

Exchanges



An exchange is where tenants agree to swap properties and tenancies.

This section explains your legal right to carry out an exchange, when and how it can happen and the responsibilities of everyone involved.

If you have a temporary tenancy or an introductory tenancy granted under the terms of the Housing Act 1996, you do not have the right to exchange.

What are my legal rights?

Tenants may, with the consent of the neighbourhood housing manager, exchange their home with another LMH tenant or a tenant of:

- another housing association
- a private landlord
- a local council.

The other tenant must have written permission from their landlord first. All parties must have written permission from LMH.

If you were a tenant when your home transferred to LMH from Liverpool City Council, you may have an assured tenancy with protected rights.

If you decide to exchange with another housing association or private tenant, you will no longer have the protection granted under the stock transfer process. For example, if you exchange with a housing association tenant, your new tenancy will normally be assured under the Housing Act 1988. This means you may lose certain rights which you have (for example, the preserved right to buy your home).

You should also be aware that if you exchange with tenants of other landlords, you may be faced with higher rent and council tax and incur additional service charges. You should check these details carefully before you apply.

When you exchange you are also swapping your tenancy rights for those of the person you are exchanging with. This is not the same as a new tenancy.

There are a limited number of reasons why we may refuse to approve an exchange application. Our main reasons for refusing are covered later in this section.

Illegal exchanges

If you exchange without our written approval, you and the person you have exchanged with will become 'illegal occupants'. This means you will not have any legal right to live in the property you have moved to. In these circumstances, we and the other landlord or landlords involved may take legal action to force you to return to your original home or in some circumstances we may evict you.

How do I go about getting an exchange?

Finding another tenant interested in carrying out an exchange is often difficult. Details of tenants requesting an exchange can be obtained from all our neighbourhood housing offices.

Our staff will do their best to make sure you only receive enquiries from genuine callers and will keep a record of everyone who makes enquiries. If you are worried about this, our staff will be happy to discuss ways of avoiding any problems. Be as careful as you can and, if you have any doubt about a visitor, do not let them into your home.

You can also advertise for an exchange in other ways. For example, you can put an advert in the local paper or in a newsagent's window. You normally have to pay for these adverts.

How do I get your permission to exchange?

If you have found someone you want to exchange with, both of you should fill in one of our exchange forms. These forms are available from all our neighbourhood housing offices.

Tenants of other housing associations, private landlords or local councils will have to contact their landlords to find out what to do.

We will normally visit you and the person you want to exchange with at home within five days of receiving your application. The purpose of the visit is to check family details and the condition of the property. We may refuse permission to carry out the exchange if you have broken any of the terms of your tenancy agreement. We will also check that your rent is up to date and collect any other relevant information before we give you our decision.

Note: We have 42 days to make a decision. If we do not give you a decision in that time you must apply to the courts to force us to give you a decision. You must not go ahead with the exchange without our permission.

Is an application ever refused?

We encourage applications for exchanges. We accept most applications and do not refuse them without a good reason. There are some cases where we will only give permission if you put certain things right. Refusals for an exchange are usually due to the following reasons:

- **We have taken legal action to evict you.**

If you have been served with a notice of intention to seek possession and you have not put right the problem which led us to serve the notice (e.g. if you are behind with your rent), we will refuse your application.

- **The exchange would result in overcrowding.**

If the exchange will create statutory overcrowding we will refuse your application. The rules are quite complicated, but we would need to visit you to measure the size of the rooms before a decision is made.

- **The accommodation you are looking for is much bigger than you need.**

We will not accept your application if the move will result in substantial under-occupation.

- **If one of the properties involved is tied to someone's job.**

- **If the property has been adapted for the disabled, is part of a group of properties with special facilities, or is for people with special needs and you do not need the special facilities.**

What happens after LMH has made a decision?

We will write and tell you our decision.

If we refuse your application, we will write to you to explain why. If we agree to the exchange on condition that you do something, we will explain in writing what you must do.

If we agree to your application, you and your exchange partner must go to the neighbourhood housing office handling the exchange. At the neighbourhood housing office you will be asked to sign a new tenancy agreement. You will have to sign a form which confirms that you have exchanged tenancies, and make new applications for housing benefit or council tax benefit, or both, if necessary.

Tenants of other landlords will need to make sure that they have had the exchange agreed and that their documents are signed and in order.

If you exchange into a Liverpool Mutual Homes property, it is your responsibility to obtain an electrical check (certificate) before you can move into your home.

You also need to contact the appropriate utilities who will register you as the tenant, read any meters and connect your supply.

What about outstanding repairs?

When you exchange tenancies, you will take over the rights and responsibilities of the tenant you have exchanged with. This means that any repairs which were the original tenant's responsibility become your responsibility. Make sure that you have checked your new home thoroughly before you apply. If you are not sure who is responsible for repairs, speak to the appropriate landlord.

We will carry out routine maintenance to our properties as part of our repairs and maintenance service.

Head Office:

Commutation Plaza, 1 Commutation Row, Liverpool L3 8QF

Tel: 0800 678 1890

Repairs:

Tel: 0800 678 1894

www.liverpoolmutualhomes.org

