



Open Doors
Drysau Agored

Challenging Discrimination: *A Guide for Private Tenants*



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Introduction

From time to time, all tenants living in the private rented sector can have issues either with their home, their landlord or letting agent or their neighbours. Unfortunately private tenants from diverse backgrounds are more likely to experience specific tenancy related issues because of who they are.

Open Doors have put together a guide giving private tenants some more information on their rights under the Equality Act and what to do if they feel that those rights haven't been upheld by landlords or letting agents. In addition to that, we have put some common issues that certain diverse groups of tenants will likely experience based on who they are. Not all of these issues will be as a result of discrimination.

Open Doors is a two-year scheme managed by Tai Pawb in partnership with the RLA. We provide tenants, landlords and letting agencies in the private rented sector the knowledge, skills, and confidence to prevent and reduce discrimination and mistreatment. The subject of discrimination and mistreatment is broad and you may find that a particular issue you are experiencing is not addressed in this guide. If you have questions or would like additional support, then please get in touch with us and we will be happy to assist you further.

Open Doors Project

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What is the Equality Act?

The Equality Act 2010 came in to force in October 2010 and strengthened the protections people in Britain had from being treated unfairly based on who they are.

People are protected from discrimination, harassment and victimisation. The act defined key '**characteristics**' that are protected and cannot be used to treat people unfairly.

The protected characteristics are:

- **Age**
- **Disability or long term health condition**
- **Religion/Faith**
- **Gender Reassignment**
- **Marriage or Civil Partnership**
- **Sex**
- **Sexual Orientation**
- **Pregnancy or Maternity**
- **Race and Nationality**

Discrimination means treating a person unfairly because of who they are or because they possess certain characteristics (named above). An example of treating someone unfairly would be if a shopkeeper did not allow a black teenager to enter their shop because they were worried about whether they would steal items from their shop. In this instance, the shopkeeper is treating black teenagers unfairly based on their race

and nationality which is a protected characteristic.

There are four main types of discrimination.

Type 1:

Direct Discrimination is when a person is treated badly because of a protected characteristic that they may have or are perceived to have.

For example, you have seen an advert where a landlord has a room to rent in a property with three other housemates. The landlord will not be living in the property and wants the room to be rented out for 6 months which is perfect for you.

You call the landlord to arrange a visit but when you go to visit the property, the landlord is noticeably shocked to see that you are wearing a hijab. They say that you didn't 'sound' Muslim on the phone and that they do not now want to rent the room to you. They turn you away after refusing to let you view the room.

This is an example of direct discrimination against someone who is Muslim and is against the law. Religion and faith is one of the protected characteristics under the Equality Act.

Type 2:

Indirect Discrimination is when there is a rule, policy or a way of doing things for everyone but it negatively and disproportionately impacts certain groups of people with a protected characteristic.

For example, a landlord has stated that they do not accept tenants that have pets because they do not want the pets to cause damage to the property. This blanket policy would exclude someone with an assistance dog needed to support their disability or health condition. This could be argued as indirect discrimination.

Type 3:

Harassment is when your dignity is violated, or when a hostile, humiliating and offensive environment is created as a response to your protected characteristic.

Harassment is repeated, unwanted behaviour. This could include:

- spoken or written words or abuse
- offensive emails, tweets or comments on social networking sites
- images and graffiti
- physical gestures
- facial expressions
- jokes

For example:

You and your partner go to view a property that is available to rent. You have advised the letting agent that you are looking for a suitable property for the both of you.

When you arrive to view the property, the letting agent is surprised to see that you and your partner are two men and are in a relationship and makes unwanted remarks and jokes.

Despite this, you and your partner decide to take the tenancy. However, every time you speak with your letting agency, they make remarks about you being gay. Over time, this makes you feel threatened and unwelcome.

This is a form of harassment as the letting agent has created a hostile and offensive environment for you.

It is important to remember that this kind of behaviour can escalate and become a criminal offence. This could include your landlord or someone acting on their behalf deliberately interfering with the enjoyment of your home.

Type 4:

Victimisation happens when you are treated unfairly because you have made a complaint of discrimination under the Equality Act, 2010. This also applies if you are treated unfairly because someone thinks you are going to make a complaint or you are supporting someone else making a complaint.

For example, you are an international student living with other students.

