

**Inclusion
London**



**Written evidence submitted by
Disability Rights UK and Inclusion
London (RRB42):
The Renters Reform Bill**

Introduction

19% of Disabled people live in the private rented sector, yet shockingly the EHRC estimates that 1 in 3 Disabled people in private rented properties live in unsuitable

accommodation.¹ We are paying too much to live in dangerous, inaccessible homes, and the Renters Reform Bill must be used to shift the power imbalance away from landlords and toward Disabled renters.

In this evidence we have identified some of the main concerns we perceive that will arise for Disabled people as a result of the changes from the bill, as well as some of the major issues with the private rented sector that are not currently addressed through the Renters Reform Bill. We then suggested some amendments to the bill based on our analysis and input from Disabled people.

Ending Section 21 Evictions and Assured Shorthold Tenancies

The Renters Reform Bill proposes to ban Section 21 Evictions and end Assured Shorthold Tenancies. This was an election manifesto promise of the Conservative Party in 2019 and has been long awaited.²

What do we think?

Positives:

- Moving to a system of periodic tenancies could positively impact Disabled people by providing more security of tenure.
 - This means that those of us who rent privately aren't forced to move every 6 or 12 months.³
- We welcome the removal of Section 21 evictions. They are concerning to us as:
 - Section 21 notices are a leading cause of homelessness.⁴
 - 'Retaliatory/ revenge evictions'
 - Landlords sometimes use Section 21 notices to evict tenants who ask for repairs, home adaptations or better housing conditions.⁵
 - This means tenants are scared to use their rights or make sure their homes are safe for them to live in.

¹ Equality and Human Rights Commission. (2020). Housing and Disabled People. Available at: [housing-and-disabled-people-britains-hidden-crisis-main-report_0.pdf \(equalityhumanrights.com\)](https://www.equalityhumanrights.com/wp-content/uploads/housing-and-disabled-people-britains-hidden-crisis-main-report_0.pdf) Accessed: 12.07.23

² House of Commons Library. (2023). The end of 'no fault' section 21 evictions. Available at: [The end of 'no fault' section 21 evictions - House of Commons Library \(parliament.uk\)](https://www.parliament.uk/library/research-briefings/briefing/the-end-of-no-fault-section-21-evictions) Accessed: 14.07.23.

³ Shelter. (2022). Types of tenancy agreement. Available at: [Types of tenancy agreement - Shelter England](https://www.shelter.org.uk/tenancy-agreements/types-of-tenancy-agreement) Accessed: 13.07.23

⁴ Shelter. (2023). Section 21 no-fault evictions by bailiffs up 143% in a year. [Section 21 no-fault evictions by bailiffs up 143% in a year - Shelter England](https://www.shelter.org.uk/news/section-21-no-fault-evictions-by-bailiffs-up-143-in-a-year) Accessed: 13.07.23.

⁵ Shelter. (2023). Renters who complain are twice as likely to be evicted by their landlord. [Renters who complain are twice as likely to be evicted by their landlord - The Big Issue](https://www.shelter.org.uk/news/renters-who-complain-are-twice-as-likely-to-be-evicted-by-their-landlord) Accessed: 13.07.23.

Negatives:

- The bill gives landlords the ability to evict tenants with 2-month notice if they wish to sell the property or the landlord/ their family member wants to move in.
 - However, landlords can still re-let the property after 3 months without any financial penalty.
 - This period is too short and could easily be exploited by landlords. This concern has been expressed in [Shelter's briefing](#).

New Types of Evictions

Anti- Social Behaviour

What does this mean?

The Renters Reform Bill proposes to make it easier for landlords for evict tenants displaying anti-social behaviour. This would mean:

- Landlords will have the right **to make a possession claim immediately** if their tenant or anyone visiting their home is engaging in behaviour thought to be anti-social behaviour.
- This is a discretionary ground so landlords will have to prove to the courts that the grounds for eviction are appropriate. The court can then decide.

What is Anti-social behaviour (ASB) in housing?

