

Disability Discrimination Legislation (*ref 23*)

- 1.** *The Disability Discrimination Acts* of 1995 and 2005 brought in new laws giving disabled people rights and sanctions against discrimination. The DDA makes treating disabled people less favourably than others, without justification, unlawful in activities such as buying goods, using services, finding somewhere to live and getting a job.
- 2.** Disability in this Act is defined as 'a physical or mental impairment, which has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities'.
- 3.** A 'long-term effect' is one that is likely to last for at least 12 months. The disability does not have to be physically apparent, but must affect peoples' daily activities in one or more of the following categories: mobility; manual dexterity; physical co-ordination; continence; the ability to lift, carry or move ordinary objects; speech, hearing or eyesight; memory, or the ability to concentrate, learn or understand; being able to recognise physical danger. It is, therefore, more likely that someone with a learning disability will be 'disabled' under the *Act's* definition than someone with a mental health problem where the prognosis and possibility of recurrence is uncertain.
- 4.** It is unlawful under the *Act* to treat a disabled person less favourably when they are buying or renting land or property. This applies to residential and commercial premises. The *Act* applies equally to landlords (but see next paragraph) and agents.
- 5.** Landlords who let out rooms in their own home to 6 or less people are exempt from the *Act*, i.e. they can discriminate and not be acting unlawfully.
- 6.** Discrimination takes place when a disabled person is refused the opportunity to buy or let because of their disability or when:
 - worse terms are offered;
 - waiting lists are manipulated to the disadvantage of a disabled person;
 - disabled people are unable to use some of the benefits and facilities of the accommodation;
 - a disabled person is evicted or placed at some other disadvantage;
 - consent to sub-let to a disabled person is refused.
- 7.** There are occasions when different treatment may be justified and lawful, when a health and safety issue is involved;
 - if the landlord or agent has reasonable grounds to believe that the disabled person cannot understand the nature of the contract;
 - access to a benefit or facility (e.g. shared kitchen) would mean that other people could not use it;
 - or offering a different way into the facility if this is necessary to gain access.
- 8.** There is no obligation to make alterations to assist access to rented or for sale property.
- 9.** The *Disability Discrimination Act 2005* created a duty on all public bodies to promote equality of opportunities for disabled people. Public bodies have to produce a Disability Equality Scheme explaining how they intend to fulfil their duties.

10. Discrimination is a civil, not a criminal matter (i.e. one that the police will get involved in). If people feel they have suffered discrimination they can take the matter up with a solicitor or get advice from the Equality and Human Rights Commission

Freepost MID 02164

Stratford upon Avon

CV37 9BR

08457 622 633

Website: www.equalityhumanrights.com

The main penalty for discrimination is cash compensation awarded through the civil court.

If you require further information or have other queries contact Housing Options.

Housing Options, Stanelaw House, Sutton Lane, Sutton, Witney, Oxfordshire, OX29 5RY, United Kingdom

Telephone: +44 (0)845 4561497 E-mail: enquiries@housingoptions.org.uk

Although we try to ensure that statements as to the law and other facts are accurate this report gives general guidance and does not aim to cater for individual cases. Housing Options and our sponsors cannot accept responsibility for any loss incurred as a result of relying on such statements, specific advice should always be obtained on individual cases.

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