



5. Non-Emergency Housing Options for LGBT People Facing Hate Crime

This information sheet is for Lesbian, Gay, Bisexual and Trans (LGBT) people who are considering their housing options because of homophobic, biphobic or transphobic hate crime.

Experiencing hate crime may feel totally overwhelming. It can affect your confidence and ability to think clearly about what is best for you. This is particularly the case if the abuse has occurred in or near your home, where your private living space has been violated.

This resource outlines some of the non-emergency options available to you if you are considering moving as a result of hate crime. These will depend on factors such as your current housing situation, finances and support available locally. See the information sheet 'Emergency housing for LGBT people facing hate crime' if you need more immediate help. It is worth noting that housing law is complex and this document is not intended to be a legal guide. If you or someone you know needs to move as a result of hate crime, always seek the help of a specialist housing advocacy service.

Evidence of hate crime

You may not want to involve the police in your experience of hate crime, especially if the perpetrator(s) are family members or carers and know your social circles. If you are disabled or have a health condition, you should consider how to access continued support needs. Fortunately, there is no requirement to report hate crime to the police to obtain new housing, although a crime reference number or a third party report may help. The fear of physical retaliation (or counter allegation) should not be dismissed. Hate crime often takes place where there are no independent witnesses. With this in mind, housing departments, estate officers or other professionals will take other forms of evidence into consideration. This evidence may include:

- a third party report
- a report to medical practitioners, such as a GP or consultant
- a report from a local estate officer or anti-social behaviour officer
- an affidavit from a friend or family member, stating that they witnessed a hate crime or incident
- evidence from the noise abatement departments, and
- a diary or log of incidents. See the information resource 'Diary sheets and guidance on keeping a written record of hate'.

Section 1: Types of accommodation and options available

The type of housing you live in will raise different types of issues and effect how flexible you can be in moving house to escape from hate crime. The following section explores those differences.

Home owners

If you are being harassed by a neighbour and you report this as hate crime and/or anti-social behaviour, this may be found in searches by potential purchasers and may have an adverse effect on your property value. This could make the sale of a property more difficult.

In some areas there are specialist Sanctuary Schemes where safety features such as burglar alarms or CCTV can be recommended, provided and fitted at little or no cost. You may want to consider this option if it is available.

Private renting

Most private landlords issue a six-month Assured Shorthold Tenancy (AST) and often do not want to get involved with neighbour disputes or disputes between tenants. Landlords who issue ASTs do not need a reason to evict a tenant. If you ask your landlord to evict a perpetrator who shares your flat, they may agree to do this but there is always a risk that you may also be evicted at the same time. Good landlords will be supportive but poor landlords may take the easiest option available to them, which might be to evict both parties. If you suspect your landlord may not be supportive, it would be wise to seek alternative private rented accommodation before asking for help.

There may also be complications if you want to terminate your tenancy before the end of the fixed term. If this is the case, you may be liable to pay the rent up to the end of the contract period. Contact a housing advice service for clarification on this point.

It is important to note that people living in self-contained accommodation, who have not been given a tenancy by their landlord, will still be deemed to have an AST as this is the default tenancy where no tenancy is issued.

Private renting following a referral from a local authority

If you have been placed in private rented accommodation following a local authority housing assessment, you will be able to return to that local authority within two years and ask them to conduct another housing assessment. It is likely you will be referred to new private rented accommodation away from the perpetrator.

Lodgers

If you are a lodger and your landlord shares your home, cooking and bathroom facilities, you are deemed to be an 'excluded occupier' (meaning you are excluded from certain legal protections). This means you have very little security of tenure and your landlord need only give you

'reasonable notice' to evict you. Reasonable notice is not defined in law. In some circumstances eviction may be within twenty-four hours if there is a risk of violence.

The prospect of a quick eviction is a double-edged sword. If the perpetrator is a co-tenant, this might mean that they could be asked to leave the property by the landlord and would need to do this immediately. The perpetrator would have no right under the law to challenge this.

However, if the perpetrator was your landlord, the law (the Equality Act 2010) would not prevent an eviction prompted by discrimination (with the exception of race hate). The small premises exemption means that this Act does not apply between landlords and lodgers.

This means that if your landlord is homophobic, biphobic or transphobic, harassing you or perpetrating hate crime against you, they could evict you with virtually no notice. This does not mean, however, that the landlord would be exempt from civil and criminal law, although this might not be any consolation should you become homeless.

It is important to note that the Equality Act 2010 does provide the option for legal redress to all other types of landlords and forms of tenancy.

Street homeless or having no fixed abode

Many rough sleepers experience violence from those who walk past them in the street. For an LGBT person who is rough sleeping in their local area, the risk is higher as they may well be known by local homophobic, biphobic or transphobic people. LGBT rough sleepers tend not to mix with other street homeless people for fear of discrimination. Some LGBT people walk around the streets all night, ride night buses, or feel obliged to have sex with people for accommodation. If you are street homeless and have experienced hate crime, contact a housing advocate at Stonewall Housing if you are living in London. Contact either www.nosecondnightout.org.uk or www.shelter.org.uk outside of London.

Housing cooperatives

Legislation around housing cooperatives is very complicated, as those living in short-term and long-term accommodation of this kind are also seen as providers of the accommodation. If you are experiencing hate crime or harassment from a fellow housing cooperative member, contact a housing advocate.

