



ASSIGNMENT OF TENANCY BY MUTUAL EXCHANGE

APPLICATION FOR PERMISSION TO EXCHANGE ACCOMMODATION

GUIDANCE NOTES FOR TENANTS

Please read these notes carefully before submitting this application. If you need any help with reading the notes please let us know.

Mutual Exchange is when two or more tenants swap their tenancies and become liable for the rent and other tenancy obligations in the new home. This is known as an assignment of tenancy, and the person who you want to swap with is known as the proposed assignee.

It is illegal for any money to be paid for exchanging or encouraging an exchange of accommodation. Origin Housing will refuse permission for the exchange and take legal action to repossess the property if this occurs.

Completion of this application does not provide automatic approval for the exchange to take place. If the exchange is with a tenant of another landlord references will be requested from their landlord. Origin will also provide references about your tenancy to the exchange landlord before permission is given for the exchange to go ahead.

Origin Housing will only refuse your application for specific legal reasons under the 1985 Housing Act. The most common reasons are where:

- a court has granted a possession or suspended possession order against either the tenant or the proposed assignee.
- legal proceedings or a notice of proceedings for possession have been served on the tenant or the proposed assignee
- the property will be over crowded.
- the property will be under occupied by one or more bedrooms.
- the property is not suitable for the needs of the proposed assignee, for example, if they require ground level access for mobility reasons
- the property has been adapted for a disabled person or is intended for people with learning disabilities or other specific needs and the proposed assignee has no such requirements

Where the other landlord declines a mutual exchange Origin Housing will be unable to change this decision and are only able to make decisions in line with Origin Housing's policy.

Rent Arrears

Permission will not be given for an exchange if your rent account is not clear. If you are in arrears with your rent payments, you should speak to your Income Officer on 0300 323 0325 to make arrangements to clear the arrears.

It should be noted that once an exchange has taken place the proposed assignee will become the new tenant and is liable for rent, council tax, all other payments related to the property, and other tenancy obligations in the new home from the date of assignment.

Repairs and Decorations

Origin Housing will instruct a member of the property services team and your neighbourhood manager to undertake a mutual exchange inspection with the tenant and proposed assignee present.

This inspection is to agree any repairs that Origin are responsible to undertake and any that are tenant's responsibility. The tenant and assignee will also agree on items they agree to leave/accept to be left in the property and the assignee agrees to accept the property in the decorative state as seen at the time of inspection.

Tenants and proposed assignee/s are to understand where you (the tenant) has installed your own bathroom or kitchen Origin are not responsible for the repairs to these areas and the new tenant will be responsible for repairs to any tenants installed area/item.

Origin will continue to undertake repairs that fall under the day to day (PPP) contract to the property after the assignment date if the exchange is agreed. This is on the understanding that Origin Housing does not incur any expense for example, if a tenant has laid their own flooring and in order to repair a leak Origin remove the flooring Origin will not be responsible for replacing the flooring, only to repair the leak.

Payment of Rent

Before agreeing to exchange, you and the proposed assignee should establish the total amount of rent, council tax and other charges that you will have to pay for the property you plan to move in to, to be sure that you can afford to make the required payments. You may be entitled to Housing Benefit to help with the payments. Further information can be obtained from your Income Officer or the Citizen's Advice Bureau.

Origin will book an Affordability Assessment for the proposed assignee with one of our Financial Support Officers in order to make sure the new tenancy will be financially viable and sustainable. This is a mandatory assessment and the proposed assignee will have to provide income, expenditure and current debts/arrears information including documentation required. Advice may also be given in relation to any benefits entitlement if required.

Security of Tenure

You should be aware that by agreeing to a mutual exchange, you are legally exchanging the tenancy of the property – the other tenants' tenancy terms and the legal rights and responsibilities that go with it, will be signed over to you. For example, if you have been a

tenant for 10 years and the other tenant has been a tenant for 4 years, then you have effectively swapped the length of tenancy. If you have a secure tenancy and they have an assured tenancy, you will have swapped these. This may mean that you will have different rights under housing law. Your Neighbourhood Manager can advise you of the key differences.

Pets

In some of our properties pets are not allowed. If this applies to your tenancy, we will not be able to give permission where the proposed assignee has a pet they intend to bring to the property. The proposed assignee will need to make alternative arrangements to ensure the pet is rehomed.

Documents to supply the Financial Assessment team

Incoming Resident to supply:

- Completed and checked housing application form.
- Three months' worth of banks statement.
- Three months' worth wage slips and/or proof of benefit income (most recent)
- Household composition (included in application form)

If self employed and unable to provide wage slips

- Books, tax return and/or evidence of income for past 3 months (this could be highlighted on bank statements)

When both parties have completed the application form, please return it to:

**Origin Housing
St Richard's House
110 Eversholt Street
London
NW1 1BS**

