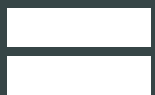




Your rights to accessible and adaptable housing in England

A guide for disabled people and
the organisations that support them



Equality and
Human Rights
Commission

Imogen Blood &
Associates

Contents

| | |
|------------------------------------------------|-----------|
| Section one: Private renting in England | 3 |
| Introduction | 4 |
| Variations within the private rented sector | 5 |
| Finding the right property | 6 |
| The letting process | 8 |
| My rights and responsibilities as a tenant | 9 |
| Making adaptations to a property | 10 |
| Dealing with problems in your tenancy | 15 |
| Paying for my home | 19 |
| Places to get advice and support | 20 |
| Section two: Social housing in England | 22 |
| Introduction | 23 |
| Finding a suitable property | 27 |
| Finding an adapted or accessible property | 30 |
| Your rights as an existing tenant | 31 |
| Paying for social housing | 36 |
| Section three: Adapting my home | 38 |
| What is a 'home adaptation'? | 39 |
| What is 'occupational therapy'? | 45 |
| Requesting adaptations and common parts | 47 |
| Frequently asked questions | 48 |
| Places to get help | 50 |
| Further reading | 51 |
| Contacts | 52 |



Section one: Private renting in England

In this part of the guide, you will find information and tips on renting from a private landlord or from a letting agency.

| | |
|---------------------------------------------|----|
| Introduction | 4 |
| Variations within the private rented sector | 5 |
| Finding the right property | 6 |
| The letting process | 8 |
| My rights and responsibilities as a tenant | 9 |
| Making adaptations to a property | 10 |
| Dealing with problems in your tenancy | 15 |
| Paying for my home | 19 |
| Places to get advice and support | 20 |

Introduction

What is ‘private renting’ (also known as ‘the private rented sector’)?

Private renting is when your landlord is an individual or a private company, rather than a ‘social’ or not-for-profit landlord, such as a housing association or council. However, the market is becoming more mixed.

Key features of private renting

In many parts of the country, there are relatively few social properties available, and increasing numbers of people are renting from private landlords. Renting from a private landlord is different to renting from a social housing provider in several ways:

- There are lots of homes available to rent privately. That gives you a good chance of finding a home where you want to live, e.g. near to your family and friends, schools, work, or health facilities.
- You will usually be able to find a property more quickly: this is helpful if you need to move to a new area to start a course or a job, or you need a place temporarily while you wait for social housing or save up to buy a property. If you are homeless, the council may well place you in private rented property – at least temporarily, or even permanently.

However, you should also be aware that:

- The rent is likely to be higher than in the social rented sector.
- If you are entitled to either Housing Benefit or the housing element of Universal Credit, you can use this to pay your rent; however, it may not cover the full cost. We discuss this in more detail in [Paying for your home](#).
- It can be more difficult (but may be possible) to make changes to a private rented property so that it meets your needs. We discuss this in more detail in [Making adaptations to a property](#) and [Section three: Adapting my home](#).
- There is less ‘security of tenure’ – in other words, it is easier for your landlord to ask you to move out, even if you have been a good tenant. We discuss this in more detail in [Eviction by a landlord](#).

Variations within the private rented sector

What is a letting agency?

Some private landlords use a 'letting agency' to manage their properties. They act as a 'go-between': sometimes just to find tenants and set the tenancy up; sometimes to provide ongoing management, in which case they will be your first port of call if there are any problems with the property after you have moved in.

Sometimes the letting agency is 'social', i.e. not-for-profit. Some housing associations run a social letting agency and may manage properties on behalf of private landlords. We talk more about letting agencies under [the lettings process](#).

What is 'affordable housing' or 'intermediate market rent'?

Increasing numbers of (especially new-build) housing association properties are let as 'affordable' rather than 'social' housing. The rent is referred to as 'affordable', but it is set at a higher level than would normally be charged for social housing. The landlord can charge up to 80% of what it would cost if you were renting the property privately (inclusive of any service charge that may be payable). The extra money housing associations make from this goes towards building new social housing.

Some of this housing is designated for people who are not on benefits but cannot afford to buy a property. The idea is that they can save the money they would have spent renting privately for a deposit to buy a property, usually through the [Help to Buy](#) scheme. This is particularly common in areas where houses are very expensive.

Other social landlords offer private rented properties (i.e. with assured shorthold tenancies – see [My rights as a tenant](#)) and at full market rent. Some have special packages for 'key workers' (people who provide an essential service in the public sector, such as those employed in the NHS).

You can check whether housing association schemes are members of [The National Approved Letting Scheme](#) (NALS).

Can you rent specialist housing for older people privately?

Retirement living properties, which usually have above-average accessibility and may benefit from on-site support and care, are an option for disabled people aged 55 and over. Normally you would apply via your council to either rent (social rent) or buy a leasehold property. However, there is also an emerging private rent market for these properties, either from individuals who own them, or from providers themselves.

For more information, browse the [Housing Learning and Improvement Network's](#) (LIN) dedicated webpage on private renting and housing for older people.

Finding the right property

Despite the number of properties available to rent at any time, it can be challenging to find somewhere that meets your access requirements – or even to find out whether a property does or does not meet your access requirements. This is especially true if you need somewhere that is fully wheelchair-accessible. There is not a one-stop-shop where you can find an adapted or accessible property, and use of terms like ‘accessible’ are not always consistent.

Many private landlords and letting agencies advertise available properties online, using the rental pages of websites such as Zoopla and Rightmove. However, these websites don’t currently allow you to search for accessible properties or particular access features. Rightmove can filter searches for bungalows, but these may or may not be fully accessible. [The House Shop](#) and [Accessible Property Register](#) are set up so that landlords can upload more specific information about access; but at the time of writing, there were very few rental properties available. Some individual landlords use [Gumtree](#), and accessible properties to rent are sometimes featured.

It is likely that the information provided on websites will be basic or that the photographs may not give enough detail on the level of accessibility around the property. In order to find out more about the property, contact the landlord or letting agency.

It can be a good idea to contact letting agencies that operate in the area you want to live and explain your access requirements to them. You could search for an [Association of Residential Lettings Agents \(ARLA\)](#) Propertymark Protected letting agent.

They may be able to identify potential properties for you and let you know as soon as they become available – though you may need to build this relationship and check in with them regularly. You should also be aware that letting agencies’ loyalties ultimately lie with the landlord, so do not expect them to give you completely impartial advice.

? Did you know

They **must** by law make their application processes (e.g. any forms you need to complete) accessible to you.

There are also some companies who specialise in finding accessible properties – again, check that they are registered with ARLA. In some areas, there are ‘social’ (not for profit) lettings agencies and the criteria for using these agencies varies. For example, sometimes you need to be homeless and referred by the council – but it is worth finding out. Your council will be able to advise.

You should also speak to the housing options team at your council if you have not already done so. If you are at risk of homelessness or your current property is so unsuitable for your needs that you could be described as effectively homeless, they should help you consider your housing options in both the social and private rented sector. They may be able to refer you to a social letting agency or give you a list of private letting agencies operating in your area. Even if your housing needs are not so urgent, they may still be able to give you some pointers on trying to find an adapted or accessible property locally, and/or accessing funding locally to help meet the cost of adaptations.

Arrange to view any properties that sound promising to see if they actually work for you.

! Top tips

- It is a good idea to take someone with you when you go to view a property – it could be a friend or family member, someone from a local disability group or charity, or an occupational therapist.
- Don't forget to look at the outside of the property and its immediate vicinity: where will you park and/or access public transport? Are the footpaths and crossings accessible to you? Is the area well-lit and does it feel safe at night?
- Remember, if a property does not completely meet your housing needs, it may be possible to make adaptations. See [Making adaptations to your property](#).



The lettings process

Pre-tenancy checks

Before you can rent a property, you will need to show your passport or another document that demonstrates you have a right to rent in the UK. For a list of suitable documents [click here](#).

The landlord or letting agency want to be sure you will be a good tenant. There are various ways of doing this, and some are more flexible than others:

- You may be asked for references from current or previous landlords, employers, or someone else who can vouch that you will be a good tenant.
- You will probably be asked for evidence that you can afford the rent, e.g. benefit letters, payslips/work contracts, bank statements (make sure you hide the account number).
- They will usually want to run a credit check.
- Alternatively, you may be able to use a 'guarantor' – this is someone who signs to say they are willing to pay the rent if you do not, and is usually a family member who will need to meet certain financial criteria themselves.

You can find more detailed advice on the Citizens Advice [website](#).

Payments at the start of the tenancy

You will generally need to pay your rent monthly and in advance. This means you will need to pay a month's rent upfront. At the start of the tenancy, you will also often need to pay the landlord a sum of money called a 'deposit'. This is to protect them against the risk of you damaging the property and/or leaving without paying the rent.