Currently, ASB is defined in the [Housing Act 1988](#) as:

- ‘Conduct causing or **likely to cause** a nuisance or annoyance’.

The Renters Reform Bill proposes to change this to:

- Behaviour ‘**capable to cause** nuisance or annoyance to a person’.

What do we think?

Increasing the powers of landlords to evict tenants displaying ASB is extremely concerning to us as Disabled people because:

- The definition of ASB is already very open to interpretation and we are concerned the change in definition will only increase this.
 - For example, hoarding can be defined as anti-social behaviour, and we have seen landlords evict tenants citing cooking smell as “anti-social behaviour”.
 - Neuro-diverse people, those with learning disabilities or experiencing mental distress may show behaviours which could be seen as ‘anti-social’ and there are currently no protections for Disabled people.

- We are concerned this will be misused as a more harmful alternative to Section 21 evictions.

Supported Accommodation

The Renters Reform Bill has introduced a number of new grounds for landlords to evict tenants with a 4 weeks' notice period in relation to Supported Accommodation, these include if:

- The landlord requires the property to rent it out as supported accommodation if it was meant for this and the current tenant did not enter the property for supported accommodation.
- The funding for the supported accommodation has ended.
- The tenant has unreasonably refused to cooperate with the support service they are provided.

What we think?

We have concerns about the impact that some of these eviction types may have on Disabled people in supported accommodation. In particular, we are concerned that the threshold for “unreasonable refusal to cooperate” is very unclear. We are not confident that these provisions will not be used in a way which could discriminate against Disabled people with complex needs or Disabled people undergoing periods of mental distress, which may make cooperation more difficult to achieve. Secondly, it is unclear whether unreasonable refusal also encompasses Disabled people being unhappy with the provided package of support.

Property Portal

What do we think?

Positives:

- This Property Portal could be an opportunity for tenants to understand more about their rights and be made aware of landlords who have committed offences before.
- It could be extremely useful if landlords were forced to include information on accessibility information of the property. A measure that the National Landlord Association supports.⁶ Furthermore, the property portal could:
 - Be used to provide more information for Disabled tenants looking to rent a property in the PRS.
 - Send warnings to individual landlords when gas and electrical certificates, surveyor's reports, etc, are due for renewal

⁶ National residential landlords association (2023) Renters (Reform) Bill: Factsheet [Renters \(Reform\) Bill Factsheet \(1\).pdf](#)
Accessed 19/10/23

- Collect rent level data for councils to find pressure areas and address them.

Negatives:

As we see with many other enforcement powers local councils have, they often do not have the capacity or funding to use them. Therefore, they become ineffective. We are concerned that if councils do not have the ability to make sure that private landlords use the property portal, it will not be useful to Disabled tenants.

Ombudsman for the Private Rented Sector

What do we think?

Positives:

- The private rented sector has fewer official complaints systems than other sectors. Tenants are often reliant on going to court to solve disputes, which can be very expensive.
- An Ombudsman scheme would carry much more force on behalf of renters if you could still access court later. Ombudsman schemes are a more “delicate” mediation option, as they ultimately seek to find a settlement between two parties, not justice. This ‘more delicate’ option of the ombudsman could be more effective if both parties know that there is a ‘harder’ option of the court system awaits next if they miss the opportunity to reach an agreed solution.
- The ombudsman could also be given powers to launch investigations on its own initiative rather than waiting for someone to complain. Ultimately, this would help it pursue systemic problems and set an independent, reforming agenda rather than just reacting to the case people feel comfortable bringing forward.

