

Housing Management

# Succession and assignment of tenancy policy

2025



THE ROYAL BOROUGH OF  
KENSINGTON  
AND CHELSEA

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## 1 Introduction

- 1.1 This Policy outlines the approach taken by the Royal Borough of Kensington and Chelsea ('the Council' or 'RBKC') for managing the transfer of tenancy rights through assignment and succession.
- 1.2 This Policy explains the different types of tenancy transfers under succession, assignment, and survivorship.
- 1.3 It explains the eligibility criteria for these transfers, the limitations on succession and assignment, and the steps residents must follow to submit a claim for either succession or assignment of a tenancy.
- 1.4 This Policy does not address the processes for creating or terminating a tenancy or adding someone to an existing tenancy; this is covered in the Council's [Tenancy Policy](#).

## 2 Scope

- 2.1 The content on succession outlined in this policy applies solely to secure and introductory tenants of RBKC. It does not cover other types of tenancies.
- 2.2 The content on assignments within this policy is applies exclusively to secure tenants, except where explicit reference is made to other tenancies, such as introductory tenancies.
- 2.3 Licences issued by the Council are also excluded from succession and assignment eligibility.

## 3 Key Terms and Definitions

Succession is the general term for the transfer of a tenancy to another individual following the death of a tenant. It encompasses both statutory successions as set out in law and discretionary successions subject to the Council's internal policies.

**Statutory succession** refers to the specific right, governed by law, to transfer the tenancy to a qualified person (statutory successor) following the death of a tenant. Further information on who is considered qualified person can be found in [Section 5 of this Policy "Qualified Persons"](#).

**Survivorship** is the transfer of a tenancy to the surviving joint tenant when the other joint tenant dies.

**Assignment** is the transfer of a tenancy during the tenant's lifetime. The original tenant transfers the tenancy to the 'assignee'.

## 4 Legislative Framework

The relevant legislation affecting this Policy includes:

- Housing Act 1985
- Housing Act 1988
- Housing Act 1996
- Localism Act 2011
- Matrimonial Causes Act 1973
- Matrimonial and Family Proceedings Act 1984
- Children Act 1989
- Family Law Act 1996
- Civil Partnership Act 2004
- Marriage Same Sex Couples Act 2013
- Domestic Abuse Act 2021

## 5 Related Documents

This Policy should be read in conjunction with the following documents:

- [RBKC's Housing Allocations Scheme](#)
- [RBKC's Repairs Recharge Policy](#)
- [RBKC's Housing Management 'Your Tenancy' Handbook](#)
- [RBKC's Tenancy Policy](#)
- [RBKC's Succession of Tenancy and Assignment Policy](#)
- [RBKC's Rent Income and Arrears Policy](#)
- [RBKC's Mutual Exchange Policy](#)
- [Grenfell Settled Homes Policy](#)
- [Grenfell Settled Homes Policy FAQs](#)
- [Wider Grenfell Rehousing Policy](#)
- [Summary of Wider Grenfell Rehousing Policy](#)
- [Local Lettings Plan \(for Lancaster West Estate and Bramley House\)](#)

## 6 Qualified Persons

**For tenancies granted before 1 April 2012:**

- 6.1 The following individuals are 'qualified persons' and are deemed eligible to inherit a tenancy through succession as per the Housing Act 1985, as amended:

The tenant's:

- Spouse
- Civil Partner
- Partner
- Joint tenant

- Cohabitees
- Relatives (*parents, grandparents, children, grandchildren, siblings, uncles, aunts, nephews and nieces*)

6.2 For spouses or civil partners to succeed the tenancy, they must have occupied the property as their sole and principal home at the time of the tenant's death.

6.3 In cases where the qualified person is not the deceased tenant's spouse or civil partner, the individual must have:

- occupied the property as their sole and principal home at the time of the tenant's death; **and**
- resided with the tenant for at least **12 months** prior to the tenant's death.

**For tenancies granted on or after 1 April 2012:**

6.4 Following the implementation of the Localism Act 2011, the right of succession was restricted to the following individuals.

The tenant's:

- Spouse
- Civil Partner
- Partner
- Joint tenants

6.5 Other members of the household are not entitled to succeed any secure tenancy that was created after 1 April 2012.

6.6 The residency requirements for succession listed in [6.2](#) remain applicable for tenancies granted on or after 1 April 2012: the qualified person must have occupied the property as their sole and principal home at the time of the tenant's death.

