

Legal Reforms for Handling of ASB Including for Measures for Disabled Tenants and Residents

Introduction

The requested changes to legislation set out below are aimed at improving the handling of antisocial behaviour (ASB) complaints by landlords. They include measures specifically aimed at reducing the discrimination experienced by disabled tenants and residents who are disproportionately targeted, disproportionately falsely accused of ASB, and often times more severely impacted by ASB.

The compilation follows extensive consultation with members of the Social Housing Action Campaign (SHAC).

1. **Clear Definition:** Relevant legislation needs to be reviewed to create a precise, consistent definition of ASB to prevent misuse and ambiguity. and ensure that those with vulnerabilities are appropriately prioritised.
2. **Burden of Proof:** Establish clearer guidelines for all agencies tasked with ASB handling on who holds the burden of proof. Where the burden of proof shifts in ASB cases, ensuring standards should be revised to improve fairness. All too frequently, social landlords view investigating or intervening in ASB as too burdensome to bother with.
3. **Equality and Tenant-Centred Approach:** Refocus ASB frameworks to create an approach that respects equality and centres on the needs and rights of tenants, residents and landlords .
4. **Stricter ASB Monitoring:** Improve the legislation to strengthen monitoring by agencies and landlords, including cases where landlords identify themselves or management or staff as victims of ASB.
5. **Disability Consideration and Reasonable Adjustments:** Place a stronger duty on landlords and ASB handling agencies to ensure that disability factors are considered and captured in ASB cases. This should include a timely thorough review of whether reasonable adjustments have been requested or are required.
6. **Balanced Legal Resources:** Place a duty on landlords to invest the same effort and legal resources when the tenant formally alleges ASB by the landlord as they do when the landlord alleges ASB against themselves by a tenant.
7. **Remove the Housing Ombudsman's restriction on continuing with an investigation on behalf of a tenant alleging ASB when the tenant is simultaneously taking legal action.** Often this problem follows tenants, especially disabled tenants, persisting in

Legal Reforms for Handling of ASB Including for Measures for Disabled Tenants and Residents

pursuing a complaint and escalating to legal action as this effectively ends any role for the Ombudsman.

8. **Create more powerful legal sanctions against landlords who fail to make reasonable adjustments for disabled tenants alleging ASB.** This in effect would make it unlawful for social landlords not to intervene to stop or prevent ASB where it could be shown to be happening as and where it negatively impacted on the tenant because of their disability.
9. **Create an accessible app to enable disabled people to report and manage ASB complaints.** Technology offers opportunities for inclusivity and ease that aren't yet being fully exploited.