

This fact sheet might help you if you are a tenant in public housing and you are in prison on remand or serving a sentence.

Must do!

Let Housing know quickly that you have been locked up even if you are locked up for only a short time. Housing does not know unless you tell them or get someone else to tell them for you. Under Housing rules you are meant to do this within 14 days of getting locked up. You must complete a new Rent Assessment form.

Maybe the best thing you can do is make sure your house is locked up and secure. If you are the only tenant, you can ask Housing if someone can housesit for you. Housing may say yes.



Why do this?

Telling Housing might stop you stressing out about your rental house while you are in prison. It doesn't mean you will lose your house.

Even if someone like your mum offers to pay your rent for you so you don't fall behind in paying rent, let Housing know you are in prison.

Telling Housing might stop you falling behind in your rent payments and avoid a big debt. Maybe Housing will say you can pay less rent while you are in prison.



If you stop paying your rent while you are in prison, you will fall into arrears. This means you will have a debt to pay Housing. If you fall into arrears, Housing can send you a breach notice. Then if nothing changes, Housing can send you a notice of termination. If nothing changes after that, you will get a notice to attend the Magistrates Court. Maybe the magistrate will make a court order to end the tenancy. This means your tenancy agreement will end and you will have to move out.

If you have a debt to Housing, maybe it will be hard for you to get on the waitlist for a new house when you get out.

Also, Housing can help you make your house secure if you are the only person living there.

If Housing know you are in prison and your property is secure and a burglar breaks in and damages things like smashes a window or a stranger smashes up your house, you may not have to pay to fix the house.

Things you still have to do while you are in prison

Paying the rent is only one thing you must do.

As the tenant you still must make sure your house, garden and yard is looked after properly.

You also must make sure no one at your house causes trouble for your neighbours. If the people you let stay at your house when you are locked up cause trouble for your neighbours, it might cause trouble for you. It might lead to eviction, or a fixed term tenancy agreement might not be kept going.



If a co-tenant or householder or visitor deliberately damages your house while you are in prison, you may have to pay Housing for the damage unless a report is made to the police at the time. If someone reports damage to your house for you, make sure they get a police incident report number.



What if I am going to be in prison a long time?

If you get a long sentence (over 6 months), you might like to talk to Housing about choosing to give up your house if you are the only one who lives there. Then you will not have to worry about it.

If you do this, ask a friend or family member to help take all your things from the house.

You might ask Housing again for a house while you are in prison. You might go up the waitlist while you are in prison.

If you have a partner or co-tenant as part of your tenancy agreement, the partner or the co-tenant must put in a new rent assessment form. This might mean they pay less rent.

If you have a partner who is not a co-tenant, you can ask for them to be added as a tenant. If Housing does not agree, your partner can go to court to ask the magistrate to add them to the tenancy agreement as a tenant.



What if I don't do anything and I get a long sentence?

It is best to tell Housing as soon as possible if you get a prison sentence. If you don't do anything and the rent is not paid, you may end up with a housing debt.



If you get a long sentence, Housing may try to get a court order to evict you even if someone is paying the rent for you.

Housing might want to be able to give the house to someone else. If you want to keep the house, talk to a support agency as soon as you get your sentence.