The landlord **must** put this in one of three government-backed 'tenancy deposit schemes' within 30 days. These schemes will make sure you get all your deposit back at the end of the tenancy, provided you keep to your side of the tenancy agreement.

We talk more about deposits in [Getting my deposit back when I move out](#).

It is possible that you will be able to get help with the payments at the start of a tenancy, through a rent deposit, bond and guarantee scheme run by a council, housing association or charity. Most of these are given to people who are homeless and/or 'vulnerable', so you will need to be in urgent housing need. You could check Crisis's [Help to Rent](#) database to see if there are any schemes in your area, though you will need to check with the local scheme to find out if you are eligible.

How to rent guide

It is now law for your landlord (or letting agent) to hand you a copy of the [How to rent](#) guide at the start of the tenancy.

This outlines what you and your landlord should expect from each other. It contains important information, such as:

- questions to ask once you have found a property
- how to navigate the ending of your tenancy
- what to do if things go wrong.

My rights and responsibilities as a tenant

The tenancy

The tenancy is the contract between you ('the tenant') and the person who owns the property ('the landlord'), which allows you to live in it.

The tenancy sets out the rights and responsibilities of both the tenant and the landlord.

We focus here on your rights, but you also have responsibilities: most notably, to pay your rent on time and to keep the property in a reasonable condition. The tenancy should state the amount of rent due, when it should be paid and how long the contract lasts.

Most private tenants have an 'assured shorthold tenancy'.

Since housing law has changed over time, if your tenancy started before February 1997, you should check what kind of tenancy you have. It should say on the tenancy document you have from your landlord. You may have an assured or protected tenancy, in which case you have slightly different rights. See the Citizens Advice [website](#) for more details on this.

The UK Government has produced a [model tenancy agreement](#). Landlords don't **have** to use it but it is free to use, so you could suggest this (or compare and check against the tenancy agreement you are issued with).

Your tenancy may also include an 'inventory' – this lists any furniture and fittings that are provided with the property and the condition they are in at the start of the tenancy. You should agree this carefully at the outset with the landlord/letting agency.

If you ask your landlord to provide the tenancy document in a version that is accessible to you (e.g. braille, audio, large print, easy read, another language) they **must** (under the Equality Act 2010) do so. Everyone should have the opportunity to ask questions about their tenancy at sign-up, whatever their access and communication needs.

The landlord's key responsibilities are to:

- keep the property safe and free from health hazards
- make sure all gas and electrical equipment is safely installed and maintained
- provide an Energy Performance Certificate for the property
- protect your deposit in a Government-approved scheme
- check you have the right to rent your property (i.e. on the basis of nationality/immigration status), and
- provide you with a copy of the 'How to rent' checklist and guide.

NB: [The Housing Act 1988](#) sets out the legal framework for private renting in England.

Making adaptations to a property

If you are finding it difficult to access basic facilities in your home or feel unsafe getting around your property, you may benefit from a home adaptation. Aids and adaptations are not only for people with reduced mobility; they may also help people with sensory impairments, dementia or mental health conditions. They could range from a small piece of equipment or technology right through to a major structural change, with the aim of improving your independence, confidence and privacy. If you live in a block of flats with some communal facilities, your landlord can make 'reasonable adjustments' to improve access to and within communal areas.

In this section, we present short case studies to explain your rights to make adaptations and 'reasonable adjustments' to your privately rented home and the communal facilities that come with it.

In [Section three: Adapting my home](#), we describe the process of applying for adaptations to a private rented property in more detail. In summary:

- If equipment or an adaptation costs less than £1,000, your council (or in some cases the NHS) should provide this for free. You will need to get the permission of your landlord to make a change to your property, but, under the Equality Act 2010, they cannot refuse unless they have ‘reasonable grounds’ for doing so. Examples of things to look at to decide whether your landlord has a good reason for refusing an adaptation include:
 - > the type and length of the letting
 - > your ability to pay for the improvement
 - > how easy it is to make the adaptations (and how easy it would be to undo them), and
 - > the extent of any disruption and effect on other occupiers.
- If the adaptation costs more than £1,000, you will need to apply for a Disabled Facilities Grant (DFG) from your local housing authority. DFGs are generally means-tested but the council cannot refuse this solely because you are a private rented tenant, if you and your landlord are willing to confirm that you plan to stay in the property for the next five years. This is confirmed by the tenant and owner submitting a ‘tenant’s certificate’ and an ‘owner’s certificate’ respectively.

There is a case study covering this topic, which was upheld by the Local Government Ombudsman. See their report [‘Making a house a home’](#) for more information.

Case study

Adapting the door entry system for a tenant with a hearing impairment

Ahmed rents a flat from a private landlord. When someone visits him, the buzzer sounds in his flat but he cannot hear it. He asks his landlord to adjust the system so that a light flashes as well. He can request that his landlord does this as a reasonable adjustment under the Equality Act 2010.

There is further information about this on the Citizens Advice [website](#).

? Did you know

There are exceptions where the landlord can refuse to make the improvements, particularly if you are renting a **room in a shared house**, for example if:

- the property you are renting has been the main home of the landlord
- you share facilities such as the kitchen, bathroom or living room (the exception does not apply when you only share access to the property or storage areas)
- the landlord or landlord's family member lives in the property, or
- the property is not large enough to accommodate more than six lodgers or two separate households.

At the moment, the Equality Act 2010 does not require the landlord to make **structural changes** to your property, or the 'common parts' of a block of flats.

Case study

Widening doors to access the communal gardens in a block of flats

Sally is a wheelchair user and rents a ground floor flat. The block of flats has a communal garden, which is accessed by a side door. However, the door is not wide enough for Sally to go through in her wheelchair. Sally would like to use the garden – in the summer, some of the other tenants organise barbeques in the garden, which Sally is not able to attend. But the landlord has refused, saying that this is not essential work.

Can Sally's landlord legally refuse her access in this way?

This is a complex and contested area, and one that the Government is currently reviewing. In March 2018, it was announced that the part of the Equality Act 2010 that relates to this will – finally – be brought into force, though there is currently no indication of the timescales. If and when this happens, the owner or manager of the block will be required to make adjustments to the physical structure of the 'common parts' of the building if the tenant requests this and if this is 'reasonable'.

They should consult other leaseholders/tenants in the block and get quotes to do the work. They could ask Sally or her landlord (if different from the owner of the whole block) to pay for or make a contribution to the work if it is going to cost a lot (relative to the size of the landlord's business and its turnover). An assessment of 'reasonableness' will also depend on how long Sally is likely to stay living in the block, the impact on Sally of not being able to use the garden, and the impact the works will have on the property and the other residents.

Case study

Use of disability 'equipment', including a guide or assistance dog in a private rented property

Jim rents from a private landlord. He is registered as partially sighted and, due to a gradual decline in vision that is affecting his mobility, he has been matched with an assistance dog. Jim's private landlord initially advertised the property as 'no pets' and when informed by Jim of his change in circumstances, the landlord refused to allow him to keep the assistance dog in the property.

Can Jim's private landlord legally refuse to have an assistance dog in the property, especially since the property was initially advertised as 'no pets'?

No. Jim's landlord will be breaking the law if he refuses Jim the right to have an assistance dog at his property. The landlord would be in breach of the Equality Act 2010, which states that private landlords must make 'reasonable adjustments' for disabled tenants. This includes assistance dogs since they are not legally classified as 'pets' but as 'mobility aids'. The landlord must also allow Jim any reasonable adjustments to ensure the welfare of his assistance dog, such as a designated area in the garden for a spending pen, for example.

The same would also be true of any other minor adaptations, such as:

- a temporary ramp for wheelchair access, or grab-rails
- a flashing doorbell
- applying Braille labels or using different coloured paint or fluorescent strips to differentiate stairs, doors and emergency exits.

Jim's private landlord has agreed that an assistance dog can be kept in Jim's property. However, the landlord is concerned that the assistance dog may cause damage to the property and suggests that routine inspections carried out by the letting agency on the landlords' behalf must be increased to every six weeks. In addition to this, the landlord asks Jim to pay an extra £200 into the deposit Jim has paid at the start of the tenancy to cover any cleaning associated with the assistance dog when Jim vacates the property.

Can a private landlord and letting agency increase property inspections in order to monitor cleanliness of an assistance dog?

Yes, a private landlord has a responsibility to check and make repairs in your home, particularly where not doing so might be a matter of health and safety or welfare. This is likely to be an example of 'reasonable grounds' under the Equality Act 2010.

Your landlord must allow you to enjoy your home, however, and cannot unnecessarily interfere in your home or harass you. Your landlord **must**, by law, arrange with you in advance to enter your property; they cannot enter the property without your permission or without a Court Order permitting them access, for example, to enable them to carry out gas safety checks.

Can a landlord ask a tenant to pay additional fees or deposit in case of necessary cleaning associated with the assistance dog once the property is vacated?

