

Action on the Death of a Tenant Procedure

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Owner:	Fiona Ross	Job Title:	Head of Housing Services
To be issued to:		Ark Management Housing & Property staff Care & Support Staff	
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Version Control

Date	Owner	Version	Reason for Change
July 2023	Fiona Ross	6.0	Cyclical review

Summary of Changes

Section	Change
Title	HM27 changed to HAM01h as a joint policy with Assets and Housing
2.3	Addition of key safe
2.5	Changed from Queen to King's and Lord Treasurers Remembrance; Senior Housing Services Officer will make the decision instead of Head of Housing Services
Appendix 1	Acknowledgement letter added
Appendix 2	Amended to include full guide
Appendix 5	Reminder letter added

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1.0 Introduction

We recognise that the death of a tenant is a distressing time for all involved. We will seek to deal with the death of a tenant in a courteous, sensitive and compassionate way.

This procedure describes the action we will take where a deceased tenant lived on their own. In instances where there is more than one person living in the property and the tenant dies reference should be made to the Change of Tenancy Procedure HM01d, which will deal with any claims of succession to the property. Consideration should also be given to the Care & Support Procedure CS11b Death of a Supported Person.

2.0 Action Following Notification of Death

2.1 Action following the death

When the Housing Services Officer (HSO) is notified of the death of a tenant, the following actions should be undertaken as soon as possible:

- Add appropriate details to the Housing Management System e.g. date of death, who notified;
- Ensure that relevant tenancy details are amended so that no further correspondence is sent to that tenant;
- Establish if there are contact details for a Next of Kin and/or Executor;
- If the tenant was in receipt of Housing Benefit, advise the appropriate Council Benefits Department immediately to minimise the amount of overpayment that may arise.

2.2 Confirmation of Death

Before the tenancy can be terminated, the HSO requires written confirmation of death. The HSO will ask the Next of Kin/Executor or support provider for a copy of the death certificate.

Where there is no Next of Kin or Executor dealing with the deceased affairs the HSO will contact the Procurator Fiscal to confirm the date of death and request a copy of the death certificate.

Where a death has occurred and it is not clear whether the police were involved the HSO will contact the local authority police liaison officer or 101. If it is found that a death in a property is suspicious or unexplained the police will act as the procurator fiscal and take control of the property until it is deemed acceptable for property to be returned to Ark.

2.3 Securing the Property

The HSO will liaise with the Property Services Officer (PSO) to ensure that the property is secure and that the keys are either with:

- a) The Support provider, where applicable
- b) The Next of Kin;
- or**
- c) Located in a key safe within the vicinity of the property.

2.4 Next of Kin

If the Next of Kin has not been the person to notify us of the death, the HSO will attempt to contact the Next of Kin by phone or email to advise that the tenancy needs to be terminated and cleared within 7 days.

Once identified, the Next of Kin will be sent a letter, **Appendix 1** along with the information leaflet "A Guide to ending a tenancy for a next of kin or executor" , **Appendix 2**.

If the Next of Kin gets in touch and requires the keys to empty the property they will be asked to sign a receipt to acknowledge receipt of the keys, **Appendix 3**.

In instances when the family members advise that they are unable to empty the property the HSO and PSO will jointly take a full inventory, including photographs, of the items and copies sent to the next of Kin. They will be asked to sign a mandate, **Appendix 4**, which will confirm that they have agreed to us disposing of any items. They will also be advised that the cost of disposal will be recharged back to the tenants estate. This letter will require proof of service of this written communication by way of recorded delivery.

If we do not hear from the Next of Kin within 3 working days of sending the letter, we will send a reminder, **Appendix 5**.

2.5 No Next of Kin

Where the HSO has not been able to contact a Next of Kin within one week of the death, the HSO will contact the local Procurator Fiscal who will make preliminary enquiries on behalf of the King's and Lord Treasurers and Remembrancer (KLRT) National Ultimas Haeres Unit (NUHU) (for contact details see **Appendix 6**).

The procurator fiscal will work with HSO and may request to visit the property and speak with neighbours to get as much background information on the tenant as possible.

NUHU will make enquiries to find a living heir to manage the estate. If there is no living heir, the NUHU will act as last heir on behalf of the Crown.

The tenancy should not be accessed or locks changed until a Next of Kin is confirmed by the NUHU and permission has been given to do so.

The HSO will write to the NUHU to ask that they uplift the items and advise that they have 14 days to clear the items. It should be made clear in this written communication that the possessions will be destroyed if not uplifted. This letter will require proof of service of this written communication (i.e. by way of Recorded Delivery).

If they advise that it is not possible for the items to be removed within 14 days Ark will make arrangements for an inventory of the items to be taken and stored for a minimum of 6 months. If it is thought that the value of the items would be less than the cost of storage the Senior Housing Services Officer will carry out a risk balancing exercise to decide whether items should be disposed of.

