

Mutual Exchange guidance notes

Grounds for withholding consent to assignment by way of exchange — Grounds 1-10: Schedule 3 Housing Act 1985

Ground 1 - The tenant or the proposed assignee is obliged to give up possession of the dwelling-house, of which he is the secure tenant in pursuance of an order of the court, or will be so obliged at a date specified in such an order.

Ground 2 - Proceedings have been begun for possession of the dwelling-house of which the tenant or the proposed assignee is the secure tenant on one or more of grounds 1 to 6, Part 1, Schedule 2 to this Act or there has been served on the tenant or the proposed assignee a notice under Section 83 of this Act which specifies one or more of these grounds and that notice is still in force.

Ground 3 - The accommodation afforded by the dwelling-house is substantially more extensive than is reasonably required by the proposed assignee.

Ground 4 - The extent of the accommodation afforded by the dwelling-house is not reasonably suitable to the needs of the proposed assignee and his family.

Ground 5 - The dwelling-house; (a) forms part of or is within the curtilage of a building which, or so much of it as is held by the landlord, is held mainly for purposes other than housing purposes and consists mainly of accommodation other than housing accommodation, or is situated within a cemetery, and (b) was let to the tenant or a predecessor in title of his in consequence of the tenant or predecessor being in the employment of a body specified.

Ground 6 - The landlord is a charity and the proposed assignee's occupation of the dwelling-house would conflict with the objects of the charity.

Ground 7 - The dwelling-house has features which are substantially different from those of ordinary dwelling houses and which are redesigned to make it suitable for occupation by a physically disabled person who requires accommodation of the kind provided by the dwelling house and, if the assignment were made, there would no longer be such a person residing in the dwelling-house.

Ground 8 - The landlord is a Housing Association or Housing Trust which lets dwelling-houses only for occupation (alone or with others) by persons whose circumstances (other than merely financial circumstances) make it difficult for them to satisfy their need for housing and if the assignment were made, there would no longer be such a person residing in the dwelling-house.

Ground 9 - The dwelling-house is one of a group of dwelling-houses which it is in the practice of the landlord to let for occupation by persons with special needs and a social service or special facility is provided in close proximity to the group of dwelling-houses in order to assist persons with those special needs and if the assignment were made, there would no longer be a person with those special needs residing in the dwelling house.

Ground 10 - The dwelling-house is the subject of a management transfer under which the manager is a housing association of which at least half the members are tenants of the dwelling-houses subject to the agreement, at half the tenants of the dwelling houses are members of the Association and the proposed assignee is not and is not willing to become a member of the Association.

What happens next?

- Make sure you have inspected the property you wish to move to and the other tenant has inspected yours.
- Ensure that your rent account is two weeks in credit and your property condition is up to an acceptable standard, as required by your tenancy conditions.
- Complete the form and return it to your Landlord as soon as possible. If you are moving out of the area, you will also need to contact the landlord who is responsible for the property you wish to move to. The process will not commence until applications from all parties involved in the exchange have been received.
- We will request references from other Landlords, if you are not currently a SSHA or Severnside Housing tenant. You must provide details of you are with another landlord and any delay may result in your exchange being refused.
- A formal inspection will take place of your property by us. We will request that that the tenant you are intending to swap with also attends this inspection.
- If your exchange is approved, you will be expected to be available at your outgoing property on the day of exchange, to allow access for gas and electrical inspections. The exchange sign off will not be carried out, if the inspections have not been completed.
- **Important:** If you move before your exchange has been approved and all legal documentation signed, you will be classed as illegally occupying the property and legal action will be taken against you.