Under current legislation in England,¹ the landlord can ask you to pay additional fees or deposit to cover any damage that may happen to the property as a result of owning an assistance dog **or other mobility aids or equipment**, if the existing deposit would be inadequate to cover repairs.

This may, however, be deemed unreasonable and/or discriminatory: you should approach the free Dispute Resolution Service as part of your deposit protection scheme, or Citizens Advice for advice if you feel you may have been discriminated against.

It may help your case if you take dated photos and record information about the condition of the property in the inventory at the start of the tenancy.

¹ The Tenant Fees Bill was presented to Parliament in draft form in November 2017. The aim of the Bill is to reduce the costs that tenants can face at the outset, and throughout, a tenancy. It is part of a wider package of measures aimed at rebalancing the relationship between tenants and landlords to deliver a fairer, good quality and more affordable private rented sector. The Bill is not likely to receive Royal Assent (i.e. formally become an Act of Parliament) until 2019.

Dealing with problems in your tenancy

Problems with heating, appliances and repairs

Your landlord has legal obligations to ensure that their property is safe for you to live in. If your health is negatively affected by the condition of the property, you may be within your rights to demand repairs to rectify the problem. Landlords are legally responsible for ensuring that:

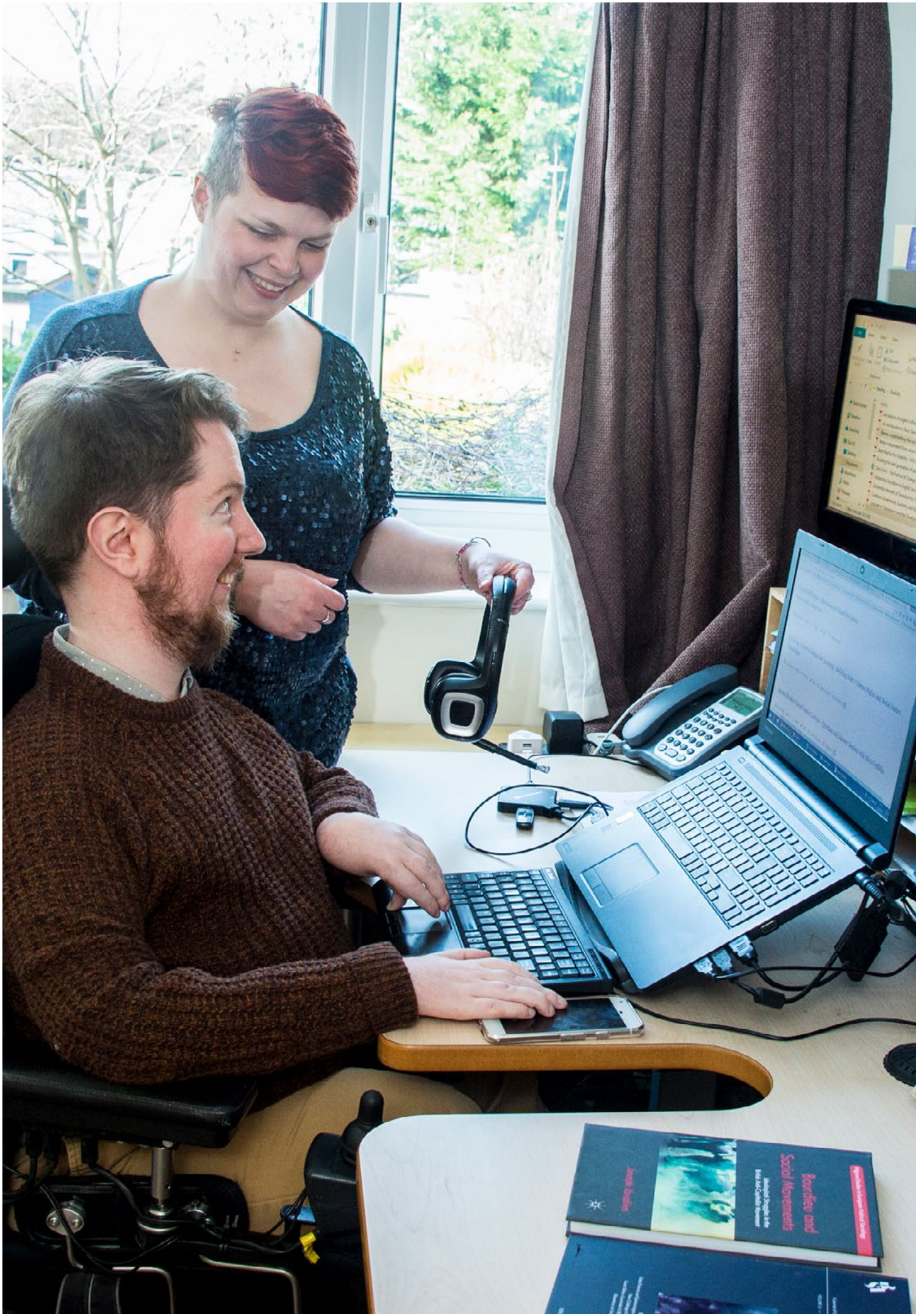
- the building's structure is sound, including external roofs, walls, windows and doors.
 - internal sanitation and plumbing is fully functional and safe, and that heating and hot water is properly maintained.
 - chimneys and other means of ventilation are safe and in good working order.
 - gas appliances are safely installed and maintained by a Gas Safe registered engineer, who must provide an annual gas safety check on appliances and flues: you should be given a copy of the gas safety record within 28 days of the check.
- all electrical goods and mains are safe, including fixtures and any equipment they supply with the property.
 - fire safety regulations are followed, including installing smoke alarms, fire safe furniture and fittings, and providing access to escape routes: these need to be accessible to you.
 - if you live in a House in Multiple Occupation (HMO),² large properties are required to have a fire alarm system and extinguishers installed. HMOs must have a HMO Licence under UK law – to check that a HMO Licence is in place, you can contact your council.

Failure of the landlord to comply may lead to their prosecution and/or imprisonment.

If you think your landlord is failing on any of the above, you should complain to them (larger landlords or letting agencies should have a formal complaints procedure). Putting complaints in writing/email and keeping a copy can be helpful should you end up taking legal action. See [Making complaints](#) for more details.

Citizens Advice provides the form 'N1' (to start court proceedings) and other [useful information](#).

² A HMO is a property rented out by at least three people who are not from one 'household' (e.g. a family) but share facilities like the bathroom and kitchen.



Eviction by your landlord

There are special rules regarding your right to stay in the property and your landlord's power to make you leave.

You may face eviction if you do not pay your full rent or if you break the terms of your tenancy agreement. However, the landlord must still apply to the court and follow correct procedure before you are evicted, issuing a 'Section 8 Notice' against you. A 'Section 8 Notice' can be used where you have breached your tenancy agreement during the fixed period of your tenancy (the amount of time that your tenancy is for, which will be written in your tenancy agreement). There are different grounds that the landlord can rely on to evict you. Some of these grounds are mandatory – if they are proved, the court must grant an order evicting you – and some are discretionary – the court may or may not order eviction.

Most commonly, landlords evict people using a 'Section 21 Notice': this is the form they use to start eviction proceedings in cases where the fixed period of your tenancy has come to an end. If you are still in the fixed period of your tenancy, proceedings cannot be issued until this fixed period expires, though the 'Section 21 Notice' may be sent to you before that date. This is usually used when landlords want to sell, refurbish or use the property differently. They do not have to give any reason for this, but they do need to follow a set of rules for this to be valid.

Landlords are prevented from serving a 'Section 21 Notice' if you have complained about your property needing repair and this work has not been done before the 'Section 21 Notice' is sent to you.

More information is available on Shelter's [website](#).

Call the police immediately if you are being illegally evicted and threatened with violence.

If you are facing eviction, you should contact your council's housing options team and/or seek assistance from [Shelter](#).

You should do this at the soonest opportunity; if you leave before you have to, your council may decide you have made yourself 'intentionally homeless'.

If you have asked your landlord to make repairs to your property, which they refuse to complete, and they try to evict you as a result, they are in breach of their obligations to you as its tenant. However, the degree to which you can challenge a 'retaliatory eviction' depends on when your tenancy began. More detail, as well as information that will help you decide what type of tenancy you have, is available on the Citizens Advice [website](#).

³ Section 8 of the Housing Act 1988

Getting your deposit back

when you move out

You should get your deposit back when you move out, but the landlord can make 'reasonable' deductions from this to cover unpaid rent, damage to the property, missing items (listed in the inventory) and/or cleaning costs.

If you think your landlord is being unreasonable or they are refusing to give the deposit back, there are steps you can take. For example, the deposit protection scheme has a free Dispute Resolution Service.

Shelter sets out the steps you should take in some detail on their [website](#).

