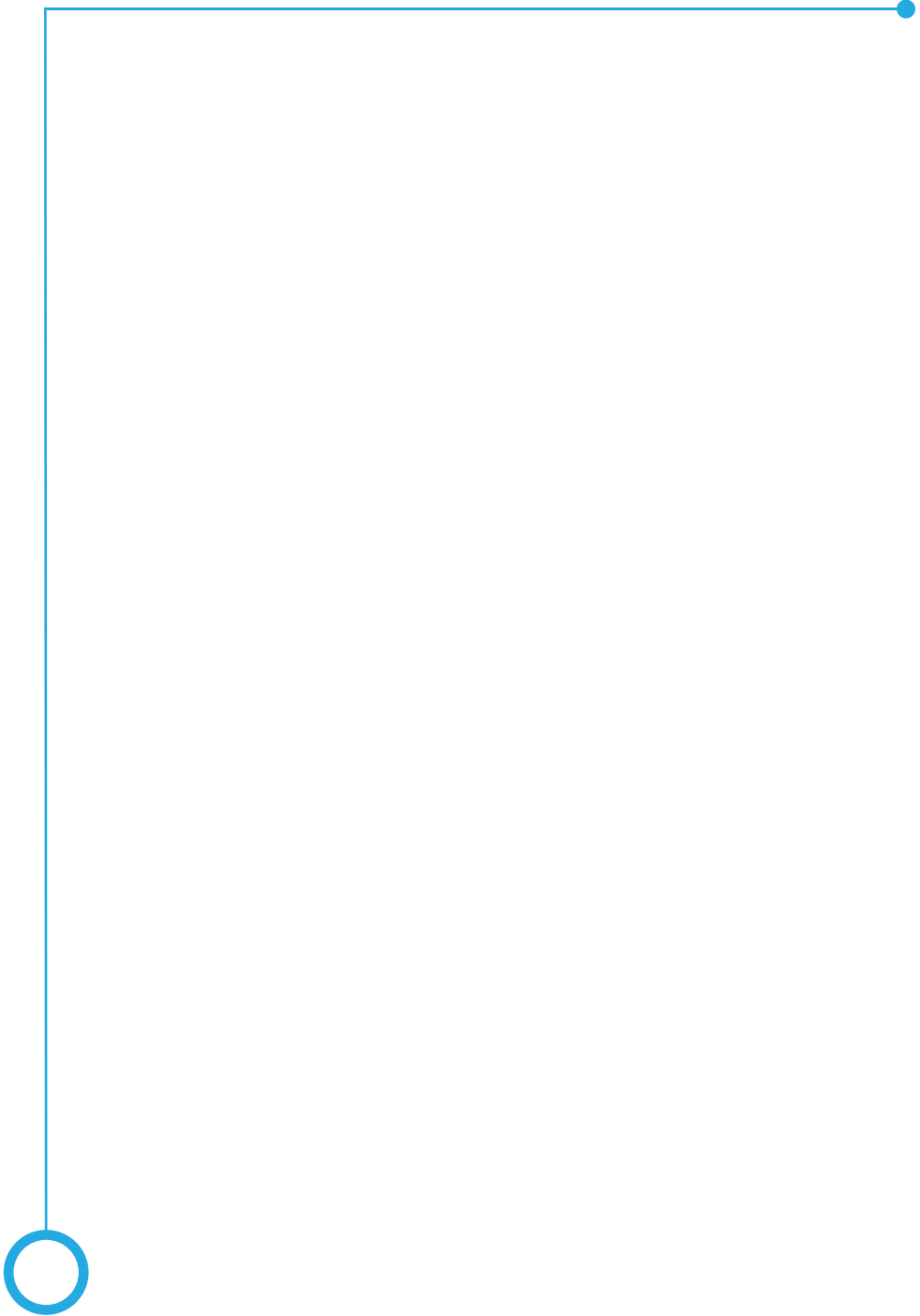


The Moray Council
**What to do if a
council tenant dies**



the **moray** council





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What to do if a council tenant dies

Coping with the death of a friend or relative is never easy, and trying to deal with their affairs can be complicated and upsetting. This leaflet tries to help you through this difficult time by explaining what you need to do when a council tenant dies.

What you should do when a tenant dies will depend if that tenant shared their home.

What should I do if a tenant dies?

You should tell us about the tenant's death as soon as possible. You can visit us, phone us, send us an e-mail or write to us. You will find contact details for the local access points at the end of this leaflet. If you do not know which of the offices to contact, contact the Elgin access point. Staff there will tell you what to do.

