



Helping you to keep your home and where to get advice

Advice for **homeowners**



Glasgow's Advice &
Information Network

Glasgow City
HSCP
Health and Social Care Partnership

We have sent you this leaflet because your lender must by law tell us when they take you to court for repossession. **Your home is at risk. Your lender wants to repossess your property. We want to help you keep your home.** This leaflet advises you how best to deal with your situation.

**If you are confused or worried about what to do please
call this free phone number now for help:**

0808 801 1011

If you feel able to cope please read on and we will explain what you need to do and where you can get 'face-to-face' free & confidential help in Glasgow.



Whatever you decide
please don't do nothing.
If you ignore court
papers your lender can
get a judgment against
you automatically and
you may lose your home.

Contents

- 1 Getting help
- 2 Preventing repossession
- 3 Help to pay your mortgage
- 4 Increasing your income?
- 5 Reducing your spending?
- 6 What to do if an eviction date is set
- 7 Where to get free advice & legal representation

1 Getting help



The prospect of homelessness often results in most people feeling anxious, frightened, depressed and unable to cope. You may feel that your world is crashing in on you. Remember, everyone facing homelessness feels like that and the first step is asking for help.

In Glasgow free legal and money advice is available to help you access your rights, take control of your life, and save your home if that is possible. This leaflet explains what you can do to help keep your home and where you can get free legal help and support for any other problems you might have.



2 Preventing repossession



You have the right to oppose court proceedings for the repossession of your home. The Homeowner and Debtor Protection (Scotland) Act 2010 ("The Act") entitles you to ask the Sheriff for time to clear arrears and pay your monthly mortgage, or for time to put other solutions in place.

Who can apply?

An "entitled resident" can apply, that includes an owner or their spouse or cohabitee. They can ask the court to stop the legal action. If the owner has left, a former cohabitee may be able to apply. The important thing is to act quickly and contact one of the free advice agencies listed at the end of this leaflet.

How to apply under the Act?

An application under the Act can be made when the case calls in court. Your lender's "summary application" - that is the formal Court papers served on you - will set out the date the case will call before the Sheriff. You will normally need a solicitor to represent you in court and you can access one through the free advice agencies listed at the end of this leaflet. You may be eligible for civil legal aid or advice and assistance which can pay for outlays and whatever needs to be done to defend you.

When you see a solicitor or any advisor remember to bring the following paperwork:

- the court papers served on you,
- proof of your income,
- a recent bank statement, and
- letters from your lender or Sheriff Officer.



What can the court do?

On an application under the Act the sheriff can continue or freeze (sist) the case in order for you to pay your mortgage and pay something towards arrears.

The Sheriff can also give you time to sell your home or make an application under the Scottish Government's Mortgage to Rent scheme which enables you to become a secure tenant of your home by selling it to a housing association or council.

There may be other options. For example, the Scottish Government operates a shared equity scheme through its Homeowner Support Fund. It is always wise to get independent advice before deciding on your best option.

Contacting your lender

If you do enter into a repayment plan with your lender please remember that if they have raised a court action against you the repayment plan will not of itself prevent a court judgment being granted. They may get this by default if you fail to make an application under the Act when the case comes to court.

Although your lender may say they will not enforce this court order if you get into further difficulties they can. It is always safer to use the Home Owner and Debtor Protection (Scotland) Act to prevent any court order from being granted and to provide you with the maximum legal protection. Using the Act will also enable you to get the court case dismissed once you've established regular payments.

3 Help to pay your mortgage



If you have lost your job and are now claiming either Income Support, income-based Jobseekers' Allowance, the guarantee part of the Pension Credit, or income-related Employment and Support Allowance you may be eligible to have your mortgage interest paid by the Department of Works and Pensions (DWP).

Even if you are not claiming one of these benefits right now you might still be eligible for help - so it's worth asking a free money advisor to check your entitlement.

For claims before 1 April 2009 most people had to wait 39 weeks before the DWP would Help with Housing Costs. However, from 1 April 2009 that waiting period was reduced to 13 weeks for most claimants, and help is now available for mortgages up to £200,000.

