

Caerphilly Homes

Mutual Exchange Scheme

INFORMATION LEAFLET

It is illegal for either tenant in the process to charge a fee as part of the tenancy exchange. Eviction action can be taken if there is evidence that one tenant has charged or received any money to swap homes.

What is a mutual exchange?

A mutual exchange is a scheme for council or housing association tenants to swap their properties with other social housing tenants for a more suitable home anywhere in the UK.

Who is eligible?

Council or housing association tenants, either within or outside of the Caerphilly Borough. You do not need to register on the common housing register to participate in this scheme.

When your application can be refused:

- If a court order has been made or a Notice of Seeking Possession has been served for any breach of tenancy conditions i.e anti-social behaviour, rent arrears, property conditions.
- Your home is suitable for people with special needs, which the person you want to swap with does not have.
- Your home is part of a sheltered scheme and the person you want to swap with is too young to live there.
- Your home is too large or too small for the person you want to swap with, however exceptions may apply in some cases.

Caerphilly Homes, as your Landlord has 42 days in which to refuse the mutual exchange application. However we will try to complete all checks within 20 working days, unless there are circumstances outside of our control.

If at any time you want advice or information on your mutual exchange application you should contact your Estate Management Officer.

Breaches of Tenancy Conditions:

Your application cannot proceed until:

- Any money owed to us such as rent arrears or rechargeable repairs has been cleared, however exceptions may apply.
- If you have damaged the property, failed to carry out repairs that are your responsibility or undertaken alterations without landlords consent, we will ask you to put this right as a condition of the exchange.

Before the agreed exchange date, we will check that any work needed has been completed to the required standard. If this work is not completed the exchange cannot proceed.

These rules also apply to the person you want to exchange with.

If we do not give you permission we will explain why the exchange has been refused or delayed. We will also tell you how to appeal against the decision.

Obtaining permission for a mutual exchange

Once you have found someone to swap with, you will both need to complete a mutual exchange application form. If the person you wish to exchange with is a tenant of another Local Authority or Housing Association they will also need to make an application direct with their own landlord.

Processing a mutual exchange

Once we have received the completed application forms from both parties, we legally have 42 days in which to refuse your application. If your application is not refused Conditional consent may be given which could take longer. If, due to circumstances, we are unable to undertake the assessment of the application within 5 working days, we will write to acknowledge receipt of the application, and will continue with the process as soon as possible.

Stage One:

We will carryout a desktop investigation to establish if there are any current breaches of tenancy, but for which legal action has not yet been taken i.e.

- Current rent arrears
- Outstanding recharges
- Garden conditions
- Property conditions
- Unauthorised alterations
- Anti-social behaviour

If there are any breaches we will write and tell you that the mutual exchange cannot proceed until the breach has been remedied. This is called conditional consent pending these matters being resolved. i.e. rent arrears paid.

Providing there are no current issues we will proceed to stage two.

Stage Two:

A property inspection will need to be undertaken and we will arrange an appointment for both the Estate Management Officer and the Surveyor to call. The property inspection will be to ensure that conditions within the property are satisfactory, which will include cleanliness and decoration and that no unauthorised alterations have been made or any damage has been caused that is your responsibility. If any issues are found, the mutual exchange cannot proceed until these have been put right, and we will write to you, within 5 working days of the inspection, to advise what actions are necessary. Again this is called conditional consent.

If the person you wish to exchange with is not a tenant of Caerphilly Homes we will write to their landlord providing them with a tenancy reference for you, this will include details about:

- You
- Your household
- The type of property you live in
- Any breaches of tenancy including rent arrears, damage to the property and anti social behaviour

We will ask the other landlord for the same information about their tenant. If we are notified by the other Landlord that the mutual exchange cannot proceed due to issues with their tenant, we will write to you to let you know.

If your mutual exchange is approved we will write to you giving a date when both you and the other applicant can attend the housing office to sign the mutual exchange documents. Tenant and joint tenants will need to attend the sign up as signatures are required from all tenants.

You need to remember that if there has already been a name change on your tenancy, for example the tenancy has been taken over by another family member (called an assignment or succession), this will transfer to your new property and you may not have any further rights for this to happen again.

Things to remember

Before you go ahead with the mutual exchange it is recommended that you:

Proposed Property

- View the property you wish to move to and are completely satisfied with its condition and that it meets your housing needs.
- Check if repairs or redecoration is needed.
- When you agree to a mutual exchange, you are accepting the property in the condition you find it, including taking on responsibility for any alterations that have been made by the previous tenant.
- Any outstanding repairs needed at the proposed new dwelling will be dealt with in accordance with the normal repairs procedure.
- Find out how much rent and council tax you will pay.
- Consider all of the costs involved in moving home e.g. utility bills, mail redirection and actual moving costs.

