

# **Succession: Your right to inherit a council tenancy**

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Council tenants can normally pass their tenancy to someone else when they die. This is called succession.

Whether you can inherit a tenancy depends on the type of tenancy they had and your relationship to the person who died.

If you are entitled to inherit the tenancy, you will have the same type of tenancy as the person who died. It will happen automatically, even if the deceased tenant did not have a will or named someone else in their will.

## **Only one succession**

There can usually be only one succession to a council tenancy. If the person who died inherited their tenancy after the death of another tenant, no one else can inherit the tenancy.

The tenancy agreement may allow for more than one succession, but this is rare.

## **Joint tenants**

If you have a joint tenancy, you will take over the tenancy automatically if the other tenant dies, even if you are not living there. This counts as a succession.

## **Secure tenancies that started before 1 April 2012**

If the secure tenancy started before 1 April 2012 and you are the husband, wife, or civil partner of the tenant, you are first in line to inherit the tenancy if you lived together at the time of the tenant's death.

If you are a family member or cohabitee and had been living with the tenant for more than a year when they died, you can inherit the tenancy. If the tenant had more than one person who can inherit, you can decide between yourselves. If you can't agree, the council will decide.

### Secure tenancies that started after 1 April 2012

If the tenancy started on or after 1 April 2012 and you are the husband, wife, civil partner or co-habitee of the tenant who died, you can inherit as long as you lived together at the time of their death. Someone else can only inherit the tenancy if the tenancy agreement allows it.

### Flexible, introductory and demoted tenancies

You have the same rights to inherit a flexible tenancy as if it were a secure tenancy that started on or after 1 April 2012.

You have the same rights to inherit an introductory tenancy as if it were a secure tenancy that started before 1 April 2012.

If the tenancy used to be secure and it was demoted by the court, you can inherit it if you are the husband, wife, civil partner, cohabitee or family member. You must have lived with the tenant for at least a year before their death.

### Other types of council tenancy

You can't inherit a family intervention tenancy.

If the council has provided temporary accommodation while they look into a homeless application, this can't be inherited.

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You can get further advice from [england.shelter.org.uk/housing\\_advice](https://www.england.shelter.org.uk/housing_advice), a 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.

