



Uttlesford District Council
Mutual Exchange Policy

DRAFT

January 2026

Table of Contents	Page No
Introduction	3
Policy Statement	3
How it affects your tenancy	3
How to find a mutual exchange	4
Checks and inspection	4
Grounds for refusal or delay	5
Responsibility for tenant alterations	6
Disabled adaptations	6
Decision timescale	7
Next steps after approval	7
Points to consider	8
Further information and advice	8
Complaints	8
Policy review	9
Legislative context	9
Related policies and documents	9

DRAFT

1. Introduction

1.1 A mutual exchange is when two or more tenants 'swap' properties with each other, and in doing so, pass their legal interest in the tenancy to each other. When a mutual exchange takes place, each party involved takes on the original terms of the tenancy agreement of the person they have swapped with.

1.2 A Council tenant has a legal right to mutually exchange homes with another Council or Housing Association tenant anywhere in the UK, subject to certain conditions set out in the Housing Act 1985. UDC has a legal obligation to facilitate a tenant's request to carry out a mutual exchange providing they are eligible to.

1.3 A mutual exchange is a way of tenants moving to another property without having to join the housing register. It is also a way of a tenant moving to another area of the country.

2. Policy statement

2.1 This policy is in place to ensure that all applications for a mutual exchange are dealt with in a fair and consistent manner, and that both tenants and staff are clear about how a request for a mutual exchange will be handled.

2.2 It details the reasons why we may refuse or delay an application and provides information and advice for tenants about what to do in these circumstances.

3. How a mutual exchange affects your tenancy

3.1 When you exchange tenancies with another tenant you take on all the rights and responsibilities of the person you are exchanging tenancies with. Whether or not swapping homes will affect your rights as a tenant depends on the type of tenancy agreement the person has that you intend to swap with. At UDC, we only grant secure tenancies.

3.2 If you swap homes with someone who does not have a secure tenancy, your legal rights as a tenant may be affected. This will usually apply if you swap homes with someone living in a Housing Association property who has an assured tenancy. If you take on an assured tenancy when you mutually exchange, you may have fewer succession rights, and your right to assign your tenancy to someone else may also be affected. Your right to buy your home will also be affected. You should also be aware that if you succeeded to your current tenancy, and you swap homes, no-one else in your household would have a further right to succeed if you died, as any previous successions are carried with you to your new tenancy.

3.3 Please ensure you are happy before you complete your mutual exchange, as you will take on all the rights and responsibilities of the previous tenant. This can include repair and maintenance responsibilities for any home improvements made by the previous tenant. Before you move, you should check with your new landlord what rights and responsibilities you would have with them after you move in.

3.4 If you would like more information about your right to mutually exchange your home, and how this might affect your tenancy, please speak to your Housing Officer or Housing Assistant.

4. How to find a mutual exchange

4.1 The best way to find someone to exchange with is to create an account on Homeswapper (www.homeswapper.co.uk). Homeswapper are a nationwide service that the Council pay for our tenants to use. Once you have registered, you can list your property and look for other properties anywhere in the UK. If you don't have internet access at home you can use the computers in the Council Offices or alternatively speak to your Housing Officer.

4.2 Once you have found a property you like you need to contact the tenant directly to find out if they are interested in swapping homes with you. If you do want to exchange properties, you will need to complete a mutual exchange application form and return it to UDC. You can request one by calling 01799 510510 and asking to speak to your Housing Officer or the Housing Assistant or alternatively email housingadmin@uttlesford.gov.uk The person you wish to swap will also need to do the same. Please remember that if you have a joint tenancy, both tenants need to sign the form. The mutual exchange process cannot start until we have received completed forms from all tenants involved in the proposed exchange.

5. Checks and inspection

5.1 Once we have received application forms for all parties involved in the mutual exchange, we will check your rent, and any other accounts you have with UDC to make sure you don't owe us any money. UDC has a policy of not allowing a mutual exchange application to continue at this stage if there are more than two weeks arrears on your rent account, or if you have any other outstanding debts with us. If you are waiting for Universal Credit or Housing Benefit payments, we will only consider your application once we have received notification of your entitlement the Universal Credit or Housing Benefit.

5.2 As long as you don't owe UDC any money, your Housing Officer and a member of the Property Services team will carry out a joint inspection of your property. This is to ensure that your home is in good decorative order and is structurally sound. If you have made alterations to your property that cannot be passed to the incoming tenant to maintain, then we may ask you to put these right before the exchange can continue.

5.3 If you are exchanging with someone who is not another UDC tenant, we will write to their landlord requesting a report about them and all members of their household who intend to move. We will send them a report about your property and how you have managed your tenancy.

