

Relationship Breakdown Policy

Policy Statement

Bron Afon recognises that relationship breakdown can be a significant cause of housing problems. We want to adopt a sensitive response to tenants experiencing relationship breakdown offering whatever advice and assistance we can to tenants and their partners.

As a landlord, we cannot resolve disputes (including disputes about who should retain the family home), but we can deal with other tenancy matters, transfer applications, the avoidance and management of rent arrears, under-occupation of a property that may result from the breakdown of a tenant's relationship and provide a list of solicitors specialising in this area.

Our role in handling relationship breakdown is to:

- Ensure that people leaving a relationship have access to accurate and appropriate advice about their housing options and their legal rights and responsibilities.
- Make the most efficient use of our housing stock and minimise under-occupation.
- Help people avoid debt and support them to claim housing benefit ensuring there is a clear and viable arrangement for rent payments.
- Ensure our service is equally available to all sections of the community (for example, taking account of language, culture or religion etc).

Initial assessment

With each household, we will seek to establish:

- What each of the parties want, and whether they are in agreement.
- The status of the tenancy.
- Whether the couples are married, cohabiting, have children or other dependents.
- Whether they are in receipt of housing benefit or other benefits, and their possible eligibility for benefits.
- Whether there are rent arrears.
- Whether domestic violence has occurred.
- Whether both parties are still in occupation of the property.

Options / Remedies

We will carefully consider the circumstances of each household and the alternative courses of action available. This will include consideration of:

- Individual rights and obligations in respect of the tenancy, including responsibility for payment of the rent.
- Options for transferring the tenancy, and mechanisms by which this might be achieved using housing management procedures (such as assignment of tenancy) or relevant legislation (such as the Matrimonial Causes Act 1973, Children Act 1989, Family Law Act 1996, Civil Partnership Act 2004).
- Rights to make an application to Torfaen County Borough Council under homelessness legislation.

Allocations

If a person suffering relationship breakdown indicates that they wish to move, we may consider what help can be offered under our Homeseeker Policy.

It is important that the parties involved are able to access advice on their options, whether it is available from us or another agency.

Homelessness

People suffering relationship breakdown where there is domestic violence may be at risk of becoming homeless. In many cases, the first approach will be to refer the person to Torfaen County Borough Council's Housing Options Service.

Information sharing

If there is violence in a relationship breakdown, we will seek to encourage victims of domestic violence to report incidents to the Police.

Where the victim of domestic violence gives consent, case details will be discussed with the Police/appropriate agencies in accordance with information sharing protocols.

In certain situations, we will inform other partner organisations of the situation whether or not we have the victim's consent to do so. These situations may include child protection, or the protection of vulnerable adults.

Rent Arrears/Service Charge Arrears

Where those experiencing relationship breakdown have rent or service charge arrears, we will:

- Ensure that tenants have access to benefits advice and debt counselling.
- Offer tenants reasonable repayment plans to clear arrears of rent without undue hardship.
- Depending on the details of the case, arrears will not be a sufficient ground to refuse rehousing in a new tenancy.

In all cases, we will seek to ensure that the household understands their ongoing responsibilities to meet the rent payments on their tenancy. In pursuing the payment of rent, we will, however, be mindful of the individual circumstances of such households.

Where the tenancy is in the sole name of one person, that person will be held responsible for any arrears. In a joint tenancy, each joint tenant is 'jointly and severally' liable for arrears.