## **7 Succession**

### *Application and Evidence*

7.1 There can only be one succession per secure tenancy agreement. Therefore, if the deceased tenant had previously succeeded to the tenancy, it cannot be passed on through succession again.

7.2 Applications for succession should be made by completing the Succession Application Form ([Appendix 1](#)). The form can then be submitted by:

- Email to the Neighbourhood Services Team:

- For North of the Borough: [HM-NeighbourhoodManagementNorth@rbkc.gov.uk](mailto:HM-NeighbourhoodManagementNorth@rbkc.gov.uk)
  - For Centre of the Borough: [HM-NeighbourhoodManagementCentral@rbkc.gov.uk](mailto:HM-NeighbourhoodManagementCentral@rbkc.gov.uk)
  - For South of the Borough: [HM-NeighbourhoodManagementSouth@rbkc.gov.uk](mailto:HM-NeighbourhoodManagementSouth@rbkc.gov.uk)
- In person/via post to the following local housing offices:
    - **Blantyre Neighbourhood Office**  
12 Blantyre Street  
World's End Estate  
London  
SW10 0DS
    - **The Hub at Malton Road**  
2-4 Malton Road  
London  
W10 5UP
    - **Lancaster West Neighbourhood Office**  
Unit 7 Baseline Business Studios  
Whitchurch Rd  
London  
W11 4AT

7.3 Applications for succession must be submitted within **4 weeks** of notifying the Council of the tenant's death. The Council may, at its discretion, consider extending this timeframe.

7.4 The Council will verify the applicant's information and determine their eligibility to succeed the tenancy.

7.5 While a succession claim is under consideration, the Council may still issue legal notices as required to ensure the property is managed appropriately.

7.6 Approval of succession claims are subject to the submission of sufficient evidence. The evidence must demonstrate that the applicant is a [qualified person](#) under the law and satisfies the residency criteria (if applicable). This may include providing:

- proof of identity,
- proof of residence,
- evidence of the relationship to the deceased tenant, and
- confirmation that the property is the applicant's principal home

- 7.7 In cases where there is more than one eligible successor, it is the responsibility of the individuals concerned to agree on who will succeed the tenancy.
- 7.8 If the concerned individuals are still unable to agree on a successor, the matter will be resolved either by a court or the Council.
- 7.9 In cases where the final decision rests with the Council, the housing needs of the applicants, their relationship with the deceased tenant, and any dependents involved will be taken into account.
- 7.10 Where occupants do not have the right to remain in the property, the Council will initiate legal proceedings to recover possession and provide housing advice and guidance to the remaining household members.

#### *Mutual Exchange*

- 7.11 In mutual exchange cases, tenants do not obtain any new rights to succession after they move into their new properties. This means that if a tenant has already received a tenancy through succession in their original property, they cannot pass the tenancy to another individual in their new property. For information on assignment by way of exchange, please see the separate [Mutual Exchange Policy](#).

#### *Ensuring Integrity in Succession Claims*

- 7.12 Dishonestly claiming succession, providing false or misleading information to support a claim, or failing to disclose the death of a tenant to benefit from their tenancy constitutes fraud. The Council will take appropriate enforcement action, in line with the [Housing and Social Investment Fraud Policy \[TBC with link\]](#).
- 7.13 The Council may also engage with external agencies and landlords to address fraudulent activity.

## **8 Survivorship**

- 8.1 Survivorship occurs when one joint tenant passes away, resulting in the tenancy automatically transferring to the surviving joint tenant. This process does not require an application to the Council as it is a legal right established by the original joint tenancy agreement.
- 8.2 When survivorship occurs, the surviving tenant assumes full responsibility for the tenancy, including rent payments and adherence to the tenancy agreement.
- 8.3 The tenancy type remains unchanged following survivorship.
- 8.4 Survivorship is considered one statutory succession under the law. As a result, no further statutory successions are permitted once survivorship has occurred, meaning the surviving tenant will not be able to pass on the tenancy through succession in the future.

8.5 Although survivorship automatically transfers the tenancy to the remaining joint tenant, the Council will still aim to ensure that its housing stock is used effectively. This includes taking steps to minimise under-occupation and ensuring properties adapted for disability needs are allocated appropriately.

