

**Succession Policy**

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1. **Scope and Aims**
   1. This policy applies to all Hexagon tenancies following the death of the tenant and an eligible partner or qualifying member of his or her family takes over the tenancy. Succession also includes when a joint tenant dies and the surviving joint tenant succeeds to the tenancy, known at law as survivorship.
   2. It is intended to cover:

* Statutory succession (in which a person succeeds a tenancy based on their legal rights including Survivorship where a joint tenant dies the tenancy continues in the surviving tenants’ name. The remaining joint tenant is classified as a “successor” so there are no further succession rights e.g. if the tenant re-marries, their new spouse/partner has no rights to succeed the tenancy. A new tenancy is not issued.
* Contractual succession (where a potential successor is granted a new tenancy arising from the tenancy terms) and;
* Discretionary succession (where Hexagon grants a new tenancy to a potential successor who does not have the legal or contractual right to succeed)
  1. The tenancy agreement stipulates the statutory and/or contractual succession rights that may exist for each individual tenancy
  2. When a person is not eligible to be considered for succession rights by either of these means it is our intention to consider the merits of potential succession claims on a discretionary basis where a family member has been continuously living with a tenant for an extended period of more than 12 months.
  3. This policy aims to ensure that in considering requests for succession Hexagon:
* Responds sensitively to residents at a time of grief and loss
* Minimises periods of uncertainty for remaining household members
* Makes the best and most efficient use of available housing
* Weighs up the demand for the home and the housing needs of the potential successor and other housing needs where there is no right of succession.

1. **Equality and Diversity**
   1. An equality impact assessment ‘initial screening’ has been carried out which determined there to be no negative impact specific to those with protected characteristics
2. **Consultation**

3.1 This policy has not involved resident consultation as it was not selected by the Hexagon Resident Advisory Group and as it is largely legally determined, no additional consultation has been carried out.

1. **Policy Statement**
   1. The tenancy agreement details the succession rights for each tenancy and potential successor – this is the first reference point for all successions and supersedes the policy
   2. If the property is unsuitable, the successor may be asked to move to alternative accommodation, even if they have a statutory right to succession
   3. The following are examples of unsuitable properties, however this list is not exhaustive and Hexagon may consider each case where we reasonably believe the property to be unsuitable:
      * If the property would become under-occupied or overcrowded
      * The property has major adaptations that the successor will not need
      * The property is in a scheme for a specific user group that the successor does not belong to
   4. Secure tenancies, signed before April 2012, have the statutory right to one succession by a spouse or “other family member” (see 4.5) as per the Housing Act 1985
   5. For secure tenancies as per 4.4, other family members can only claim a succession if there is no spouse and must prove they have lived at the property for 12 months – eligible relations include parent, grandparent, child, grand child, brother, sister, uncle, aunt, nephew or niece; relationships through marriage, step relationships and children of common law relationships are all considered the same as blood relationships
   6. Secure tenancies, signed after April 2012, have the statutory right to one succession by a spouse or civil partner, they must have been living at the property as their only or principal home at the time of the tenant’s death, as per the Localism Act 2011 amendments to the Housing Act 1985
   7. For secure tenancies as per 4.6, other family members are only eligible if their tenancy agreement states so
   8. Assured tenancies have the statutory right to one succession by a spouse or someone living with the tenant as their husband or wife (including civil partners) as per the Housing Act 1988
   9. For assured tenancies as per 4.8, the spouse or cohabitee is the only person with the statutory right to succession and does not have to prove their length of residence
   10. Additional successor rights may be included in assured tenancy agreements
   11. In the case of a statutory succession a new tenancy will not be created, the occupier will inherit the existing tenancy
   12. In a case where a tenancy agreement permits additional succession rights to those above, this is considered a contractual succession and a new tenancy will be created for the eligible successor
   13. Should the tenant not be living at the property as their sole or principal home at the time of their death e.g. they have moved to a permanent placement in a care home, then there is no right of succession as the tenancy is no longer Assured. A discretionary offer of tenancy will be considered instead.
   14. Hexagon may wish to offer a discretionary granting of a tenancy to a person who is living at the property but does not have statutory or contractual rights. This may be at an alternative address.
   15. This offer is made entirely at Hexagons discretion, and will consider a number of factors regarding the successor including:
       * Length of time they have lived in the property (proof of 12 months residence may be required)
       * Whether they live at the property as their only home
       * Their age
       * Relationship to the tenant
       * Whether they have been caring for the tenant
       * Their ability to sustain a tenancy
       * Whether they or any of their previous visitors have had issues with anti-social behaviour
       * Whether there have been any breaches of the tenancy terms including rent arrears or former tenant arrears
       * Whether they have a means to secure alternative accommodation
   16. The decision will be made based on the above factors and any other reasonable consideration we may have regarding the eligibility of the successor and our duty to allocate properties in a fair manner
2. **Legal framework**

5.1 This policy is designed to comply with the following legislation and guidance:

* Housing Act 1985
* Housing Act 1988
* Localism Act 2011

1. **Related Hexagon Policies and Procedures**

* Succession Procedure
* Allocations Policy and Procedure
* Mutual Exchange Policy