Negatives:

- Once again, we are concerned that the council will not have the capacity or staff to enforce signing up to the Ombudsman. Furthermore, we know that many Disabled people have had bad experiences with Ombudsmen in other sectors – such as social housing, health and social care or local authorities. In fact, research from the University of Oxford suggests that 60% of people who complained to an Ombudsman service in public body disputes were ‘very unhappy’ with the outcome.⁷
- Some Ombudsmen schemes don’t even publish their case decisions which reinforces inequalities and hinders Disabled people’s access to justice – as there is no room to challenge or develop the law (through case law). This is because

⁷ University of Oxford. (2016). 60% of people ‘very unhappy’ about ombudsman dealings in public body disputes. Available at: <https://www.ox.ac.uk/news/2016-01-20-60-people-%E2%80%98very-unhappy%E2%80%99-about-ombudsman-dealings-public-body-disputes> Accessed: 31/07/23

without published decisions there is not a body of evidence from Ombudsman decisions. This evidence could be used to challenge and change the law. Being able to do this would mean that it doesn't fall behind the times and gets updated and clarified. Currently it is very unclear how the proposed Ombudsman service will interact with the current legal system.

Secondary Legislation

Ban on 'no DSS' policies

What do we think?

Whilst we welcome this, we do not believe it goes far enough. Discrimination against those receiving benefits can still exist as it is very difficult to prove that a landlord/ agent decided not to rent to you because you are on benefits.

Decent Homes Standard

It is suggested that the Decent Homes Standard would be applied to the Private Rented Sector.

What do we think?

- In 2021 the English Housing Survey estimated that 23% of PRS homes did not meet the Decent Homes Standard. This is over twice the amount of non-Decent homes in social housing.⁸
- Therefore, we welcome the opportunity to introduce the Decent Homes Standard to the Private Rented Sector.
- However, in order for homes to be decent and safe, they need to be accessible to us. The Decent Homes Standard does not go far enough to ensure that we, as Disabled people, do not experience accessibility barriers in our own homes.
- Therefore, we recommend that the Government revises the DHS, prior to implementing it in the PRS, to ensure that all homes that are able to, or are build-to-rent, in the PRS become at least M4(2): Accessible and adaptable dwellings.
- DR UK [responded to the 2022 Decent Homes Standard consultation](#) asking for an anticipatory duty on landlords regarding home adaptations and accessibility. This means that landlords must consider what Disabled renters need in terms of their access requirements, including how to make their homes and communication

⁸ House of Commons Library. (2022). Housing conditions in the private rented sector (England). Available at: [Housing conditions in the private rented sector \(England\) - House of Commons Library \(parliament.uk\)](#) Accessed: 19/07/23

accessible, before Disabled renters have to make them aware of it.⁹ In addition to that, councils must be given the powers and funding to establish efficient, knowledgeable and proactive housing teams.¹⁰

What is missing from the bill?

Accessibility

There are no measures in the bill that improve the accessibility or adaptability of homes – no improvements to the Disabled Facilities Grant.

Rising Rent Prices

- Zoopla reported in June 2023 that rent is taking up the highest proportion of wages across the country in 10 years, in a cost-of-living crisis.¹¹
 - This disproportionately impacts Disabled people, who, TUC reported in 2022, earn 17.2% less than our non-disabled counterparts.¹²
- The bill does not currently give any protections to tenants against rent increases, and we are concerned that this is a significant loophole in the legislation that will still allow landlords to push tenants out of their homes.
- The bill doesn't prevent landlords from giving yearly rent increases to tenants who will still be able to raise rents by providing tenants with a two months' notice period.
- Currently, the only way tenants have to challenge rent increases is by going to a First Tier Tribunal (like a court). However, the First-tier Tribunal checks if the rent increase is in line with market value rents in the area. If the Tribunal decides that market rent is actually above the rent increase the landlord set out, they can rule to increase it. This means that by going to the Tribunal, tenants might be in some cases worse off financially rather than better off. This discourages many from going forward with the process at all.