What will you do?

We will help you sort things out and give you advice on what to do next. For example, if you live at the home, you may be able to take over the tenancy, or you may want to end the tenancy.

Can I take over the tenancy?

This depends on the type of tenancy and the situation. In certain situations, a tenancy may pass to another person known as a 'qualifying person'. When the tenancy is taken over by someone after the tenant's death, this is known as 'succession'.

A tenancy can only pass on by succession twice. After this, by law, the tenancy must end.

Who is a qualifying person?

The law states who can take over a tenancy after a tenant dies. A person who has the right to take over the tenancy is called a 'qualifying person'.

You can only take over the tenancy after the tenant's death in the following circumstances.

- **If you had a joint tenancy with the person who has died**

If you are a joint tenant, you have the right to take over the tenancy and stay in your home. You will be responsible for any overdue rent and any other money owed on the property.

- **If you are a member of the tenant's family**

If you are the tenant's husband or wife, partner or civil partner (someone who has entered into a formal arrangement, known as a 'civil partnership', to give a same-sex couple the same legal status as a married couple) or other family member of the person who has died, and the house was your main home, you may have the right to take over the tenancy. If you were the tenant's partner (that is, you lived with the tenant as if you were their husband, wife or civil partner), the home must have been your only or main home for at least six months.

- **If you were the tenant's carer**

If you were the tenant's carer, you may have the right to take over the tenancy and stay in your home. To be classed as a carer:

- you must be aged 16 or over;
- the home must have been your only or main home at the time of the tenant's death; and
- you must have given up your only or main home to care for the tenant or member of the tenant's family.

When deciding who the tenancy can pass to, joint tenants take priority, followed by the tenant's husband, wife, partner or civil partner, then other family members, and finally carers.

If more than one qualifying person has equal priority to take over the tenancy, they must decide who the tenancy will pass to. If they cannot decide, we will decide for them.

What is the process for taking over the tenancy?

If you want to take over the tenancy after the tenant's death, you must contact us. We will ask you to fill in a form and will decide if you are a qualifying person who is entitled to take over the tenancy and what level of priority you have.

What if I want to move after taking over the tenancy?

Some people may want or need to move after the death of someone they have been living with. If you take over the tenancy you can apply to transfer to another house.

Please ask us and we will give you advice on other options that may be available.

If I could take over the tenancy but do not want to, do I have to move out straight away?

No, you will not have to move out straight away. By law, you can stay in the home for up to three months. You must pay an amount equal to the rent for the time that you stay in the house. This does not mean that you are a tenant.

What if I could take over the tenancy but it has already passed on by succession twice?

By law the tenancy will automatically end. In this case you may stay in the house for up to six months. You must pay an amount equal to the rent for the time that you stay in the home, but you will not be a tenant. We will give you advice and help you to find somewhere else to live.

What happens if I am not a qualifying person?

In this situation you will not have a legal right to the property. If nobody else is entitled to take over the tenancy, by law the tenancy will end. We will help you to find somewhere else to live.

What happens when the tenancy has to end?

We will ask you to fill in a form to officially end the tenancy. This form will give us at least one week's notice to end the tenancy. We will want to know:

- the details of the tenant's next of kin (closest relative);
- your address or the address of the person dealing with the tenant's affairs (if not you); and
- the date the keys will be handed in.

What is the process for ending the tenancy?

The tenancy will end on the date of the tenant's death. Any Housing Benefit entitlement will stop with the death of the tenant.

When you fill in the form to end the tenancy, we will give you a rent-free week in the home, beginning on the date of the tenant's death, to let you move the contents of the home. At the end of this period, you must return the keys.

If you do not return the keys by the end of this period, we will continue to charge rent. Any rent due, and charges for repairs, will be paid out of the tenant's estate. If you need longer than a week to clear the property, please tell us so that we can come to an agreement with you.

What should I do before ending the tenancy?

You will need to move all the tenant's belongings out of the home.

You should also:

- redirect the post;
- read the gas and electricity meters and give the reading to the gas and electricity companies so they can send the final bills;
- turn off the water at the stopcock;
- lock the doors to the property and make sure all windows are shut; and
- tell the Housing Benefit and Council Tax Section if the tenant received Housing Benefit or Council Tax Benefit.

What should I do with unwanted furniture?

If there are household items that could still be used, talk to staff at the Local Access Point. They may be able to tell you about furniture-aid schemes that may collect items free of charge. They will also give you information about our 'bulky uplift' service that takes away bulky items. There may be a charge for our 'bulky uplift' service.

For more information, please contact the local access point.

