

Mutual Exchange

Swapping your home – guidance and application form for tenants of Westminster City Council



What is a mutual exchange?

A mutual exchange allows you to swap your home with another council or housing association tenant anywhere in the UK. As a council tenant you have the legal right to swap your home providing that we agree to the exchange.

How do I find someone to exchange with?

You can register with Homeswapper to find an exchange partner. Please visit <https://www.homeswapper.co.uk>. The service is funded by City of Westminster Council. It is free for City of Westminster tenants to use the service.

If you or a member of your household is aged 60 or over, you can apply for a move to one of more than 3,000 two-bedroom bungalows and one and two bedroomed flats available through the Mayor of London's Seaside & Country Homes scheme. More information about these schemes can be found on our website www.westminster.gov.uk/yourhousing

Who can I swap my home with?

You can swap with:

- City of Westminster tenants with a Secure tenancy
- City of Westminster tenants with a Flexible (fixed term) tenancy
- Tenants from another local authority with a Secure or Flexible tenancy
- Tenants of a registered social landlord with an Assured tenancy

What do I do next?

Please complete the form below when you have found a potential mutual exchange through one of our housing mobility schemes. Before completing the form, you should have contacted the person you would like to swap with and should have viewed each other's property.

Can landlords refuse to allow exchanges?

Landlords can refuse a mutual exchange in the following circumstances:

- A court order has been made against the tenant or the exchange partner requiring them to give up possession of their home.
- Proceedings for possession have begun or a Notice of Seeking Possession has been served (Notice of Proceedings for Possession for Introductory Tenants). This could relate to rent arrears, anti-social behaviour or another breach of tenancy.
- Your property is too big for the needs of the person you wish to swap with.
- The property would be too small for the needs of the person you wish to swap with.
- You cannot exchange if your property or the property you wish to move to was let as part of conditions of employment or forms part of or is in the grounds of a non-housing building (e.g. a school).
- The property is designed or adapted to suit the needs of a disabled person and if swapped, it would be occupied by someone who doesn't need this type of property.
- The property is part of a group of properties which are let to people with special housing needs and a social service or special facility is provided near the property. For example, sheltered housing for the elderly.

Can conditions be attached to the exchange?

Yes - if you or your exchange partner has arrears or is in breach of the conditions of tenancy. For example, we can make it a condition of the consent that arrears are cleared or that any breach is put right.

Important points to remember

1. Please be aware that exchange partners can change their mind and cancel an exchange process up to the point that a deed of assignment has been signed or tenancy agreements have been surrendered and new tenancy agreements issued.
2. **It is illegal for you or the other tenant to charge a fee as part of the tenancy exchange. You could be evicted if you charge or receive any money to swap your home.**
3. If you move to another landlord your rights may change so check this first. **If you move to a Housing Association property you will not have the Right to Buy.** You should **seek legal advice prior to completing a mutual exchange** to ensure that you fully understand your rights.

4. Your new landlord will not redecorate for you. You need to check on the state of repair of the property you want to move to. Some repairs are not the landlord's responsibility - you will have to do them yourself. You must check which repairs will be your responsibility.
5. Ensure that both you and your exchange partner have the consent of your landlords for the exchange to take place.

If you move without consent, you will be an illegal occupier in your new home and your exchange partner will be an illegal occupier of your old home. This will mean that you and your exchange partner no longer have security of tenure and you could face eviction if you do not return to your original homes.

6. When you have our agreement to move, you and your exchange partner should agree what fixtures and fittings you will leave and on the condition of the properties.
7. If you are an introductory tenant, you can still apply for a mutual exchange, but the procedure is a bit different. If you find an exchange partner, you should still complete the attached form and your housing officer will give you more details.
8. If you downsize to a smaller property through a mutual exchange you will be eligible for a downsizing incentive payment.

What is the Mutual Exchange process?

1. You must find a mutual exchange partner. It is your responsibility to find an exchange partner. The Council will not do this for you. The Council does not provide legal advice on mutual exchange and you must seek your own independent legal advice before agreeing a mutual exchange.
2. Once you have found a mutual exchange partner you must complete the mutual exchange application form below. Your exchange partner will need to complete the relevant application form with their own landlord.
3. We will arrange an inspection of your property. You may be recharged for any damage you have caused to the property and may be asked to reinstate any alterations completed to the property without the permission of the Council. The mutual exchange may not be approved if there is an identified breach of your tenancy agreement that has not been rectified.
4. We will send a report to your exchange partners landlord. This will confirm your

household size, property size, whether you have rent arrears, or we are taking legal action for breach of tenancy such as Anti-Social Behaviour. Data is managed by Westminster City Council and used in line with GDPR regulations. Data is shared and/or obtained from third parties for the sole purpose of processing the mutual exchange.

