

Inclusion London

Inclusion London Briefing for DDPOs on: Harassment

August 2023

Introduction

Harassment from landlords makes it difficult for Deaf and Disabled people to live comfortably in our homes. It results in mental distress, avoiding asking for reasonable accommodations and sometimes forces us to move out. Some examples of harassment include:

- Verbal abuse – using discriminatory language.
- Entering a tenant's property without proper notice.
- Threatening eviction if the tenant asks for repairs or reasonable accommodation.

This briefing will provide Deaf and Disabled People's Organisations with an understanding of:

- What counts as harassment
- What legal protections there are for Deaf and Disabled tenants experiencing harassment.
- What Disabled tenants should do when they are being harassed by their landlord.

Contents

| | |
|--|----|
| Introduction..... | 2 |
| What is harassment?..... | 4 |
| Rights and Responsibilities..... | 5 |
| The Protection from Eviction Act 1977..... | 5 |
| The Equality Act 2010..... | 7 |
| Taking Action..... | 8 |
| Contacting the council..... | 8 |
| Legal action..... | 9 |
| Getting support from a union:..... | 10 |

What is harassment?

What is the legal definition of harassment in housing?

In the [Protection from Eviction Act 1977](#), harassment is when a landlord or someone working for the landlord:

- Does something that disrupts the peace and comfort of those living in the property. This might include:
 - Forcing tenants to sign agreements which take away their legal rights.
 - Entering the property when the tenant is not there or without their permission.
- Continuously stops those living in the property from having access to services needed to live there. This might include:
 - stopping the tenants having hot water or a set of keys to the property.

The above counts as harassment if the landlord knows or believes that what they are doing is likely to cause the tenant to:

- Give up their tenancy rights.
- Not use their rights.
- Leave the property before they have to by law.

Rights and Responsibilities

It is important that Deaf and Disabled people know what counts as harassment. To understand this, we must be aware of the rights of tenants and the responsibilities of landlords.

[The Protection from Eviction Act 1977](#)

As defined on the previous page, The Protection from Eviction Act 1977 sets guidelines for what counts as harassment. Some further examples of what would count as harassment based on this Act include:

- Stopping services such as:
 - Electricity, water, heating, gas.
- Threatening, intimidating, abusive or offensive behaviour.
 - This includes using disablist, racist, sexist or sexual language.
- Interfering with a tenant's mail.
- Intentionally moving in other tenants who cause nuisance.²
- Demanding money that the tenant does not owe them or cannot pay.
- Removing or interfering with the tenant's belongings.
- Repairs:
 - Asking the tenant to do a lot of repairs which are excessive or unnecessary.
 - Failing to carry out repairs to the extent that the property falls into a state that is unfit to live in.
 - [You can read our briefing on disrepair and what landlords must do by clicking here.](#)

² Shelter. (2023). Harassment by a landlord or letting agent. Available at: [Shelter Legal England - Harassment by a landlord or letting agent - Shelter England](#) Accessed 02.08.23

Illegal Evictions

The landlord asking the tenant to leave the property without using legal eviction processes and notices is a form of harassment under [The Protection from Eviction Act 1977](#).

As of September 2023, the default form of tenancy agreements in the private rented sector are Assured Shorthold Tenancy agreements. The legal ways to evict a tenant under these agreements are:

- Once their 6- or 12-month contracts (also known as fixed term contracts) have ended.
- **Section 21 ‘No Fault’ Evictions.**
 - If the tenant is on a fixed term contract with a break clause or a rolling periodic agreement (which is where the tenancy automatically renews weekly or monthly) landlord can use this.
 - Section 21 evictions are where the landlord can give a written notice asking the tenant to leave within 2 months without having to provide a reason.
 - Section 21 notices don’t allow landlords to force tenants to leave, they still must obtain a court order.³
 - For various reasons such as if the landlord has not registered the deposit or the notice is given within the first 4 months of the tenancy - the notice may be invalid.
 - [Shelter provides a tool for tenants to check if their Section 21 eviction notice is valid which you can access by clicking here.](#)
- **Section 8 evictions.**
 - These can be given if the landlord has legal reasons to evict a tenant such as owing the landlord two months’ rent, anti-social behaviour, damaging the property.
 - The notice period varies from 2 weeks to 2 months depending on the reason.⁴
- In May 2023, the Renters Reform Bill was introduced to parliament. If this bill goes through parliament and becomes law, it will change the way landlords in the private rented sector can evict tenants. [We have outlined these changes in our briefing on the Renters Reform Bill which you can find by clicking here.](#)

³ Legislation.gov.uk. (1988). Housing Act 1988. Available at: [Housing Act 1988 \(legislation.gov.uk\)](#) Accessed: 14.07.23.

⁴ Citizen’s Advice. (unknown). If you get a section 8 notice. Available at: [If you get a section 8 notice - Citizens Advice](#) Accessed: 03.08.23

The Equality Act 2010

If disabled tenants assert their rights under the Equality Act or someone else advocates for them in interactions with their landlord, and in response, the landlord creates challenging living conditions, this is 'victimisation'.⁵

What is victimisation under the Equality Act?

