

Prisoners and housing

Keeping your home

If you're in prison, try to hold onto your home for when you come out. However, this might not be easy. The main thing to do is **get advice** about your housing situation from a specialist adviser as soon as possible. This is especially important for people with short sentences. If you've got a short sentence, you've got more chance of keeping your home but it's very important to act quickly.

In most prisons, there are specialist housing advisers who can help with housing problems. Arrange to see one of the advisers as soon as possible. If you get help as soon as possible, you'll have a better chance of keeping your home. If you're not seen by an adviser within four days of coming into prison, ask a member of staff to arrange a meeting.

Usually, it's a good idea to **contact your landlord or your mortgage company** early on. Let them know what's happened and ask them to write to you at the prison. If you don't tell them where you are, paperwork will go to your home address. This may mean you won't get important information.

If you were getting **Housing Benefit** or **Council Tax Benefit** before you went to prison, make sure you tell the council about what's happened. Going into prison is what they call a '**change in circumstances**'. If you don't tell them, you may have to pay the money back later.

If you rent your home

Your landlord must have a legal reason (**grounds**) to evict you from your home. The most usual reason for eviction when you're in prison is that you can't pay the rent, but there are other grounds too.

Here are some ideas about how your rent could be paid if you're in prison so your landlord can't evict you for rent arrears:

Make a claim for Housing Benefit to cover the rent. If you're an unconvicted prisoner, you can get Housing Benefit for up to 52 weeks as long as you're not likely to be away from home for longer than 52 weeks and you're going to return home after your prison sentence. If you're a convicted prisoner, you can get Housing Benefit for up to 13 weeks as long as you're not expected to be in prison for longer than 13 weeks and you're going to return home after your prison sentence.

Your family could make a claim for Housing Benefit. They must be living in your home.

Let your home out. Check your tenancy agreement to see if you can do this. Most agreements won't let you do this. If you aren't allowed to let out your home, you could consider asking a friend or family member to act as your **housekeeper** and pay the rent. They won't be able to get Housing Benefit. Be careful about who you choose to help you like this – do you trust them to pay the rent on time and keep to all the other rules of the tenancy?

If you're a **council tenant**, see if your local council will write off the rent arrears. They might do this since it could be cheaper for them than evicting you.

Pay something every week to your landlord out of your own money. This will depend on how much rent is needed. Even a very small amount towards the rent will show the landlord that you're trying. If the landlord takes you to court to evict you, the court will take your payments into account.

Even if you manage to sort out the problem of the rent, your landlord might still be able to evict you for other reasons.

The council might try to evict you from your council housing, saying it's no longer your home because you're in prison. It's therefore important to let the council know that you are planning to return home after prison. Leaving your things there would help to show you wanted to come back. So would asking a friend to act as your housekeeper.

Remember that in most cases, your landlord can't evict you without going to court. Make sure that you deal with any paperwork you get from your landlord or the court before the deadline is up. Get specialist advice if your case is going to court.

If you're a council tenant, you might be able to come to an agreement with your landlord which would save you from going to court. This is much better because you wouldn't have to pay the costs of going to court. Try to agree with them that you'll give up your home on condition they'll re-house you when you leave prison. Make sure you get any agreement in writing.

If you're an owner-occupier

If you've been convicted, you won't be able to get any help with paying your mortgage. If you're on remand or at a bail hostel, you might be able to get Income Support, Pension Credit or income-related Employment and Support Allowance to help pay the interest on your mortgage. But these benefits won't cover all the mortgage. You'll have to ask your mortgage company to change your mortgage payments to take this into account. Get specialist debt advice if you're getting into arrears with your mortgage.

If you can't get help to pay your mortgage, you might be able to:

- get a **friend or relative to stay in your home** and pay the mortgage
- **let the property out.** You'll need to ask your mortgage company if you can do this
- ask the mortgage company if you can **freeze payments** and make the mortgage period longer. This is really only an option if you get a short sentence
- **sell your home.**

If no one is living in your home whilst you're in prison, you might not have to pay Council Tax. If someone else is living there, they might get a discount.

If you do have to pay Council tax, you might be able to get Council Tax Benefit.

Getting housed when you leave prison

If you haven't been able to keep your home whilst you were in prison, get advice from a specialist housing adviser about what options you have when you leave prison.

The council might have to find you accommodation. This depends on your circumstances and whether you're considered to be in **priority need**. In Wales, most people leaving prison will be considered to be in priority need. In England, you'll be considered to be in priority need if you have children who lived with you before you went to prison and you'll be living with them for at least some of the time again when you get out. Some people who were in care before they went into prison are considered to be in priority need. Also, if you're considered to be especially vulnerable, you could be in priority need. You can be especially vulnerable if, for example, you're disabled, you've got health, drug or alcohol problems or if you were in the armed forces before you went into prison.

If you can't get re-housed by the council, you might be able to get into a hostel. If you try to get private rented accommodation, most landlords will want a deposit and rent in advance. You might be able to get cash help from the council to pay the deposit. Or you might be able to get a loan from the **Social Fund**. Your local CAB may be able to help you get money.

Further help

Citizens Advice Bureaux

Citizens Advice Bureaux give free, confidential, impartial and independent advice to help you solve any sort of problem.

Some Citizens Advice Bureaux run advice sessions in prison. If you're in prison, check if they run these sessions in your prison. If they don't run advice sessions, you could write to them explaining your problem. Ask a member of the prison staff for the address of your local CAB.

If you're not in prison, and you want to find your nearest CAB, including those that give advice by e-mail, click on [nearest CAB](#), or look under C in your phone book.

Nacro

Nacro is a specialist organisation which provides services for ex-prisoners, including housing, resettlement and education/training. You can find further information on their services at www.rsfinder.info. They have written a guide on 'Keeping your home' which has model letters to help you write to your landlord or mortgage company. You can contact Nacro on: 0800 0181 259 (freephone) or visit their website at: www.nacro.org.uk.

Shelter

Shelter is a specialist organisation that helps people with housing problems. Phone the Shelter helpline on 0808 800 4444 to find out your nearest Shelter housing aid centre or look on their website at <http://england.shelter.org.uk>

Other information on Adviceguide which might help

- Prisoners – letters
- Prisoners – getting further help
- Mortgage arrears
- Finding accommodation
- Rent arrears
- Public sector tenancies

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