**ADVICE GUIDE**

**Homeless or at risk of homelessness when released from Prison**

**Housing Advice for Prisoners**

Going into custody doesn’t have to mean losing your home. Whether you own your home, rent privately, or are a tenant with a council or a housing association, there may be ways of keeping your home while you’re in prison.

This will, however, depend on your individual circumstances and your ability to pay your housing costs while in prison. Keeping your home may not always be the best option, especially if this means you will end up in debt upon your release or you risk being evicted whilst in prison. This could also mean you lose your possessions. It is vital that you get advice at the earliest opportunity to choose what is best for you in your situation.

All local authorities have a duty to provide advice and assistance on your housing options, however it is best to contact the council where you have a connection. A local connection is usually where you normally live, where you lived prior to going into prison or have immediate family members living in that area. If you approach a council where you do not have a connection, sometimes the options they can give you are limited and they will usually refer you back to the council where you do have a connection. There are exceptions to these local connection rules, for example if the Police feel you would be at risk of violence if you were to return to your own area they may support you in applying to a different area for assistance.

If you were homeless before you went into prison or you can’t go back to your former home, you will need to arrange alternative housing for when you leave prison. The worst case scenario could involve you having nowhere to go on release.

Whatever your circumstances, it is very important that you get advice about your housing situation. Your prison has resettlement officers who can help you gain advice. They may be able to assist you in contacting your local council Housing Options Team or other agencies that may be able to assist you whilst you are in prison. You can talk to these people if you're worried about your housing options or you can ask a friend or family member to contact us to discuss your options, if you can give them written permission to talk to us about your housing situation.

**Keeping your home whilst in prison**

If you had safe and secure accommodation before going into custody, you should try to keep it, if possible, while you’re in custody. Having a stable home to return to can be important if you are on a short sentence or on remand, as you could be released back into the community straight from the court.

If you are on remand, you can claim Housing Benefit or Universal Credit Housing Element for up to 52 weeks if you are likely to return home in a year or less.

If you have been sentenced, you can claim Housing Benefit of Universal Credit Housing Element for up to 13 weeks if you are being released within 13 weeks.

It's not always be practical to keep your home, especially if you are serving a long sentence and keeping your home might lead to a large debt, eviction whilst you are in prison and losing your belongings. Contact your Resettlement Officer if you want further advice on these options. They may be able to arrange a time for [your local council’s Housing Options Team](https://exeter.gov.uk/housing/housing-homelessness-prevention-and-advice/contacting-us-for-housing-advice/) to call you to help you claim benefits or give your further advice on what help is available to help you keep your home in your situation.

**Keeping your private rented tenancy**

Holding on to your privately rented accommodation can be difficult, but it is not impossible. You’ll need to have enough money coming in to cover the rent and rates while you’re in custody. You may be entitled to housing benefit or Universal Credit housing element while you’re in prison.

If you are on remand, you can claim Housing Benefit or Universal Credit Housing Element for up to 52 weeks if you are likely to return home in a year or less.

If you have been sentenced, you can claim Housing Benefit of Universal Credit Housing Element for up to 13 weeks if you are being released within 13 weeks.

If you have a joint tenancy with your partner, they must notify the [Department of Work and Pensions (Job Seekers Allowance, Income Support, Employment Support Allowance)](https://www.gov.uk/browse/benefits), [HMRC (Tax Credits)](https://www.gov.uk/changes-affect-tax-credits/changes-you-must-report) and [Housing Benefit](https://exeter.gov.uk/benefits-and-welfare/how-to-claim-benefits/what-you-need-to-know-about-benefits/) to advise them you are not currently living at the property.

If you rent privately, you must tell your landlord about your absence and let your landlord know that you intend to return to your home after release. You should telephone or write a letter to your landlord or you can contact [your local council’s Housing Options Team](https://exeter.gov.uk/housing/housing-homelessness-prevention-and-advice/contacting-us-for-housing-advice/) who can try to contact your landlord for you.

If you do not tell your landlord what is happening, he or she could think you have abandoned the property and take legal action to end your tenancy.

