

## Tenancy succession

**If you are the person dealing with the affairs of a Vico Homes customer who has died, contact us on 0345 8 507 507, they will explain what happens next with the tenancy. Sometimes it is possible for the tenancy to be passed on to another member of the tenant's household - this is known as succession.**

Here's what you need to know if you think someone may be eligible to take over the tenancy.

### What is a succession?

Succession is what happens when another person is eligible to take over an existing tenancy when a tenant has died. The person who takes over a tenancy in this way is called a successor. A person only has the right to succeed if certain criteria are met.

### Do succession rights vary?

In our tenancy agreements we have set out the succession rights the law says should apply and the additional succession rights that we have agreed. Succession rights vary depending on whether the tenant had an Assured or a Starter tenancy.

### Can succession happen more than once?

A succession can only happen once. This means if the deceased person was already a successor (including a previous joint tenant), there cannot be a succession by another family member.

Where a succession has already taken place and a further request is received we will provide you with more information about how we will deal with the tenancy.

## **What happens if you die and a joint tenant survives you?**

If you die and you have a joint tenant who survives you, the tenancy will continue unchanged in their hands. This is not a succession but in law it is treated as one for the purposes of future succession rights.

## **What happens if you are a sole tenant with a spouse?**

If you are a sole tenant, your spouse may have the right to succeed to the tenancy. This right is subject to certain conditions that will be carefully considered upon receipt of a succession request form.

## **What happens if you are a sole tenant, and do not have a spouse or partner?**

If you have an assured protected tenancy, or an assured tenancy granted before 3 August 2021, it may also be possible for immediate family member to take over the tenancy when you die.

They would need to be able to demonstrate they have been living at the property for at least 12 months before the tenant's death.

This right is subject to certain conditions that will be carefully considered upon receipt of a succession request form and does not extend to assured tenancies granted on or after 3 August 2021.

## **Which family members may be eligible to succeed?**

We will only consider requests for succession from the following family members:

- Parent, child or step child
- Brother or sister
- Niece or nephew
- Grandparent or grandchild
- Aunt or uncle

## **How do I apply to succeed to a tenancy?**

You need to contact us as soon as possible after the tenant's death. We will ask you to complete a Succession Request Form and provide information that will help us to decide if you can take over the tenancy. We may not ask you to complete this form if it was a joint tenancy. We'll also ask you to provide us with a copy of the death certificate and confirmation of who is dealing with the late tenant's affairs.

## **What happens next?**

We will review your request to take over the tenancy. As part of this process we may need to make further enquiries and carry out a property inspection. We'll then write to you to confirm whether you have a right to succeed to the tenancy.

## **What will happen if I'm allowed to take over the tenancy?**

If we approve your request to succeed you will be sent a letter of confirmation. We'll arrange to meet with you and you'll be asked to sign a form to confirm you have succeeded to the tenancy.

You will be taking over the existing tenancy. We'll give you a copy of the tenancy agreement and explain to you what your responsibilities are and how much rent you need to pay.

## **If I succeed to the tenancy, can I stay in the property permanently?**

When a person is eligible to succeed to a tenancy, we will always review whether the type and size of accommodation is suitable to the needs of the successor. If the property was designed or adapted for a person with particular needs and the successor doesn't require this type of accommodation, we'll ask them to move to something more suitable.

## What happens to someone who lives at the property and isn't able to succeed?

If someone lives in one of our properties with a tenant who has died and they are not eligible to succeed, they can ask us about having their own tenancy. We may be able to use our discretion to give a person, in this situation, a new tenancy. Our decision will be based on an assessment of their housing need. If we are not able to help, we will provide them with our reasons and give advice about moving out and finding somewhere else to live.

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**If you need further information about succession or what to do if a tenant dies, contact us on 0345 8 507 507.**



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