



*Tendring*  
*District Council*

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# HOUSING MUTUAL EXCHANGE POLICY

July 2026

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## **Purpose of this Policy**

This policy outlines Tendring District Council's (the Council) approach to mutual exchanges in line with the Housing Act 1985 and enables eligible secure tenants of the Council to exchange their home with other eligible social housing tenants in a process known as 'mutual exchange'. An exchange can involve more than two parties and occurs with the written permission of all landlords involved, and subject to several provisions outlined further in this policy.

The Consumer Standards set by the Regulator of Social Housing require that the Council publicises, supports and makes access to mutual exchanges easier to provide tenants with a level of choice about where they live.

## **Policy aims**

This policy:

- Delivers a fair and consistent mutual exchange scheme in line with legislation and the Regulator of Social Housing Consumer Standards ([Tenancy Standard - GOV.UK \(www.gov.uk\)](https://www.gov.uk/tenancy-standard))
- Provides clear guidance for tenants, staff and partner agencies on the mutual exchange scheme, the eligibility criteria and setting out the circumstances for assigning or surrendering a tenancy, along with the grounds for refusing an exchange and providing a clear appeals process.
- Improves housing mobility for social housing tenants, and to those needing to move to the area for work or personal reasons.
- Promotes more effective use of the Council's existing stock by enabling tenants to move to a property that is more suitable for their needs.
- Addresses under-occupancy and/or overcrowding pressures by releasing suitably adapted homes for those that need them.
- Helps to relieve pressure on the Council's Housing Register.

## **Scope of Policy**

This policy applies to the Council's eligible secure tenants, as defined in the 1985 Housing Act (as amended).

### **What is a Mutual Exchange?**

A mutual exchange occurs when a tenant assigns ('swaps') their home with another council or housing association tenant when both tenants hold tenancies with a similar security of tenure. The incoming tenant will be asked to sign a 'Deed of Assignment' which results in them taking on the responsibilities of the outgoing tenant. In effect, each tenant takes on the others tenancy.

### **Who is eligible**

- Tenants who hold a secure tenancy.

### **Who is not eligible**

- Tenants who hold a non-secure or introductory tenancy with the Council.
- Those tenants who are occupying any form of temporary accommodation.
- Where the Council has started legal action against the tenant(s) or the tenant(s) has a court order issued against them.
- Tenant(s) who are in rent arrears
- Tenant(s) who have damaged the property or carried out unauthorised alterations.
- When the exchange involves a property which has been adapted for people with disabilities that is not needed by the new tenant, or the property is sheltered accommodation that the new tenant does not qualify for.

### **Are you ready to apply for your mutual exchange?**

Before applying for approval to exchange, you should check the following:

- You have a secure tenancy,
- You have a clear rent account, and do not owe any court costs or recharges,
- The property you want to exchange meets your needs, for example, it does not have more bedrooms than your household requires,
- There is no active Notice Seeking Possession or Court Order against your tenancy
- There are no repairs outstanding that you have not reported,
- Your home and garden are in a clean, tidy and good condition,
- The people applying to move into your home are suitable for the property,

A list of considerations and implications are noted in **Appendix 2**.

### **How to apply for a mutual exchange**

- Advice and support will be provided by the Housing Allocations team. The team can be contacted in various ways:
  - By email [housingallocations@tendringdc.gov.uk](mailto:housingallocations@tendringdc.gov.uk)
  - By telephoning 01255 686466
  - By visiting our offices at 88-90 Pier Avenue, Clacton on Sea, CO15 1TN
  - The Council uses a translation service and letters can be translated for a tenants where English is not their first language.

- Applications for a mutual exchange can be received as paper applications or via the Home Swapper website. Tendring District Council subscribes to a national exchange scheme called 'Home Swapper' <https://www.homeswapper.co.uk>  
All eligible tenants can register online free of charge to search for an appropriate property. Tenants will be required to register on the website to advertise their property and to find potential exchanges locally and nationally.
- Tenants may use other means to find a mutual exchange partner including social media, newspapers and local shop windows. There are also several other exchange websites that may charge a fee.

