

## FAQs for tenants living with violence

### What does the Family Violence clause of the Residential Tenancies Act entail?

#### 1) When does the new tenancy legislation come into effect?

Most tenancy reforms will come into effect from the 11<sup>th</sup> of February 2021, but the legislation allowing a person to withdraw from a tenancy due to family violence does not come into effect until 11<sup>th</sup> August 2021.

#### 2) Can a person withdraw from their tenancy when they are using violence?

The Act currently limits usage to “victims of family violence.” However, we have written to Parliament asking for them to amend this to include those using violence. We are also encouraging landlords to accept the withdrawal of those using violence. Doing this will still make the person experiencing violence safer. In fact, Aviva recommends that where possible the violence be removed rather than the person experiencing it, as this is typically a far more equitable and long-term solution.

If you are using violence and need support, you can contact Aviva at 0800 AVIVA NOW (0800 28482 669). We may also be able to provide a letter of engagement to support you to withdraw from tenancy.

#### 3) Can I withdraw even if the violence did not happen at my place of tenancy or the violent party is not living with me?

Yes, the violence simply needs to occur while you have been a tenant of the premises. Even if you are not living with the person using violence, we still highly encourage you to withdraw from your tenancy if that violence makes you feel unsafe in your home.

#### 4) Who do I need to talk to, to withdraw from tenancy because of family violence?

You need to tell your landlord you plan to leave because of family violence.

The act includes a stipulation that any remaining tenants who would be affected by your withdrawal should be informed within two days of the withdrawal. However, if informing them will impact your safety, it will not affect the validity of your withdrawal not to do so. We also recommend reaching out to trusted friends and family, and/or a professional agency like Aviva to help support the transition. We can also support those using violence.

#### 5) I am living with violence and want to leave my tenancy. How much notice do I need to give?

Starting from 11<sup>th</sup> August 2021, if you are living with violence, you are eligible to leave your tenancy with two days' notice. Notice is considered from the date your landlord receives it; in case you are contacting them by post.

Please be aware that behaviours can often escalate when someone decides to leave a violent relationship. We recommend having a safety plan in place. Services like Aviva can offer you support in creating one. Please call 0800 AVIVA NOW (0800 28482 669).

**6) Do I need to provide my landlord with evidence? What kind of evidence?**

Your landlord has the right to ask for evidence of violence. There are currently no stipulations as to what constitutes evidence. A police report or court order should qualify as evidence. If you do not have either of these, you can contact Aviva at 0800 AVIVA NOW (0800 28482 669). We should be able to provide you with a letter of engagement. If this is not an option for you, we suggest keeping a record of any violent incidents with dates and times. This will also be helpful to refer back to if you decide to file a police report or ask for a court order in the future.

**7) Can my landlord tell people I am leaving because of family violence or share the evidence I give them?**

No, your landlord is not permitted to share any part of your withdrawal or any accompanying evidence, except for legal purposes, or with your consent. Sharing this information without cause would be illegal and your landlord would be subject to a fine.

**8) Will the remaining tenants get a reduction on rent if I leave? / Will I get a reduction in rent if another tenant leaves?**

Any remaining tenants on the tenancy agreement are eligible to receive a two-week reduction in rent proportional to the number of tenants leaving due to family violence. They also may be eligible to withdraw from the tenancy entirely if they are no longer able to make rent payments without the prior tenant.

**9) I am applying for a tenancy. Can the landlord ask about my history of family violence as part of the application?**

No, this is an invasion of privacy and could be considered illegal as the landlord is only allowed to collect personal information for a lawful purpose that is connected with their activities or functions. While your name, contact information, and credit history are necessary for arranging a tenancy of a rental property, your family violence history is not and should be protected.

**10) I want to leave my tenancy due to a violent relationship, what support can Aviva offer?**

If you are in immediate danger, please call 111.

If you need support for your safety or wellbeing, whether you are experiencing or using violence, you can contact Aviva at 0800 AVIVA NOW (0800 28482 669). If you are worried your partner will see that you have contacted a family violence agency, you can also connect with The Loft at 0800 TO LOFT (0800 865 638) or by utilising their walk-in service (Level 1, Eastgate Shopping Centre). You will be able to talk with one of The Loft Community Connectors who will be able to offer you advice or provide a referral to Aviva. Because leaving a violent relationship can be a high-risk time, Aviva or The Loft Community Connector will support you in setting up a safety plan for leaving, as well as offering further advice, advocacy, and emotional support.

We can also support you by providing a letter of engagement as evidence of family violence for your landlord.