Housing Rights

https://www.housingrights.org.uk/landlords/tenancy-issues/tenant-prison

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Tenant in prison

This information is for private landlords of properties in Northern Ireland.

If you are a tenant, you can find advice here.

If you are a landlord or letting agent in Northern Ireland seeking advice, you can:

- send a message to Landlord Advice, or
- call 028 90 245 640 (Option 1)

You may have found out that your tenant is in prison. You may not be able to contact your tenant.

Sometimes landlords with tenants in prison have concerns about:

- receiving rent payments
- continuing the tenancy

Receiving rent

Continuing to receive rent from your tenant can become problematic. It may be possible for:

- the tenant to arrange for their rent to be paid while they are in prison, or
- a family member or another tenant to cover the rent

The tenant may be eligible to continue receiving help with their housing costs.

The tenant can continue to receive Housing Benefit if:

- they got Housing Benefit before they went into custody and
- they have been sentenced and will spend 13 weeks or less in custody, or
- they are on remand and will spend 52 weeks or less in custody

The tenant can continue receiving Universal Credit if:

- they received Universal Credit before they went into custody and
- they will be in custody for six months or less

Ending the tenancy

If you wish to end the tenancy, you must still follow the same legal process as if the tenant was not in prison. This includes:

- serving the tenant with a valid Notice to Quit
- applying for a court order
- asking the courts to enforce that order

It is illegal to force a tenant to leave a rented property without following these steps. The council can prosecute you and the tenant can sue you for damages.

You may wish to speak to a solicitor for assistance with this.