



Karibu Community Homes

Succession Policy

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1. INTRODUCTION

- 1.1 Karibu Community Homes is a registered social landlord established in 2024 to provide housing for social rent and leaseholders including supporting housing.
- 1.2 We are governed by our Board, which is supported by a number of Committees. Our governance arrangements set out clearly the roles and responsibilities of our Board and Committee members and our members of staff.
- 1.3 As a landlord, Karibu Community Homes aims to promote the health and wellbeing of our customers by providing quality homes, our areas of operation are safe, environmentally clean and well managed.

2. AIMS & OBJECTIVES

- 2.1 Succession is where a partner, family member or carer, has the right to take over a Secure/Assured Tenancy on the death of the tenant. A family member is defined by the Housing Act 1985 (Section 113) as: a spouse or civil partner, a parent, grand-parent, child, grand-child, brother, sister, uncle, aunt, nephew or niece. This includes family relationships through marriage or civil partnership, relationships by half-blood, and stepchildren.
- 2.2 This Policy sets out the circumstances under which someone may remain in a Karibu Community Homes property following the death of the tenant. As a community organisation, Karibu Community Homes ('KCH') recognises that housing stock is not just a home to a tenant but to members of their family also. We will deal with succession enquiries and applications sensitively following any tenant's death.

The main aim of this Policy is to clarify to tenants and applicants how the law relating to succession is carried out in practice.

- 2.3 Statutory succession is an operation of law and not granted by a landlord. Legislation generally provides for one statutory succession including survivorship, therefore, unless the tenancy agreement allows for it, there can be no further successions. The statutory successor succeeds to the existing tenancy. Rent arrears accrued by the deceased are not owed by the successor and are passed to the deceased estate. However, if a possession order is in place at the time of the tenant's death the successor must comply with the order.
- 2.4 Contractual Successions are 'non-statutory' rights granted to qualifying family members through the tenancy agreement, which is a form of contract, rather than by statute. The family member must comply with the requirements for succession set out in the tenancy agreement. Whether the grant of a new tenancy under a contractual provision counts as a succession in the law, will depend on when the original tenancy was granted. If the original tenancy was

granted before 1st April 2012, succession under a contractual provision will be considered a grant of a new tenancy meaning that they retain future statutory succession rights on their death. Contractual succession rights in tenancy agreements granted on or after 1st April 2012 are treated as statutory succession, and there are no further rights to succession.

- 2.5 Where no statutory or contractual succession rights exist, we may consider offering a discretionary 'succession'. In considering whether to offer a discretionary 'succession' we will look to ensure our allocation policies are not undermined by allocating a tenancy to someone who does not have as high a level of housing need as someone on the housing register. Karibu is under no obligation to offer a discretionary tenancy of the property or any other property.
- 2.6 An Application for Succession to Tenancy should be made to the Association as soon as possible after the tenant's death. The Association will respond to the applicant, in writing, with its decision usually within 28 days unless further information or investigation is required. No application is required by a joint tenant but they should notify us of the death of the other joint tenant as soon as practicable.

3. SCOPE

- 3.1 This policy applies to all Social Rent and Affordable Rent tenants. It does not cover Intermediate or Market Rent customers, licensees, shared owners, leaseholders, or freeholders.
- 3.2. This policy does not cover the assignment of a joint tenancy to a sole tenancy or assignment of a sole tenancy to a joint tenancy to add someone to a tenancy.
- 3.3. If a customer dies without a successor, we will follow our [Ending a Tenancy Policy].

4. QUALIFYING PRIORITIES

- 4.1 Succession rights under the Housing Act 1985 (as amended) governs secure tenancies in England. Succession rights for secure tenancies differ, depending when the tenancy was granted.

Under the Housing Act 1985 (as amended), secure tenancies allow for one statutory succession following the death of the original tenant, typically by a spouse, civil partner, or, if granted before 1st April 2012 a qualifying family member. However, some tenancy agreements, such as Karibu's Secure Standard Tenancy (SST), make contractual provision for two rounds of succession, to a qualifying applicant.

Provided that the tenant was not a successor, themselves, a spouse or civil partner who was residing with the deceased tenant and living in the property as their principal home at the time of the tenant's death is entitled to succeed as is a cohabiting partner if the tenancy was granted on or after 1st April 2012.

For tenancies granted before 1st April 2012, if there is no spouse or civil partner a member of the deceased tenant's family, including a cohabiting partner living with the tenant, who was residing with lived with the tenant as their principal home for 12months prior their passing is entitled to succeed.

If there are no successors in the above categories, the tenancy may have wider rights extending to others.