## **9 Assignment of Tenancy**

9.1 Assignment is the legal transfer of a tenancy from a tenant to another person (the assignee) during the tenant's lifetime.

9.2 The assignment must be completed through a Deed of Assignment, transferring all tenancy rights and responsibilities from the original tenant to the new tenant.

9.3 A secure tenancy can only be assigned once as the assignment replaces any future succession rights. The assignee will not be entitled to further assign the tenancy, nor pass on the tenancy through succession in the future.

9.4 The eligibility requirements for tenancy assignment are identical to the requirements for succession. Only individuals that are considered 'qualified persons' can receive a tenancy through assignment. ([see Section 4. Qualified Persons](#)).

9.5 Assignment of secure tenancies is only permitted in specific circumstances such as:

- Where neither succession nor assignment of the tenancy has previously occurred
- Where the assignee would have been eligible to succeed the tenancy upon the death of the tenant.
- As result of a mutual exchange (subject to the conditions listed in the [Mutual Exchange Policy](#).)
- Where a court orders an assignment, such as in divorce proceedings or cases of domestic violence, under the Matrimonial Causes Act 1973 or the Family Law Act 1996.

9.6 Introductory tenants may be permitted to assign a tenancy to a qualified person who would have been eligible to succeed to the tenancy following a court order.

9.7 If there are any outstanding arrears, the original tenant should discuss this with the Council before proceeding with the application to assign their tenancy.

## **10 Timeframes for Decisions**

10.1 The Council will aim to process and make decisions on applications for succession or assignment promptly to minimise uncertainty for residents. However, this will be subject to the submission of supporting documentation, tenancy checks and the complexity of the case.



10.2 Residents can request updates on the progress of their application by contacting their Neighbourhood Services Coordinator/local housing officer.

## **11 Discretionary Granting of Succession Rights**

11.1 In cases where there is no statutory right to succeed a tenancy, the Council may, in exceptional circumstances, exercise discretion to grant succession rights to residents. The general rules for succession remain applicable.

11.2 Residents granted discretionary succession rights may be offered an alternative Council property, subject to the suitability conditions outlined in [Section 12](#) of this Policy “Suitability of Succeeded or Assigned Properties”.

11.3 Succession rights granted outside the statutory framework will only be considered for residents who meet the eligibility and qualification criteria for social housing, as outlined in the Council’s Housing Allocation Scheme. This includes requirements around residency, citizenship, and immigration status. For the full criteria, please refer to [RBKC’s Housing Allocations Scheme](#).

11.4 Each case will be evaluated on its own merits, particularly focusing on the needs of vulnerable household members

11.5 The Council will aim to ensure the best use of housing stock to reduce under-occupation and ensure appropriate use of properties adapted for disability needs. When considering discretionary succession rights, RBKC will carefully weigh individual circumstances against the urgent needs of others on the housing register.

11.6 Details regarding any additional consideration for granting discretionary succession rights relevant to tenants in Lancaster West Estate and Bramley House, and Grenfell survivors and bereaved can be found in the below policies:

- [Grenfell Settled Homes Policy](#)
- [Wider Grenfell Rehousing Policy March](#)
- [Local Lettings Plan \(for Lancaster West Estate and Bramley House\)](#)

11.7 Decisions regarding the granting of discretionary succession rights are subject to approval by the Director of Housing Needs.

## **12 Suitability of Succeeded or Assigned Properties**

12.1 Following an assignment or succession, the Council must ensure that the new tenant and their household are accommodated in a suitable property. If the succeeded or assigned property is deemed unsuitable, the Council may take steps to relocate the tenant to more appropriate accommodation.

12.2 The Council will consider a property unsuitable if it is:

- larger than the new tenant's housing need (i.e. under-occupying) or if it would lead to overcrowding.
- an adapted property, and the tenant does not require the adaptations.

*The above list is non-exhaustive and there may be other circumstances where the Council may deem a property unsuitable for the new tenant (and their household).*

12.3 If succession results in under-occupation, the Housing Management Neighbourhoods Team will collaborate with the Housing Needs Service to offer the tenant alternative accommodation that is better suited to their needs. This can include encouraging the successor to join the Council's Housing Register with additional priority for rehousing.

12.4 The Council may initiate legal proceedings to repossess the property in cases where the new tenant refuses to move out of an unsuitable property, or if the successor has not been successful in moving to a new home through the Council's Housing Register.

