

# Home Owners and Relationship Breakdown

**This factsheet can help you if your relationship has broken down and:-**

- 1. You are married or in a civil partnership and you own your home; or**
- 2. You are married or in a civil partnership and your home is owned by your civil partner, husband or wife; or**
- 3. You jointly own your home with your husband or wife, partner or civil partner,**

**If you are separating**, then you need to plan where you and any dependent children are going to live in the future. You can seek assistance to help you reach an agreement from a solicitor or by attending mediation.

If you are experiencing domestic abuse you can get support before you agree what to do about your home. Help is available from IDAS on 03000 110 100 or 24hr national helpline: [0808 2000 247](tel:08082000247)

**e-mail:** [info@idas.org.uk](mailto:info@idas.org.uk)

**Website:** [idas.org.uk](http://idas.org.uk).

**In an emergency ring 999 and ask for the Police**

## Legal Rights

Any person who owns a home (including a joint owner) has a legal right to continue to live there unless a court order has been obtained to exclude them from the home or to terminate their rights. A civil partner, husband or wife of a home owner also has a legal right to live there,

even when the relationship has broken down, unless a court order has been obtained to exclude them from the home or to terminate their rights. These rights are known as Home Rights. More information is available on the GOV.UK website <https://www.gov.uk/stay-in-home-during-separation-or-divorce>

Once a marriage or civil partnership has legally ended, by divorce or dissolution, then the right of a non owning civil partner, husband or wife to live there comes to an end, unless they have a court order that allows them to continue to live in the home.

Your solicitor can advise and assist you to obtain court orders to protect your legal rights. You should not agree to legally end your marriage or civil partnership, or to sell your home, unless you are certain that you have a future secure home for yourself and for any dependent children.

**You can find a local solicitor by using the Law Society online Find a Solicitor service.**

## Financial Settlement

If it is agreed that you should give up your home then you are likely to be entitled to a financial settlement. Working out how much you are entitled to can be complicated and you may need to seek legal assistance. You should always ensure that any amount you accept in return for giving up your home allows you and any dependent children to

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move to a new home. **You should not give up your rights to your current home unless and until you have secured your future housing.**

If you have the opportunity to secure an agreement or a court order to allow you to either keep your home or move to a new home, and you do not pursue this opportunity, then you may be considered as having caused your own homelessness. If you then seek assistance from your local authority, this can limit the housing options they can offer you.

If you believe you are at risk of homelessness visit Housing Options drop in at West Offices Monday – Friday 8.30am-5pm (excl bank holidays). Please try and come in before 3.30pm.

Housing Options can also be contacted on (01904) 554500 or [housing.options@york.gov.uk](mailto:housing.options@york.gov.uk)

## Meeting Future Housing Need

If you have agreed that you will sell or leave your home then your future housing options could include:-

## Affordable homes Schemes

If you will be receiving a lump sum payment as your settlement then you can use this as a deposit on a new home. There are affordable homes schemes available for those who cannot afford full market price.

## Private Rented Accommodation

This is widely available in York. You should make sure that your financial settlement provides enough to pay a

deposit, rent in advance and letting agents fees as appropriate. You may be able to claim Universal Credit to help pay your rent.

Factsheets are available on [www.york.gov.uk](http://www.york.gov.uk). Search for Housing Options Leaflets.

## Council and Housing Association tenancies

Council and Housing Association tenancies are accessed through North Yorkshire Home Choice (NYHC) housing register. Contact Housing Registrations (01904) 554044 and visit [www.northyorkshirehomechoice.org.uk](http://www.northyorkshirehomechoice.org.uk). Not everyone is accepted onto NYHC and you may find that if you are a home owner or if you have resources to fund alternative housing you may not qualify. If you are accepted onto NYHC, there is a long waiting time for offers and it is unlikely that you will secure a tenancy in the foreseeable future.

**Polish** : Niniejsza broszura zawiera wszystkie informacje potrzebne w rozwiązaniu jakichkolwiek problemów mieszkaniowych, które może Pan/Pani doświadczać. Pakiet informacyjny jest również dostępny w innych wersjach językowych.

**Turkish** : Bu broşürde olabilecek bütün konut sorunlarınızla ilgili ihtiyaç duyacağınız bilgilerin tümü bulunmaktadır. Bu bilgiler kendi lisanınızda da tedarik edilebilir.

**Cantonese**: 这将告诉你如何解决住房问题。我們  
可以您所需的語言提供該資訊

Large print, CD and other formats available on request