Making complaints

Many complaints can be solved by discussing the issue with your landlord in the first instance. If this fails, there are a number of ways you can make a formal complaint. Check if your landlord or letting agency has a complaints procedure. Make complaints by email or in writing (keeping a copy).

Where disputes are unresolved, you could complain to a 'designated person', which might be your MP or local councillor, or contact your council for further advice. Your council's private sector licensing or enforcement team or, in the case of problems like pests, damp and leaks, their environmental health team may be able to help. [Citizens Advice](#) offer further advice on their website on complaining about your landlord.

Paying for my home

Universal Credit

If you are unemployed or on a low income, you may be receiving or due to move to Universal Credit (UC). UC is being rolled out across the UK and replaces the following benefits and tax credits:

- Income Support
- Child Tax Credit
- Housing Benefit
- Working Tax Credit
- Income-based Jobseeker's Allowance
- Income-related Employment and Support Allowance.

Some key points about how UC works in relation to private rented housing are:

- UC claimants are assessed and paid in arrears. From the time you apply, it may take 6–8 weeks or more to receive the first payment. However, you may be eligible to receive a UC advance on your first payment if you do not have enough money to live on in that time. For further information see the UK Government [website](#).
- The housing element of UC is paid directly into your bank or building society, so you are responsible for paying the rent to the landlord. It is possible for either you or your landlord to set up an Alternative Payment Arrangement. If you prefer to do this, it is easier to request it when you apply for UC, or your landlord can make an application later on.

- For further information on this and UC, please go to the UK Government [website](#).
- If you want another party (such as your Personal Assistant, advocate or social landlord) to communicate with the Department of Work and Pensions on your behalf, you need to provide explicit consent for this for each specific issue (usually via your online UC journal).

Whether you are on Housing Benefit or Universal Credit, you should note the following:

- You can only claim for rent up to the Local Housing Allowance (LHA) for your area, your income, your circumstances and your household size. This may leave you with a shortfall to cover. You can find out what your LHA is using this [calculator](#).
- If you are a private renter under 35, you are only entitled to the Shared Accommodation Rate (SAR), which just covers the cost of rent of a typical single room in a shared house or bed-sit. However, if you are in receipt of the Personal Independence Payment (PIP) component for daily living, the Disability Living Allowance (DLA) middle or high rate care component, or the Armed Forces Independence Payment, you can claim to one-bedroom rate of LHA if you are also in self-contained accommodation.
- If you require overnight care, either nightly or on a regular basis, and your carer requires a separate bedroom, you are entitled to claim the two-bedroom LHA rate.

You can find out if you can get a discretionary housing payment from your local authority if:

- you are experiencing hardship, or your tenancy is at risk because there is a shortfall between the UC payment you receive for housing (or your Housing Benefit) and the cost of your rent, or
- you are waiting for your UC (or Housing Benefit) payment to come through at the start of your tenancy.

For more information, visit the [gov.uk](https://www.gov.uk) website.

If you are finding it difficult to budget and that is leading to missed rent payments, you can set up an Alternative Payment Arrangement so the rent is paid directly to the landlord.

For more information on this and UC, go to the [gov.uk](https://www.gov.uk) website.

? Did you know

Did you know that you may be eligible for a Council Tax Reduction, based on your income and other circumstances? You can apply directly to your council to find out.

If you are unsure of what you are entitled to, you should check with an expert. **Citizens Advice** can tell you where you can book an appointment with a local advisor, and you can usually communicate with the advisor by web, text or phone, or using British Sign Language if necessary. Find out more at the UK Government [website](https://www.gov.uk).

Places to get advice and support

Information about private renting

Shelter offers many online resources, including:

- [Housing advice](#)
- Contact a [housing advisor](#).

Citizens Advice also provides advice and guidance.

The Tenants' Voice is the biggest tenant community in the UK, and has a website full of information about renting and getting advice related to your renting problems.

Finding an advocate

An advocate can help you express your views and stand up for your rights. Your council may fund an advocacy service in your area, so check with them.

If you have a mental health condition, see Mind's [website](#).

If you have a cognitive impairment, you could contact:

- [seAp](#)
- [bild](#)
- [Mencap](#)

Taking action about discrimination

[Citizens Advice](#) has a dedicated webpage on taking action on discrimination in housing.

If you think you have experienced discrimination, you can get help and advice from the [Equality Advisory and Support Service](#).

Problems paying your rent

The [Money Advice Service](#) could help you with advice and support.

Legal help

Legal aid (to help pay for legal presentation in civil cases) is not as readily available as it used to be. However, there are still particular circumstances in which you might be eligible to receive it, and there are some remaining sources of free legal advice. See [Shelter's](#) website.

If you are at risk of harm

If you are at risk of harm, you must seek advice as soon as possible from your council's housing options team. You can find the website of your [local council](#). It may also be a good idea to get independent advice from [Shelter](#) or [Citizens Advice](#).

Other sources of support

Local or impairment-specific disability charities may be able to offer support.

You could contact your local councillor or MP. You can find out who they are by entering your postcode on the UK Government [website](#) or UK Parliament [website](#).

[The Samaritans](#) can provide emotional support and should be able to suggest sources of practical help and advocacy in your area. You don't need to be suicidal.



Section two: Social housing in England

In this part of the guide, you will find information and tips on finding a property, your rights and how to pay for housing.

| | |
|-------------------------------------------|----|
| Introduction | 23 |
| Finding a suitable property | 27 |
| Finding an adapted or accessible property | 30 |
| Your rights as an existing tenant | 31 |
| Paying for social housing | 36 |

Introduction

What is ‘social housing’?

‘Social housing’ is owned by a housing association (also known as a ‘Registered Provider’), a council (also known as a local authority) or sometimes by a housing cooperative or charity.

It is intended for people on low incomes and is usually rented to them; though some housing associations also offer shared ownership (part-rent, part-buy) properties.

Unlike private landlords, housing associations are not profit-making; they must use any surplus money they make to maintain existing homes and build new ones.

‘Social’ or ‘affordable’?

Affordable rent is a type of social housing provided in England by social housing landlords.

The rent is called ‘affordable’, but it is a higher rent than would normally be charged for social housing. The landlord can charge up to 80% of what it would cost if you were renting the property privately. The extra money housing associations make from this goes towards building new social housing.

This is in contrast to ‘social rent’, for which guideline target rents are set by the national rent regime.

Who can apply for social housing?

If you are over the age of 16 you can apply for social housing while in a variety of situations: if you are homeless; if you already have a social or privately rented property; if you own your own home but are looking to sell; or if you are staying with family and friends.

Social housing can offer many benefits over and above the private rented sector, including cheaper rents and more ‘security of tenure’. This means that a social landlord cannot make you leave the property as easily as a private landlord can, and only if you have failed to meet your responsibilities as a tenant, which should be set out clearly at the start of your tenancy. It is also generally easier to have adaptations made to a social rented than a private rented property – a point covered in more detail in [Section three: Adapting my home](#).

Each person’s needs and circumstances are different, and you will need to decide what is right for you, depending on what is available in the area(s) in which you want to live. Some social housing may be suitable for you; some may not.

The purpose of this guide

In many parts of the country, there is a shortage of social rented properties – especially those that are wheelchair-accessible and/or with rent levels, which can be covered in full by those eligible for housing benefits. It can be extremely difficult within the current system to find a property that meets your needs.

“

You need to be persistent!

– Advice from disabled person attending focus group

You also need to understand the jargon, the processes and your rights. In this part of the guide, we provide information and advice for disabled people trying to get a new or different social tenancy, and for those who are already social tenants. We also offer advice about paying for social housing.

How to get a (new) property

In many areas, most – if not all – housing associations and any remaining council properties are let through a ‘Common Housing Register’. This is a single point of access for social rented properties, so you do not have to approach each provider separately. You can find out about how this works in your area online or in person through your council’s housing options team or advice centre. You can enter a postcode to find the local authority covering your area and go to their [website](#).

? Did you know

If you live in an area covered by a county council, it will be your local district council that you need to approach for housing. You should check whether there are any social housing providers that are not part of the Common Housing Register: if you want to apply to them, you might need to complete a separate housing application.

Councils must allow homeless people, disabled people or those with health or welfare needs to join the register. Councils may require people to have a strong ‘local connection’.

You need to fill in a form to apply to join the Common Housing Register – sometimes this is online, sometimes in person, or often you can choose. If you need help to fill in the form, due to access or communication needs, the council should provide this. Libraries can also often offer assistance and online access.

You must make sure the information on your application is kept up to date if there are changes to your household or current housing circumstances, or if a medical condition worsens, for example.

