

# **Domestic Abuse Bill 2020: Secure tenancies and victims of domestic abuse**

## **What are we going to do?**

The Bill supports victims of domestic abuse in social housing to leave their abusive situation.

It will also help them build a new life for themselves and their families in safety and security, when they choose to stay in their home once the perpetrator has left.

## **Key Quote**

“Domestic abuse can severely impact the lives of victims and their families, as well as affecting society as a whole. This provision means that victims of domestic abuse can flee their abusive situation without fear of losing their lifetime tenancy.”

Luke Hall MP, Minister for Local Government and Homelessness

## **How are we going to do it?**

The Bill will require local authorities, when re-housing an existing lifetime social tenant, or offering them a new sole tenancy in their own home, to grant a new lifetime tenancy if the local authority is satisfied that the tenant or a member of their household has been a victim of domestic abuse and the new tenancy is granted in connection with that abuse.

## **Background**

As part of the Government’s wider aim of supporting victims of domestic abuse and ensuring that they and their families are provided with the stability and security they need and deserve, the Government announced in the Social Housing Green Paper that we would ensure that, where local authorities offer further tenancies to lifetime social tenants as a result of domestic abuse, such tenancies are granted on a lifetime basis.

The Secure Tenancies (Victims of Domestic Abuse) Act 2018 already ensures that when the mandatory fixed term tenancies provisions in the Housing and Planning Act 2016 were implemented, lifetime tenants who suffer domestic abuse would retain lifetime security, when granted a new tenancy by a local authority for reasons connected with the domestic abuse.

Accordingly, in the Green Paper we said that we would seek to bring forward legislation to make sure that similar protections for victims of domestic abuse are in place where, as now, local authorities offer fixed term tenancies at their discretion.

## **What will happen to victims of domestic abuse in the mean time?**

Statutory guidance for local authorities on improving access to social housing for victims of domestic abuse was published in November 2018. This strongly encourages local authorities to give careful consideration to the safety and welfare of victims of domestic abuse when granting tenancies, by ensuring that where they are offering further tenancies to lifetime social tenants as a result of domestic abuse, such tenancies are granted on a lifetime basis.

## **What are you doing to help victims in refuges access social housing?**

The main purpose of the 2018 statutory guidance is to improve access to social housing for victims of domestic abuse who are in refuges or other forms of safe temporary accommodation.

The guidance makes clear that local authorities are expected not to apply residency tests for those victims who have fled to another district and sets out how they can give appropriate priority to victims.

It also encourages local authorities to use their existing powers to support victims to remain safely in their homes if they choose to do so.

## **How much will it cost?**

Given the limited number of lettings that are likely to be affected, any potential cost implications are likely to be very small and would be expected to be outweighed by the positive benefits for victims of domestic abuse and their dependants.

If a victim wants to remain in their own home, can the perpetrator be removed?

Local authorities already have the power to terminate a tenancy and evict the perpetrator. The possession grounds are widely drawn and include where the victim has fled the house as a result of domestic abuse, and where serious criminal offences have been committed.

The power to seek a court order to bring the tenancy to an end and evict the perpetrator means that the landlord could then grant a new tenancy to the victim in their home. The provisions in the Bill will ensure that where the victim had a joint lifetime tenancy with the perpetrator, the new sole tenancy will also be on a lifetime basis.

## **Will it apply across the UK?**

The provision will apply to all local authorities in England and protect all lifetime social tenants in these circumstances, whether they have a secure local authority tenancy or an assured tenancy with a housing association.

## **What's the difference between lifetime tenancies and fixed term tenancies?**

Currently, most tenants of local authorities and housing associations have tenancies with lifetime security of tenure – they can stay in their home for the rest of their life provided they comply with the terms of the tenancy agreement.

Since 2012 local authorities and housing associations have been able to offer new fixed term tenancies for a minimum of two years alongside lifetime tenancies. At the end of the fixed term, landlords can decide whether or not to grant a new tenancy on the same or a different property, taking account of the needs of the household.

### **Key facts**

In 2018/19, over 5,000 (1.92%) of all new social housing lettings were to existing social tenants who gave 'domestic abuse' as the main reason they left their previous social home.