

Managing Housing Issues

After someone has died, there are several things that you may need to do in relation to their home or the home you have shared together.

This section aims to provide you with short answers to some of the most common questions people have at this time.

Your support worker is available to support you and they can help you seek legal advice if you need any further information.

Legal Advice

If you have been living in a home which the person who died owned or rented

- Get legal advice about your rights before you move out of the home
- Get legal advice before you rent out all or part of the home and check that any mortgage or landlord allows this

Housing Rights

Your housing rights will depend on

- Your legal relationship with the person who died
- Whether you own or rent the property
- Whether you own or rent the property together
- Whether or not there is a will

Many people believe that if they live together, they have the same rights as a married couple. This is not the case.

There's no such thing as 'common law' marriage in Scotland and you will have fewer rights if you live together than you would do if you were married or in a civil partnership.

Even if you have lived in the household for a long time before the other person died, that does not necessarily mean that you have a right to stay there.

You should seek legal advice to help you work out what you are entitled to.

Housing Rights Check-list

To understand your housing needs, you may be asked some of the following questions. It is useful to write these down.

What was your relationship with the person who has died?	<input type="checkbox"/> Married / Civil Partnership	
	<input type="checkbox"/> Related	
	<input type="checkbox"/> Living Together ('Cohabitants')	
Were you living with the person at the time of their death?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Is there a will?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Was the house rented or owned?	<input type="checkbox"/> Rented	<input type="checkbox"/> Owned

Does anyone else live in the house?

If yes, what is their name and relationship to the person who has died?

Is your name on the lease or mortgage?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Do you have a copy of the lease or mortgage?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Were you paying towards the rent or mortgage when the person died?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Was the person who died entitled to any housing related benefits?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Can you afford to keep making the payments on your own if need be?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If the property is owned, is there an insurance policy covering the mortgage?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Death Occurring in a Home

If the death occurred in a home, the property will become a crime scene and may contain important evidence. The police will restrict access to the home so that all evidence can be obtained. They will only restrict access to the home for as long as is necessary. The decision to allow access to the property again is made by the Procurator Fiscal.

It may be necessary to ensure that the house has been professionally cleaned before someone returns to it.

Death of a Person Who Lived Alone

As a general rule for privately rented properties, a tenancy will end when the tenant dies.

This can be checked with the letting agent, council or housing association

If the person died in their own home, the police will try to place the house in the care of a relative.

If no arrangement can be made, the police should ensure that the property is secure.

If it is Difficult to Return to Your Home

You should seek advice. Shelter is a specialist charity that can give up-to-date information and advice.

Type the following website address directly into the search bar of your internet browser. It will take you to a page titled "Finding a Place to Live".

tinyurl.com/shelter-new-home



If you rent your home, check the terms and conditions of your lease. It may be quite straightforward to end your lease and move home. You should speak to whoever you rent your home from to discuss what options are available to you.

If you do not have the right to continue to live in your home, or if your home is not suitable for you to live in, you may be considered homeless. If you are considered homeless you can get help from your local council.

You can still be considered homeless if you are living with friends or family, living in a refuge, hostel or bed and breakfast.