



## MUTUAL EXCHANGE INFORMATION SHEET

Please read this leaflet carefully so you are aware of how a mutual exchange may affect your rights.

If you are in any doubt you should seek independent legal advice.

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**Will this be a new tenancy for me?**

The law says that a tenancy can be passed on (assigned) to another person in certain circumstances.

You can do this by mutual exchange. You will give (assign) your tenancy to the other person and they will give (assign) their tenancy to you.

You will not get a new tenancy or tenancy agreement.

**What about the condition of the other property?**

You will be taking over someone else's tenancy and therefore must accept that property as you find it. You are responsible for decorating your home and for any repairs to any alterations made by the previous tenant; these are your responsibility.

**What about improvements I have made to my current home?**

You may have installed heating or other improvements. You should either leave them in working order or fully reinstate your home to its original condition. Whatever you decide to do you must tell the person with whom you are exchanging and make it clear to your current landlord.

**What sort of tenancy will I take over if I exchange to a Council property?**

This varies – many tenancies are Secure ones but some councils now provide Fixed Term Tenancies (flexible tenancies). You will need to check this out thoroughly as you may not have the same rights as you do with SHS. It's a good idea to ask to see a copy of the other person's Tenancy Agreement before making a decision on whether to go ahead with the exchange. It's also a good idea to seek independent legal advice, e.g. from the Citizens Advice Bureau.

**How much rent will I pay?**

This depends on whether you will be paying a "social" rent or an "affordable" rent. At SHS, the rents usually change in April each year.

**Will my relatives have a right to inherit (succeed) to my tenancy after I exchange homes?**

Some members of a tenant's family may have the right to succeed to the tenancy if one legal succession has not already taken place. You will need to check this with your Community Housing Services Officer. Carrying out a mutual exchange does not affect this position; if the right to succeed exists it can be taken to your new home.

**Can SHS or another landlord stop me exchanging?**

Yes, in some circumstances the mutual exchange can be refused. The law sets out 10 circumstances when your exchange can be refused:

- \* If there is a Court Order for possession of your property outstanding against either exchanging party
- \* If there is a Notice of Seeking Possession outstanding against either exchanging party

- \* If the exchange would result in one of the properties being substantially under-occupied
- \* If the extent or size of one of the properties is not suitable for the family moving into it, i.e. they would be overcrowding
- \* If either of you do not have a secure tenancy – for instance if you have a service tenancy
- \* If the other landlord is a charity and the exchange would conflict with the aims of that charity
- \* If either home has been specially adapted for a disabled person and the exchange partner does not need the adaptation

If the other landlord is a Housing Association or a Trust who let homes to people with particular needs and you do not have those needs

- \* That either property is for special use – e.g. sheltered housing (Independent Housing for Older People), and the other exchange party does not have a need for that service
- \* If one of the properties belongs to a Housing Association Co-operative and the tenant moving into it refuses to become a member of that Association

Both landlords will consider these points, some of which may be relevant to only one party, but the decision affects the whole exchange.

#### **How many times can I exchange homes?**

There is no limit as long as you apply properly to your landlord.

#### **Is there a limit to the number of tenants who can be involved?**

No, although exchanges are normally just between two tenants. Three-way exchanges (or more) can be successful, but are more difficult to complete with so many people involved.

#### **Do I need permission to do an exchange?**

Yes. You must get the written consent of your landlord before you can lawfully assign your tenancy. Your exchanging partner must also get written permission from their landlord. Do not make any arrangements to move until written consent has been obtained and a date for the assignment confirmed.