

MUTUAL EXCHANGES: QUICK FACTS AND FREQUENTLY ASKED QUESTIONS

QUICK FACTS

Remember:

- **if you exchange by Assignment you will have all the rights and responsibilities of the current tenancy transferred to you.**
- **If you surrender your tenancy and are granted a new tenancy the rights and responsibilities of the current tenancy will not be transferred to you.**

This means in agreeing to the exchange you are accepting the condition of the property you are moving to, including:

- the standard of the decoration
- any alterations that have been carried out by the other tenant
- any damage to the property
- the size of the accommodation taking into consideration the changes to Housing Benefit entitlement wef 1 April 2013.

If any of these things need to be put right after the exchange, you will be responsible for arranging it yourself, or for any costs that may arise if the Council carries out the work.

Here are some suggestions about things to check out about the property you would like to move to:

Has the tenant you wish to exchange with carried out any alterations to their property?

- Did they get permission from us (or from their landlord if they are not an NKDC tenant) to do this?
- Are you willing to take on the responsibility of the alterations?

Is there a gas or electricity point for your cooker?

Is there a space for your washing machine, dryer or fridge?

Is there any damage to doors, walls, etc.?

Is there any damage to sinks, bath or WC's? Are any taps leaking?

Check who the gas and/or electricity supplier is at your new address, as you will have to arrange to change the supply to your name.

Are there any pre-payment meters for gas or electricity? If there are, do you want to keep them? If not and you wish to have them fitted you will have to make these arrangements yourself.

SOME FREQUENTLY ASKED QUESTIONS

What is a mutual exchange?

This is where a tenant swaps their property and tenancy with another tenant. The swap must be with a tenant of a registered social landlord.

When you swap, the tenancy itself continues. It is the tenant who changes; the tenancy continues to run on the property.

What are my rights and responsibilities when I swap my tenancy?

The new tenant takes on **all** the rights and responsibilities of the tenancy of the property that they move into.

Different landlords and types of tenancies may have different rights and responsibilities than your current tenancy. Please make sure that you know your rights and responsibilities if you intend to swap.

You are taking the property as seen if you swap. If it needs decorating, or there are non-standard items that are the current tenant's responsibility, then you will be responsible for these items as well.

If the tenant you intend to swap with says that work is planned, either to the property or area, please check this with the landlord of the property.

Who can I swap with?

Any tenant who holds a secure, flexible secure or assured tenancy with another registered social landlord.

How do I find someone to swap with?

North Kesteven have funded Homeswapper to enable NK tenants to register FREE of charge. Simply register your details on the Homeswapper scheme.

We can send you the form to enable you to do this or you can visit their website on the following link <http://www.homeswapper.co.uk>

What do I do if I find someone to swap with?

Contact your Housing Officer and ask for an application form. Fill this in and then send it back to us. Both parties intending to carry out the mutual exchange must complete a form.

Are there any other rules about swapping my property?

YOU ARE NOT ALLOWED TO GIVE OR RECEIVE PAYMENT IN CASH OR KIND.

YOU CANNOT EXCHANGE UNTIL YOU ARE GIVEN PERMISSION BY YOUR LANDLORD.

You may be asked to move back if you move without permission, or the landlord may go to court to evict you from the property you have moved into.

I currently live in a two bedroom property with 1 child. Can I still apply to mutually exchange into a 3 bedroom property?

Yes, however you should consider the following changes to Housing Benefit entitlements:

From 1 April 2013, the way in which Housing Benefit entitlement is calculated is changing. New rules will take into account how many bedrooms a household claiming Housing Benefit in council and housing association properties needs compared to how many bedrooms the property has. These rules already apply to private rented properties.

The new size criteria will allow:

- 1 bedroom for each single person or couple living as a household
- 1 bedroom for 2 children under 16 of the same sex
- 1 bedroom for 2 children under 10 regardless of their sex
- A disabled tenant/partner needing overnight carer will be allowed an extra bedroom

If you are of working age (i.e. under the state pension age) and under-occupying your home based on the above, then your Housing Benefit will be cut by a fixed percentage:

- 14% if you have 1 extra bedroom
- 25% if you have 2 or more extra bedrooms

You will be expected to find the difference between rent due and benefit paid from your other income sources.

For example: You occupy a 3 bed property but are only entitled to a 2 bed property. Your rent for the 3 bed property is £80, and you are currently receiving Housing Benefit to cover the full £80. From 01/04/13 you will only receive £68.80 Housing Benefit each week, and must pay the £11.20 weekly difference yourself from your other income.

What happens next?

Your landlord will then consider your application to exchange. We will then make a visit to inspect the property.

We aim to make a decision on your application within 28 days of you returning the application form, but remember we may need to make enquiries with another landlord and this can take some time.

Under what circumstances is an exchange refused?

The circumstances where a refusal may be made include:

- If there is a Court Order or Notice of Seeking Possession.
- The property is much larger than needed by the household that you are swapping with.
- The property is too small for the household that you intend to swap with.
- The property is for a person with special needs, and after the swap a person with special needs would not be living there.

We will notify you in writing if the exchange is refused and tell you why. If you are not happy with the decision, you can ask that a manager reviews the decision.

You may have to do certain things before you exchange. This may include, for example, clearing any outstanding rent arrears.

If the exchange is approved, what happens next?

You will be given a date to sign the paperwork. Everybody, including the people you are swapping with, needs to sign. You will be asked to sign either a 'Deed of Assignment' or a "New Tenancy Agreement" depending on the type of tenancy you are mutually exchanging into. This will be signed at North Kesteven Council Offices and **all** parties must attend.

You must provide one form of Identification for each party from the following list:

- Full UK or EU driving licence (with photograph)
- Ten year UK or EU passport (with photograph)
- Home Office documents confirming status
- A current, valid credit or debit card with supporting bank statement with address
- Recent DWP/ HMRC letter (i.e. Child benefit/ WTC/ CTC) showing names and address
- Pension letter showing name and address.

You will then be advised of the date on which the exchange takes place. It will be up to you to arrange the removal and swapping of the keys. Note that you can only claim Housing Benefit for the week that you move in. We will help you in dealing with your Housing Benefit.

This document is available in large print and other accessible formats such as Braille, Audiotape/CD, PC disk or CD Rom. For a copy please contact the Duty Housing Officer on 01529 414155.