

Background paper - Right to Succession

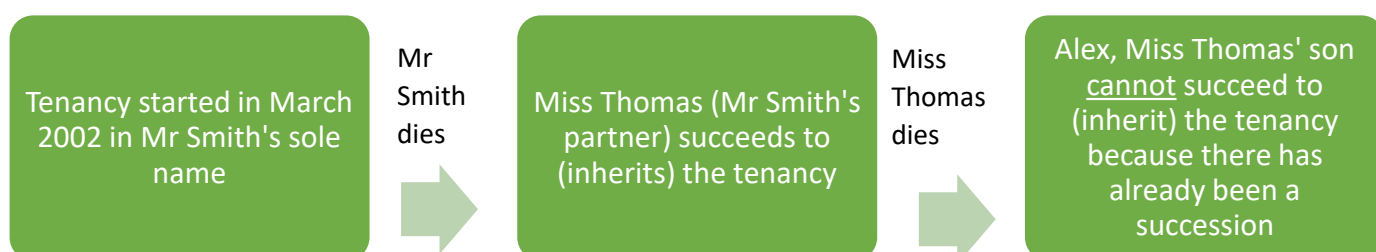
Succession is a legal term used when a person inherits a tenancy after the tenant dies. There are different rules for succession depending on the type of tenancy agreement the tenant held and when the tenancy began.

These rules on succession are set out in housing legislation and are included in the Council's Tenancy Management policy. The table below summarises the legislation.

Tenancy start date	Who can succeed to (inherit) the tenancy?	
	Joint tenancy prior to death	Sole tenancy prior to death
Tenancy started <u>before</u> 1 April 2012	The remaining joint tenant will take over the tenancy automatically.	<p>Husband/wife, or civil partner will inherit the tenancy as long as they were living together at the time of death.</p> <p>If the deceased tenant was not married or registered as a civil partner, a partner or another member of the family can inherit the tenancy as long as they were living with the deceased tenant for at least one year immediately before the death.</p> <p>A member of family is defined in law as a parent, grandparent, child, grandchild, brother or sister, uncle, aunt, nephew or niece. Step-relations, half-relations and in-laws are also included.</p>
Tenancy started <u>on or after</u> 1 April 2012	The remaining joint tenant will take over the tenancy automatically.	<p>Husband/wife, or civil partner will inherit the tenancy as long as they were living together at the time of death.</p> <p>No other members of the family can inherit the tenancy – this is legislation, not a SHDC decision.</p>

Only one succession is legally allowed per tenancy. This means that it is not possible to inherit a tenancy when the tenancy had previously been inherited.

In the example below, Miss Thomas succeeded (inherited) the tenancy when her partner died. When Miss Thomas dies, her son cannot inherit the tenancy. This means that her son will have to find alternative accommodation of his own and the tenancy will end when Miss Thomas dies.



Properties cannot continue to be passed down the family. If the remaining household cannot inherit the tenancy, the Council will advise and support them with securing alternative accommodation including applying to the Housing Register. We will not make remaining occupants homeless so long as they work with us to find alternative accommodation.