Making the case for your housing needs

- First, find out exactly how decisions about who gets social housing are made in the area where you want to live. This is called the ‘allocation system’.
 - You need to either search online or ask the council for its allocation policy or scheme. This should set out clearly the rules and the method for ranking the urgency of people’s need for (re-)housing.
 - Many areas only accept or prioritise people with a ‘local connection’ or ‘residential requirement’. If you are not already living in the area where you are applying to live, you may need to demonstrate a connection to it, e.g. close family living there, or a job offer. If you are trying to move to a different local authority area because you will have more support from family living there, you should explain this and make the point that this move should reduce your (current and/or future) need for care and support from social services.
 - Sometimes people applying for housing are given a number of ‘points’ (the more points, the higher priority they are considered to be); sometimes they are put in ‘bands’ (e.g. high/medium/low, or ‘eligible’ and ‘urgent’). The allocation scheme should explain which bands or points apply to different sorts of housing circumstances in your area.
- If your disability or medical condition is the primary reason for moving, you will need to build a strong case, e.g. by spelling out exactly why your current housing circumstances are causing ‘significant hardship’ or increasing the risk of an ‘emergency’ (or whatever language the scheme uses).
 - Think about how your current housing is affecting your physical and mental health, and your independence.
 - Highlight any risks that result from living there, e.g. of falls or other accidents.

“

Be clear exactly what your housing needs are. Don’t leave any ‘wriggle room’!

- Advice from disabled person attending focus group

You need to collect and show as much relevant ‘evidence’ of this as you can, ideally from professionals such as doctors, consultants, social workers, occupational therapists and physiotherapists. This might include your diagnosis/prognosis, your care plan, or letters explaining the impact of your housing on your health (e.g. damp affecting a breathing condition; problems with neighbour nuisance worsening your mental health; an inaccessible property making it dangerous or impossible for you to get in/around unaided). If you are trying to get re-housed because of problems with your current property, you should show that you have taken all possible steps to tackle these problems first (e.g. reporting neighbour nuisance and repairs, covering pans and opening windows to reduce damp).

Other housing problems will also increase your points/banding, such as overcrowding⁴ or (the threat of) homelessness – and this includes needing to move because you are experiencing violence or abuse from a partner or family member, or are facing eviction by your current landlord.

If you are at risk of harm or of becoming homeless, you must seek advice as soon as possible from your council’s housing options team.

- It is also a good idea to get independent advice from [Shelter](#) or [Citizens Advice](#).
- Local or impairment-specific disability charities may also be able to offer advocacy and support.
- Women’s Aid and Refuge run a 24-hour freephone advice line for female and male victims of domestic violence (0808 2000 247).
- If you do not feel you are receiving the response you need, you could also contact your local councillor or MP, or [Samaritans](#) who can provide emotional support and should also be able to suggest sources of practical help and advocacy in your area.

If you disagree with the decision regarding the priority you have been given

The council will give you a deadline for requesting a review – this is usually 21 days after you have received the decision.

Put your request in writing: provide any new medical or supporting information to help your case (an occupational therapist might be well-placed to provide this). Include any information that shows the council has made a mistake.

Again, try to get advice from Citizens’ Advice, Shelter or a local advice provider.

Finding a suitable property

You need to find out how properties are 'allocated' or matched to people in your area. This should be included in the allocation scheme, or you can find out from your council's website, at a library, from individual housing associations, from Citizens Advice or your council's advice centre.

Many, but not all, councils now operate a 'choice-based lettings' system. In other areas, councils make 'direct offers' of housing. Even in areas where there is a choice-based lettings system, it is likely that there will be some direct offers made by the council in very specific circumstances, or perhaps by individual housing associations which are not part of the Common Housing Register.

In some council areas, all adapted properties are allocated outside of the choice-based lettings system.

Choice-based lettings systems

In a choice-based lettings system, the available properties are advertised and you say which you are interested in by 'bidding'.

Once you've been accepted onto the waiting list, you should follow these basic steps:

1. **Find a property:** check in local papers, on council websites, in council offices or in local libraries.
2. **Check you can apply for it:** some properties are only suitable for single people, families or people with certain access requirements. **Note that disabled people must not be restricted to bidding only for accessible homes as this would breach the duty to promote disability equality.**
3. **Find out whether the property will meet your access requirements and/or whether it could be adapted.** Some councils will allocate properties that have already been significantly adapted outside of the choice-based lettings system, so you need to check the policy in your area (see [Direct offers](#)). The level of detail supplied on choice-based lettings adverts regarding the layout, size, accessibility and exact location of properties varies considerably.

Think carefully about what you need as an absolute minimum to stay physically and mentally well, what you might be able to adapt or live with, and what would be nice to have, but not essential. If you need more information about a property's suitability in order to decide whether or not to bid for it, contact the council's housing department and ask them. Explain that you need to understand whether it will be accessible to you as a disabled person. If you are told that this service is not available, you could argue that this would be a reasonable adjustment under the Equality Act 2010.

4. **Apply:** this is known as ‘bidding’, but it doesn’t involve money. You can usually bid online, by phone or by text.
5. **Get the social housing provider’s decision** on whether or not you will be offered that property. The decision will also tell you how many other people bid for this property, which bands they were in and how many points they had. This can give you an indication of your chances of success.



There may be lots of others bidding for the same property but if they haven’t had their verification checks done, for example, you may still win the bidding

– Quote from professional in focus groups

Direct offers

Some areas do not have a choice-based lettings system, but instead will make a direct offer when you are at the top of the list, or if an adapted property that meets your needs becomes available.

Even in areas that operate a choice-based lettings system, if an individual or household needs a very specific property (e.g. in terms of size or layout) it may be that a direct offer can be made outside of the system.

You need to contact your housing office/ council to ask if you might be eligible and what the implications of this might be,

for example, there will almost certainly only be one direct offer made to you if a ‘suitable’ property is found, so you need to be prepared to compromise on some aspects, such as the exact location of the property. Again, it can be a good idea to list your preferences in order and think about which you can and cannot compromise on. We discuss ‘suitability’ further in the section below.

What if the application system is not accessible to me?

Under the Equality Act 2010, councils and housing associations have a duty to make ‘reasonable adjustments’ so you can access the housing application process.

This might, for example, involve providing:

- the application form in alternative formats (e.g. braille, large print, coloured paper, audio)
- help to complete the housing application form
- help to understand how the system works, and
- advice and support on bidding for properties.

If you need help viewing properties in order to check whether they will meet your access requirements, you should ask the council if they can help. If they are not able to provide this directly, you may be able to get this support from a local disability charity, voluntary sector organisation or from your occupational therapist.

What might an accessible bidding system include?

An ideal bidding system might provide:

- detailed accessibility information on the property listings
- those who find the online bidding system inaccessible with the option to bid by phone or in person, and
- accompanied viewings for all disabled applicants, together with an occupational therapist to assist with discussions about suitability and the need for any further adaptation.

What if I don't agree that the offer made to me is 'suitable'?

If a direct offer is made to you but it does not meet your needs, you can appeal against the decision by making a complaint, requesting a review, or – if this is unsuccessful – taking this to the Housing Ombudsman or even judicial review (a court challenge against the legality of a decision made by a public body – it should be noted that this is a costly process).

There is more information about these options at [The Tenants' Voice](#).

If you feel that a property you have been offered does not meet your needs (arising from your medical condition or impairment) then you need to put together as much specific evidence as you can of why this is. This might be:

- about your ability to get in, out of and around the property independently.
- that the property meets your needs now but is unlikely to do so within the next few years.
- that the location of the property means you will be unable to move around safely in the immediate vicinity (e.g. because the ground is very uneven or hilly, or because you are visually impaired and the property is on a busy road with no accessible crossing).
- because of reasons linked to your mental health as well as your physical safety and independence.
- if living here is likely to increase your need for social care – you should spell this out and enlist the support of your social worker.
- if it is likely to increase the risk of you falling or having an accident – an occupational therapist or GP might be able to write you a letter or support you.

Due to the lack of accessible affordable housing, some disabled people find themselves being offered (or even, in the case of one of our focus group participants, being 'bullied into accepting') older people's supported housing, even though they are much younger than the average person in this type of housing.

Supported properties vary enormously in layout (for example, some have their own front door off the street), quality, and diversity of other residents, so – in areas of high demand – it is always worth visiting them to get a feel for the place, rather than ruling it out automatically. You should not feel pressured into accepting a property that you believe will have a negative impact on your psychological and social identity, even if it is physically accessible. See [Human rights](#) for further advice on this.

Finding an adapted or accessible property

Mutual exchange

If you are an existing social tenant, you can look for a suitable adapted/accessible property using [HomeSwapper](#) or [Ukhomeswap](#). These schemes allow different tenants of social landlords to swap properties so that both parties' housing needs are met, though you need to be careful that the exchanger has presented the accessibility of the property accurately.

You can access either of the websites yourself to find out more, to enrol and to search for properties. However, disabled house-seekers may find it easier to get help from their housing officer to access these schemes: the officer should explore the available housing options with you.

