

Adaptation Rights

- disabled people in the private rented sector

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Resolving the housing problems faced by disabled people

Scottish household tenure

	<i>Household with disabled person</i>	<i>Household - no disabled person</i>
<i>Owns home</i>	53%	71%
<i>Rents socially</i>	41%	20%
<i>Rents privately</i>	4%	8%

Source: Scottish Household Survey 2004

The relevant legislation

- 1. Disability Discrimination Act 1995**
Duty not to discriminate
- 2. Disability Discrimination Act 2005**
Duty to make reasonable adjustments
- 3. Housing (Scotland) Act 2006**
Tenant's right to adapt

Who's covered - landlords?

- DDA 1995/2005 - 'controller of premises'; i.e. a landlord or property manager (which is a letting agent, not a factor)
- Housing (Scotland) Act 2006 – 'landlord'

Neither applicable in case of someone letting a room. DDAs also has some other exemptions.

Who's covered - tenants

“ *A physical or mental* impairment which has a substantial and long-term adverse effect on his/her ability to carry out normal day-to-day activities ”

1. Discrimination in letting

- involves a disabled person being treated less favourably, for a reason relating to their impairment
- arises through refusal to let, imposing different restrictions on disabled person, or evicting as a result of an impairment

2. Duty to make adjustments

Requires landlord/property manager to take (at their cost) reasonable steps to address the barriers which may be experienced by:



- a disabled tenant
- prospective tenant
- lawful occupier

Doesn't require...

- properties to be adjusted speculatively (a specific disabled person must request the adjustment)
- removal or alteration of a physical feature of a property
- adjustments that would compromise health & safety, or unreasonably affect use of the property

3. Right to adapt let property

- a tenant can't carry out adaptation works without their landlord's permission
- they must apply for permission in writing from their landlord and their landlord can't unreasonably withhold it



‘Reasonable’ adaptation works

- are required by a disabled person for their accommodation, employment or welfare
- don’t compromise safety & can be removed successfully
- don’t cost the landlord directly, or indirectly by affecting property value or ease of let

Paying for adaptations

- adaptation grant a possibility through Housing Improvement Grant scheme, or Scheme of Assistance
- both tenants and landlords can apply
- right to assistance reinstating an adapted property included in 2006 Act, expected to be implemented 2008

Summary

	Form	Type of works	Who pays?
Duty not to discriminate	Duty on landlord/ manager	-	-
Reasonable adjustments	Duty on landlord/ manager	Equipment, light touch works	Landlord/ manager
Right to adapt let property	Right for disabled person	Removal/ alteration of physical feature	Tenant (or obliging landlord)

For more information

[http://83.137.212.42/sitearchive/
DRC/PDF/CoP_Access.pdf](http://83.137.212.42/sitearchive/DRC/PDF/CoP_Access.pdf)

