THE HOUSING GUIDE

FOR LESBIAN, GAY AND BISEXUAL PEOPLE





ABOUT THE AUTHORS

ALBERT KENNEDY TRUST (AKT)

For 20 years the Albert Kennedy Trust has supported young lesbian, gay, bisexual and trans people (16-25) who are homeless or living in a hostile environment often because they have been brave enough to come out to a parent or care giver.

Services include: placements with lesbian, gay, bisexual and trans carers, mentoring, accredited life skills training, help with finding accommodation and advocacy across Greater London & Greater Manchester. We also offer our Quality Mark training & audit nationwide to support best practice in working with lesbian, gay, bisexual and trans people.

For more information www.akt.org.uk

020 7831 6562 contact@akt.org.uk

STONEWALL HOUSING

Provides housing advice and advocacy to over 1,000 lesbian, gay, bisexual and trans people each year and supported accommodation in Greater London for lesbian, gay, bisexual and trans people aged between 16 and 25. The volume of calls and the life experiences that they

have gathered since 1983 from communities often ignored by other housing providers have been incorporated into major pieces of research on youth homelessness, lesbian, gay, bisexual and trans housing needs, hate crime, asylum seekers and HIV and housing and they frame the opinions they voice on the equalities boards of the Homes and Communities Agency, the Tenant Services Authority and the Mayor of London.

For more information

www.stonewallhousing.org 020 7359 6242 **020 7359 5767** (Advice line)

info@stonewallhousing.org

This guide has been commissioned by Stonewall. Stonewall is the lesbian, gay and bisexual charity in Great Britain. Stonewall runs a free info service for individuals, organisations and employers. Stonewall can't give legal advice or help you to pursue a case or complaint, but our trained volunteers and staff aim to put you in touch with the people that can. We can point people towards gay-friendly solicitors and local lesbian, gay and bisexual support groups and services. Our freephone Info Line on 08000 50 20 20 is open Monday to Friday, 9.30am to 5.30pm. You can send an email to info@stonewall.org.uk or write to us at Stonewall, Tower Building, York Road, London, SE1 7NX.









12

15

CONTENTS

INTRODUCTION

- 1 Looking for a home
- 2 Your housing options
- 3 Solving problems

- 4 What to do if you are in danger
- of being homeless 3 5 Housing law and policies
- 8 **6** Further resources 16

INTRODUCTION

This guide provides an introduction to housing rights for lesbian, gay and bisexual people. It provides information about renting accommodation, your rights as a tenant and what to do if you are at risk of becoming homeless or you are homeless. The guide will also be useful if you are a worker or a family member who is offering support to a lesbian, gay or bisexual person.

The guide provides some tips on staying safe and getting through the maze of putting a roof over your head. Often money and location affect your options for housing. This guide is designed to show you that whatever your situation you do have choices and you will not be treated differently because you are lesbian, gay or bisexual. If you think you are being treated differently contact Stonewall Housing, Albert Kennedy Trust or Stonewall's Information Service. We hope to see improvements to the rights and choices of lesbian, gay, bisexual and trans people over the next few years which will help you when accessing homeless or housing services. Contact us for more information.

For further, more detailed information, or more support see the list of resources at the back of this guide.

1: LOOKING FOR A HOME

When looking for somewhere to live, it's important to think about some key issues before you make the decision to move in. Paying for accommodation can form a significant part of your income so you therefore want to make the right decision about where you live. Don't rush in, and don't necessarily move in to the first property you see.

When looking at a property think about these key questions:

- How will you manage the cost of the mortgage or rent? What if your health or employment circumstances change?
- Who will pay the utility bills and council tax?
- Do you want to live alone, or with others? Does that make a difference to costs?
- Is there a private garden or outdoor space?
- Is the accommodation kept to a high standard?
- Is it too cold in the winter or too warm in the summer?
- Who is responsible for the repairs?
- How close are local amenities such as shops, religious venues or lesbian, gay, bisexual and trans venues?
- What are the transport links like?



- Are you allowed visitors?
- Are you allowed pets most landlords do not allow pets can someone else look after them?
- Will you feel safe in this home, and will it be secure when you are out?
- Will you feel safe in your neighbourhood during the day and night?
- Will your home meet your needs in the future? For example, your relationship may change, you may have children or other caring responsibilities.

