



# Mutual Exchange Policy

Last reviewed November 2019

# 1.0 Mutual Exchange Policy overview

This policy is managed and adhered to by the housing service. This policy will be reviewed regularly to ensure compliance with government legislation, guidance and good practice.

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## 1.1 Introduction

This policy sets out how Dacorum Borough Council Housing Service will deal with requests for tenants to undertake a Mutual Exchange or a Mutual Transfer with either existing tenants of Dacorum Borough Council or tenants of any other social landlord.

Transfers referred to in this policy are those introduced by the Localism Act 2011 where tenants agree to mutually transfer their properties with each other. They are not the transfers referred to in the Council's Allocation Policy.

## 1.2 Aim(s) of the policy:

The aims of this policy are to;

- Actively promote Mutual Exchanges/Transfers within DBC housing stock
- Provide existing Dacorum Borough Council tenants with a realistic alternative when looking to move rather than seeking a move through the 'Moving with Dacorum' scheme.
- Ensure transfers are completed within the correct timeframe
- Utilise the web-system House Exchange to enable exchanges/transfers

## 1.3 Links to Council's corporate aims:

This policy supports the council's corporate priorities which are set out in ['Delivering for Dacorum – Corporate Plan 2015-2020'](#).

- Building strong and vibrant communities
- Providing good quality affordable homes, in particular for those most in need

## 1.4 Equality and diversity

The council is committed to promoting equality of opportunity in housing services and has procedures in place to ensure that all Applicants and Tenants are treated fairly and without unlawful discrimination.

## 1.5 Policy Statement(s)

We will ensure the property is in acceptable condition before any mutual exchange/transfer takes place. (See 2.1)

Households will be allowed a number of bedrooms based on the rules specified below. (See 2.2)

We will promote the use of the HouseExchange Web-System to enable tenants to search for an exchange. (See 2.3)

The decision-making process to approve a mutual exchange will be delivered within a statutory deadline of 42 days (once all exchanging tenants have completed and submitted a mutual exchange/transfer application). (See 2.4)

DBC may decline consent based on the grounds given in The Housing Act (1985) and the Localism Act 2011). (See 2.5)

# 2.0 Mutual Exchange Policy detail

## 2.0 Mutual Exchange Policy Detail

### 2.1) Condition of the Property(s)

Before any Mutual Exchange/Transfer is undertaken the property(s) of the exchanging tenants must be in an acceptable condition. Checks of the gas and electrical systems will be undertaken prior to or immediately after the 'new' tenant takes up residence in the property.

Any work required to the property due to damage or alterations carried out without permission must be completed before an exchange can be considered. If the work is not carried out in a timely fashion, the Council will consider serving a Notice of Seeking Possession for breach of tenancy and the exchange will be refused under Ground 2 of the Housing Act 1985 or Ground 4 Schedule 14 of the Localism Act 2011.

If any damage to the property is found after the exchange has been carried out, the Council reserve the right to recharge the outgoing tenant for any remedial work required in accordance with legal advice found in the grounds of refusal outlined in the Housing Act and Localism Act.

### 2.2) Number of Bedrooms

Households seeking approval for a mutual exchange will be allowed a number of bedrooms according to either the DBC or Government Bedroom Standard **plus one** extra bedroom if desired.

Full details of these standards can be found below:

<http://www.dacorum.gov.uk/docs/default-source/housing/bedroom-standards---2019.pdf>

The Council recognises that its two-bedroom properties are in the greatest demand. This policy reduces that pressure by permitting some families to make a choice about the size of property they move to, so long as their choice is within the rule above. Families affected by the housing benefit social size criteria will be advised accordingly. However, the choice is with the family about whether to proceed with a move.

If the exchanging tenant holds a flexible or fixed-term tenancy and moves to a property with a spare bedroom, they will be advised at their flexible tenancy review meeting that they will be required to downsize at the end of their tenancy to a smaller property in accordance with the current Housing Allocations Policy.

### 2.3) HouseExchange Web-System

HouseExchange is a web based IT system (free for Dacorum Borough Council tenants to access) where users can advertise their interest in exchanging and actively search for exchange partners. The Housing Service utilises HouseExchange to enable Dacorum Borough Council tenants to search for an exchange. This system is utilised by many social landlords and promotes access to thousands of potential exchange partners of which some are resident in Dacorum and others outside of the borough.

### 2.4) Timescale

The process of making a decision to approve a mutual exchange request has to be delivered within a statutory deadline of 42 days. This timescale only becomes relevant once both or all the exchanging tenant(s) have completed a mutual exchange/transfer application and submitted it to Dacorum Borough Council.

### 2.5) Grounds for declining consent

[Schedule 3, Section 92 of the Housing Act 1985](#) details a number of situations where a local authority can decline a request from a secure tenant to exchange their home in the case of flexible or fixed tenancies.

[Schedule 14, Section 158 of the Localism Act 2011](#) also details a number of situations where a local authority can decline a request from a Flexible or a Fixed Term Tenancy to carry out a Mutual Transfer with another tenant. A Local Authority may not decline a mutual exchange/transfer request on any other ground, or in any other situations than specified in the Housing Act 1985 and the Localism Act 2011.



## 3.0

### Links to other corporate documents

This policy links to and should be read in conjunction with the following policies and strategies:

- The Discretionary Housing Payments Procedure
- The Rent Arrears and Write Off policy
- The Rent and other charges Policy
- The Safeguarding Policy and Procedure
- The Housing Anti-Social Behaviour Procedure
- The Asset Strategy 2016 - 2020
- Mutual Exchange Procedure
- The Housing Allocations Policy

## 4.0 Legislation

The legislation listed below will be taken into consideration when implementing this policy:

- [The Housing Act, 1985](#)
- [The Localism Act, 2011](#)