There are a small number of housing associations which specialise in providing accessible properties, such as [Habinteg](#) and [Ability Housing](#).

Supported housing for older people

If you are an 'older' adult, there may be social rented properties specifically for older people available in your area. The lower age limit for these properties varies, but is often 55 for disabled people and those who have support needs and/or long-term health conditions. The quality and accessibility of the accommodation, availability of support and other services, and mix of people in the properties, can vary enormously in these schemes. Schemes may be described as 'sheltered housing', 'retirement/independent living', 'extra care' or 'housing with care' (where there is an onsite team, should you need personal care). The types of housing for older people are complex and need to be fully explored in order to meet individual needs.

Information and guidance on the different housing models is available on the [Age UK website](#).

[HousingCare](#) provides a UK-wide searchable database of older people's supported housing, care homes and services, as well as services that support people staying in their own homes.

First Stop provides advice on older people's housing, care and support, including a number of factsheets and an email/livechat helpline.

Email: info@firststopcareadvice.org.

Your rights as an existing tenant

You have rights:

- as a tenant, as set out in your tenancy agreement
- as a disabled person, under the Equality Act 2010, and
- as a human being, under the Human Rights Act 1998

Your rights as a tenant

The tenancy is the legal agreement between you ('the tenant') and the owner of the property (in this case, the housing association, council, co-operative or charity) ('the landlord'), which allows you to live in the property. The tenancy agreement sets out the rights and responsibilities of both tenant and landlord. We focus here on your rights, but you also have responsibilities, e.g. to pay your rent on time, to keep the property in a reasonable condition, and not to get in the way of your neighbours' rights to enjoy their homes.

Housing law has changed over time. As a result, social tenants have different types of tenancies, with some variations.

Many social landlords will issue an **'assured shorthold' (or 'starter' or 'introductory') tenancy** to a new tenant for the first 12-18 months, to make sure they are reliable. If this period passes smoothly, they will offer you an **'assured' tenancy** or a **'secure tenancy' (either on a fixed-term basis, for example for two years, or indefinitely)**, in which your right to remain in the property is more secure.

If you have been in your property a long time (e.g. since before 1989) you will usually have a **'secure' tenancy**.

It is important to check the type of tenancy you have: before the start of a new social tenancy, the landlord will send you a written tenancy agreement to sign.

The core rights of each of these tenancies include the right to:

- stay in the accommodation as long as you keep to the terms of the tenancy agreement with your landlord
- have the accommodation kept in a reasonable state of repair, and
- enforce your rights, without being evicted for doing so.

You also have the right not to be treated unfairly by your landlord because of your disability, gender identity, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

Getting advice and support

Citizens Advice has an [online guide](#) to renting from a social landlord, which sets out these rights in more detail and contains useful tools – such as a template for a letter complaining about failure to do repairs.

Shelter has also produced a [detailed guide](#) to your rights and responsibilities within different social tenancies in England. This covers topics such as your right to adapt your property, to pass your property on in the event of your death, to take in lodgers or exchange your property with another tenant. It also outlines the landlord's responsibilities to keep the property in good repair.

Standards you should expect from your social landlord

In addition to fulfilling their obligations as a landlord and respecting your rights as a tenant, most social landlords also need to demonstrate they are working to the 'Regulatory Standards'.

Most housing associations are 'Registered Providers' (you can check whether yours is [here](#)). This means that they have to meet a set of standards in relation to different aspects of their service. For example, they must:

- provide choices, information and communication that is appropriate to the diverse needs of their tenants in the delivery of all standards.
- provide opportunities to influence and be involved in how services are run: this should include providing support to tenants to build their capacity to be more effectively involved.
- demonstrate that they understand the different needs of their tenants, including in relation to the equality groups (including disability) and tenants with additional support needs.
- provide accessible information and an accessible complaints procedure.
- co-operate with relevant organisations to provide an adaptations service that meets tenants' needs, and
- provide support to victims of anti-social behaviour.

You can read the full set of standards [here](#).

What can you do if you feel your social landlord is not fulfilling their obligations or working to the Regulatory Standards?

- The first step is always to try to resolve things directly with your social landlord.
- Report the problem. Keep a record of when, how and to whom you reported it. Ask them what you should expect to happen next and when this should happen.
- If no action has been taken once this time has passed, chase it up – administrative errors sometimes happen, so you need to make sure you are in the system and, if you are, find out why there has been a delay. It may be a good idea to put your report in writing at this stage, if you haven't already, and keep a copy of this.
- If you are not happy with a decision the landlord has made, the first step is always to go back to them and ask whether they can give you more information about the decision, whether it can be reconsidered and how.
- If you are still not happy, you should make a formal complaint to the social landlord. Their complaints procedure should be set out on their website, or explained to you in your tenancy information pack or on the phone.
- If the formal complaints route does not lead to a satisfactory outcome, the next step is to contact a 'designated person' – either an MP, local councillor or tenant panel.
- If they are unable to resolve the problem, you may be able to take this to the [Housing Ombudsman](#).
- At any stage in this process, and especially if you are at risk of crisis (e.g. losing your home, your home becoming uninhabitable, or being harmed by others), you should seek specialist advice from [Citizens Advice](#), [Shelter](#), or your council's housing options/solutions team. If you're in immediate danger of harm from others you should ring 999. If you're in immediate risk of causing danger to yourself you should ring [Samaritans](#).
- The Regulator of Social Housing is responsible for making sure Registered Providers follow the Regulatory Standards – you could contact their [general enquiries](#) service for advice.

Your rights as a disabled person

If you are disabled (the legal definition of 'disabled' is available on the UK Government [website](#)). Your social landlord has a duty under the Equality Act 2010 to make 'reasonable adjustments' or provide 'auxiliary aids and services' so that you can rent and live in a property. This might, for example, include:

- providing written agreements in a way that is accessible to you, such as large print, braille, audio, easy read, or in a language other than English.
- making changes so you can use any facilities and benefits that come with the property in the same way as a non-disabled tenant, e.g. a wider parking space, or a ramp to access the common garden, and
- holding the tenant panel meetings in a room with a hearing loop fitted so you can attend and participate.

This does not necessarily mean that the landlord is required to make structural changes to your property – see [Section three: Adapting my home](#) for further details about this. Also bear in mind that:

- you may need to ask for the reasonable adjustments to be made

- your landlord only has a duty to make them if they are 'reasonable' – this will depend on:
 - > the length and type of tenancy you have
 - > the cost of the adjustment (and the landlord's financial circumstances), and
 - > how effective the adjustment is likely to be.

Your social landlord also has a duty under the Equality Act 2010 to change a policy or practice (including the term of a tenancy agreement) if it disadvantages you because you are disabled.



Your human rights

The Human Rights Act 1998 does not normally give anyone the right to a home or to any particular type of accommodation. However, once a person has a home then they are entitled to respect for it and to respect for their private lives at home. If a social landlord has unreasonably refused or delayed making changes that a disabled person needs to continue living in their home, this may well amount to a failure to respect the tenant's home.

The United Nations Convention on the Rights of Persons with Disabilities (which the UK Government has signed up to) states that:

'Persons with disabilities have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement' (Article 19)

It may be helpful to refer to this if you feel you are being pressured into a shared house or sheltered housing scheme when you would rather live in an 'ordinary' or 'general needs' tenancy.

You can find out more about the UN Convention on the Rights of Persons with Disabilities on our [website](#).

Taking action if you've been discriminated against

[Citizens Advice](#) offers advice on taking action on discrimination in housing.

You can contact the [Equality Advisory and Support Service](#) for further advice and information (but not legal advice) on discrimination. You can also phone them on **0808 800 0082** or they have a textphone service on **0808 800 0084**.

Legal help

Legal aid (to help to pay for legal representation in civil cases) is not as readily available as it used to be. The only housing-related legal issues that are still covered by legal aid are eviction and discrimination. You can check whether your housing issue is covered and find out how to get about the remaining sources of free legal advice on Shelter's [website](#).

Paying for social housing

Universal Credit

If you are unemployed or on a low income, you may be on or due to move to Universal Credit (UC). UC is being rolled out across the UK and replaces these benefits and tax credits:

- Income Support
- Child Tax Credit
- Housing Benefit
- Working Tax Credit
- Income-based Jobseeker's Allowance
- Income-related Employment and Support Allowance

Some key points about how UC works in relation to social housing are:

- UC claimants are assessed and paid in arrears. From the time you apply, it may take 6–8 weeks or more to receive the first payment.
 - You may be eligible to receive a UC advance on your first payment if you do not have enough money to live on in that time. For further see the UK Government [website](#).
- The housing element of UC is paid directly to the tenant, who is then responsible for paying the rent to the landlord. It is possible for either you or your landlord to set up an Alternative Payment Arrangement. If you prefer to do this, it is easier to request it when you apply for UC, or your landlord can make an application later on. For further information on this and UC, see the UK Government [website](#).
 - If you want another party (such as your Personal Assistant, advocate or social landlord) to communicate with the Department of Work and Pensions on your behalf, you need to provide explicit consent for this for each specific issue (usually via your online UC journal).

