



Advice & Support on the death of a tenant.

Dealing with the loss of a loved one is a difficult time. Death in itself is distressing and the administrative procedures involved can be an additional burden. This leaflet lets you know what to do and how we can help.

Following the death of an Association tenant, please contact us as soon as possible by phoning 01259 722899 or email us at housing@ochilviewha.co.uk

When you call or email, the Association will require the following details:

- *Name of deceased;*
- *Address of deceased;*
- *Date of death;*
- *Contact name, address and telephone number of next of kin/executor;*
- *Estimated date for returning of keys;*
- *Death Certificate (a member of staff will need to have sight of this and a photo copy will be made).*

If you or anyone else were living in the property when the tenant passed away, you/they may be able to continue living there. Please contact the Housing Services Officer for further information.



Ending the tenancy & handing back the property

If you are the next of kin, or you have been appointed executor to the late tenant, you should be advised that, legally, the tenancy ends on the day the tenant passed away.

We will not charge rent for a period of 14 days following the death of a tenant and, therefore, can allow you these 14 days to access the property to remove the late tenant's moveable items and personal belongings.

On expiry of this period, please return all the house keys to Ochil View Housing Association, Ochil House, Marshill, Alloa FK10 1AB.

Before handing back the property to us, it should be secured, vacated, cleared of all possessions, and left in a clean and tidy condition.

Please be aware that the deceased's estate may be liable for rent until the keys are returned to us, if they are kept longer than the 14 days.

Should you fail to return the keys at the end of the 14 days, we will be required to change the locks and remove any remaining moveable items from the property.

If you are unable to clear the property within this time, you should contact the Association as soon as possible to discuss this with the Housing Services Officer.

Notifying other agencies

If the late tenant received Housing Benefit/ Council Tax Benefit, you should inform Revenues at the local council office to cancel the benefit claim, the contact numbers are below:

Clackmannanshire Council – 01259 450000 or email benefits@clacks.gov.uk

Fife Council – 03451 55 11 55 or email benctax@fife.gov.uk

If the late tenant was in receipt of Universal Credit, you should contact the DWP (Department of Work and Pensions) on 0800 328 5644.

Tell Us Once is a service that lets you report a death to most government organisations in one go. Visit <https://www.gov.uk/> and type 'Tell Us Once' in the search function to find it.

Can I inherit the tenancy on the death of a tenant?

A tenancy can be inherited by one of the following people:

Level One:

- Tenant's surviving spouse; or
- Surviving joint tenant; or
- Tenant's co-habitee or same sex partner, provided the property had been their only or principal home for at least 12 months immediately before the tenant died.

Level Two:

If no-one qualifies at Level One to inherit the tenancy, or a qualifying person does not want the tenancy, it may be inherited by a member of the tenant's family as long as:

- They are at least 16 years old at the date of the tenant's death, and
- They were residing in the property as their only or principal home at the date of the tenant's death and had been so for a period of not less than 12 months prior to the date of death of the tenant and
- We had been notified of in writing, and had given consent to, the proposed successor's residency in the property.

Level Three:

If no-one qualifies at Level 1 or Level 2, or a qualified person does not want the tenancy, it may be inherited by a carer as long as:

- They are aged at least 16 at the date of death and
- The house was their only or principal home at the date of death of the tenant and for a period of at least 12 months prior to the date of death of the tenant and
- They gave up another only or principal home before the death of the tenant and
- They are providing, or has provided, care for the tenant or a member of the tenant's family and
- The Association had been notified in writing of and had given consent to the proposed successor's residency in the property.

If more than one person qualifies for the tenancy under Levels 2 or 3, they must decide themselves who should get the tenancy. If they cannot agree, the Association will decide who will become the tenant.

Are there special rules for wheelchair adapted housing?

By law, where a social rented house has been designed or substantially adapted for use by a person with special needs, then only a husband, wife, co-habitee joint tenant or person who needs the special features or adaptations themselves can inherit the house.

However, if a member of the family or carer would have been entitled to succeed if the house had not been special needs housing, we will find suitable alternative accommodation for them.

If the person succeeding to the tenancy dies, then it can only be inherited a second time if the person qualifying to succeed needs the special features of the house themselves.

The reason for these rules is to try to make sure adapted housing is available for people who need the special features of the property.

Ochil View Housing Association
Ochil House, Marshall, Alloa. FK10 1AB
Tel: 01259 722899

Registered Scottish Charity number is SC033130.