

Title:	Succession Procedure
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1.0 Introduction

- 1.1. This procedure refers to the statutory and contractual rights with regard to succession to a tenancy on the death of a tenant. Secure, assured and fixed term tenancies have different succession rights.
- 1.2. If a tenant dies and someone in occupation wishes to succeed to the tenancy, we will grant rights of succession within the requirements of the law and within the conditions set out in the particular tenancy agreement.
- 1.3. The following tenancies have either statutory or contractual succession rights:
 - Secure tenancy
 - Assured tenancy
 - Assured shorthold fixed term tenancy
 - Starter tenancy
- 1.4. Assured shorthold tenancies granted to 25 Collingham gardens do not have succession rights.
- 1.5. While sheltered scheme tenancy agreements have succession rights, these are unlikely to be executed as this accommodation is for single women only, over the age of 55.

2. Procedure of succession

Notification

- 2.1.1 When a tenant passes away and the Housing Officer is notified, they will add an alert onto the account 'deceased' to notify all staff to suspend letters/visits.
- 2.1.2 The Housing Officer will request a copy of the death certificate and advise that any HB/UC will stop from date of death, notifying HB/DWP.
- 2.1.3 When a tenant dies a claim for succession can be made by a household member within three months of the tenant's death. This should be done in writing.
- 2.1.4 Only one succession is allowed; if a succession has already occurred, it cannot happen again
- 2.1.5 Women's Pioneer Housing Association will check whether the household member is a qualifying person, as defined by legislation, and therefore eligible to succeed. The Housing Officer can check one of the flow-charts attached to this document, depending on whether the tenancy is a secure or an assured tenancy. The Housing Officer will also check the Tenancy Agreement in case contractual succession has previously been granted.
- 2.1.6 If the household member is eligible for succession, then the Housing Officer will send them a letter (See Appendix1 - Letter 1) requesting to visit them and for them to provide the following documents. These documents must be provided as originals to the Housing Officer in the office who will then make copies:
- Proof of relationship to the tenant (e.g. Marriage certificate, birth certificate)
 - Death Certificate
 - Four documents which provide proof of residency with the tenant. The documents must bear the potential successor's name and address. These documents could be utility bills less than three months old, the

current year's council tax demand, bank statement, telephone bill, letters from DWP or Housing Benefit less than six months old, payslips within the last three months, GPs or hospital letters dated within the last six months.

- Proof of their identity – this must be photographic evidence of ID such as passport or driving licence.

2.1.7 On returning documents, the Housing Officer will ask the successor to sign a document confirming they have succeeded. WPH will keep one copy, and the successor will keep the other (Appendix 2 – Letter 2)

2.1.8 If the household member is not eligible for succession, then the Housing Officer will send them a letter (See Appendix 3 – Letter 3) notifying them that they are not eligible to succession and they have no right to remain in the property after the tenancy has ended. If the resident does not leave the property we will follow our evictions policy and procedure.

2.1.9 If the potential successor believes we have made an error and they are eligible for succession they may appeal this decision to the Housing Manager within 10 working days of being notified of the decision.

2.1.10 Where the evidence provided by the potential successor is sufficient and they prove to be eligible for succession of the tenancy, but;

- The property has either been adapted for someone with physical disabilities and the successor does not need the adaptations or
- The successor would be under-occupying by one or more bedrooms

Then the Housing Officer will send them a letter (Appendix 2 – Letter 2) confirming their eligibility for succession and asking them to move to an alternative accommodation due to the above mentioned reasons. Offers of alternative accommodation will then be sought.

Administering the succession

2.1.11 According to the succession flowchart which establishes whether the succession is statutory or contractual either:

- Issues a new tenancy agreement (contractual)
- Creates a note on dynamics that statutory succession has occurred (statutory) and add the appropriate warning code.

2.1.12 If the successor is a child (under 18) specific legal advice must be sought as children cannot hold a legal tenancy.

3. Ending the Tenancy Where There Is No Successor

Notification

3.1 Where a tenant passes away and the Housing Officer is notified, they will add an alert onto the account 'deceased' to notify all staff to suspend letters.

3.2 The Housing Officer will request a copy of the death certificate and ask if there is a will and estate

3.3 The Housing officer will advise that any HB/UC will stop from date of death and notify DWP/HB

3.4 If a will exists:

In cases where the deceased tenant has left a valid will, a Tenancy Termination Form must be completed and signed by the executor named in the will. This individual is responsible for managing the deceased's estate, including property matters.

3.5 If there is no will and no known successor:

Where there is no will and no identifiable successor to the tenancy, the Housing Officer should complete a Notice of Landlord's Claim (NL1) and submit it, along with a certified copy of the death certificate, to the Public Trustee. This ensures any potential claims against the estate are formally registered.

A Notice to Quit (NTQ) should also be served to the "Personal Representatives of [Deceased Tenant's Name]" at the tenant's last known address, even if no one has taken over the estate.

These should be served within 10 working days of the confirmation that there is no successor or executor.

3.6 Rent charges during notice period:

The full rent will continue to be charged to the late tenant's estate for the entire 4-week notice period, beginning from the date the NTQ is served. This is a legal entitlement, as the tenancy only ends at the conclusion of the notice period.

3.7 If the keys are not returned:

If the keys are not returned at the end of the 4-week notice period, and there is no authorised representative managing the estate, the housing officer will begin proceedings to obtain legal possession of the property through the courts.

3.8 Personal belongings left in the property

If personal belongings are left in the property after possession is granted, WPH will serve notice under the Torts (Interference with Goods) Act 1977. Any costs incurred in the clearance, storage, or disposal of the items may be recovered from the estate where possible.

Data

The Housing Officer will update dynamics at each part of the process, so that it is clear if there is/is not a successor or will and what actions have been taken to date.