Case studies

These three case studies illustrate why these three areas of the housing system are particularly in need of reform and need to be addressed via the Renters Reform Bill:

⁹ Citizens Advice. (Unknown). Discrimination in the provision of goods and services – duty to make reasonable adjustments. Available at: [Discrimination in the provision of goods and services - duty to make reasonable adjustments - Citizens Advice](#) Accessed: 19/07/23

¹⁰ Disability Rights UK. (2022). DR UK demands a more accessible housing system. Available at: [DR UK demands a more accessible housing system | Disability Rights UK](#) Accessed: 18/07/23

¹¹ BBC (2023) Rent: 'We've got £1,750 a month and can't find anywhere' Available at: [Rent: 'We've got £1,750 a month and can't find anywhere' - BBC News](#) Accessed 19/10/23

¹² Trades Union Congress (2022) Non-disabled workers paid 17% more than disabled peers. Available at: [Non-disabled workers paid 17% more than disabled peers – TUC | TUC](#) Accessed 19/10/23

Lack of accessible homes

David (whose name has been changed to protect their identity) has been living in a private rented property for the past eighteen months. David is Disabled, with multiple long-term health conditions and mobility needs that mean living in an unadapted property is unsafe.

New Forest District Council could not provide accessible social housing or even accessible temporary accommodation. This includes David being housed in an inaccessible hotel rooms, and eventually a static caravan at a caravan park, cutting them off from their family, support networks and health services.

Eventually, David was made a single offer, on the contingency that refusal would leave them intentionally homeless, to move to a privately rented property in Shropshire hundreds of miles away from where they live. This new property is unsuitable for Disabled people, - causing considerable safety fears/hazards/restrictions of accessibility, and in turn, David has suffered several serious falls.

David cannot use either the shower (which is a raised, restrictive, inaccessible shower cubicle) or a standard, narrow toilet with a heating radiator next to it. He last had a shower when the tenancy began, and he had to use the wash basin as a toilet. Therefore, use wet wipes for cleansing purposes.

The local council has fully inspected the property and recognised damp with black mould, exacerbating David's health conditions. The house needs better loft insulation and has an obvious need for draft excluders around the doors/windows, which the landlord has not provided. The landlord has "white-washed" the property before tenancy to cover up prior issues of black mould inside. The landlord is extremely challenging when attempting to have these matters addressed, even via the assistance of the local council. David's case clearly demonstrates the lack of accessible homes available across the housing system and how a lack of accessible private rented homes is endangering Disabled people.

Disabled Facilities Grant

Hannah* and their family of four, live in a social housing property in Richmond Borough that is not wheelchair accessible. In 2019, Hannah was hospitalized due to several serious health complications. Hannah's conditions mean that they need a wheelchair to get around. Hannah is a prisoner in her own home and is trapped in her room all day, 24/7. Their independence has been completely stripped away.

There is no ramp access at the front or back of their house, so when they leave their home, they have to be lifted outside of the front door into the wheelchair by their husband and son. This is extremely demoralizing and has resulted in several falls/injuries.

Despite repeated concerns raised with social services, there was nothing they could do to help. Hannah only leaves the house if absolutely necessary, like going to a hospital appointment. Leaving the house is terrifying and completely unsafe.

Hannah has been working with a local charity called Ruils and the local authority to make reasonable adjustments to the home. It is hoped that if they are successful, Hannah can be independent and access the community again. The local authority has agreed to transform the kitchen and create an open-plan space that is wheelchair accessible. They will also provide ramp access at the back of the house so Hannah can go in and out safely without support.

However, the grant meant to cover the cost of this vital renovation is means tested, which means Hannah and her family are expected to contribute to the works. Initially, the assessed contribution for the work stood at £9404. This was based off Hannah's husband earning just under £30,000, who is the only earner in the household. A few months later, the family were then informed that due to the husband turning 60, the contribution would drop to £5846 because it put them in a different bracket of financials. Although we were relieved to hear the contribution had reduced, Hannah and Ruils still had the task of raising this significant amount of money.

Unfortunately, the cost of living crisis was not taken into consideration when calculating this figure. The government sets out the financial assessment, but it is inherently flawed and disproportionately impacts Disabled people like Hannah. As we mentioned above, the husband is the only earner in the household, so there was no possible way the family could have paid this amount.

