

A TENANT/APPLICANT GUIDE TO TENANCY SUCCESSION



1. INTRODUCTION

A right to succession is a means of transferring your tenancy after your death to a qualifying person who resided with you in the house.

Every Scottish Secure Tenant (SST) has the right to succeed and legislation enables someone who was living in the home to seek the landlord's permission to take over the tenancy after the tenants death. This right does not apply to tenants with a Short SST.

Landlords can only refuse permission if it is reasonable to do so. Examples of these reasons are outlined in housing legislation.

2. HOW TO APPLY

Applicants who wish to take over the tenancy should complete and return a Succession Request Form along with a copy of the tenant's death certificate. This form is available on request from RCH.

Once we receive this we will check that the applicant is a qualifying person against our criteria and arrange for a survey of the home. If appropriate, we may seek references from another landlord.

We will write back to you advising if your application has been approved or not. We must do this within 28 days of receiving your application.

Permission is currently automatic for the tenants spouse, civil partner, joint tenant, family member or carer as long as the tenancy was their sole and principal home at the time of the tenant's death. A co-habitee needs to have lived in the house for 6 months prior to the tenants death. **This changes on 1st November 2019.**

From this date, permission is no longer automatic for anyone who did not have a formal partnership with the tenant as their spouse, civil partner or joint tenant. Anyone who was living in the house as a partner, co-habitee, family member or carer needs to have lived in the house as their sole and principal home for a minimum period of 12 months and the tenant must have previously told us that they had moved in. The 12 month period starts from the date the tenant told us of the change regardless of when this person actually moved into the house.

3. APPROVING PERMISSION

If permission is being approved, the Housing Officer shall make arrangements for the succeeding person to end the current tenancy and sign a new tenancy agreement.

As a new tenancy is created, the new tenant is not held responsible for any existing arrears of rent or any other breach of tenancy. The Housing Officer shall explain in fuller detail what this means at the tenancy sign-on.

If you have an application for housing with RCH, your application will be cancelled as you have been awarded an RCH tenancy.

4. GROUNDS FOR REFUSAL

River Clyde Homes will not unreasonably refuse permission for an applicant to take over the tenancy. However, the grounds under which we may refuse permission include the following:

1. The applicant has not completed the application correctly or provided the necessary information within 7 days of request.
2. The applicant was the tenants carer and they have been unable to show that they gave up their previous or principal home to take care of the tenant)
3. **FROM 1/11/19.** The applicant was the tenants partner, co-habitee, family member or carer and the tenant failed to notify RCH that they were resident in the property for a minimum of 12 months and/or they have not resided at the property for a minimum 12 month period.
4. The house has been designed or adapted for occupation by a person whose special needs require accommodation of the kind provided by the house and, if this change takes place, there would no longer be a person with such special needs occupying the house. Applies to applicants who are the tenants partner, co-habitee, family member or carer.
5. The house has already been inherited twice under succession provisions.

Permissions refused under ground 5 do not apply to existing joint tenants. Other occupants who are affected by this ground, will have the right to continue living in the house for a maximum period of 6 months. This additional 6 month period shall not be continued as a Scottish Secure Tenancy.

Once our decision has been made, the application is closed and any future request for permission shall be treated as a new application.

If permission has been refused the Housing Officer shall offer the applicant housing options advice but the applicant and their family must vacate the house within 28 days to avoid RCH taking further action to repossess the home.

5. APPEAL PROCESS

The applicant has 7 days to appeal any decision and should do so in writing stating the reason for the appeal and enclosing any new information that is relevant.

The Housing Team Leader shall review the grounds for appeal against the qualifying criteria and make the decision to uphold or not uphold the appeal. You shall be advised of this decision within 14 days of receiving your appeal.

This decision is final and completes the appeal process. If refused, the applicant and their family must vacate the house within 28 days to avoid RCH taking further action that may include repossession of the home.

Please make any enquiries to River Clyde Homes 24/7 Customer Experience Team, full contact details can be found on our website www.riverclydehomes.org.uk.

- Telephone 0800 013 2196
- Email customerexperience@riverclydehomes.org.uk
- Visit River Clyde Homes Customer Hub, Clyde Square, Greenock

THIS INFORMATION LEAFLET IS AVAILABLE IN A VARIETY OF OTHER FORMATS SUCH AS LARGE PRINT, TAPE AND IN OTHER LANGUAGES. PLEASE DO NOT HESITATE TO CONTACT US IF YOU FEEL THAT YOU WOULD BENEFIT FROM THIS.