



Mutual Exchange Application and Guide

What happens next?

Once an application form has been received from all parties, we will check the form and your tenancy records. An appointment will be made for your housing officer and a repairs inspector to inspect your home. An inspection is needed so we can advise you of any tenant responsibilities or repairs that you need to do before the exchange, as well as advising the incoming tenant of any additional responsibilities.

If your exchange partner is not a Medway Council tenant, we will write to their landlord to request a reference. We will also forward a reference for you to the other landlord.

How long will it take for Medway Council to make a decision?

We will try to make the decision as quickly as possible. The maximum time we are allowed to take to make the decision is 42 calendar days.

Can Medway Council refuse to give permission?

Examples where permission can be refused include:

- Legal action is being taken e.g. a Notice Seeking Possession has been served or a court order has been issued for your home, or the home of the tenant you want to swap with, because of anti-social behaviour, rent arrears or other tenancy breach
- The property is unsuitable for the household wanting to move e.g. it is too large or too small, it has been adapted for people with disabilities or it is retirement housing.
- You have an introductory tenancy.

How will I know your decision?

A letter will be sent to you, either giving permission and outlining any conditions, or giving the reasons for refusal. The permission letter will also tell you about any items you will become responsible for e.g. any alterations or improvements made by your exchange partner, as Medway Council will treat these items as though you carried out the work yourself.

This means that Medway Council may not be responsible for their upkeep or replacement.

What would happen if we moved before we had written permission from Medway Council?

If you move without written permission you risk making you and your family homeless. Both you and the person that had moved into your home would become illegal occupants. You would also have no right to move back to your current home as you would have breached the tenancy of that property by giving up possession.

What you should do prior to moving

- check out household bills in particular gas and electric find out how much they pay each month as compared to what you pay now;
- have they carried out any improvements, if they have, you need to check that the relevant permissions have been given by the landlord as you may be held responsible later on;
- ask if there are any repairs outstanding, as these may become your responsibility;
- come to an agreement about carpets, curtains etc. that will be staying and what will be going. This will save any arguments later.

Repairs and condition of the home

Condition and repairs

If you want to carry out a mutual exchange with another person, you will be taking over someone else's tenancy. You must accept the property as you find it.

Although the property will be inspected we will not decorate it or change and repair any alterations made by the other person. This will become your responsibility for the duration of the tenancy. Your property must be left in a good state of repair.

We will not repair any items that have been damaged by the previous tenant.

Before you exchange

We will send a repairs officer to inspect your property. Each room must be fully accessible for a full inspection to be carried out. You must make sure they are clear of any clutter. If we are unable to carry out an inspection you will not be able to proceed with the exchange.

The inspector will look at any alterations you have carried out or any damage you have caused. Whilst these may not prevent the exchange from taking place, you may be asked to put things right **before** the exchange can go ahead.

There are three categories we will apply to repairs and alterations identified at the inspection:

Category E: **essential** repairs due to Health and Safety. They must be completed **BEFORE** the exchange takes place.

Category C: **conditional** repairs that the tenant should put right **BEFORE** exchanging.

Category A: items **agreed** and signed for as acceptable by the incoming tenant.

Categories E and C

When these category repairs have been completed, you will need to contact us to arrange another inspection. We need to check and make sure they have been done properly, before the exchange can go ahead.

Category A

Your current home: Any alterations you have made will have to be checked by our repairs officers and accepted by your exchange partner.

Your new home: You will need to accept any alterations or non standard fixtures and fittings installed by the previous tenant. For example; a non standard kitchen, built in wardrobes, showers, extensions or heating systems. Once you have moved in their repair and maintenance become your responsibility.

We will not repair or replace anything identified in Category A before or after you have exchanged.

Repairs responsibilities: After you have exchanged

A mutual exchange does not affect the council's obligations as a landlord. The council still has an obligation to undertake repairs for which it had a statutory or contractual responsibility. A repair, reported after an exchange has taken place, will be carried out as long as it is one we ordinarily undertake and it is as a result of fair wear and tear.**

If the repair is a result of inappropriate use or malicious damage it is unlikely we will do the repair. If we decide to do the repair, as an exception, we will recharge the new household the cost of the repair. This counts even if the damage was caused by the previous tenant.

**** Exceptions to Category A:** we will not carry out Category A repairs reported after the exchange has taken place. We may deal with dangerous repairs (e.g. isolating showers) but you may have to pay for this service, then sort out a replacement yourself. Any extension or shed that has become dangerous will be removed by us and you will be charged for this. Items such as non-standard taps are only replaced if broken and then only with standard ones. Any repairs to the property, which are not the responsibility of the council, will not be done. For example; individual garden fences and gates.

