

Succession - Frequently asked questions

1. Can my single son/daughter succeed to my 3 bedroom house?

If your tenancy started before April 2012, your adult son/daughter has been living with you for 12 months or longer and this can be proven, there have no previous successions; then your son/daughter can succeed but not to a property that is too large for him/her. We would find a property of a suitable size.

2. My husband/wife is not on the tenancy, can he succeed?

Yes, your husband will have the right to succeed to the tenancy. We cannot ask him/her to move even if the property is too large for him/her, but if your husband/wife wants to move to a smaller property we will help with this.

3. Can my civil partner succeed?

Yes, and 'as above', we cannot insist that they move to a smaller property even if the property succeeded to is too large; but if your husband/wife wants to move to a smaller property we will help with this.

4. If my husband/wife/civil partner dies and we are joint tenants, what happens to my tenancy?

As you are joint tenants you would be able to keep the tenancy and remain in the home. This is called survivorship.

5. If my carer moves in to look after me when I am ill and gives up a tenancy, can they stay when I die?

No, regardless of when your tenancy began, they would not be eligible to succeed as they are not a family member.

6. I have just become a secure tenant, my brother/sister has lived with me for 6 months, can they succeed?

No, as your tenancy started after April 2012, only a civil partner/husband/wife can succeed. If your tenancy had started prior to April 2012, they still could not succeed until they had lived at the property for over 12 months.

7. I succeeded to this tenancy from my mother, can my son/daughter succeed?

No, the law only allows one succession.

8. Can I give my tenancy to someone before I die?

As a secure tenant you can gift a tenancy to someone who would have the right to succeed. We would consider the size of the property and refuse if the property is too large.

9. My ex-partner is still a joint tenant but has moved out, can they succeed?

Yes, as the tenancy would continue under survivorship, but if someone is not living in the property as their main sole or main home they should contact us about getting their name removed from the tenancy.

10. What happens if I cannot succeed and refuse to leave?

We would apply to the court for a possession order. We will ask the court for the costs of doing this and for you to pay them.

11. My mother was a tenant prior to April 2012 and as her daughter/son can succeed but do not what to move to a smaller property, what will you do?

We will consider your age and how long you have lived at the property. If we decide it is reasonable to ask you to move, and you still refuse, we will serve notice and apply to the court. We will ask the court for the costs of doing this and for you to pay them.

12. How long will I have to move out when my mother/father dies?

We would ask that you return the keys as soon as you can, rent will be charged to the deceased's estate until the keys are handed in. If you do not hand these within an agreed time period we will apply to court for a possession order.

13. Will you pay to help me move if you offer me another property?

No, unless you have a right to succeed to the tenancy, you are downsizing to a smaller property and can show financial hardship.

14. If I have not succeeded to the tenancy what happens next?

If you can show you have a priority need such as you are pregnant, have severe physical or mental health problems, you would be considered as Potentially Homeless. You would be placed in Gold Band on the North Yorkshire Homechoice Register and would be able to bid for properties.

If you are not classed as having a priority need but there are exceptional circumstances with your case, such as you have lived at the property all your life, then we may consider offering you a move on a discretionary basis.

If you are not classed as in priority need and there are no exceptional circumstances you can seek advice and assistance on re-housing from our Housing Options Team.

You can exercise the right of appeal and your case will be looked at by a committee of councillors.