



Relationship Breakdown & Housing

HS09 Relationship Breakdown & Housing
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www.hart.gov.uk

Introduction

This leaflet provides basic advice and information for people who are experiencing relationship breakdown and wish to stay in their home, or find alternative accommodation. If you are experiencing problems that you think will affect your housing situation, you should contact our Duty Engagement and Support Officer at the Civic Offices on telephone number **01252 774420** for advice.

Rights to remain in your current home

Whether you are a tenant or own your own home, you should never agree to give up half of your home without taking advice first.

The Council has a duty to work with people to try and prevent them from becoming homeless, and this can be as early as 56 days before they may lose their home.

Our Engagement and Support team will work with you to assess your family and housing situation, and agree next steps that both the Council and you can take to prevent homelessness. This may involve being referred for further advice and support on your relationship issues and legal rights.

Advice for owner occupiers

If you are experiencing a relationship breakdown and either you and/or your partner own your property, then it is very important that you consult a solicitor. The law around home ownership and relationship breakdowns is very complicated but there is some basic information to consider on your right to remain in your current home.

If you and your partner are joint owners, you both have an absolute right to live in the property unless a court order has removed that right.

If you are the sole owner, you have an absolute right to the property. If you are married to the sole owner, you have a right of occupation but any financial interest would have to be decided through a solicitor or the courts. If you are living with the sole owner, you may have very few rights to the property even if you have been in a long term relationship. If you have made a financial contribution to the property, a solicitor will be able to help you determine if you have any financial rights.

In all cases, it is very important that you take legal advice. Information is available at the end of this leaflet to help you find your nearest legal adviser.

Advice for tenants

If you and/or your partner rent your home and your relationship breaks down, your rights to stay in your home will depend on:

- Whose name is on the tenancy agreement
- Whether you and your partner are married, in a registered civil partnership or you are living with your partner.

If your name is on the tenancy agreement, either as a joint tenant or a sole tenant, you have the legal right to stay in your home. Your landlord will not be able to evict you unless you break the terms of your tenancy agreement, for example if you do not pay the rent or if you cause a nuisance to your neighbours.

If your name is not on the tenancy agreement, your rights to live in the property once you and your partner have split up will depend on what kind of relationship you are in.

What kind of relationship are you in?

We are married or in a registered civil partnership

Even if your name is not on the tenancy agreement, if you are married or in a civil partnership you automatically have a right to stay in the home even after your relationship ends, provided you are still legally married. If you want to remain in the home after a divorce you must tell your solicitor who can ask the court to extend your right to stay there.

My partner and I live together

Many people assume that if they live together, they have the same rights as a married couple. However, this is not the case. If you live together but your name is not on the tenancy agreement, you won't automatically be able to stay in the home if your partner wants you to leave, even if you have children.

If your partner moves out and is no longer using the accommodation as her/his only or main home, the tenancy conditions will be broken and the landlord can end the tenancy and evict you, unless you have an occupation order.

You can apply to the county or magistrates court for an occupation order, which could allow you to stay in the family home for up to 12 months. For more information on occupation orders please contact your local Citizens Advice Bureau (contact list at the end of this leaflet) a solicitor or the Duty Engagement and Support Officer at Hart Council.

What if my partner/spouse/civil partner tries to end our joint tenancy?

If you have a joint tenancy and rent from a housing association or registered social landlord or a private landlord, either tenant can give notice without the agreement of the other tenant and this will end the whole joint tenancy.

The tenancies must be ended by giving valid notice. A valid notice is one that is:

- in writing, and;
- is for at least four weeks, and;
- Expires on the first or last day of the period of the tenancy (i.e. the day rent is due to be paid which could be weekly, monthly or two monthly).

On occasion, valid notice will not need to be given in the event that the landlord and both joint tenants agree for the tenancy to end.

If your relationship has broken down and you want to stay in your home, and you suspect that your partner/spouse/civil partner is going to give notice on your secure or assured joint tenancy, you could apply to the courts for an injunction. An injunction could stop your partner/spouse/civil partner from giving notice and ending the tenancy, which is particularly useful if you are interested in trying to change the tenancy to your name only.

If you rent from a private landlord, your partner/spouse/civil partner can end your tenancy by giving valid notice, which will end the whole joint tenancy. If your relationship is breaking down, you can still apply for an injunction as above but it may also be practical to talk to your landlord and ask them to let you know if your partner attempts to end the tenancy.