If you have a social housing landlord:

- Is your social housing landlord friendly to lesbian, gay and bisexual people?
- Do staff ask about sexual orientation? Are they trained in equality issues? Do they mention lesbian, gay and bisexual issues in their publicity and policies? Are there ways for you to get involved in the management of the scheme?
- Does your social housing landlord provide safe ways to report hate crime, abuse or harassment? Does the local police force have a liaison officer for lesbian, gay and bisexual people?

You may think of other questions that are important to you, such as is the property accessible? Is it carbon-neutral? Or something else entirely. Before you look at properties think about what is important to you.

2: YOUR HOUSING OPTIONS

There are a range of housing options available to you. Below is a brief description of each type. Further information on each sort can be found via housing organisations, including Stonewall Housing, or your local authority.

1. Home buy

These are a range of low cost home ownership options so people can part buy and part rent their accommodation, with the more shares you buy the less rent you pay. You may also be able to rent it at below market rent to help you save to buy it, with loans available on a share of the property value. Some schemes may have long waiting lists or have eligibility criteria and priority may be given to people on local authority or housing association waiting lists. You will generally have the normal rights and responsibilities of a full owner-occupier. In particular, you will generally be responsible for the cost of repair and maintenance to your home, paid through a monthly service charge. It is important to check how much the service charge will be and bear in mind that most home buy schemes require you to provide a deposit on the amount of property that you are purchasing.

2. Tenancy

Most letting arrangements are tenancy agreements. People under the age of 18 are not legally able to hold a tenancy in their own name in England, but it may be possible to rent a place if you can get a 'guarantor' to sign for you. This means that they will pay the rent if you are unable to. If someone is given keys to a property and the owner accepts rent payments then a tenancy may come into existence legally, even if nothing is written down and you are friends with the owner.

Tenants have a right to enjoy the property as any owner would, free from unnecessary interference by the landlord.

TYPES OF TENANCIES

If you moved into the property before 15th January 1989 you may have a **Protected Tenancy**. This offers the most protection against rent increases or eviction.

Assured Tenancies allow landlords to charge a market rent. They offer some security in that as long as you do not break the terms of the tenancy agreement you may continue to live in the property.

Most tenancies since 1997 are **Assured Shorthold Tenancies** which usually has a fixed term, for 6 or 12 months. A landlord is entitled to end the tenancy after the fixed term ends – regardless of whether there are any rent arrears. If the tenancy isn't renewed it will run indefinitely until the landlord or tenant give notice, defined in the tenancy.

If meals or laundry service is provided in your room or you share the room with someone you did not choose then you may be a lodger with a **licence** agreement – you've been given permission to live there. This may be more affordable but landlords can give very short notice to leave.

Secure council tenants may be able to take lodgers but cannot rent a room ('sublet') without permission. Most private tenancies cannot sublet. Even home owners should inform their mortgage provider and insurance company before subletting.

Make sure you read the agreement before you sign it, and make sure you sign it before you move in.

Councils and Housing Associations can 'demote' tenancies – that is give a less secure tenancy – if there is a history of nuisance or anti-social behaviour. They can also give tenants a 'starter' or 'probationary' tenancy. This means that for the first six months or year you will have a more flexible tenancy that is normally turned into an assured tenancy after the probation period.

3. Landlords

There are several different sorts of landlords:

Council: councils now mostly operate choice-based lettings schemes which allow people to apply for available accommodation advertised in local press or via a website. The successful bidder is the one with the highest priority under the scheme. In many parts of the country arms length management organisations (ALMOs) have been set up to take over the running of the housing service on behalf of councils.

Housing association: Registered Social Landlord (RSL) is the technical name for a social landlord who is registered with the Tenant Services Authority. Most are housing associations which vary in size but all re-invest any surpluses back into their organisation. There are also trusts, co-operatives, almshouses and companies. You may be able to contact housing associations directly to find out how they let their housing or be 'nominated' by your council. Some specialise in providing housing for people with support needs.

- All housing associations must have written policies on the type of housing services they provide, who can apply for housing, how applications will be considered and appeals can be made. You can ask to see these policies.
- If you refuse to accept an offer of accommodation this may lead to a penalty, for example suspension from the waiting list for a period of time.

