

Succession Policy

February 2020

1. OBJECTIVE OF THIS POLICY

This document aims to outline the rights of household members to succeed a tenancy on the death of the existing tenant.

A tenancy ends on the death of the tenant, but in certain circumstances, it can be succeeded by another person within the household. These circumstances are as outlined in this document. In cases where the decision is referred to the Management Committee, the managing agent will facilitate the process as quickly as possible i.e. gathering appropriate documentation.

2. JOINT TENANCIES

For a joint tenancy, where both tenants were considered a couple, the remaining tenant automatically becomes the sole tenant through the right of survivorship.

If the joint tenancy was made up of parties other than a recognized couple (e.g. inter-generational) and upon death of one party, the property would become under-occupied; the co-operative retains the right to request the remaining party to move to a more suitable sized accommodation. See Section 4 for further information.

The remaining joint tenant, whether partner or other, can only succeed upon production of a death certificate and a written request to do so.

3. SOLE TENANCIES

When a sole tenant dies, depending on the circumstances, a member of his or her family may be able to succeed to the tenancy.

In order to be considered for succession, a request to do so must be submitted to the co-operative within 30 days of death of the tenant.

Generally there can be no succession if the deceased tenant was already a successor.

There can be no succession if the deceased tenant was already a successor, except at the Management Committee's discretion in exceptional circumstances.

On the death of a sole tenant the tenant's partner, if applicable, shall have the right to succeed to the tenancy provided that they occupied the accommodation as their only or principal home at least a year before the tenant's death and that the tenant was not already a successor. Evidence of this should be provided to the managing agent.

Where there is no partner or joint tenant, a member of the tenant's family who has been living with the tenant for at least one year before the tenant's death or who has accepted responsibility for the tenant's dependants and who would be made homeless if required to vacate the accommodation, will be recommended for membership and made an offer of a property appropriate to their family size. In such cases, the individual's right to succession will not be considered unless they have informed the Management Committee or managing agent (in writing) that they are resident at the property. The year's residency requirement will be deemed to have started on the date that information is received. It is the tenant's responsibility to notify the Co-operative, or its agent, that a family member has moved into their home, and is occupying it as their sole or principal home. The tenant should ensure that the appropriate public authorities / agencies are notified (within 3 months) and that all adult household members appear on the

register of electors¹.

In cases where a person has succeeded to a tenancy, that tenancy shall be known as a tenancy by succession and there will generally be no further rights of succession, except at the Management Committee's discretion in exceptional circumstances.

4. GUIDELINES ON THE IMPLEMENTATION OF THE ABOVE POLICY

1. Remind the person concerned of the policy as soon as possible.
2. Allow a four week period of grace. It is to be stressed to the person concerned that this is not any form of licence to occupy. "Use and occupation" charges will be payable by the person concerned at the equivalent of the deceased tenant's gross rent. Experience shows that Housing Benefit is payable by the local authority to qualifying people in these circumstances.
3. If there is an appropriate sized void available at the time the offer is due – offer it to the person concerned. Inform them that if they do not accept possession proceedings will be commenced.
4. If there is not an appropriate sized void available: give all appropriate people on the transfer list the details of the flat. Likewise give the person the details of all the people on the transfer list. Give them fourteen days in which to view. Ask the person to list in preference all the flats they have viewed within fourteen days. The people on the transfer list are to give their decision within fourteen days.

If more than one transfer applicant accepts, make the offer to the transfer applicant whose flat is the highest on the person's preference list.

5. If nobody on the transfer list accepts or there is nobody on the transfer list then those people who would be eligible for a transfer or nearly eligible for a transfer should be approached and the details given to them. (The process would be the same as four above).

In all cases the person would be expected to Co-operate in allowing transfer applicants to view. Failure to Co-operate would be grounds for commencing possession proceedings.

6. If at the end of the day there is nobody willing to swap flats; then the person will be offered the next appropriately sized void and informed that if they do not accept possession proceedings will be commenced.

¹ To qualify [for the electoral register] you must be a British, Irish or Commonwealth citizen or a citizen of another European Union State. Commonwealth citizens must be resident in the UK and either have leave to enter or remain in the UK or not require such leave. The definition of a Commonwealth Citizen includes citizens of British crown dependencies and British Overseas Territories.