

Succession: your housing association tenancy

This factsheet looks at when your housing association tenancy can be passed on to someone else if you die.

If you are a housing association tenant, the right for your tenancy to pass on to someone else when you die (this is known as 'succession') depends upon the type of tenancy you have.

If you are not sure what type of tenancy you have, ask your housing officer, look at your tenancy agreement, or use the online [Shelter tenancy rights checker](#).

A successor will inherit the same type of tenancy you had.

If someone is entitled to inherit your tenancy this will normally happen automatically, regardless of anything you put in your will.

How many successions are allowed?

There can usually be only one succession to a housing association tenancy. If you succeeded to your tenancy after the death of the previous tenant, no one else can inherit the tenancy when you die. Your tenancy agreement may allow for more than one succession, but this is rare.

Joint tenants

If you have a joint tenancy, the other joint tenant will take over the tenancy automatically when you die, even if they are not living with you. This counts as a succession and 'uses up' the one succession that is usually allowed.

If you are an assured tenant

Your wife, husband, civil partner, or co-habitee will inherit your tenancy if your home was also their home at the time of your death.

Your tenancy can only be passed to someone else if your tenancy agreement allows it. This is normally restricted to other members of your family who have been living with you for at least one year. If you moved into your present home during the year prior to your death, time spent living with you in your former home should count.

A member of your family normally means a parent, grandparent, child, grandchild, sibling, uncle, aunt, nephew or niece. Step-relations, half-relations, and in-laws are usually included, but foster children are not.

Check your tenancy agreement to find out if anyone apart from your wife, husband, civil partner or cohabitee can succeed to your tenancy when you die.

Deciding between competing interests

If your tenancy agreement does allow for a family member to succeed to your tenancy, your wife, husband, civil partner, or co-habitee has priority and will succeed (as long as they lived with you). Where there is more than one family member who is entitled to succeed, your family can agree among themselves who is to succeed. If they cannot agree, a court will decide.

If you are an assured shorthold tenant

Your tenancy can be passed on in the same way as if you had an assured tenancy (see above) if you have:

- a fixed-term assured shorthold tenancy that is for a period of at least two years,
- a periodic assured shorthold tenancy.

If you have a fixed-term assured shorthold tenancy for a period of less than two years (this could be because you have a 'starter tenancy' or because a court has 'demoted' your tenancy), no one has a right to succeed to your tenancy. You can leave your tenancy to someone in your will, but your landlord will be able to get a court order to evict that person.

If you are a secure tenant

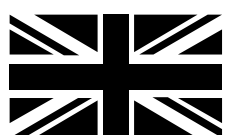
If your housing association tenancy began before 15 January 1989, you could have a secure tenancy.

The succession rules are the same as for secure council tenants. See *Succession to your council tenancy* for details of who can inherit a secure council tenancy.

Further advice

You can get further advice from Shelter's free* housing advice helpline (0808 800 4444), a local Shelter advice service or local Citizens Advice office, or by visiting shelter.org.uk/advice or adviceguide.org.uk

*Calls are free from UK landlines and main mobile networks.



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Note
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