The HSO must ensure that the NUHU are written to at all stages to inform them of the Associations' intentions with the deceased possessions.

2.6 Payment of Rent

If the keys are not returned within 14 days of the date of death the daily rent charge will be applied to the deceased rent account until the keys are returned. The HSO will arrange for an invoice to be sent to the Executor for any outstanding rent balance.

If there is a credit on the rent account the HSO will arrange a refund to the Estate.

Where the Procurator Fiscal is involved the HSO will arrange for invoices to be sent to the Procurator Fiscal's office for an amount equal to the monthly rent, until the estate is resolved.

3.0 Ending the Tenancy

The HSO will formally terminate the tenancy on the date of the death of the tenant. However if the keys have not been received within the 14 days of death, the tenancy end date will be changed to the date that the keys are received and an invoice will be issued for rent due.

4.0 Implementation and Review

4.1 Implementation

The Head of Housing Services is responsible for ensuring that this procedure is implemented and followed when required.

4.2 Review

The Head of Housing Services will ensure that this procedure is reviewed at least every three years.

Appendix 1 - Acknowledgement Letter to Next of Kin

(where notice has been provided and to be amended according to circumstances)

(Date)

Name of NOK/Representative

Address line 1

Address line 2

Address line 3

Post code

Dear NOK/Representative,

Property Address

We are very sorry to hear that <INSERT NAME> has passed away and on behalf of Ark Housing Association I am writing to offer the family our sincere condolences.

We appreciate that this is a sad and difficult time for you and your family and we are keen to make this process as easy as possible. We have enclosed a guide on ending the tenancy that should help answer any questions you may have. We would also ask that you provide us with a copy of the death certificate as part of the tenancy end process.

Please note that you should arrange for the removal of all personal effects, including furnishings, flooring, white goods, foods and rubbish. If we have to remove any unwanted items then we will have to make a charge to the estate to cover the costs involved.

We can confirm that we have commenced seven days' notice from the date of death to bring the tenancy to an end and you are required to return the keys to the Association's office on or before the <Insert end date>. If you require additional time to remove effects or furnishings then you must contact Housing Team to request an extension to this date.

Thank you for your assistance at this sad time and should you require any further information or assistance in this matter then please contact the Housing Team on the number below.

Yours sincerely

HSO

Appendix 2 - A Guide to Terminating a Tenancy after a death

A Guide to Ending a Tenancy for a next of Kin or an Executor



Thank you for notifying the Association of the death of one of our tenants. We realise that this is a sad and difficult time for you and your family but unfortunately there are things that you, as the next-of-kin or executor, are required to do in order to ensure that the tenancy is correctly ended.

The Association is keen to make this as easy as possible for you and your family and we would therefore be grateful if you would take the time to read through these guidance notes on ending the tenancy.

However, before you or any other member of your family formally end the tenancy, please make sure that there is no-one that has succession rights to the tenancy. If you are unclear as to who could succeed to the tenancy, please contact the office immediately as all claims for succession must be submitted to the Association within 28 days of the tenant's death.

INFORMATION YOU HAVE TO GIVE THE ASSOCIATION

We will ask that you provide the name, address and contact telephone numbers of the person who is taking responsibility for winding up the deceased's affairs, including emptying the property and ending the tenancy. It is extremely important that the Association has someone that we can contact regarding the property.

You will be asked to provide a copy of the Death Certificate. This is required because the tenancy legally ends on the date of death and all housing benefit payments will cease from that date.

HANDING IN THE KEYS FOR THE PROPERTY



Although the tenancy actually ends on the day the tenant dies, the Association understands that family members need time to make arrangements and to clear the house. You are therefore allowed 7 Days from the date of death to empty the house. No rent will be due for that 7 Day period.

However, if you wish to keep the keys longer this can be arranged following a request from you but, regrettably, there will be a charge for every additional day you keep the keys. If you do wish to have a longer period of time to clear out the house, please contact the Association's office and speak to a member of staff.

Under no circumstances should you hold onto the keys beyond the 7 Day period without the consent of the Association.

RENT DUE £

If the tenant's account is clear and you hand the keys into the office within 7 Days of the tenant's death, there will be no charge made to you or against the estate of the deceased. However, an invoice will be sent to you for any days you keep the keys beyond the 7 Day period allowed.

Where there is a substantial arrear in the rent account or where there are any other monies owed to the Association, the Association may make a claim against the estate for the outstanding debt.

Any credit in the account will be paid out to the next-of-kin or the executor of the estate within one month of the tenancy being ended.

CONDITION OF THE HOUSE

Before you hand in the keys of the house we would greatly appreciate it if you would ensure that the house is left in a clean and tidy condition. This should include;

- Cleaning the house thoroughly taking specific care in the bathroom(s) and kitchen.
- Emptying and cleaning all kitchen cupboards.
- Carefully removing all carpets, floor coverings and vinyl (unless you have permission from the Association to leave them) and ensuring that all floors are properly swept.
- Ensuring the house is clear of rubbish and furniture.
- Clearing out all cupboards, storage areas, garden sheds and loft space (if applicable).
- Leaving the wheelie bin and whirligig (if applicable) at the rear of the property.
- Leaving the garden in a satisfactory condition.