5. We will request a report from the landlord of the exchange partner. We cannot approve a mutual exchange until we have received this report and the application has been assessed.
6. Westminster City Council must make a decision about the Mutual Exchange application within a period of 42 consecutive days. We will try to process the application within a shorter timescale, but we rely on receiving the report from the exchange partners landlord.
7. If the mutual exchange application is approved the exchange process can be arranged. There are a number of different processes:
 - For the majority of exchanges an assignment is completed. This means that the tenancy of your exchange partner is assigned to you using a deed of assignment. You take on your exchange partners tenancy and you are not issued with a new tenancy.
 - If you have a Flexible (Fixed Term) tenancy and you are exchanging with a partner who has a Secure or Assured tenancy which commenced before 1 April 2012 the process is that both partners will need to surrender their tenancies and you will be granted new tenancy agreements.
 - If you have a Flexible (Fixed Term) tenancy and you are exchanging with a partner who has a Secure or Assured tenancy which commenced after 1 April 2012 you will have the option to complete an assignment or agree to surrender the tenancies and be granted new tenancy agreements.
 - If you have an Introductory Tenancy you have no statutory right to mutual exchange, but consideration will be given to allowing exchange partners to surrender their tenancies and be granted new tenancies.
8. You should only arrange to physically move to the new property once the Mutual Exchange has been approved by all exchange partner landlords and either the assignment process has been completed or you have been issued with a new tenancy agreement.

Please contact us if you require this document to be translated for you or if you have any questions or concerns, via email on housing.enquiries@westminster.gov.uk or via telephone on 0800 358 3783

Mutual Exchange Application Form

Completing this form

This form must be completed and signed by the tenant (or both joint tenants if applicable).

It is important that you answer all the questions. We will tell you our decision within 42 calendar days of receiving the completed application form (providing that the form is completed correctly). We require a report from your exchange partners landlord to enable the assessment to be completed.

You must not exchange properties or make any removal arrangements until:

- both parties have the full written permission of the landlord(s) involved.
- both parties have signed deeds of assignment or tenancies have been surrendered and new tenancies signed.
- both parties have met any conditions of consent.

Confidentiality

Westminster City Council will process your data in line with the General Data Protection Regulations 2016 and Data Protection Act 2018. For further information on how the council processes personal data please visit our website.

What steps we will take once we have received your completed application form

When we receive your application form, we will;

- send you an acknowledgement letter setting out what the next steps are in further detail and will bring any relevant information to your attention regarding the proposed exchange.
- assess your tenancy for any breaches of your tenancy conditions and advise of any conditions that may need to be met prior to an exchange being made.
- arrange for a Technical Officer to visit your property to check its size, type and condition.
- get in touch with any other landlords involved in the exchange to make sure that they agree that their tenant is eligible to exchange and that all parties are moving to suitable properties. Please bear in mind that it can take time to receive the information from the other landlord/s involved.

If your application is approved your Housing Officer will arrange for you to attend an appointment to sign the relevant paperwork to enable the exchange to proceed.

When you have completed, signed and dated your form, please send it to us via email on housing.enquiries@westminster.gov.uk

Section 1 - About you

Your details (Please complete in full)			
Full name			
Full name of joint tenant (if applicable)			
Your tenancy start date			
Tenancy type (state if your tenancy is introductory, secure or flexible)			
Your address (please include your postcode)			
Household details (Please complete in full)			
Full Name	Sex(m/f)	Relationship to you	Date of birth
Your Property details (Please complete in full)			
From the options below please tick to confirm the type of home you have			
house <input type="checkbox"/>	flat <input type="checkbox"/>	maisonette <input type="checkbox"/>	Bungalow <input type="checkbox"/>
How many bedrooms do you have?			
Is your home sheltered or supported accommodation with a scheme manager?			
Do you or anyone in your household have any disabilities which require them to live in an adapted property?			
Is your home adapted for someone in your household who is disabled?			

Please state below what adaptations have been done (if applicable)

Declaration

- I declare that I have not accepted any payment in connection with this exchange.
- I give permission for Westminster City Council to disclose information to the proposed exchangee's landlord regarding my rent account, any action taken against me in respect of possession proceedings and any breach of tenancy.

Signature

Date

Signature of joint tenant
(if applicable)

Date

Section 2 - About your exchange partner

We need the details of the person you would like to swap homes with. They must also contact their landlord. Please provide their details below in full

Full name

Full name of joint tenant (if applicable)

Tenancy start date

Tenancy type (state if the tenancy is introductory, secure, flexible, assured or other)

Address (please include your postcode)



Household details (Please complete in full)			
Full Name	Sex(m/f)	Relationship to you	Date of birth
Your Property details (Please complete in full)			
From the options below please tick to confirm the type of home you have			
house <input type="checkbox"/>	flat <input type="checkbox"/>	maisonette <input type="checkbox"/>	Bungalow <input type="checkbox"/>
How many bedrooms do you have?			
Is your home sheltered or supported accommodation with a scheme manager?			
Do you or anyone in your household have any disabilities which require them to live in an adapted property?			
Is your home adapted for someone in your household who is disabled?			
Please state below what adaptations have been done (if applicable)			
landlord details (Please complete in full)			
Name of landlord			
Address of landlord			
Telephone number of landlord			
Name of officer processing mutual exchange request (if known)			
Email of officer processing your mutual exchange request (if known)			