



Housing Management

Death of Tenant

Scope:	This policy applies to Circle 33 Housing Trust, EPIC Trust, Mole Valley Housing Association, Old Ford Housing Association, Roddons Housing Association, Russet Homes, South Anglia Housing, Wherry Housing Association
Effective Date:	February 2010
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Signed Off:	Group Policy Forum, 4 th July 2008
Author:	Abi Patience, Group Policy
Policy Owned by:	Group Policy
National Standards:	Tenancy
Other Regulation:	N/A
Legislation:	Administration of Estates Act 1925 Landlord and Tenant Act 1987 Section 48 The Family Provision (Intestate Succession) Order 1993 Law of Property (Miscellaneous Provisions) Act 1994 – Section 18 Law reform (Succession) Act 1995 Torts (Interference with Goods) Act 1977 Public Trustee (Notices Affecting Land)(Title on Death) Regulations 1995

Death of Tenant Policy

1 Scope

1.1 This policy applies to:

- Circle 33 Housing Trust
- EPIC Trust
- Mole Valley Housing Association
- Old Ford Housing Association
- Roddons Housing Association
- Russet Homes
- South Anglia Housing
- Wherry Housing Association

1.2 This policy addresses the event of the death of a resident where there is no potential right to succession. If there is no one entitled to succeed security of tenure is lost and the tenancy vests in the estate. This document sets out the correct method of lawfully terminating the tenancy and bringing the property back into use.

1.3 Where there is a right to succession or a possible right to succession, the [Successions policy](#) should be followed.

1.4 If there are people living in the property after the tenant has died who clearly do not have the right to succession, the [Abandonment and Absent Tenants policy](#) should be consulted.

1.5 This policy covers general needs, supported and sheltered housing.

2 Policy Statement

2.1 Circle Anglia works to improve people's life chances through providing great homes and reliable services to residents, and through helping build sustainable communities where people want to live and work.

2.2 Upon the death of a tenant we will endeavour to bring the property / unit back into use for letting as soon as possible. We will follow due process to bring the tenancy to an end in a lawful and considerate manner.

2.3 We will at all times be considerate towards those we are in contact with about a death of a resident, as we recognise that this can be a difficult time. Staff members, residents, neighbours and relatives will be informed of the death as carefully and sensitively as possible. Where appropriate, support will be offered to them.

3 Policy

- 3.1 When a resident dies, we require notification as soon as possible, where feasible accompanied by a death certificate. We will normally issue a [Notice to Quit](#) on the relevant parties within seven calendar days of the notification.
- 3.2 We will in all cases send a registration of death and a Notice to Quit to the Office of the Public Trustee, unless the Next of Kin reports the death, and their details match the details for next of kin that we have on file. We may also serve a copy of the Notice to Quit on other relevant parties.
- 3.3 The Notice to Quit means that the tenancy will end four weeks from the date of service. We will accept a surrender of the tenancy before this date, if the property has been cleared and keys returned. This will be made clear to the next of kin at the outset.
- 3.4 At the time of serving the Notice to Quit we will inform the relevant party that any goods left in the property will be removed after expiry of a Tort Notice. The Tort Notice will be served once the Notice to Quit has expired and will last for 14 days. If the goods have not been removed within the 14 days, we can then remove the belongings.

Supported and Sheltered Housing

- 3.5 We recognise that when a resident of supported or sheltered housing dies there may be additional processes to follow.
- 3.6 Where the landlord in question is Circle Anglia, staff should follow the procedures below. Sometimes the landlord may not be Circle Anglia, for instance in Tenancy Sustainment services. In these cases other procedures may need to be followed in addition or instead of the ones in this document.
- 3.7 We also recognise that remaining residents, and some staff may be affected by the death. We will ensure that appropriate support is offered.
- 3.8 Training needs about dealing with people who have been bereaved will be identified and provided to staff as appropriate.

4 Debts and Credits

- 4.1 Any rent credit / arrears until the Notice to Quit expires will be payable to / from the resident's estate. Any payment for damage to the property will also be payable by the resident's estate. The next of kin or any other relative will not be liable to pay any outstanding debts.
- 4.2 If the resident has left a will, they may have appointed an executor. If the resident has not left a will, then they have died "intestate". This means that the way that their estate is divided up is determined by law. Typically a close family member will apply to court and receive the right to be an "administrator".
- 4.3 If there is a known executor or administrator, and the debt owing is more than £20, an application for payment of the debt from the estate will be made to

them. Where the executor or administrator fails to respond to the first request and the debt is less than £100 it will be written off. If after two requests there is still no reply, or it is demonstrated that there is no money from the estate to pay any outstanding debts we will write them off entirely.

- 4.4 If there is no known executor or administrator, we will write off the debts. The only exception to this is where it is known that the crown is administering the estate (i.e. there are no relatives available) and the amount involved is considerable.

