

TENANCY & ESTATES POLICY SUMMARY



SUCCESSIONS

If you are living in a Council house and the tenant dies, you might be entitled to inherit the tenancy. Rules apply, and these depend on your relation to the tenant. This Policy Summary aims to clarify these rules, but if you have any queries, please contact our Tenancy & Estates Team on 01382 307305.

Three specific groups of people can succeed a tenant and they are laid out below in order of priority:

- **Level One:** Spouse, civil partner or co-habitee or joint tenant;
- **Level Two:** Family Member;
- **Level Three:** Carer for the Tenant;

NB: For co-habitee's, family members and carers, to be able to inherit the tenancy, you need to have been on the household details, and occupied the house as your only or principal home for **6 months**. For all levels, the successor needs to be at least 16 years old.

If nobody qualifies or wants the tenancy under Level One, it moves on to Level Two. If nobody qualifies or wants the tenancy under Level Two, it then moves on to Level Three. If more than one person qualifies under any of the levels, they need to sort this out themselves, or we will decide.

Different rules apply for Sheltered Housing and housing which has been designed or substantially adapted for those with special needs. Our staff can give you more details and advice.

If you think you will qualify to succeed a tenancy, you need to fill in a Succession Application Form. You can get one of these at one of the District Offices or at Dundee House. A member of staff can help you complete the form.

If you apply to succeed a tenancy, we will ask you to provide evidence that you have been living there, and also look at our databases to try and confirm your residency at the tenancy. We may also carry out certain checks in line with the pre-tenancy checks we carry out on all applicants for a tenancy where necessary.

When we make a decision about your application, we will write to you within 28 days. If you do not qualify to succeed to the tenancy, we will write to you to tell you why. You can appeal our decision, and we will supply you with details at the time about how to do this. Our Housing Options colleagues can also help you to find suitable housing.

When a succession is approved, we will call or write to you to advise this. We will also offer to come out and get the new Tenancy Agreement signed, although you can have an office signing if you want.

If you need general advice or guidance, please contact us to discuss. You can also contact a solicitor or an independent advice agency such as the Citizens Advice Bureau.