



Assignment & Mutual Exchange Policy

POLICY STATEMENT

Chelmer Housing Partnership (hereafter, CHP) will consider applications for assignment in the following circumstances: an assignment by way of a mutual exchange; an assignment where a court has made a property adjustment order in matrimonial proceedings; and an assignment to a potential successor.

CHP will deal with all applications for assignment promptly, fairly and efficiently. Where applications for assignment are agreed by CHP, it will make the necessary administrative changes as quickly as possible, at least within 42 days.

We will endeavour to avoid exclusions or restrictions that are not appropriate to the housing and support needs of applicants and that may lead to discrimination. We will achieve this by ensuring that the selection and allocation process is effectively monitored and controlled throughout. We will ensure that all applicants receive a consistent level of quality both in the service provided and the type and location of properties that may be offered to them.

1. POLICY AIMS

- 1.1 This policy aims to outline how CHP manages assignments and mutual exchanges of properties.

2. STATUTORY, REGULATORY & CORPORATE RESPONSIBILITIES

- 2.1 Central to CHP's Purpose of Working in Partnership to develop a choice of homes and services that are affordable and of improving quality.

- 2.2 As a registered provider of social housing, CHP is bound by the Housing Corporation's Regulatory Code and Guidance which states that,

Code 3.5 Housing associations must provide good quality housing services for residents and prospective residents by seeking to offer a choice of home, while giving reasonable preference to those in priority need.

- 2.3 CHP is bound by the 1985 & 1988 Housing Acts.

Responsible Member of Staff:	Housing Options Manager
Approved by:	July 2008 Operations Committee
Next Review Date:	July 2011 Housing & Services Committee

3. POLICY DETAILS

- 3.1 An Assignment is the legal transfer of a tenancy to another person who becomes the tenant and acquires the benefits and obligations of the original tenant
- 3.2 Where an assignment is decreed by the court, CHP will act in accordance with the court's determination. Where an application is made by a tenant wishing to assign their tenancy to a potential successor, CHP will investigate to confirm the circumstances of the assignee, and determine whether the assignment is permitted within the terms of the tenant's tenancy agreement.
- 3.3 CHP is committed to promoting its mutual exchange scheme, and participates in the House Exchange and Home swapper schemes.
- 3.4 Where applications are refused the tenant will be advised in writing of the reason(s).

Mutual Exchanges

CHP will maintain a register of tenants wishing to exchange homes, and will ensure that tenants have access to the register.

Tenants will be advised of any effect on their rights of exchanging their tenancy, including the implications for transferring tenants preserved rights (including the preserved Right to Buy).

CHP will not normally refuse an application for exchange unless:

- (i) either tenant is under Notice of Seeking Possession, or legal proceedings have begun following notice;
- (ii) either property is specifically designed to help a disabled person or has other special features and the new tenant does not need this assistance;
- (iii) either tenant is in arrears. The tenant will be asked to clear the arrears before the exchange goes ahead;
- (iv) either property is too large or too small for either tenant, e.g. where under-occupation or overcrowding would occur.

Matrimonial proceedings

Where the court has ordered that the tenancy be assigned as a result of matrimonial proceedings, CHP 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.

The assignee will then be provided with information relating to the tenancy, including the implications for preserved rights, and a copy of the tenancy conditions.

Assignment to a potential successor

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Where an application is made by a tenant to assign their tenancy CHP will obtain full details from the tenant, including information about their length of continuous residence and the reasons for the application to a potential successor.

4. POLICY CONSULTATION, PROMOTION & EVALUATION

- 4.1 The Director of Housing is responsible for the effective implementation of this policy and will ensure all staff are adequately trained in the assignment and mutual exchange procedures.
- 4.2 CHP will ensure that information about the right to exchange, and procedures for seeking exchange partners and applying for CHP's consent to exchange will be issued to all tenants through the tenants' handbook. In addition, from time to time, CHP will publicise the availability of mutual exchanges.
- 4.3 CHP will consult with the Tenants' Forum, recognised tenants and residents groups, groups of applicants and staff on a regular basis to assess the effectiveness of this policy. CHP will formally review its assignment and mutual exchange policy annually.

5. LINKS

- 5.1 CHP Allocations & Lettings Policy
www.houseexchange.org.uk
www.homeswapper.co.uk

Responsible Member of Staff:	Housing Options Manager
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Next Review Date:	July 2011 Housing & Services Committee

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Sponsor:	Director of Housing
Responsible Officer (as of 01/01/09)	Home Options Manager
Previous Responsible Officer:	Director of Housing
Approved by:	July 2008 Ops Committee
Next Review Date:	July 2011

Responsible Member of Staff:	Housing Options Manager
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