

## Irregular Occupancy - What happens when a 'Notice to Vacate' has expired?

Irregular Occupancy isn't a subject commonly discussed, unless you find yourself in the unfortunate situation of perhaps a marital breakdown, or just at the end of your service. Irregular occupancy is something that happens more often than you might think. Forget the term illegal occupancy (as it is often called), there is nothing illegal about finding yourself in a married quarter when your entitlement has ceased.

If you are leaving the Services then the Housing Briefs offered during resettlement are a good source of information about when you are expected to move out of your married quarter and what help is available to assist you with finding a future home. Spouses are welcome to attend these briefings with their soldier.

Here is a quick summary of the main circumstances and timings involved when occupants are required to move out of a married quarter. In all cases it is the local Housing Information Centre (HIC) that sends you the Notice to Vacate.

- In the case of marriage or civil partnership breakdown, the Notice to Vacate will be 93 days from the day the HIC is notified of the change in marital status. The serving soldier should inform his/her unit of the change of marital status and the unit will inform the HIC.
- In the case of a standard discharge or retirement from the Services, an occupant is required to give the HIC at least 4 months notice of last day of Service. 93 days Notice To Vacate will then be given to coincide with the discharge date. If less notice is given, then the Notice To Vacate period will be reduced accordingly.
- For a medical discharge, 93 days Notice to Vacate is given from the last day of Service so quartering charges will be at Service rates for 93 days *after* discharge. The unit and the occupant should inform the HIC of the impending discharge date.
- When discharge is on disciplinary grounds then only 28 days Notice to Vacate will be given. The unit and the occupant should inform the HIC of the impending discharge date.

In all cases, should you remain in your married quarter once the Notice to Vacate has expired, you will no longer be entitled to pay normal quartering charges for your property. You will be charged a new rate that is based on local council rents, council tax and water/sewage rates and, whilst this is not full 'market rate', it may be considerably higher than your current quartering charges. These figures are individually calculated and issued in plenty of time for you to apply for any necessary benefits. In the case of marriage breakdown your Council Tax charges will be abated by 25% to allow for single occupancy.

If you require local authority housing when you move out of your married quarter, the HIC will issue you a 'Certificate of Cessation of Right to Occupy Service Quarters'. This is a document issued to show when your entitlement to occupy Service accommodation will end. The Certificate can be used to demonstrate to a local housing authority that you will become homeless on a given date. The Government issued guidance which encourages local authorities to accept these certificates as 'proof of homelessness' and not insist on a court order for possession before being prepared to provide any homelessness assistance. See the following link:

<http://www.communities.gov.uk/housing/supportandadaptations/servicepersonnel/servicepersonnelcommitments/certificatecessationentitlement/>

When the time comes for you to finally move out of the quarter it must be cleaned to move-out standard in the normal way. You should arrange a pre move out inspection through your local HIC so that your Housing Officer can give you all the guidance you require on the preparation of your quarter for move-out. You may also be entitled to financial help with your removals so contact your Unit Welfare Officer who will be able to advise you. If you find that you have nowhere to live after you leave your married quarter then the Cotswold Centre in Wiltshire is a good alternative until you have made more permanent arrangements. Click on the link below for more information:

<http://www.mod.uk/DefenceInternet/DefenceFor/ServiceCommunity/TheServicesCotswoldCentre.htm>

A Defence Estates finance team based in York deals with collecting rents from Irregular Occupants when they can no longer be deducted from salary, either because a spouse is now responsible for the quarter due to estrangement, or the Service person has been discharged. All letters in relation to Irregular Occupancy, with the exception of financial statements, will be issued by the local HIC. It is therefore important that you notify them of any changes to your personal circumstances. Once a 'Notice' has been issued you will be notified of the new charges at least 4 weeks prior to the Notice expiring. This will enable you, if entitled, to apply *early* for housing benefits, thereby avoiding any delay in payment which could result in debts starting to build up.

The letters sent out by the HICs do use legal housing jargon and are set out in a manner required and understood by the courts and local councils. Terms such as 'Damages for Trespass' and 'Violent Profits' (in Scotland) can seem intimidating but they are simply legal phrases used to describe the total charges for the use and occupation of a quarter.

The finance team also has staff dealing with debt recovery, and a lot of time and work is spent attempting to recover unpaid charges such as rent. This can lead to court proceedings. If you do find yourself in this worrying situation, speak to your Unit Welfare Officer, local Housing Information Centre (HIC), Army Welfare Service worker, SSAFA FH or AFF about benefits and future housing provision. You should also contact the Joint Services

Housing Advice Office (JSHAO), which has tremendous expertise in dealing with housing needs. Don't leave it too late - advice is there if you need it.

For more information, contact:

Joint Services Housing Advice Office: for advice on all aspects of housing  
01722 436575 Mil: 94331 2575

<http://www.mod.uk/DefenceInternet/DefenceFor/ServiceCommunity/Housing/>

SSAFA FH at JSHAO: 01722 436400 Mil: 94331 2400

SSAFA FH Stepping Stone Homes (NW London and Tyne and Wear):  
temporary accommodation for separated Service and ex-Service families,  
plus support and assistance in finding a permanent home. Call 020 7463 9209  
or 020 7403 8783 email: [housing@ssafa.org.uk](mailto:housing@ssafa.org.uk) website: [www.ssafa.org.uk](http://www.ssafa.org.uk)

Services Cotswold Centre (Wiltshire): short-term self-catering  
accommodation between postings, on retirement or for welfare reasons:  
01225 810358