants will be notified in writing if the mutual exchange is being approved or if permission is being withheld (denied/ refusal).

A conditional approval may be issued, detailing anything that must still be done for the exchange to take place, such as outstanding health and safety works.

If a landlord denies permission for an exchange, it will be set out in the letter under which ground in schedule 3 of the Housing Act 1988 the exchange is being refused.

What if I change my mind?

Any party can change their mind and pull out of an exchange until the deeds have been signed.

How are the tenancies swapped?

Due to the need to limit face to face contact, the mandatory documents will be uploaded to your SwapTracker dashboard for you to arrange completion; these will not be dated at this point as we will need to wait for all parties to return their paperwork to all involved landlords and then, once checked, a date for the exchange will be agreed. For those documents requiring a signature, a DocuSign link will be emailed to you.

You will be required to provide your original tenancy agreement and two forms of ID for each tenant. You will also be asked to have your signatures witnessed by another independent person and a copy of their ID will also need to be provided.

Tenancies are always dated on a Monday – a tenancy always ends on a Sunday and starts on Monday.

There are three mandatory documents for completion:

- the deed of assignment;
- the disclaimer (only required if not being managed via SwapTracker);
- the licence.

ⓘ If you move in before the tenancy start date, or without permission, there is a risk that you may be evicted.

What happens after I have moved in?

Once you have exchanged your home, you will be agreeing to accept the property in its current condition including all its fixtures and fittings.

It is the new tenants' responsibility for any property left at the premises – this includes any rubbish.

Approximately six weeks after moving, a neighbourhood caseworker will contact you to see how you are settling into the property.

Admin required as part of the exchange

It is your responsibility to notify all relevant parties to any change in circumstances. These will not automatically be updated.

People to notify include but are not restricted to:

- ✓ Local Authority
- ✓ Utility Companies – Gas, Water, Electric, Phone Lines, TV License
- ✓ DVLA (if appropriate)
- ✓ Mobile Phone Contract provider
- ✓ Bank/Building Society
- ✓ Doctors Surgery/Dentist

Successions and Assignments

The process of assignment can be used to transfer a tenancy to a person who would have been a successor in a limited number of cases – succession or assignment in this manner can only happen once during the lifetime of a secure tenancy. Mutual exchanges happen by way of assignment, but do not count as a succession when used in this way. When you mutually exchange, you not only swap properties, but you take over the existing tenancy of the person you exchange with. It is important that you understand that if the person you exchange with has already used their one right of succession when you take on their tenancy, it will affect your ability to do this in the future. Similarly, if you have already succeeded to a tenancy and you swap, the person you are swapping with will not have this right because you have used this already and you will regain succession rights in the new property. If you would like more advice on this, please speak to your neighbourhood senior caseworker.

Right to Buy

Following a mutual exchange a council tenant is still eligible for Right to Buy. You must become the secure tenant of the property you move into and you must have spent at least 3 years as a tenant of a council. You can apply for the Right to buy after a mutual exchange as soon as you have had 3 years of social tenancy time. For the purpose of Right to Buy, you will not inherit the years of tenancy from the person you are exchanging with. But, you will keep the years you have already spent as a secure tenant yourself. If you are a council tenant moving into a housing association property you may not have the Right to Buy. Right to Buy is not available for any property located in a retirement block.

How long will I have to wait before I can mutual exchange again?

After you have exchanged tenancies, there is no time limit if you want to apply for another mutual exchange.

**If you have any further questions,
please contact your Neighbourhood Senior Caseworker**