The DWP will only pay the mortgage interest part of your mortgage(s). This should not be a problem in the short term but in the medium to longer term you will need to make arrangements to repay the capital element of your loan when the mortgage comes to an end.

If you are in receipt of Jobseekers Allowance, Help with Housing Costs is limited to 104 weeks.

Importantly, the onus is on you to make a claim for Help with Housing Costs – and you can get free help to do so from one of the agencies listed at the end of this leaflet.

4 Increasing your income?



Are you able to increase your regular weekly income or obtain a one-off extra sum of money? This could help pay your mortgage and arrears.

The checklist below contains some suggestions – remember there could be other possibilities and you can discuss all of these with one of the free money advice agencies or citizen advice bureaux listed at the end of this leaflet.

- ✓ Are you receiving all the welfare benefits, or the correct levels of welfare benefits, you are entitled to?
- ✓ Do you have any insurance policies you might be able to claim on? For example mortgage protection insurance, payment protection insurance, or loss of earnings insurance? Remember even if these policies have been declined it might still be possible to get them to pay out.
- ✓ If you are not working, can you or any partner get a part-time job? If you work for 16 hours or more per week you may be eligible for Working Tax Credits which could substantially increase your income. Support might be available to help you re-train for work and develop new skills.
- ✓ If you have children and are separated are you getting all the maintenance you are entitled to?
- ✓ Are you paying too much tax? (including income tax and council tax).



- ✓ Do you own anything you could sell to raise some cash? (don't sell something you owe money on).
- ✓ If you have a spare room, can you take in a lodger? (ask your mortgage lender for permission first).
- ✓ Have you had credit card or bank charges applied to your account(s)? Your advisor might be able to reclaim some of these on hardship grounds.
- ✓ If you are a student, can you get a larger student loan or an emergency payment?

If your struggling financially it's easy to be tempted to borrow more money as a short term fix. But borrowing at very high interest rates - like payday loans - will only make things worse. It is always better to negotiate a reasonable repayment plan with your lender.

Free help with all of these possibilities to increase your income is available from the free money advice agencies and citizen advice bureaux listed at the end of this leaflet.



5 Reducing your spending?



Are you able to find ways of spending less money? You could put any money saved towards your mortgage and arrears.

The checklist below contains some examples:

- ✓ Are you repaying arrears on other debts and bills? If so it might be possible to reschedule those debts to free up some money to put towards your mortgage. As your mortgage is 'secured' on your home it needs to be treated as a priority debt.
- ✓ Are you finding it impossible to meet the interest and charges applied to multiple debts? Your advisor might be able to get the interest delayed or frozen and charges stopped.
- ✓ Have you taken out expensive payday loans? Your advisor might be able to help you get these loans under better control.
- ✓ Can you refinance and get a cheaper rate of interest on loan(s)?
- ✓ Can you save some money by spending less on entertainment?
- ✓ Are you buying anything on credit that you could return?
- ✓ Can you cut back on non-essential items?
- ✓ Have you got the cheapest tariff for your mobile phone, telephone, gas, electricity, internet or insurance? It might be worth shopping around for better deals.



6 What to do if an eviction date is set



Once your home has been repossessed and the locks have been changed it will be too late to do anything about this. Even if a court order (decree) has been granted for the repossession of your home it might still be possible to save your home prior to the locks being changed.

It may be possible for a solicitor to lodge a Minute for Recall of Decree under the Home Owner and Debtor Protection (Scotland) Act. To do this an application has to be made to the Court and your case will call again before the Sheriff. If you need to see a solicitor remember to bring the following paperwork:

- the Court papers served on you,
- proof of your income,
- a recent bank statement, and
- letters from your lender or Sheriff Officer

You will not be able to make a late application if you had already defended the case and made an application under the Act earlier.

If you have no prospect of saving your home or become homeless, Glasgow City Health and Social Care Partnership may have a duty to provide you with temporary or permanent accommodation, depending on your circumstances.

Your local Community Homeless Team is listed in the next section and can give more information and help. You can also get independent advice on your legal rights from one of the advice agencies listed in the next section.

