Sapphire Independent Housing Ltd.

Succession Policy

1.0 Introduction

1.1. This policy sets Sapphire's position following the death of a resident dies and where a household member has a legal (statutory or contractual) right to take over the tenancy (called succession), or no one qualifies for a legal right to succession. The policy also sets out the limited circumstances where we may use our discretion to consider a request from someone who does not have a legal right to succeed

1.2 Succession is a legal term used when an eligible partner or qualifying family member takes over a tenancy following the death of a sole tenant. The person who takes on the tenancy is the 'Successor'. When a joint tenant dies, the surviving joint tenant automatically succeeds to the tenancy, known at law as survivorship.

1.3. Sapphire recognises that following the death of a tenant, their family members may be very upset and grieving and that any requests for succession need to be handled with sensitivity and care.

2.0 Purpose

2.1. The purpose of this policy is to ensure compliance with statutory and contractual rights of succession and to provide a clear and fair approach to requests for taking over a tenancy where there are no rights of succession, and how we will determine requests from multiple potential successors.

3.0 Objectives

3.1. The objectives of this policy are to ensure we:

- respond sensitively to residents at a time of grief and loss
- minimise periods of uncertainty for remaining household members • meet our statutory and contractual obligations
- make the best and most efficient use of our available housing, weighing up the demand for the property and other housing needs where there is no right of succession.

4.0 Scope and definitions

4.1 This policy applies to Sapphire's general needs residents with assured tenancies.

4.2 Licensees and residents in supported accommodation do not have succession rights.

4.3 It covers both statutory and contractual succession rights, and where there is no right to succession.

5.0 Assured Tenancies (including Probationary Tenancies issued up to October 2027

5.1 On the death of the resident (where the tenancy is held by one person) provided the resident was not a successor as set out in Section 17 of the Housing Act 1988, the Tenancy will pass to the resident's spouse (whether married or not) provided that he

or she occupies the property as his or her principal home at the time of the resident's death.

5.2 Other family members of an assured tenant do not have a statutory right to succeed to the tenancy.

6.0 Discretionary Offer of Tenancy

6.1. If a resident dies and no one has a statutory or contractual right to succeed to the tenancy, Sapphire is not obliged to offer a tenancy to any spouse, partner or family member of the deceased, either at the same property or at another property.

6.2 Sapphire will, entirely at its discretion, consider offering a new tenancy to an applicant if there are exceptional circumstances. Normally, the minimum criteria must be satisfied for a discretionary offer to be made. This is set out below. The minimum criteria are intended to provide transparency, consistency and fairness to our decision making for both our customers and our staff.

7.0 Discretionary tenancies

7.1 Where there is no statutory or contractual succession, Sapphire may consider offering a discretionary tenancy if all of the following apply:

- the Nomination agreement with the local authority allows the discretion.
- the applicant has lived in the home as their only or main residence for the 12 months immediately before the resident died; and
- they have no other home or tenancy or interest in another property.
- the existing property meets their needs (in line with Sapphire's Allocations Policy.)

7.2 In addition, Sapphire will also consider

- Housing need, in the form of a recognised medical or health condition which would be adversely affected by a move from this property. For example, a property which has been significantly adapted for your disability.
- Financial circumstances, such as low income and limited savings,
- In exceptional circumstances, we may consider other relevant factors on a case by-case basis.

7.3 Sapphire will usually need evidence to be provided by the applicant to reach a decision. Decisions will be subject to internal senior approval to ensure consistent, transparent decision making. Sapphire will provide written confirmation of our decision.

8.0 Use and occupation

8.1 Where there is no right to succession or if Sapphire is unable to consider a discretionary tenancy family members/ occupants will be expected to leave the property in a reasonable timeframe (normally 8 weeks).

8.2 Sapphire will serve notice if it considers that there is no legal successor. The occupant will incur use and occupation charges whilst they remain at the property.

8.3 Sapphire will signpost the applicant to the local authority options or other housing advice.

9.0 Will or Intestancy

Where there is no one who qualifies as a statutory successor or contractual successor, then the tenancy can be inherited by Will or intestacy.

Where the tenant died without leaving a Will, the tenancy will vest automatically in the Public Trustee who will hold it subject to a trust in favour of the next of kin who is beneficially interested in the deceased's estate.

Where there is a Will, then the tenancy vests with the trustees and then the beneficiaries once the estate has been settled.

Where the beneficiary is not occupying the property then the landlord needs to serve a Notice to Quit on the Personal Representatives and the Office of the Public Trustee. On expiry of the Notice to Quit, if there is nobody in occupation, then the tenancy has been properly brought to an end and possession given up.

If the beneficiary of the tenancy is in occupation of the property, then the steps above need to be taken and in addition, possession proceedings need to be brought to determine the assured tenancy. In all cases, a notice can be served using the mandatory HA 1988, Sch 2 Pt I, Ground 7. If it is a periodic AST then the section 21 Notice route can be taken either instead of or in addition to Ground 7.

If there is an occupier of the property but that person is not the beneficiary under a Will or intestacy then they are a trespasser. A Notice to Quit should be served on the occupier and proceedings commenced against both the Personal Representatives of the deceased and the named occupiers and (if appropriate) persons unknown.

9.0 Legislation and regulation

9.1 The following legislation is relevant to the succession policy.

- Housing Act 1988
- Civil Partnerships Act 2004
- Equality Act 2010.

9.2 The Tenancy Standard requires registered providers to set out their policy on granting discretionary succession rights, taking into account the needs of vulnerable household members.

10.0 Review

10.1 This policy will be reviewed every three years subject to any legal and regulatory changes**.**

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Operations		
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