|  |
| --- |
| **How to use this template letter**  **Words in bold are guidance to help you complete the letter.**  **Remember to delete them before you send it.**  Words not in bold are example text.  **Change or delete to fit your personal situation.** |

**Write your name and contact details**

**Write the agency name and contact details**

**Add the date**

Dear Sir/Madam

On **[date]** I saw a suitable affordable property at **[address]**.

It was advertised for rent at £**[XXX]** a month.

**Include a link or screenshot of the advert if you have one.**

**Explain what happened. Provide details of who you dealt with and what was said.**

I contacted your agency to ask about the property and was told that you don’t accept tenants who need to claim benefits.

**State clearly what you are asking for**

I would like to apply to view or rent the property.

The fact that I receive benefits is not a valid reason to:

* refuse me a viewing
* turn down my tenancy application

I respectfully ask you to reconsider. I set out my personal situation and the law on DSS discrimination below.

**Explain your personal situation.**

**Women and disabled people are more likely to be affected by no DSS policies so mention these things if they apply to you.**

My personal situation

I am a single woman with 2 school age children. I work in the local area.

I have a disability and receive personal independence payment (PIP) in addition to my wages and other benefits.

**Explain your financial situation. Delete any bullet points that don’t apply.**

My total monthly income is £**[XXX]** made up of wages and benefits.

I’m entitled to up to £**[XXX]** towards my rent under local housing allowance rules. I can top this up from other income.

I can also provide:

* £[XXX] deposit
* £[XXX] rent in advance
* a reference from my current or former landlord
* a guarantor

**Only include this sentence if you know you can pass a credit check**

I can also pass a credit check if required.

**Give information about your most recent tenancy. Explain why you’re looking to move.**

I currently rent a similar property. The rent is £**[XXX]**. I have always paid in full and on time.

I have lived here for **[X]** years. Unfortunately, my landlord intends to sell up so I’m looking for somewhere else to rent.

**Include this section if the agent says you need a guarantor and you don’t have one**

You told me that I must provide a guarantor because I receive benefits.

This is unnecessary and bad practice and I have set why the advertised property is affordable for me.

**Include this section if the agent says you will fail affordability or referencing checks**

You told me that I will automatically fail your affordability check because I receive benefits.

It’s bad practice to have processes that automatically exclude all tenants in receipt of benefits. This includes the use of external referencing companies who use these processes.

**Include this section to explain the law on DSS discrimination**

I have set out why I am a suitable tenant for the advertised property or similar properties.

I am more than happy to provide proof of income and past rental payments if required.

What the law says about no DSS policies

You should be aware of the [recent court judgments obtained by Shelter](https://blog.shelter.org.uk/2021/04/third-court-win-in-a-year-for-shelter-over-unlawful-no-dss-policies/).

On 3 occasions the courts have ruled that ‘no DSS’ policies are unlawful under the Equality Act 2010.

The courts have held that rejecting tenancy applications just because someone is in receipt of benefits is unlawful indirect discrimination on the grounds of sex and disability.

Official figures show that women and disabled people are more likely to receive housing related benefits. Some ethnic groups are also more likely to receive housing related benefits than others. For example, Bangladeshi or Black households.

No DSS policies therefore have a disproportionately negative impact on these groups.

Agents with these policies could face [compensation claims from tenants](https://www.bbc.co.uk/news/education-51642316).

**Include this section if the agent says it’s the landlord’s choice**

You have told me that it’s the landlord’s choice not to rent to tenants receiving benefits.

As an agent if you take an [instruction to discriminate from a landlord](https://www.equalityhumanrights.com/en/advice-and-guidance/equality-law-estate-agents-letting-agents-and-property-management-companies), this breaches equality law.

**Include this section if the agent says the landlord’s mortgage or insurance company won’t allow lettings to tenants on benefits**

You have told me that the landlord’s mortgage lender or insurance company won’t allow lettings to tenants receiving benefits.

Most mortgage lenders have dropped these types of restrictions already.

Many insurance companies offer landlord insurance that does cover lettings to tenants in receipt of benefits.

Please can you tell me what steps you have taken to check that these restrictions are in place?

Please be aware that the recent court rulings mean that any restrictive mortgage or insurance terms are likely to be unenforceable as they may also be indirect discrimination under the Equality Act 2010.

**Explain your next steps to the agent**

In conclusion

I still wish to view or rent this property.

I have shown that I should be considered a suitable tenant for this property or similar properties.

Please reply within 15 days to confirm that:

1. You will reconsider my application for this property or other suitable properties.
2. You will no longer reject applications on the grounds that a tenant is receiving benefits.

[Shelter’s guide for letting agents](https://england.shelter.org.uk/support_us/campaigns/letting_agents_guide) can help you to comply with equality law.

If I do not receive a satisfactory response within 15 working days, I will report the matter to your redress scheme.

**Add this section if the agent is a TPO member**

The Property Ombudsman (TPO) has agreed to investigate complaints of DSS discrimination that have not been resolved by the agent.

As a TPO member you should acknowledge my complaint within 3 days and fully investigate and respond to my complaint within 15 working days.

**Finish your letter**

I look forward to hearing from you.

**Add your name and contact details**