

TOWER HAMLETS COMMUNITY HOUSING

SUCCESSION - Policy

1.0 Statement of Intent

- 1.1 THCH tenants have assured tenancies. Statutory succession rights are laid down in legislation. THCH will grant additional rights by the issue of a new tenancy.
- 1.2 THCH will deal with all applications for succession sensitively and efficiently

2. Guidance

2.1 Statutory rights of Succession

- 2.1.1 Only one succession is allowed to people listed in paragraph 2.1.3 below.
- 2.1.2 THCH will adopt a consistent approach in responding to such applicants, whilst taking account of individual circumstances.
- 2.1.3 The following persons will have the right to succeed on the death of a THCH tenant:

- 2.1.3.1 A person who has lived with the tenant as his or her husband or wife for at least 12 months prior to the death of the tenant (this includes married and cohabiting, heterosexual, gay and lesbian couples);
- 2.1.3.2 Any person who is a close member of the family provided the property was their only or principal home. For these purposes a close member of the family is defined as:

- parents,
- grandparents
- children
- adopted children
- grandchildren
- brothers
- sisters
- uncles
- aunts
- nephews
- nieces
- step and half relatives have equal rights.

2.1.3.3 A party to a joint tenancy when the other party dies. This will be classed as the first succession

2.1.4 Under Occupation where a right of succession exists:-If a succession would result in the successor under- occupying the accommodation by two bedrooms or more, or the property has been adapted for a person with special needs, the successor will be offered alternative accommodation, suitable to their needs.

2.2 THCH Non Statutory rights

2.2.1 THCH will make an offer of alternative accommodation or a new tenancy for the accommodation previously occupied by the deceased tenant to the remaining member of the family (the applicant) in the following circumstances.

2.2.1.1 The applicant has resided with the deceased tenant since birth;

2.2.1.2 The applicant had taken up permanent residence with the deceased tenant at least 12 months before their death;

2.2.1.3 The health of the applicant is such that it would be unreasonable for them to find alternative accommodation.

2.2.2 In cases where the tenant is deceased and an offer of alternative accommodation is unreasonably refused, THCH will not take action to repossess the property before 6 months after the death of the tenant. Action will be taken within 12 months of the death.

2.2.3 When the successor is aged 60 or over the successor will be allowed to remain in the accommodation.

2.2.4 All tenancies granted under paragraph 2.2 will be new tenancies.

2.2.5 An applicant wishing to appeal against a decision to refuse them a tenancy will be able to do so using THCH's complaints procedure.

2.2.6 All references to a succeeding tenant in this policy shall include a spouse and / or civil partner.