

## Appendix 2

### **Southampton City Council proposed succession policy 18th December 2012 onwards for tenancies which began after 1 April 2012.**

Following the death of a tenant the City Council 's policy as regards succession is as follows :-

For tenancies granted prior to 1 April 2012 :

The policy for dealing with succession requests in respect of tenancies which commenced prior to 1 April 2012 remains as set out in the Housing Act 1985 s87 prior to its amendment by the Localism Act 2011 and the Authority's Statutory Succession Procedure, last updated in October 2010.

Therefore for those tenancies pre 1 April 2012 the criteria for succession are:-

that if person occupies the dwelling-house as his only or principal home at the time of the tenant's death and either—

(a) the person is the tenant's spouse or civil partner, or

(b) he is another member of the tenant's family and has resided with the tenant throughout the period of twelve months ending with the tenant's death;

(unless, in either case, the tenant was himself a successor), then the person is qualified to succeed to the tenancy.

For tenancies granted after 1 April 2012:

After the 1 April 2012, the only persons statutorily entitled to succeed to a tenancy are the spouse ( or partner) or civil partner.

Any further succession rights to family members as in the previous legislation can be granted only by an express term in the tenancy agreement

### **The policy set out in this document applies to all tenancies which began on or after 1st April 2012 .**

The Authority's policy is:

That the tenancy agreement issued to all secure tenants will not be amended to include succession to family members .

The Authority will instead apply the new provisions of s 86A Housing Act 1985 ( as amended by the Localism Act 2011) which states that a person is qualified to succeed to a tenancy only if they

occupied the property as their only or principal home at the time of the tenant's death, **and** (b) were at that time the tenant's spouse (or living with the tenant as their husband or wife) or civil partner.

There will be no succession to other family members

Where the Authority decides to seek possession of a property following the death of a tenant it will give 4 weeks notice of its intention to any occupiers of the property.

The Authority will consider each such case on its merits. Existing arrangements which enable the grant of a new tenancy in exceptional circumstances will be used if the Authority decides to award a new tenancy where there is no right to succeed.

In coming to a decision as to whether to grant a new tenancy, the Authority will have regard to all the circumstances of the case including the need to make best use of its housing stock and the needs of any affected individuals