Your landlord doesn’t have to agree to continue the tenancy, but the landlord will have to follow due process in order to end it.  This means you’ll have to be given proper legal notice to leave the property and, if you don’t leave the property and return the keys by the end of this notice period, the landlord will have to go to court to get an order to end your tenancy.  It is essential you contact your local Housing Options Team if your landlord is considering ending the tenancy.

**Keeping your Council or Housing Association Property**

You will not automatically lose your housing association tenancy because you’ve been placed in custody. The Housing Association will consider the length of your sentence and nature of your offence. You may be in breach of your tenancy conditions if you have committed certain offences and the housing association may consider asking you to leave your home.  Your landlord will have to follow the correct legal procedure to end your tenancy.

Notifying your landlord of your absence should be your first step if you want to keep your home. Let the housing association know that you intend to return to it after release. You should ask a Resettlement Officer or contact your Housing Options Team to liaise with your landlord on your behalf. If you do not let your landlord know that you are not currently living in the property, they may think that you have abandoned the property and could terminate your tenancy.

If you rent your home you should consider the possibility of asking someone to live in your home as a "nominated person" while you're in prison.

A nominated person is someone appointed by you to live in your home and pay the rent in your absence. You will need your landlord’s consent to this arrangement. You can get a family member or friend to live in the property and pay rent while you are going to be in prison.

A nominated person will not usually be entitled to housing benefit unless he or she was living with you in the property as part of your household before you were sentenced. A nominated person has no tenancy rights unless you are married (Matrimonial Rights). All tenancy rights and responsibilities remain with you as the legal tenant.

**Keeping your own home whilst in prison**

If you own your home and pay a mortgage on it, you will need to **notify your mortgage provider** that you are in prison.

Depending on the nature of your custody, you may be eligible for some help with your [mortgage costs](https://www.moneyadviceservice.org.uk/en/articles/support-for-mortgage-interest). Alternatively, you could try negotiating with your lender about freezing your payments for the duration of your prison term. If you miss your mortgage payments while in prison, you will end up in debt and your house may eventually get repossessed.

If you are a homeowner, ask the Resettlement Team for additional support with debt and mortgage problems or to arrange a telephone interview with your local [Housing Options Team](https://exeter.gov.uk/housing/housing-homelessness-prevention-and-advice/contacting-us-for-housing-advice/) so we may assist you with this.

**Help to pay rent or mortgage whilst in prison**

Depending on your circumstances, you may be able to claim help with your housing costs to enable you to keep your home. This may be in the form of housing benefit if you are renting your accommodation from a social landlord or a private landlord or help to pay your mortgage interest if you pay a mortgage for your home.

As a tenant, you will only be able to claim **housing benefit or Universal Credit Housing Element** if you are:

* imprisoned on remand for 52 weeks or less, or
* you are a sentenced prisoner and your total time in prison is not expected to exceed 13 weeks.

As a homeowner, you will no longer be able to get help with mortgage payments from April 2018. The Support for Mortgage Interest benefit is ending April 2018 and no new claims will be permitted. There will however be a Support for Mortgage Loan that you may be eligible for.

You might have to think about letting the property to someone and using the rent to pay your mortgage, but you’ll need your lender’s permission to do this.

If you can show that you’re in prison you can apply for an exclusion from paying council tax.  Your house needs to be vacant and your only home to qualify for this exclusion. If you have a partner and they are the only adult remaining in the home, they may be eligible for [Single Person Discount](https://exeter.gov.uk/council-tax/tell-us-about-changes/single-person-discounts/) which is a 25% reduction in Council Tax whilst you are in prison. Try to make an appointment to see someone who can help you with your claim or contact the [Council Tax team](https://exeter.gov.uk/council-tax/paying-your-council-tax/difficulties-making-payments/)

**Returning to supported accommodation**

If you were living in **supported accommodation** at the time of your imprisonment, whether this remains your home may initially depend on whether you had an Assured Shorthold Tenancy (AST) or a licence agreement. Most supported accommodation offer licences which will mean they may end your placement quickly and will not need to go to court. It is very important you contact them to let them know where you are and when you expect to return. They will advise you if you placement will still be open to you on release. Please notify your Resettlement Team that you need to make contact with your housing provider quickly and they will support you in making contact. Alternatively they can [contact us](https://exeter.gov.uk/housing/housing-homelessness-prevention-and-advice/contacting-us-for-housing-advice/) to arrange a time where we can call you to offer further assistance.