You find out that the other students pay less rent than you on a monthly basis. You speak with your landlord and ask whether they can lower your rent as you feel it is not fair that you have to pay more. You also inform them that you think you are being discriminated against and will seek support if the issue is not resolved.

A week later, you receive a letter from your landlord asking you to vacate the property due to 'unreasonable behaviour'.

In this instance, the landlord has treated you unfairly because they believe you will be making a claim against them for discrimination.

Challenging Discrimination

If you feel that you have been discriminated against then you have the right to make a legal claim. It would be advisable in the first instance to seek impartial advice. You can find information on relevant agencies and how to access them in our 'Useful Organisations' page. In addition to the relevant agencies, we would welcome you to contact Open Doors for free impartial advice.

Step One: Informal Response

Try and speak with your landlord or letting agency if you feel you have been discriminated against. Explain your reasons as to why you feel that you have been treated worse or unfairly. It is always advisable to make a note of what happened and what was said to you. If you do not feel confident enough to do this yourself then it is always a good idea to seek advice first. Our project, Open Doors will be able to help you raise an informal complaint.

Step Two: Formal Response

If you cannot resolve the issue informally then you may need to raise a formal complaint with your landlord or letting agency. You can ask them how you would raise a formal complaint. This usually requires a letter detailing your concerns to be sent to the landlord or letting agency.

Generally you must ensure that you put the following information in the letter.

1. Date of incident(s).
2. Describe what happened and its impact on you. Think about why, where and how. Be specific and clear. If you think you have experienced discrimination then make it clear.
3. Explain the steps you have taken (in detail) to try and resolve the problem informally.
4. Explain what you would like to happen next such as an apology, a change in policy etc.
5. Keep a copy of the letter and get a receipt of postage where possible.

Open Doors can assist you with composing a letter. Alternatively, draft letters are available on the internet and can be useful if you are unsure of what to do. They can be found on the [Equality Advisory and Support Service](#) website.

Step Three: Making a legal claim

Where - You can make a claim for discrimination against a private landlord or letting agency at County Court. It is always advisable to consult with a solicitor or a legal advisor before proceeding.

When - There is a time limit and you must make a claim of discrimination within **six months less one day**.

How to start – You will need to issue a claim form. To do this there is usually a fee but you may be able to apply for a reduction if you are on benefits or on low income. Try speaking with organisations such as **Citizens Advice** for further information.

What to show - You would need to ensure that you show the court enough facts to prove discrimination has taken place. It is a good idea to keep all correspondence that you have had with your landlord or letting agency to support you with this. These are things like emails, letters and text messages. It is then up to the landlord or letting agency to prove that it was not unlawful discrimination.

What happens if you win – If the court deems the landlord or letting agent to be acting unlawfully, they may order them to pay you compensation, make a declaration to the public that this act is unlawful discrimination, or order reasonable adjustments to be made.

What happens if you lose – If you lose your case the court may order you to pay for the costs of the other party so it is always important that you seek advice for a solicitor or legal adviser before making a legal claim.

What can I do before and during a legal claim?

Making a claim for discrimination by your landlord or letting agency can be a very distressing experience. Support services can help during this difficult time by providing advice and guidance throughout the process.

Tenants – do you know about all the changes affecting the way you rent?

The way in which the private rented sector works has changed in the past few years and there are more planned changes to come. This can make it very confusing to know what your actual rights are. To keep you updated, we have put together some key points that we consider important for all renters to know.

Rent Smart Wales

It is a legal requirement for all private landlords to register themselves and their properties on a scheme called Rent Smart Wales.

In addition, if a landlord wants to manage your home themselves, they must be licensed, demonstrate that they are 'fit and proper' to hold a licence and successfully complete approved training. Landlords do not need to be licensed if their property is managed by a letting agent – in this case, the letting agents will need to be licensed.

It is illegal for landlords to rent out properties if they are not registered. It is also illegal for landlords or letting agents to manage properties if they are not licensed.

You can find out if your landlord or letting agency is registered and licensed using the public register found [here](#).

For more information read the Rent Smart Wales Tenant Guide [here](#).

What happens if my landlord or letting agency is not registered?

