

Onward Mutual Exchange Policy

1. Aim

- 1.1. It is Onward's policy to promote mutual exchanges to encourage tenant mobility, make best use of housing stock, maximise rental income and help to create sustainable tenancies.
- 1.2. The key aims of this policy are to:
 - a. Set out Onward's approach to mutual exchanges
 - b. Provide advice and assistance to tenants wishing to carry out a mutual exchange
 - c. Ensure that mutual exchanges are carried out by way of assignment and that they comply with the law

2. Scope

- 2.1. For the purpose of this policy, mutual exchange is defined as the exchange of properties by a tenant or tenants of Onward with a tenant or tenants of Onward, another housing association or local authority. Exchanges can only take place between social housing tenants.

3. Tenant's Rights of Exchange

- 3.1. The Housing Act 1985 allows secure tenants to exchange their tenancy with another individual by way of mutual assignment. Mutual exchange is not formally granted by the Housing Act 1988, but Onward extends this right to assured tenants in our tenancy agreements. Starter tenants are not eligible to carry out mutual exchange.
- 3.2. Onward does not recognise the Preserved Right to Buy Status of an incoming preserved rights tenant when facilitating mutual exchanges from one housing provider to another. We will however ensure that any incoming our outgoing tenants affected by this are notified.

4. Conditions for Mutual Exchange

- 4.1. The written consent of Onward is required. Onward may refuse a request for mutual exchange on the following grounds, as determined by Schedule 3 of the Housing Act 1985:
 - a. The tenant or proposed assignee is subject to a Possession Order.
 - b. A Notice of Seeking Possession (NSP) is in force against either tenant, and possession proceedings have begun.
 - c. Specialist housing is involved, such as Sheltered Housing for the elderly or an adapted property designed for a physically disabled person and the adaptation(s) is not required by the incoming tenant
 - d. Under occupation will result from the exchange
 - e. Overcrowding will result from the exchange
 - f. Any other landlord legitimately refuses permission for the exchange

- g. The type of dwelling is ‘not reasonably suited to the needs’ of the proposed tenant and family.
 - h. Where a court order is in force against a tenant or proposed tenant which is based on antisocial behaviour, e.g. a suspended possession order, an antisocial behaviour order
- 4.2. Consent cannot be withheld for any other reason than those detailed in the Housing Act 1985. If we do try to withhold consent incorrectly then consent is deemed to be given. In cases where e.g. there are rent arrears or outstanding rechargeable repairs then consent can be made conditional on the arrears being repaid or the repairs being carried out/paid for before the exchange proceeds.
 - 4.3. If an application for mutual exchange is refused or conditional consent given, the decision should be confirmed in writing to the applicant within 5 working days of the decision being made and the reasons explicitly stated.
 - 4.4. In any case, any approval or withholding of consent must be provided within the statutory timescale of 42 days from the date the application was received or else consent will be deemed to be given.
 - 4.5. The applicant should be advised that if they exchange homes without Onward’s prior consent they would lose their security of tenure and we may seek possession of the property on grounds of a breach of tenancy conditions.
 - 4.6. It is also a requirement that all other tenants participating in the exchange must have obtained consent from their landlord(s).

5. Applying for a Mutual Exchange

- 5.1. Onward ensure that its tenants have access to internet-based mutual exchange services by subscribing to House Exchange through which tenants can access matches. We proactively advertise the House Exchange service to our customers and offer support for those tenants who do not have access to the internet.

6. Responsibility and monitoring

- 6.1. The Regional Director Greater Manchester is responsible for ensuring the policy is complied with.

Linked Documents	Tenancy Policy Adaptations Policy Neighbourhood Management Policy Lettings Policy Mutual Exchange Procedure
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