**Welfare benefits whilst in prison**

Whilst in prison you cannot claim:

* Job Seekers Allowance
* Universal Credit (in some circumstances you can claim Housing Element)
* Employment Support Allowance or Incapacity Benefit
* Income Support (you may be able to apply for housing costs for mortgage repayments)
* Personal Independence Payments
* Disability Living Allowance
* Carer’s Allowance
* Attendance Allowance
* Pension Credits (you may still be able to apply for housing costs)
* Industrial Injuries Disablement Benefit

If you have a partner, they may be able to claim Working Tax Credits if you are in prison for 52 weeks or less and are in work themselves. You can obtain further information from the [Tax Credits website](https://www.gov.uk/working-tax-credit)

If you are a homeowner with a mortgage and you are on remand you may be able to qualify for help towards your mortgage through a [Support for Mortgage Loan.](https://www.gov.uk/support-for-mortgage-interest)  The Support for Mortgage Interest (SMI) benefit ends in April 2018 and will affect all current claims for SMI.

**Preparing for release from prison**

If you were not able to keep your home whilst in prison, or were homeless before you went into prison it is important you get support and advice on your housing options before you leave prison. You may not know when you are going to be released, but you can still obtain information and advice. If you are going to be homeless within 56 days, you may need to make a homeless application so it is best to contact your local housing team as soon as you can. Your Resettlement Officer or Offender Manager in the prison and your local Housing Options Team can complete forms and get things in place ready for when you know when you will be released.

They may also be able to offer support to deal with current benefit claims and alternative claims to help you keep your accommodation whilst in prison or to support with ending your tenancy so you don’t get into arrears.

**CHECKLIST**

✓ Do you have somewhere you can stay on the day you are released?

✓ Contact friends and family to see if anyone could offer you a bed for your release date or longer so that you have some time to plan for other housing options and to claim benefits or return to work.

✓ Advise the Resettlement Team at your prison as soon as you know you do not have anywhere to stay.

✓ Discuss options with the Resettlement Team for referrals to supported accommodation providers on release. They may be able to offer you a telephone or in person assessment whilst you are in prison.

✓ Contact your local Housing Options Team and ask for some help. They can arrange a telephone assessment of your housing and support needs and try to help you secure accommodation on release from prison.

✓ You may also wish to contact other services that you will need on release such as [Substance Misuse providers](http://www.edp.org.uk/together-drug-alcohol-service-information-events/), your GP, your landlord if you are able to return to your home or Social Services.

**Supported Accommodation**

Supported accommodation is specialised housing for those with additional support needs that cannot always be met within independent accommodation. The type of accommodation varies between supported accommodation providers. It could be shared accommodation or a self-contained room with your own cooking and bathing facilities. You will have an allocated key worker in most supported accommodation who will help support you in your placement and support you with moving on when you are ready.

The support provided may include

* Support to access other services such as drug/alcohol support services
* Tenancy management
* Budgeting and support with benefit claims
* People with a history of offending
* Support to secure alternative accommodation when ready to move on

There is specialist supported accommodation for Care leavers, 16-17 year olds and those 18-65 with identified support needs.

If you would like to be referred to suitable supported accommodation, contact your Resettlement Officer at the prison or call your [local housing options team](https://exeter.gov.uk/housing/housing-homelessness-prevention-and-advice/contacting-us-for-housing-advice/).

**On day of release**

It is not always possible for you to be released early in the day. If you go to visit friends/family or spend time applying for benefits first, you risk not having any options for your housing that night. Please ask your Resettlement Team to phone your local Housing Options Team as soon as your release time is confirmed. They may be able to start looking for accommodation for you whilst you are travelling to their office.

✓ If you have not managed to find accommodation for your day of release but have already contact your local Housing Options Team they will have advised you what steps to take on the day you are being released. This might be they can offer you temporary accommodation that night, or have found you a night shelter or hostel who may be able to place you that day.
✓ They should have your information ready to go and then you can submit your claim for benefits in or make contact with your employer.

