

Lov av 4. juli 1991 nr. 45 om rett til felles bolig og innbo når husstandsfellesskap opphører.

Act No. 45 of 4 July 1991 relating to the right to the joint residence and household community ceases to exist.

Act No. 45 of 4 July 1991 relating to the right to the joint residence and household goods when a household community ceases to exist.

§ 1. The provisions of this Act shall apply when two or more unmarried persons over 18 years of age have lived together in a household, and this household community ceases to exist when one of them dies, or when it comes to an end in any other way than by death. These provisions shall however only apply when the parties have lived together for at least two years, or when they have, have had or are expecting a child together.

§ 2. If one of the members of the household dies, the survivor(s) may, when special reasons so indicate, obtain the following rights to the household members' joint home in relation to the heirs of the deceased person:

1. the right to redeem a part, share or bond which belonged to the deceased person, and to which the right to the joint home is attached, or
2. the right to take over a residential property or to acquire a part of a residential property which belonged to the deceased person and which has exclusively or mainly served as a joint residence, and
3. the right to take over or acquire part of ordinary household goods.

If more than two persons were living together, a right pursuant to the first paragraph may be granted to one or more jointly. Any right of the heirs to be accorded the rights for the coverage of debts shall not entail any restriction of the survivors' right pursuant to the provisions of this section. As regards any settlement, probate valuation and the date of valuation, sections 65, 66 second sentence, and 125 of the Probate Act shall apply correspondingly.

As regards the survivors' right to enter into any tenancy of the joint residence the provisions of the Landlord and Tenant Act shall apply.

If the estate is under public administration, the probate court will decide whether the survivors shall obtain rights

pursuant to the first or second paragraph.

§ 3. If the household community is dissolved in any other way than by death, one of the parties may, when strong reasons so indicate, obtain the following rights to their joint home:

1. the right to enter into a tenancy agreement or a contract concerning the right to establish a tenancy agreement, even if the agreement or contract is established in the name of another of the parties,
2. the right to redeem a part, share or bond which belongs to another of the parties and to which the right to the joint residence is attached,
3. the right to take over a residential property or a part of a residential property which belongs to another of the parties and which exclusively or mainly has served as a joint residence, unless the other party has an allodial right to the property, or it has been acquired from his or her family by inheritance or gift, and
4. the right to take over or acquire part of ordinary household goods.

When special reasons so indicate, one of the parties may obtain the right to use a residence specified in subparagraph 2 or 3 of the first paragraph.

If more than two persons were living together, a right pursuant to the first or second paragraph may be granted to one or more jointly.

As regards any settlement and probate valuation sections 69 first paragraph and second paragraph second sentence, and 70 second and fourth paragraphs of the Marriage Act and section 125 of the Probate Act shall apply correspondingly.

§ 4. In considering whether a member of a household shall obtain rights pursuant to this Act, agreements between the parties shall also be taken into account.

§ 5. This Act shall enter into force from the date decided by the King. From the same date the following amendments shall be made in other Acts: - - -