



10th July 2023

**TO: AN CATHAOIRLEACH
& EACH MEMBER OF KILKENNY COUNTY COUNCIL**

RE: Succession of Tenancy Policy

Dear Councillor,

As part of the delivery of housing services a significant increase has occurred in applications for succession of tenancy at local authority properties. Due to the increase in applications and the complexity of these cases it has been deemed appropriate to adopt a clear policy on the right to succession of tenancy process to assist the housing section, tenants and elected members with respect to when it will be agreed to approve succession in tenancy at a local authority property. This policy is required to effectively manage our local authority housing stock.

The Housing Strategic Policy Committee has discussed all aspects of the succession of tenancy process and it was agreed at the Housing SPC held June 29th last to recommend the attached Policy for adoption at the plenary session of the Council.

It is essential that clarity be brought to this matter to assist both tenants and housing staff to more efficiently process applications for succession of tenancy at local authority properties and the draft policy as agreed by the Housing SPC is recommended for the approval of Kilkenny County Council at its July meeting 2023.

Mary Mulholland,
Director of Services,
Kilkenny County Council.



Succession of Tenancy Policy DRAFT July 2023

In the event of the death or movement to a nursing home of one of the tenants in a joint tenancy, the tenancy will ordinarily be transferred to the surviving/remaining tenant or the spouse/partner, provided that he/she has been continuously resident in the dwelling for a period of not less than 5 years immediately prior to the death or movement to a nursing home of the tenant, and has been declared for and assessed for rent purposes for that entire period and is over 18 years of age. Periods of residence not declared for rent assessment purposes are not applicable.

Applications for Succession of Tenancy **will not** be eligible for approval where: -

- The applicant/s have been either investigated or convicted in respect of anti-social behaviour, drug or public order offences within the 5 years prior to application.
- The applicant/s have had a tenancy terminated due to rent arrears or anti-social behaviour with a private rent landlord, Approved Housing Body or local authority within the 5 years prior to application.
- The applicant/s have surrendered or abandoned a local authority, RAS, HAP supported or Approved Housing Body tenancy within the 2 years prior to application.
- The application does not include all documentation or information required as part of the Succession of Tenancy application form.
- The applicant/s do not qualify for social housing support based on a current housing need assessment. (Exceptions to this requirement will be considered where an applicant has continuously lived at the property and been declared for rent purposes for a period of 10 years or more.)
- The applicant/s have not been approved to reside in the property as a result of a Right to Reside application.
- False information is provided as part of the application for Succession of Tenancy.
- The agreement of the Succession of Tenancy may, in the view of the local authority, result in estate management issues.



Succession of Tenancy **will** be eligible for approval where: -

- The applicant/s are family members who have continuously lived at the property for a period of more than 5 years and have been listed during that period for rent assessment purposes, and have been approved for social housing supports.
- The applicants are family members who have continuously lived at the property for a period of 10 years or more, and have been listed during that period for rent assessment purposes. Eligibility for social housing support will not be required where the applicant/s have continuously lived at the property for a period of 10 years prior to application as their permanent home.
- A joint application is made by an eligible family member to succeed the tenancy, and all family members having the same eligibility to succeed the tenancy provide their written agreement to the application.

Succession of Tenancy **may** be eligible for approval where: -

- The property to which the application for succession of tenancy relates has been provided as an adapted property to meet high level disability needs and the applicant/s do not have a disability need suited to the property. Where the applicants are eligible to be approved for succession of tenancy but the property is required to meet an outstanding disability need every effort will be made to meet the requirements of all parties at alternative accommodation or to approve succession where appropriate. Each case relating to a tenancy provided on disability grounds or significantly adapted during tenancy will be dealt with in consultation with the applicants.
- The applicant/s application is in respect of a property that is excessive in size to the family or individual requirements the local authority will deal with any application that would result in underoccupancy on a case by case basis and seek right sizing alternative accommodation by agreement.