When considering an application for succession Karibu will follow housing law and succession will only occur where there is a statutory or contractual basis for doing so.

There is no right to a second succession under the 1985 Act.

- 4.2 Under English law, the right to succeed to an assured tenancy is governed by the Housing Act 1988. Succession is typically limited to the tenant's spouse or civil partner or cohabiting partner who was living in the property as their only or principal home at the time of the tenant's death. Where the tenancy agreement allows for broader categories of qualifying persons (e.g. other family members), these individuals must meet any specified conditions, such as having lived in the property as their only or principal home for at least 12 months prior to the tenant's death and notifying the landlord accordingly.

If these criteria are not met, then regardless of any evidence provided by the person requesting succession, the Association will not consider the succession request.

- 4.3 Where there is no one entitled to succeed to a tenancy, a tenant may request a discretionary succession, we will first check to see whether a previous succession has taken place. We will then assess the application and supporting evidence to:

Consider whether the applicant meets one of the following criteria:

- (i) Where a household member has a disability, and the property has been adapted especially for them.
- (ii) Where children or people with a prescribed medical condition/vulnerability are at risk of homelessness and ending up in temporary accommodation .
- (iii) Were the applicant has given up a social housing property to care for the deceased.

- (iv) Where the applicant has accepted responsibility for the deceased tenant's dependants and needs to live with them in order to do so
- (v) Confirm the applicant is a family member and has lived at the property as their principal home for the last 12 months.
- (vi) Assess the applicant's eligibility for social housing, whether they have a legal right to hold a tenancy and have recourse to public funds.
- (vii) Ensure the applicant doesn't have a legal interest in another property.
- (viii) Consider whether the property meets their housing need, or if alternative property should be offered.
- (ix) Assess any anti-social behaviour, the condition of property or tenancy management considerations.
- (x) Consider the application against the wider housing need.

Where the property has had considerable adaptations to meet the applicant's or another current occupier's medical needs, Karibu may exercise its discretion and consider the grant of a tenancy. When exercising the discretion, Karibu will take into account all relevant matters, including but not limited to the medical needs of the Applicant, the level of adaption, the possibility of alternative comparative rehousing, whether the property is underoccupied, and reputational risk.

5. ORDER OF QUALIFYING PERSONS

5.1 Level 1

Succession passes in the first instance to:

- **Joint Tenant:**
Joint Tenant is the greatest priority to succeed to a tenancy and there is no qualifying period for this category.
Under the Housing Acts 1985 and 1988 when a joint tenant dies the tenancy automatically transfers to the surviving tenant, regardless as to whether they were living at the property at the time of the other joint tenant's death. This is called 'Survivorship' and does not require our authorisation.
If the surviving tenant is not occupying the property as their only or principal home, we will take steps to end the tenancy, which will have lost any security of tenure

Or, if there is no joint tenant:

- **Tenant's spouse or civil partner, or cohabiting partner:**
(There is also no qualifying period for spouses or civil partners, but the property must have been their only or principal home at the time of the tenant's death. There is no qualifying period for cohabiting partners if the tenancy is assured, or if it was a secure tenancy granted on or after 1st April 2012, but the property must have been their only or principal home at the time of the tenant's death)

5.2 Level 2

If there is no one who meets the criteria at Level 1 or the tenancy is declined by the qualifying person, then the tenancy may pass to:

- A member of the tenant's family aged at least 16 years (at date of death) where the applicant resided with the tenant in the property and the property was the applicant's only or principal home for at least the 12 months immediately prior to the tenant's death. This can include cohabiting partners where the tenancy was secure and was granted before 1st April 2012.

5.3 Level 3

If there is no-one who meets the criteria at Level 2 or the tenancy is declined by the qualifying person, then the tenancy may pass to:

- A carer providing, or who has provided care for the tenant or a member of the tenant's family (includes all registered members of the household) where:
- the carer is aged at least 16 years (at date of death).

and

- the carer resided with the tenant in the property, and the property was the carers only or principal home for the period of 12 months immediately prior to the tenant's death.

and

- the carer had given up their previous only or principal home prior to the death of the deceased tenant.
- If no one qualifies at Level 3, the tenancy will be terminated.

6. **MORE THAN ONE QUALIFYING PERSON**

6.1 In the event of there being more than one qualifying person at any level, the qualified persons will be given the opportunity to decide amongst themselves who should succeed. If they are unable to decide Karibu will determine who will succeed to the tenancy.

