

04 March 2025

**Our Ref: FOI 677**

## **Request**

We received your request on 14 February 2025 for the following information:

*I would be grateful if you would consider the following request for information as a Freedom of Information Request.*

*Please provide any NIHE policy or guidance on accepting a "nominated occupant" for an NIHE tenancy while the tenant is in custody.*

*This relates to a person living with the tenant before being placed in custody, who takes over responsibility for paying rent and maintaining the property for the period the tenant is in custody.*

Your request has been handled under the Freedom of Information Act 2000 (FOIA).

## **Our response**

The relevant policy guidance is in Chapter 1 of the General Housing Policy Guidance Manual

Please see the relevant excerpt below, including the Prison Liaison HA/NIHE Form which is referenced in the policy (Appendix 2). This form is completed by Housing Rights Service when they are made aware that a prisoner is a social housing tenant and is forwarded to the relevant landlord.

Please note that neither the concept of 'nominated occupant' nor Housing Executive 'acceptance' of same is set out in the policy relating to tenancy management for incarcerated tenants. The legal tenant remains responsible for adherence to the Housing Executive's General Conditions of Tenancy at all times.

### **1.1.7 Tenant in Prison (Remanded in Custody/Convicted or on Bail)**

When a tenant is unable to remain at their home due to an imposed judicial condition:

- Remanded in custody; means that they will be detained in a prison until a later date when a trial or sentencing hearing will take place. The majority of prisoners on remand have not been convicted of a criminal offence and are awaiting trial following a not guilty plea.
- Where bail conditions require a tenant to reside away from their normal home.
- When a tenant is found guilty of a criminal offence they may be given a term of imprisonment.

### Tenancy Implications

In relation to the above circumstances a tenant's tenancy continues until such times they voluntarily terminate their tenancy or they are in breach of their tenancy conditions and the Housing Executive has been successful in legal proceedings and gained possession of the dwelling.

Early contact should be established with the prisoner. This may be through family, PBNi or Housing Rights Service. HRS has dedicated Prisoner Liaison Officers who carry out an advocacy role. When HRS becomes aware a prisoner is living in social housing they may complete a Prison Liaison HA/NiHE Form (Appendix 2) and forward same to the relevant landlord.

The information contained on the Prison Liaison HA/NiHE form assists the landlord in managing the property.

It is important that when the Housing Executive has been advised that a tenant has been placed in prison this information be shared with all the relevant offices (HB, Accounts and relevant local office).

A tenant may be entitled to Housing Benefit/ Universal Credit Housing Costs Element for a limited period while on remand. If a tenant has been sentenced, as a general rule HB/UC entitlement ends.

Both HB and UC regulations allow, in certain circumstances, the liability to pay rent to be transferred to a person who is living in the property in order to allow them to continue to reside in the property. This confers no tenancy rights to the person in temporary occupation.

In such circumstances the tenancy continues in the name of the tenant in prison, and if there are any breaches of tenancy conditions, the named tenant is still accountable.

If a tenant is in prison and continues to pay the rent and arranges to have the property maintained and they intend to return and live in the property after they have been released, their tenancy will continue.

If a tenant intends to return to their tenancy, legal proceedings based on possession for non-occupation are not appropriate. Possession proceedings against a prisoner are most commonly based on non-payment of rent.

## Appendix 2 Prison Liaison HA/NIHE Form

### **Prison Liaison Housing Association/NIHE Form**

**Name:** \_\_\_\_\_ **Prison:** \_\_\_\_\_

**Prisoner no:** \_\_\_\_\_

**National Insurance Number:** \_\_\_\_\_ **D.O.B:** \_\_\_\_\_

**Address of NIHE/HA Tenancy:**

\_\_\_\_\_  
\_\_\_\_\_

**Date Property was vacated:** \_\_ / \_\_ / \_\_: **Tenancy Type:** Joint / Single (Please circle)

**Prison Status:** Remand / Sentenced (please circle)

If you are on remand, do you expect to be released from prison within 52 weeks of the date you vacated your above home address: Yes / No (please circle)

If you are serving a sentence, what is your expected discharge date: \_\_ / \_\_ / \_\_

Do you intend to return to the above address as your principal home: Yes / No (please circle)

Do you wish to maintain your NIHE /Housing Association tenancy: Yes / No (please circle)

**NB:** If the Landlord is aware of a risk to your property they may make suitable arrangements to secure it.

Have you applied for Housing Benefit/Universal Credit to cover your prison term: Yes / No (please circle)

Is there anyone else living in the property while you are in prison: Yes / No (please circle)

If yes, please give name(s) and relationship to you:

**Name(s):** \_\_\_\_\_ **Relationship:** \_\_\_\_\_

Do you wish to nominate a friend/relative as a contact: yes / No (please circle)

If yes, please give details:

**Name:** \_\_\_\_\_

**Relationship to you:** \_\_\_\_\_

**Contact Address:** \_\_\_\_\_ **Tel No:** \_\_\_\_\_

Was someone living at your home before the date you were sentenced?

Yes / No (please circle)

Do they intend to continue living there? Yes / No (please circle)

Have they made a claim for Housing Benefit/Universal Credit to cover the rental cost?  
(please circle) Yes / No / Will do soon

**Name:** \_\_\_\_\_

**Relationship to you:** \_\_\_\_\_

**Date of Birth:** \_\_\_\_\_

**Tel No:** \_\_\_\_\_

**Signature:** \_\_\_\_\_ **Date:** \_\_ / \_\_ / \_\_

Please post to NIHE Local Office / Housing Association connected to your tenancy

Office use only: for clarification please contact



This concludes our response.