

Succession: your council tenancy

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

If you are a council tenant, the right for your tenancy to pass on to someone else when you die (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 happen automatically, regardless of anything you put in your will.

How many successions are allowed?

There can usually be only one succession to a council 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 a secure tenant

If your tenancy started before 1 April 2012

Your husband, wife, or civil partner will inherit your tenancy as long as your home is 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 will inherit your tenancy, but only if they have been living with you for at least one year immediately before your death. Time spent living with you in a previous home counts if you move home in the year before your death.

A member of your family is a parent, grandparent, child, grandchild, brother or sister, 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 cohabitee 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 husband, wife, civil partner or co-habitee will inherit your tenancy as long as your home is also their home at the time of your death. Someone else can only inherit your tenancy if your agreement allows this.

If you have a flexible tenancy

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

If you have an introductory tenancy

If you are an introductory tenant, you have the same rights to pass your tenancy on if you die as a secure tenant whose tenancy started before 1 April 2012 (see above).

If you have a demoted tenancy

If you were a secure tenant and the court has 'demoted' your tenancy, your husband, wife, civil partner, cohabitee or family member can inherit your tenancy if you die. They must have lived with you for at least a year before your death.

Other types of council tenancy

No one can inherit your:

- family intervention tenancy (FIT) (the council may give you a FIT if you have been involved in antisocial behaviour)
- non-secure tenancy (the council is your landlord but you are in temporary accommodation following a homelessness application).

Further advice

You can get further advice from england.shelter.org.uk/housing_advice, local Shelter advice service or local Citizens Advice. If you have nowhere to sleep tonight, are at risk of harm or losing your home within the next 2 months, call Shelter Helpline on 0808 800 4444 for advice and information on your options.*

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



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Note
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