Where to turn



City Wide - Advice Agencies

Glasgow's Advice & Information Network (GAIN)

Free & Confidential advice about money For further info about GAIN, call the Helpline on 0808 801 1011 Mon-Fri 9am to 8pm and Saturday 10am to 2pm. Calls are free from land-lines and some mobile numbers.

Legal Services Agency

3rd Floor, Fleming House
134 Renfrew Street, Glasgow G3 6ST
Tel: 0141 353 3354 Fax: 0141 353 0354
Email: Isa@btconnect.com
Website: www.lsa.org.uk

Shelter Scotland Glasgow Community Hub

First Floor Suite 2
Breckenridge House
274 Sauchiehall Street
Glasgow, G2 3EH
Free housing advice helpline:
0808 800 4444
Website: www.shelterscotland.org.uk

Glasgow - Central Citizens Advice Bureau

First Floor, 88 Bell Street
Glasgow, G1 1LQ
Tel: 0141 552 5556 Fax: 0141 552 7878

City Wide – Glasgow City Health and Social Care Partnership – Community Homeless Services

Glasgow City Health and Social Care Partnership delivers a service to anyone who is homeless, threatened with homelessness, or is in need of advice about homelessness issues, through its Community Homeless teams.

There are three Community Homeless Services operating across the city. The address and telephone number of the Community Homeless office's are listed later in this booklet. If you are homeless or threatened with homelessness, you should call in to the office covering the area in which you are living at present. Staff will be pleased to discuss your circumstances and advise you on what will be done next to help you.

Office Opening Hours: Mon to Thurs 08.45am - 16.45pm
Friday 08.45am - 15.55pm

The Council also provides an out of hours homelessness service at:

The Hamish Allan Centre
180 Centre Street
Glasgow G5 8EE
Phone: 0141 287 1800
Free phone: 0800 838 502

Out-with our office opening times you can visit the Hamish Allan Centre for assistance. There is a free phone contact number to assist customers wishing to make enquiries.

The Glasgow Housing Options Guide provides detailed and accessible information about all aspects of housing in the City and includes sections on the socially rented, private rented and owner occupation sectors. It also provides information on housing rights and links extensively across other related sites and the broader advice sector. The Housing Options Guide is available at **www.glasgow.gov.uk/housingoptions**

North West Community Homeless Service

North West Covers: Anderston, Anniesland, Blairdardie, Blythwood, Broomhill, Broomielaw, Cadder, Charing Cross, City Centre, Colston, Cowcaddens, Dawsholm, Dowanhill, Drumchapel, Finnieston, Firhill, Garnethill, Garscadden, Gilshochill, Hamiltonhill, Hillhead, Hyndland, Jordanhill, Kelvindale, Kelvingrove, Kelvinside, Keppoch, Maryhill, Maryhill Park, Milton, North Kelvinside, North Knightswood, Parkhouse, Partick, Partickhill, Port Dundas, Possil, Possilpark, Ruchill, Scotstoun, Scotstounhill, St Enoch, Summerston, Temple, Whiteinch, Woodlands, Woodside, Yoker and Yorkhill.

Drumchapel Citizens Advice Bureau

195c Drumry Road East, Glasgow, G15 8NS
Tel: 0141 944 2612 Fax: 0141 944 8066

Drumchapel Law & Money Advice Centre

Unit 1, KCEDG Commercial Centre, Ladyloan Place, G15 8LB
Tel: 0141 944 0507 Fax: 0141 944 5504
Email: admin@d-mac.org.uk Website: www.dmac.btck.co.uk

Maryhill & Possilpark Citizens Advice Bureau

25 Avenuepark Street, Maryhill, G20 8TS
Tel: 0141 946 6373 Fax: 0141 576 5103

North Glasgow Advice Centre

1169 Royston Road, Glasgow, G33 1EY
Tel: 0141 770 7869 Fax: 0141 770 7976
Email: ngac@btconnect.com Website: www.lsa.org.uk