Private: Private landlords will normally rent their property at the market rate and ask for a deposit in advance, refundable at the end of the tenancy. Their right to increase the rent depends on the type of tenancy. You can contact your local council to see if they have a list of accredited landlords in your area and search for a registered letting agent. Rent Deposit Schemes may be available for you, but again many have strict criteria on who can and cannot apply. Rent Deposit Schemes help low-income individuals, who cannot afford the initial outlay of an advance rent and deposit payment, to access homes in the private rented sector.

Please note the landlord may need to have a licence if the building or numbers of tenants are large.

4. Housing options for younger people

There are some supported lodgings and supported housing specifically for lesbian, gay and bisexual people (and trans people) under 25. Stonewall Housing provides temporary supported accommodation for lesbian, gay, bisexual and trans people aged between 16 and 25 years old. Albert Kennedy Trust has a limited number of placements with lesbian, gay, bisexual and trans carers. They provide a safe home and support to young people (16-21) who are homeless. Carers can provide a placement for a couple of weeks or up to 18 months, depending on what you need to get back on your feet before returning home to your parents or finding your own place.

Albert Kennedy Trust Carers are specially trained to help young people who are coping with the effects of homelessness or being rejected by their parents and friends. Albert Kennedy Trust is a registered Supporting People service provider for the North West.

Albert Kennedy Trust may be able to help through loaning you the money for a deposit, buying your furniture or doing your first weekly food shop. In some cases, they may be able to help with funding and covering the cost of a couple of nights in a youth hostel.

5. Housing options for older people

Many care and support services are available to allow people to stay longer in their own home. Organisations are exploring the development of services for older people, but nothing has been specifically developed yet for older lesbian, gay and bisexual people who need care or support services.

Sheltered or retirement housing: This is housing for older people with associated facilities and services. It can be rented or you can purchase self-contained accommodation with some communal facilities, social activities and some services, including staff. This means there may be additional service charges.

Assisted living: This is a form of "housing with care" designed for older people. This is a more intensive level of support for people who need personal care, for example, assistance with dressing, feeding, washing or toileting, as well as advice and psychological support or support with staff 24 hours a day.

Care Home: There are different types of care homes. Some offer full-time nursing care, others support people with a specific disability or medical need. Sometimes, care homes can be expensive and you may need to meet some of the cost of your care, though this doesn't always mean you have to sell your home.

3: SOLVING PROBLEMS

Even if you've chosen the most perfect place to live, problems can still crop up for people. This section details what you can do in certain circumstances.

1. Moving house

You may decide that you want to leave your current accommodation. This can be expensive – finding a deposit and help with moving. Some people may be eligible for support through the Rent Deposit Schemes or friends and family may be able to help. If you're living in social or council housing it may be possible to find a council or housing association house in another area through mutual exchange – where you swap your property with someone else who lives in social or council housing. You may be able to get financial support through the Social Fund, companies can help you pack and move or charities can help with furniture. People who help you move should not discriminate against you because of your sexual orientation. This is unlawful.

2. Problems with landlord or tenant

Sometimes tenants experience problems with their landlord. There are clear rules and regulations placed on landlords and clear responsibilities placed on tenants.

Landlords must ensure that:

- Accommodation can be lived in
- Repairs are carried out
- All gas and electrical appliances and installations are maintained in good order
- There are adequate means of escape, depending on the size of the property
- There are smoke alarms and fire extinguishing equipment if necessary and fire-resistant furniture



Landlords cannot:

- Change locks or exclude an occupier before the licence or tenancy ends. They also have to obtain a court order.
- Be violent or threatening. If this happens, call the police.

Tenants must:

- Pay rent. (Remember that if one person leaves a shared flat the other tenants may be liable for their share.)
- Not cause a nuisance
- Take care of the accommodation
- Inform the landlord about any work that needs to be done to the property.

3. Difficulties in paying accommodation costs

If you are struggling to pay your mortgage or rent then speak to your mortgage lender or landlord at the earliest opportunity so you can agree a payment plan. Do not ignore any payment problems as you may lose your home. There may be mortgage support options or you may get Housing Benefit if you pay rent and your income and savings are below a certain level. If you rent from a private landlord, you may be entitled to receive Housing Benefit. How much depends on the Local Housing Allowance rate.

