

# A GUIDE

## to Succession



This Document has been Read and Approved by  
**Residents**

We use the term 'resident' to describe anyone living in one of our homes or receiving one of our services. This includes tenants, leaseholders, shared owners and those people living in supported or sheltered accommodation.

# Succession

This leaflet explains how, when the resident of your household dies, you may have the right to become the new resident of the property. This is known as Right of Succession.

## **What is succession?**

This is the right for certain people, to take over the tenancy of a property after the resident dies.

## **Who can succeed to the tenancy?**

You can pass on your tenancy to your husband or wife, (including same sex partner) or a family member who has lived with you in your home for 12 months or more.

## **Members of the family who are qualified to succeed to the tenancy.**

Parents, grandparents, children, grandchildren, brothers and sisters, uncles and aunts, nephews and nieces and other persons living together as man and wife (co-habitees). If more than one family member qualifies to succeed, they should agree among themselves who should do so. If the family cannot agree, we will decide.

## **What if I have a starter tenancy?**

If you are a starter resident (i.e. you have lived in a Cosmopolitan property for less than 12 months), you are entitled to pass on your tenancy to a spouse or partner (including same sex partner) only. They must provide proof that they were living with you at the time of your death.

## **The right of succession for secure residents**

The right of succession for secure residents is set out in the Housing Act 1985, Sections 87-90.

If the deceased was a joint resident, the surviving joint resident becomes the sole resident.

If there is no joint resident, the tenancy passes to a spouse or partner (including same sex partner) living with the resident at the time of death.

If there is no spouse, then another family member has the right to inherit, but only if they have been living with the resident for at least 12 months prior to the death.

## **The right of succession for Assured residents**

The right of succession for assured residents is set out in the Housing Act 1988, Section 17.

If the deceased was a joint resident, the surviving joint resident becomes the sole resident.

If there is no joint resident, the tenancy passes automatically to a spouse (including same sex partner) or a co-habittee living with the resident at the time of death.

If there is no spouse or co-habittee, then another qualifying family member who has been living with the resident for at least 12 months before the death would be granted a new assured tenancy.

### **Conditions of succession**

Any claim for succession must be made to Cosmopolitan Housing Association within 3 months of the death of the resident otherwise we may refuse the request. Everyone claiming succession must be able to provide us with evidence that they have lived with the resident for a minimum of 12 months prior to the resident's death for example utility bills or benefit documents naming them at the address.

If a husband, wife, partner (including same sex partner) or joint resident succeeds to a tenancy, they will inherit responsibility for any rent arrears. A family member who succeeds to a tenancy is not liable for the rent arrears, but we will make an agreement with the beneficiary of any estate of the deceased resident to clear the arrears.

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

If you wish to apply to succeed a tenancy, you must apply within 3 months of the death of the resident and provide a copy of the resident's death certificate.

You must show proof that you are the husband, wife or partner (including same sex partner) of the late resident (e.g. marriage certificate, civil partnership documents, and joint utility bills), and that you are resident in the property. If you are a family member, you must prove you have been resident with the resident for at least 12 months (e.g. utility bills or benefit letters). A Tenancy Management Officer will visit you and complete a succession report.

They will then send the report to the Tenancy Management Co-ordinator and you will get our decision in writing (usually within 28 days of receiving all of the relevant documents and information required from you to make our decision).

### **Second Succession**

We cannot legally allow a second succession. A second succession is where a property has already been succeeded to and another succession is then carried out. However, in some circumstances we may grant a new

tenancy to a remaining member of the household. This is at our discretion. In these circumstances, you should contact the Tenancy Management Team within 3 months of the death of the resident. The Tenancy Management Co-ordinator will decide whether to grant you a new tenancy and will write to you (usually within 28 days of receiving all of the relevant documents and information required from you to make our decision).

If you wish to have this document translated into your chosen language, please tick the relevant box below and return to Cosmopolitan Housing Association, Cosmopolitan House, 2 Marybone, Liverpool, L3 2BY.

This document is available in large print, Braille and audio tape on request.

إذا لڤك الرغبة فى الحصول على هذه الوثيقة مترجمة الى اللغة التى تختارها، أرجو ان تضع علامة على الصندوق وترجعه الى هيئة إسكان كوسموبولتان.  
Cosmopolitan Housing Association, Cosmopolitan House, 2 Marybone, Liverpool, L3 2BY.  
 (Arabic)

如果您想把这份文件翻译成中文，请在空格内划✓，然后把传单寄回：Cosmopolitan Housing Association, Cosmopolitan House, 2 Marybone, Liverpool, L3 2BY  
 (Chinese – Simplified)

如果您想把這份文件翻譯成中文，請在空格內劃✓，然後把傳單寄回：Cosmopolitan Housing Association, Cosmopolitan House, 2 Marybone, Liverpool, L3 2BY  
 (Chinese – Traditional)

ئەگەر حەز دەکەیت ئەم نۆکیۆمەنتەت بۆ سەر زمانى خۆت بۆ وەرئىگێرەیت ئەوا تەکایە نیشانەى ✓ لە وەر چوارگۆشە بەدو بێگەرتنەوه بۆ (کۆمەڵەى کوسمۆپۆلیتان بۆ خانووبەرە) بۆ ئەم ناوئێشانە:  
Cosmopolitan Housing Association, Cosmopolitan House, 2 Marybone, Liverpool, L3 2BY  
 (Kurdish)

Jeśli chcieliby Państwo otrzymać tłumaczenie tego dokumentu w wybranym języku, prosimy odhaczyć okienko i odesłać do: Cosmopolitan Housing Association, Cosmopolitan House, 2 Marybone, Liverpool, L3 2BY.  
 (Polish)

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 (Somali)

Bu belgenin seçtiğiniz dile tercüme edilmesini arzu ediyorsanız, lütfen kutuyu işaretleyin ve Cosmopolitan Housing Association, Cosmopolitan House, 2 Marybone, Liverpool, L3 2BY adresine geri gönderin.  
 (Turkish)

Please be aware that Cosmopolitan Housing Association may record any incoming or outgoing telephone calls as part of our commitment to providing excellent customer service.



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