



HOUSING MANAGEMENT
SUCCESSION POLICY
August 2026
August 2029

Policy:	Succession Policy
Compliant with the Scottish Social Housing Charter:	Charter Outcome Ref No 1: Equalities Social Landlords perform all aspects of their housing service so that: “every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services”. Charter Outcome Ref No 2: Communication Social landlords manage their businesses so that: “tenants and other customers find it easy to communicate with their landlord and get the information they need about their landlord, how and why it makes decisions and the services it provides.” Charter Outcome Ref No 11: Tenancy Sustainment Social Landlords make sure that: “Tenants get the information they need on how to obtain support to remain in their home and ensure suitable support is available, including services provided directly by the landlord and by other organisations”
Compliant with New Regulatory Framework:	Regulatory Standards of Governance and Financial Management: Standards 3, 4 & 7
Compliant with Connected Communities/Customer Involvement Strategy	YES
Compliant with Equalities and Diversity:	YES, Equalities Impact Assessment completed.
Compliant with Business Plan:	Responsive Services,
Date Approved:	August 2026
Date for Review :	August 2029
Responsible Officer:	Director of Housing

1. AIMS & OBJECTIVES

This policy sets out how Paisley Housing Association will manage succession to Scottish Secure Tenancies (SSTs) following the death of a tenant.

The policy ensures compliance with legal requirements while supporting effective use of housing stock to meet housing need. The Association's objective is to meet both its legal requirements and contractual tenancy responsibilities, whilst making best use of its property.

2. SCOPE

This policy applies to:

- All Scottish Secure Tenancies (SST)
- Applications for succession following the death of a tenant
- Housing members seeking to succeed a tenancy

3. LEGAL FRAMEWORK

This policy takes the following into account:

- Housing (Scotland) Act 2001
- Housing (Scotland) Act 2014
- Housing (Scotland) Act 2025
- Equality Act 2010
- Data Protection Act 1998
- General Data Protection Regulation 2016

4. DEFINITIONS

The following definitions are relevant to this policy:

- **Succession:** The legal transfer of a tenancy to another qualifying person on the tenant's death.
- **Qualified person;** Someone meeting the legal criteria to inherit the tenancy
- **Principal home:** The property is the person's only or main residence.

5. CONSENT

For the purpose of considering applications of succession where the tenant is married, cohabiting or in a civil partnership, then the Association will need the consent of the spouse, Civil partner or cohabitee as is set out within the Matrimonial Homes (Family Protection) (Scotland) Act 1981.

If the tenancy is a joint tenancy, the consent of the other tenant is needed for the proposed change.

6. SUCCESSION PRINCIPLES

6.1 Legislation

This policy has been prepared with due regard to section 49 of the Housing (Scotland) Act 2025, which amends the succession provisions contained in Schedule 3 to the Housing (Scotland) Act 2001. With effect from 1 August 2026, the qualifying period of residence applicable to cohabitants, family members and carers is reduced from 12 months to six months. The statutory requirement for the Association to have been notified that the individual occupies the property as their only or principal home remains applicable. Section 49 also extends from three months to six months the period during which a person who would otherwise have qualified to succeed may remain in the property following termination of the tenancy after the second succession.

There can be two rounds of succession:

- On the death of the Scottish Secure Tenant the tenancy passes to a qualifying person
- On the death of a qualifying person who succeeded to the tenancy after the first death the tenancy passes to another qualifying person.

If the tenancy has already been succeeded twice then the third death will normally end the tenancy. This will not happen however if there is a surviving joint tenant as their SST will continue. If there is a person in the property who would have qualified had the succession process not been exhausted the tenancy will continue for up to 6 months after the date of death.

The Association will accept written notification by letter/email. Notification should be made for the attention of the Housing Manager.

6.2 Level of Priority

The Act defines a qualifying person, in order of priority in which they are entitled to succeed. There are 3 levels of priority:

Level One

- The tenant's spouse, civil partner or co-habitee, if the property was their only or principal home, on the tenant's death.
- A joint tenant, if the property was his or her only or principal home on the tenant's death.

There is no set residency requirement for spouses, civil partners and joint tenants other than they are living in the property at the time of the tenant's death.

For a co-habitee, family members and carers there is a residency requirement to have been living in the house, as their only or principal home, for the previous 6 months ending with the tenant's death. In addition to satisfying the requirement to be living in the property, the Association must have been notified of them

moving into the property, and the 6-month residency period does not start until the Association has been notified.

Level Two

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

- He or she at least 16 years of age at the date of death
- The property was his or her only or principal home at the date of death.

There is a residency requirement to have been living in the house for the previous 6 months ending with the tenant's death.

In addition to satisfying the requirement to be living in the property as their only principal home, the Association must have been notified of them moving into the property, and the 6-month residency period does not start until the Association has been notified.

Level Three

If no-one qualifies at Level One or Level Two, or a qualifying person does not want the tenancy, it may be succeeded by a carer as long as:

- He or she is at least 16 years of age at the date of death
- The property was his or her only or principal home at the date of death
- He or she gave up another only or principal home before the death of the tenant he or she is providing, or has provided care for the tenant or a member of the tenant's family at the property

In addition to satisfying the requirement to be living in the property, the Association must have been notified of them moving into the property and the 6 month residency period does not start until the Association has been notified.

