

Discretionary Succession Rights



1.0 Purpose

It's important to us that no one should feel uncertain about the future – especially during the difficult and emotional period immediately after a loved one has passed away. So we ensure that if a customer dies, their husband, wife, civil partner (or an individual who lived with them as husband, wife, or civil partner) has the legal right of succession, as long as they were living with that person immediately before their death.

2.0 Impact Housing's commitment

We also give our customers additional rights of succession to include members of their extended family, including their partner, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, or niece whilst also taking account of the needs of vulnerable household members. This is called Discretionary Succession Rights. However, before a family member can take over a tenancy, they must provide documentary evidence that they have lived at the property for at least twelve months as their principle home prior to the death of the original customer.

Acceptable evidence includes any of the following:

- A government-issued document with or without a photo
- A document from a judicial authority (for example a court) or from a public sector body or authority
- A statement from a regulated utility company, bank or insurance company
- A government department or local authority letter confirming 12 months' residency (pension, housing benefit, income support, job seekers or council tax award letters, electoral register or driving licence)

Any potential successor needs to let us know about their claim to a tenancy within one month of the customer's death, and the right to succeed can only be applied once. On completion, the tenancy and the tenancy agreement then passes to the new party.

'Deciding factors' in the decision will include:

- Conduct of tenancy.
- The size of the existing home and residing family.
- Whether the property has any aids or adaptations.
- The housing need in the area.
- The age of the proposed tenant.

In certain situations, we can seek to recover possession of a property through the County Court, even though the individual may have the right to succeed. In these instances we may have to offer you suitable alternative accommodation.

Vulnerable Tenants

Some tenants may be particularly vulnerable when the issue of succession arises. Examples of those who should be considered vulnerable are:

- Tenants who are elderly and infirm
- Tenants with a physical disability
- Tenants with mental health problems
- Tenants with learning difficulties
- Tenants who cannot read or write
- Tenants whose first language is not English

Where there is an identified vulnerability, we will carry out an Impact assessment to assess the impact of not allowing a succession to proceed.

We will:

- ✓ Keep customers fully informed on all of their tenancy options.
- ✓ Endeavour to make decisions quickly.
- ✓ Be fair and transparent in our decision making

3.0 Linked Documents

1. Tenancy Agreement
Allocations Policy
2. Guidance
3. Appendices
 - i.
 - ii.

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