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## **Death of a Tenant – Control of Unit, Personal Property, and Access by Relatives - Procedure and Policy**

### **I. PURPOSE**

To establish a uniform, legally compliant procedure for securing a dwelling unit, safeguarding personal property, and controlling access to the unit when a tenant dies while in occupancy.

This policy protects:

- The legal interests of the deceased tenant's estate
- The Pittsfield Housing Authority (PHA) from liability and property claims
- Staff from being placed in emotionally difficult or legally risky situations
- Consistent handling of all such incidents across all PHA properties

### **II. POLICY**

Upon the death of a tenant, the dwelling unit and all personal property contained within become part of the **legal estate of the deceased**.

PHA **shall not** permit access to the unit or release any personal property to any individual — including relatives, next of kin, or persons claiming to have keys — **unless and until** that person provides legal documentation from the Massachusetts Probate Court demonstrating authority to act on behalf of the estate.

PHA recognizes its role as a **bailee of property** and will safeguard the unit and contents until legally released to the properly appointed representative of the estate.

### **III. LEGAL AUTHORITY REQUIRED FOR ACCESS**

Access may only be granted upon receipt and verification of one of the following:

- Testamentary Letters (Executor named in a will)
- Letters of Administration (Administrator appointed when no will exists)
- Small Estate Affidavit issued by Probate Court (if applicable)
- Specific Court Order authorizing access

The following are **not sufficient**:

- Death certificate
- Being a spouse, child, sibling, or “next of kin”

- Possession of a key
- Verbal or written claims from family members

## IV. PROCEDURE IMMEDIATELY UPON NOTICE OF DEATH

### 1. Secure the Unit

- Change locks immediately
- Post notice: "Unit secured. Contact management."

### 2. Document the Unit

- Management and maintenance conduct a joint walkthrough
- Photograph and/or video entire unit
- Do not disturb personal belongings
- Document general condition

### 3. File Documentation

- Place photos, notes, and incident report in tenant file

## V. STAFF STANDARD OPERATING PROCEDURE (SOP) WHEN CONTACTED BY FAMILY OR RELATIVES

Staff shall use the following script:

"We are very sorry for your loss. Because this apartment and everything in it is now legally part of the tenant's estate, we are not permitted to allow anyone into the unit until we receive paperwork from the Probate Court appointing an executor or administrator. As soon as you have that documentation, we will work with you right away.

Staff shall **not** deviate from this script or make exceptions.

## VI. AFTER PROBATE DOCUMENTATION IS RECEIVED

1. Make a copy of Letters/Testamentary/Administration
2. Verify government ID matches appointed person
3. Schedule **supervised access**
4. Require signature on PHA Property Release & Indemnification Form
5. Provide reasonable timeframe for removal of belongings based on program requirements

## VII. RENT RESPONSIBILITY

Rent continues to accrue and is owed by **The Estate of [Tenant Name]** until:

- The unit is legally surrendered, and
- All personal property is removed

PHA shall correspond in writing with:

## VIII. FAILURE OF ESTATE TO ACT

If no authorized representative comes forward within a reasonable time, PHA shall follow Massachusetts law regarding abandoned property and consult legal counsel before disposal of contents.

## IX. LIABILITY PREVENTION

Under no circumstances shall staff:

- Allow brief entry to retrieve clothing, documents, or sentimental items
- Allow unsupervised access
- Allow entry based on sympathy, pressure, or familiarity

**Failure to follow this policy exposes PHA to significant liability for property claims and allegations of theft or negligence.**

## X. FORMS ASSOCIATED WITH THIS POLICY

The following PHA forms shall be used in conjunction with this policy:

- Property Release & Indemnification Form
- Letter to Estate of Deceased Tenant
- Unit Condition Documentation Checklist

## XI. APPLICABILITY

This policy applies to all Pittsfield Housing Authority properties and all staff.

## XII. EFFECTIVE DATE

Adopted by the Board of Commissioners on: \_\_\_\_\_

**Board Chair Signature:** \_\_\_\_\_

**Executive Director Signature:** \_\_\_\_\_

I \_\_\_\_\_ an employee at Pittsfield Housing Authority have been informed of the P&P when a tenant becomes deceased and have been provided a copy.

I understand the liability involved with not following this procedure and policy to the fullest.

Agreed: \_\_\_\_\_

Date: \_\_\_\_\_