

# Brighton and Hove City Council

## Housing Committee

## Agenda Item 8 (d)

**Subject:** Stop unlawful discrimination against benefit claimants by landlords and letting agents

**Date of meeting:** 22 June 2022

**Proposer:** Councillor Williams

**Seconder:** Councillor Osbourne

**Ward(s) affected:** All

### NOTICE OF MOTION:

#### Stop unlawful discrimination against benefit claimants by landlords and letting agents

This committee notes:

Over one third of Brighton & Hove residents rely on the private rented sector (PRS). There is no doubt that private renters face a host of challenges, including disrepair and lack of affordable rents. Tenants & prospective tenants in receipt of housing benefit or universal credit also face the prospect of discrimination. Such practices have been found to be unlawful under The Equality Act 2010 yet are still widespread. A motion to tackle such discrimination was passed at full council in January 2020. It is time to take action.

This committee resolves to:

Ensure steps are taken to condemn discriminatory practices that act as barriers to benefit claimants such as 'no benefit recipients' such as (No DSS) policies, requiring 6-months' rent in advance, homeowner guarantors and prohibitive terms and conditions by adopting a no discrimination policy and introducing enforcement measures to prevent such discrimination. Steps should include:

- The provision of guidance making it clear that no DSS policies are discriminatory and practices such as requiring 6 months' rent in advance, homeowner guarantors and prohibitive terms and conditions should be condemned as barriers to benefit claimants.
- Advice and signposting information to help tenants and prospective tenants to challenge such discrimination

- Insert as a provision in future landlord accreditation schemes such as selective landlord licencing that benefit discriminatory practices be forbidden.
- Include as a provision in any future ethical landlord charter that signatories desist from such discriminatory practices.

#### Supporting statement

Housing is in crisis in Brighton and Hove, with low-income renters being priced out of the city and pushed into debt and homelessness. Renters on benefits are at particular risk, and some are subject to discriminatory policies and practices by landlords and letting agencies.

Two landmark court cases from 2020 found the practice of letting agencies rejecting tenancy applications based on the fact that the applicants were on benefits to be in breach of the Equality Act 2010, and unlawful. Yet it appears this practice is still widespread.

The government's 2021 English Private Landlord Survey found that 40% of the 9,000 landlords surveyed said they would not rent out their property to someone on benefits.<sup>1</sup> A 2020 survey by Shelter also found 63% of private landlords say they don't let, or prefer not to let, to people who receive housing benefits.

Discriminatory practices by housing providers also take other forms. Prospective tenants who rely on benefits to pay their rent are routinely asked to provide a high-earning guarantor, often required to be earning £45,000 a year or more. Some are also asked to pay rent in advance - sometimes as much as 6 months.

These practices act as barriers to benefits recipients being able to access housing.