

Succeeding to a council tenancy

Who do I tell when a tenant dies?

You must register the death; details of how to do this can be found on the council's web page on [how to register a death](#).

It's important that you [tell your housing officer](#) and the [housing benefits team](#). Your housing officer will talk to you about the options for their tenancy and help you plan the next steps.

The government's website also gives useful information on [what to do after someone dies](#).

What is a tenancy succession?

When a tenant dies a joint tenant, husband, wife or civil partner will usually be entitled to take over the tenancy. In certain situations, other family members who have been living with the tenant for a year up till the date they died may also have a right to take over the tenancy.

This is known as succession, and the person who takes over or 'succeeds' to the tenancy is called a successor.

Who can succeed to a tenancy?

The deceased tenants husband, wife, civil partner, or joint tenant will have the right to succeed to the tenancy.

If there has been no previous succession, and the tenancy was created before April 2012, then the following relatives will also qualify:

- grandfather/grandmother
- father/mother
- brother/sister
- uncle/aunt
- nephew/niece
- son/daughter
- stepson/stepdaughter
- adopted child
- grandson granddaughter
- Cohabiting partner

Family members under 18 can succeed to a tenancy, but in these cases a trustee would need to be agreed who would hold the tenancy in trust for the child.

Can more than one person succeed?

Only one person can succeed to a tenancy; if there is a joint tenancy the remaining joint tenant can succeed. If more than one person applies for succession, preference will be given to the tenant's spouse or civil partner and the council will make the final decision. .

When is a succession allowed?

A succession can take place if:

- the successor is a spouse or civil partner and lived with the deceased tenant at the time of death
- the successor is another qualifying family member, and lived at the property as their main home for 12 months before the tenant's death (and the deceased tenant was also using the property as their only home).

When is a succession not allowed?

A succession can't take place if:

- a succession has already occurred (so the deceased tenant was a successor).
- The tenancy has previously been assigned.
- The deceased tenant had been living alone, or had not used the property as their only home.
- The deceased tenant had left the property & been admitted to hospital or residential care for long term care.
- Court proceedings had previously been commenced for possession of the property & a possession order had been granted which ended the tenancy
- The applicant is not able to prove they are a family member or that they lived at the address for the correct period.

When is a Discretionary Award of tenancy given?

If you do not meet the criteria mentioned above, you may still qualify for a discretionary award of housing, if you are still a qualifying relative and meet the criteria in the councils Scheme of Allocations.

These criteria can be found online in the [Housing allocation Scheme](#) (see section 2 on priorities for the allocation of accommodation, and section 3.11 on discretionary awards of tenancy).

How do I apply for a succession or a Discretionary Award of Tenancy and what happens next?

Once you have notified the council of a death, your Housing Officer will be in touch about your application.

They will either send you an application form or will offer an appointment at one of our offices or at your home, to go through this form.

It is essential you include all the information that this form asks for; without this your application will be very delayed and may be declined. A credit check will probably be carried out at this stage too.

If it is found that any fraudulent information has been submitted, your application is likely to be declined.

We understand this is a difficult time for you, following the loss of a family member, however we must check this information carefully so we can make the right decision about the tenancy.

What happens if I have been approved to succeed to a tenancy?

If you have been approved your housing officer will usually phone you, and you will also receive a letter to confirm this. If you are a joint tenant, spouse or civil partner, you will be able to remain in your current home, and we will just update the details of your tenancy.

Will I need to move?

If you are another family member and the house is too large for your needs, you will need to move to a more suitable property. If you live in a property which is adapted, and you don't require these adaptations, you will also be asked to move.

We understand that this will be a distressing time for you, and that you may have an emotional attachment to your current accommodation, and may wish to remain in the property. However due to the pressure on housing across the borough, particularly for large family homes, if the property does have more bedrooms than you require you will need to move to a smaller property. We will do all we can to ensure this process goes smoothly for you.

We will make you two offers of alternative accommodation; you will also need to fill out one final form so that we can make sure to offer you appropriate properties.