This is calculated each month for individual areas, and is known as Broad Market Rental Areas. The Local Housing Allowance rate for each property size is based on the 'middle of the range' rental figure for the area. Exactly half of the rental properties of that size in the area will be affordable if you claim Housing Benefit under the Local Housing Allowance rules.

You may get Council Tax Benefit if you pay Council Tax and your income and capital (savings and investments) are below a certain level. You may apply whether you rent or own your home, or live rent-free. You could qualify if you are out of work, or in work and earning a wage. You must keep the local Housing Benefit Department informed of any change of circumstances at the earliest opportunity to prevent any overpayments, or in some circumstances you can ask Housing Benefit to go to the landlord directly. Keep all correspondence in case there is ever a dispute.

4. Getting your deposit back

The Tenancy Deposit Scheme protects tenants' deposits which are taken by private landlords against possible damage to the premises at the start of a tenancy. Within 14 days of signing a tenancy, the landlord or agent should give you details about how your deposit is protected. At the end of the tenancy, if the property is in good condition, allowing for wear and tear, and rent is up to date then the deposit should be returned within 10 days. If not, the court can award up to three times the deposit amount in damages.

5. Problems with neighbours

Neighbours can be anti-social and lesbian, gay and bisexual people can experience homophobia from people who live near them. Homophobic language and abuse is unacceptable and you do not have to feel unsafe in your home. If you feel threatened or unsafe call 999.

If you are experiencing anti-social behaviour the first step is to discuss your concerns with the person who is responsible for the behaviour. If you do not feel able to do this face-to-face, write to the person and make sure you keep copies of the letter. It is important to establish the facts – make a record of the harassment, noise or other anti-social behaviour. Report it safely through a third party reporting site. Similarly, contact your landlord if you have a dispute with a neighbour, as the landlord may be able to resolve the issue through mediation.

If you cannot resolve a dispute amicably it is important that you keep evidence of every incident. This includes incidents where a neighbour uses homophobic language. Even if it may not seem significant at the time, it's important to keep a record. Make sure you record the facts about a situation, the time when the incident occurred and any details about the incident. You may want to involve others. Most local authorities have neighbour conciliation and mediation services. If you are experiencing homophobia, your local police force may be able to help – particularly if they have a lesbian, gay, bisexual and trans liaison officer or through a safer neighbourhood team. You should be able to find your local services through your local council website.

6. How to make a complaint

All housing associations and local authorities have a complaints procedure. If you are not happy with a decision, the service or the way you have been treated, you should contact their complaints department to make a complaint. This complaint should be treated as confidential. If you are not happy with the outcome you can refer your complaint to the Local Government or Independent Housing Ombudsman, which accepts private landlords as members also. The council may be able to help you with a complaint against a private landlord.

7. Domestic abuse

If you are experiencing domestic abuse and want to leave or make the abuser leave you may have a number of options under civil and/or criminal law. This depends on who has ownership or tenancy rights to the property, whether you are civil partners, and what kind of tenancy you have. Your council may operate a Sanctuary Scheme. This is when they upgrade the security of your home so you can remain there. You may

be eligible for emergency accommodation, such as a refuge, or safe house for people escaping domestic abuse. Unfortunately, there are very limited emergency options for gay, bisexual and trans men. More details can be found in Stonewall Housing's 'Housing Guide for LGBT people experiencing domestic abuse'.

Please note though, if you apply to a local authority for emergency accommodation and move into emergency accommodation, you should never give up your previous tenancy until you are offered a replacement tenancy, as your council may consider you intentionally homeless. Fleeing domestic abuse or harassment does not make you intentionally homeless. If you are fleeing abuse, the council should not try to contact your abuser to question the reason you left.

8. Death of a partner

If your civil partner dies you should automatically inherit at least part of anything that they owned, but children and other close relatives may also have an interest. If you rent a property, the tenancy of the property should pass to you but even if you are in a civil partnership, it is strongly advisable to make a will.

