

# Exchanging your home

# twynham

If you have any questions after reading this leaflet, please contact our Resident Services Team who will be happy to help you. The contact details are on the back of this leaflet.



**twynham**  
housing association

*homes & services for the community*

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This leaflet explains what a mutual exchange is and who is eligible to apply to exchange. This leaflet also tells you how to apply to us and how we will deal with any request you make to exchange.

## **What is a mutual exchange?**

A mutual exchange is where you exchange your home with another of our tenants or with a tenant of another housing association or local authority. This happens without creating a new tenancy, unless that tenancy has previously been transferred.

By choosing to transfer your tenancy you are giving up your interest in your existing tenancy to someone else. This means that the tenancy does not end and the person you exchange with takes on all the rights and responsibilities of the original tenancy agreement. This also means that you take on their tenancy and the rights and responsibilities that come with it.

## **Am I eligible to exchange and what do I need to know?**

If you are already an assured non-shorthold tenant of a property we own, you are eligible to exchange.

You must always get our permission in writing before you can exchange.

You also need to remember that when you exchange with someone, you are agreeing to take the property over in its current condition. This means that you will become responsible for carrying out any maintenance work to the property not carried out by the previous tenant.

## **Are there any reasons why you would not allow me to exchange my home?**

We will never unreasonably withhold permission for you to exchange as you have a legal right to do so. However, we can legally withhold permission if any of the following circumstances apply.

- A court has already given us an order to repossess your home.
- We have already served a 'notice of seeking possession' on either you or anyone else you want to transfer your tenancy to, using any of the grounds for possession, and the notice is still in force.
- Your home is substantially larger than is reasonably needed by the person you want to exchange with (more than one extra bedroom than they need).

- We have let the property to you as our employee, and it is within the boundaries of an operational building (for example, a flat within a sheltered housing scheme which is let to a scheme manager) or within a cemetery.
- Your home is designed or adapted to suit the needs of a physically disabled person, and the exchange would result in someone without those needs moving in.
- A section 106 is in place. (This is where planning approval is granted under the Town and Country Planning Acts - for example, in rural areas, properties may be kept for local people to use.)

## **How do I find someone to exchange with?**

You can advertise the details of your property in local newspapers and shops. We suggest that you give the following details when you advertise.

- Your name, address and phone number
- Whether your property is a house, flat or bungalow
- How many bedrooms and living rooms it has
- If it is a flat, what floor it is on
- Whether it has its own garden and garage
- What heating the property has
- A brief description of the area

- How close it is to shops and other facilities
- Who your landlord is
- What facilities you are looking for in a property.

To help you find an exchange partner, we may give your details to other people who may be interested in exchanging with you. We keep a card index at Dolphin House where you may register your details and look for details of other people who have registered to exchange.

## **What do I do once I have found someone to exchange with?**

Once you have found someone you would like to exchange with, you should contact our Residents Services Team, who will send you an application form to fill in. You can also pick this form up from the reception desk at Dolphin House.

Within three working days of receiving your filled-in mutual exchange form, we will write to you to confirm that we have received it.

We will then carry out enquiries to make sure there are no reasons why the mutual exchange should not go ahead. These enquiries will include a visit to your home to assess its general condition, an electrical safety check, and requests to other landlords for references.

After we have completed all our enquiries, which we must do within 42 days of receiving your written request, we will write to you again and tell you about any changes in your rights and tenancy conditions resulting from you exchanging with a tenant of another landlord. In this letter we will also tell you whether we are giving you permission to exchange. If we refuse permission, we will explain our reasons to you and not pass them to anyone else.

In some cases, for example if you have missed rent payments or have broken any other condition of your tenancy, we may still agree to the exchange but on the condition that you pay the amount you owe or sort out the situation that is causing you to break your tenancy agreement.

Finally, if we give permission, we will ask everyone involved in the exchange to agree a date when the tenancies will be transferred. If anyone involved in the exchange changes their mind and decides not to go ahead with the exchange, we cannot become involved in any dispute.

***If you move without our permission, your home will be at risk as you will not have a secure tenancy and we could repossess your home.***

## **What happens if I am not satisfied with the way you have dealt with my application or the decision you have made (or both)?**

If you are not satisfied with the way we have dealt with your application or the decision we have made (or both), you have the right to make a formal complaint using our complaints procedure.

Our complaints procedure is explained in our leaflet 'What to do if you want to make a complaint', which you can get from the reception desk at Dolphin House or from our website. We can also send you a copy in the post.

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