



Succession to Tenancy Policy

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Next Review: May 2028



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Farsi این مطالب را می توانید به زبان های دیگر، به شکل چاپ با حروف درشت یا حروف بریل (برای نابینایان) و بر روی نوار صوتی درخواست نمایید. در صورتی آه مایل به دریافت این مطالب به یکی از شکل های فوق هستید لطفاً با دفت Cadder HA تماس تلفن شماره .آنید حاصل 0141 945 3282

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1. Introduction

- 1.1. The purpose of this policy is to outline Cadder Housing Association's requirement to accept and consider any application for succession to a tenancy as set out in the Housing (Scotland) Act 2001 and amended by the Housing (Scotland) Act 2014.

2. General Principles

- 2.1 On the death of a tenant the tenancy may pass to a qualified person as described in Section 13 of the the Housing (Scotland) Act 2014, which amends Schedule 3 to the Housing (Scotland) Act 2001 and in the Scottish Secure Tenancy Agreement. Succession can only take place on the death of a tenant.
- 2.2 Consent to succeed a tenancy will only be given by the Association after consideration of the circumstances of the qualified person(s).
- 2.3 It is the responsibility of the successor to update the relevant authorities, such as Council Tax, Housing Benefit, Department of Work and Pensions and utility suppliers of the death of the tenant and the date of their succession. Although the Association can provide assistance with this.

3 Legislation and Regulatory Requirements

- 3.1 In preparing this policy, the Association has given consideration to, and sought compliance with, the following:

3.2 Legal Framework:

- The Housing (Scotland) Act 2001
- The Housing (Scotland) Act 2014
- The Matrimonial Homes (Family Protection) (Scotland) Act 1981

3.3 Scottish Social Housing Charter:

- **Outcomes 7, 8, 9: Housing Options**

- Social landlords work together to ensure:

- People looking for housing get information that helps them make informed choices and decisions about the range of housing options available to them
- Tenants and people on housing lists can review their housing options

Social Landlords have a role to prevent homelessness and should ensure that people at risk of losing their homes get advice and information on preventing homelessness.

- **Outcome 11: Tenancy Sustainment**

- Social landlords ensure that:

- tenants get the information they need on how to obtain support to remain in their home; and ensure suitable support is available, including services provided directly by the landlord and by other organisations.

4. Equalities

- 4.1 Our commitment to equal opportunities and fairness will apply irrespective of factors such as race, sex, disability, age, gender reassignment, marriage & civil partnership, pregnancy and maternity.
- 4.2 An equality impact assessment was carried out in conjunction with the preparation of this policy. It is deemed that this policy will not unduly affect under any person(s) with the above-mentioned characteristics.

5. Eligibility Criteria

- 5.1 The terms under which a succession to tenancy can occur are noted in Section 7 of the Association's Scottish Secure Tenancy Agreement. The terms are as follows:

Level One Successors

The highest level of priority to succeed a tenancy attaches to any person who is the:

- Former tenant's spouse, civil partner, cohabitee or joint tenants but only if the house was their only or principal home at the time of the tenant's death.

There is no qualifying period for the tenant's spouse, civil partner or joint tenant.

In the case of a cohabitee, they must have occupied the house as their only or principal home for at least 12-months immediately prior to the death of the tenant. The 12-month period does not begin until the Association has been informed in writing that the individual is living in the property as their only or principal home and the Association must have given consent to the proposed successors residency in the property.

If more than one person qualifies for the tenancy under Level One, then they must decide amongst themselves who should get the tenancy. If they are unable to agree, the Association will decide.

Level Two Successors

If there is no-one who qualifies at Level One, or a qualified person does not wish to take on the tenancy, it may be inherited by a member of the tenant's family in the following circumstances:

- They are aged at least 16 at the date of the former tenant's death.
- The house was used as their only or principal home at the date of death and for a period of at least 12-months prior to the death of the tenant.
- The Association had been notified in writing and given approval of the proposed successor's residency in the property.

If more than one person qualifies for the tenancy under Level Two, then they must decide amongst themselves who should get the tenancy. If they are unable to agree, the Association will decide.

Level Three Successors

If no-one qualifies at Level One or Level Two, or a qualified person does not want the tenancy, it will be inherited by a carer as long as:

- They are aged at least 16 at the date of the former tenant's death.
- The house was used as their only or principal home at the date of death and for a period of at least 12-months prior to the death of the tenant.

- They gave up another only or principal home before the death of tenant.
- They had or continue to provide care for tenant or a member of the tenant's family.
- The Association must have had been notified in writing and had given approval to the proposed successors residency in the property.

If more than one person qualifies for the tenancy under Level Three, then they must decide amongst themselves who should get the tenancy. If they are unable to agree, the Association will decide.

As with all applications for succession, we will ensure that we consider applications quickly and sensitively. Furthermore, we will recognise that the uncertainty over a carers housing situation and the process of applying for succession is likely to cause additional stress for carers during a time of bereavement and upheaval as their caring role ends.

There will be some cases when an individual has given up their main residence to care for a Cadder Housing Association tenant but have not informed us they have moved in, and the tenant dies before the 12-month qualifying period has been met. We recognise that there may be genuine reasons why a carer or tenant has not told the Association of the changes to the household composition. This could include where the carer moved in following a medical emergency or where they were providing a high level of care which left them with little time for seeking out information or support, or informing the landlord they have moved in. Where an applicant does not meet the criteria for succession, Cadder Housing Association will carefully consider all of the circumstances of the individual case and consider whether it is appropriate to allocate a new tenancy for the same or another property, to them.

6. Adapted or Specially Designed Properties

- 6.1 If the property was designed or significantly adapted for a person with additional support needs, no person will qualify under level two or three above unless that person also has additional support needs require similar type of accommodation.
- 6.2 If a person would have qualified, but for this paragraph, the tenancy will be terminated and we will look to make other suitable accommodation available.

7. Suitable Alternative Accommodation

- 7.1 Where an applicant does not have the right to succeed to a tenancy, the Association does not have any discretion to grant a succession to tenancy. The Association will consider whether it is appropriate, in all circumstances to offer a tenancy to the applicant at that property or another property in order to prevent homelessness and in line with the Association's Allocations Policy.

8. Appeals Procedure

- 8.1 Any applicant unhappy about a decision relating to a succession request may submit a written appeal to the Head of Housing within 28-days of receiving the decision.
- 8.2 The Housing Head of Housing will review the appeal and provide the applicant with the result of their decision in writing within 14 days.

- 8.3 If the applicant remains dissatisfied, recourse can be sought via the Association's Complaints Policy.

9. Tenancy Sustainment

- 9.1 The Association is committed to providing a quality to service to all our customers and ensure that they have all the necessary information and assistance provided in order to thrive in their tenancy.
- 9.2 When a succession is granted then the person(s) should be offered an appointment with the Association's Money Advice Officer to ensure that their income is maximised and they are fully aware of the financial obligations of taking on the tenancy.
- 9.3 Consideration should also be given to any unmet support needs and referral made to partner agencies to ensure that the new tenant is fully supported in their new tenancy, e.g., Social Work or Energy Advice.

10. Policy Review and Consultation

- 10.1 This policy will be reviewed every three years or earlier if deemed appropriate due to legislative changes.
- 10.2 Consultation with the community and resident participation is one of the key aspects of the way in which the Association operates. We therefore welcome the statutory provisions in the Housing (Scotland) Act 2001 which require all social landlords to take tenants' views into account when formulating key service delivery policies.