



Succession

Introduction

Your tenancy contract allows for your tenancy to be passed to someone else in the event of your death. This is known as succession.

This fact sheet gives you more information on who can succeed to your tenancy. However, you should always check your tenancy agreement for the specific conditions that apply to your type of tenancy.

Succession Rights - general information

For all tenancies there is only one right of succession.

Where a joint tenant dies, the remaining tenant will succeed to the tenancy. This is known as survivorship. Where survivorship occurs there is no further right to succession. This applies to all tenancy types and agreements.

Assured tenants

In the event of your death, the tenancy will automatically pass to your partner, so long as:

- they have been living in your home immediately before your death
- it is their only or main home
- the tenancy has not already been passed onto them.

A partner includes a spouse, or someone you were living with as if you were married. This includes same sex partners and civil partners.

If you do not have a partner or your partner doesn't want the tenancy, it can normally be passed onto another member of your family. So long as the family member has lived with you for at least a year before your death.

We will also grant a right of succession to:

- an unpaid live-in carer who lived with you at the time of your death and who has no other alternative accommodation
- a person who has accepted a legal guardianship for any of your dependent children

There are some exceptions to these rights if you live in a property that has been specifically designed or dedicated for elderly or disabled people. Please contact us for more details.

Secure tenants

If you have a secure tenancy, different rules apply. Please contact us for more details.

Succession to a person under 18

In the event of your death it is possible for a family member under the age of 18 to succeed to your tenancy. However, a legal guarantor or guardian must be appointed. This guarantor will then hold the tenancy in trust until the family member reaches the age of 18.

Where there is more than one claim of succession

Where more than one person has a right to succeed to the tenancy, they should decide amongst themselves who will succeed. If agreement cannot be reached the individual claimants should send their claim to us within 3 months of your death. We will reach a decision over who should be the successor and we will notify all parties of the outcome.

Whilst this decision is being reached we will charge the equivalent rent on the property, known as 'mesne profits'.

Discretionary Succession

Where a spouse or family member has no right of succession, and faces homelessness as a result of your death, we will assess the circumstances and may grant a new tenancy at your home or alternative property. This will normally be where:

- the family member has resided in the home at the time of the death and for at least 12 months before the death
- there is not a significantly high demand for the property which they occupy or for any suitable alternative accommodation
- the family member would receive a high priority for re-housing with the organisation or relevant local authority if they were to be asked to leave the current property.

Ending your tenancy where no right of succession

We will end a tenancy where there is no right of succession and we have not granted a discretionary succession. We will do this by serving a Notice to Quit on the property and if necessary by applying to court for a Possession Order.

Longhurst & Havelok Homes is committed to equality and diversity and recognises diversity in all areas of our work. We seek to treat people with respect and deliver services that meet individual need.

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