

What you should do

If you are in any doubt about the type of the tenancy you are accepting, ask the tenant you are exchanging with to show you a copy of their tenancy agreement. Remember, this is going to be your tenancy.

If the tenant does not have a copy of their tenancy agreement, contact your current landlord or your prospective new landlord.

Further advice

This leaflet is only a guide and not a definitive legal statement. So, if you have any doubts, you should contact a Housing Advice Centre or a solicitor.

If you are currently a CCHA tenant, your tenants' handbook contains further information on exchanges.

Approving exchanges

Most exchanges take place without any problems. We can, however, decide to refuse an exchange on the following specific grounds:

- 1 Your rent account is in arrears or you have other unpaid debts to us.
- 2 The exchange would lead to overcrowding, as defined by our Transfer Policy.
- 3 The exchange would lead to under-occupation, as defined by our Transfer Policy.
- 4 Other grounds contained in Schedule 3 of the Housing Act 1985.

Complaints

We have a complaint procedure, which covers all our work. If you have a complaint concerning our exchange policy, or how it has been applied to you, please contact us so that the matter can be investigated.

The date on the front of this leaflet tells you when it was last revised.
Our policies change regularly, so the leaflet may not be up to date.
So, if you have any queries about one of our policies, please do not hesitate to contact us and we will be pleased to help.

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isier for us to talk to you in your own language, we can arrange for an interpreter to be preser
niad neu gyfiethiad o unrhyw wybodaeth rhowch wybod i ni.
nych siarad â ni yn eich mamiaith gallwn drefnu i gyfiethydd fod yn bresennol.

إذا كنت ترغب في أن يتم شرح أو ترجمة أي معلومات فلهذا، الرجاء استشارة بلانك
إذا كنت تريد بلانك وما سيكون من الأسهل لك أن تصدق بلانك بالأسهل.
طعمور معرجم بلانك الفرحي.

اگر آپ کی معلومات یا درخواست کی وضاحت یا ترجمہ چاہیں تو ہمیں بتائیں۔
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سہولت دیں۔

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ahayd in af kaagii hoyo lagugulahadlo waxaanu ku diyaarin karna qof ku turjuma inu joogo.

आपको जो जानकारी चाहिए, या जानकारी का प्रतिकार, कृपया आधिकारिक साधनों पर
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CCHA IS A CHARITABLE HOUSING ASSOCIATION



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EXCHANGING YOUR HOME

A GUIDE TO TENANTS

Edition 6

2008



Awarded for excellence

This leaflet has been credited with the Clear English Standard by the Plain English Commission

Our tenants regularly arrange to exchange (or swap) their properties with the tenants of other public sector landlords; e.g., council tenants, housing association tenants and, of course, other CCHA tenants.

If you are thinking of exchanging your home, it is worth noting the following points carefully.

Your exchange partner may not have the same type of tenancy as you

Housing association tenants have one of the following types of tenancy:

A secure tenancy

This type of tenancy is similar to a council tenancy. A secure tenant benefits from the many legal rights in the 'Tenants' Charter' of the Housing Act 1985. These rights include the right to buy, the right to succession, the right to repair, the right to take in lodgers. **All secure tenants have the right to a Fair Rent – this is set by the Rent Officer, who is an independent third party.**

Our secure tenancy is similar to the standard council tenancy, and to the secure tenancies of other housing associations. However, please note very carefully **that some of our secure tenants do not have the right to buy their home.** So, if you are a council tenant or a housing association tenant and you currently have the right to buy, you will lose this right if you swap with one of our tenants who does not have that same right. We would strongly advise you to confirm the exact position with us before you agree to any exchange.

An assured tenancy

This type of tenancy was introduced following a change in the law in January 1989. Virtually all new housing association tenants are assured tenants. Unlike secure tenants, assured tenants do not benefit from the 'Tenants' Charter' rights.

They have no right to a Fair Rent and they have no right to buy. Also, assured tenants are charged affordable rents which are set by their landlord.

All housing associations are committed to keeping rents as low as possible, but their rents could be higher than some Fair Rents.

A Short hold tenancy

Since mid-1998, we have granted our new tenants short hold tenancies for their first 12 months. This type of tenancy is very similar to our standard assured tenancy, but with one important difference – we can end the tenancy without a court hearing, and so without having to prove to a court that it is reasonable to end the tenancy. At the end of the first 12 months, the short hold tenancy will convert automatically to a standard assured tenancy, so long as the terms and conditions of the tenancy have not been seriously breached.

So, if you are currently a CCHA tenant, a council tenant or a tenant of another housing association, and your tenancy benefits from the 'Tenants' Charter' rights, you should note that if you exchange with an assured tenant, you will lose these rights. You should take particular note of this point if your present tenancy includes the right to buy.

Also, if you are thinking of exchanging with a short hold tenant, you will become a short hold tenant yourself for any period of their first 12 months that remains.

Finally, please note that although assured and short hold tenants do not have the legal rights of secure tenants, the Welsh Assembly Government requires all housing associations to ensure that, whenever possible, assured and short hold tenants receive the same rights and services as secure tenants. So, while assured and short hold tenants have no right to carry out improvements or to take in lodgers, etc, they do have a contractual right to do such things as a result of the terms and conditions of their tenancy agreement.

All exchanges take place through assignment

By agreeing to a swap, please remember that you are exchanging your tenancy as well as your home. In effect, by agreeing to the exchange, you are taking over the other tenant's existing tenancy and therefore that tenant's rights, responsibilities and obligations. These could include:

- 1 any repairs that the tenant is responsible for and which were outstanding at the date of the assignment; and
- 2 the state of decoration at the property on the date of the assignment.

Therefore, if we approve the exchange, we will not send you a new tenancy agreement to sign. Instead, you will receive:

- 1 a deed of assignment;
- 2 a licence of assignment; and
- 3 a copy of the person's tenancy agreement with whom you are exchanging.

These documents protect your legal position and confirm you as the tenant of your new home.