

Housing

If my partner goes to prison how can I try to make sure we don't lose our home?

If you rent your home, and the property is in the prisoner's name alone, it may be possible in some cases to transfer the tenancy to your name. If you do this, or if you are already joint tenants, you will be liable for the rent. If this is going to cause financial difficulty, it is important to seek advice as soon as possible from a housing advice centre or Citizen's Advice Bureau. They will be able to advise you about your rights and entitlements - you may be able to claim Income Support or Housing Benefit.

It is advisable, too, to inform your landlord or mortgage lender about the change in your circumstances as soon as you can. You may be able to negotiate a temporary deferment or reduction in payments, and the landlord/lender may be more willing to consider this if you alert them to potential problems early on rather than letting arrears mount up.

I'm being threatened with eviction.

You cannot be evicted from your home without a court order. If your landlord threatens you with eviction, get advice as soon as possible from your local CAB or housing advice centre.

Can I get my mortgage paid while my partner is in prison?

If you are having difficulty keeping up mortgage payments because of a loss of income, the Department for Work and Pensions (DWP) can help with interest payments provided you are receiving Income Support or Job Seekers Allowance. The DWP will not start paying this straight away, however. There is a waiting period depending on when the mortgage was taken out.

If the mortgage was taken out before October 1995 the DWP will not pay anything until after 8 weeks. Then you would receive 50% of the cost for 18 weeks, and the full cost after 26 weeks.

If the mortgage was taken out after October 1995, the waiting period is 39 weeks, and then the DWP will pay 100% of your housing costs. There are some circumstances under which you would be exempt from the 39 week waiting period and the arrangements for a loan taken out before October 1995 would apply. This applies to lone parents abandoned by their partners and some carers – seek advice from your local benefits agency as to whether the exemption would apply to you. The insurance element of an endowment mortgage will not be paid.

What happens about Council Tax?

If you are living alone in a property which you used to share with someone who is now in prison, you will probably qualify for a reduction in Council Tax. It is in your interest, therefore, to let the local council know immediately that there are fewer people living in the property.

If the prisoner lives alone, they may be able to get a discount on council tax, or be exempt altogether if their property is empty. If they do still have to pay, they may be able to claim Council Tax Benefit.

The prisoner was not living with me. What can be done to help them keep their home?

If they are tenants, they may be able to claim housing benefit. Prisoners may be entitled to housing benefit and council tax benefit for up to 52 weeks whilst on remand. When sentenced, prisoners can only claim housing benefit and council tax benefit for 13 weeks (including the period they have spent on remand). If a prisoner has already claimed housing benefit for 13 weeks whilst on remand they will not be entitled to any housing benefit or council tax benefit after conviction.

If the prisoner was receiving mortgage interest payments because they were getting Income Support before they went to prison, they should still receive it while they are on remand, but they will need to fill in an A1 application form from the Benefits Agency and send it to their local Benefits Agency Office. If they were receiving jobseeker's allowance they will need to make a new claim for Income Support for housing costs only.

Convicted prisoners cannot claim and it would be necessary to contact the lender and ask them to reschedule the mortgage.

What if the prisoner is a tenant but doesn't qualify for benefits?

There is a possibility some councils and housing associations will re-house people on release if they agree to give up their present tenancy. The prisoner should ask for confirmation of any agreement in writing, and inform the landlord about their release date as soon as possible. If they do lose their home, The Homelessness Act 2002 introduced a duty to Local Authorities to extend the priority need categories to include "a person who is vulnerable as a result of having been to prison or remanded in custody," so the Local Authority should take account of their status as ex-prisoners if they apply for housing on release.

What about other bills?

Standing charges from utilities will mount up unless the services are disconnected. If the prisoner is not going to be able to pay the backlog on release, or come to an arrangement with the utility company, it would be advisable to have the services disconnected as soon as possible.

What if the prisoner has a long sentence?

They may need to sell their home if they are paying for a mortgage so as to avoid large debts. If you were living in council, housing association or hostel accommodation, you can ask whether they will rehouse you if give

up the tenancy voluntarily. Make sure that they get an agreement in writing.

If it's impossible to keep the home, what can be done to help a prisoner find a new home on release?

Prisoners can contact Nacro's Resettlement Plus Helpline, which can provide details of local housing providers. They can be contacted at 169 Clapham Road, London SW9 0PU, Tel: 020 7840 6464 or freephone 0800 0181 259. Prison officers and probation officers can often help by suggesting contact addresses, and may also provide references or letters in support of a housing application. If a prisoner is homeless on release they can contact Shelterline on 0808 800 4444.

If they lose their home, what happens to their stuff?

It is important to make some arrangement to store the prisoner's belongings if at all possible, as landlords may either dispose of them or put them into commercial storage at the prisoner's expense. Unfortunately, you are very unlikely to be able to get financial help towards commercial storage, so if family members are not able to take care of the prisoner's things, it may be that the prisoner will need to decide what is really essential to them and give permission to sell or dispose of the rest. The prison service has a property storage facility for items small enough to be packed in a box. The prisoner should ask his/her personal officer how to access this.

For further information and standard letters to landlords, the housing benefits office etc, please contact the NACRO Resettlement Plus helpline and request "Keeping your home" freephone 0800 0181 259.

The information provided in this factsheet is intended for information purposes only. It does not constitute legal advice. Prisoners' Families and Friends Service (PFFS) recommends that professional legal advice should always be sought. The information contained in this factsheet is subject to change and may not be up-to-date or accurate. PFFS gives no guarantee of the accuracy or completeness of this information. PFFS will not be held responsible for any loss or damage arising from the use of the information provided.