Where there is more than one qualifying person on the same level of priority, they have the right to decide between themselves who should succeed. Alternatively, they may apply in writing to succeed as joint tenants.

If they are unable to decide who should succeed to the tenancy within 28 days of the tenant's death the Association will make the decision on who is to be granted the succession taking into account the needs and circumstances of those involved.

6.3 Specific Rule – Property designed or substantially adapted

Where the property has been designed or substantially adapted for occupation by a person with needs who require such accommodation i.e. a house designed for wheelchair users a person will only qualify to succeed as follows:

1st Succession

The right to succeed without such needs only applies where the qualifying person is the tenant's spouse, civil partner or joint tenant, or

Where members of the family or carer have special needs requiring accommodation provided by the property.

For co-habitees, family members and carers there is a residency requirement to have been living in the house for the previous 6 months ending with the tenant's death. In addition to satisfying the requirement to be living in the property, the Association must have been notified of them moving into the property and the 6 month residency period does not start until the Association has been notified.

2nd Succession

All qualifying people must have particular needs requiring the type of adaptation provided by the property. Where the person does not require this type of accommodation but would otherwise have qualified to succeed, the Association will make other suitable accommodation available to the person. Suitable accommodation is defined by the Housing (Scotland) Act 2001, Schedule 2, Part 2.

Where the Association has recovered possession of the property as a result of court action and tenants have been required to move to other suitable accommodation, (Housing (Scotland) Act 2001, Schedule 2, Part 1, grounds 8-14), both tenancies are to be treated as a single tenancy for the purposes of succession. This prevents succession rights beginning afresh from the new tenancy.

6.4 Declining a Succession

Where a qualified person does not wish to succeed to the tenancy they must advise the Association in writing within 28 days of the tenant's death. They have a legal right to remain for up to 3 months from the death of the tenant and are responsible for paying the rent from the tenant's death until they leave the property.

6.5 Termination of Tenancy

The tenancy ends on the date of death of a Scottish Secure Tenant either:

- when there is no qualifying person, or
- each qualifying person declines the tenancy

The tenancy is also ended on the death of a qualified person who succeeded to the tenancy on the second occasion. However, in the case of joint tenancies, these are not terminated if the remaining tenant(s) continue to live in the house.

6.6 Right to Remain in the Tenancy after Termination

Where the tenancy is terminated as a result of the death of the second successor, any other qualifying person is legally entitled to remain as tenant in the property for 6-months. This is neither a Scottish Secure Tenancy nor a Short Scottish Secure Tenancy. This provision enables the person concerned to find other suitable accommodation. The person remaining will be liable to cover use and occupation charges while they occupy the property. The use and occupation charges would be the equivalent of the rent and services charges previously applied to the account.

6.7 Exceptional Circumstances

Where a person does not have a right to succeed the Association has no discretion to grant a succession of tenancy. The Association may:

- Consider granting a new tenancy in exceptional circumstances
- Offer alternative accommodation
- Provide housing advice or homelessness assistance

The Association will consider if offering a tenancy either for the existing property or an alternative property is appropriate under its Allocations Policy. Any tenancy offered would be a new tenancy and not a succession. Where a tenancy is not granted the person will be asked to vacate the property within 28 days. The remaining person will be liable for occupation charges in accordance with section 4.6 of this policy.

6.8 Tenancy Conditions

On succession of a tenancy, the following applies:

- The successor takes on full rights and responsibilities
- The tenancy continues as an SST (unless legal grounds apply for conversion to SSST in limited circumstances)

7. COMPLAINTS

The Housing (Scotland) Act 2001 does not provide a statutory right of appeal against decisions relating to succession.

However, where an applicant has requested succession and is dissatisfied with the outcome or believes that the Association has failed to apply this policy correctly, they may seek redress through the Association's **Complaints Policy**.

All complaints will be handled in accordance with the Association's complaints procedure, ensuring that concerns are reviewed fairly, transparently, and within agreed timescales.

8. DATA PROTECTION AND GDPR

When implementing the policies and procedures of Paisley Housing Association all staff and Board members must adhere to and be aware of the requirements of the Data Protection Act 2018 and the General Data Protection Regulation (EU) 2016/679 ("the GDPR").

In situations where there may be any doubt about the requirements of the above, the Association may seek the views of its legal advisors.

9. EQUAL OPPORTUNITIES STATEMENT

This Policy complies with PHA's Equal Opportunities Policy and takes account of the Equality Act (2010). PHA recognises its pro-active role in valuing and promoting diversity, fairness, social justice and equality of opportunity by adopting and promoting fair policies and procedures.

The Association promotes equal opportunities and will not discriminate between persons on grounds of gender or marital status, on racial grounds, or on grounds of disability, age, sexual orientation, language or social origin, or of personal attributes, including beliefs or opinions, such as religious beliefs or political opinions.

Further information can be found in our Equality & Diversity Policy.

10. REVIEW

This policy will be reviewed every 3 years to ensure:

- Legal compliance
- Best practice standards
- Fair and consistent application