



# **ARDENGLLEN HOUSING ASSOCIATION LIMITED**

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## **SUCCESSION TO TENANCY POLICY**

<b>Date Presented to: Management Committee</b>	<b>02/03/10</b>	<b>Date passed by: Management Committee</b>	<b>02/03/10</b>
<b>Date of next Scheduled Review</b>	<b>March 2013</b>	<b>Designated Review Body to Provide Recommendations</b>	<b>HMSC</b>
<b>Policy complies with performance standard</b>			<b>AS1.1</b>

## **SUCCESSION TO TENANCY POLICY**

Ardenglen Housing Association can provide this policy on request, in large print, in Braille, on tape or in other non-written format, and in a variety of languages.

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## **1. INTRODUCTION**

- 1.1 The Housing (Scotland) Act 2001 introduced new succession rights for those with Scottish Secure Tenancies. As tenants of Ardenglen Housing Association are Scottish Secure Tenants, these rights apply.
- 1.2 The purpose of this document is to set out how Ardenglen will manage applications for succession to tenancy. The Void Management Policy sets out how voids arising from the death of a tenant will be managed.

## **2. SUCCESSION RIGHTS**

- 2.1 Scottish Secure Tenants of Ardenglen Housing Association have the right to an unlimited number of successions.
- 2.2 For each separate round of succession there are three levels of priority:
  - First priority goes to the surviving spouse, co-habitee of either sex (providing the house has been their only or principal home for at least 6 months before the tenants death) or joint tenant
  - Second priority (if nobody qualifies or chooses to succeed from the first priority group) goes to other members of the tenant's family providing they are aged at least 16 years and that the house was their only or principle home at the time of the tenants death
  - Third priority (if nobody in any of the above categories qualifies or chooses to succeed) goes to carers aged at least 16 years where the house was their only or principal home at the time of the tenants death and where they have given up their only or principal home to care for the tenant or a member of the tenants family.

If more than one person qualifies for the tenancy, in any of the priority groups, then the qualifying tenants should come to an agreement about which one of them will succeed. If no agreement can be reached then the landlord will decide who should succeed.

## **3. PROCESSING APPLICATIONS FOR SUCCESSION**

- 3.1 Anyone wishing to apply for succession must advise the Association of this in writing within 4 weeks of the death of the tenant.
- 3.2 The association will respond to requests for succession within 14 days of them being received.

#### **4. LIMITATIONS OF SUCCESSION**

- 4.1 Where no-one wishes to succeed or qualifies to the tenancy, the tenancy will be ended as of the tenant's death.
- 4.2 Where no one qualifies, but they reside in the house, they may reside there for 3 months after the tenant's death and then they must provide vacant possession. Rent will be charged for the period that they live in the house. In these cases, mitigating circumstances will be considered. Examples of these are;
- There are non-dependent children or adults in the house and the person seeking succession will keep them and keep them in the family home.
  - The person may be able to demonstrate that it is there only or principal home but they have lived there for less than 6 months.
- 4.3 Where a house has been designed or substantially adapted for the use of a person with special needs then only spouses, co-habitees, joint tenants or persons with special needs can succeed to that tenancy. Other persons who would otherwise be qualified to succeed will have a right to alternative accommodation.
- 4.4 Where the tenancy is a Short Scottish Secure Tenancy.
- 4.5 In all cases where succession does not apply the association will offer advice and assistance to source alternative accommodation

#### **5. DISPUTES, MONITORING & REVIEW**

- 5.1 Disputes arising from succession to tenancy will be dealt with through the Associations complaints procedure
- 5.2 The policy will be monitored and reviewed as required, but at least on a 3 yearly cycle. The review will take account of legislative changes, new policy guidance best practice advice and the views of users