5 Former Tenant Goods

- 5.1 We will issue a Notice to Quit on the appropriate party within seven days of receiving a notification of death.
- 5.2 Where goods are left in the property we will serve a Tort notice at the end of the Notice to Quit, and keep the goods for 14 days before disposing of them.

Appendix 1: Religion, Death and Dying

The following table sets out some of the common practices in different religions around the time of death. They will not all apply in every circumstance, and assumptions should not be made about an individual and their next of kin's preferences in this area. Staff should at all times be sensitive to the situation and considerate of the dying person or the mourners.

	As death approaches	When death is imminent	Immediately after death	Burial / Cremation	Funeral Customs	Mourning
Buddhism	<p>Dying person needs peace and quiet to allow for meditation.</p> <p>A monk or religious teacher should be invited to talk to the dying person and chant passages of scripture</p>	<p>The ideal is to die in a fully conscious and calm state of mind.</p> <p>If a monk is not available, a fellow Buddhist may chant to encourage a peaceful state of mind</p>	<p>No special requirements relating to the care of the body.</p> <p>Buddhists from different countries will have their own traditions regarding care of the body.</p> <p>If a monk or religious teacher is not present, inform the monks of the appropriate school</p>	<p>Buddhists bury or cremate according to local traditions</p>	<p>Usually within 3-7 days a service may take place in the house prior to going to the cemetery or crematorium.</p> <p>Monks may be invited to remind the mourners of the impermanence of life</p>	<p>There is great variations according to country of origin, e.g. Sri Lankan Buddhist mourners may return to work in three or four days and place no religious restrictions on widows. Some Vietnamese have a series of rituals; mourning may last 100 days and mourning for a husband or father, three years.</p>
Christianity	<p>Some Christians may wish for prayers and anointing with oil by a minister or priest</p>	<p>Where appropriate, a priest or minister might be notified.</p> <p>Many Christians will wish to receive Communion (which will include some form of repentance and forgiveness).</p>	<p>No special requirements</p>	<p>Either burial or cremation.</p> <p>Increasingly only close family are present at the burial of the body or the ashes</p>	<p>It is customary in some areas to hold a prayer service in the house of the dead person before the funeral. For Orthodox, Roman Catholics and some Anglicans the funeral involves a church service with a Mass or Communion.</p>	<p>There is usually no official mourning period or mourning dress.</p> <p>There may be a service of memorial and thanksgiving some months after the funeral</p>

	As death approaches	When death is imminent	Immediately after death	Burial / Cremation	Funeral Customs	Mourning
		Prayers of commendation may also be said			Sometimes the body is placed in the church the night before and in Orthodox funerals the casket remains open throughout the service. Protestants services are simpler and the body is usually not visible.	
Islam	Other Muslims, usually family members, join the dying person in prayer and recite verses from the Qur'an. Dying person may wish to have face towards Mecca (south east)	The Declaration of Faith (Shahada) is said and, if possible the dying person responds 'I bear witness that there is no God but God and Muhammad is His Messenger	Non-Muslim health workers should ask permission to touch the body, then use disposable gloves. The body must be kept covered. Soon after death, there is a ritual washing of the body by same-sex Muslims. Post-mortems are disliked.	Always burial	Ideally burial is within 24 hours of death. Women are not included at the burial. Male family members carry the coffin either to the mosque or directly to the cemetery where the funeral prayer is said. The body is buried in a deep grave facing Mecca. In bigger cities there are special areas for Muslim burials and in some they are allowed to bury the shrouded body without a coffin. In some instances the body is embalmed and taken back to the country of origin for burial	Islamic law requires friends and relatives to feed mourners for three days. After this the family should officially return to normal though unofficial mourning may continue until the 40 th day. It is ended by Quranic readings and a meal
Judaism	A rabbi may be called to join the dying Jew in	The dying person should not be left alone. Jews present should recite	Health workers should handle the body as little as	Burial as soon as possible in simple coffins.	The service takes place in designated Jewish burial grounds. Prayers are said	After burial there are three periods of mourning throughout

