



Mutual Exchange Policy

1. Policy Introduction

The Housing Act 1985 and the Localism Act 2011 give eligible tenants the right to swap their home with another eligible tenant. This process is called a *mutual exchange*. Sometimes more than two households may be involved. A swap can only happen if all landlords give written permission and certain rules are followed.

The Consumer Standards, set by the Regulator of Social Housing (RSH), explain how tenants should be treated and what information they should receive from us.

Mutual exchange helps tenants stay in homes that suit their needs. It also supports long-term tenancies by letting people move without losing the type of tenancy they already have.

2. Policy Aim

This policy explains how LGAH manages mutual exchanges. It sets out who is eligible, why an exchange might be refused, and how tenancy changes are handled. It also explains how we support customers and how they can appeal decisions.

3. Legal and Regulatory Framework

The laws and regulations below give the rules for mutual exchange and explain the duties of both landlords and tenants.

Housing Act 1985

This law gives secure tenants a legal right to swap their home with another secure or assured tenant, as long as the landlord agrees.

Housing Act 1988

This law explains assured and assured shorthold tenancies. Assured tenants can request a mutual exchange, but they do not have an automatic right. They still need landlord consent.

Localism Act 2011

This law introduced flexible (fixed-term) tenancies. These tenants can take part in mutual exchanges. When they swap with a secure tenant, the exchange can happen by *assignment* or *surrender-and-regrant* so that fixed-term tenants are not disadvantaged.

Landlord and Tenant Act 1985

This law sets out the landlord's duties on property condition and tenancy management. It helps make sure homes involved in a mutual exchange are safe.

Equality Act 2010

This law requires landlords to make fair, non-discriminatory decisions and consider reasonable adjustments for people with protected characteristics.

Regulator of Social Housing – Tenancy Standard

This standard requires landlords to support tenants with mutual exchange, including giving information and access to online exchange services. Landlords must make moving home easy and transparent.

4. Eligibility

Tenants who may be eligible include:

- Local authority secure tenants (including Flexible Secure tenants) – have a legal right to mutual exchange under the Housing Act 1985
- Housing association assured tenants – have a contractual right under the terms of their tenancy agreement
- Assured shorthold tenants, including fixed term tenants, may be able to exchange if their tenancy agreement allows it, but they do not have a legal right.

LGAH customers may apply for a mutual exchange if:

- Their tenancy includes exchange rights
- Their rent account is clear or within an agreed plan
- Their home is not involved in legal action that would stop an exchange

Customers cannot apply if:

- They are a Shared Owner
- Possession action is underway or a Notice Seeking Possession/Notice to Quit is active
- They have broken tenancy conditions in a serious way
- Their tenancy does not allow it.

5. Approach

All mutual exchange applications are managed by our Management Providers on behalf of LGAH.

Management Providers must have policies and processes that follow the law, regulations, and good practice.

Before any home swap is allowed, someone will check the LGAH home to make sure it is safe and any repairs needed are done. If there are jobs that the customer needs to do, these will be written down and both the current and new customer will be told about them. After the swap, special checks for electricity and gas safety will also be done straight away.

Customers can use HomeSwapper, an approved national service that helps social housing tenants find a match for a mutual exchange.

The correct legal documents must be used for each exchange to make sure it is valid. The documents needed depend on the type of tenancy and the exchange method. Management Providers use LGAH's mutual exchange matrix (Appendix A) to decide which documents are required.

LGAH must approve every mutual exchange before it can happen. This will only happen after all the checks and references are done. We try to make a decision within 42 days from when you apply. Sometimes, it might take longer if we need to do more checks or fix things in the home.

6. Refusals

LGAH may refuse an exchange for legal or practical reasons, such as:

- The incoming household would overcrowd or under-occupy the home
- The home is designated (e.g., sheltered, adapted, supported) and the household does not meet the criteria

- The property is under court action or planned redevelopment
- Serious tenancy breaches (e.g., antisocial behaviour, rent arrears, damage) have not been resolved
- Either home does not pass inspection
- Fraudulent information has been given

7. Unauthorised Mutual Exchanges

If a swap happens without our permission, we will treat the people living there as unauthorised occupiers. They will be told to return to their original homes within 7 days to avoid a Notice to Quit. If they return in time, their application may still be considered.

8. Assurance

We aim to provide a clear, compliant, and well-run mutual exchange service. We regularly check decisions, oversee processes, and complete quality checks. This ensures exchanges are handled fairly and safely.

9. Equality and Diversity

LGAH considers the diverse needs of its customers when delivering landlord services. We expect all employees, and partners working on behalf of LGAH, to treat all customers with fairness and respect.

The specific needs of customers are considered when delivering services against this policy and at times this may require taking a different approach to ensure customers are not disadvantaged due to their diverse needs. This will include utilising information LGAH holds about its customers and tailoring how customers are to communicate and engage with LGAH services to eliminate any barriers for access and reporting.