Your Property

- Ensure your home, garden, attic and shed are free from belongings and rubbish.
- If you have carried out any alterations without getting landlords consent, you will be asked to request retrospective consent and this will only be given providing the alterations meet our specification.
- Let your gas, electricity and water suppliers know you're moving and let them have your meter readings.
- Inform Council Tax and if you claim Housing Benefit or Universal Credit you will also need to advise them.
- Ensure your rent account is up to date.
- Don't move until you have all the necessary permissions in writing and have signed the relevant documents.

Are you affected by Welfare Reform?

From 2013 housing benefit changed for tenants of working age, if you have a spare bedroom in your current home, your housing benefit or universal credit may have been cut.

Some tenants affected by the welfare reform may need to downsize to a more affordable home. A mutual exchange to an area of your choice could be much quicker than waiting to be rehoused via the Common Allocation Register.

There may be occasions where a tenant's application to mutually exchange their home would normally be refused, however for tenants affected by Welfare Reform, Caerphilly Homes may use its discretion to allow the mutual exchange to go ahead, these will be dealt with on a case by case basis.



Please return to:

Upper Rhymney Valley
Area Housing Office
Gilfach House
William Street, Gilfach
Bargoed CF81 8ND

APPLICATION TO ASSIGN TENANCY BY WAY OF EXCHANGE

*I/we, as sole/joint tenant(s), request permission to effect a mutual exchange of tenancies.
Details are as follows:*

PART A – CAERPHILLY HOMES TENANT

1. Tenancy Details

Tenant 1 Name: _____	Tenant 2 Name: _____
Telephone Number: _____	Telephone Number: _____
Mobile Number: _____	Mobile Number: _____
Email: _____	Email: _____
Date of Birth: ___/___/_____	Date of Birth: ___/___/_____

Address: _____

Property Type : _____

Tenancy Start Date: _____

Rent Account Balance: £ _____

2. Has the property been adapted to meet the needs of anyone residing in the property? YES/NO

If yes, please state for who and what adaptations have been made:

6. Have you or a member of your family, who will be moving in with you, had any criminal convictions or Anti-Social Behaviour Orders within the last 5 years?	YES/NO
If yes, please give name and details:	
7. Did you find this exchange using the Home Swapper Scheme?	YES/NO
8. Name and address of the person with whom you wish to exchange:	
9. Name of their Landlord if not Caerphilly Homes	
10. Is there a third party to this exchange?	YES/NO
If yes, name and address of other person:	

It is a criminal offence for the applicant or any member of their prospective household to knowingly or recklessly give false information, or withhold information which Caerphilly Homes may have reasonably required to have been given. In addition, if the mutual exchange application is approved by knowingly or recklessly giving false information or withholding information which Caerphilly Homes may have reasonably required to have been given, Caerphilly Homes may commence possession proceedings in the County Court to bring the tenancy to an end.

By signing the declaration below, you are confirming that the information you have provided on this form is true to the best of your knowledge and that you have not knowingly withheld information which Caerphilly Homes may have reasonably required you to provide.

Signature of Tenant 1		Date:	
Signature of Tenant 2		Date:	

Summary Privacy Notice

How we will use your information

Caerphilly Homes will collect and process information about you, in order to enable you to successfully manage your housing and/or garage tenancy and deal with the finances associated with that tenancy. We may also use this information to provide you with the opportunity to take part in tenant engagement/involvement. We will also record and may process information on other people living with you; to ensure the property is not overcrowded and to assess other tenancy management issues involving others in your household. There may be occasions where we collect and process information about people who are not tenants, in order to manage a contact from them or in association with a legal obligation.

The legal basis for collecting and processing your information is a public task, contractual obligation and legitimate interest. We will keep information relating to a tenancy for as long as the contract is active or where money is owed on a tenancy related account and for a minimum period of 7 years after termination of tenancy.

You have a number of rights in relation to the information including the right of access to information we hold about you and the right of complaint if you are unhappy with the way your information is being processed.

For further information on how we process your information and your rights please access the council's website using the following link:

<https://www.caerphilly.gov.uk/CaerphillyDocs/FOI/PrivacyNotices/Privacy-Notice-Tenancy-Agreement.aspx>