

# Can I pass my tenancy on if I die?

**This factsheet is the first of two that considers whether your tenancy can be passed to someone else in the event of your death.**

**This factsheet looks at the position if you are a council tenant.**

If you are a council tenant the right for your tenancy to be passed on to someone else when you die (this is known as 'succession') depends upon the type of council tenancy you have. If you are not sure what type of tenancy you have, you can ask your housing officer look at your tenancy agreement or look at the online Shelter tenancy checker *What are my tenancy rights?*

Succession can only happen once so if you succeeded to the tenancy yourself no one else can take over the tenancy when you die, unless your tenancy agreement allows for more than one succession. Someone who takes over your tenancy when you die will inherit the same type of tenancy you had.

If you have a joint council tenancy, the other joint tenant will take over the tenancy when you die (this counts as a succession).

## **I am a secure tenant**

*If your tenancy started before 1 April 2012*

Your tenancy can be passed on to your husband, wife or civil partner as long as your home was also their home at the time of your death. If you are not married or registered as a civil partner, your co-habitee or another member of your family can take over the tenancy, but only if s/he has been living with you for at least one year. Time spent living with you in your former home counts if you moved in the year before your death.

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

Where you have no husband, wife or civil partner but you have a co-habitee and/or more than one other family member who is entitled to succeed, your family can agree among themselves who is to succeed. If they cannot agree the council will decide for them.

*If your tenancy started on or after 1 April 2012*

Your tenancy can be passed on to your husband, wife or civil partner or co-habitee

as long as 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 for this to happen.

## **I am a flexible tenant**

If you have a flexible tenancy you have the same rights to pass your tenancy on if you die as secure tenants whose tenancy started on or after 1 April 2012 (see above)

## **I am an introductory tenant**

If you have an introductory tenancy you have the same rights to pass your tenancy on if you die as secure tenants whose tenancy started before 1 April 2012 (see above). This applies to you regardless of when your tenancy started.

## **I am a demoted tenant**

If you were a secure tenant and the court 'demoted' your tenancy, your husband, wife, civil partner, co-habitee or family member can take over your tenancy if you die. They can only succeed you as a tenant if they have lived with you for at least a year before your death.

## **I am a family intervention tenant or non-secure tenant.**

Some people who have been involved in antisocial behaviour have a family intervention tenancy. Some people, with a council landlord, who were housed by the council following a homelessness application, and have not been offered a permanent home through the housing waiting list, will have a non-secure tenancy.

If you are a family intervention tenant or a non-secure tenant no one will be able to succeed to your tenancy if you die.

## **Further advice**

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

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



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