

RELATIONSHIP BREAKDOWN POLICY

1. INTRODUCTION

- 1.1 Reidvale Housing Association recognises the fact that relationship breakdown is a major cause of homelessness. The Association therefore aims to prevent homelessness arising as a result of breakdowns in marriage or other such relationships involving applicants including, couples co-habiting in a permanent relationship.
- 1.2 The Association will respond sympathetically to requests for housing from parties who are the subject of any relationship breakdown.

2. ELIGIBILITY

- 2.1 The policy applies equally to couples who are married or co-habiting. Both partners must have been resident in the property for at least twelve months. It is the responsibility of such couples to advise the Association of the relationship where it is not already referred to in the original tenancy agreement. Where the Association has not been so advised consideration will only be given if satisfactory documentary evidence of the relationship and occupancy of the property is provided.
- 2.2 In cases where both partners have not been resident for twelve months advice will be given concerning rights under the Matrimonial Homes (Family Protection)(Scotland) Act 1981 and the Civil Partnership Act 2004 and applications for housing will be dealt with in accordance with the Association's Allocations Policy.

3. PROCEDURE

- 3.1 Where a relationship breaks down resulting in either partner being in housing need the Association must be advised within three months of the relationship breakdown that rehousing is required in order to qualify for access to the relationship breakdown category of the housing list.
- 3.2 The applicant must provide a statement with relevant details to the Association confirming:
 - a) that the parties have separated as a consequence of the marriage/relationship having broken down irretrievably.
 - b) the date from which the separation took place and the present respective addresses of the parties.
 - c) the legal arrangements in respect of custody and/or access of any child or children in the event that the Association is expected to provide accommodation for any child or children of the parties' marriage/relationship.

- d) any one-parent benefit entitlement.
- 3.3 When the above details have been presented and the Association is satisfied that a bona fide separation has occurred, both parties will be interviewed.
- 3.4 The tenancy of any property belonging to the Association may be transferred voluntarily by mutual agreement. Where this option is preferred the party giving up his/her interest in the flat will be required to renounce his/her occupancy rights to the flat before being given access to apply to the Housing List.
- 3.5 Where the property has more than one bedroom and there are children involved, the Association will approach the party not having custody of the children requesting that he/she voluntarily transfer the tenancy to the other party. The displaced party would then be eligible to apply for a one bedroom property.
- 3.6 In some circumstances of existing tenants, rehousing by the Association may not always be appropriate. In cases where either partner wishes to be rehoused outwith the area the Association will give assistance in attempts to secure accommodation with other landlords.
- 3.7 Where a separating partner claims he/she can no longer continue to reside in their current accommodation as a result of domestic abuse then appropriate advice and assistance will be provided by Association staff. This will involve highlighting the role of organisations such as Glasgow Women's Aid and particularly stressing the role of Glasgow City Council in providing emergency accommodation on a temporary basis if the vulnerable person has to leave the house quickly for his/her own safety.

4. DISPUTES

- 4.1 Where voluntary agreement cannot be reached then either party may be required to take their case to the Sheriff Court in order to establish rights to the present accommodation. The outcome of any application to the court will determine which partner will remain in the house and which partner will be seeking separate accommodation.
- 4.2 Where the partner not seeking custody of children refuses to leave a family sized house the Association may instruct legal proceedings, seeking to have Decree for Recovery of Possession awarded in order that the tenancy can be transferred solely to the partner.

The Association will only normally do this in circumstances where a partner with custody of children supports the action and wishes to return to the family home. In such cases a sheriff would consider

whether it is reasonable to grant the order and will also wish to ensure that other suitable housing will be made available to the other party.

5. APPEALS

- 5.1** The Appeals procedure will apply to all separating partners who feel aggrieved by any decision made in respect of this policy.
- 5.2** If any person is unhappy regarding any decision made in relation to this relationship breakdown policy then the process of appeal is:
- a) Housing Manager
 - b) Director
 - c) Housing Services Sub-Committee
 - d) Appeals Committee
- 5.3** Applicants should note that the Appeals Committee consists exclusively of Management Committee members who were not involved in the original decision at sub-committee level.

6. REVIEW OF POLICY

- 6.1** The Association undertakes to carry out a comprehensive review of all aspects of this policy at least every five years.
- 6.2** This policy was agreed by the Management Committee on 30th November 2011.