

1. STATEMENT OF INTENT

1.1 Saffron recognizes that following the death of a tenant, their family members will be grieving and any requests for succession should be handled sensitively.

2. PURPOSE

2.1 This Policy is designed to set out Saffron's position and approach to succession of tenancy.

3. POLICY

3.1 This policy covers 3 types of succession and where we may use discretion where there is no right to succession.

Survivorship - Where a joint tenant dies and the tenancy continues in the surviving tenant's name. The remaining joint tenant is classed as a successor and there are no further succession rights.

Statutory Succession - Where succession rights are granted by law to the deceased tenant's spouse/civil partner/partner. Saffron will in addition permit a qualifying member of the tenant's family, or other member of the household (e.g. unpaid carer) to succeed to the tenancy (non-statutory).

Contractual Succession – Where the tenancy agreement provides Contractual succession rights to qualifying family members. The potential successor must be residing at the address with the tenant at the time of death as their main and principal home. Qualifying family members other than spouse/civil partner/partner must also show that they have been residing with the deceased tenant through the 12 months prior to their death.

3.2 A family member is defined as one of the following:

- Spouse
- Civil partner
- Parent
- Grandparent
- Children

- Grandchildren
- Siblings
- Uncle and Aunt
- Nephew and Niece

3.3 These include Step relations, half relations and in laws, as well as persons living together as husband and wife or civil partners and their children.

3.4 The onus is on the potential successor to provide adequate evidence of residency for the required time period, proof of relationship to the deceased tenant, along with a copy of the tenant's death certificate. We will also require proof of ID to confirm they have the right to rent in the UK.

3.5 Succession will generally be to a tenancy of the same home. However, Saffron reserves the right to rehouse the successor to suitable alternative accommodation if Saffron is satisfied that this is a priority when viewed in the context of the property type and other demands on its housing and the housing needs of the area. This will not apply where the successor was previously a joint tenant, spouse, civil partner or partner as he/she will qualify to remain in the same property.

3.6 Only one succession is permitted, so if the deceased tenant themselves succeeded to the tenancy on the death of the previous tenant, or had the tenancy previously assigned to them, his or her potential successors are not qualified to succeed. However, all tenants who have transferred from South Norfolk Council will be treated as 'first time' tenants even if they have already previously succeeded to the tenancy.

3.7 Where there is more than one person who is qualified to succeed to the tenancy, the spouse / civil partner / partner will automatically take precedence over other relatives. If there is no spouse/ civil partner / partner the eligible relatives should decide who should have the tenancy and if they cannot agree, Saffron will make the decision, or determination will be made by the County Court whichever is applicable under the provisions of the 1988 Housing Act as amended by the Localism Act 2011.

3.8 If the accommodation is larger than is reasonably required by a successor - who is not the deceased tenant's spouse /civil partner / partner - or the property was converted for a tenant with special needs which do not apply to the successor, Saffron may make one offer of suitable alternative accommodation and seek possession of the property using Grounds 9 and 12 as set out in the Housing Act 1988 or other relevant ground(s) for possession.

In deciding whether to seek possession, Saffron will take into account:

- The age of the potential successor
- The period of time for which the potential successor lived in the property as his or her only or principal home.
- Any financial or other support the 'potential successor' gave to his or her predecessor.

Discretion to offer a new tenancy

3.9 Where there is no statutory or contractual right to succeed a tenancy. Saffron may entirely at its discretion, consider whether in such instances it is appropriate to offer a new tenancy at suitable alternative accommodation or same accommodation subject to good use of Saffron's stock. The minimum criteria must be met:

- The applicant has lived in the property with the tenant for 12 months prior to their death as their only home.
- The property is not considered too large or too small for the applicants and their household in accordance with Saffron's Allocation Policy, if it is we may consider suitable alternative accommodation if the remaining criteria are met.
- The rent is affordable for the applicant.
- The deceased tenant had managed their tenancy well and had kept the property in good clean order.
- The applicant agrees to pay any arrears that have accrued since the tenant's death.
- The applicant would meet the criteria to join the Local authority housing register.
- Where the applicant being considered for a discretionary offer of tenancy is particularly vulnerable, we will give special consideration to the circumstances of the case and the individuals vulnerability.

3.10 If the tenancy is devolved under the will or intestacy of the deceased tenant to a person other than someone who is entitled to statutorily succeed to the tenancy or to succeed under the provisions of the tenancy agreement, Saffron will consider - subject to 2.6 - repossession of the property.

3.11 If a decision is made that any remaining occupants have no right to succeed to the tenancy, we will notify all occupants and the deceased's representative of our intention to seek possession of the property, and Saffron will serve a Notice to Quit. Once the tenancy has ended, we will set up a use and occupation account for the occupants to make payments until possession is granted. During this time, we will signpost the occupants for assistance to gain alternative accommodation.

Vulnerability

3.12 Where the applicant being considered for a discretionary offer of tenancy is particularly vulnerable, we will give special consideration to the circumstances of the case and the individuals vulnerability.

4. APPEALS

4.1 Appeals against a refusal to permit a succession of tenancy should be made in writing via email or letter within 28 days of the decision being advised to the applicant. Where necessary, we will refer the applicant for support to produce the appeal in writing.

5. KEY LEGISLATION

- **Housing Act 1988** (amended by the Civil Partnership Act 2004 to extend statutory succession rights to same sex couples)
- **Localism Act 2011**

6. POLICY REVIEW

6.1 Saffron will review this Policy at least every 3 years, or if the government revises its policy on Succession.

6.2 Saffron recognizes that there may be circumstances where it will need and/or wish to take different or alternative action to that outlined in this Policy and it reserves the right to do so.

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