



Housing Management

Death of Tenant

Scope:	This policy applies to Circle 33 Housing Trust, EPIC Trust, Mercian Housing Association, Merton Priory Homes, Mole Valley Housing Association, Old Ford Housing Association, Roddons Housing Association, Russet Homes, South Anglia Housing, Wherry Housing Association
Effective Date:	February 2010
Review Date:	July 2011
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
- Mercian Housing Association
- Merton Priory Homes
- 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.

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		