6. Grounds for refusing or delaying a mutual exchange

6.1 Schedule 3 of the Housing Act 1985 sets out the grounds on which a mutual exchange can be refused; these are:

- Ground 1 – there is a possession order in place and either you or the person you wish to exchange with are already under a court order requiring you to give up possession of your property.
- Ground 2 – possession proceedings have begun, or the other tenant's landlord has begun possession proceedings against them or there is a notice seeking possession in place.
- Ground 3 - if the household moving into your property would be under-occupying by two or more bedrooms. UDC allow tenants moving into our properties to have one more bedroom than they would otherwise be allocated if they moved via the housing register.
- Ground 4 – if the property is not reasonably suitable for the household you wish to exchange with. This could be due to the size or layout of the property or the accessibility of the property.
- Ground 5 – if the accommodation is tied accommodation or has been let as part of a person's employment or the building is mainly used for non-housing purposes.
- Ground 6 – if the landlord of the property is a charity and allowing the exchange would conflict with the charity's aims and purposes.
- Ground 7 - if your home has been adapted for someone with a physical disability, and the household you intend to swap with do not require these.
- Ground 8 – if the landlord lets properties specifically for people whose circumstances make it difficult to meet their housing need and after the exchange no such person would be living there.
- Ground 9 – if the property is one of a group of properties intended for people with special needs with support provided nearby and after the exchange no qualifying people would be living here.

6.2 In addition to the reasons outlined above, UDC will also refuse a mutual exchange if the following apply:

- If the person you are swapping with would be overcrowded if they moved into your home.
- If you, or the other person applying to swap, have rent arrears or other debts outstanding with us or the other landlord. If there are any outstanding debts, we will reconsider the application once all rent and any other debts are cleared. As a UDC tenant, you should have no more than two weeks rent outstanding when you apply for a mutual exchange and your rent account must be cleared before or on the day of the mutual exchange.
- If you, or the other person applying to swap, have broken your tenancy conditions in any way. This can include rent arrears, evidence of anti-social behaviour or evidence that your home is not being maintained by you.
- If the household you intend to swap with does not meet any special allocation criteria that applies to your home. This will normally apply to sheltered housing where tenants must be at least 60 years old.
- If you, or the person you intend to swap with currently have a Licence Agreement or Assured Shorthold Tenancy.

6.3 If we refuse your application for a mutual exchange for any of the reasons listed above, we must, by law write to you within 42 days of receiving your application to inform you of our decision. When we write to you we will tell you if your application can be considered at a future date, and provide details of anything that you, or the other person applying to swap, need to do to in order for your application to be re-considered. This could include paying off any arrears, reinstating your property to a reasonable standard or ensuring any home improvements you have made, such as driveways, patios or conservatories are in good repair. We may also ask you remove any home improvements that are beyond repair.

7. Responsibility for tenant alterations

7.1 After you have moved, you will be responsible for the repair and maintenance of any non-standard alterations, fixtures or fittings made by the previous tenant. Before we agree to the mutual exchange we will list all the items or improvements that the person moving to your home will be responsible for. They will sign to accept these.

7.2 If they do not wish to accept responsibility for items or improvements in your home, these will need to be removed and the property reinstated to standard UDC fixtures and fittings for the exchange to continue. UDC will not accept responsibility for items and work not normally supplied or carried out by us. We will not allow the exchange to go ahead until any work identified has been completed.

7.3 If you are unable to put right any alterations in your home or there are alterations that are dangerous, then UDC may carry out work to put these right but you may be recharged for the cost of the work.

7.4 If you are intending to move to a property with another landlord, you will need to check with them what your repairs and maintenance responsibilities will be after you move. They may have a similar process in place, whereby you may have to sign an indemnity form taking responsibility for any non-standard items.

8. Disabled adaptations

8.1 If your current home has been adapted because any member of your household has a disability or particular needs, we can only allow the exchange to go ahead if the person you intend to swap with needs the adaptations in your home. We would need evidence of this from an Occupational Therapist, GP or another medical specialist.

8.2 If you intend to swap to a UDC property that does not have the adaptations you require, we may advise you to think about transferring to another property that is more suited to your needs. This is because the home you intend to move to may not be suitable for your needs and it may not be possible for the adaptations you require to be made. Even if the property can be suitably adapted, the work required cannot be started until you have signed the Deed of Assignment and moved in. If you require extensive adaptations, you may have to wait some time, as there are usually waiting lists for this type of work.

8.3 If you do have a disability or any particular needs we can arrange a meeting with an Occupational Therapist to discuss your housing needs and options, based on your individual circumstances. If you are exchanging to another landlord, we recommend that you ask about their adaptations policy to ensure you will get any adaptations that you need before you decide to move.

9. Decision timescale

9.1 By law, we must give you our decision in writing within 42 days from when we receive an application form from all parties, and the timescale for our response will depend on the individual circumstances of those who wish to swap homes.

9.2 During the 42 day period we will carry out all our checks and get the necessary references from the other housing providers.

