



Telford & Wrekin
Co-operative Council

**Protect, care and invest
to create a better borough**

MUTUAL EXCHANGE

MAY 2024

1. INTRODUCTION

1.1 The tenants of Borough of Telford & Wrekin (“the Council”) may take part in the mutual exchange process through an internet-based system with other qualifying tenants of registered providers.

1.2 The internet mutual exchange system will allow tenant to:

- register an interest to take part in the mutual exchange process without payment of a fee;
- enter their current property details and the type of property they are seeking in exchange.
- see details of properties that are of a potential match.

1.3 The Council as landlord can also provide reasonable support in using this service to tenants who do not have access to the internet.

2. THE PROCESS OF MUTUAL EXCHANGE

2.1 A secure tenant may assign the tenancy to another secure tenant subject to the Council’s written permission. Permission should be obtained by both interested tenants once a potential exchange of properties has been identified.

2.2 The application for permission for mutual exchange should be completed and handed to your local housing officer. This can be found on the council’s website, or a copy can be obtained from your housing officer.

2.3 Interested tenants must comply with and satisfy specific conditions and where these conditions are not met by the tenants the landlord may withhold permission.

2.4 For example:

- clearing rent arrears;
- making good damage or rectifying any other breach of the tenancy agreement;
- any other conditions required by the Council.

2.5 The Council will reply to a request for mutual exchange within 42 days of receiving the request and will inform the tenant of the outcome. If permission is not granted, the reasons for refusal will be provided in writing within 7 days of the decision.

2.6 The Council may refuse consent on the following grounds. These apply to any party to the exchange.

- a) the tenant is, or will be on a specified date, obliged to give up possession following a court order; or
- b) proceedings have begun for possession of the property under one or more of grounds in Part 1 Schedule 2 Housing Act 1985 which are:
 - rent has not been paid or a tenancy condition has been broken.
 - nuisance or annoyance has been caused or the property has been used for immoral or illegal purposes.
 - due to the neglect of the tenant the condition of the property and /or the furniture has been allowed to deteriorate.
 - The tenant obtained the tenancy by knowingly and recklessly making a false statement/representation.
 - The tenant or a previous tenant who was a member of their family obtained the tenancy by way of mutual exchange and a premium was paid
 - The outgoing tenant's property is substantially larger than the incoming tenants needs, this is regarded as two or more bedroom unoccupied.
 - The outgoing tenant's property is not reasonably suitable to the needs of the incoming tenant i.e the exchange would result in overcrowding
 - The property is used mainly for purposes other than housing and was let to the tenant by Council in connection with their employment;
 - The property was either purpose built for, or has been adapted to make it suitable for, occupation by a physically disabled person and, if the exchange were allowed, there would be no such person living there; or
 - The property is one of a group of properties which are let to people with special needs and a social service or special facility is provided nearby sheltered schemes

2.7 It is still possible for a tenant to be granted permission for a mutual exchange where the request for exchange is due to financial hardship and the tenant has accrued rent arrears. Under these circumstances the tenant must:

- a. be exchanging their property for smaller, more affordable accommodation; and
- b. have reduced the debt over a 3-month period and have a signed repayment plan. The Council tenants must meet the following conditions:
 - the debt owed at the current property will be transferred to the new tenancy and any agreement to discharge the remaining debt will become a condition of the new tenancy;
 - the exchange will be subject to a full income and expenditure exercise of the tenant, where a repayment plan will be agreed with the tenant

3. COMPLETING MUTUAL EXCHANGE

3.1 Once the council and participating authority's permission has been obtained, the tenants must carry out the mutual exchange as directed by the Council from time to time. This will include to:

- a) To agree a date with both Landlord's for official exchange of properties or complete the exchange within the period set out in the permission.
- b) To make sure that your rent payment is paid up until the formal exchange date to avoid any action by the council for the purposes of recovering any rent arrears.
- c) To inform both Landlord's once you have officially moved out from the property and no later than 3 days of moving out.

4. REVIEW OF THE DECISION

4.1 If a tenant feels that permission has been refused unreasonably or that a condition has been imposed unreasonably, they can ask for a review of the decision.

4.2 The tenant will need to submit a review request to the Property Management Team within 14 days of the decision. This can be done by emailing the following address:

4.3 The review will be conducted by an officer within the Senior Property Management team and who has not had prior involvement in the decision made. If the review is held without a hearing, you will be given the opportunity to make written representations for the officer to consider ahead of the review.

4.4 Proceeding the review of the decision, the tenant will be advised in writing of the outcome. This will be the final decision and there is no further right to request a review.

5. REVIEW OF POLICY

The Council will review this document every three year or as and when required by legislation.