6.2 Where Karibu is required to make this decision it will consider all relevant circumstances, including but not limited to:

- (i) Applicant's medical needs
- (ii) Applicants' housing needs and whether the property meets any medical needs

- (iii) Nature and length of relationship with the deceased
- (iv) Their length of residency at the property
- (v) Whether there is another property the potential successor could reasonably be expected to occupy
- (vi) Ties to the local area (schools, work, community)
- (vii) Past tenancies, anti-social behaviour, and arrears between the parties and Karibu

6.3 Where Karibu is required to decide between two parties to succession, we shall provide advice and support to the unsuccessful party in their search for re-housing.

7. ADAPTED PROPERTIES

7.1 Where a property has been specifically designed or significantly adapted for a person with special needs, Karibu will look to make best use of such a property.

7.2 Where adaptations are not required by the successor Karibu will consider offering an alternative in order to free up an adapted property and may consider possession proceedings where there are grounds for Karibu to do so.

7.3 Where Karibu refuse to grant an applicant a tenancy of the property but are willing to offer a tenancy of alternative accommodation, Karibu will take steps to end the tenancy and will tolerate the applicant's occupation in the property until Karibu has identified appropriate accommodation. In this situation the applicant is required to pay Karibu damages equivalent to the monthly rental charge. If the applicant fails to do so, possession proceedings may be commenced, and any offer of an alternative tenancy may be withdrawn.

7.4 Should suitable alternative accommodation be offered but refused. Karibu shall take steps to recover the tenancy by issuing possession proceedings.

7.5 If there is no successor, then all occupants of the property will be advised to vacate the property at the earliest possible date and Karibu will take steps to end the tenancy and regain possession.

8. EXCEPTIONAL CIRCUMSTANCES

8.1 When considering all applications for succession, at what will be a difficult time for applicants coping with bereavement, we will ensure that we do so sensitively and quickly. We will consider all the circumstances of the individual case and ensure that appropriate checks are made to determine whether the applicant meets the succession criteria.

8.2 When considering an application to succeed we will always seek to:

- respond sensitively at a time of grief and loss.
- minimise periods of uncertainty for remaining household members.
- meet our statutory and contractual obligations.

- make the best and most efficient use of our available housing.

8.3 Depending on the individual circumstances there will sometimes be cases where we exercise our discretion to grant a tenancy of the property or another property to the applicant. In these cases, the local authority may be requested to assist with facilitating the allocation via Referral.

9. FALSE INFORMATION

9.1 Anyone applying for succession will have to sign the form certifying that the information they have provided is correct and no false or misleading information has been given, or relevant information withheld. Should Karibu discover that an application has been falsified then Karibu may commence legal action with a view to repossessing the property and may refer the matter to the police and local authority. Karibu takes all forms of tenancy fraud seriously and is entitled to carry out investigations within its powers to consider the truth of any application or claim to succeed.

10. APPEALS / COMPLAINTS PROCEDURE

10.1 Any tenant or applicant who feels aggrieved by their treatment under this Policy can ask for a copy of Karibu's Complaints Policy which is available on our website. You also have a right to complain to the Housing Ombudsman. The Complaints Policy details the way in which you can complain and the timescales for responding.

11. POLICY REPORTING

11.1 Every Succession application will be logged and its progress recorded on the Housing Management system CRM (Succession).

12. CUSTOMER SERVICES

12.1 All Succession applications received will be carried out in line with our Customer Service Standards.

12.2 Complaints in relation to service failures in our obligations for Successions will be dealt with in line with our Complaint Handling Policy.

13. EQUALITY & DIVERSITY

13.1 As a service provider and employer we recognise the requirements of the Equality Act 2010, oppose any form of discrimination and will treat all customers, internal and external, with dignity and respect. We recognise diversity and will ensure that all of our actions ensure accessibility and reduce barriers to employment and the services we provide.

14. LINKS TO OTHER POLICIES

14.1 The following Policies relate to and should be referred to in respect of the Succession Policy;

- Allocations Policy
- Void Management Policy
- Rent Management policy
- Tenancy Management Policy

15. EQUALITY IMPACT ASSESSMENT

Under the Equality Act 2010 Karibu must consider whether our policies adversely affect our customers and/or staff.

The following table identifies whether this policy disproportionately impacts upon any individuals in regard to the key protected characteristics, as identified in the Act:

Special Characteristic	Any impact? (Yes or No)
age	No
disability	No
gender reassignment	No
marriage and civil partnership	No
pregnancy and maternity	No
race	No
religion or belief	No
sex	No
sexual orientation	No

We do not consider this policy to disproportionately impact any individuals in regard to these characteristics and therefore a detailed Equality Impact Assessment is not required.