



Freephone 24-Hour National Domestic Abuse Helpline: **0808 2000 247**

or visit [www.nationaldahelpline.org.uk](http://www.nationaldahelpline.org.uk) (access live chat Mon-Fri 3-10pm)

## Help with Housing

If you are experiencing abuse from a current or former partner, you have every right to leave and take your children with you. There are options and support is available. **However, if you are planning to leave your abuser, it is important to seek expert support.** Leaving is often the most dangerous time for a woman. The abuse may become more serious, as your partner tries to maintain his control over you. You can call Refuge, in confidence, on the National Domestic Abuse Helpline, 24-hours a day, on 0808 2000 247. If you are in an emergency, call 999.

### Leaving Home

It is important that you do not tell anyone who may pass information on to your partner where you are going. You should also consider whether your partner might be able to work out where you are, especially by using technology.

A woman fleeing a violent and abusive partner has three main options:

#### 1. Seeking a refuge place

A refuge is a safe house for women and children escaping domestic violence. You do not need to have experienced physical violence to go into a refuge and you do not need to have children. There will be expert, female staff at the refuge who can provide a range of emotional and practical support. Find out more about what refuges are like [here](#).

#### **You can access a refuge place by phoning Refuge on the National Domestic Abuse**

**Helpline.** Unfortunately, the UK does not have enough refuge places for the women who need them. It may take several attempts to find a refuge place, particularly if you have specific needs (for example, three or more children). If there is no place available, Refuge will be able to refer you to other types of services, talk through alternative housing options, and provide support and information on keeping safe.

Refuge spaces are paid for via housing benefit. There are some spaces available for women who have 'no recourse' to public funds and so cannot access housing benefit. Call our Helpline experts to talk through your options.

#### 2. Making an emergency homelessness application to any local authority?

The local authority is likely to have a legal duty to re-house anyone experiencing domestic abuse. In the majority of cases, she will be considered 'unintentionally homeless' under the law. A woman is legally considered homeless when she is living with a perpetrator or living in a refuge. Even if you are not living

with a perpetrator, but the perpetrator knows where you live, you might still be considered legally homeless.

### **Who can make an application?**

It is sometimes easier to ‘prove’ a case of homelessness when a woman has dependent children. However, under the Homelessness Reduction Act 2017, the local authority also has a duty to take reasonable steps to find accommodation for women with no children.

If the immigration status of a woman is ‘no recourse to public funds’ (for example if she is on a visa as a foreign student) then she will not be legally entitled to make a homeless application and should instead approach social services for housing and food and essential living costs (subsistence allowance). If a woman has overstayed her visa, it is important that she seeks advice from an immigration solicitor. [Rights of Women](#) has useful information around domestic abuse and immigration law, and operates an advice line.

### **Steps to making a Homeless Application (England and Wales)**

1. Choose a local authority to apply to. If you’re fleeing domestic abuse, this can be anywhere – you do not need a local connection.
2. It’s a good idea to make the application in writing
3. Once you have submitted your homeless application, the local authority will have a time limit of around three months to make a decision on your case, and provide you with suitable accommodation. If they are taking longer than this, speak to your domestic abuse support worker.
4. **In the meantime**, the first step is for the local authority to place you in safe temporary interim accommodation, whilst they assess your case. This could be in a refuge or bed and breakfast accommodation. The ‘test’ for interim accommodation is whether or not the authority has reason to believe that a woman may be in ‘priority need’. Women with children are more likely to meet this threshold.
5. If you do not have children, you may want to consider making your application in a smaller city, town or more rural area, where there may be more accommodation available. If you make your application in a big city like London, Birmingham or Manchester, it is less likely you will be accepted as a ‘priority need’ case. You can also phone the local authority in advance to see whether they are likely to offer a woman with no children temporary accommodation whilst they process her homeless application.
6. The local authority has a duty to assess your case and agree a personal housing plan (PHP) in writing. The Local Authority Code of Guidance specifically states that when developing this ‘PHP’, they should be particularly sensitive to your wishes and respectful of your judgement about the risk of abuse.
7. Under the Homelessness Reduction Act 2017, the Authority then has 56 days to take reasonable steps to help you secure suitable accommodation for at least six months. This could be a tenancy in the private rented sector. But the property must be affordable for you and suitable for your needs.
8. If the Authority is unable to find you anything in this 56 day-time period, they must adhere to their ‘main housing duty’ to find you suitable accommodation immediately. This accommodation must not be in bed and breakfast accommodation or in a refuge, but rather somewhere that is suitable for you and your children to live in longer term.
9. If you want to remain in the area in which you live (for example, because that is where you have the most support from friends or family), the Authority still has a duty to assess your homeless application and move you somewhere safe.

**Shelter runs a [free expert housing advice line](#) if you’re in urgent need of housing advice. Call them on 0808 800 4444**

### 3. Going to a property your partner doesn't know

This may be the property of a friend or family member in another location, away from your perpetrator, where you can stay for a few days to have space to consider your options. You may have enough resources to find your own accommodation, or pay for a hotel or access bed and breakfast accommodation for a short time.

### What if I want to stay in my home?

It is understandable that you may wish to stay in the family home. It can be scary to think about leaving friends, family, schools and jobs. There are steps you can take to increase your safety and the safety of your children in this situation – for example, by getting a **civil order** that specifies who can live in your home, and/or by accessing a ‘Sanctuary Scheme’ to make your property more secure. Read more about keeping safe [here](#), and call the Helpline experts to talk through safety planning and connect with support in your area.

### What about my rights to the home?

It is important to seek advice from a solicitor about your rights in relation to any home you share with your abuser. You can use the ‘[Find a solicitor](#)’ section of the Law Society website to find a solicitor specialising in family law in your area.

- **If you are married and your husband owns the property in his sole name**, you will still have legal ‘home rights’ in the property on the basis of your marriage. You can protect these rights by registering a form called an HR1 with the Land Registry. You can see what it looks like [here](#). Your husband cannot stop you doing this, but bear in mind that he will be informed.
- **If you are married and your abuser is the sole tenant of a rented property**, you also have ‘home rights’ which includes a right not to be evicted from the home without a court order.
- **If you are living with your partner in a home they own and you are not married**, your rights to a share in the property are fewer. If you separate from your partner and the property was only in your partner’s name, then you may have no rights at all. There are some limited exceptions to this, such as where you have contributed to the purchase price of the property, or where your partner intended you to have a share on separation. If you have children together, you may be able to apply to the court to say that you stay in the property to care for the children.
- **If your partner rents the property in his sole name**, your rights to stay in the property are very limited. There are limited legal rights that might be available to you, such as an application to transfer the tenancy from your partner’s name to your name, or an application to stay in the property to care for the children.

Rights of Women has a very useful guide on housing and domestic violence, which you can access as a PDF. By clicking on the PDF, it will appear in your browser download history. If you think your partner might be tracking your internet use, use a device he does not have access to (e.g. a public or friend’s computer).