



Housing Management | Successions

# Successions



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## What is a Succession of Tenancy?

Succession is when a tenancy passes to another person on the death of the original tenant. The tenancy can only be passed onto someone legally entitled to it.

## What if I am a Joint Tenant?

If you are a joint tenant and one of the tenants dies, you will automatically obtain the tenancy by way of survivorship. What we mean by this is that the surviving joint tenant becomes the sole tenant. This will count as a succession. Successors under survivorship will not be asked to relocate from the property.

If you become a sole tenant following the death of a joint tenant, you cannot create another joint tenancy. This is not allowed under the Housing Act 1985 as you are only allowed one succession per tenancy.

**See Joint Tenancy Fact Sheet**

## Who will qualify to succeed?

If you did not obtain your tenancy by way of a succession, and you die, your tenancy can pass to one of the following:

**Tenancies which started on or after 1st April 2012** automatic succession rights will be limited to spouse or partner only, as per the Localism Act 2011.

Applications from other family members will be considered if they can evidence continuous residence in the property for a **five-year period** immediately preceding the death of the tenant and providing there has been no previous succession and there is no spouse or partner remaining.

If other family members claim succession but cannot evidence the five-year residency, and if appropriate, a new introductory tenancy may be granted for the remaining occupant under the Councils Allocations Policy and should be reviewed by the Area Housing Service Manager.

**Tenancies which started before 1st April 2012**, the following will have the right to succeed:

- spouse or civil partner as long as there have been no previous successions
- Any member of family or cohabiting partner that has been living at the address at the time of death and has been there for the **previous twelve months**, as long as there have been no previous successions to the tenancy.

Where there is more than one qualifying person to succeed, and no spouse or civil partner/ Partner the qualifying persons must agree amongst themselves who is to take over the tenancy. If they cannot agree, SLHD can choose the successor. There can be no joint successions.

- A husband, wife or registered civil partner, who has lived at the property as their only or principal home before and at the time of the tenant's death.
- A member of the tenant's immediate family (cohabiting partners, brothers, sisters, adult children and

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adult grandchildren) who have lived at the property continuously for the preceding 12 months.

## **What if I qualify for succession but the property would be under occupied/not suitable?**

St Leger Homes would class a property as under-occupied if it would not be offered to the household of that size under the City of Doncaster Council's Allocations Policy.

St Leger Homes would class a property as unsuitable in the following circumstances:

- It has been adapted for a disabled person and no one left residing in the property requires the adaptations.
- It is designated for tenants of a certain age criteria (for example aged 60 years and above) and the person left residing in the property is not of that age.

Where a succession results in under-occupation or the property is unsuitable for the persons left residing in it, St Leger Homes will make an offer of alternative accommodation.

St Leger Homes will assist you and offer support wherever possible to help you obtain a more suitable property. However, if an offer of accommodation is made and refused, we may apply for possession of the property by serving you with a Notice of Seeking Possession. This would be a last resort.

In cases where the applicant is either a spouse, civil partner, or a surviving joint tenant of the deceased they will be able to remain in the property.

## **When will a succession be refused?**

A succession will be refused if:

- You do not qualify for succession because you have not been resident at the property for a continuous 12 month period.
- You do not qualify for succession as you are not an immediate family member, and therefore, not legally entitled to it, however, consideration will be given in exceptional circumstances.
- The tenancy was created by way of Succession, Assignment or Survivorship.

Under these circumstances rent will still be charged under the term 'mesne profit use and occupation' whilst we support you in securing alternative accommodation.

## **How do I apply for succession?**

You need to complete a succession of tenancy form and attach a copy of the death certificate unless we have already been notified by the City of Doncaster Council's Registrar's office. You will also need to provide evidence of residency/marriage certificate/civil partnership certificate where applicable to your application.

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Please contact us on **01302 862862** to request a form.

## **What if I do not qualify to succeed but am living with the tenant at the time of their death?**

If you are living with a St Leger Homes' tenant at the time of their death and do not qualify for succession of the tenancy your case will be individually assessed.

Depending on your circumstances the following options may be available:

- A new tenancy may be created at the same address.
- You may have to leave the property and find alternative accommodation.

We will always work with you to find alternative accommodation.

## **Further Information**

If you have any further questions that are not answered in this fact sheet, please contact us on **01302 862862**.