



Domestic Abuse Act 2021

2021 CHAPTER 17

PART 7

MISCELLANEOUS AND GENERAL

Secure tenancies

79 Grant of secure tenancies in cases of domestic abuse

- (1) Part 4 of the Housing Act 1985 (secure tenancies and rights of secure tenants) is amended as follows.
- (2) After section 81 insert—

“81ZA Grant of secure tenancies in cases of domestic abuse

- (1) This section applies where a local housing authority grants a secure tenancy of a dwelling-house in England before the day on which paragraph 4 of Schedule 7 to the Housing and Planning Act 2016 (grant of new secure tenancies in England) comes fully into force.
- (2) The local housing authority must grant a secure tenancy that is not a flexible tenancy if—
 - (a) the tenancy is offered to a person who is or was a tenant of some other dwelling-house under a qualifying tenancy (whether as the sole tenant or as a joint tenant), and
 - (b) the authority is satisfied that—
 - (i) the person or a member of the person's household is or has been a victim of domestic abuse carried out by another person, and
 - (ii) the new tenancy is granted for reasons connected with that abuse.

Changes to legislation: There are currently no known outstanding effects for the Domestic Abuse Act 2021, Cross Heading: Secure tenancies. (See end of Document for details)

- (3) The local housing authority must grant a secure tenancy that is not a flexible tenancy if—
- (a) the tenancy is offered to a person who was a joint tenant of the dwelling-house under a qualifying tenancy, and
 - (b) the authority is satisfied that—
 - (i) the person or a member of the person's household is or has been a victim of domestic abuse carried out by another person, and
 - (ii) the new tenancy is granted for reasons connected with that abuse.
- (4) In this section—
- “abuse” means—
- (a) physical or sexual abuse;
 - (b) violent or threatening behaviour;
 - (c) controlling or coercive behaviour;
 - (d) economic abuse (within the meaning of section 1(4) of the Domestic Abuse Act 2021);
 - (e) psychological, emotional or other abuse;
- “domestic abuse” means abuse carried out by a person who is personally connected to the victim of the abuse (within the meaning of section 2 of the Domestic Abuse Act 2021);
- “qualifying tenancy” means a tenancy of a dwelling-house in England which is—
- (a) a secure tenancy other than a flexible tenancy, or
 - (b) an assured tenancy—
 - (i) which is not an assured shorthold tenancy, and
 - (ii) which is granted by a private registered provider of social housing, by the Regulator of Social Housing or by a housing trust which is a charity.
- (5) For the purposes of this section, a person may be a victim of domestic abuse despite the fact that the abuse is directed at another person (for example, the person's child).”
- (3) In section 81B (cases where old-style English secure tenancies may be granted)—
- (a) in subsection (2C)—
 - (i) for the definition of “abuse” substitute—

““abuse” means—

 - (a) physical or sexual abuse;
 - (b) violent or threatening behaviour;
 - (c) controlling or coercive behaviour;
 - (d) economic abuse (within the meaning of section 1(4) of the Domestic Abuse Act 2021);
 - (e) psychological, emotional or other abuse;”;
 - (ii) for the definition of “domestic abuse” substitute—

Changes to legislation: There are currently no known outstanding effects for the Domestic Abuse Act 2021, Cross Heading: Secure tenancies. (See end of Document for details)

““domestic abuse” means abuse carried out by a person who is personally connected to the victim of the abuse (within the meaning of section 2 of the Domestic Abuse Act 2021);”;

(b) after subsection (2C) insert—

“(2D) For the purposes of this section, a person may be a victim of domestic abuse despite the fact that the abuse is directed at another person (for example, the person's child).”

Commencement Information

II S. 79 in force at 1.11.2021 by S.I. 2021/1038, reg. 3(c)

Changes to legislation:

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Heading: Secure tenancies.