If Medway Council gives written permission for the move to go ahead, what do I need to do?

You should contact your exchange partner to agree a date you would like to move and then contact your housing officer to confirm this.

The moving date must be on a Monday.

Your housing officer will make an appointment for you and your exchange partner to come into the office to complete the necessary paperwork. You will be asked to sign a Deed of Assignment and you will be given a copy of the

tenancy agreement. We will also explain your tenancy rights at this appointment. All joint tenants must attend this appointment.

How do I hand over the keys?

You must agree with the person you are exchanging with about how and when you will swap keys.

If the property is not in the condition I expected, what can I do?

It is your responsibility to inspect the property thoroughly before you agree to move and again before you hand over your keys. You should agree with your exchange partner exactly how they will be leaving the property and who will be responsible for any outstanding repairs or rubbish. You must not assume that Medway Council will take responsibility for carrying out any work unless you have written confirmation that we will do so.

What will Medway Council do on the moving day?

Medway Council will arrange for a gas safety check to be completed on the Monday following your move. You must allow our contractors access to carry out these checks.

Please State if you have any pets:

NAME AND ADDRESS OF THE OTHER TENANT(S) YOU WISH TO EXCHANGE TENANCIES WITH:

Their Name:

Their Address:

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Telephone Numbers (Home and/or Mobile):

PLEASE GIVE DETAILS BELOW OF ALL MEMBERS OF THEIR HOUSEHOLD WHO LIVE IN THEIR HOME AT PRESENT, AND WHO WILL MOVE WITH THEM TO THE NEW ACCOMMODATION:

Surname	First Name	Relationship to Applicant	Date of Birth

Please State if they have any pets:

NAME AND ADDRESS OF PRESENT LANDLORD (i.e. Housing Association)

A rectangular box with a blue border, containing six horizontal dotted lines for writing. The lines are evenly spaced and extend across the width of the box.

DECLARATION

PLEASE READ THIS PAGE CAREFULLY. YOU MUST SIGN TO SAY YOU AGREE WITH ALL THE INFORMATION BEFORE THE MUTUAL EXCHANGE CAN TAKE PLACE. INFORMATION IN THIS APPLICATION MUST BE ACCURATE AND COMPLETE.

- If any of the information provided changes you must tell Medway Council straight away.
- Medway Council has permission to request a written reference about the tenancy you have with your current landlord.
- Information provided will be held in accordance with the Data Protection Act.
- Medway Council can make any enquiries about the mutual exchange application. This could include asking local authorities, housing associations, other landlords, Police and the Probation Service.
- If this exchange is offered because of false information given on the application, legal action may be taken and the tenancy ended.
- The property to exchange with has been viewed and it is understood that the property is accepted in its present condition, including the standard of cleanliness, decoration and repair.
- If you are a current Medway Council tenant your property will be inspected for the condition and state of repair. Any original fixtures / fittings and repairs will need to be complete before permission is given to exchange.
- Medway Council will not accept responsibility for any damage caused in the process of moving, or for removing any rubbish left by the outgoing tenant. Medway Council is not responsible for any poor DIY work completed by tenants. This will be tenants responsibility to correct and Medway Council will not make repairs to this without re-charging.
- Outstanding rent will be paid in full prior to an exchange going ahead. The rent account must be clear 7 days before the exchange and at the date of exchange.
- Properties cannot be exchanged without the express written permission of Medway Council and the landlord(s) of the tenant(s) to be exchanged with.
- Legal paperwork must be completed and signed before the exchange can go ahead

TENANT SIGNATURE

Joint Tenant Signature:

Date:

Thank you for taking time to complete this Application Form – we will be in touch shortly in order to start the process of considering your application and to discuss matters with you further.

DATA PROTECTION

Medway Council, as a Data Controller will process your personal data in accordance with the Data Protection Act 1998 (the "Act"). The Council will ensure that it keeps your personal information accurate and secure to provide you with efficient services. When the information is no longer required, it will be disposed of in a secure manner.

The Council will only use the information it holds about you for the purpose you provided it and will also only collect the minimum information necessary to fulfil that purpose. Please note, however, that The Council is required to share your information on occasion with third parties, in particular where it is required by law e.g. to agencies that help reduce crime or investigate fraud.

IF YOU NEED ANY HELP TO UNDERSTAND THIS PUBLICATION, PLEASE GET IN TOUCH

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Office Opening Hours:
8:45am – 5:15pm (Mon-Thurs)
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Bank Holidays, Saturdays and Sundays Closed

