

TENANCY SUCCESSION POLICY

Aim of Policy

- We will act consistently and in accordance with the law and best practice when dealing with requests to succeed to tenancies.
- The right to succeed is often very important to tenants and to their families. In certain circumstances the right to succeed may also be financially beneficial, since some successors have the Right to Buy (see below). For this reason, we will check all applications to succeed very carefully to ensure that only applicants who are entitled to succeed are able to do so.
- We will assess applications to succeed fairly, and will not discriminate against anyone who wants to assign their tenancy on grounds of their race, colour, ethnic or national origins, religion, sexual orientation, disability, gender or age.
- We will regularly consult with interested parties to seek their views on the effectiveness of the service that we provide and how we could improve it.

Objectives of Policy

- Definition of Succession
- Definition of who can succeed

Statement

1. The right of succession is the right of certain relatives of a tenant, or another specified person to take over the tenancy on the death of the tenant.
2. This policy is relevant in all cases where the tenant has died and someone applies to succeed to the tenancy.
3. We will comply with all relevant legislation and regulatory guidance in relation to assignments and particularly the Housing Act 1985 which governs successions.
4. We will also comply with agreements made with Basingstoke and Deane Borough Council and Hart District Council about tenants' protected rights post transfer.

Policy

1. Who Can Succeed?

- 1.1 All secure tenants who transferred from Basingstoke and Deane Borough Council and Hart District Council became Assured Tenants of the Association with certain protected

rights. People who have become tenants since then are also Assured Tenants. Both groups of tenants have succession rights.

1.2 A person is qualified to succeed the tenant if he/she occupied the dwelling house as his or her only principal home at the time of the death of the tenant **and either**:

- he or she is the tenant's spouse or has lived together with the deceased tenant as husband and wife

OR

- he or she is another member of the tenant's family **and** has resided with him or her for 12 months immediately prior to the tenant's death. The following relatives are designated members of the tenant's family, whether they are full or half-blood relationships (i.e. step-relations are also designated family for the purpose of succession):

- parent
- grandparent
- child
- brother
- sister
- uncle
- aunt
- nephew
- niece

OR

- in the case of same sex couples, he or she is the tenants civil partner or has lived together with the deceased tenant as life partners for at least 12 months immediately prior to the tenant's death.

1.3 There can only be one succession and the succession provisions therefore do not apply if the deceased tenant was him/herself a successor tenant.

1.4 If there is more than one person entitled to succeed to the tenancy, the deceased tenant's spouse has priority. If there is no spouse, the successor should be agreed by members of the family. If they cannot agree, we will select the most appropriate successor on the basis of their housing need.

1.5 If someone in housing need is left in occupation of a property after the death of a tenant, but is not entitled to succeed to the tenancy, we will consider sympathetically whether it

is reasonable for the occupant to remain there. Usually this will depend on the age of the remaining occupant, their ability to cope with a move and their housing needs. If it is not possible for the non-successor to remain in occupation, we will do our best to rehouse him/her in more suitable accommodation, taking account of local housing demand.

1.6 "Inheriting" the Right to Buy

1.6.1 In the case of a Assured Tenancy with protected rights (i.e. secure tenants transferred from Basingstoke and Deane Borough Council and Hart District Council), a successor may be able to take advantage of the right to buy the property if the original tenant could not because, for example, s/he could not obtain a mortgage to buy the property before his/her death. In these cases, the discount to which the successor is entitled on exercising the right to buy is not the discount the original tenant would have got but that to which the successor is entitled on the basis of his or her own time occupying the dwelling either as a tenant or as a spouse or child of a tenant.

1.7 Underoccupation

1.7.1 In many cases of succession, the successor tenant succeeds to accommodation that is too large for him/her. The Association will take account of individual cases but may seek to rehouse the successor into a property that is more suitable for their needs, taking account of their preferences with regard to local work areas and other circumstances.

Performance

We will maintain and regularly review succession records in relation to our policy on **Equality and Diversity** and in particular to ensure equality of opportunity.

Policy Review

The Business Director in conjunction with appropriate staff, in consultation with resident groups, will review the operation of the Succession Policy on an annual basis.

Approved by: Sentinel, Hart and Oakfern Boards. 13 January 2005 (SHG.15/05)

Amended: 4 January 2006