

10 rights of private tenants

This factsheet looks at the law around discrimination from landlords and agents and what you can do challenge it.

It's against the law for a landlord or agent to discriminate against you because of your:

disability, gender reassignment, pregnancy or maternity, race including ethnic background and nationality, sex, sexual orientation, religion or belief

These are called your protected characteristics.

Direct discrimination

Direct discrimination is when you are treated unfairly (or less favourably than others) simply because of your protected characteristic. Sometimes it's obvious that your landlord or letting agent is discriminating against you.

Examples of direct discrimination

It is direct discrimination if a landlord or letting agent:

- rejects your application because you are disabled
- says they don't take tenants from your ethnic background
- refuses to rent to you because they think you are gay, irrespective of whether you are or not
- won't consider you as a tenant because you have friends or relatives with protected characteristics

Indirect discrimination

Indirect discrimination is when you are treated in the same way as everyone else, but this treatment has a particularly negative effect on you because of your protected characteristic, compared to others.

Examples of indirect discrimination

It could be indirect discrimination if a landlord or letting agent:

- won't rent to you because you need a work permit

This could be indirect discrimination based on race, because the policy disadvantages people who do need a work permit, for example some non-British nationals.

- has an absolute ban on pets and says you can't have a tenancy because you have a dog

This could be indirect discrimination based on disability, if you have a visual impairment and need an assistance dog.

- refuses to let to you because you are claiming benefits ('no DSS' policy)

'No DSS or benefit claimants'

Some landlords won't let to you if you are claiming welfare benefits. This policy may or may not be clearly stated. Receiving a welfare benefit is not a protected characteristic, so such landlords cannot be guilty of direct discrimination against you.

But there can be situations where this can be shown to be indirect discrimination. 'DSS' refers to the Department of Social Security, which was replaced by the Department for Work and Pensions (DWP) in 2001. The term 'no DSS' is still used to indicate that a person claiming benefits will not be considered.

Challenging a 'no DSS' policy

The courts have said that a blanket refusal to rent to people claiming housing benefit was against the law. The policy indirectly discriminated against women, because they are more likely to claim benefits than men. It also indirectly discriminated against disabled people because they are more likely to claim benefits than non-disabled people. If an agent or landlord won't let you view a property that you can afford to rent, and you think this is because you are claiming a welfare benefit, you can challenge this by using the letter on [Shelter's housing advice website](#). This letter explains the law around discrimination, the consequences of acting unlawfully, and could help persuade the landlord or agent to consider you as a tenant.

Further advice

You can get further advice from england.shelter.org.uk/housing_advice, local Shelter advice service or local Citizens Advice. If you have nowhere to sleep tonight, are at risk of harm or losing your home within the next 2 months, call Shelter Helpline on **0808 800 4444** for advice and information on your options.*

*Calls are free from UK landlines and main mobile networks.



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