### **When you find a property**

- When you accept a mutual exchange, you accept the property in the condition left by the outgoing tenant. It is therefore important that before you agree to accept the property you:
  - Thoroughly inspect the property.
  - Find out who your new landlord will be and check what the rent amount is, the type of tenancy and the conditions of the tenancy agreement.
  - Make sure that you can afford the moving and running costs of the new property for example, the heating.
  - Please remember all parties need the written consent of their landlords before agreeing to exchange properties.

### **Documents required as identification to support an application**

This list is not exhaustive and other proofs maybe accepted but these are the recommended forms of identification that you would need to provide:

- Passport, citizen card or driving licence (for anyone in the household aged over 18),
- Utility bill (gas, electric, water or landline phone bill) issued within the last three months,
- Annual Council Tax bill,
- Bank or Building Society statement (dated within the last three months),
- Birth certificate for any children under the age of 18,
- Child benefit award letter,
- Proof of either settled status or pre-settled status,
- National Insurance number for all adults included on the application.

### **The Mutual Exchange process**

The Mutual Exchange process is tenant led and requires the Council to reach a decision on the exchange request within 42 days. The process is:

1. Both parties must complete either an application form or apply through the Home swapper website [HomeSwapper](#). **Appendix 3** is copy of the application form.
2. For a household member to be included in a mutual exchange application they must have a long-term commitment to the household and will continue to live with that

household after the exchange. All members of the application should have lived in the household for a minimum of 12 months at the point of application.

3. Applications will be acknowledged within 5 working days. When an application is received, several documents will be requested including household details and identification documents.
4. Whilst the Council is waiting for the documents to be returned, they will conduct internal checks with the Rents team, Tenancy Management & Tenant Alterations.
5. The mutual exchange request will be passed to the Council's Building Services team who will arrange to complete a pre-exchange property inspection and gas and electrical safety checks. Tenants will be expected to allow reasonable access, as defined in their tenancy agreement.
6. Following the inspection the tenant will be advised if any work is to be undertaken before the exchange can proceed. Any repairs that are the responsibility of the tenant will need to be carried out prior to the exchange taking place being agreed.

**Mutual Exchanges will not be permitted to go ahead until these checks and any remedial works identified have been satisfactorily carried out.**

7. Tenants seeking to exchange will be provided with a copy of the inspection report, including any fixtures and fittings that they have been gifted by the previous tenant and any works that are the tenant's responsibility.
8. Where the proposed exchange is between a Tendring District Council tenant and the tenant of another qualifying organisation, all landlords involved will provide and request references for the outgoing and ingoing tenants respectively. If the exchange is between two tenants of the Council, this will have already been completed at Stage 4 of the process
9. Once all the necessary checks, references and inspections have been completed successfully, the application is passed to the Senior Housing Allocations Officer or Housing Manager for approval.
10. Tenants will be informed in writing of the outcome to their mutual exchange request and this outcome may fall into one of three categories; approved, approved subject to conditions, or refused.
11. **If approval is given**, all tenants will be asked to attend an appointment at the Housing Offices with appropriate identification to sign a 'Deed of Assignment'.
12. **If approval is given subject to conditions**, the tenants will be informed in writing of the conditions. Approval subject to conditions means that approval will not be granted unless certain conditions are met before the exchange takes place. This may be clearing a rent account or remedying any unauthorised home improvements.
13. **If approval is not given**, the tenants will be advised in writing. The reasons why a mutual exchange could be refused will be based on the grounds set out in Schedule 3, Housing Act 1985, and Schedule 14 of the Localism Act 2011. (see **Appendix 1** for a list of the grounds for refusal)
14. Should the Council fail to provide a written decision within the 42-day time frame, tenants have the right to enforce a decision by applying to the County Court. In this situation, the Council will no longer be able to rely on any of the grounds for refusal as set out in **Appendix 1**.
15. Where an external landlord has refused the application, it is the responsibility of their tenant to appeal the decision directly with them.

16. Only once the Deed of Assignment has been signed and all other relevant paperwork is in place can the exchange complete. If a tenant moves to the new property without this, then they will be putting their tenancy in jeopardy and any further duty by the Council to rehouse them is likely to be limited.