Transferring your home from joint to sole tenancy or ownership

In the long-term it is often possible, either by agreement between you and your former partner or by court order, for a home to be transferred from joint names to one sole name, either for a tenancy or ownership. This is especially likely in cases where the transfer is to enable children to live in the home.

Responsibility for children

Once a relationship ends, decisions have to be made about who will care for any children of the relationship. Many parents are able to make arrangements amicably between themselves about where the children live and visiting arrangements for the other parent.

However, if this is not possible, decisions can be made by the courts, including the transfer of property and a tenancy.

A court will only make an order concerning children if it feels that it is in the best interest of the child(ren) to do so. The main orders that may be made by a court are for:

- a Residence Order to determine who the child should live with;
- a Contact Order to determine who the child should have contact with and what form of contact.

If you would like more information on how to obtain a Residence Order or Contact Order you will need to seek advice from your local Citizens Advice Bureau (contact details at the end of this leaflet) or a solicitor.

Financial Problems

If you break up with your partner, you may be financially worse off than before.

If you have debts it is important to seek advice from our Duty Engagement and Support Officer at the Civic Offices or your local Citizens Advice Bureau (contact details at the end of this leaflet).

If you need advice on what benefits you may be entitled to, please contact your local Job Centre Plus (contact details at the end of this leaflet). If you need advice on applying for housing benefit, please contact Hart District Council's Housing Benefit Department on **01252 774444**.

How can the Council help?

If you think you are going to have to leave your home, then you should make contact with the Housing Service as early as possible. The Engagement and Support team have a duty to prevent homelessness and to relieve homelessness if someone has lost their accommodation. The team will carry out an assessment of your situation and agree a set of actions that can be taken by both the Council and yourself to help prevent or relieve homelessness. These actions will be laid out in your own Personal Housing Plan. Our Engagement and Support team will keep in touch and help you monitor these actions until your housing need has been resolved.

If you can no longer remain in your home because of violence or threats of violence from someone living in your home, then you should contact our Duty Engagement and Support Officer at the Civic Offices on telephone number **01252 774420** straight away. Any information you provide will be confidential and subject to the General Data Protection Regulation (GDPR) and Freedom of Information Act 2000.

You may also wish to read our 'Domestic Abuse' leaflet, which is available in the civic offices reception or on our website.

Useful contacts

Organisation	Contact details
Job Centre Plus, South Western House, Station Road, Aldershot GU11 1HP	0845 6043719
Job Centre Plus, Princeton House, 1-5 Victoria Road, Farnborough GU14 7NP	0845 6043719
Job Centre Plus, Crown Buildings, Winchester Road, Basingstoke RG21 8ES	0845 6043719
Fleet & District Citizens Advice Bureau, Civic Offices, Harlington Way, Fleet GU51 4AE	01252 617922 www.citizensadvice.org.uk
Farnborough Citizens Advice Bureau, Elles Hall, Meuden Avenue, Farnborough GU14 7LE	03444 111306 www.citizensadvice.org.uk

Yateley and District Citizens Advice Bureau, Royal Oak Close, Yateley GU46 7UD	01252 878410 www.citizensadvice.org.uk
Relate, The Manor House, Lutyens Close, Chineham Court, Basingstoke RG24 8AG	0845 0704327 www.relate.org.uk
Relate, 39 High Street, Aldershot GU11 1BH	0845 0704327 www.relate.org.uk
Shelter Line (24 Hours)	0808 800 4444 www.shelter.org.uk
Women's Aid National Domestic Violence Helpline (24 hours)	0808 2000 247 www.womensaid.org.uk
Mankind Initiative Support for male victims of domestic abuse and violence	01823 334244 www.mankind.org.uk
Money Advice and Law Centres The website can help you find your nearest law centre.	www.lawcentres.org.uk
Ministry of Justice The website can help you find a legal adviser.	www.gov.uk/find-a-legal-adviser

All Housing Advice Leaflets are available via our website at
www.hart.gov.uk

Contact Details:

Address: Hart District Council,
Harlington Way,
Fleet, Hampshire,
GU51 4AE

Tel: 01252 774420

Email: housing@hart.gov.uk

Web: www.hart.gov.uk

Facebook: [/HartDistrictCouncil](https://www.facebook.com/HartDistrictCouncil)

Twitter: [@HartCouncil](https://twitter.com/HartCouncil)

Instagram: [@HartCouncil](https://www.instagram.com/HartCouncil)

All Housing Advice Leaflets are available via our website at
www.hart.gov.uk/housing