	As death approaches	When death is imminent	Immediately after death	Burial / Cremation	Funeral Customs	Mourning
	<p>prayer and facilitate the recitation of the Confession on a Death Bed</p>	<p>psalms and when death occurs, the Declaration of Faith (Shema)</p>	<p>possible and cover with a white sheet. The Jewish Burial Society will collect the body and perform a ritual wash before burial</p> <p>Post-mortems are disliked.</p>	<p>Some non-orthodox Jewish communities permit cremation.</p> <p>Funerals do not take place on the Sabbath or holy days</p>	<p>in a chapel and at the graveside.</p> <p>Although women now attend funerals, the male mourners recite the prayers and place the coffin in the grave</p>	<p>which designated mourners recite prayers thrice daily and refrain from certain activities.</p> <p>The first week (shiva) mourners remain at home; the 30 days (shloshim) concludes mourning for all but the children of the deceased who mourn for a year. When mourning is concluded the tombstone is consecrated with a ceremony at the cemetery.</p>
Hinduism	<p>Hindus may receive comfort from hymns and readings from the Hindu holy books.</p> <p>Some may wish to lie on the floor. The family should be present.</p>	<p>The family may wish to call a Hindu priest to perform holy rites. A dying Hindu should be given Ganges water and the sacred Tulsi leaf in the mouth by the relatives. A person should die with the name of God being recited. Hindus often wish to die at home.</p>	<p>The family will usually want to wash the body themselves. If no family is available health workers should wear disposable gloves, close the eyes and straighten the limbs.</p> <p>Jewellery and religious objects should not be removed.</p>	<p>Cremation as soon as possible with the exception of children under three who are buried</p>	<p>Part of the service takes place at home. The pandit (priest) chants from scripture and the chief mourner (usually the eldest son) performs the rituals. Mourners walk around the coffin which is then closed and taken to the crematorium for further prayers.</p>	<p>Mourners and friends return to the deceased's house.</p> <p>In India the period of mourning and austerity (10-16 days) culminates in rituals enabling the dead person's soul to join the ancestors.</p> <p>In Britain these very important rituals occur soon after the funeral and involve gifts to priests or to charity. There may be further</p>

	As death approaches	When death is imminent	Immediately after death	Burial / Cremation	Funeral Customs	Mourning
						rituals at one, three, and 12 months
Sikhism	A dying Sikh may receive comfort from reciting hymns from the Sikh holy book. A relative or any practising Sikh may do so instead.	A Sikh person should die with the name of God, Waheguru (Wonderful Lord) being recited. Some Sikhs may want to have Amrit, holy water, in the mouth.	Health workers should not trim hair or beard. The body should be covered by plain white cloth. The 5Ks should remain on the body. Family members may wish to bathe the body themselves	Cremation as soon as possible.	Similar to Hindus but dressing the person in the 5Ks. After a short ceremony in the home the body is taken to the gurdwara (temple) for a service and then to the crematorium for further prayer	Up to 10 days of readings from the scriptures attended by relatives and friends. At the conclusion the eldest son is given a turban as a sign that he is now head of the family.

Glossary

Term	Definition
Executor or Administrator	An executor is the person named in a will to handle the property of someone who has died. The executor collects the property, pays debts and taxes, and then distributes what's left, as specified in the will. An administrator is a person appointed by a probate court to handle the distribution of property of someone who has died without a will, or with a will that fails to name someone to carry out this task
Intestate	The condition of dying without a valid will. The probate court appoints an administrator to distribute the deceased person's property according to state law
Next of kin	The person or persons most closely related by blood to another person
Notice to Quit	A notice from a landlord to a tenant or a tenant to a landlord that brings the tenancy to an end.
Office of the Public Trustee	The Public Trustee may act as executor, or administrator of an estate of a deceased person (with or without a will), usually only as a last resort. They also record Notices to Quit where there is an interest in land involved, to ensure that tenancies are legally terminated.
Vests in the estate	When a person dies their tenancy becomes a part of their estate. The estate is everything the person owned which now needs to be dealt with.

Related Documents

Document	Link
Connected Policies:	Abandonment and Absent Tenants policy
	Successions Policy
	Voids and Relets
Forms and Letters:	Notice to Quit
	Next of kin (notifier) letter
	Next of kin (not notifier) letter
	Application for Public Trustee's Office: NL1
	TORT notices
	Debts and Credits letter
	Insufficient funds form
Second debts letter	

Version history

Version no.	1	Date effective:	July 2008
Full / partial review?	n/a		
Brief summary of changes:	n/a		
Staff consultation (teams):	Supported Housing team managers EPIC Trust service managers Roddons neighbourhood team Mole Valley staff via Glynis Gatenby Russet staff via Lesley Hardwick Circle 33 CSAs, CSMs and Customer Services Wherry neighbourhood team South Anglia neighbourhood team Old Ford housing department		
Resident consultation:	Circle 33 residents focus group Wherry residents by email South Anglia Disability Quality Action Group Support Initiatives residents policy group Mole Valley Operations Working Group Mole Valley Residents Policy Group Russet residents		
Legal:	Eversheds		
Consultation:	Staff, SMPRG, GPF		
Signed off by:	Group Policy Forum, 4 th July 2008		
Author:	Abi Patience		

Version no.	2	Date effective:	February 2010
Full / partial review?	Desktop Review		
Brief summary of changes:	Update of information on tort notices and former tenant goods.		
Consultation:	Devonshires solicitors – reviewed the relevant sections to ensure legally robust.		
Signed off by:	Group Policy		
Author:	Group Policy		