

# Succession and Assignment of Tenancy



## Succession of a Tenancy

**Succession of a tenancy occurs following the death of an assured tenant or joint assured, when a tenancy and its terms and conditions pass on to a spouse or a family member.**

It is important that succession is the transfer of a tenancy and not a property.

After the death of a tenant:

- If there is an existing joint tenant, they automatically become the sole tenant.
- If there is no existing joint tenant, the husband, wife or cohabiting partner (including same sex partner) can succeed to the tenancy providing they were living in the property immediately before the tenant's death, as their only principal home.
- If neither apply then Derwentside Homes may grant succession to a family member.

Family members include:

- **Parents**
- **Grandparents**
- **Children**
- **Grandchildren**
- **Brothers**
- **Sisters**
- **Uncles**
- **Aunts**

- **Nephews**
- **Nieces**
- **Relationship by marriage and stepchildren**

A family member must provide evidence that they:

- Are a member of the tenants household.
- Lived with the tenant for a minimum of 12 months, before the death of the tenant.
- Lived in the tenants home, as their only principal home when the tenant died.
- Have inherited the property, by a will or probate.

Only one person can succeed to the tenancy. There can be no joint succession. If there is more than one family member qualified to succeed, they must agree among themselves who will succeed to the tenancy. If they cannot agree, Derwentside Homes will decide.

If you wish to succeed to a tenancy you must put your request in writing to Derwentside Homes within six months of the tenant's death.

If you take over a tenancy by succession, you become responsible for any existing breaches of the tenant's responsibilities for example being in rent arrears. Derwentside Homes will not create a new tenancy and the successor becomes a tenant, not a lodger in possession or any other occupant.

If the property would be more suitable for other families or individuals Derwentside Homes may choose to rehouse a successor in more suitable accommodation.

Examples of this would include:

- Where the property is too big for the successor.
- A property built specially or adapted where the successor does not need these adaptations.
- A property designed for an elderly person where the successor does not need these services.

## Assignment of a Tenancy

**Usually, a new tenancy can only start after the existing tenancy has ended. The exception is when a tenancy is "assigned". This means that a new person takes over the existing tenancy, which continues with a change of name.**

You can assign a tenancy if:

- The person you are intending to pass your tenancy on to is a member of your family entitled to succeed to the property after your death.
- As needed by a property transfer order made by a court in matrimonial proceedings.
- By a mutual exchange where a tenant exchanges their home with another tenant, or a tenant of another Registered Social Landlord.

Derwentside Homes will also consider applications to assign an assured tenancy to someone who would qualify to succeed the tenancy if the tenant had died.

In these circumstances you must be:

- Living with the tenant as husband, wife or cohabiting partner (including same sex partner)
- Another member of the family who has been living in the tenants home for 12 months

Family members include:

- **Parents**
- **Grandparents**
- **Children**
- **Grandchildren**
- **Brothers**
- **Sisters**
- **Uncles**
- **Aunts**
- **Nephews**
- **Nieces**
- **Relationship by marriage and stepchildren**

You cannot assign your tenancy to friends who live with you.

If you assign your tenancy to another member of your family you will no longer have any right to occupy your home.

A person who takes over a tenancy by assignment becomes responsible for any existing breaches of the tenant's responsibilities for example rent arrears, and has to perform those responsibilities from the date he becomes tenant.

Derwentside Homes will not create a new tenancy and the successor becomes a tenant, not a lodger in possession or any other occupant.

This leaflet explains your rights for passing on your tenancy. If you would like it translated or in a different format, contact us at the address below.

中文  
Chinese

此传单解释了您转让租赁的权利。如果您需要翻译版本或其他格式，请按如下地址与我们联系。

हिंदी  
Hindi

ये लीफलेट आपको अपने किरायेदारी की अवधि के दौरान के अधिकारों के विषय में बताता है। यदि आपको ये अनुवादित रूप में या अन्य किसी फॉर्मेट में चाहिये, तब नीचे दिये गए पते पर हमसे संपर्क करें।

Magyar  
Hungarian

Ez a szórólap elmagyarázza Önnek, milyen jogok illetik meg a bérlemény továbbadásakor. Ha szeretne fordítást kapni róla, vagy más formátumban szeretné olvasni, forduljon hozzánk az alábbi címen.

Latviešu  
Latvian

Šajā brošūrā paskaidrotas jūsu tiesības, izbeidzoties jūsu nomai. Ja jūs vēlaties, lai to iztulko vai vēlaties to citā formātā, sazinieties ar mums izmantojot turpmāk minēto adresi.

Lietuviškai  
Lithuanian

Šiame informaciniame lankstinuke paaiškintos jūsų teisės perduoti savo nuomą kitam asmeniui. Jeigu norėtumėte teksto vertimo arba kitu formatu, susisiekti su mumis toliau nurodytu adresu.

Polski  
Polish

Ulotka wyjaśnia prawa dotyczące przekazywania najmu. Jeśli potrzebne jest tłumaczenie lub inny format dokumentu, prosimy o kontakt z nami pod poniższym adresem.

ਪੰਜਾਬੀ  
Punjabi

ਇਹ ਇਸ਼ਤਿਹਾਰ ਤੁਹਾਡੀ ਕਿਰਾਏਦਾਰੀ ਨੂੰ ਅੱਗੇ ਕਿਸੇ ਨੂੰ ਦੇਣ ਬਾਰੇ, ਤੁਹਾਡੇ ਅਧਿਕਾਰਾਂ ਦੀ ਵਿਆਖਿਆ ਕਰਦਾ ਹੈ। ਜੇ ਤੁਸੀਂ ਇਸ ਦਾ ਅਨੁਵਾਦ ਕਰਾਉਣਾ ਚਾਹੁੰਦੇ ਹੋ ਜਾਂ ਕਿਸੇ ਹੋਰ ਫੋਰਮੈਟ ਵਿੱਚ ਕਰਾਉਣਾ ਚਾਹੁੰਦੇ ਹੋ, ਤਾਂ ਹੇਠਾਂ ਦਿੱਤੇ ਪਤੇ ਤੇ ਸਾਡੇ ਨਾਲ ਸੰਪਰਕ ਕਰੋ।

اردو  
Urdu

یہ لیفلٹ اپنی کرایہ داری کو منتقل کرنے سے متعلق آپ کے حقوق کی وضاحت کرتا ہے۔ اگر آپ اس کو ترجمے یا کسی اور شکل میں حاصل کرنا چاہتے ہیں، تو مندرجہ ذیل پتے پر ہم سے رابطہ کریں۔



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