

EastendHomes

ASSIGNMENT AND MUTUAL EXCHANGE POLICY

1. STATEMENT OF INTENT

- 1.1. Subject to any prohibitions contained within the terms of the tenancy agreement EastendHomes tenants have the right to transfer their tenancy to another person. This procedure is referred to as an assignment.
- 1.2 EastendHomes will comply with all relevant legislation and regulatory guidance in relation to assignments and particularly the Housing Acts 1985 and 1988 and will consider applications for assignment in the following circumstances:
 - 1.2.1 Tenants who wish to carry out a Mutual Exchange
 - 1.2.2 Upon the death of a tenant and there is a lawful successor to the tenancy
 - 1.2.3 A joint 'outgoing' tenant wishes to relinquish his/her rights under the joint tenancy so that the joint 'remaining' tenant becomes the sole tenant of the property
 - 1.2.4 An assignment where a Court has made a property adjustment order in Matrimonial Proceedings
 - 1.2.5 An assignment to a person qualified to succeed.
- 1.3 Under Section 15(1) (a) of the Housing act 1988 it is an implied term of every assignment that the tenant will not assign the tenancy without Landlord consent. Therefore EEH will deal with all applications for assignment promptly, fairly and efficiently. Where an assignment is decided by the Court, EEH will act in accordance with the Court's determination. Where a tenant wishing to assign their tenancy to a potential successor makes an application, EEH will investigate to confirm the circumstances of the potential successor, and determine whether the assignment is allowed within the terms of the appropriate tenancy agreement.
- 1.4 EastendHomes will assess mutual exchange applications in accordance with the Housing Act 1985 s92.
- 1.5 EEH is committed to promoting mutual exchanges. It will assist tenants looking for alternative accommodation by way of exchange both within its own stock and with tenants of other landlords.
- 1.6 When an application for assignment is agreed by EEH, the necessary administrative changes will be made as quickly as possible. Where applications for assignment are turned down, EEH will inform the tenant in writing of the decision with reasons.

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2. DETAIL

Mutual Exchanges

- 2.1 EastendHomes is committed to promoting the option of mutual exchange and actively assists tenants seeking to exchange home both within our housing stock or that of other Social Housing Provider Landlords. We undertake to:
 - 2.1.1 Make available and maintain a register of tenants wishing to exchange home.
 - 2.2.2 Make provision to set up an exclusive exchange list for EastendHomes tenants.
 - 2.2.3 EastendHomes is in the process of undertaking a written resident consultation to gauge interest and views of all tenants registered for a housing transfer
- 2.2 EEH will ensure that information about the right to exchange, and procedures for seeking exchange partners and applying for EEH's consent to exchange will be available to tenants. The availability of mutual exchanges will be publicised as appropriate.
- 2.3 Information to tenants relating to mutual exchanges will include any affect this may have on tenants' rights including any implications for the Right to Buy.
- 2.4 In assessing mutual exchange applications, EEH will adopt the criteria set out in the Housing Act 1985, and will not withhold consent unless one or more of the Grounds set out in Schedule 3 of that Act applies. Assessments will be made in accordance with S.92 of the 1985 Housing Act. They are
 - 2.4.1 That either tenant is moving to a home that is inadequate for their needs, e.g. on health grounds, or that it would be too small
 - 2.4.2 That either tenant is moving to a home that is substantially too large for their requirements. EastendHomes will usually approve an exchange to a home that has one bedroom in excess of housing need, but no bigger
 - 2.4.3 That there is a current order for possession made by the court in respect of any of the tenancies involved
 - 2.4.4 That any of the properties are adapted, sheltered, warden-controlled and/or the exchanging tenant(s) are ineligible or do not meet housing need assessment requirement criteria

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- 2.4.5 That the accommodation is tied
 - 2.4.6 The proposed occupation would conflict with EastendHomes aims and charitable status
 - 2.4.7 That any of the tenants have been issued with a notice of seeking possession.
- 2.5 EastendHomes will consider all mutual exchange applications and provide a decision within the required 42 days deadline
 - 2.6 Tenants who exchange to a smaller home that meets their housing requirements will be eligible for a financial incentive, at present this equates to £500 per bedroom in excess relinquished, with the proviso that both tenants are registered for a transfer at the point of exchange.
 - 2.7 EastendHomes subscribes annually to HomeSwapper an exchange provider within the UK. This is a free service offered to our tenants in lieu of an annual payment met by EastendHomes.

Matrimonial Proceedings

- 2.8 Where the Court has ordered that a tenancy be assigned as a result of matrimonial proceedings, EEH will accept the assignment decreed by the Court, and arrange for the assignee to sign a deed of assignment (agreeing to tenancy conditions) effective from the date decreed by the Court.
- 2.9 The assigned will then be provided with information relating to the tenancy and a copy of the tenancy conditions.

Assignment to a Potential Successor

- 3. Where an application is made by a tenant to assign their tenancy to a potential successor, EEH will obtain full details from the tenant, including information about their length of continuous residence and the reasons for the application.
- 3.1 When an application for assignment is refused the tenant will be informed as quickly as possible in writing with the reasons for the refusal.