

High Peak Borough Council

Succession & Assignment Policy

Introduction

High Peak Borough Council provides a Tenants' Handbook and Tenancy Agreement which defines the tenant's rights and responsibilities with regard to succession and assignment:-

Members of your family may be able to take over your tenancy when you die. This is called succession. In the case of a joint tenancy, the surviving tenant will automatically take over the tenancy when the other joint tenant dies. If you are the sole tenant the following people also have a right to take over your tenancy when you die.

- *Your husband, wife, civil partner or someone living with you as your partner (as cohabitants). Cohabitants means a couple who are living together as if married or civil partners. Whether a couple meets this criteria depends upon the facts which we will ask them to give evidence of.*

- *If your tenancy started before 1st April 2012, any other family member or relative who has lived with you for at least the last 12 months before your death. We will ask them to prove how long they have lived with you.*

A tenancy can only be passed on through succession once.

You can find more information about succession in the tenants' handbook.

In certain circumstances, you have the right to assign (legally hand over) your tenancy to someone else, for example, as part of a mutual exchange or because of a court order during a divorce or childcare proceedings.

You may be allowed to hand over your tenancy to another family member (as explained in section 113 of the Housing Act 1985) if that person would be entitled to take over your tenancy by succession. You cannot legally hand over your tenancy if you owe us any rent.

If you are able to legally hand over your tenancy, you can only do this in writing. We will arrange this for you.

Aims and Objectives

- Ensure best use of the Council's limited housing stock
- Comply with all relevant current and future legal and statutory requirements
- The provision of clear and relevant information to customers regarding their rights and responsibilities and those of HPBC as landlord
- To ensure that the terms and conditions of tenancy agreements are complied with, for the benefit of HPBC, customers and the wider community
- Operate with a firm and consistent approach, whilst being sensitive to the recently bereaved or those experiencing other relationship upheavals
- Operate in accordance with the Equalities Act 2010

- Operate in accordance with the Data Protection Act 2018

Operational Principles

- Provide tenants with detailed and accurate information on their rights in relation to succession and assignment in plain English and other forms upon request.
- Ensure that only one succession of any tenancy is permitted
- Ensure that any application to gain a tenancy by way of succession or assignment is completed within 14 days of the request
- To ensure each application to gain a tenancy by way of succession or assignment is properly investigated, documented and authorised
- In cases where there is more than one potential successor, to ensure that decisions are made that make best use of the Council's limited Housing Stock
- To enable assignment to take place to potential successor prior to the tenants demise (in cases of terminal illness for example) to protect the sole right of succession
- In cases where a succession is not to be granted, the decision making process will be explained in writing, giving the right to appeal to a senior officer not involved in the original decision
- In cases where those left in occupation of the property following the death of the tenant do not have the right to succeed the tenancy, the Council will access each individual case on its merits, taking into account any specific needs or vulnerabilities.
- In cases where those left in occupation of the property require an alternative dwelling, the Council will support them to find appropriate alternative accommodation.

Monitoring

Each application to gain a tenancy by way of succession or assignment is reviewed and authorised by either the Senior Housing Officer, or in their absence the Head of Housing to ensure consistent approach and accurate application of legislation and statutory responsibility.

Responsible Person/s

The Head of Housing has overall responsibility for the implementation of this policy.

Review Date

- Every three years
- or on the introduction of new legislation/guidance
- or at the request of the Housing Select Committee
- or at the request of the Tenant Engagement Group