This left Hannah and Ruils no choice but to turn to Crowd Funding. We are now thrilled to say that the full cost of the contribution has been funded, but that was only thanks to local grant organisations and the community coming together to support Hannah. Sadly, Hannah's case is not unique - there are many disabled people out there living in unsafe and inaccessible housing. We are calling on the government to urgently reform the financial means test and recognise the housing crisis that disabled people are facing.

Clearly, the Disabled Facilities Grant system doesn't work – when Disabled people are excluded from accessing the support they need. It is estimated that around 51% of households with a 75+ year old needing adaptations do not have the adaptations they need (around 405,000 households). The EHRC itself has asked the government to “urgently address the bureaucratic hurdles and delays that exist within adaptations systems, to ensure that low-cost, minor adaptations can be installed quickly and easily.”

Anti-social behaviour (ASB)

The case of [Rosebery Housing Association Ltd v Williams & Anor \(2021\)](#) illustrates the potential harms of putting private landlords in a position where they must judge a renter's behaviour against the Equality Act. During this case, the presiding Judge heavily criticised a housing association and ordered them to pay damages of £27,500 for a successful counterclaim of unlawful disability discrimination.

The housing association alleged that its tenant, Cara, had been verbally abusive to neighbouring residents and had filmed and recorded them intending to distress. Both tenants defended the claim, and both advanced a counterclaim based on alleged breaches of the anti-discrimination provisions in the Equality Act 2010. The Judge had no confidence in the accounts of either of the residents called by the housing association, stating 'each had, to some extent at least, either exaggerated their evidence or embellished it.' The Judge was given the firm impression that each had lost any sense of perspective and was determined to 'bring Cara down'.

According to Hugh James, the law firm representing the claimant, the case demonstrates: *"The case provides some key lessons in tackling allegations of Anti-Social Behaviour, particularly against tenants with mental health issues. It is vital that social landlords properly consider the impact of a tenant's disability when considering what action to take."*

"Properly reviewing and assessing cases at each stage and effectively recording the decisions taken is absolutely vital, particularly when dealing with vulnerable and Disabled tenants. You should always be prepared to consider changing tack or stopping any ongoing action if the evidence demands it."

This case shows how the proposed changes to Ground 14 could be more problematic. The behaviour outlined in this case, and much less consistent, could easily be deemed by a private landlord to be "capable of causing" anti-social behaviour.

Given the difficulties in access to justice and legal aid support for Disabled people, many won't be able to take their case to court. The above case study demonstrates clearly how widening the scope for eviction on ASB will lead to many Disabled people being forced from their homes unfairly - empowering poor landlord behaviour and practice, as this an area where landlords need to be incredibly cautious and aware of the protections given to Disabled people under the equality act at all times.

Recommended Amendments

This evidence was created with the input of individual Disabled people and our representative organisations – Deaf and Disabled People's Organisations. We will continue creating resources with our community that highlight issues or raise concerns with legislation change.

Amendments:

Inclusion London and Disability Rights UK are working on three key amendment areas, which we would welcome your feedback and support on. Please reach out to us to learn more about this amendment. We will also be sharing supplementary information and documents on our amendments shortly.

Amendment to Ground 14

The area of work is changing the new anti-social behaviour ground to eliminate our current concerns that the new ground will be misused as a more harmful alternative to Section 21 evictions.

Amendments to Section 32 of the Renters Reform Bill

This area of work concerns the newly introduced Property Portal. Based on our discussions with Disabled people and DDPOs. We want to ensure that all possible accessibility information is available to Disabled people as part of the property portal.

Probing amendment on Accessibility and Adaptability in the PRS

This area of work concerns the lack of legislation changes to improve the accessibility or adaptability of homes and the lack of improvements to the Disabled Facilities Grant. We would welcome a debate on how to raise standards within the PRS in the house.

Get in touch

We want to work with members of the committee to make sure the Renters Reform Bill works for the millions of Disabled renters up and down the country.

If you want to learn more about this evidence, speak to us about what Disabled renters are facing you can contact the authors of this document:

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