## **Discretion**

The Council retains the right to use its discretion to allow mutual exchanges to go ahead even if one of the conditions for refusal has been breached. Situations where the Council may choose to approve an exchange despite having potential grounds for refusal are:

1. Where a tenant is in rent arrears and/or are impacted by changes to Housing Benefit/Universal Credit and the exchange may help the tenant to reduce their outgoings (such as when they are downsizing).
2. If there are extenuating circumstances, and it is considered that the exchange would benefit the health or welfare of the tenant or a member of their household. In addition, in such circumstances it may be appropriate to accept requests for an exchange from an introductory tenant.

## **Unauthorised Exchanges**

If a tenant carries out a mutual exchange without permission, then they will no longer be a secure tenant and we may take legal action to recover the property. In circumstances where tenants have swapped properties without our formal consent, both tenants will be in the serious position of:

- having no legal interest in the tenancy at the property they have moved to,
- being liable for the rent and other obligations of their original tenancy.
- losing their home and security of tenure as they are no longer occupying the property as their main or principal home.

## **Other Mutual Exchange implications**

- The Council cannot accept responsibility or take any action if any parties to the exchange change their mind before the legal documents are signed.
- It is illegal for tenants to offer incentive payments to each other to secure an exchange, or to encourage someone to exchange. Any attempt to do so will lead to the automatic refusal of an exchange and may lead to possession proceedings if a property is secured in this way.
- If a tenant moves without written permission or before signing the legal documents, they will lose security of tenure (tenancy) which will place the tenancy at risk.

## **What happens when you move in**

- You will need to carry out the following at your own expense:
  - Arrange a provider for all your utilities,
  - Clean and remove rubbish,
  - Internal decoration,
  - Reconnection of appliances.

## Information and Support

- The Council will provide any reasonable additional support to tenants who may not be able to access the mutual exchange services without difficulty. This may range from providing additional explanation about the process to registering and searching for matches. Tenants can also access services by:
  - Email [housingallocations@tendringdc.gov.uk](mailto:housingallocations@tendringdc.gov.uk)
  - Telephone 01255 686466
  - Visiting our offices at 88-90 Pier Avenue, Clacton on Sea
  - The Council uses a translation service and letters can be translated where English is not a first language.
- The Council will provide reasonable support to tenants who do not have access to the internet.
- Information regarding any implications for tenure, rent and service charges will be offered to any tenant wishing to mutually exchange.
- Tenants can nominate an advocate to help support them with their application. The Council will need the tenants signed consent before engaging with the advocate.

## Complaints Policy

The Council's Corporate and Housing Complaints Policy is available to any tenant or prospective tenant who is dissatisfied with any aspect of the housing services we provide. Further information can be obtained from the Council's Corporate and Housing Complaints Policy [Making a complaint](#).

## General Data Protection Regulations

For a mutual exchange to take place, we are required to share certain information about the applicant's tenancy history with the exchanging landlord. All information held or shared that includes identifiable personal information will be processed in accordance with the requirements of the Data Protection Act 2018 and the UK General Data Protection Regulations. The Council will only disclose or share personal information where required to do so by law or where a lawful exemption applies; for example, for the purposes of a prosecution, a safeguarding concern, where it is in the public interest or with the person's consent. Personal information is processed by Tendring District Council for a number of purposes. These can be found in the Privacy Notices which are available on the Council's website at [www.tendringdc.gov.uk/privacy](http://www.tendringdc.gov.uk/privacy) or on request at our public reception areas.

## Equalities Statement

The Council is committed to treating all customers fairly and with respect and professionalism. To this end the Council will ensure that no individual is discriminated against on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief (including political opinions), sex or sexual orientation and that, in the application of this policy, the Council will comply with their duties under the Equality Act 2010 and specifically its Public Sector Equality Duty (Section 149) under which a public authority must have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by this Act and, in summary, to advance equality of opportunity and foster good relations between people with differing characteristics. To enable customers to have clear information and equal access to this policy, information will be made available in a range of appropriate languages and formats, when requested.

