



Selby District Council

Advice for all – Going through a relationship breakdown

When your relationship breaks down there are many things to consider, including where you are both going to live.

Most couples need help to sort out what happens to their home and finances when their relationship ends. The law is very complicated and every case is different.

If the relationship is amiable then it may be possible to stay in the house whilst one or both of you find alternative accommodation. In certain cases legal advice may be required.

In most cases, your housing rights will depend on:

- Whether your home is rented or owner-occupied
- The legal status of your relationship (married couples and registered civil partners usually have more rights than couples who are living together as 'cohabitants')
- Whether you have children

You should speak to a specialist adviser or solicitor before making any decisions, such as the Council or your local Citizens Advice service.

If you are being subjected to violence or abuse always call the police in an emergency.

Deciding who should stay

When you first split up, your options are likely to be:

- One person staying in the home while the other moves out
- Both leaving and getting new places
- Continuing to live together, but as separate households (i.e. not as a couple).

You may have to make short-term arrangements and then change them later. Discussing the issues and negotiating a mutual agreement may avoid a long and costly legal process. Mediation and/or relationship counselling can help but if you can't agree, you will probably have to go to court. Although you may want to make these decisions quickly, it's important to check your legal position carefully before you do so. You may have rights you are not aware of.

Why protect rights to return?

If you are planning to leave the home, you should explore the consequences of leaving before you go. For example, if you are a sole tenant and you leave with no obvious intention to return, you are risking eviction. If you want to leave your home, but think you may want to return to it later, you should try to protect your interests in it.

You can protect the home by keeping up the rent or mortgage payments on it. Whether you will be able to make these payments depends on whether

you are the tenant or owner, or whether you have home rights and can afford the rent or mortgage. If you don't have home rights and are not the tenant or owner, but want to stay in the home, you may want to see if you can stop your partner from ending the tenancy or selling the home.

Paying the rent or mortgage

Whether you want to stay or move out, it is essential to think about how the rent or mortgage will be paid. Falling behind on payments could result in:

- Eviction if you rent your home or repossession if you own your home
- Your landlord or lender taking you to court to force you to pay off the arrears
- A bad credit rating, which would make it difficult for you to find a new home
- Jeopardising any legal rights you might have to the home. If the property is in your name (whether solely or jointly), you are liable for the rent or mortgage.

Private tenants

If you rent privately, your options will depend on what type of tenancy you have:

Most private tenants have an assured shorthold tenancy, which gives you very limited rights. Landlords don't need a legal reason to evict assured shorthold tenants, so spending time and money trying to hold on to the tenancy may not be worthwhile. However, you could ask the landlord to set up a new tenancy only in your name – they are more likely to agree to this if you have a history of paying rent on time.

However, if you have an assured tenancy or a regulated/protected tenancy you have much stronger rights, and it's almost always worth taking action to protect them. If your tenancy began before 15 January 1989, you probably have one of these types of tenancy and should get advice before you agree to anything. Don't risk signing away important rights by agreeing to changes in your tenancy.

Advice on next steps

Selby District Council's Housing Options team – 01757 705101 and can be found at Access Selby in the Town Centre.

We will work with anybody who is either homeless or threatened with homelessness.

Where possible, it is best to contact the team before leaving your shared accommodation so we can gather as much information as possible regarding your circumstances to provide you with the most appropriate advice available.

If you are deemed eligible for housing advice and are homeless or at risk of becoming homeless within 56 days, you are likely entitled to make a homeless application with the Local Authority. Additional information regarding homeless applications can be found under the 'Homeless Application' section of our website.

Alternative Housing options:

Family and friends

It may be possible to return to family or friends, at least in the short term. If your relationships with family and friends have broken down, it is possible to rebuild bridges. It is very difficult to secure housing on release as waiting lists are long, so it is very important not to dismiss this as an option.

Local Authority – Social Housing

If possible, complete a housing application for social housing via North Yorkshire Home Choice (www.northyorkshirehomechoice.org.uk). Paper applications are also available if online completion is not an option.

Private renting

The main advantage of private rented accommodation is that you will have a greater degree of choice in terms of location and type of property. It is also something that your family and friends can help you to look for and, where possible and necessary, lend money for in order to secure a property.

Your local council might also be able to give you advice about what is available in your local area and how you can get help with paying the rent bonds and rent in advance.

Can I get financial assistance towards housing?

