

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.

