

Equalities Act 2010

Unlawful To Refuse to Rent To Disabled Persons Due To DSS or Employment Status

1.0 Scope

This document forms a statement on the recently introduced **Equalities Act 2010** which became law on 1 Oct 2010. This document identifies that it is now *unlawful to refuse to rent accommodation to a disabled person, if the claimed basis for that refusal is that the disabled person is* “On DSS”, “Receiving Benefits” or “Not employed” or other similar condition, if they are subject to that condition due to their disability. For example, a disabled person typically has accredited proof that they are unable to work due to their disability.

For reference, the full text of the **Equalities Act 2010** may be obtained from:

<http://www.statutelaw.gov.uk/content.aspx?activeTextDocId=3698792>

2.0 Opinion Of The Equality and Human Rights Commission

Email communication from EHRC to author, 17/11/2010, EHRC Reference Number: 1-8340350, Ms M Johal, Helpline Specialist Advisor:

“...where you can show that you are in receipt of benefits due to your disability and are not being offered housing because of receipt of those benefits, then discrimination arising from disability could be argued...”

3.0 Statement Of The Law

The **Equalities Act 2010**, with regard to disability discrimination, states in sec 15:

Chapter 2 Prohibited conduct

15

Discrimination arising from disability

- (1) A person (A) discriminates against a disabled person (B) if—
 - (a) *A treats B unfavourably because of something arising in consequence of B's disability, and*
 - (b) A cannot show that the treatment is a proportionate means of achieving a legitimate aim.
- (2) Subsection (1) does not apply if A shows that A did not know, and could not reasonably have been expected to know, that B had the disability.

And with regard to providing a service, Part 3, Services and public functions, states in sec 29, 31

29 Provision of services, etc.

- (1) A person (a “service-provider”) concerned with the provision of a service to the public or a section of the public (for payment or not) must not discriminate against a person requiring the service by not providing the person with the service.
- (3) A service-provider (A) must not, in providing the service, discriminate against a person (B)—
 - (a) as to the terms on which A provides the service to B;
 - (b) by terminating the provision of the service to B;
 - (c) by subjecting B to any other detriment.

31 Interpretation and exceptions

- (1) This section applies for the purposes of this Part.
- (2) A reference to the provision of a service includes a reference to the provision of goods or facilities.