It is up to Rent Smart Wales or your local council to decide what happens if a landlord or letting agency is not registered/licensed. Depending on what is decided, they may face one of the following penalties:

- Your landlord or letting agency may face prosecution.
- They may have to pay a fixed penalty notice (depending on the offence).
- A 'rent stopping order' may be imposed where the tenant does not need to pay rent to the landlord.
- A 'rent repayment order' may be imposed where the landlord or letting agent would have to return rent payments for a certain period.

For more information visit Shelter Cymru's website [here](#).

If you have concerns about your landlord or letting agency (even if they are registered/licensed), then you can report them to Rent Smart Wales via their [website](#).

Renting Homes (Wales) Act (2016)

The Renting Homes (Wales) Act has been introduced to make renting a home simpler and easier for everyone involved. This is due to come in to force in 2019, but we are unsure of the specific date at present.

1) Occupation Contracts:

Tenancy agreements will be simplified and replaced with something called '**occupation contracts**'. Private tenants will be given a **standard contract** and the law will make it a requirement for your landlord to give you a written contract. This document will include rights and responsibilities for both the landlord and yourself and have the option to add additional clauses to cover items such as pets or break clauses.

2) Fitness for Human Habitation:

Poor quality housing can impact on your physical and mental health. As a result, all private rented properties will have to pass the 'fitness for human habitation' standards set out by Welsh Government. Your landlord must ensure that your home is 'fit for human habitation' at the start of your tenancy and until your tenancy comes to an end. You will be able to take action if this is not the case.

3) Retaliatory Evictions:

On some occasions, you may be worried about making a complaint about the conditions of your home to your landlord out of fear of being evicted. The act will make it unlawful for a private landlord

to evict a tenant if they have made a genuine complaint about the conditions of the property. The court will have the power to refuse an order for possession where they believe that the landlord has made the claim to avoid keeping the property in a good state of repair and fit for human habitation.

4) Joint Tenants:

If you are renting your home as a joint tenant and find out that the other tenant(s) wishes to move out or is being evicted, then the act will make it possible for your tenancy to continue. This will reduce the risk of homelessness should you wish to stay in your home after the other tenant(s) have left.

5) Letting Agency Fee Ban:

The Renting Homes (Fees, etc.) (Wales) Bill has been introduced to ensure that renting is fair and affordable for all tenants. When in place, letting agencies will no longer be able to charge fees for signing a contract and renewing a tenancy amongst other things.

Tenants will only need to pay for their rent, security deposit and holding deposit. The ban will mean that any letting agents attempting to charge tenants unlawful fees will risk having their Rent Smart Wales license revoked, being fined with a fixed penalty notice by the Council or even being taken to court and given an unlimited fine.

Click [here](#) for more information on the Renting Homes (Wales) Act (2016).

Can my local authority help with a housing issue?

Yes!

Your local authority is responsible for a range of services including housing.

Open Doors currently only operates in Cardiff, Vale of Glamorgan and Merthyr Tydfil but we have listed all the local authorities in Wales so that tenants across Wales can benefit from this guide.

B

Blaenau Gwent - 01495 311556. For the Environmental Health Team call this number or email: environmental.health@blaenau-gwent.gov.uk

Bridgend County Borough Council - 01656 643643. For the Environmental Health Team call **Shared Regulatory Service (SRS)** 0300 123 6696

C

Caerphilly County Borough Council - 01495 873 552. For the **Environmental Health Team** - 01443 811379/811403

Carmarthenshire County Council - 01267 234567. The Environmental Health Team can be contacted via same number

Ceredigion County Council - 01545 57088. The Environmental Health Team can be contacted using this **form** or 01545 572105.

Cardiff Council - 029 2087 2087. For the Environmental Health Team call **Shared Regulatory Service (SRS)** 0300 123 6696

Conwy County Borough Council - 01492 574000. Regulatory or housing enquiries can be made using this number.

D

Denbighshire County Council - 01824 706000. You can also report issues with property conditions **online**.

F

Flintshire County Council - 01352 703777. The Environmental Health Team can be contacted on 01352 703440.

G

Gwynedd Council - 01766 771000. Gwynedd Council Private Sector Housing Team contact numbers are 01286 682853 / 01758704096 or via email: tai@gwynedd.llyw.cymru

I

Isle of Anglesey Council – 01248 750057. For the Private Housing Enforcement Team 01248 752820 or email: ehhealth@ynysmon.gov.uk

M

Merthyr Tydfil County Borough Council - 01685 725000. **Environmental Protection and Housing Enforcement Team** email customer.care@merthyr.gov.uk

Monmouthshire County Council - 01639 686868. Information on the Environmental Health Department can be found [here](#) or by using the number above.

