

Who has rights to live in the home you are currently living in?

If you are renting your home and the tenancy agreement is in your sole name

- You have the right to stay in the property under your tenancy agreement.
- If you live with your husband, wife or civil partner, they also have the right to live there whilst you remain married or in civil partnership, unless you get a court order to end their [Matrimonial Home Rights](#)
- If you are living with your partner, they do not have any occupation rights to your home (even if you have children together) and you can serve them with a notice to quit (leave) your home – you should only do this if you feel safe enough to do so. Discuss your safety with [Domestic Abuse Helpline for Men](#) | [Men's Advice Line UK](#)
- If you are living with a member of your family, they do not have the right to live in your home without your permission, and you can serve them with a notice to quit (leave) your home – you should only do this if you feel safe enough to do so. Discuss your safety with [Domestic Abuse Helpline for Men](#) | [Men's Advice Line UK](#)

If you are living in a rented home that is in someone else's name

- If you are living in your husband, wife or civil partner's home and your marriage or civil partnership is legal recognised then you have as much right to live there as they do. These rights are called [Matrimonial Home Rights](#), and they last for as long as the marriage or civil partnership does unless a court order brings them to an end.
- If you are living in your partner's home, you do not have the right to carry on living there and they can ask you to leave. You may, if you have a good legal case, be able to get a court order that allows

you to remain in the property. These are known as [occupation orders](#) and have varying lengths but are typically short-term – for around 6 months.

- If you are living in a home that is rented by a family member or friend, you do not have occupation rights and are there with the tenant's permission. You will not be able to seek a court order to carry on living there.

If you have a joint tenancy

- If you are joint tenants, you and the other tenant usually have equal rights to live in the property. You may be able to apply for a court order to stop the other tenant living there if there is domestic abuse. These include non-molestation orders, occupation orders, injunctions and other options. More information is available on the [Shelter website](#).
- If you have a joint social housing tenancy (council or housing association) you may be eligible to apply for a [Transfer of Tenancy](#) court order to remove the other joint tenant from the tenancy.

If you own the home that you live in and the deeds of the property are just in your name

- You have the right to carry on living in your own home (unless you are issued with a court order requiring you to leave).
- If you are living with a husband, wife or civil partner in a legally recognised marriage or civil partnership, they currently have as much right to continue to live in your home as you do.

These are called Matrimonial Home Rights. You may be able to seek a court order to bring these to an end before the marriage or civil partnership finalise through a divorce or dissolution. You should seek legal advice if you are planning to separate. Advice is available from:

- [Citizens' Advice](#)
- [Law Centres](#)
- [AdviceNow](#)
- [Wikivorce](#)

Not all advice is free, please ensure that you check whether there is a cost for the advice being given before agreeing to instruct any service to support you. We do not affiliate with any of the services mentioned above and strongly advise that you ensure that you fully understand the costs of proceeding with any provider before entering into a contract with them.

- If you are living with a partner, they do not have the right to live in your home without your consent, and you can give them notice to quit (leave) your home if this is a safe option for you.
- If you are living with a family member, they do not have any right to live in your home, and you can give them notice to quit (leave) your home if this is a safe option for you.

If your husband, wife or civil partner owns the home you live in

- You have as much right to live in the Matrimonial Home as they do if it is a legally recognised marriage or civil partnership. These rights end with divorce or dissolution unless a court order extends them or ends them prior to divorce or dissolution.

You should seek legal advice if you are planning to separate from your husband, wife or civil partner.

If your partner owns the home, you live in

- You do not have any occupation rights and they can ask you to leave at any point, unless you can get a court order to give you short term occupation rights, or you can prove to a court that you have financially invested in their home. For example, by paying part of their deposit or mortgage. The [Shelter website](#) has more information.

If you live in anyone else's home that is owned by them

- You do not have any occupation rights to a friend or family member's home, and no court will grant you occupation rights (unless you can prove to a court that you have financially invested in their home, for example, by paying part of their deposit or mortgage).

If you are joint homeowners (the deeds of your home are in joint names)

- You and the other joint owner both have equal rights of occupation unless you can get a court order to exclude them temporarily. See the [Shelter website](#) for more information.

Family law and occupation rights are complex. You must always obtain advice from a qualified expert before making any decisions regarding applying for court orders in relation to your home.

Shelter Housing and Homelessness Advice pages

Use our online advice pages linked below if you want to find out your housing rights:

- [Housing advice from Shelter – Shelter England](#)
- [Get help from Shelter – Shelter England](#)

Respect
Men's advice line

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