Cohabiting couples should make wills to ensure the other partner inherits. Tenancy succession is the process for 'passing on' a secure or assured tenancy to another person when a tenant dies. The basic rule is that you must have been living with the deceased for at least a year before their death, be a partner/member of the family and that the property has not previously been succeeded to. However, tenancy succession rules are quite complicated and you should always check the tenancy agreement and call Citizen's Advice Bureau or Stonewall Housing for advice.

9. Disabled people

If you need to make an adaptation to your home owners, landlords, tenants and licensees can claim for a means tested Disabled Facilities Grant or relocation grant from the local council if you, or someone living in your property, is disabled and they need adaptations to improve freedom of movement around your home and/or to provide essential facilities within it.

If you need support you may be eligible for this in your own home or in supported accommodation such as a hostel or other specialised supported housing. The support can be short term or long term but you may have to contribute towards the cost. You are entitled to be treated equally by anyone who provides support; carers are not allowed to discriminate on the grounds of sexual orientation.

10. Asylum seekers

If you are an asylum seeker or refugee, you may be able to find emergency



accommodation in hostels, refuges and in some cases, via the council. If your application for indefinite leave to remain has been turned down or you have overstayed a visitor's visa your housing options will be severely limited.

If you are a civil partner of a British citizen, you may have 'no recourse to public funds' on the understanding that your partner financially supports you. This may make it more difficult to get access to refuge accommodation.

4: WHAT TO DO IF YOU'RE IN DANGER OF BEING HOMELESS

We hope it will never happen but over 149,800 households registered as homeless in the UK in 2008 with a further 400,000 'hidden' homeless people (Crisis). As indicated below, your age can be a deciding issue in terms of what support you can expect from a homeless person's service.

THE DEFINITION

The law states that you are considered homeless if you:

- Have no accommodation you have a right to live in
- Have accommodation but you can't gain entry
- You are unable to continue to live in your accommodation (for example if you have been threatened with or have experienced violence at home, or if it is too costly)

FIRST STEPS

If you are homeless, or are likely to become homeless, you may be able to get help by approaching your local authority for emergency accommodation. If you want help with this call Albert Kennedy Trust or Stonewall Housing (details at the back of this guide).

You will need to make a Homelessness Application to the Council. Tell them you want to make a Homelessness Application and let them know if you need assistance, for example, if you need an interpreter. Take someone with you for support.

Here's a brief explanation of the five tests they will use to assess whether you are eligible to be offered permanent accommodation:

1. Are you homeless or likely to become homeless?

The first thing they will want to establish is whether you actually are homeless or in danger of becoming homeless, so make sure you explain your situation fully including information about problems at home because of your sexual orientation.

2. Eligibility

Each authority will have a process to assess whether you are eligible for assistance. This varies between local authorities but it is a way of ensuring that those most in need receive support.

3. Priority need

This is often viewed differently by individual housing teams, but basically for a local authority to view your claim as in priority need, which entitles you to temporary emergency accommodation whilst you claim for housing is assessed, you need to be either:

- 16-17 years old (except children who social services have a responsibility for) Or
- 18-20 year olds who have been in care after their 16th birthday Or
- A parent with a dependent child or are pregnant

You might also be considered if you are viewed as 'vulnerable' (e.g. have mental health issues, a physical disability). Leaving home because of abuse or violence is also recognised. So if you are fleeing violence or abuse from someone at home because you are lesbian, gay or bisexual you may be able to claim priority need. Many councils, however, do not accept single people fleeing violence or harassment as priority without another vulnerability. Being HIV positive does not mean you will be assessed in priority need. This may only be the case if you are symptomatic or suffer from drug side-effects.

At this point, if you pass the first three tests you will be given temporary accommodation, such as a room in a Bed & Breakfast.

4. Local Connection

Your local authority will want to know if you have close family, employment, have lived for a period of time (usually 6 months continuously) in their area. You do not need a local connection to an area if you are fleeing abuse or violence.

5. Are you intentionally homeless?

Whether you are assessed as unintentionally homeless (i.e. homeless through no fault of your own) is a complicated area and it's best to seek help from an organisation about this. Being lesbian, gay or bisexual does not in and of itself make you a priority for homelessness services so ensure you include all the key facts which led you to become homeless.

If you make an application for housing the council has to respond in writing within 33 days explaining its decision. If they refuse to help, you can ask for a review. Often it takes up to 56 days, so be prepared for this.

Who is not eligible for support from the Local Authority?