To end the tenancy on the current property, we will need to serve a Notice to Quit. For the council to seek possession of the property, we will also have to serve a document called a Notice of Seeking Possession (which will arrive a few months later).

What about the rent?

If you are staying in the property, the rent needs to be paid in full until the property is handed back to the council. If there is no one who wishes to take over, you should empty the property, fill in a vacation form, and return the keys to us.

If you have applied to succeed and need help paying the rent you should get in touch with the councils housing benefit team, or an income officer.

You will not be responsible for any arrears of the former tenant, but if you succeed you will be liable for paying the rent from the Monday after the tenant died. If you are waiting to move to a new property or to move out, you may be required to pay a form of rent known as use and occupation charges.

What if I refuse an offer of an alternative property?

Most applicants do understand that we must ask them to move to more appropriate accommodation due to the high demand for housing in the borough, and are happy to accept one of the offers made to them.

However with the occasional case where offers are refused and the applicant remains in the property, we will need to start legal action and apply to the county court for possession of the property.

What happens if I have not been approved?

We could decline an application if you did not meet the criteria given in Section 2 of the [Housing allocation Scheme](#)

If you have been advised to apply for a discretionary succession, you will also not be approved if you have any rent arrears, assets exceeding the limits given in the scheme of allocations, or if you have not lived in the borough for the required time period. More information is given in the link for the Housing Allocation Scheme above.

If we are not able to approve your application, you will be sent a letter with details of this decision. We will begin proceedings to recover possession of the property, and you will need to move out as soon as possible.

We can help you seek advice about your housing situation at this time; a good first point of contact would be the LBHF citizens advice bureau.

What do I do when I move out?

Before you move out you should:

- Take all your furniture and personal belongings you want with you
- Get the gas and electricity meters read
- Tell the post office to redirect your future mail
- Make sure you give us correct details

What are other things I need to do/ other useful contacts?

Sorting out the tenancy will not be the only thing you have to sort out; there will be other people you need to tell.

There is a good advice page online on the government website, on [what to do after someone dies](#).

Age UK have also produced a useful booklet available here:
http://www.ageuk.org.uk/Documents/EN-GB/Information-guides/AgeUKIG03_When_someone_dies.inf.pdf?dtrk=true

Your circumstances will probably have changed too; for example if you are now living alone you will be eligible for a single person council tax discount, and may be eligible for new benefits.

To find out more and work out what you are eligible for, look on the council web page on [benefits](#).

If you are worried about what else you need to do, or other things you may need to apply for, your housing officer should be able to help; get in touch with them at the Housing Area office (contact details below).

Key contacts:

Local housing offices

Our local housing offices are open 9am to 5pm Monday to Friday.

North Area Office

New Zealand Way, White City Estate, W12 7DE

020 8753 4808

Email: hammersmithnorth@lbhf.gov.uk

South Area Office

Clem Attlee Estate, Lillie Road, SW6

7RX 0208 753 4327

Email: fulhamnorth@pinnacle-lbhf.co.uk

Head Office

3rd Floor, Hammersmith Town Hall Ext, King Street, Hammersmith, W6

9JU 020 8753 (plus extension number)

Council Services

H&F Direct

Telephone enquiries

Council tax, benefits, free school meals and school clothing

grants, parking permits, business rates - book appointment online or call

020 8753 6681 Monday to Friday 9am to 5pm

Blue Badges, Taxi cards and freedom passes - book appointment online or call

020 8753 6681 Monday to Friday 9am to 5pm, Thursday 9am to 4pm

Collection of council housing rent - book appointment online or call

0800 093 3132 (option 2) Monday to Friday, 9am to 5pm

More information on web page <https://www.lbhf.gov.uk/hf-direct-centre>

H&F Advice

For housing options and advice please contact h&f advice

Opening hours: Monday to Friday, 9am to 5pm

h&f advice
145 -155 King Street
Hammersmith
W6 9XY

020 8753 4198