

Succession – What happens to a tenancy when someone dies?

Housing Fact Sheet

During such a turbulent and emotional time, you may be worried about what will happen to the tenancy and what will happen to you. Because of this, we hope that the following information will help you to understand what the process of Succession is, why it is important, and what this will mean to you.

What is a succession?

A succession to tenancy takes place when the named tenant (or one of a joint tenancy) passes away.

As a tenancy agreement is a legal document, any changes to the tenancy must be made formally, and a procedure has to be followed.

This is why we need to send you a tenancy succession form.

You will need to fill in the succession form that we send you, and return it along with a copy of the death certificate. The certificate will be returned to you. An acceptance form will be sent to you after these are received and the succession approved. Your signature on this paperwork is your authority to change the names on the tenancy. This process usually takes two or three weeks to complete.

Who can succeed?

- If you are a joint tenant, you will succeed to the tenancy in your sole name (survivorship).
- If your spouse passes away and he/she was the tenant, you will succeed to the tenancy.
- If your partner, parent, child, grandparent, grandchild, sibling, aunt, uncle, nephew or niece passed away, you will be eligible to succeed as long as you have lived at the property as your main address for at least 12 months. For this reason, you will need

to provide proof of residency from at least 12 months prior to the passing of the tenant. This proof can be a utility bill; a copy of the electoral role; a bank statement, legal document, any Department of Work and Pensions paperwork or similar, all showing your name and address and date. We will also check Council Tax and Housing Benefit records. If you are a child under the age of 18, you can still succeed to the tenancy with a guarantor—an adult who will take responsibility for your tenancy until you are 18.

- If you are already the sole tenant and your partner, husband, or any other member of the household pass away, you do not need to fill in a succession form, however, for records, the Estates team will need to know.

Will I have to leave?

One of the most common fears of succession is the concern that you may have to leave the property.

- If you are the spouse of the deceased tenant or have a civil partnership, we may not ask you to leave your home.
- If you are the partner, parent, child, grandparent, grandchild, sibling, aunt, uncle, nephew or niece of the deceased tenant and have a family occupying all bedrooms within the household, we will not, usually, ask you to move.
- If you are a successor living by yourself and under-occupying the property, we may ask you to leave the property and move to a smaller one.

- If you are in a property that is heavily adapted to accommodate the person who has passed away, then you may be asked to move so that the facilities can be made use of by another tenant in need.
- If you are not entitled to succeed, you will need to move. However, we will assess your circumstances, and we will try and help to re-house you.

Incentive scheme

We also recognise that you may not always want to stay in the property if it is too big for your needs, and for this reason, we have a scheme in action that will give you money for each bedroom that you lose to downsize, for example, if you were to move from a two bed to a one bed property, you will receive £500 plus removal costs. If you are in a three bed property and you downsize to a one bed, you would receive £1000 plus removal costs.

Rent

Throughout the process, rent for your property will still need to be paid. If you do not know what your rent is and need some help and advice, you can contact your Estates Officer on 0300 300 8000.

If your rent is paid by Housing Benefit, then they will need to be told of your loved one's passing. Your benefit will be re-assessed which means that your rent will not be paid until this assessment takes place. This is not normally anything to worry about, but if you have concerns, contact Housing Benefit or your Estate's Officer.

Useful Contacts

Central Bedfordshire Council
Tax and Housing Benefit: 0300 300 8000

Housing Estates rent enquiries: 0300 300 8007

Age UK:
www.ageuk.org.uk/ 0800 169 6565

Directgov:
www.direct.gov.uk

Citizen's advice:
<http://www.citizensadvice.org.uk/>

Dunstable: 01582 661384
Leighton Buzzard: 01525 373878

Bereavement Register: (to remove names and addresses of deceased people from company mailing lists, databases and files) 0870 600 7222

Cruse Bereavement Care: 0844 477 9400

Samaritans: 0845 790 9090

Legal Advice

Community Legal Advice: 0845 345 4345

Luton Law Centre: 01582 481000

Pension Credits

For more help call the Pension Credit helpline on 0800 99 1234 or textphone 0800 169 0133. Lines are open 8.00am to 8.00pm Monday to Friday and 9am to 1pm on Saturday.

The Pension Service

The Pension Service can now help you apply for Pension Credit, Council Tax Benefit and Housing Benefit at the same time over the phone.

The Pension Service 0845 606 0265

Text phone 0800 731 7339

Opening Hours

Monday to Friday, 8.00am to 8.00pm

Contact us...

Për Informacion Per Informazione Za Informacije
المعلومات معلومات کے لئے তথ্যের জন্য

ਜਾਣਕਾਰੀ ਲਈ
Za Informacija

برای اطلاع

by telephone: 0300 300 8000

by email: customer.services@centralbedfordshire.gov.uk

on the web: www.centralbedfordshire.gov.uk

Write to Central Bedfordshire Council, Priory House,
Monks Walk, Chicksands, Shefford, Bedfordshire SG17 5TQ