### **Legal and Regulatory Framework**

- Housing Act 1985 Section 92 & Schedule 3
- Regulatory Standards (2023) [Regulatory standards for landlords - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/regulatory-standards-for-landlords)
- Welfare Reform Act 2012
- Localism Act 2011
- Equalities Act 2010
- Human Rights Act 1998

### **Related Documents**

Tendring District Council's Allocations Policy

Tendring District Council Non-Secure, Introductory and Secure Tenancy Agreements

Tendring District Council Succession and Assignment Policy

### **Review of policy**

This policy will be reviewed every two years in consultation with tenant representatives, staff, the Portfolio Holder responsible for Housing and other stakeholders unless there are any reasons, such as legislative or regulatory changes, requiring that it be reviewed earlier



## **Appendix 1**

Grounds for refusal based on statutory grounds (Schedule 3 of the Housing Act 1985)

The Council will refuse a mutual exchange based on statutory grounds (Schedule 3 of the Housing Act 1985). Schedule 3 of the Housing Act 1985 grounds apply to secure tenants.

**Ground 1** – a court order or an order for possession has been made for either property

**Ground 2** – if either tenant applying to exchange has outstanding possession proceedings, or there is a Notice of Seeking Possession (NOSP) in place

**Ground 2a** – if anyone exchanging has in force, or has an application for, any legal actions associated with antisocial behaviour under section 191 of the Housing Act 2004.

**Ground 3** – if your property is too big for the incoming tenant. Tendring District Council follow the definition of property sizes defined in the Allocations Policy and will not allow our properties to be under occupied by more than one bedroom because of a mutual exchange.

For example: if the incoming tenant's have a housing need for two bedrooms, they could exchange into a three-bedroom property (one extra bedroom allowed) – they could not exchange into a four-bedroom property as this would exceed the permitted under-occupation limit

**Ground 4** – if your property is too small for the incoming tenant. The Council will not allow the property to become statutorily overcrowded. Tendring District Council follow the definition of property sizes defined in the Allocations Policy

**Ground 5** – if your property was let to you because of your employment.

**Ground 6** – the landlord is a charity and the proposed tenant's occupation of the property would conflict with the objectives of the charity.

**Ground 7, 8 and 9** – if the property is unsuitable for the person you want to exchange with because it is adapted for someone with support needs.

## **Appendix 2**

### **Tenant Guide: Mutual Exchange Implications**

This guide explains the key implications of a mutual exchange, focusing on tenure, rent, and service charges. Please review carefully before agreeing to an exchange.

#### **Tenure**

Your tenancy type may change if you exchange with someone who has a different tenancy type (e.g., secure, assured, fixed term). This may affect:

- Security of tenure – you may lose lifetime tenancy rights.
- Succession rights – who can inherit the tenancy after you.
- Always check the other tenant's tenancy agreement and confirm with your landlord before agreeing.

#### **Rent**

Rent levels may differ in the new property due to size, type, or rent setting policies (social vs. affordable rent).

- You must clear any rent arrears before moving unless agreed otherwise.
- After the exchange, you are responsible for paying rent on the new property from the agreed transfer date.

#### **Service Charges**

Some properties include service charges for communal areas, lifts, or heating systems. Check:

- What services are included.
- Whether charges are fixed or variable.
- Checklist Before You Agree
- Inspect the property condition – you accept it as seen.
- Confirm tenancy type and rights.
- Understand rent and any service charges.
- Check landlord's policy on pets and adaptations.

## Appendix 3

# Mutual Exchange Application Form

## Your Details

|                                       |               |              |
|---------------------------------------|---------------|--------------|
| Your Name                             |               |              |
|                                       |               |              |
| Date of birth                         |               |              |
| <b>Household Details</b>              |               |              |
| Names of all household members        | Date of Birth | Relationship |
|                                       |               |              |
|                                       |               |              |
|                                       |               |              |
|                                       |               |              |
|                                       |               |              |
|                                       |               |              |
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|                                       |               |              |
|                                       |               |              |
| Is anyone in your household pregnant? |               | Yes / No     |
| If Yes, when is the due date?         |               |              |

|                                           |  |          |
|-------------------------------------------|--|----------|
| <b>Contact details</b>                    |  |          |
| Home Telephone Number                     |  |          |
| Mobile Telephone Number                   |  |          |
| Email Address                             |  |          |
| <b>Your Current Address</b>               |  |          |
|                                           |  |          |
|                                           |  |          |
|                                           |  |          |
|                                           |  |          |
| Do you have a joint tenancy?              |  | Yes / No |
| If yes, please provide name of the person |  |          |
|                                           |  |          |

| Please list any disabilities that may be affected by housing |  |
|--------------------------------------------------------------|--|
|                                                              |  |