Housing associations, local authorities and arms-length management organisations (ALMOs) (social landlords)

Housing associations, local authorities and arms-length management organisations are all known as social landlords. They should have an anti-social behaviour policy in place that will outline the steps that need to be taken when a tenant reports hate crime to them. This policy will be underpinned by the Equality Act 2010, which makes it clear that public bodies have a duty to provide goods and services to all people regardless of their 'protected characteristics' (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation). The policy should include provision of support to all people reporting hate crime, with a clear timeline for action and link to a complaints

procedure in case support is not offered. Policies are public documents and copies may be requested. They should:

- be victim-centred
- include LGBT hate crime
- include disability hate crime
- offer support via the local LGBT police liaison officer, anti-social behaviour officer, or Community Safety Unit (CSU).

Most social landlords have anti-social behaviour officers, domestic abuse or hate crime workers in post to support tenants. Social landlords have the power to evict a tenant who harasses another tenant. However in reality, without an advocate, this rarely happens as the type of tenancy issued by housing associations and local authorities provide good security of tenure. To evict a tenant, the landlord would need to take the tenant to court and obtain an eviction order, followed by a bailiff's warrant. This process can take months. Most judges do not like to evict social tenants, especially if that tenant or their families have support needs.

Managed transfer

Another option would be to ask the social landlord to organise a 'managed transfer'. This is where they fast-track your application to move to another property. They will identify a property that is suitable and assist you to move in. They can also increase your safety at home, for example by fitting extra locks on the doors and windows or by fitting a fireproof letter box on your front door, at no extra cost to you.

They may also offer support to obtain court orders to keep perpetrators away from you, your family and your property and may be called to give evidence should a police prosecution for hate crime proceed to court.

Tenants will only be offered a viewing of **one** managed transfer property. If this property is not suitable and is refused, no further offers will be made (although there is scope to appeal this decision). Some social landlords operate a bidding process. Tenants are able to bid for properties based on the amount of points they have been awarded. Additional points will be given to those tenants experiencing hate crime associated with their address.

This provides greater flexibility but if a tenant fails to make a bid for property after a period of time, usually a year, they will be allocated a property that is deemed to be appropriate. If this is refused, the emergency points are withdrawn.

If a managed transfer is suggested, a case conference would be called where you and an advocate or other parties such as the local police would meet and discuss your housing situation. Evidence of hate crime associated with your address will be reviewed and a plan of action put forward, which should include arranging a managed housing transfer.

If social landlords cannot allocate an appropriate property that is suitable or do not have the housing stock available, they may apply you to the local authority to find emergency accommodation. See the information sheet 'Emergency housing for LGBT people facing hate crime' for further details.

Mediation

Some social landlords suggest neighbourhood mediation, as this may send a message to the perpetrator that homophobic, biphobic and transphobic harassment and hate crime is not acceptable and anti-social behaviour is a breach of tenancy.

In mediation, sometimes vexatious counter allegations are made, which could cause distress. If you decide to attend a mediation meeting, contact an advocate and ask them to go with you for moral support and also as a witness to proceedings.

If there have been threats of or actual violence or abuse, most housing advice services would not support a one-to-one encounter with the perpetrator and would not support mediation.

Mutual exchange

A mutual exchange is a direct swap between people who have social tenancies. See www.homeswapper.co.uk. Each party involved with a swap needs to obtain agreement from their social landlords. No exchange of money or cash incentive is permitted to encourage a swap. The positive aspect of Homeswapper is that tenants may view as many potential properties as they like and do not have to accept an unsuitable offer.

For disabled people, options for mutual exchange are likely to be limited as most properties will not have adaptations in place, although some adapted properties are reserved for disabled tenants.

Section 2: Additional steps you can take

Asking a friend or carer to move into the property on a temporary basis

Sometimes perpetrators will target people who they know live alone. If you think this is the case and you would feel safer asking a friend or carer to share your home for a temporary basis, be aware that this might have consequences relating to your tenancy and any benefits you may be claiming. Always seek advice before inviting someone to move into your accommodation.

Making contact with other neighbours

Sometimes perpetrators have a history of antagonistic behaviour towards other tenants. Your local police LGBT Liaison Officer, Anti-social Behaviour Officer or Housing Estate Officer may be aware of this. If this is the case, talking to supportive neighbours or Estate Officers may give you an idea of what interventions have worked in the past. If the perpetrator has a history of anti-social behaviour social landlords will be more willing to take action to evict them, but only if both the perpetrator and the person they are targeting are tenants of the same social landlord.

Further information

Shelter - Contact to find your local housing advocacy service:

www.shelter.org.uk

Stonewall Housing - LGBT housing advice service for people of all ages:

www.stonewallhousing.org

Housing allocations guidance:

www.gov.uk/government/uploads/system/uploads/attachment_data/file/5918/2171391.pdf

This information sheet was produced by Stonewall Housing, an LGBT charity providing housing advice, support for LGBT people in their own homes and supported housing for young LGBT people. It is a part of a series of 17 resources on hate crime for LGBT people and service providers, created on behalf of the National LGBT Hate Crime Partnership. Other useful information sheets include:

1. Glossary of Terms Relating to Hate Crime
2. Diary Sheets and Guidance on Keeping a Written Record of Hate Crime
3. Hate Crime Laws: A Guide for LGBT People
4. LGBT Hate Crime and Emergency Accommodation
6. Financial Assistance Schemes: Help for LGBT People Experiencing Hate Crime
7. Talking to your Children about Bullying and Hate Crime: Advice for LGBT Parents
10. Tackling Biphobia: A Guide for Safety Services
11. Tackling Transphobia: A Guide for Safety Services
12. Complaints to Statutory Agencies: A Guide for Advice Workers
14. Hate Crime and Older Lesbian, Gay, Bisexual and Trans people in Care Settings
15. Housing, Disability and LGBT Hate Crime

Find out about our work at www.stonewallhousing.org and www.lgbthatecrime.org.uk.

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