



ACHA • Putting Tenants First

## What should I do if a family relative or friend dies and lived in an ACHA Property?

### **What to do if an ACHA 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 an ACHA 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 all our offices at the end of this leaflet. Our Staff will be sympathetic and will advise you what to do next.

### **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'.

## **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 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 we will decide if you are a qualifying person who is entitled to take over the tenancy and what level of priority you have. You will be asked to provide proof of

residency, such as utility bills, bank statements, electoral roll or registered for housing benefit purposes.

### **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 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. 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 Sunday after the tenant's death. Housing Benefit will end on the Sunday after the tenant's death.

Until the keys are returned to us we continue to charge the equivalent of the weekly rent charge for storage purposes. 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 your local ACHA office. 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 Argyll & Bute Council Special Uplift service that takes away bulky items. There may be a charge for their 'bulky uplift' service. For more information, please contact the local area housing office.

**We appreciate that this is a very difficult time, however, our staff are trained to deal with the situation sensitively and are here to help. Please do not hesitate to make contact or ask questions at any time.**

## Area Housing Offices

<b>Helensburgh &amp; Lomond</b> 31 James Street, Helensburgh, G84 8AS <a href="mailto:Housing.lomond@acha.co.uk">Housing.lomond@acha.co.uk</a>	<b>Telephone</b> 01436 658700	<b>Kintyre</b> Old Quay Head, Campbeltown, PA28 6ED <a href="mailto:Housing.kintyre@acha.co.uk">Housing.kintyre@acha.co.uk</a>	<b>Telephone</b> 01586 559055
<b>Cowal</b> Dolphin Hall, Dunoon PA23 8DG <a href="mailto:Housing.cowal@acha.co.uk">Housing.cowal@acha.co.uk</a>	<b>Telephone</b> 01369 708688	<b>Islay</b> Jamieson Street, Bowmore, Islay, PA43 7HP <a href="mailto:Housing.islay@acha.co.uk">Housing.islay@acha.co.uk</a>	<b>Telephone</b> 01496 301312
<b>Bute</b> Union Street, Rothesay, PA20 0HD <a href="mailto:Housing.bute@acha.co.uk">Housing.bute@acha.co.uk</a>	<b>Telephone</b> 01700 501314	<b>Oban, Lorn &amp; Isles</b> Albany Street, Oban, PA34 4AW <a href="mailto:Housing.lorn@acha.co.uk">Housing.lorn@acha.co.uk</a>	<b>Telephone</b> 01631 567962
<b>Mid Argyll</b> Dalriada House, Lochgilphead, PA31 8ST <a href="mailto:Housing.midargyll@acha.co.uk">Housing.midargyll@acha.co.uk</a>	<b>Telephone</b> 01546 604800		