

## Frequently Asked Questions – Succession

### **What is succession?**

Succession is the right to inherit a tenancy when the tenant has died, leaving a spouse, partner or other family member in the property. A tenancy can only be inherited once, meaning there can only be one succession.

### **Who can inherit a tenancy?**

Only sufficiently close members of the deceased tenant's family can inherit the tenancy; however your eligibility will depend on what your tenancy agreement allows.

### **What if there is more than one person eligible to inherit the tenancy?**

If more than one person qualifies to inherit the tenancy:

- The tenant's spouse/partner is entitled before any other member of the family – this is statutory succession, a right set down in legislation that gives certain people (statutory successors) the legal right to inherit the tenancy
- If there is no spouse and the tenancy agreement allows for a family member to succeed and there are two or more close family members, they may come to an agreement themselves
- If the family members don't come to an agreement, then Watford Community Housing can select which of the members will inherit the tenancy

### **How long do I have to have lived with the deceased prior to their death?**

The person applying to succeed should have lived at the property as their only or principal home for 12 months prior to the date that the tenant died.

### **There can be no succession if:**

- the deceased tenant had inherited the tenancy previously
- the deceased tenant was the last remaining of two joint tenants

- the tenancy agreement does not allow family members to succeed and there is no statutory entitlement

### **I am a joint tenant - what do I need to do?**

In the case of a joint tenancy, the tenancy is automatically succeeded by the remaining joint tenant. Your housing officer will be in touch shortly to advise you of the process. You will receive written confirmation that you are now the sole tenant of the property, and our system will be updated with this information.

Please note that this counts as a succession, so there can be no further successions against this tenancy.

### **I am a partner or a family member - what do I need to do?**

Once you have answered the initial questions on our website and a member of our Housing team has contacted you about your eligibility, we will ask you to fill out an application form and provide us with multiple documents to support the application, as well as a copy of the death certificate. You will need to provide one form of evidence to prove your relationship to the previous tenant. Please see below for documents we will accept:

- Marriage/birth/adoption certificate(s)
- Civil partnership register

We also require two forms of evidence to prove you have been living at the property for the last 12 months. We will accept the following documents:

- Bank/credit card/Credit Union statement (within the past 12 months)
- Bills (council tax, utilities, telephone, etc.) (within the past 12 months)
- Electoral register
- Driving licence
- Letters from Local Authorities relating to benefits, council tax, election status (within the past 12 months)
- Benefits statements (within the past 12 months)
- P45/P60 (within the past 12 months)

You will have four weeks from the receipt of your application to get these documents to us.

### **Do I need to pay any charges while my application is assessed?**

Whilst we determine the outcome of your application, and you live in the property for the transition of your tenancy, we require you to pay a 'use and occupation' charge. You will be liable for this charge from the point of the deceased tenant's passing. You will receive a letter with more information about the 'use and occupation' charge and how to pay it.

### **What happens if my application is successful?**

We will send you a letter confirming your successful application. This will include details such as your tenancy number and how to pay your rent.

Please note, even if you have successfully inherited the tenancy, you may be required to move to a smaller property if the current property is too large for your needs.

### **What happens if I am unable to inherit the tenancy?**

You will not be eligible to inherit the tenancy if there has been a previous succession, or you are unable to provide evidence that you have been living at the property for 12 months prior to the passing of the previous tenant.

We may consider granting a discretionary tenancy to you, either in the same home or in suitable alternative accommodation. This will normally only be agreed if the applicant can evidence the following criteria:

- a) Evidence of living with the previous tenant for at least one year prior to their death,  
or
- b) Evidence of vulnerability

If you have applied and your application is unsuccessful, we will send you a rejection letter and a 'Notice to Quit'. The keys to the property will need to be returned to us by the date give on the Notice to Quit. If you do not return the keys in time, we will apply to court for possession of the property.

### **Will I have to move out if the property is too large for my housing needs?**

If the property is assessed as having more bedrooms than necessary, that means you are under-occupying, and we may request that you move into more suitably sized

accommodation. We would expect the move to take place within six months of the confirmation of the succession.

We are aware that losing a close family member and then moving home can be very stressful, so we will try to make this process as stress-free as possible. Firstly, we will ask you which areas you would like to live in and find out what type of accommodation you need. We will also take into account any medical conditions that you or members of your household have. Then we will provide two offers of suitable properties for you to move into. We cannot promise to meet all your requirements, but we will do all we can to find you suitable accommodation for your needs.

If you are in a situation where moving home would detrimentally affect your health and wellbeing, we may consider allowing you to remain in the property. This would be determined on a case-by-case basis, and it would have to go to an independent panel for review. As part of this process, you will be required to provide supporting medical evidence along with the other documentation.

### **What happens if I am under-occupying and I do not want to move out?**

We have the right to ask you to move to a home that is a suitable size. If you do not agree to move out, we will have to take legal action against you. We will begin the process by serving you with a Notice of Seeking Possession. This will progress to a court hearing at the County Court where we will seek a Possession Order or enforce that you downsize to a suitably sized property. If the case gets to this stage, you will have no choice of accommodation and our obligation is to ensure it will meet your needs. You will have to pay the costs of our legal action.

### **What happens if I live in a specially adapted property?**

Where a property has been specially adapted for the requirements of a physically disabled tenant, and that person is no longer living there, we would request that you move to a more suitable property. If the successor is unwilling to move, Watford Community Housing may choose to take possession action.