10. Appendices

Appendix A – Mutual Exchange Matrix – To be used internally to ascertain the correct way to execute a mutual exchange by tenure type and security of tenure.

11. Entities this policy applies to:

- Legal & General Affordable Homes Limited
- Legal & General Affordable Homes (AR) LLP
- Legal & General Affordable Homes (SO) LLP
- Legal & General Affordable Homes (Capital) Limited
- Legal & General Affordable Homes (Development 3) Limited
- Legal & General Affordable Homes (Investment 1) Limited
- Legal & General Affordable Homes (Investment 2) Limited
- Legal & General Affordable Homes (Investment 3) Limited
- Legal & General Affordable Homes (Development 4) Limited

Accountable Director	Director or Customer, Property and Platform
Approval Date	April 2026
Review Date	April 2028

	(or more frequently subject to any changes in regulatory, legislative and/or areas of best practise where a review is required sooner than the planned review date)
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Mutual exchanges and different forms of tenure

Before using table, please read note overleaf 'how to use this table'

OTHER TENANTS' TENURE	LGAH TENANTS' EXISTING TENURE		
	Full assured (up to 1/4/2012 social housing tenants) ¹	Full assured (post 1/4/2012 social housing tenants)	Fixed assured
Full secure (pre 1/4/2012 tenancies) ²	Deed of assignment Swap tenures	Deed of assignment Swap tenures	Surrender & regrant Full tenure keeps full tenure (secure tenant granted full assured) Fixed tenant, at discretion of destination landlord (ie regrant a fixed tenure to them or even upgrade to secure) ³
Full secure (post 1/4/2012 tenancies)	Deed of assignment Swap tenures	Deed of assignment Swap tenures	Deed of assignment Swap tenures
Secure flexible (ie fixed term)	Surrender & regrant Full tenure retains full tenure (full assured tenant granted new full assured tenancy) Fixed tenant, at discretion of destination landlord (ie regrant a fixed tenancy to them, or even upgrade to full assured)	Deed of assignment Swap tenures	Deed of assignment Swap tenures
Full assured (up to 1/4/2012) ⁴	Deed of assignment Swap (same) tenure	Deed of assignment Swap (same) tenure	Surrender & regrant Full tenure retains full tenure Fixed tenant, at discretion of destination landlord (ie regrant a fixed tenancy to them, or even upgrade to full assured)
Full assured (post 1/4/2012)	Deed of assignment Swap (same) tenure	Deed of assignment Swap (same) tenure	Deed of assignment Swap tenures
Fixed assured	Surrender & regrant Full retains full tenure Fixed tenant, at discretion of destination landlord (ie regrant a fixed tenancy to them, or even upgrade to full assured)	Deed of assignment Swap tenures	Deed of assignment Swap (same) tenure

¹ These are 'tenure guarantee' assured tenants (see note on tenure guarantee overleaf).

² These are 'tenure guarantee' secure tenants (see note on tenure guarantee overleaf).

³ If this form of exchange was entirely within the same landlord, the full tenure tenant after the exchange would remain secure (but LGAH does not have secure tenants so this will not apply). If the exchange is between LGAH's fixed term tenant and the secure tenant of another landlord (ie the tenure guarantee tenant is incoming) then the tenure guarantee's tenancy must be full assured.

⁴ These are 'tenure guarantee' assured tenant (see note on tenure guarantee overleaf).

NOTES:

Note on how to use this table: (1) in cases with one LGAH and one external tenant, start with the LGAH (outgoing) tenant and find the applicable column along the top of the table, then locate the external (incoming) tenant's tenure on the left column in order to establish the correct process for their exchange; (2) in cases with two LGAH tenants, start with the tenant with the strongest tenure of the two⁵ and find the column which reflects their tenure along the top of the table, then locate the other tenant's tenure on the left column, to establish the correct process for their exchange.

Note on the tenure guarantee: Registered providers must grant those who were social housing tenants on the day on which section 154 of the Localism Act 2011 came into force (and have remained social housing tenants since that date), a tenancy with no less security where they choose to move to another social rented home, whether with the same or another landlord (this requirement does not apply where tenants choose to move to accommodation let on Affordable Rent terms).

Note on granting new tenancies to full assured tenants moving to fixed tenure within the same landlord: a full assured tenant moving within the same landlord, cannot downgrade to fixed term tenure without following a prescribed statutory notice process. Failure to follow the process will result in the supposedly fixed term tenancy being full assured. If a non tenure guarantee full assured tenant of LGAH wants to move to a fixed term tenancy, we recommend the legal position be specifically checked to ensure the correct tenancy is granted.

⁵ From strongest to weakest: (1) tenure guarantee full assured tenants, (2) non tenure guarantee full assured tenants (3) fixed assured tenants.