If you are receiving a state benefit or on a low income once released from prison, you are likely entitled to financial assistance towards your rent. The Housing benefit online calculator can be used to check your entitlement to housing benefit and can be found at www.selby.gov.uk/benefits-calculator. You can also apply for Housing Benefit on this same website.

If you are looking to rent a private rented property, you may instead be entitled to Local Housing Allowance (LHA). The amount available to you will depend on where you live and who else lives with you. LHA rates are set for different types of accommodation in each area. The rates range from a single room in a shared house up to properties with four bedrooms. Below shows the maximum housing benefit you may be entitled, depending on what category you fall into.

Rates (April 2017 - March 2018)

Weekly Rates

	York	Doncaster	Wakefield	Leeds
Shared room	£67.09	£55.12	£55.00	£62.48
1 Bed	£98.96	£78.08	£86.30	£100.05
2 Bed	£123.58	£93.23	£103.56	£122.36
3 Bed	£141.24	£103.56	£113.92	£149.59
4 Bed	£200.09	£143.84	£149.59	£195.62

Calendar Monthly Rates

	York	Doncaster	Wakefield	Leeds
Shared room	£291.52	£239.51	£238.99	£271.49
1 Bed	£430.00	£339.28	£374.99	£434.74
2 Bed	£536.98	£405.11	£449.99	£531.68
3 Bed	£613.72	£449.99	£495.01	£650.00
4 Bed	£869.44	£625.02	£650.00	£850.02

You may also wish to start looking at suitable private renting options on websites such as 'Right Move' or 'Spare Room.' We may be able to offer help towards upfront fees for private rent options to help you secure suitable accommodation. This is our Frontline Prevention Fund and is subject to an affordability assessment.

Help available from other agencies:

Relate

Are the UK's largest provider of relationship support, and every year help over a million people of all ages, backgrounds and sexual orientations to strengthen their relationships. If you have lost, or may lose your home due to the breakdown of your relationship, relationship counselling or mediation may help. If you are still a couple but things are not going well, a relationship counselling organisation may be able to help you to resolve any difficulties, or help you to come to terms with splitting up. You don't have to go as a couple as if your partner refuses to go, you can go alone.

The closest offices are Goole and York:

Goole Relate

The Courtyard, Boothferry Road, Goole, DN14 6AE
Phone - 01482 329 621

York Relate

14 Pavement, York, North Yorkshire, YO1 9UP
Phone - 01904 625 971

Crombie Wilkinson Solicitors

Family Law solicitors with an office in Selby
Telephone - 01757 708957

www.crombiewilkinson.co.uk/site/personal/family-law-solicitors/stages-relationship-breakdown/

Citizens Advice Selby

This service operates on a Gateway Assessment system. As a client you will be given an initial ten minute interview and then may be offered a follow up appointment or referral depending on the nature of your enquiry. Follow-up appointments take place Monday to Friday throughout the day.

Advice session details: Drop-in advice sessions Monday, Wednesday and Friday 9.30am - 12.30pm and Tuesday 1.30pm - 4.00pm.
Rear of 4 Park Street, Selby, North Yorkshire, YO8 4PW

Telephone advice: Available Monday to Friday 10am - 4 pm on 03444 111 444

Horton Housing Association:

Horton Housing is a not-for-profit organisation which provides housing, training and support services to the most vulnerable people in society. They work with a wide range of clients including people who are homeless, have mental health, drug or alcohol issues, refugees, Gypsies and Travellers, people with disabilities and ex-offenders.

Selby District Council often makes referrals to Horton Housing for additional housing support. Horton Housing offers a range of services to provide housing advice and assistance. They work flexibly to engage with people who are homeless, securing short-term accommodation and helping them to move into longer-term settled accommodation. They provide housing-related support for people with multiple or complex needs who are homeless or at risk of becoming homeless. Support available is around tenancies, budgeting, claiming benefits, helping to secure appliances for a home and much more.

Horton Housing also manages an intensive housing management (IHM) scheme in Selby where they have some limited properties available. Tenants are allocated a floating support worker and support can be provided for up to two years as part of a plan to make the most excluded and vulnerable potentially tenancy ready.

Horton Housing also offers drop-in services at Selby, Tadcaster and Sherburn-In-Elmet. To make a referral or contact them, Tel: 01757 241051 or website www.hortonhousing.co.uk

Shelter:

Shelter cannot house you but our specialist housing advisers can help you protect your rights. Call our free housing advice helpline on 0808 800 4444

(open from 8am to 8pm on Mondays to Fridays and from 8am to 5pm on weekends) or visit www.shelter.org.uk/advice