

# Prisoners: keeping your home

**This factsheet considers how you can keep paying your rent or mortgage while you are in prison.**

**Ask if you can get housing advice as soon as possible after you go into prison.**



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## Note

Information contained in this factsheet is correct at the time of publication. Please check details before use.

You might be entitled to benefits to help you pay your rent or mortgage if you are in prison in England, Wales or Scotland.

### Housing benefit (HB)

You can only get HB to pay your rent if you intend to return home when you are released from prison. How long you can get HB for depends on your circumstances:

**On bail:** you can get HB on your normal home for up to 52 weeks if your bail conditions mean that you have to live away from home - in a bail or probation hostel or anywhere else - until your court hearing.

**On remand:** you can get HB for up to 52 weeks while you are in prison on remand waiting for your trial or sentence.

**Sentenced:** if you are sentenced and are in prison you can get HB for up to 13 weeks. But you must expect to return home within 13 weeks of the date you first went into custody, including time you were on remand.

You will not be entitled to HB for any time you are serving a prison sentence if the length of your sentence means that you will not be returning home within 13 weeks of the date you went into custody.

**Temporary release:** the time you spend at home on temporary release is treated as time in prison.

### Universal credit (UC)

If you were getting UC to help pay your rent or a mortgage before you went into prison, you can continue to get UC housing costs payments for up to 6 months. This applies if you are on remand, on bail or sentenced. But if you receive a custodial sentence you won't get UC if you expect to be in prison (including time on remand) for more than 6 months.

You should try to set up a direct debit to pay your UC direct to your landlord.

You cannot make a new claim for UC if you are in prison. However, if you were not getting UC before you went into prison but were entitled to it, you might qualify for backdated payments. You could then get UC for up to 6 months in prison.

### Can someone else pay your rent?

If you are serving a prison sentence, your partner (married or not) can claim HB or UC to pay the rent on your home. Another relative or friend might be able to receive HB or UC if they look after your home in your absence. They must be living in the property. They can apply even if the tenancy is in your name only. You should tell your landlord that they will pay the rent on your behalf.

### Support for mortgage interest (SMI)

SMI can pay your mortgage interest if you own your home. If you were getting SMI before you went into prison, you can get it for up to 52 weeks while you're on remand or on bail. If you were getting jobseekers allowance before you went into prison, you will have to claim income support instead.

Payment of SMI will end if you are sentenced. If your partner lives in the home, they may be able to claim SMI but will usually be subject to a waiting period.

If you cannot get SMI, you may be able to negotiate with your lender for a period of reduced payments if you will only be in prison for a short time.

### Report a changes of circumstance

If you are getting HB, UC or SMI, you must let the authority that is paying you know as soon as possible if you go into prison, receive a custodial sentence, or are released.

### Subletting a room in your home

If your landlord agrees, you could consider subletting part of your home to someone else. If you don't get permission your landlord could evict you. If you are a council or housing association tenant it is a criminal offence to sublet your entire property without written permission.

### Further advice

You can get further advice from Shelter's free\* housing advice helpline (0808 800 4444), a local Shelter advice service or local Citizens Advice office, or by visiting [shelter.org.uk/advice](https://www.shelter.org.uk/advice) or [adviceguide.org.uk](https://www.adviceguide.org.uk)

\*Calls are free from UK landlines and main mobile networks.