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A company with a passion for communities

# The right of succession



**Here to help... 0800 915 1600**

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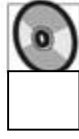
RRJX-YRTK-TACE, Leeds, LS7 3YY.

Your name:

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## Formats



CD print



Large



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Text

أود أن يكون هذا المستند باللغة العربية.

ARABIC

لطفاً اكتب لي ما به زبان فارسی در اختیار من قرار دهید.

FARSI

ئەم وەرەقیەم بە کوردی دەریئت

KURDISH

Chciał(a)bym otrzymać ten dokument w języku polskim.

POLISH

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TIGRINI

میں یہ دستاویز اردو زبان میں چاہوں گا گی

URDU

Another language (write in the box)

For more information call us on 0800 915 1600.



# What is Succession?

When a sole tenant (a tenant who has the tenancy in their name only) with a secure or introductory tenancy dies, certain people can take over their tenancy – this is known as succeeding to the tenancy.

For a joint tenancy (where the tenancy is in the name of more than one person), the remaining tenant or tenants will automatically take over the tenancy. There are strict rules over who can and cannot succeed to a tenancy. These rules were made by Parliament and are in the Housing Act 1985.

## Who can succeed to the tenancy?

Two groups of people can succeed to the tenancy: the tenant's husband or wife or a family member. The person who succeeds is known as the successor.

- A husband, wife or civil partner can succeed as long as they were living there at the time of the tenant's death.
- If the tenant was not married or the tenant's husband, wife or civil partner was not living at the property, then a family member can succeed as long they have been living in the property as their main home for at least 12 months before the tenant died – we will need to see proof of this (a family member includes a non-married, including same-sex, partner or a close relative by blood or marriage).

## **If more than one family member is living with the tenant, who will succeed to the tenancy?**

If more than one family member is involved, the family must decide who succeeds. If the family cannot decide, we will make the decision. This must happen as quickly as possible, so that the tenancy details can be sorted out.

## **When can a tenancy not be succeeded?**

A secure or introductory tenancy cannot be succeeded to if the tenant:

- had already succeeded to the tenancy themselves after 1981, or
- had the tenancy assigned to them (see our leaflet on assignment), or
- lived alone, or
- was a joint tenant (the remaining tenant automatically takes over the tenancy through the 'right of survivorship'), or
- was a sole tenant after a joint tenant had died.

## **Can the successor be made to move?**

This depends on how they are related to the tenant and the size of the property. If the successor was the tenant's husband, wife or civil partner, they have the right to stay in the same property. Family members do not have the same right to stay in the property as married partners or civil partners. In this case, we may ask the successor to move if we feel the property is bigger than they need. This is because we need large, family-sized properties. We won't

know whether we will ask the successor to move until after the succession. We can only ask the successor to move if there is a suitable property available for them. If we cannot find somewhere else within 12 months of knowing about the death of the tenant, we cannot ask the successor to move.

## **What happens if the successor does not like the property we offer?**

If the successor does not like the property we offer them, we can apply to court to ask it to make the successor move. In court, we would have to prove that the new accommodation is suitable and that it is reasonable for us to ask the successor to move. We will contact the successor and serve a legal notice to explain what action we are going to take. We will not take any action until at least 6 months after the tenant's death.

## **What if there is someone living with the tenant who cannot succeed?**

If someone is living with the tenant who cannot succeed, we may be able to offer them a new tenancy. They should contact the housing office as soon as possible after the tenant has died, as a decision cannot be made until then. A panel of senior council officers will make the decision. If we do not offer this person a new tenancy, we will ask them to leave the property. If they do not, we will serve a legal notice telling them to move out. Failing that, we will refer the case to court for an eviction.

## **Can someone take over a tenancy before a tenant dies?**

It may be possible for you to assign your tenancy. This is covered in our leaflet 'The Right of Assignment. Please contact your housing office for this leaflet.



# Are we getting it right?

We're always trying to improve the quality of our information.

You can help us by filling in this form and:

- ✓ hand it in at any East North East Homes Leeds Housing Office
- ✓ send it to us at East North East Homes Leeds  
FREEPOST RRJX-YRTK-TACE Leeds LS7 3YY

Thank you for your help

What do you think about this booklet overall?

*Please tick whichever applies.*

Good  Average  Poor

What part(s) of it should we improve?

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Did you understand the information?

Yes  No

If not, please say what you didn't understand

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Do you think the layout is

Good  Average  Poor

How could we improve it?

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## The right of succession

Designed by Communications and Information Team

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