

MUTUAL EXCHANGE POLICY

31 May 2020

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Policy approved by:	Jane Allen
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EIA Required?	<input type="checkbox"/>
EIA Completed?	<input type="checkbox"/>
Revision number:	06
Lead officer:	Jane Allen

1 INTRODUCTION

1.1 A mutual exchange is when two or more tenants who occupy permanent self-contained accommodation, have a legal right to exchange their tenancies under Section 92 of the Housing Act 1985. Stockport Homes (SHG) may refuse an exchange under specific grounds laid out in the Housing Act 1985 and which are set out in detail in schedule 3 of the act.

1.2 A Mutual Exchange can take place between a SHG tenant and a:

- A another SHG tenant (Secure or Assured)
- A local authority tenant
- A housing association tenant.

1.3 SHG will assist and support tenants who wish to pursue a mutual exchange and will promote exchanges to enhance tenant choice, make the best use of housing stock and promote tenant mobility. This will include helping to resolve any barriers which may prevent a mutual exchange being approved.

2 STRATEGIC LINKS

2.1 This policy links to:

- Housing Act 1985 Section 92
- Welfare Reform Act 2012
- Stockport Council's Allocations Policy 2018
- Housing Health and Safety Rating System
- SHG Assignment Policy.

2.2 The 'Regulatory Framework for Social Housing in England' sets out that Registered Providers shall 'Registered Providers shall enable their tenants to gain access to opportunities to exchange their tenancy with that of another tenant, by way of interest-based mutual exchange services'. This Policy ensures that all tenants have the opportunity to explore mutual exchanges that will meet their needs as well as ensuring SHG makes better use of its housing stock.

3 KEY FEATURES OF THE POLICY

3.1 SHG will encourage, assist and support tenants who wish to mutually exchange their property, particularly where this assists with the impacts of housing benefit changes linked to under occupancy.

3.2 SHG will seek to approve any requests for mutual exchange, however, where approval is not possible, advice and assistance will be given on housing options available to tenants.

3.3 All instances of poor property condition will be considered on an individual basis. Where rechargeable repairs are identified at a property, individual circumstances will be taken into account when agreeing a remedy. However SHG

will not permit exchanges where there are Health and Safety concerns over alterations or improvements, this is to protect the incoming tenant from harm and SHG from liability. In these circumstances the tenant will be required to fully remedy the defect before conditional approval can be given. SHG can decide to remedy the defect and to recharge the tenant in such circumstances all recharges must be paid before the exchange goes ahead. SHG will not take any responsibility in cases where tenants choose to accept a property in poor condition or requiring work.

3.4 A mutual exchange may only be refused on specific grounds stated in the 1985 Housing Act Schedule 3 Section 92.

3.5 The defined timescale from the receipt of a mutual exchange application to a decision being made and the applicant informed is six weeks or 42 days. This timescale must not be exceeded

3.6 A mutual exchange is an assignment of tenancy as stated in the Housing Act 1985, Schedule 3 Section 92.

3.7 The underpinning aim of the policy is to make best use of the housing stock alongside ensuring that tenants are in properties that meet their needs and individual circumstances.

4 EQUALITY IMPACT ASSESSMENT (EIA)

4.1 An Equality Impact Assessment (EIA) screening form has been completed and the outcome has determined that a full EIA is not required.

4.2 The mutual exchange policy states that all exchanges are dealt with on an individual basis and individual circumstances will be taken into account. This enables SHG to be flexible in its application of the mutual exchange policy. Specifically in terms of equalities, it allows SHG to tackle issues surrounding age and disability into account when exchanging properties and make an effective use of the housing stock.

5 OWNERSHIP, MONITORING & REVIEW

5.1 This policy is owned by the Neighbourhoods and Support Services Directorate. This policy will be monitored by the Policy Review Group and reviewed in line with the Policy Review Group schedule.

5.2 Any queries with the policy should be forwarded to the Policy Officer on 0161 474 4151.