9.3 The 42 day deadline relates to our decision as to whether or not the exchange can go ahead and does not necessarily mean that you will move to the other property within 42 days.

9.4 When we approve a mutual exchange application, this is often provisional and the final go ahead will be given once works or other specified actions have been completed by you or the person you intend to swap with. Examples of things that can typically cause a delay are:

- Arrears or other debts to be cleared
- Work identified at the property inspection
- Work needed following gas and electrical safety checks

If there is likely to be a delay, we will keep you updated and informed of the progress of your application.

10. Next steps after approval

10.1 If we approve your application for a mutual exchange, we will confirm this in writing and arrange for a gas and electrical safety check to be completed at your property. Once this has been completed and any necessary work has been carried out, all parties agree on a date to move. Our tenancies always start on a Monday.

10.2 When a moving date has been agreed, we will arrange for all parties to come to our offices and sign a Deed of Assignment. All parties will need to have a clear rent account, and no other outstanding debts on the day of the exchange.

10.3 UDC will not incur any expenditure relating to repairs, redecoration work, removal of garden rubbish etc. It is important that you are happy with the condition of the property and if there are any repairs or rubbish at the property that you are happy with the arrangements the other tenant has for dealing with them.

11. Points to consider

11.1 If you are thinking about a mutual exchange, we strongly suggest that you consider the following points:

- When you mutually exchange your home, you take on all the rights and responsibilities of that tenancy. We therefore advise you to think carefully before proceeding with your application, particularly if you will be changing the type of tenancy agreement you have. Check with your intended landlord what tenancy rights you will have, especially if their tenancy is not a secure tenancy.
- Check the condition of the property you intend to move to thoroughly. This should include checking the inside of all cupboards, the loft or roof-space (if applicable), the condition of the garden and any other attachments to the property, such as sheds or garages.
- If you think that the tenant you wish to swap homes with has made any major alterations to the property, you should ask their landlord to confirm that they had approval for any work carried out, and all necessary permissions were granted at the time. If you are in any doubt, you should request a structural survey of the property as once you have signed the Deed of Assignment you may be responsible for putting right any major works that were completed by the previous tenant.
- If any party intends to leave any items or non-standard fittings in the property, then we would advise that you check everything is in working order / good repair and all parties sign a document agreeing to what items, if any, will be left. We will ensure that the person moving to your home signs a form to accept them and that details all non-standard items they have agreed to take responsibility for. You may want to ensure you do this with your new landlord if you are not exchanging with another UDC tenant.
- You should view the property more than once, and at different times of the day and week.
- Do not move home without the written permission of all landlords involved or before you have signed the Deed of Assignment. If you do, it could result in all parties losing their homes, and the relevant Local Authorities will have no duty to re-house you.

12. Further information and advice

12.1 If you would like further information and advice if you are considering a mutual exchange, you can contact your Housing Officer or Housing Assistant on 01799 510510. You may also want to seek independent advice from a solicitor or the Citizen's Advice.

13. Complaints

13.1 If you are unhappy about the way in which we dealt with your application for a mutual exchange, or any aspect of the service we have provided, you can contact Housing Complaints by the following methods:

- Send your complaint by email to: housingcomplaints@uttlesford.gov.uk
- In writing to: Housing, Uttlesford District Council, London Road, Saffron Walden CB11 4ER
- By calling us on [01799 510510](tel:01799510510)
- Complain by using our online form on our website

14. Policy review

14.1 This policy will be reviewed every three years or upon a major change to legislation.

15. Legislative context

15.1 This policy meets the legislative requirements as set out in the Housing Act 1985 in relation to secure tenancies and mutual exchanges.

16. Related policies and documents

- Allocations policy
- Repairs and maintenance policy
- Adaptations policy
- Recharge policy
- Conditions of tenancy

ROLES AND RESPONSIBILITIES

Role:	Responsibilities:
Strategic Director, Housing and Communities	<ul style="list-style-type: none"> ▪ Oversight and monitoring of the policy. ▪ Ensuring that this Policy is operationally effective.
Housing Operations Manager	<ul style="list-style-type: none"> ▪ Authorisation of Mutual Exchange applications.
Housing Officer	<ul style="list-style-type: none"> ▪ Visits and inspections. Deed of assignment signing
Housing Assistant	<ul style="list-style-type: none"> ▪ Processing of applications and ensuring all reports are received

LINK TO CORPORATE PLAN PRIORITIES

Corporate Priorities	Yes/No
Putting residents first	Yes
Protecting and enhancing our environment	No
Building strong communities	Yes
Encouraging economic growth	No

KEY CONTACT

- Lead Officer: Simone Russell
- Service Area/Directorate: Housing, Environment & Communities. Landlord Services

- Lead Member: Councillor Arthur Coote

DRAFT