Victimisation is where someone treats another person badly because they have advocated for themselves or someone else under the Equality Act. This means:

- The Equality Act 2010 makes Discrimination against people with 'protected characteristics' (i.e., Disability, Gender, Sexuality, Race, Gender Reassignment, etc) unlawful.
- It is discrimination and therefore unlawful to treat a Disabled person less favourably than a non-disabled person because of their impairment or anything to do with their impairment.
- Landlords also have a duty to make reasonable adjustments: [this is covered in our briefing on reasonable adaptations which you can access by clicking here.](#)
- Therefore, Disabled tenants can make discrimination claims or advocate for themselves using the Equality Act.

Some examples of victimisation include:

- A Deaf person makes a discrimination claim against their landlord for refusing to install a flashing doorbell. The landlord then tries to evict them for anti-social behaviour.
- A blind person asks their landlord to provide all letters in a digital format for a screen reader. The landlord does not do this, so the tenant makes a complaint. The landlord then stops doing repairs in a timely manner.
- In a shared property, with multiple tenants who are not related, a Disabled tenant makes a discrimination claim against their landlord. Another tenant in their house gives evidence in court for the claim, the landlord tries to evict them.

⁵ Legislation.gov.uk. (2010). Equality Act 2010. Available at: [Equality Act 2010 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2010/154) Accessed: 26/07/23

Taking Action

If a landlord is harassing a tenant, there are various things the tenant can do depending on how serious the situation is. If a landlord is threatening the tenant with violence, they should call the police.

Any tenant who contacts their council or takes their landlord to court should:

- Keep a good record of the harassment that has taken place.
- Take photographs of anything that could support the case.
- Ask the landlord to put all communication in writing and keep copies.⁸

Contacting the council

Each council should have a specific team that deals with illegal eviction and harassment.

Councils must try to stop illegal evictions if it will leave a tenant legally homeless. Being legally homeless means a person is homeless now, at risk of losing their home in the next 8 weeks or living in bad or unsafe conditions (due to violence or serious disrepair).⁹

Councils are able to:

- Negotiate with the landlord.
- Talk to the landlord about the tenants' rights.
- Tell the landlord they are breaking the law.¹⁰
- Start legal proceedings under the [Protection from Eviction Act 1977](#).
- In extreme cases where the property is in poor condition, the council can take over the management of shared houses.
- Landlords also have compulsory purchase orders (which means the ability to take land from the owner without their permission) where very bad harassment is taking place.

⁶ Legislation.gov.uk. (2010). Equality Act 2010. Available at: [Equality Act 2010 - Explanatory Notes \(legislation.gov.uk\)](#)
Accessed: 26/07/23

⁷ Legislation.gov.uk. (2010). Equality Act 2010. Available at: [Equality Act 2010 - Explanatory Notes \(legislation.gov.uk\)](#)
Accessed: 26/07/23

⁸ Harassment and illegal eviction. (unknown). Available at: [Harassment and illegal eviction \(towerhamlets.gov.uk\)](#)

⁹ [Who is legally homeless - Shelter England](#) Accessed on: 19/07/23

¹⁰ Shelter. (2022). Help from the council with harassment and illegal eviction. Available at: [Help from the council with landlord harassment and illegal eviction - Shelter England](#) Accessed on: 26/07/23

Legal action

If a tenant wants to take their landlord for court for harassment, they should seek legal advice first. This could be through a [local law centre](#), the [Disability Law Service](#) or a local [Citizens Advice](#).

[Tenants may be entitled to legal aid to help pay for a lawyer. They can check that by clicking here.](#)

A landlord who is convicted of an offence under the Protection from Eviction Act 1977 could:

- Have to pay a maximum fine of £5,000*
- Be sent to prison for six months
- If the case goes to the Crown Court, the punishment can be prison for up to two years.

Getting support from a union:

Often, it can be difficult to access legal aid, prove harassment or get support from local councils. Therefore, it is possible for tenants to come together as a collective to campaign for better housing conditions. There are some examples of such unions below.

London Renters Union (LRU)

- LRU are a renters union based in London only, they were formed as a coalition of various housing groups.
- Their aim is to ‘transform the housing system so that everyone has access to an affordable, secure and decent home’.
- They campaign to improve the housing system.
- They have a Disability Justice Caucus who meet monthly to discuss issues which specifically impact Disabled renters.¹¹

ACORN

- ACORN is national group who uses collective action to work within communities to campaign on certain issues – this includes housing. They have branches in London boroughs.
- They support tenants with housing struggles. Some of their work includes:
- Direct action to landlords.
- Local campaigning.
- Eviction resistance
- [Tenant support group \(click here\)](#).

¹¹ London Renters Union (n.d). How We Work. Available at: How we organise | London Renters Union Available at: Accessed 17.04.2023