

Appendix 2: General and Succession Webinars Q&A

General Tenancy Conditions Webinar – 16th September 2021

Q: Regarding the second home policy, if I was an investor of a residential property with business associates purely as a business. Is that considered a 2nd home?

A: During your tenancy you must not own or rent another property, alone or with someone else, which it would be reasonable for you to live in as your home. If you do, we may take action to end your tenancy.

Q: We are a married couple with children and if one of us dies, who succeeds?

A: The spouse will succeed.

Q: If family members have got laminate flooring prior to all these changes and then if someone complains about being noisy, what kind of support would we get? The section on hard floor coverings does say if you've got that type of flooring already, you won't be required to remove it unless there are complaints.

A: If there are complaints, THH will investigate and we will work with the tenant to either help them get it out or to try and minimise noise transmission through other means. It might be that you can put carpet on top or a rug on top or something ...we will take a very pragmatic and take it on a case-by-case basis.

Q: I succeeded the tenancy after my mother passed away in 2003. My brother is living with me and in the event of my death would my brother succeed the tenancy?

Q: Under the new proposed arrangement, his circumstances will be taken into account based on housing need. There is a possibility of an award of a discretionary tenancy, that effectively means that rather than make someone homeless, we will look at rehousing them, possibly in that home if it's suitable or elsewhere. But it does very much depend on individual circumstances at the time.

Q: Who is responsible for the trees in the gardens? Because for example, where I live, in front of me there is one very big tree covering all the light coming from outside. It's reaching the seventh floor and at home it's dark and cold and even during the brightest days.

A: It depends where the tree is. If the tree is on our land or council land, it will be our responsibility to trim it and you should get in touch with us to try and arrange for that to be done.

Q: Does our secure tenancy status get removed with the new terms?

A: We are changing the conditions of tenancy, not the security of tenure, so your status as a secure tenant remains completely unaltered and continuous. There's no break as a result of these new conditions being introduced.

Succession Changes Webinar – Tuesday 28th September 2021

I am a lone parent with a young child at this current time. If my child turns 18 and I pass away would my child automatically be given my property in their name as a secure tenancy?

I would like to know if the tenant who is renting the property would have to state in writing if they wanted to succeed that property to another member of their family for example a child or sibling?

We need legislation that will protect existing tenants. Priority should be given to say children of deceased tenants If they are under occupying ... that's only fair

What are the succession rights of an unmarried couple (where the tenancy is a single tenancy), who aren't in a civil partnership but in a long-term relationship?

What if a single adult inherits a 2-bedroom flat - post 2020 (tenancy) - you'd say is under occupying but they could start a family in the near future?

Officers responded by making it clear that any information provided “here and now” was not to be regarded as “advice” and was given in good faith based on the proposed changes but making it clear that this was not a definitive statement of fact. Every situation would have to be assessed by officers at the time death/succession, and only then could a definitive position be established. Officers re-iterated the fact that these were proposed changes to succession/second succession and were subject to approval by Mayor/Cabinet taking into account the result of the consultation exercise.

Tenants queried why, under the proposed changes:

Succeeding family members who underoccupied the family home would be placed in Band 1B and not Band 1A.

Officers noted this point and assured tenants that this “request” would be put forward for consideration.

A few questions were asked concerning the second succession policy and its proposed removal:

Under the new proposed rules; after I die as a sole tenant, can the tenancy be given to my child and then passed onto another family member at a later stage? Or is it limited to one succession?

Perhaps we need an amendment to the 2nd succession rather than removal of the 2nd succession all together?

Officers explained that the proposed removal of the second succession policy would result in an equalising of the position between pre 2012 and post 2012 tenants that had occurred with the introduction of the Localism Act 2011 (implemented from April 2012). Officers also stated that in place of the second succession policy, “qualifying persons” – such as family members etc. would be considered for a discretionary offer of accommodation if they met the council’s eligibility criteria for rehousing at the time of death of the tenant.