**Medway Council Housing Services**

**Succession Application**

**What is ‘Succession’?**

Succession is the right of a family member, or other specified person, to take over the tenancy on the death of the tenant. There can only be one statutory succession to a secure tenancy.

**Who can succeed to a tenancy?**

The legal right to succession is different depending on when the tenancy started and the type of tenancy the deceased person had.

**Secure tenancies that began before April 1st 2012**

Spouses and civil partners are entitled to succeed to the tenancy provided that the property is their only or main home at the date of the tenant’s death.

Co-habiting partners and family members who were living with the tenant for a minimum period of 12 months prior to the death of the tenant, and where the property is their only or main home also qualify for succession. “Family members” includes parents, grandparents, children, grandchildren, brothers and sisters, uncles, aunts, nephews, nieces, step relations, half relatives and adopted children. Cousins are not included in this definition of “family members”.

**Secure tenancies that began after April 1st 2012**

Only the spouse, civil partner and people living together as spouses or civil partner of the deceased tenant are entitled to succeed to the tenancy, providing the property is their only or main home.

**Introductory tenancies**

Spouses, civil partners and co-habiting partners that have been living with the tenant as their only or main home for a minimum period of 12 months, are entitled to succeed to the tenancy.

**Demoted tenancies**

Spouses, civil partners, co-habiting partners that have been living with the tenant for a minimum period of 12 months prior to the date of death and the property is their only or main home are entitled to succeed to the tenancy.

**Joint tenancies**

When one joint tenant dies the tenancy passes to the remaining tenant or tenants by the common law of survivorship. There will be no succession rights once the last joint tenant dies.

The surviving joint tenant/s do not have to be living at the property as their only or main home at the date of death. However, if the surviving joint tenant is not occupying the property as his or her only or main home following the death (or, if there is more than one surviving joint tenant, none of the surviving joint tenants are occupying the property as their only or main home), then the tenancy can be ended by service of a Notice to Quit.

**Evidence to support your claim for succession**

You will have to provide evidence to show that you are entitled to succeed

* Proof of ID – provide 2 forms of ID
* Proof of residence – provide three different documents showing that you lived with the tenant during the twelve-month period before his or her death; documents should not be for consecutive months.
* Proof of relationship to the deceased tenant
* Proof that the property is your only or main home - Housing Services may carry out a credit check and will contact council tax and electoral register to confirm if the property is your main home. For family members and co-habiting partners for tenancies that started before 1 April 2012 Housing Services will check you have been registered at the address for 12 months prior to the date of application.

**Succession Application Form**

**Details of deceased tenant**

|  |  |
| --- | --- |
| Name: (As it appears on the tenancy agreement) |  |
| Date of Birth: |  |
| Tenant’s Address: |  |
| Tenancy Start Date: |  |

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Tenancy Type | Introductory |  | Secure |  | Flexible |  | Demoted |  |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Is the tenancy in joint names? | Yes |  | No |  |

|  |  |
| --- | --- |
| If yes, name of joint tenant: |  |

**Current household details** (list permanent members of the household including the applicant)

|  |  |  |  |
| --- | --- | --- | --- |
| Name | Date of birth | Gender | Relationship to tenant |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

Details of the person applying to succeed

|  |  |
| --- | --- |
| Name |  |
| Address |  |
| National Insurance Number |  |
| Contact Number |  |
| Email Address |  |
| Relationship to the deceased tenant |  |
| How long have you lived at the property? |  |
| Address history for the past 5 years (continue on separate piece of paper if necessary) |  |
| Is the property your only or main home? |  |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Do you have a tenancy with another landlord (includes Local Authority, Housing Association, Private or any other tenancy)? | Yes |  | No |  |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Are you a homeowner? | Yes |  | No |  |

|  |  |
| --- | --- |
| If yes, please provide further details: |  |

**Proof of identity/residence**

You must submit 2 forms of ID.

Spouses and civil partners must provide a copy of their marriage or civil partnership certificate but do not need to provide proof of residence.

Co-habiting partners must provide three different proof of residence documents showing that you have lived at the address for 12 months prior to this application.

Can you supply any of the following acceptable proof of identification?

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Current passport, full photo drivers license, photo provisional drivers license, full birth certificate, Immigration documents from the Home Office confirming your status, Valid Resident’s Permit (EU Nationals) | Yes |  | No |  |

|  |  |
| --- | --- |
| If yes, please specify which document/s: |  |

Can you supply any of the following acceptable proof of residence?

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Award letter from the Department of work and Pensions/ Job Centre Plus/ Pension Service,  Wage slip, P45, P60, Bank Statement,Letter from Housing Benefit, Schools, Hospitals, solicitors, or Social Services, Utility Bill | Yes |  | No |  |

|  |  |
| --- | --- |
| If yes, please specify which document/s: |  |

Can you supply any of the following acceptable proof of residence?

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Marriage certificate, Civil partnership certificate, Birth Certificate, Adoption Certificate, Other, please list document: | Yes |  | No |  |

|  |  |
| --- | --- |
| If yes, please specify which document/s: |  |

|  |
| --- |
| Please use the space below to give any additional information or personal circumstances you would like us to consider. You can add extra pages or supporting information if needed. |
| I declare to the best of my knowledge and belief that the information given on this application is correct in every detail. I understand that is an offence to give false or misleading information or to withhold relevant information. I also understand that Medway Council’s Housing Services will undertake checks to confirm this information and if any information is found to be false, I may be prosecuted, and action may be taken against my tenancy.  I hereby give my consent for Medway Council’s Housing Services to carry out a credit reference check and obtain relevant information from other Local Authority Departments and external agencies. |

**Person applying to succeed to the tenancy**

|  |  |
| --- | --- |
| Signature: |  |
| Print name: |  |
| Date: |  |

**What happens next?**

Medway Council’s Housing Services will send you an acknowledgement letter within 5 working days of receiving your application.

When all supporting documents have been provided, Medway Council’s Housing Services will assess your application and send a letter confirming the outcome within 10 working days.

**Please return the completed form and all the supporting documentation to:**

Medway Council, HRA Tenancy Services, Gun Wharf, Dock Road, Chatham, Kent, ME4 4TR

Contact Details: Tel: 01634 333344 or Email: housingtenancyteam@medway.gov.uk