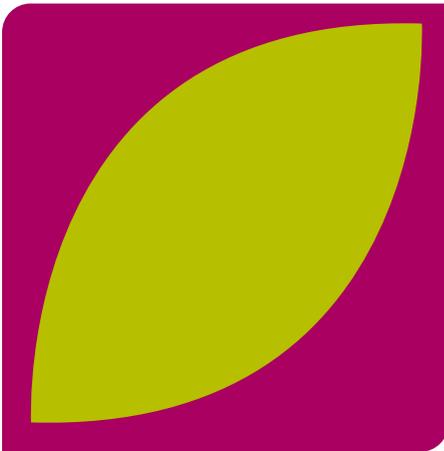
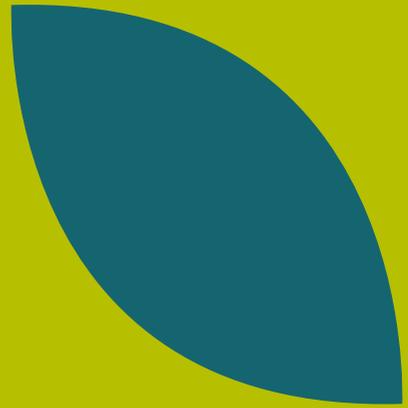


**Tenancy
successions**



**A guide to
inheriting a
tenancy**





If you are living with a tenant and they pass away, you may have the right to inherit their tenancy. We call the right to pass on a tenancy a 'succession'.

The right to succession depends on the type of tenancy and your relationship to the person who has passed away. It also depends on how long you lived together. The information in this leaflet explains how a succession works and who is eligible.





What is a tenancy succession?

After a tenant passes away, a member of their family may be able to take over their tenancy. If the tenancy was in two names – a joint tenancy – the tenancy would automatically be passed to the other person. This would then become a sole tenancy and be treated as a succession.

If the tenancy was in one name – a sole tenancy – but the deceased person was married or had a partner, the tenancy can pass to their spouse or partner. This is under the condition that they have lived at the property.

A tenancy succession can only happen once. This means that, if the tenancy has already been taken over by someone and that person passes away, the tenancy cannot be passed on again.

When a succession occurs, the successor will take on all the rights and obligations of the deceased tenant. You do not have to take over a tenancy by succession if you do not want to. You should think carefully before you decide and get advice if you are not sure. Important questions to consider are:

- Will you be able to afford the rent?

- Do you want to stay in the property?
- What other choices do you have? For example, would you prefer to move closer to family or friends for support?

Who is eligible to succeed a tenancy

The tenant's husband, wife, or civil partner has the first claim to succeed the tenancy. If they were not married, or did not have a partner living with them, another family member may be able to take over the tenancy. If there is more than one close family member, we will decide who should succeed. This could be a:

- Parent;
- Grandparent;
- Son;
- Daughter;
- Stepchild;
- Grandchild;
- Brother;
- Sister;
- Aunt;
- Uncle;
- Nephew;
- Niece.





To success a tenancy you must:

- Be 18 years of age or over;
- Have been living at the property as your only home for longer than 12 continuous months at the time of death;
- Be able to take over the tenancy within one month of the tenant dying.

A succession cannot take place if:

- The tenancy has been taken over before;
- The deceased was living alone or had left the property.

If the tenancy was a Protected Assured Tenancy, the husband, wife or civil partner taking over the tenancy will be allowed to stay in the same property. If the person taking over the tenancy is another family member, we may ask you to move to a smaller property. This is because we have high demand for family housing. A tenancy can not be passed on if it is a Starter Tenancy or an Assured Shorthold Tenancy.

Where there is no statutory or contractual right to succeed to a tenancy, we may use our discretion to grant an Assured Tenancy to a family member or other household member. This could happen if a tenant has gone into a nursing home for example.

Discretionary tenancy

A discretionary tenancy may be granted if the following conditions are satisfied:

- The tenant has died or has gone into permanent residential or end of life care;
- The applicant has no statutory or contractual right of succession;
- The applicant has the legal right to hold a tenancy;
- The applicant has recourse to public funds;
- The applicant has lived with the tenant for at least three years prior to the death of the tenant or prior to them leaving the property (i.e. permanent residential care);
- In exceptional circumstances we may consider applicants who have lived in the property for less than three years, but a minimum of 12 months;





- The applicant has no legal interest in another property; and
- The applicant does not have the means to source alternative accommodation in the private sector, that is, property purchase or market rent accommodation.

We will take into account the following factors when considering granting a discretionary tenancy:

- The conduct of the former tenant and household members, including any reports of anti-social behaviour, arrears or any other tenancy breach;
- The overall length of time that the applicant shared the former tenant's home;
- The individual needs of the applicant whether there are or have been any children who are children of both parties or for whom both parties have or have had parental responsibility;
- The housing needs and housing resources of the applicant and any relevant child(ren);
- The financial resources of the applicant;

- Third-party nomination rights of the local authority, or other party, to the property;
- Best use of our homes;
- Any other information or factors that may be relevant to the particular case.

If a discretionary tenancy is granted, the household will be required to move to a more suitable property if:

- The household remaining would under - or over - occupy a home by one or more bedrooms;
- Or if the home has been significantly adapted for a disabled person.

In all discretionary tenancy cases we will grant a new tenancy agreement. There will be no further succession rights, unless a statutory provision overrides this.

A household offered a tenancy under these guidelines will be issued a Starter Tenancy initially, and an Assured Tenancy after 12 months if the Starter Tenancy is conducted satisfactorily.





How to apply

If you want to apply for a succession you will need to complete an application form. Please contact our Customer Services Team on 0300 555 0500 or visit our website – chp.org.uk. We can complete the form with you if you need help.

We will ask you to provide evidence of how long you have been living at the property and/or your relationship with the deceased.

After we have assessed your application form, we will ask you to sign an 'Acknowledgement of Succession' agreement. You will be responsible for the property from the date on this agreement.



Please contact us if you would like a copy of this document in large print, on CD or in another language.

Proszę się z nami skontaktować, żeby otrzymać ten dokument w wersji dużym drukiem, na płycie CD lub w innym języku. (Polish)

倘若您需要本擋以大字體、音頻格式(CD)或另外一種語言提供、請聯絡我們。(Cantonese)

Bu belgeyi büyük boyutlu baskı olarak, CD ortamında veya başka bir dilde edinmek istiyorsanız lütfen bizimle irtibata geçin. (Turkish)

Kreipkitės į mus, jei norėtumėte gauti šio dokumento kopiją stambiu šriftu, jo garso įrašą kompaktiniame diske arba jei norėtumėte jį gauti kita kalba. (Lithuanian)

আপনি যদি এই নথিটির একটি কপি বড় অক্ষরের ছাপায়, সিডি তে অথবা অন্য একটি ভাষায় পেতে চান, অনুগ্রহ করে আমাদের সাথে যোগাযোগ করুন। (Bengali)

If you have any queries please contact us:

Tel: 0300 555 0500
Text relay: 18001 0300 5550 0500
Email: enquiries@chp.org.uk
Write to: Myriad House,
33 Springfield Lyons Approach,
Chelmsford, CM2 5LB