N

Neath Port Talbot County Borough Council - 01633 644644. Environmental Health - 01639 685678

Newport City Council - 01633 656 656. Email environmental.health@newport.gov.uk or contact Newport City Council and ask for the environmental health housing team.

P

Pembrokeshire County Council - 01437 764551. Contact this number and ask for the environmental health team if you would like to report poor property conditions.

Powys County Council - 01597 826000. Contact this number and ask for the environmental health team if you would like to report poor property conditions.

R

Rhondda Cynon Taf County Borough Council - 01443 425005. For the Housing Team who can help with standards of the property contact 01443 425777.

S

Swansea Council - 01792 533100 For the Environment Call Centre call 01792 635600 or email evh@swansea.gov.uk

T

Torfaen County Borough Council - 01495 762200. For the Public Health Team contact 01633 647622 email: public.health@torfaen.gov.uk

V

Vale of Glamorgan Council - 01446 700111. For the Environmental Health Team contact the **Shared Regulatory Service (SRS)** 0300 123 6696

W

Wrexham County Borough Council - 01978 292000. Environmental Health and Housing Standards contact 01978 292040 or email: HealthandHousing@wrexham.gov.uk



Useful Organisations

Citizens Advice Cymru Advice Line - 03444 77 20 20

Citizens Advice offer free, confidential and impartial advice on a wide range of issues.

Disability Wales – 029 2088 7325

Disability Wales exists to champion the rights, equality and independence of all disabled people in Wales.

Disabled Facilities Grant

Equality Advisory Support Service – 0808 800 0082

The Equality Advisory Support Service advises and assists individuals on issues relating to equality and human rights, across England, Scotland and Wales.

Equality and Human Rights Commission

The Equality and Human Rights Commission protect people against discriminatory treatment and hold organisations such as the Government to account for what they do.

Live Fear Free Helpline - 0808 8010 800

A confidential helpline providing support to anyone experiencing domestic abuse and to individuals who want to learn more and seek advice.

Mind Cymru – 0300 123 3393

Mind Cymru provide advice and support to empower anyone experiencing a mental health problem.

Gofal - 01656 647 722

Gofal provide a wide range of services to people with mental health problems, supporting their independence, recovery, health and well-being

Race Equality First – 029 2048 6207

Race Equality First (REF) has over 40 years of experience as the recognised lead body in South Wales for tackling discrimination and hate crime and promoting the message that Race Equality is a human right.

Rent Smart Wales - 03000 133 344

Rent Smart Wales process landlord registrations and grant licences to landlords and agents who need to comply with the Housing (Wales) Act 2014.

Residential Landlords Association - 03330 142 998

The Residential Landlords Association is the leading voice for landlords in England and Wales.

Shelter Cymru - 0345 075 5005

Shelter Cymru work for people in housing need by providing free, independent, expert housing advice.

Stonewall Cymru - 029 2023 7744

Stonewall Cymru campaigns for the equality of lesbian, gay, bisexual and trans people across Britain.

Welsh Refugee Council – 029 2048 9900

Welsh Refugee Council empower asylum seekers and refugees to build new futures in Wales and help create a society where respect and equality for all is paramount.

Making a referral to Open Doors

Have you met with a private rented sector landlord or tenant who has an issue relating to equality and diversity? This could be:

- a landlord who wants to know what they can and can't say in an advert for their property
- a tenant who thinks they may have been discriminated against but isn't sure what to do
- a landlord who needs some guidance around making adaptations to their property for a disabled tenant
- a landlord who has a tenant who needs some support, but isn't sure where to look for help

... or any other similar issues ... You can refer them to Open Doors!



We can offer free guidance, support, advice and training, with the aim of reducing inequality and discrimination in the private rented sector.

You can make a direct referral in any of the following ways:

- Direct message our social media accounts:



@OpenDoorsTP



/OpenDoorsTP

- Emailing opendoors@taipawb.org
- Calling **07585 405555**
- Using the live chat feature on our website www.opendoors.wales
- Writing to us at Open Doors, Units 2-3 Norbury House, Norbury Road, Cardiff, CF5 3AS