✓ If you have not contacted the Housing Options Team and have nowhere to stay on your release from prison, you must present to your Local Housing Options office as soon as you are released. It may take several hours to get all of your information and look for accommodation with you.

✓ You may need to wait to make your benefit claim until the next day as securing somewhere to stay that night must be the priority.

**Exeter City Council’s Housing Solutions Service**

**Tel: 01392 265726**

**Email:** **Housing.advice@exeter.gov.uk**

[**Address**](https://www.google.co.uk/maps/place/Exeter%2BCity%2BCouncil/%4050.7247836%2C-3.5266321%2C17z/data%3D%213m1%214b1%214m5%213m4%211s0x486da43de24bf82b%3A0x78760224c529bb80%218m2%213d50.7247802%214d-3.5244434)**: Civic Centre, Paris Street, Exeter EX1 1JN**

**If you are homeless outside of normal office hours (Monday-Friday 9am-5pm) or at the weekend then please contact Exeter City Council’s Out Of Hours Number:-**

**01392 265147 for assistance**

**Homelessness**

If you have nowhere to stay on release from prison, or your plans for where you were going to stay fall through. You need to present to your local council at the very earliest time on the day of your release.

You will be interviewed by a Housing Options Officer who will take a homeless application. If you have recently had a homeless application, no settled accommodation since that decision and your personal circumstances remain the same, there may not be a duty to take a further application. However we will still try to help and support you to secure housing.

**Will I get Temporary Accommodation?**

Once we have interviewed you, we may need further information to determine if we can offer you temporary accommodation. If you have not contacted us before you are released from prison, this may mean you will have to wait at our offices whilst enquiries are made that day.

We will have to have reason to believe you are:

* eligible for assistance - this means have a right to work and stay in the UK
* homeless - you have no accommodation you can access in the UK or abroad
* in priority need – you are more vulnerable than the average person

Priority need is a legal test. You can find more information on Priority Need and the homeless process [here.](https://www.gov.uk/guidance/homelessness-code-of-guidance-for-local-authorities/chapter-8-priority-need)

If we assess that there is a duty to offer you temporary accommodation, you are likely to be offered Bed & Breakfast style or shared accommodation on a short term basis whilst you application is assessed. Sometimes this may be outside of the area you want to live in but this may be our only option to offer you something for that day.

**What information do I need to bring to my assessment?**

You will be asked to provide documents and information to support your application. These will include:

* Proof of ID
* Proof of National Insurance Number
* Your last 5 year address history
* Proof of any medical conditions and medication you may be on

You may be asked to provide further documents later.

Your Housing Officer will assess if there is a legal duty to provide you temporary accommodation. If there is no duty, they will issue this decision in writing to you and you may submit a review of this decision. We will still try to help you find accommodation in the longer term.

**What housing options could be offered?**

This might be referring you to:

* Supported Accommodation projects
* Helping you with rent in advance or deposit to secure a private tenancy
* Helping you register for Devon Home Choice
* Mediation and support to help you stay with friends or family.

You will be given a Personalised Housing Plan which will detail all the actions that we will take and the actions you will need to take. If you do not complete the actions or decline reasonable offer of accommodation this may bring an end to the duty to house or assist you so it is important you understand your Personalised Housing Plan and work with your Housing Officer to complete the actions needed.

**Other Devon Local Authority Contact Details**

There are 8 local Authority Districts that make up ‘New Devon’. These are:-

* [**East Devon District Council**](http://www.eastdevon.gov.uk)
* [**Exeter City Council**](http://www.exeter.gov.uk)
* [**Mid Devon District Council**](http://www.middevon.gov.uk)
* [**North Devon District Council**](http://www.northdevon.gov.uk)
* [**South Hams District Council**](http://www.southhams.govuk)
* [**Teignbridge District Council**](http://www.teignbridge.gov.uk)
* [**Torridge District Council**](http://www.torridge.gov.uk)
* [**West Devon Borough Council**](http://www.westdevon.gov.uk)

There are also two Unitary Authorities in Devon:

* [**Plymouth City Council**](https://www.plymouth.gov.uk/)
* [**Torbay Council**](http://torbay.gov.uk/)