

Succession: Your right to inherit a housing association tenancy

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

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

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 tenancy. If person who died inherited the 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.

Assured tenants

If you are the wife, husband, civil partner, or co-habitee of the tenant you are first in line to inherit the tenancy if you lived with the tenant at the time of their death. The tenancy can only be passed to someone else if the tenancy agreement allows it.

Check the tenancy agreement to find out if anyone apart from the tenant's wife, husband, civil partner or cohabitee can inherit the tenancy when they die.

Where there is more than one family member who can inherit, you can agree between yourselves who will take over the tenancy. If you cannot agree, a court will decide.

Assured shorthold tenants

The tenancy can be passed on in the same way as an assured tenancy if it is either:

- a fixed-term assured shorthold tenancy that is for a period of at least two years
- a periodic (rolling) assured shorthold tenancy

If the tenancy is a fixed-term assured shorthold tenancy for a period of less than two years, no one has a right to inherit it.

Secure tenants

If the housing association tenancy began before 15 January 1989, it could be a secure tenancy.

If 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 housing association will decide.

You can get further advice from 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.

