



HONEYCOMB
GROUP

Succession Policy

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1. Introduction and purpose

This policy sets out how Honeycomb Group (HG) will approach succession.

2. Succession

Succession is a statutory right of an individual (under a prescribed set of circumstances) to take over an assured or secure tenancy on the death of a tenant.

The right to succeed is a legal right defined in the Housing Act 1988, as amended by the Localism Act 2011. Succession rights of all SH

Tenants are contained in the detail of the Tenancy Agreement.

SH will:

- Consider all claims to succeed to a tenancy in accordance with the statutory provisions (this varies between assured and secure tenancies).
- Where two successors have an equal claim to succeed and are unable to agree themselves on who should succeed a decision will be taken by the housing services manager.
- Offer alternative accommodation where succession would result in under- occupation (except for spouses, civil partners or persons living with the tenant as their spouse or civil partner who have a statutory right to remain in the home).

Where it is established that there is no statutory right to succession the following approach will be taken to offering a new tenancy at the property:

- Consider granting a new tenancy to a person who would otherwise be entitled to succeed but is prevented from statutory succession because there has already been a succession.
- Consider granting a new tenancy in alternative accommodation where a member of an assured tenant's family claims succession but granting a new tenancy would result in under-occupation
- Consider granting a new tenancy to a vulnerable dependent who is left in occupation following the death of a tenant but does not qualify as a statutory successor.
- Consider granting a new tenancy if the person had been resident for the purpose of looking after tenant; or, if on the death of the tenant/s they have taken responsibility for the tenant's dependent/s.
- In circumstances where there is **no** right to succession and the conditions described above do not apply, SH will give rehousing advice and a reasonable period of notice to move out to the person/s not qualifying as successors.

3. Will or intestacy

It is possible that where there is no succession, a tenancy may pass under a will or intestacy of the deceased tenant.

This is only relevant where (if there is a will) the tenant's executor has taken out a grant of probate or (if there was no will and the tenant died intestate) the tenant's administrators have taken out a grant of letters of administration. If the inheritor does not wish to accept the tenancy, then the tenancy can be surrendered back to the Staffs Housing.

If the inheritor does not wish to surrender the tenancy the following steps may be taken:

- If the tenancy is not assured, we will usually seek to terminate the tenancy (and if necessary, take legal proceedings to recover possession).
- If the tenancy is assured, there is a ground for possession available in cases where the tenancy passes under a will or intestacy. SH will usually take legal proceedings to recover possession relying upon this ground for possession unless the inheritor would have been granted a new tenancy under the left in occupation process.

4. Left in occupation

When SH become aware that a person has been left in occupation on the death of the tenant we will gather information to establish:

- whether there is any other person entitled to succeed to the tenancy; and
- whether the tenancy has devolved to another person by will or intestacy

If there is another person or persons either

- (i) entitled to succeed to the tenancy; or
- (ii) upon whom the tenancy has devolved by will or intestacy,

we will not consider a left in occupation application until any rights of those person(s) have been determined, surrendered, or terminated. This is because we cannot agree to create a new tenancy whilst rights may still be capable of being exercised in relation to the tenancy of the deceased tenant.

Once it has been established that there is no other person entitled to exercise any rights in respect of the tenancy, we will seek to resolve the ongoing occupation of the property quickly whilst ensuring that any remaining occupants who are vulnerable are offered appropriate support.

We will take steps to ensure that, if the tenancy of the tenant who has died is continuing, it is lawfully terminated. Once the tenancy has been terminated, no further payment of rent will be accepted until the ongoing occupation of the property is resolved (although we may require any remaining occupants to pay damages for trespass during their occupation of the property). We will seek to resolve the ongoing occupation of the property during any termination notice period; however, this will not always be possible.

The person left in occupation will be interviewed by us to gather information about the circumstances and a left in occupation document will be completed if it is deemed to be required.

The person left in occupation may be required to provide evidence to

support the information they have given to us. If the required information and/or evidence is not provided we will not be able to consider granting a new tenancy.

When deciding whether or not it is appropriate to grant a tenancy to the person left in occupation, we will take into account all of the circumstances. Relevant factors may include:

- Whether there is any demand for properties in that area
- Whether the person left in occupation is able to afford the property
- How the property would best be used
- If the property is the occupier's only or principal home
- The length of occupation by the occupier
- The occupier's relationship to the former tenant
- The size of the accommodation and whether it is specially adapted
- The housing needs of the occupier and those living with them in their household
- Whether the occupier or their household suffer from any vulnerabilities
- Whether there are children in the household
- The health of the occupier
- Welfare reform implications
- Whether the property will be under-occupied or overcrowded if a tenancy is granted
- The previous conduct of the occupier and/or their household or visitors (including but not limited to conduct during any previous tenancy with us)
- Any other factors which are relevant under our Allocations Policy.

Each case will be considered on its individual merits and a decision made as to whether a tenancy will be granted.

If a new tenancy is refused the person left in occupation will be informed of the decision, and the reasons for it, in writing. The person left in occupation will then be required to leave the property.

If we decide that a new tenancy will be granted, the person left in occupation will be required to sign a new tenancy agreement. If the person left in occupation does not sign the tenancy agreement, they will be required to leave the property.

5. Data Protection and confidentiality

For processing, storing and sharing the personal data associated with this policy, we will ensure that it is carried out in accordance with current data protection legislation (UK GDPR and Data Protection Act 2018).

6. Review

This policy shall be reviewed every three years, and a review may be required earlier if there is a legislative or regulatory requirement or significant change.

July 2024