Housing Rights

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People in prison

This information is for people living in Northern Ireland.

Each prison in Northern Ireland has a Housing Rights adviser who can help you with housing issues. Contact a member of the prison staff to make a referral to the Housing Rights adviser.

Going into custody is stressful. You may be thinking about what happens to your belongings and your home. There is support within the prison for discussing and resolving these issues. There are also many organisations to help you when you enter and leave prison.

If you want to keep your home while you're in prison, it helps if you can make a plan. You may be eligible for help with paying for your home. If you do not pay your rent or mortgage while in prison, you may lose your home. Sometimes you might think giving up your home is a better option. If you are considering doing this, you must seek advice before taking any action.

Paying for your home while in custody

Before deciding what to do with your home, check what help might be available.

If you are receiving benefits, you will need to **check what benefits you can still get**. You must tell any agencies you get benefits from that you are going to prison.

Help with your mortgage while in custody

If you are a homeowner and want to keep your home, there are a few ways you can get support.

You can get a loan for help with your mortgage interest while you're in prison if:

- you're single
- you got Universal Credit immediately before going into prison, and
- you will be in custody for six months or less

If someone else is living in your property, they may be eligible for a loan to help cover their share of the costs.

Friends or family can pay while you're in custody, and they can check if they can qualify for benefits.

Help with your rent while in custody

If you are renting, your landlord might decide they no longer want you as a tenant. They will need to follow due process to evict you from the tenancy. You may be able to continue receiving Universal Credit or Housing Benefit to help pay your rent.

Help to pay rent with Universal Credit while in custody

You might be able to keep getting Universal Credit to pay rent while you're in prison if you:

- got Universal Credit immediately before you went into custody, and
- will be in custody for six months or less

If you are part of a couple, your partner will be treated as a single claimant for Universal Credit.

It is essential to seek advice on your benefits in this situation. Contact a member of the prison staff to make a referral to the Housing Rights adviser.

Help to pay rent with Housing Benefit while in custody

You might be able to keep getting Housing Benefit to help with your rent while you're in prison if:

- you got Housing Benefit immediately before you went into custody and
- you have been sentenced and will spend 13 weeks or less in custody or

- you are on remand and will spend 52 weeks or less in custody

If you're on recall, your benefits can continue up until your first commissioner date. This is the case even if you go straight to the panel.

If you are part of a couple and one of you is in prison, the amount of Housing Benefit you get may be reduced.

You must seek advice about your benefits in this situation. Contact a member of the prison staff to make a referral to the Housing Rights adviser.

Giving up your home

You can give up your home before you go to prison or while you're there. You may want to consider whether you can still afford to keep your home or whether it's safe for you to return. Giving up your home might be a good option if:

- you are going to prison for a long time or
- you cannot afford to keep up with payments.

Speak to our advisers before you give up your home. It can impact your housing options in the future. Contact a member of the prison staff to make a referral to the Housing Rights adviser.

Private landlords can give you notice to quit while you are in prison. They can start legal proceedings to evict you much more quickly than social landlords. They also do not have the same duty to store your belongings. If you have a private tenancy, arrange to speak to one of the Housing Rights advisers in the prison.

A social landlord can't evict you just because you're going to prison. But if you want to give up the tenancy, contact your social landlord and ask to fill out a non-abandonment form. This lets them know that:

- you aren't abandoning the property
- you intend to return to it, and
- you will pay for the tenancy while in custody

Leaving custody

If you do not have a place to stay when you leave custody, speak to our advisers about your options. They can make a report to the Housing Executive to begin the

process of finding you somewhere to stay. This will also help with starting your homelessness assessment. Contact a member of the prison staff to make a referral to the Housing Rights adviser.

There are four parts to the homelessness assessment, and a few things to keep in mind. As someone leaving custody, you:

- cannot pass the first test (homelessness test) until your release is in 28 days or fewer
- might not be eligible for support if you were convicted of certain offences
- will automatically pass the priority need test if you were in custody for four years or more. You can also get priority need for other reasons, such as a disability or health condition
- may be limited to certain areas of choice if you were convicted of certain offences

You may not hear the decision until just before you are due to leave.

Other people and organisations who can help on release from prison are:

- **NIACRO** staff
- your probation officer
- your sentence manager