

Mutual Exchanges and s106 Restrictions

The current policy relating to mutual exchanges on s106 housing sites ensures that incoming tenants also hold the appropriate local connection. However, Cambridge Housing Society has advised the Council, that a number of their tenants on these sites are having difficulty moving out of their accommodation via a mutual exchange, due to this restriction.

All secure and assured tenants of the Council or Housing Associations are able to seek alternative accommodation via a mutual exchange if the respective landlord agrees this. The grounds on which a mutual exchange can be refused are limited in law and are set out in the Housing Act 1985 (secure tenants) or Housing Act 1988 (assured tenants). In the case of assured tenants this agreement can be withheld if it conflicts with the s106 restriction. Cambridge Housing Society, who has been refusing mutual exchanges in line with this, has reported that a number of their tenants have complained as they feel this is restricting their civil liberties.

The Council is aware of the need to house local people within these sites, however, we are also conscious of the wishes of those families in accommodation who wish to move out and that this can then result in a missed opportunity to resolve the housing needs of two families.

The purpose of this letter is to seek the views of Parish Councils and local housing associations to a proposal that will help to resolve these concerns.

The proposal is based on the cascade provisions used for allocating properties on these sites, and would include the following steps:

- Tenants should make a reasonable effort to seek an exchange partner with a local connection with the parish or a neighbouring parish. This should include placing an advert in the local press and registering on the exchange lists held by South Cambridgeshire District Council and Cambridge City Council.
- After a period of, for example, three months, if the tenants have been unable to find a suitable exchange partner with a local connection an exchange partner may be sought who does not hold a local connection.

In particular we would like to know your comments/ views on the following:

- Whether you have received similar concerns from your tenants/ residents?
- If you feel the above proposals will help to resolve these concerns raised by tenants?
- If you feel the initial suggested period of three months to find an exchange partner with a local connection is reasonable, or whether this should be a different time scale?

If you would like to discuss this further, please do not hesitate to contact Sue Carter or Charles Clay.