We would also ask that you leave all information booklets and instruction manuals relating to the appliances in the house such as the central heating systems, fires etc, in a prominent place.

CONTACTING OTHER AGENCIES

In order to make the process of winding up the deceased's estate and ending the tenancy go as smoothly as possible, you are advised to;

- Arrange to have the mail re-directed to the address of the person taking responsibility for dealing with the deceased's affairs. A re-direction form is available from the Post Office.
- If there is a telephone in the house, arrange for the line to be disconnected.
- If the deceased received state benefits you must advise the Department of Works & Pensions of the death. You should also contact the administrators of any private or works pensions that the person received.
- Inform agencies such as the deceased's doctor, bank etc of the death.
- Arrange for the Cleansing Department to uplift any big items of rubbish or furniture. **Under no circumstances should items such as fridges, cookers, old suites etc be just left either in the house or at the back of the property where they could be a danger to children in the area.**
- Leave all keys for the window locks in the windows, ensuring that there is a key for every lock.
- Take final meter readings and advise the gas and electricity suppliers of the date the tenancy is ending.

The Association will advise the Council Tax and Housing Benefit Department of

HANDING IN THE KEY.

All keys for the property must be handed into the Association's offices by 12 noon on the day the tenancy is ending. **Please remember that this must be no more than 7 days after the date of death unless you have made an arrangement with the Association.**

We would be grateful if you could try to ensure that all keys for the property are handed into the office, including the keys for;

- Door Entry Systems
- Front and Back Doors
- Bin Store Car Park Keys
- External Stores
- Gas Meter

ANY OTHER QUESTION?

ARK Housing Association greatly appreciate your help in clearing out the house and carrying out the legal requirements for ending the tenancy correctly. We realise that this will be a sad and difficult time for you and your family and we are here to assist you in any way we can. We hope this information leaflet has been of some assistance to you but if you have any other questions relating to ending the tenancy and clearing the house, please do not hesitate to contact the Association's offices where a member of staff will be pleased to help. You can contact us at;

ARK Housing Association
The Priory
Canaan lane
Edinburgh
EH10 4SG
Tel: 0131 478 8146
E-mail: housing@arkha.org.uk
Website: <https://www.arkha.org.uk/>



Key receipt for Property at:

I acknowledge receipt of the keys for the above property from the Ark Housing Association and after emptying the property, will hand deliver to the Priory Office or (Name of OM) the Care & Support Manager on site.

Details of number of keys received:

Date Received: _____

Signed by Next of Kin: _____

Next of Kin Contact Details

Agreed Return Date _____

Signed By Ark Staff: _____

Appendix 4 - Mandate to dispose of belongings



TENANT(S) NAME:

ADDRESS:

DATE OF DEATH:

I, (Next of kin)

.....(address) hereby authorise
Ark Housing Association to dispose of all items of furniture and personal belongings as
detailed in the inventory below:

Signed :

Date :

Witness :

Date :

Appendix 5 - Reminder Letter to Next of Kin

Address line 1

Address line 2

Address line 3

Post code

Dear NOK/Representative,

Property Address

We refer to our letter of and we note that you have not contacted the Association to discuss the end of tenancy processes or provide us with details of your arrangements.

We appreciate that this is a sad and difficult time for you and your family and we are keen to make this process as easy as possible but it is important that you contact Housing Team on <INSERT NUMBER> to discuss tenancy end processes and complete the necessary documentation.

We can confirm that we have commenced fourteen days' notice from the date of death to bring the tenancy to an end and you are required to return the keys on or before the <INSERT DATE>. If you require additional time to remove effects or furnishings then you **must** discuss an extension to this date with Housing Team.

Please note that if we fail to establish contact with the next of kin within fourteen days of the date of death then we will have no alternative but to make the necessary arrangements to recover the property. Any costs for doing so will be recharged to the Former tenants estate.

Yours sincerely,

HSO

Appendix 6 - Contact Details for KLTR and NUHU

King's and Lord Treasurer's Remembrancer (KLTR)

<https://www.kltr.gov.uk/>

Scottish Government Building

1F North Victoria Quay

Edinburgh

EH6 6QQ

enquiries@kltr.gov.uk

Tel no. 0300 020 3512* or 0131 243 3210

National Ultimus Haeres Unit (NUHU)

NationalUltimusHaeresUnit@copfs.gov.uk

The National Ultimus Haeres Unit

Procurator Fiscal Office

Cameronian House

3/5 Almada Street

Hamilton

ML3 0HG

Telephone Number: 0300 0204196 or 0141 420 8804