- Asylum seekers
- People on temporary visas
- People not normally resident in the UK

If you are lesbian, gay or bisexual and fall into one of these groups you can contact: UK Lesbian & Gay Immigration Group. Details at the back of this guide.

OTHER OPTIONS*

■ Emergency hostels

For many hostels and other forms of emergency accommodation you may have to be referred by another organisation. So it's always best to start there before turning up at hostels. Contact Stonewall Housing or Shelter for more information. There are fewer dormitories now and it is best to contact an agency for more advice first.

■ Homes with lesbian, gay or bisexual carers

Albert Kennedy Trust offer limited placements for 16-21 year olds in Greater Manchester and Greater London. They can also refer you to gay friendly organizations. They offer a limited number of emergency support packs including: toiletries, some financial help with travel, food and emergency accommodation.

■ Emergency homes with non-lesbian, gay and bisexual carers

DePaul Nightstop UK have a network of organizations offering short-term accommodation to homeless young people, aged 16-25, in the homes of approved volunteers www.depaulnightstopuk.org

*For more information see contact list

TIPS

- Ask the advice of one of the organisations in our contact list before you turn up at the council's homelessness service. They may even be able to come with you and act as an advocate.
- Make sure you give the full story. If you are fleeing homophobic abuse from a family member or partner make sure the council knows this.
- Gather together all the personal ID you have. You will need it whether you are making an application or turning up at a hostel.
- Stay safe and avoid confrontation on the streets.



5: HOUSING LAW AND POLICIES

There are a series of laws and policies that protect you as a lesbian, gay or bisexual person seeking accommodation. This section provides some details about those laws.

The Equality Act (2006) means that councils and housing providers cannot refuse to serve lesbian, gay and bisexual people or offer them a service of lesser quality than that provided to heterosexual people.

Civil Partnership Act (2004) extends matrimonial rights to registered civil partners in areas of property disputes and housing succession as well as benefits, pensions, inheritance and children.

There have been many acts of parliament concerning housing and homelessness over the past 30 years as well as numerous case laws which all impact on the housing needs of lesbian, gay and bisexual residents. For example, these define how councils measure overcrowding and manage anti-social behaviour. The laws have also extended the Right to Buy scheme for social housing tenants and introduced Home Information Packs, which are compulsory for most homes on the market. For more details on how the law may affect you contact Stonewall Housing.

Councils should have a leaflet explaining how they allocate housing and how you apply. Applying to the housing waiting list is not the same process as making a homelessness application when you need emergency housing. Residents in housing need may be eligible to add their names on a council housing list or housing register, but waiting lists can be very long and not a practical solution if your situation is urgent.

6: FURTHER RESOURCES

Stonewall Housing (Greater London) Supported tenancies and housing advice helpline

www.stonewallhousing.org 020 7359 5767 / 020 7359 6242 info@stonewallhousing.org

Albert Kennedy Trust

(Greater London & Greater Manchester) Homes with carers, mentoring, training and advocacy. Some specialist projects

www.akt.org.uk 020 7831 6562 / 0161 228 3308 contact@akt.org.uk

Stonewall (nationwide)
For information on your rights and help
with finding local services

www.stonewall.org.uk 08000 502020

(Monday to Friday 9:30am to 5:30pm)

info@stonewall.org.uk

Shelter

Information on emergency accommodation, legal and housing advice www.shelter.org.uk

0808 800 4444

DirectGov

A Government run website that provides information about all public services including details on your housing rights and responsibilities.

www.direct.gov.uk

Citizen Advice Bureau (CAB)

The Citizens Advice service helps people resolve their legal, money and other problems by providing free information and advice. The CAB has offices across the country.

You can find details for your local branch on their website

www.citizensadvice.org.uk

Connexions Direct

Offers information and advice to 13-19 year olds on housing, careers, learning, health, work, money and relationships. They provide free and confidential support via telephone, email or an online advisor.

www.connexions-direct.com 0808 001 3219

UK Lesbian & Gay Immigration Group

Offers information and advice to those seeking asylum who identify as lesbian, gay or bisexual.

020 7922 7811 (Monday 10-2pm, Tuesday, Thursday and Friday 10-4pm) **www.uklgiq.orq.uk**









