



Succession to a secure tenancy

Tenants Handbook
HOUSING DIRECTORATE



What is succession?

When a tenant dies there may be another member of the family with the right to take over the tenancy. This is called 'succession' and involves the husband, wife, civil partner, common law partner or a close relative of the deceased.

Important – Succession only applies to Secure Tenancies and Introductory Tenancies. With Introductory Tenancies certain conditions apply which are set out in Leaflet 9 'Your rights and the conditions of your tenancy'.

The legal requirements

The law relating to succession is complicated but basically the following conditions apply:

To succeed, the successor must have lived in the tenant's home as his or her main place of residence (only or principal home) at the time of death. Unless the successor is the husband, wife or civil partner of the deceased, he or she must have lived at the property with the tenant throughout the 12 month period ending with the tenant's death.

According to law, a tenancy can only have one succession. In other words, a spouse or relative does not have the right to succeed to a tenancy if the deceased tenant was also a successor. The transfer of a joint tenancy to a single tenancy is also considered, in law, to be a succession. But in some cases, where the rules of succession are otherwise met, the Council may still be prepared to offer the surviving relative a tenancy of their own.

Under-occupation

There are many families on our Housing Register, waiting for two, three and four bedroom homes to become available. Therefore, when a tenant's death causes 'under-occupation' of a property (unused bedrooms), the Council is keen to make best use of it by re-housing any surviving relatives in a smaller property.

The under-occupation rule is **not** enforced when the successor is the husband, wife or civil partner of the deceased.

A successor who is not the husband, wife or civil partner of the deceased may be allowed to remain if there is only one spare bedroom, and:

- the successor was living in the property immediately prior to the previous tenant's death, and had lived for more than ten years continuously in the property occupied by the deceased tenant before their death, or
- the successor is more than 60 years old, or
- following an assessment it is found that significant financial or other support was given by the successor tenant to the previous tenant.

Successor tenants are often happy to move to smaller accommodation which is easier to look after and cheaper to run.

If a successor tenant refuses an offer of "reasonable alternative" accommodation with fewer bedrooms, the Council usually takes legal action. This starts by serving a "Notice of Seeking Possession" which must be done not less than six months and not more than 12 months after the death of the previous tenant. If the successor still refuses to move, the Council will apply to the Court for possession of the property. The Court will only grant possession if it is satisfied the Council has offered reasonable alternative accommodation to the successor.

All successor tenants have a right of appeal to the Housing Appeals and Review Panel if they disagree with a decision on succession (see Leaflet 10 'Housing appeals, homelessness reviews and complaints').



Where to find help

Succession is governed by many complicated rules and can be difficult to understand, especially when a loved one has recently died. If you would like advice about succession please contact your Housing Management Officer:

- Area Housing Office (North). Civic Offices, High Street, Epping, Essex CM16 4BZ. Tel: 01992 564000
email: housingnorth@eppingforestdc.gov.uk
- Area Housing Office (South). 63 The Broadway, Loughton, Essex IG10 3SP. Tel: 01992 564000
email: housingsouth@eppingforestdc.gov.uk
- Limes Farm Housing Office. 661a Copperfield, Limes Farm, Chigwell, Essex IG7 5LA. Tel: 020 8559 8883
email: limesfarm@eppingforestdc.gov.uk

Please phone 01992 564292 if you would like this information provided in any other way, as a large print version for example.

The information given in this leaflet was correct at April 2009. Please be aware that there may have been changes since that time, such as new laws or council policies.

Epping Forest District Council
Housing Directorate, Civic Offices, High Street, Epping, Essex CM16 4BZ
Telephone: Epping (01992) 564000 www.eppingforestdc.gov.uk/housing

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