North West Community Homeless Service

30 Mansion Street, Glasgow, G22 5SZ
Tel: 0141 276 6168 Fax: 0141 276 6172

North East Community Homeless Service

North East Covers: Auchinlea, Baillieston, Balmore, Balornock, Barlanark, Barmulloch, Bishop's Wood, Blackhill, Braidfauld, Bridgeton, Broomhouse, Calton, Camlachie, Cardowan, Carmyle, Carntyne, Cathedral, Craigend, Cranhill, Dalmarnock, Dennistoun, Easterhouse, Fullarton, Garrowhill, Garthamlock, Gartloch, Germiston, Greenfield, Haghill, Hogganfield, Millerston, Mount Vernon, Parkhead, Petershill, Provanmill, Queenslie, Riddrie, Robroyston, Royston, Roystonhill, Ruchazie, Sandyhills, Shettleston, Sighthill, Springboig, Springburn, Stobhill, Swinton, Tollcross, Townhead and Wellhouse.

Bridgeton Citizens Advice Bureau

35 Main Street, Bridgeton, G40 1QB
Tel: 0141 554 0336 Fax: 0141 556 5560

Easterhouse Citizens Advice Bureau

46 Shandwick Square, Easterhouse, G34 9DT
Tel: 0141 771 2328 Fax: 0141 781 1070

Greater Easterhouse Money Advice Project

Unit 2/31 Westwood Business Centre,
69 Aberdalgie Road, Easterhouse, G34 9HJ
Tel: 0141 773 5850 Fax: 0141 781 1777

Parkhead Citizens Advice Bureau

1361 - 1363 Gallowgate, Glasgow, G31 4DN
Tel: 0141 554 0004 Fax: 0141 554 0339

North East Community Homeless Service

1250 Westerhouse Road, Glasgow, G34 9EA
Tel: 0141 276 6153 Fax: 0141 276 3432

South Community Homeless Service

South Covers: Arden, Battlefield, Bellahouston, Carmunnock, Carnwadric, Castlemilk, Cathcart, Corkerhill, Craigton, Croftfoot, Crookston, Crosshill, Crossmyloof, Darnley, Deaconsbank, Drumoyne, Dumbreck, Gorbals, Govan, Govanhill, Hillington, Hillpark, Hutchestontown, Ibrox, King's Park, Kinning Park, Langside, Laurieston, Linthouse, Mansewood, Mossbank, Mount Florida, Muirend, Newlands, Nitshill, Oatlands, Penilee, Pollok, Pollok Park, Pollokshaws, Pollokshields, Priesthill, Queen's Park, Shawbridge, Shawlands, Shieldhall, Simshill, South Cardonald, Southpark Village, Strathbungo, Toryglen and Tradeston.

Castlemilk Citizens Advice Bureau

27 Dougrie Drive, Glasgow, G45 9AD
Tel: 0141 634 0338 Fax: 0141 634 0549

Castlemilk Law and Money Advice Centre

c/o Castlemilk Credit Union,
155 Castlemilk Drive, Castlemilk, G45 9UG
Tel: 0141 634 0313 Fax: 0141 634 1944

Govan Law Centre

Unit 4 & 6, 18-20 Orkney Street, Govan, G51 2BZ
Tel: 0141 440 2503 Fax: 0141 445 3934

Greater Pollok Citizens Advice Bureau

Pollok Civic Realm, 27 Cowglen Road, Pollok, G53 6EW
Tel: 0141 881 2462

Money Matters, Money Advice Centre

Unit 1, 18-20 Orkney Street, Glasgow, G51 2BZ
Tel: 0141 445 5221 Fax: 0141 445 7618

South Community Homeless Service (Continued)

Gorbals Money Advice and Law Centre

72 Commercial Road, Glasgow, G5 0RG

Tel: 0141 418 1010

South Community Homeless Service

Twomax Building, 1st Floor,

187 Old Rutherglen Rd, Glasgow, G5 0RE

Tel: 0141 276 8201 / 0141 276 6180 Fax: 0141 276 8278

Notes

If your lender wants to evict you get advice immediately. If you ignore court papers your lender can get a judgment against you automatically and you may lose your home.

For Further information about Housing and Homelessness Resources in Glasgow please visit:
www.glasgow.gov.uk/housingoptions

Glasgow City Health and Social Care Partnership
Homelessness Services
Commonwealth House, Floor 2, 32 Albion Street,
Glasgow, G1 1LH