### **13 Appeals and Complaints**

13.1 Applicants can submit a written appeal if the Council has refused their claim for succession, or an application for assignment.

13.2 Appeals can be submitted through the applicant's local housing officer or the Neighbourhood Services Team by email:

- For North of the Borough: [HM-NeighbourhoodManagementNorth@rbkc.gov.uk](mailto:HM-NeighbourhoodManagementNorth@rbkc.gov.uk)
- For Centre of the Borough: [HM-NeighbourhoodManagementCentral@rbkc.gov.uk](mailto:HM-NeighbourhoodManagementCentral@rbkc.gov.uk)
- For South of the Borough: [HM-NeighbourhoodManagementSouth@rbkc.gov.uk](mailto:HM-NeighbourhoodManagementSouth@rbkc.gov.uk)

13.3 The local housing officer/Neighbourhood Services Coordinators will forward the appeal to the Head of Neighbourhood Management for their consideration.

13.4 Applicants can also submit their appeal by post to the following housing offices:

- **Blantyre Neighbourhood Office**  
12 Blantyre Street  
World's End Estate  
London  
SW10 0DS
- **The Hub at Malton Road**  
2-4 Malton Road  
London

## **W10 5UP**

- **Lancaster West Neighbourhood Office  
Unit 7 Baseline Business Studios  
Whitchurch Rd  
London  
W11 4AT**

- 13.5 Applicants can also attend the above offices to submit their written appeal in person.
- 13.6 The Head of Neighbourhood Management will provide a written response to an appeal within **28 days of receipt**.
- 13.7 If the appeal is considered and the Council's original decision is upheld, this decision will be final, with no further right of appeal.

### *Complaints*

- 13.8 Outside of the appeals process, if a resident has an issue about the service received during the succession or assignment process (e.g., delays, errors, or staff behaviour), they can submit a complaint to the Customer Experience Team by emailing [HM-Complaints@rbkc.gov.uk](mailto:HM-Complaints@rbkc.gov.uk).
- 13.9 All complaints will be handled in line with the [Council's Housing Management Complaints Policy](#).

## **14 Equalities Statement**

- 14.1 The Council is committed to promoting fair and equal access to services and equal opportunities in employment, the procurement of goods and as a community leader. The Council's policies, procedures and day to day practices have been established to promote an environment which is free from unlawful and unfair discrimination, while valuing the diversity of all people.
- 14.2 Discrimination on the grounds of race, nationality, ethnic origin, religion or belief, gender, marital status, sexuality, disability and age is not acceptable: the Council will take action to ensure no person using the Council's premises or services receives less favourable treatment or is disadvantaged by requirements or conditions that cannot be justified. The Council will tackle inequality, treat all people with dignity and respect and continue to work to improve services for all service users.
- 14.3 The legal framework for the Council's approach is provided by the Equality Act 2010 and specifically by the Public Sector Equality Duty, under which a public authority must work consciously to eliminate discrimination, harassment, victimisation and to advance equality of opportunity and foster good relations between people with differing characteristics.

14.4 Further detail on the Duty, and the Council's approach to fulfilling its requirements, can be found at [www.rbkc.gov.uk](http://www.rbkc.gov.uk)

## **15 GDPR and Data Protection Act 2018**

15.1 As a department of RBKC, Housing Management shares the commitment to ensure that all data is:

- processed lawfully, fairly and in a transparent manner
- collected for a specific and legitimate purpose and not used for anything other than this stated purpose, or as provided for in our privacy and fair processing notices
- relevant and limited to whatever the requirements are for which the data is processed
- accurate, and where necessary, kept up to date. Any identified inaccuracies will be amended or removed without undue delay
- stored for as long as required, as specified within RBKC's Records Retention policy
- secured with appropriate solutions, which protect the data against unauthorized or unlawful processing and accidental loss, destruction or damage.

15.2 For further information about the Council's commitment to the General Data Protection Regulations (GDPR), visit the Council's website at [www.rbkc.gov.uk](http://www.rbkc.gov.uk) .

## **16 Compliance, Monitoring and Review**

This policy will be reviewed every five years or sooner if there are significant changes in legislation, regulations, or operational requirements that impact the assignment of tenancy or succession process.

## **17 Appendices**

Appendix 1: [Succession Application Form](#)