Mutual Exchange Policy

Sections Amended	Date of approval	Approved by
First version of Abri Policy.	May 2021	SLT
Updates to Section 3.	July 2021	Director of Housing & CI
Swaptracker Updates and updated refusal reasons to reflect previous procedure changes	11/07/23	Director of Housing and Community Investment
Policy review - minor wording updates and policy and procedure table updated.	June 2025	Regional Assistant Director of Housing (South East) 19/06/2025

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1. **Purpose**

1.1. This policy outlines Abri's approach to customers who wish to Mutual Exchange (MEX) or home swap.

2. This policy applies to…

2.1. This policy applies to customers who have one of the following tenancies with a Council or Housing Association:

- Secure Tenancy
- Assured Tenancy
- Fixed Term Tenancy

2.2. All other tenancies are not eligible to apply for a MEX. Please see specific Tenancy Agreements to understand further restrictions.

3. Policy

3.1. A MEX occurs when two or more tenants agree to exchange properties with the written approval of Abri and any other registered landlord or local authority involved in the transaction.

3.2. MEX are not limited to two parties and there may be multiple parties or 'Swap Partners' within the exchange.

3.3. All mutual exchanges will be managed via the Swaptracker Portal. The appropriate support will be given to customers who are not digitally able to manage or monitor their Mutual Exchange via the Swaptracker Portal.

3.4. We will process all mutual exchange applications giving a decision in writing within 42 days of receiving all party's application forms.

3.5. MEX shall take place by either an assignment of the tenancies or by a surrender and re-grant of each tenancy in accordance with the relevant legal and regulatory provision.

3.6. We do not allow incoming customers to over occupy when mutual exchanging.

3.7. We do not allow incoming customers to under occupy when mutual exchanging unless it can be evidenced there is a medical need for the additional bedroom(s). The medical need will be assessed by an Independent Medical Assessor chosen by Abri. We may allow an incoming customer to under occupy in exceptional circumstances and where this applies we will use our discretion.

Our aims

3.8. We will:
- Provide customers and prospective customers with information on the requirements for a mutual exchange including on our website and other relevant channels
- Ensure the criteria for an exchange are met before an exchange can be completed.
- Provide guidance and writtern refusal confirming the circumstances when a mutual exchange is or may be refused.
- Support customer mobility by providing a free internet based mutual exchange service such as HomeSwapper.
- Not unreasonably withhold permission to exchange and will do so only on the grounds specified in this policy.

Refusal & Appeals

3.9. A customer may appeal the decision to refuse a MEX. This must be in writing (letter or email) within 10 working days of the decision being communicated. Please see the Appeals Procedure for further information.

3.10. Abri will not unreasonably withhold permission to exchange. In accordance with any relevant legal and regulatory provisions and the terms of any tenancy agreement, Abri can refuse a MEX on the following basis:
- any one or more of the grounds set out in Schedule 3 of the Housing Act 1985
- any one or more of the grounds set out in Schedule 14 of the Localism Act 2011
- The household make up means the incoming customers will be under occupying the property
- The household make up means the incoming customers will be over occupying the property
- outstanding arrears with Abri including former tenancies and charges
- a failure to remedy, to our satisfaction, any remedial repairs or concerns regarding property condition.
- any relevant planning agreements
- any relevant local connection restrictions
- The applicant, or members of the household, have been assessed as presenting a considerable risk to the community and/or our staff or they are considered unsuitable for communal living, following a risk assessment.
- The applicant, or members of the household have been evicted for Antisocial behaviour, subject to tenancy enforcement or have a history of drug, alcohol, or legal high misuse if it occurred within the last five years.
- The incoming customers can not satisfy the Right to Rent checks.

4. Legal & Regulatory Framework

- Section 3 of the Housing Act 1985
- Section 15 of the Housing Act 1988
- Schedule 14 of the Localism Act 2011
- Tenancy Standard (The Regulator of Social Housing)

5. Related Documents

Related Policies and Procedures
Complaints Policy
Customer Resolution Procedure
Allocations and Lettings Policy
Tenure Policy
Anti Social Behaviour and Harassment Policy (ASB) Policy
Anti-social Behaviour Procedure
Domestic Abuse Policy
Domestic Abuse Procedure
Appeals Procedure
FTT Procedure
Mutual Exchange Procedure
Right to Rent Procedure
Lettings to Minors procedure
Management transfer procedure
Mental Capacity Procedure
Non-Contractual Payments and Benefits Procedure