

## **B10 - Succession Policy and Procedure**

**Title: Succession Policy and Procedure**

**Date of Issue: August 2019**

**Approved By: Board of HAIL August 2019**

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**Policy Document Reference No: B10**

### **1. Policy**

- 1.1. HAIL applies the succession policy as set out in the Residential Tenancies Acts.
- 1.2. In the event of the death of a tenant in a joint tenancy the tenancy will automatically revert to the surviving tenant.
- 1.3. Where a tenancy as defined in Part 4 of the Residential Tenancies Act 2004 ('a Part 4 Tenancy') is not a joint tenancy other members of the tenant's household may apply for succession of the tenancy providing the following two conditions are satisfied:
  - (a) the dwelling, at the time of the death of the tenant concerned, was occupied by—
    - i) a spouse or civil partner of the tenant [within the meaning of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010],
    - ii) a person who was not a spouse of the tenant but who was the tenant's cohabitant within the meaning of section 172 of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 and lived with the tenant in the dwelling for a period of at least 6 months ending on the date of the tenant's death,
    - iii) a child, stepchild or foster child of the tenant, or a person adopted by the tenant under the Adoption Acts 1952 to 1998, being in each case aged 18 years or more, or
    - iv) a parent of the tenant, and
  - (b) one or more than one of the foregoing persons elects in writing to become a tenant or tenants of the dwelling.
- 1.4. The tenancy will terminate on the death of a tenant unless these conditions are satisfied.

- 1.5. The Part 4 tenancy concerned shall not continue in being any longer than it would otherwise have continued in being had the first of those deaths not occurred.  
When this Part 4 tenancy ends, a further Part 4 tenancy can begin, unless a notice of termination is served.
- 1.6. In cases of under occupancy an alternative property may be offered where available or a 'Temporary Convenience Letting' may be offered until a suitable alternative property becomes available.

## 2. **Procedure**

### Death of a Tenant in a Joint Tenancy

- 2.1. The tenancy automatically reverts to the surviving tenant: the HAIL Housing Officer will amend the tenancy details on HAIL's records.
- 2.2. The Housing Officer will write to the surviving tenant confirming that they are now the sole tenant and confirming their obligations.

### Where a qualifying household member elects to become the tenant

- 2.3. The household member writes to the Local Authority seeking permission to succeed in the tenancy.
- 2.4. The HAIL Housing Officer will confirm to the Local Authority whether HAIL approve of the succession application:
  - There must be no arrears on the account
  - Any breaches of the Tenancy Agreement that may have previously occurred will be taken into account
- 2.5. When the Local Authority approves the tenancy the HAIL Housing Officer will follow the procedure for new tenancies: A1 Letting Policy and Procedure, Section 6: Arrangements for Tenancy Commencement.
- 2.6. The Part 4 tenancy will continue in place as if the death of the original tenant had not occurred.
- 2.7. In either of the above circumstances the Tenancy Agreement for a 'Temporary convenience letting' will be the same as the Tenancy Agreement (Allocation Appendix 1) with the addition of the following paragraph in page 2:

*(9) This letting is for the temporary convenience of the Tenant following termination of the Tenant's previous Letting Agreement by the Tenant and pending more appropriately sized accommodation (state type of property e.g. 2-bedroom property) becoming available for the Tenant in the general area. In such circumstances, the tenant shall accept 4 week's notice of termination of this agreement by the Landlord.*