

## **Bristol City Council Homelessness Prevention Service**

**Self-help pack for people needing to move due to violence or threats of violence**



The following options are a summary. We would always advise you to seek help from a solicitor or a specialist support service for victims of domestic violence or abuse.

You should only make the decision to stay in your home after seeking specialist advice and support. The most important thing is that you are safe.

### **Option 1: Getting a court order (injunction) if you want to stay in your home**

An injunction is a court order that requires someone to either do something or not do something. A solicitor can apply for you or you can go to the Magistrates Court and ask for the forms to apply.

There are two main types of court order you could apply for: A Non-Molestation Order and an Occupation Order.

#### **Non-molestation Order**

This type of order would be used to tell a person to stop being violent or abusive. You can get a non-molestation order if:

- You are, or have been married or cohabiting.
- You live or have lived in the same household.
- You don't live in the same property, but you are related or have agreed at some point to marry each other.
- You are parents of a child. You can also get a non-molestation order for a child.

You do not have to *prove* violence to get a non-molestation order. 'Molestation' can cover many forms of behavior, including harassment and pestering.

#### **Occupation Order**

These are orders under which the court can enforce the following:

- The applicant's right to occupy
- To allow re-entry to the home
- To regulate occupation by both partners
- To exclude a person from all or part of the home or

- To suspend / terminate the right of one partner to occupy.

The court will only grant an injunction if it believes it is necessary to stop any further harm or violence.

### **Option 2: Staying in your home and having it made safer to live in.**

This is called 'target hardening'. Target hardening is a series of measures that can be put in place in your home by specially trained police officers so that your home is safer for you to be in. This means that you do not have to leave your home / uproot your children in order to be safe from abuse. Target hardening helps victims of domestic abuse to remain in their own accommodation, but only where it is safe for them to do so, where it is their choice and where the perpetrator does not live in the accommodation.

Anyone who may be in danger of losing their accommodation as a result of being a victim of domestic abuse or hate crime can qualify for target hardening. It would normally require the cooperation of your landlord.

If you are interested in target hardening, you will need to be engaging with a specialist domestic violence service. We can help you with this.

### **Option 3: Respite accommodation with relatives or friends**

You could seek accommodation with friends / relatives to enable a planned move into other accommodation. We can give you advice about this.

### **Option 4: Options for tenants of a Council or of a Registered Social Landlord**

We can help make your landlord / housing officer aware of the situation and we can discuss with them what assistance they might be able to offer you. Being accepted as homeless does not guarantee that you will receive another social housing tenancy or an offer of accommodation exactly where you would like to live. Therefore, it is important that you are aware of your options for pursuing your rights as an existing tenant.

Your options could be:

- Terminating any joint tenancy and granting you a new tenancy for the property you occupy.
- Terminating any joint tenancy and granting you a new tenancy through a transfer.
- Evicting your violent partner from the tenancy for breach of the tenancy conditions.
- Seeking a reciprocal arrangement with another local authority or social landlord

to transfer you to another area.

It is important for you to understand that some of these options might not be realistic. Your social landlord would need to be satisfied that these options are appropriate and justified.

#### **Option 5: Possible high priority through the Council's social housing allocation scheme**

Your case may merit additional priority under the Council's housing allocations scheme.

Depending on the seriousness of the risk of harm that has been assessed in your case, a higher banding or priority banding might apply to you.

#### **Option 6: Moving into a Refuge.**

If you want to consider moving into a refuge there are options for accommodation and support.

We can make enquiries on your behalf or we can put you in touch with local domestic abuse services and they can talk through the options with you.

#### **Option 7: Safety and practical help and support**

1. We can put you in touch with local domestic abuse services.
2. We can help you to identify family, friends and support groups who might be able to support you.
3. We can discuss contacting the police about the abuse.
4. We can give you a list of local family law solicitors.
5. If you receive Housing Benefit we can help you with practical issues regarding this.
6. We can consider whether your circumstances should require a referral to a Multi-Agency Risk Assessment Conference (MARAC). This is a confidential meeting between various professionals about the level of risk you are facing as a result of domestic abuse. If we think that your case needs a MARAC, we will refer you to a specialist domestic abuse service for this to happen without delay.

#### **Option 8: Advice on your long-term tenancy/ownership options**

The most important thing now is to make sure you are safe. Once you are safe from

immediate harm, you can start to think about your long-term options.

Whether you are married or living with someone as a couple, if your relationship breaks down, it is important to seek advice about your rights and obligations for the property you own or rent.

This is a complex area of law and you should obtain advice from a solicitor who specialises in family law.

Leaving in the short term to find a place of safety will not affect your rights regarding the property you have come from but it is important to get advice as quickly as possible.

Your rights to remain in the home in the long term will depend on a number of factors

- Who your landlord is.
- The type of tenancy agreement
- Whose name the property / tenancy is in
- Whether you are married / civil partners or cohabiting

Where you are the joint tenant of the property, it might be difficult for you to rent another property if:

1. you need help from Housing Benefit to help pay the rent

or

2. you have a contractual commitment to the property you are in.

Seeking other accommodation should therefore only be considered once you have received legal advice on your obligations.

Sometimes rent can be paid on two properties where a person is a victim of domestic abuse. We can check if this would apply to your case.

**Option 9: Apply to go on the Council's Housing Register to be considered for Council housing if you haven't already done so.**

If you are not already on the Housing Register, you will need to register as soon as you can.

You can do this by following this link:

<https://www.homechoicebristol.co.uk/HouseholdRegistrationForm>