Bedroom tax

Since 2013, social housing tenants (with the exception of pensioners and/or those living in supported housing) have been affected by the removal of the spare room subsidy – commonly known as the ‘bedroom tax’. Benefit payments no longer cover the cost of any unoccupied rooms. If you are disabled and you can evidence that you need the ‘spare’ room for e.g. a carer, a disabled child who is not able to share a room, or the storage of medical equipment, you may be eligible for a Discretionary Housing Payment from your council.

For further information on the removal of the spare room subsidy, and to access good practice guides in relation to Discretionary Housing Payments, see the UK Government [website](#).

? Did you know

You may be eligible for a Council Tax Reduction, based on your income and other circumstances. Apply directly to your council.

If you are unsure of what you are entitled to, you should check with an expert. [Citizens Advice](#) can tell you where you can book an appointment with a local advisor, and you can usually communicate with the advisor by web, text or phone, or using British Sign Language if necessary.



Section three: Adapting my home

In this part of the guide, you will find information and tips on home adaptations and how to go about getting them made.

| | |
|-----------------------------------------|----|
| What is a 'home adaptation'? | 39 |
| What is 'occupational therapy'? | 45 |
| Requesting adaptations and common parts | 47 |
| Frequently asked questions | 48 |
| Places to get help | 50 |

What is a 'home adaptation'?

If you are finding it difficult to access basic facilities in your home or feel unsafe getting around your property, you may benefit from a home adaptation. Aids and adaptations aren't only for people with reduced mobility; they may also help people with sensory impairments, dementia or even mental health conditions.

They could range from a small piece of equipment or technology right through to a major structural change, with the aim of improving your independence, confidence and privacy. Adaptations aren't just about physical access – they might, for example, include building a separate room for a child with autism who is not able to share with a sibling, or changing lighting and acoustics to reduce stress for a person living with dementia.

For an adaptation to work, you need to make sure you have found the right solution for your individual needs and the property you live in.

This part of the guide explains how you can get the information, support and funding to make adaptations. We have included tips from our focus groups with disabled people (who have been through the process) and the professionals that support them, as well as links to various other sources of advice.

? Did you know

Equipment and adaptations are often provided free of charge? This guide explains your rights and what you might be entitled to. Read this before you buy anything yourself!

It is important to understand the differences between 'equipment', 'minor adaptations' and 'major adaptations', as the process for accessing them and rules around funding differ for each.

Equipment

'Equipment' is generally portable and can be loaned for a period of time or taken by a person to another property. Examples might include:

- a portable wheelchair ramp or raised toilet seat
- adapted kitchen utensils and equipment
- a hearing aid.

Funding and access

Equipment is usually provided free of charge (or on some occasions with a small deposit, e.g. £20) if you are assessed as needing it by:

- a trusted assessor (who might be an occupational therapist – or social worker) working for the local authority, or
- a health professional (GP, hospital clinic, district nurse, community physiotherapist).

Minor adaptations

'Minor adaptations' are changes that are made to the home and typically cost up to £1,000. Examples might include:

- a short ramp and/or some grab rails
- a door-release intercom system
- changes to lighting and paintwork for a person with dementia and/or low vision.

Minor adaptations can be approved and funded by your local authority, following an occupational therapy assessment, as part of a care assessment by adult social care services.

Major adaptations

'Major adaptations' typically cost over £1,000 and require substantial or structural works to your home. Examples might include:

- the installation of a wet floor shower
- ramped access that requires the widening of external doorways
- replacing kitchen units with adjustable worktops
- building an extension on to the property and/or a ground floor bathroom.



Funding and access

Disabled Facilities Grants can help cover the costs of major adaptations, whether you own your property or rent. The Grant is often means-tested based on your income, your partner's income (if applicable) and your savings, so you may well need to pay towards the cost of the work. The Grant is not means-tested if you are applying on behalf of a child under 18. Some local authorities have abandoned means-testing altogether.

To start the process, you need to request an assessment for your social care team. Your local or district council is responsible for administering the Grant, which can provide up to £30,000 of funding. You can apply for funding to help with the costs of home adaptations whether you own your home or rent it from either a social or private landlord.

If you rent from a housing association or you are a council tenant, you should find out first from them how to go about applying for a major adaptation. Some may direct you to the council to apply for a Disabled Facilities Grant for major adaptations, but almost all will want to arrange for and oversee the works to your home.

Key conditions of the Disabled Facilities Grant:

- The owner or tenant, or someone in their household, must be disabled and must intend to live in the property for the next five years
- A landlord can apply on behalf of a disabled tenant
- The council must decide that the adaptation is:
 - > necessary and appropriate to meet the disabled person's needs (this is assessed by an occupational therapist)
 - > reasonable and feasible, given the age and condition of the property.

! Top Tips

- Don't start work on your property until your application is approved; otherwise you may not get the Grant.
 - There is something of a 'postcode lottery' in relation to adaptations; if you are experiencing endless delays and frustrations you should contact your MP and/or local councillor, and ask them to advocate for you and use their influence to improve the general system.
- “It's your home and you've got to live in it! It can make such a difference if you can choose the tiles you want to make your adapted bathroom a really nice room, not a clinical setting. Even as a social tenant and/or someone with a grant-funded adaptation, you should still have some choices around colours and finish and there may be options to pay extra to upgrade, so don't be afraid to ask”.**
- Focus group participant
- If you have applied for social housing or a transfer to another social rented property, your application for adaptations is likely to be turned down automatically (on the grounds that you are not intending to stay). This can be a real catch 22, so you should get some advice (see [Places to get help](#)).
 - Some councils may expect part of the Grant to be repaid if you move or sell the property within in a certain time frame (typically around 10 years), so you should check your options. This can be particularly challenging for those needing to make quick decisions about adaptations (e.g. on hospital discharge, or because their condition is worsening).
 - There are often restrictions on how soon a property can be adapted after it has been built, so check this out with the developer before moving to a new build that you know you will need to adapt right away.
 - If you have had a lift or a hoist fitted, the Disabled Facilities Grant may well include a service plan. Check you know what your entitlements and responsibilities are under the plan, and how to call for repairs/services. There can be grey areas between which repairs are covered by the plan and which your landlord is still responsible for.
 - Stay involved and oversee the work as much as possible (even if this means someone walking around the property with a video, or going along in your place and describing it to you).

! Top Tips continued

“We had had a specially widened space for a door put in and at the last minute a carpenter came along, put in a standard door frame and filled around it!”

– Focus group participant

“My housing association put black electrical sockets in my property without asking me, because they are supposed to be clearer for a partially sighted person to see – but I can’t see to put black plugs in them!! So now they all need replacing! And they were more expensive than the plain white ones.”

– Focus group participant

- Make sure things are built into the ‘specification’ or contract with the builder. Everyone’s needs are different and architects don’t always understand what ‘accessible’ means. Be really clear about what you need and want and why – if the builders and architects can understand what you need to be able to do, they should be able to make this achievable. Seek advice from experts such as occupational therapists wherever you can.

A helpful diagram of the Disabled Facilities Grant process can be found on the [Local Government Ombudsman’s](#) website.



What is 'occupational therapy'?

Occupational therapy, often referred to as OT, is a healthcare profession that focuses on developing, recovering, or maintaining the daily living and working skills of people with physical, mental, or cognitive impairments. It is a good idea to start by speaking to an occupational therapist when you are thinking about equipment or adaptations.

Occupational therapy services are available free of charge from the NHS or social services – if you do not already have an occupational therapist, the best thing to do is contact your council's adult social care team, or you could ask your GP to make a referral.

You also have the option to use an independent occupational therapist: they will charge a fee, but they usually don't have waiting lists and can offer services that the state does not fund. You can find a private occupational therapist by searching on the [Royal College of Occupational Therapists website](#).

In England, under the Care Act 2014, you are entitled to a Needs Assessment by your council's adult social care team. This should explore how home adaptations might improve your ability to carry out everyday tasks at home.

You may find that there is a long wait for an occupational therapist or a social work assessment. However, once they have assessed you as needing a piece of equipment, this should be provided by the local community equipment store (usually joint funded by health and social services).

! Top Tip

A good occupational therapy assessment is a two-way process, intended to come up with the right solutions for you. Make sure you go into each room of your property. It may help to have an advocate, family or friend with you during the assessment.

“
It can be hard to admit you can't do things, but you need to be honest and talk about your bad days, not your best days. Don't hold back; if they don't know what you are struggling with (even if you don't struggle with it all the time), they can't help.

