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.

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

July 2021

You might be entitled to help with paying 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.

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 of the time you are serving a prison sentence if the length of your sentence means 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 directly to your landlord.

You cannot make a new claim for UC if you are in prison. However, if you were entitled to UC immediately before you went into prison but were not getting 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 your partner (married or not) lives with you and you are serving a prison sentence, your partner can claim HB or UC to pay the rent on your home. Another relative or friend who normally lives with you might also be able to receive HB or UC. 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.

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.

Support for mortgage interest (SMI)

If you own your home, you may be able to get a 'support for mortgage interest (SMI) loan from the government to pay the interest on your mortgage. If you were getting an SMI loan before you went into prison, you can get it for up to 52 weeks while you're on remand or on bail.

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

If you cannot get an SMI loan, you may be able to negotiate with your lender for a period of reduced payments if your prison sentence is short.

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.

Further advice

You can get further advice from **england.shelter.org.uk/housing_advice**, local Shelter advice service or local Citizens Advice. If you have nowhere to sleep tonight, are at risk of harm or losing your home within the next 2 months, call Shelter Helpline on **0808 800 4444** for advice and information on your options.*

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