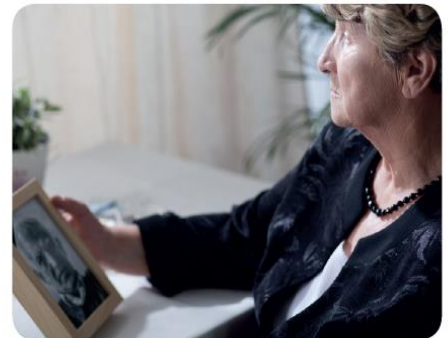


Rent Grace Period Policy

2022



South Tyneside Council

Spread the word!

**THIS IS
SOUTH
TYNESIDE**

Contents:

Page:

1. Introduction	3
2. Grace period for rent	3
3. Ending a tenancy following death of tenant	3
4. Passing on a tenancy	4
5. If the tenant is claiming benefits	4
6. Notice period	4
7. Liability for rent	4
8. Strategic Context	4
9. Implementation	4
10. Equality Impact	5
11. Policy Monitoring and Review	5
12. Compliments/complaints/comments	5
13. Accessing information in other formats	5

1. Introduction:

South Tyneside Council's housing stock is let and managed through South Tyneside Homes. The terms on which properties are let out are set out within South Tyneside Council's Allocations Policy and Tenancy Agreement.

Currently the Council offers two types of tenancy, an introductory tenancy for at least the first 12 months and thereafter a secure tenancy.

The tenancy agreement states that when a tenancy is ended there is a four-week notice period to be served before the tenancy can be ended, including when a tenant has passed away and full rent must be paid for that period.

South Tyneside Council understands that dealing with a family bereavement is a difficult time and both the Council and South Tyneside Homes want to assist friends and family through this process where possible.

Historically discretionary powers have been used in certain circumstances to allow grace periods on the rent of a deceased tenant. The purpose of this policy is to ensure that all families going through bereavement following the death of a tenant receive a rent grace period. This will allow families or a tenants estate time to clear a property and return the keys without having to pay the rent owed for a two-week period.

The following sections set out what the grace rent period does as well as what residents need to do in the event of a death of a tenant.

2. Grace rent period

South Tyneside Council **will not** require the deceased tenant's estate to pay the usual four weeks rent. It allows a **two-week** grace period following the bereavement, usually from the end of benefit date or the last paid week of tenancy in which the tenant died. This will allow family members to clear the property and provide any paperwork required to end the tenancy without having to make payments. Should the two-week period be sufficient this will also allow the tenancy to be ended early within the notice period stated in the tenancy agreement.

Should the estate require the remaining period of two weeks within the notice period, then this will be allowed but, **the full weekly rent payment will need to be paid for those two weeks**. After the four-week notice period has ended the keys must be returned to the Area Housing Office, South Tyneside Homes.

3. Ending a tenancy following the death of a tenant:

A tenancy does not automatically end when a tenant dies as it will become part of their estate. Due to this only an executor or administrator of the estate can legally end the tenancy.

Usually, an executor will be required to sign a notice to quit or a deed of surrender to end the tenancy, a notice to quit ends the tenancy in 4 weeks and a deed of surrender ends the tenancy on the day it is signed. If there are any arrears, the executor will be made aware of this.

If you are seeking to end the tenancy of a tenant who has died, please make an appointment with an Allocations Officer at South Tyneside Homes on 0300 123 6633 and they will support you through the process.

4. Passing on a tenancy.

Where a tenant has passed, the tenancy may, in certain circumstances, be given to a member of the family or a partner. This is known as the right of succession, there can only be one succession per tenancy.

Different eligibility criteria for succession of tenancies are in place and this depends on whether the tenancy began before or after the 1st April 2012. More information on this can be found within South Tyneside Council's Succession Policy or by contacting the Area Housing Team, South Tyneside Homes.

5. If the tenant is claiming Benefits:

It is important to note that housing benefit will cease to be paid at the end of the week after the tenant has passed.

6. Notice Period

Under the conditions of the tenancy agreement a four-week notice period is required to end a tenancy. Following the death of a tenant the grace period policy may be used to end the tenancy early, following the two-week grace period. In any other circumstances the notice period will still apply.

7. Liability of rent

In the event of the death of a tenant, the tenant's executor, or administrator (not always a family member) will be responsible for payment of rent as the rent liability will fall to the estate of the tenant. The grace period policy will cover a two-week period but if the full notice period is served at the request of the tenants executor or administrator then they will be liable for the remaining full rent.

8. Strategic context

This policy falls in line with South Tyneside Council's suite of housing strategies and policies including:

- South Tyneside Council Tenancy Strategy
- South Tyneside Council Tenancy Policy
- South Tyneside Council Successions Policy
- South Tyneside Council Integrated Housing Strategy
- South Tyneside Council Allocations Policy

9. Implementation

The responsibility for the implementation of this policy sits with the Director of Housing and Corporate Services, South Tyneside Homes.

10. Equality Impact

By bringing in this policy this should ensure that everyone is treated fairly when affected by the bereavement of a tenant.

We have considered the potential impact of our policy approach for current and future residents of South Tyneside.

11. Policy monitoring and review

To ensure that the Policy is responsive to emerging needs it will be reviewed in line with the other housing policies and strategies or when legislation requires it.

12. Compliments/Complaints/ Comments

We try and treat all tenants and family fairly when they have been affected by a bereavement, but we understand that some residents may wish to offer feedback on all of the services offered by South Tyneside Council and South Tyneside Homes.

You can do this by telephoning us on 0191 427 7000 or visiting our website on www.southtyneside.gov.uk

13. Accessing information in Alternative Formats

Applicants who require this document in another language, format or require the use of an interpreter, should contact South Tyneside Council on 0191 427 7000.