– Focus group participant

Find out about what equipment and adaptations might work best for you before you meet the occupational therapist: these can be creative but you need to be clear that what you are suggesting is **cost-effective**. Sometimes it is easier to change your equipment than your home, e.g. getting a height-adjustable wheelchair, rather than height-adjustable worktops in your kitchen

“

Stick to your guns and don't presume that what you are offered is the only thing – or even the best or most cost-effective solution!

– Focus group participant

If you do end up buying equipment and aids to support you to live independently, be aware that you should be able to get these products **VAT-free**.

The Disability Living Foundation's '**Living Made Easy**' site provides information to help you understand what equipment is available and what might work best for you. There is also a helpline that provides advice and information about buying or hiring equipment.

You can try out different types of equipment at a demonstration centre. You can find the nearest one to you **here**.

- The Independent **Living Buyers' Guide** is a good place to research possible solutions that might work for you. As the title suggests, it is geared more towards people who are willing and able to buy their own equipment, so not all items will be available free through the NHS or your council.

There are lots of ways in which technology can be used to promote independent living. See **this guide** for more information about 'assistive technology'.

Requesting adaptations and common parts

If you are a private tenant, you must request permission from your landlord to make adaptations to your accommodation. Under the Equality Act 2010, your landlord cannot refuse unless they have reasonable grounds for doing so. Examples of things to look at to decide whether your landlord has a good reason for refusing consent include:

- the type and length of the letting
- your ability to pay for the improvement
- how easy it is to make the adaptations (and how easy it would be to undo them), and
- the extent of any disruption and effect on other occupiers.

We include a number of scenarios regarding requests for different types of equipment and adaptations in section one of the guide on private renting.

If you are a housing association tenant, your landlord will often make or arrange the adaptation for you, so you should contact them first (or look at their website) to find out how this works. Most housing associations have a budget for doing minor adaptations – they may even employ their own occupational therapist.

If you live in private housing (e.g. as a leaseholder or private tenant), you may find that you need an adaptation in order to be able to access shared facilities or ‘common parts’ as other residents do. This might include the car park, communal gardens, bin areas, or the stairs and hallways. This is a complex and contested area, and one which the Government is currently reviewing. In March 2018, it was announced that the part of the Equality Act 2010 relating to this will – finally – be brought into force, though timescales for this are currently unknown.

If and when this happens, the landlord or managing agent responsible for the common areas will be required to make reasonable changes to physical features of ‘common parts’ at the request of a disabled resident who needs these for access. Their assessment of ‘reasonableness’ should involve consultation with other residents and the law does not state whether the landlord/ managing agent or disabled tenant should have to pay for these.

We have included several scenarios in [Section one: Private renting in England](#).

Frequently asked questions

Can I be offered (or pressured to accept) a different property?

- If the council decides that it is not ‘reasonable and practicable’ to adapt your home (because of e.g. the layout, it is not cost effective, or you live in the private rented sector and your landlord may ask you to move in the next five years), you could explore an alternative social or private tenancy. If you are a housing association tenant, your housing association may suggest this to you at the outset.
- If you have good reasons to want to stay in your home, you should explain exactly what these are – especially if this is because of your impairment or health condition and ability to live independently, or because of the needs of other members of your household (e.g. if you need to be near carers or in a familiar environment). You can still apply for a Disabled Facilities Grant and your landlord cannot refuse to give you permission for the adaptations without good reason.

Can I get a Disabled Facilities Grant if I am a private tenant?

- The council cannot refuse you an adaptation because you are in a privately rented property, provided you and the landlord confirm that you plan to stay for the next five years. This is confirmed by the tenant and owner by submitting a ‘tenant’s certificate’ and an ‘owner’s certificate’ respectively. There is a case study on this topic that was upheld by the Local Government Ombudsman. See Local Government Ombudsmen (2016) ‘[Making a House a Home: Local Authorities and Disabled Adaptions: Focus report – learning lessons from complaints, p.10 \(PDF\)](#)’.

Who is responsible for getting the work done?

- Some councils ask you to arrange for the work to be done, some carry it out on your behalf and others hand the responsibility for managing the process over to the Home Improvement Agency (HIA). If you are a housing association tenant, the housing association will almost certainly want to arrange and oversee the work.

I hear there can be long waits for grants; what should I expect?

- A Housing Authority must make decisions on Disabled Facilities Grant applications within six months of receiving them. It needs to get an occupational therapist assessment completed before it can make a decision. If there are delays, e.g. because there is a disagreement about the most effective approach, the council should keep in touch with you.
- The council should have a policy for operating the waiting list and tell people about this, e.g. how long they might need to wait.
- As before, if you are experiencing endless delays and setbacks, you should enlist the support of your local MP or councillor.

What if I get refused?

- Your council cannot refuse to provide a Disabled Facilities Grant because it lacks the funds to do so.
- Contact the council's housing team or your housing officer (if you rent from a housing association or council) to discuss the details of the decision. Explain clearly the impact of this on you and find out if there are alternative options, e.g. appealing the decision, other funding sources, or options to move to an accessible property. They have a duty to explain these options to you, so if this is not automatically offered, you should ask for it in writing (see [Places to get help](#)).
- If a Disabled Facilities Grant has been refused, or if there is a shortfall between the cost of the work and the maximum amount of the Grant, you may be able to get alternative funding from the council. For example:
 - > The adult social care team has a duty to support disabled people, including through alterations to the home, under Section 2 of the Chronically Sick and Disabled Persons Act 1970 (though you will need to have gone down the Disabled Facilities Grant route first before they will consider this option).
 - > The local Housing Authority has a power under Article 3 of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 to give discretionary assistance, in any form (e.g. grant, loan or equity release) for adaptations.
- You can appeal the decision. You should try to get independent advice and support on your case and your options at this stage (see [Places to get help](#)).
- You can place a formal complaint through your council's complaints procedure if you are not happy with the service you have received from the Disabled Facilities Grant or the adult social care team: it must then address your concerns.

- If you are a housing association tenant, you can place a formal complaint through your housing association’s complaints procedure. This should be set out on their website, and explained to you in your tenancy information pack or over the phone.
- If you are still not satisfied with the response to your complaint regarding a housing association’s adaptations service, you can take your complaint to the [Housing Ombudsman](#).
- If you are still not satisfied with the response to your complaint regarding council housing and/or the council’s adult social care team, you can take your complaint to the [Local Government Ombudsman](#).
- You may be able to find alternative sources of funding (e.g. small grants from a charity): check through [Turn2Us](#) or [Living Made Easy](#).
- Some disabled people have raised additional money for equipment and adaptations through crowdfunding sites like [Just Giving](#).
- If you feel you are waiting too long to see an occupational therapist, or you would like a second opinion, you can pay a [private occupational therapist](#).
- For social housing tenants, contact your housing officer. Details on how to find your housing officer are usually available on your council’s website.
- For private tenants and home owners, contact your [Home Improvements Agency](#). They specialise in helping people adapt or repair their homes.
- **Citizens Advice** offer information on [discrimination in adaptations](#).
- The [Disability Law Service](#) can provide free legal advice on community care law, including adaptation.
- [Citizens Advice](#) can offer advice on adaptations and wider home improvements, such as energy efficiency: or enter your postcode to find your local [Citizens Advice](#) if you would prefer a face-to-face conversation.
- If you feel you have been discriminated against by your landlord or during the adaptations process, you can contact the [Equality Advisory and Support Service](#).
- Local disability groups, charities and independent living centres may be able to provide you with support and advice in relation to adaptations.

Places to get help

There are a number of professionals and organisations who may be able to help you with the process of applying for adaptations, or advise you if there are conflicting views:

Further reading

- [Alternative sources of funding](#).
- [Local Government Ombudsman report](#) on the learning from Disabled Facilities Grant complaints (this includes a number of cases in which complaints were upheld).
- [Home Adaptation Consortium](#) guide on home adaptations for disabled people.
- Disabled Law Service factsheet on the [Disabled Facilities Grant](#).
- The [Royal College of Occupational Therapists](#) guidance on home adaptations and related provision across the UK.
- [Youreable](#) is an online community of and for disabled people.
- [Living Made Easy](#) is a searchable online catalogue of independent living equipment.

There are also a number of impairment-specific resources:

- [Thomas Pocklington Trust](#) provides lots of useful publications related to design features that help people with sight loss at home. Some also touch upon the areas of dementia and fall prevention for older people.
- [Habinteg](#), based in England, provide publications with information about wheelchair accessibility.
- [Royal Association for Deaf People](#) provide advocacy, advice and services, including information aimed at people looking for suitable housing or looking to adapt their current home.
- [Alzheimer's Society](#) has information about equipment, assistive technology and adaptations for people with dementia.
- [Foundations](#) has produced a list of adaptations which might be relevant to people living with dementia.



Contacts

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