

# Our policy on Assignment, succession & mutual exchanges

Your assured tenancy can be assigned to another person in several ways. Our policy explains assignments and gives details about succession rights and making a mutual exchange.

Your assured tenancy (but not while it is still a starter tenancy) can be legally passed to another person:

- when you make a mutual exchange (swap homes)
- if you die and someone in your household has succession rights to your tenancy
- if, while you are still alive, you pass the tenancy to someone in your household who has succession rights
- if you have a joint tenancy and one of the tenants agrees to give up their rights to it, or
- if a court orders this (usually as part of matrimonial proceedings).

You cannot assign your tenancy without our consent. However, we will deal with your request quickly and efficiently, in line with relevant housing law.

If we can't agree to your request, we will write within five working days to explain why.

If we can agree to your request, we will complete the necessary paperwork within one week.

## Mutual exchanges

We actively promote swapping homes (making a 'mutual exchange') with another social housing tenant, as a good way for tenants to find a new home.

We belong to two, online, national home swap schemes (so you can register for free):

- Homeswapper ([www.homeswapper.co.uk](http://www.homeswapper.co.uk)), and
- House Exchange ([www.houseexchange.org.uk](http://www.houseexchange.org.uk)).

We make sure that you have the information you need to make an exchange. We can explain the process and how your rights might be affected – for example, your right to buy your home and your status as a successor.

When we assess your application, we will follow relevant housing law. We will only refuse permission in certain situations.

For us to say 'yes', you and your swap partner have to be moving to a home that is not too large or too small or unsuitable for your health needs. However, we do allow a move to a home that is one bedroom too large.

We won't allow a move if either partner has a



suspended or outright possession order against them. Or if they are being taken to court for rent arrears or anti-social behaviour.

If one of the homes is adapted for the disabled or in a sheltered scheme, we will only allow a swap where the new tenant needs these facilities.

We won't allow a swap where one partner has their home as part of the job they do.

Please note that you are not allowed to pay or receive money from someone as part of an exchange. We will also turn down your request if it would lead to someone occupying our property in conflict with our aims or charitable status.

We will consider all applications and give you a decision within the required 42-day deadline.

As a member of the Tower Hamlets Housing Forum, we

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### Exchanging a fixed-term tenancy

Be aware that if your swap partner holds one of the new five-year fixed-term tenancies, issued since 2012, this would affect your rights.

You would only be able to take on the remaining term of their fixed-term tenancy – with no guarantees that it would later be renewed – while your swap partner would be given a lifetime tenancy with THCH.

will follow our jointly agreed mutual exchange charter.

### Succession following death

#### Joint tenants

When a joint tenant dies, the surviving tenant becomes the sole tenant by survivorship. This applies even if the surviving tenant does not live at the property. This right comes before any other claim of succession.

After a succession of this kind, the tenancy can't be passed on again at a later date.

#### Tenancies post-2012

By law, for any tenancy dated after 1 April 2012, only the tenant's spouse or partner, living with them at the time of death, has the right to succeed to the tenancy.

In practice, if there is no spouse, partner or joint tenant to pass the tenancy to, we may be willing to give succession rights to another close family member who has lived at the property for at least the past 12 months.

If we agree to succession, we will usually grant a new tenancy at the property. This means that someone else could succeed in the future.

#### Stock transfer tenancies

If you were a tenant of the London Borough of Tower Hamlets before your home transferred to THCH in 2000, and you have been our tenant (at any of our properties) ever since, you still have extended rights.

This means that any successions that took place while you were a council tenant do not count – there are still succession rights to your current assured tenancy.

#### Property size

If you succeed to the tenancy and you aren't the tenant's

spouse or partner, we will check the size of your home.

If you are under 60 and you would be under-occupying by more than one bedroom, or the property is adapted for someone with special needs, we will make you a reasonable offer of alternative accommodation.

In this case, between six and 12 months after the death of the tenant, we will send you a notice of seeking possession. We will get you registered on the Common Housing Register and see that you are offered a home as quickly as possible. We can help you make bids if you need this.

### Succession while the tenant is alive

Before we agree to pass a tenancy to someone with succession rights, we will take full details. We will want to know how long the person has lived continuously at the property and why you want to make this change.

We will write within five working days to give our decision and provide any reasons if we decide to refuse.

### Matrimonial proceedings

When someone becomes our tenant by assignment through a court order, we will contact them to make sure they are clear about their rights and obligations as our tenant.

*This leaflet provides a summary of our policy.*

**For more information** send a message through your 'My Corner' account, or email [customerservices@thch.org.uk](mailto:customerservices@thch.org.uk)