

## Succession Guidance

If you are requesting to succeed to the tenancy following the passing of a loved one please accept our sincere condolences on your loss.

We realise this is a very difficult time for you and this letter explains who can succeed and how you can formally apply.

There is a legal right for someone to take over a secure tenancy after the tenant has died if:

- The tenant who has died did not become the tenant by taking over the tenancy on the death of a previous tenant **AND**
- The person who wants to take over the tenancy is the spouse or partner and they were living at the property as their principal home **OR**
- The person who wants to take over the tenancy is a close relative and they have been living at the property as their principal home for at least 12 months before the tenant died.

If your loved one's tenancy started after 1 April 2012, only a spouse or partner can succeed to the tenancy and it will last until the term of the tenancy ends.

If the person who has died was a joint tenant with you the tenancy will be placed into your sole name and this will mean there are no further succession rights.

If the property is larger than you need, **unless** you are a spouse or civil partner of the previous tenant, we will ask you to move to a smaller more suitable property.

If more than one relative asks to take over the tenancy we will decide who should take it over. This is because only one person can succeed to the tenancy.

In order for us to deal with your request further, please complete the attached application form and return it together with original copies of the following documents:

- Copy of the late tenant's death certificate.
- Proof of your family relationship such as marriage certificate, birth certificate, passport etc
- Copy of the tenancy agreement
- Proof of your residency covering the 12 month period immediately before the late tenant's death. Bank or Building Society statements, benefit/employment documents, council tax and other formal correspondence is acceptable. You must provide a document from each month covering the 12 month period. It cannot solely be Bank or Building Society statements.

If you are the next of kin and there are rent arrears outstanding you will be asked to clear these arrears.

[barnethomes.org](http://barnethomes.org)

Housing law states that certain household members are entitled to succeed to a council tenancy when the tenant dies. This statutory right only applies to the **first** time that a succession occurs, but beyond this, the council will use its discretion to allow additional non-statutory successions to take place. In such cases you would have to provide the usual succession information and also have a holistic assessment to assess your housing need.

**You can only qualify for a non-statutory (discretionary) succession if you would qualify for the property you have applied to succeed to under the council's allocations policy.**

*Please be aware that Barnet's allocations policy requires residents to demonstrate a local borough residential connection for 5 consecutive years.*

We will consider your application and write to you giving our decision. If you would like more information and advice please direct your query via the Customer Contact Team. If they cannot answer your query they will refer your query to a Housing Officer for your area.

Your completed form can be returned by  
Post: Housing Management Department - 3<sup>rd</sup> Floor, 2 Bristol Avenue, Colindale NW9 4BR  
Email: [Talktous@barnethomes.org](mailto:Talktous@barnethomes.org)

We will then be able to consider your application fully and write to you giving our decision.

Yours sincerely,

Barnet Homes

[barnethomes.org](http://barnethomes.org)