## Mutual exchange details

|                                                               |  |
|---------------------------------------------------------------|--|
| <b>Why are you applying for a mutual exchange?</b>            |  |
|                                                               |  |
| <b>Is this exchange a part of a Multi-Swap?</b>               |  |
| <b>If yes, please state the number of households involved</b> |  |

|                                          |  |
|------------------------------------------|--|
| Is this exchange a part of a Multi-Swap? |  |
|------------------------------------------|--|

|                                                        |  |
|--------------------------------------------------------|--|
| If yes, please state the number of households involved |  |
|--------------------------------------------------------|--|

| Additional Information |     |
|------------------------|-----|
| 1                      | 1   |
| 2                      | 2   |
| 3                      | 3   |
| 4                      | 4   |
| 5                      | 5   |
| 6                      | 6   |
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|------------------------------|--|
| Are you in any rent arrears? |  |
|------------------------------|--|

|                   |  |
|-------------------|--|
| If yes, how much? |  |
|-------------------|--|

|                                        |  |
|----------------------------------------|--|
| Do you have a repayment plan in place? |  |
|----------------------------------------|--|

|                                                                                     |  |
|-------------------------------------------------------------------------------------|--|
| Do you have any housing related notice served against you? (I.E An Eviction notice) |  |
|-------------------------------------------------------------------------------------|--|

**If yes, please explain what the notice is and why**

**Please be aware, failure to disclose this data may result in a delay in processing your exchange.**

## **Your Property**

| Type of property?                                          |  |                       |  |
|------------------------------------------------------------|--|-----------------------|--|
| House                                                      |  | Bungalow              |  |
| Maisonette                                                 |  | Flat                  |  |
| If Flat/Maisonette, what floor is the dwelling located on? |  |                       |  |
| Ground                                                     |  | First                 |  |
| Second                                                     |  | Third floor or higher |  |
| Is this property sheltered/specialised accommodation       |  |                       |  |
| If yes, please explain why?                                |  |                       |  |
|                                                            |  |                       |  |
| Number of bedrooms                                         |  |                       |  |

|                                                          |  |
|----------------------------------------------------------|--|
| Are there any outstanding repairs?                       |  |
| If Yes, please tell us the date you informed the Council |  |
| If yes, please outline the disrepair                     |  |



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|                                                  |  |
|--------------------------------------------------|--|
| <b>Do they have a joint tenancy?</b>             |  |
| <b>If yes, please provide name of the person</b> |  |
|                                                  |  |

|                                                   |
|---------------------------------------------------|
| <b>Pets? <i>How many and types of animal.</i></b> |
|                                                   |

|                                                                   |
|-------------------------------------------------------------------|
| <b>Please list any disability that may be affected by housing</b> |
|                                                                   |

**Incoming tenant’s property**

| Their Current Address |  |
|-----------------------|--|
| <b>House number</b>   |  |
| <b>Road name</b>      |  |
| <b>Town</b>           |  |
| <b>Postcode</b>       |  |

| Type of property?                                          |  |                       |  |
|------------------------------------------------------------|--|-----------------------|--|
| House                                                      |  | Bungalow              |  |
| Maisonette                                                 |  | Flat                  |  |
| If Flat/Maisonette, what floor is the dwelling located on? |  |                       |  |
| Ground                                                     |  | First                 |  |
| Second                                                     |  | Third floor or higher |  |
| Is this property sheltered/specialised accommodation       |  |                       |  |
| If yes, please explain why?                                |  |                       |  |
|                                                            |  |                       |  |
| Number of bedrooms                                         |  |                       |  |

| Their landlord                                                     |  |
|--------------------------------------------------------------------|--|
|                                                                    |  |
| Their landlord's address                                           |  |
|                                                                    |  |
| Their landlord's telephone number<br>Their landlords email address |  |
| Has their landlord been informed of the exchange?                  |  |
| If yes, when were they informed?                                   |  |