Contact Details

Phone: 0300 123 4566

Email: housing@moray.gov.uk

Website: www.moray.gov.uk

Please tell us if you need us to translate this document into your language, or if you would like a copy in large print, Braille, or as an audio format.

Local Access Points

Buckie Access Point

The Moray Council
13 Cluny Square
Buckie
AB56 1AJ

Elgin Access Point

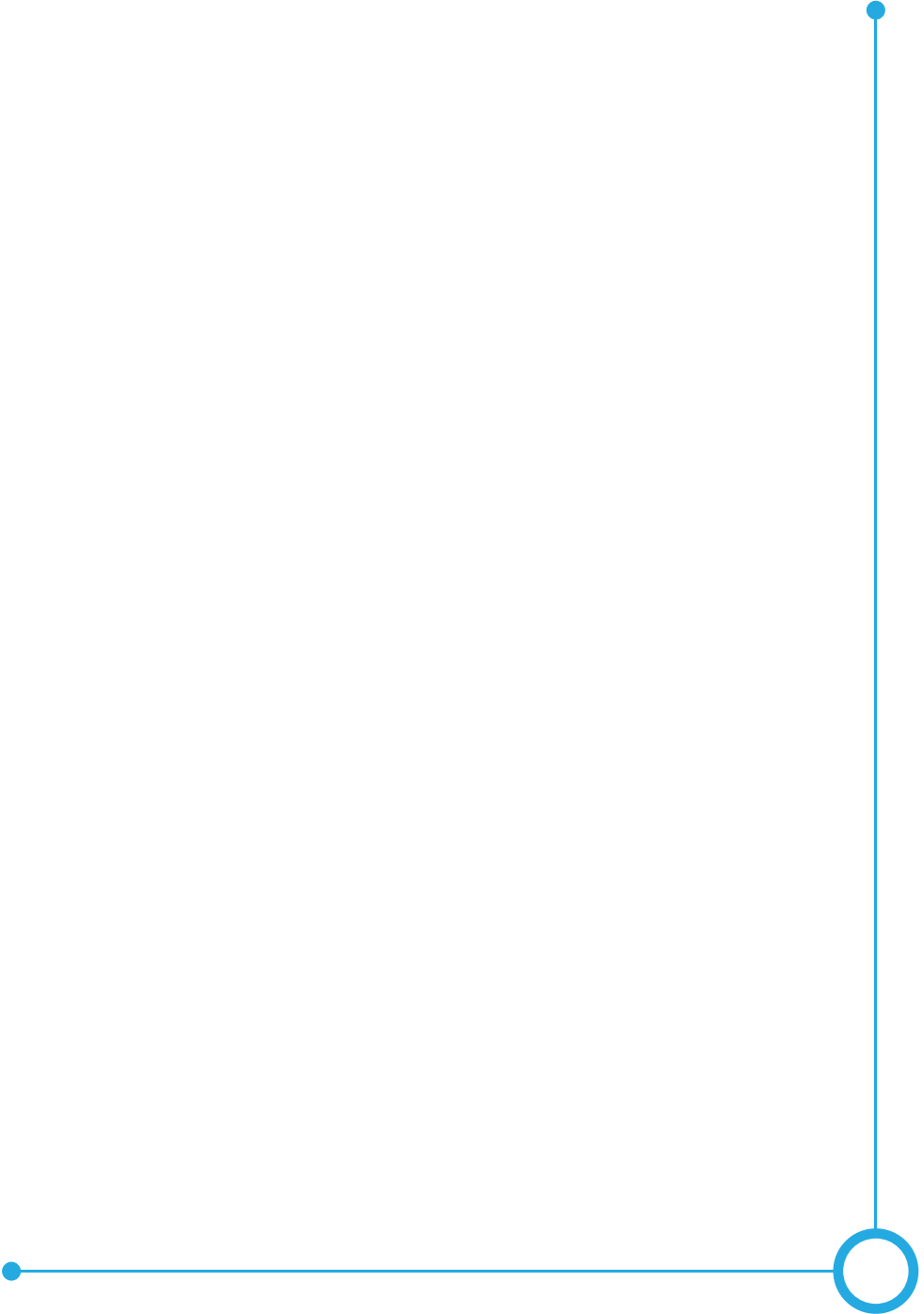
The Moray Council
High Street
Elgin
IV30 1BX

Forres Access Point

The Moray Council
Auchernack
High Street
Forres
IV36 1DX

Keith Access Point

The Moray Council
Keith Resource Centre
Mid Street
Keith
AB55 5AH



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