



## **VHA Policy Document**

### **DEATH OF A TENANT**

**Reviewed: March 2024**

**Next Review Due: March 2027**

## VECTIS HOUSING ASSOCIATION LIMITED

### **Death of a Tenant Policy**

#### **1. Aims of the Policy**

It is the aim of VHA to deal with cases of death in a sympathetic and professional manner.

Whilst taking account of the bereaved family's loss, the Association must remain vigilant of its business needs. This is in terms of minimising rent loss and ensuring the most effective use of stock.

The aim of this policy is to clarify the Association's position and to give staff guidance when dealing with situations involving deceased tenants. This Policy is also for use as an operational document and therefore contains elements of a procedural nature.

#### **2. Implementing our policy objectives**

##### **Tenancy End Date**

- 2.1 When we receive notification of the death of a tenant, where no person qualifies to succeed the tenancy, a period of up to four weeks should be allowed for the property to be cleared. The Association recognises the difficulties and sensitivities associated with clearing belongings of a deceased person; therefore, the Housing Services Manager has the discretion to extend this period in exceptional circumstances.
- 2.2 In the event of the death of a tenant when there is no qualified person to succeed to the tenancy, the tenancy becomes part of the deceased tenant's estate. The ~~Senior~~ Neighbourhood Housing Officer (SNHO) will contact the executor or administrator to end the tenancy by issuing them with a notice to quit of 28 days. The notice should always start on a Monday. If the executor/administrator gives notice on a Monday before 12noon, the notice period will start on that day. If it's after 12noon, the notice period will start the following Monday.

Rent and other charges will still be charged to the account of the deceased tenant following the death. However, we will agree to waive all rent and other charges during the notice period, if those acting on behalf of the deceased are able to return the property cleared of personal effects by the end of that notice period. In which case, the tenancy termination date will be the date on the Death Certificate. Any credit in rent payments due over the four weeks' notice period can be credited back to the Estate by completing a refund form and submitting it to Finance.

- 2.3 If there are any arrears on the account, we will let the executor or administrator know and seek to recover these from the tenant's estate. Rights to housing benefit normally end on the death of the tenant.

2.4 If any goods/rubbish is left in the property once keys are handed in the **SNHO/NHO Housing Officer** should ask Next of Kin to sign Appendix 1 to enable us to remove any remaining items.

### **3. Next of Kin/Close Relatives**

3.1 In the vast majority of deaths, the Association are contacted by the next of kin or relatives of the deceased who take control of all the furniture and personal effects left in the property.

3.2 A Death Certificate is paramount to end the tenancy and must be obtained from the next of kin or relatives at the earliest convenience. This will also act as proof of the identity of the next of kin and/or relatives. If there is any doubt as to the identity of the person claiming to be the next of kin or relative, further checks must be carried out e.g. I.D. etc.

3.3 The next of kin or relatives should be asked to clear the property as quickly as possible (normally within four weeks (see 2.4)).

3.4 The **SNHO Housing Officer** will contact the executor or administrator to end the tenancy by giving notice to quit of 28 days. This is served not on the tenant but on the representative (executor/administrator). The deceased tenant's next of kin cannot end the tenancy unless they are executors or administrators and should provide evidence of this, by way of providing legal evidence (letter of administration). See 2.2.

### **4. When there is no Next of Kin or relatives**

4.1 If there is no next of kin the estate legally becomes ownership of the Government. In terms of ending the tenancy if a tenant dies with or without a will but without leaving an appointed executor/administrator, the tenancy is transferred temporarily to the Public Trustee. Therefore, we must serve a Notice to Quit on the Public Trustee to end the tenancy. Additionally, the correct process for bringing the tenancy to an end, is to serve a copy of the Notice to Quit at the property addresses to "the personal representatives of [name of deceased tenant]".

#### **Checklist:**

Send the Public Trustee all of the following:

- a copy of the written notice (a copy of which has been served at the property)
- the completed application form to register the notice. The notice is available online (<https://www.gov.uk/tenancy-agreements-a-guide-for-landlords/if-your-tenant-dies-without-an-executor-or-a-will>). **Registering the notice costs £40.00. Following**

successful registration of the notice, we will need to fill out an NL2 form at a cost of £8.26, following this we will then be able to search to see if the tenancy has been ended, this will cost £20.00.

- 4.2 In cases of suspicious death or where no next of kin or relatives are involved, the Police will in all probability be dealing with this situation, if however, they are not, they must be contacted immediately.
- 4.3 The Police thereafter will be responsible for contacting agencies responsible for funeral arrangements and executing the estate. One of the agencies referred to is the Local Authority.
- 4.4 Local authorities have a legal obligation to organise and pay for the funeral of a person who has no next of kin. Isle of Wight Councils' Environmental Health Department are responsible for dealing with these situations and decide what should happen to the furniture and personal effects that have been left in the property.
- 4.5 If the Local Authority authorises VHA to remove any belongings, the Neighbourhood Housing Officer will compile a full inventory of furniture and take digital photographs, completing Appendix 2 for VHA's records.

## **5. Dealing with complaints**

We value complaints and endeavour to use information from them to help us to improve our services. Complaints relating to the Death of a Tenant Policy will be dealt with in line with our Complaints Procedure. Complaints can be made if we fail to apply this policy properly or do not meet our organisational standards.

## **6. Policy Review**

VHA recognizes the importance of working in partnership with our residents to develop and continuously improve our services. To demonstrate this commitment, this policy will be periodically reviewed in consultation with VHA Board members. This policy will be reviewed on a three-yearly cycle and will be next due for review in June 2022.

## **7. Confidentiality and Data Protection**

All information provided to VHA by tenants, relatives and advocates in connection with this policy will be managed in line with the requirements of the Data Protection Act and GDPR (General Data Protection Regulations).

(Associated procedure – Former Tenants' Arrears)