15. Housing, Disability and LGBT Hate Crime: An Advisors Guide

This information sheet is aimed at those working to support disabled lesbian, gay, bisexual and trans (LGBT) people who have experienced hate crime or incidents that affect their housing.

LGBT disabled people who experience hate crime have very limited housing options. The lack of options and delays in receiving advice may lead to an increase in incidents and an escalation of severity of the anti-social behaviour. Hate crime can also have a negative impact on the physical health and mental wellbeing of the victim. This information sheet will look at the intersection between LGBT hate crime, disability and housing.

This is not intended as legal guidance. Housing law is complex and the scope of this document is restricted. If you or someone you know is experiencing hate crime in or near their home and has a disability, always seek the help of a specialist housing advocacy service.

National: Contact Shelter to find your local housing advocacy service at www.shelter.org.uk

Greater London: Stonewall Housing on our advice line on 0207354 6316, email us at info@stonewallhousing.org or request advice via www.stonewallhousing.org

What is hate crime?

An LGBT hate crime is any criminal offence which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice based on a person's (perceived) sexual orientation or gender identity.

LGBT hate crimes can affect those who identify as lesbian, gay, bisexual, transgender, intersex or gender non-conforming.

When Hate Crime occurs in or near the home, it can have a devastating impact, especially for disabled LGBT people where there are limited housing options available.

Please note: The government also defines hate crime perpetrated by current or ex-partner or extended family member as domestic abuse. This includes forced marriage and so called “honour” based violence. For further reading go to: https://www.gov.uk/domestic-violence-and-abuse or www.lgbtdaf.org
Intersectional discrimination

Disabled lesbian, gay, bisexual or trans people face additional problems when experiencing hate crime in or near their home. In addition to graffiti, threats, name calling, intimidation, financial, physical or sexual abuse, these could include:

- Harming assistance animals, for example guide dogs
- Grabbing or breaking walking aids
- Placing obstacles in or near the home intentionally to cause a fall
- Vandalising a lift, preventing the disabled person from entering or leaving their flat
- Using knowledge about a person’s physical or mental health conditions to incite hatred
- Whispering campaigns about HIV status
- Using a mental health condition to undermined confidence to report, i.e. “No one will believe you”
- Relentless door knocking
- Noise nuisance
- Posting hurtful information online or via social media
- Interfering with post or deliveries
- Adding sand or sugar to brailed information
- Mocking those who are frail, unsteady or slow
- Mimicking physical conditions or speech impairments

Disabled people are 3.6 times more likely to experience violence than none disabled people. (World Health Organisation [www.who.int/disabilities/violence/en](http://www.who.int/disabilities/violence/en))

When people experience hate crime in or near their home, may no longer feel safe and wish to relocate. For disabled LGBT people may face additional difficulties that include:

- The lack of accessible housing stock
- Low income. Disabled LGBT people are more likely live on a low wage, working part time or living on benefits
- The lack of advice and support for visually impaired and hearing impaired people.
- The lack of sign language interpreters familiar with LGBT terminology
- Homophobia, biphobia and transphobia and lack of understanding within disability organisations who might not accord their clients with having with having a sexual orientation or gender identity
- Disability discrimination and lack of understanding within LGBT communities, about the lived experience of disabled people
- An increase in stress that may exacerbate an existing physical or mental health condition. Reporting hate crime might increase the severity of the health condition. Similarly, not reporting might also lead to the same outcome
- Informal housing options, for example staying with friends or family may not be possible due to access requirements
- Services may inappropriately signpost rather than take on complex cases
- Fear and or threat of hospitalisation or institutionalisation should appropriate housing be unattainable

Read more at [www.lgbt-hate-crime.org.uk](http://www.lgbt-hate-crime.org.uk)
Disabled LGBT person may experience hate from carers and support staff as well as neighbours and their local community leading to difficulties reaching help

Older disabled LGBT people within sheltered accommodation may be fearful of disclosing their sexual orientation or gender identity either themselves or via a third party

**Rights Holders**

Everyone has a right to live free from violence in or near their home. This is a view shared by the UN convention on rights of persons with disabilities. Article 16 – Freedom from exploitation, violence and abuse states parties “…shall take all appropriate measures to protect persons with disabilities both within and outside the home from all forms of exploitation, violence and abuse including their gender based aspects.”


And in the Human Rights Act Article 3- Freedom from torture and inhumane and degrading treatment or punishment reaffirms that people who use health and social care services have a right to be protected from inhumane and degrading treatment and where there are allegations of mistreatment, the state has an obligation to investigate.


These articles underpin the 1996 Housing Act and the Code of Guidance which assists Local Authorities to interpret the Act.


It provides that someone who is living in fear of violence likely to be carried out, clients may approach a local authority housing department for help, assistance and in some circumstances, emergency housing.

**Considerations when discussing housing options**

Disabled LGBT people who have experienced hate crime are likely to feel disempowered. When supporting LGBT people, make sure your approach is victim centred. Listen to their own concerns and priorities. It might be that they will want to remain in the property if they are housed, or leave, either temporary or permanently. Be aware that they will be best placed to make any decisions. An advisor should inform their decision making process rather than leading them towards a particular outcome that may not enhance their life or increase their safety.

**Should I stay or should I go?**

LGBT people may choose to use civil and criminal law to protect them. There are a range of options to explore, from a legal prosecution, to obtaining a court order to change the behaviour of the offender, to increasing home security. These options are equally available to people if they move home temporarily or permanently or if they remain at home.

All housing options for a disabled LGBT person should be discussed fully before a course of action is decided upon. Options will depend on their current housing situation and tenancy type. Consideration should be given to temporary and permanent housing options, and balancing this
against remaining in the property and increasing safety measures via the civil and criminal courts.

Some people may anticipate recriminations and may not want to remain at home whilst allegations are being investigated. Some may also be worried about counter allegations, especially if they have little trust in the legal process. They may not want to involve the police, especially if the perpetrator is a family member or carer well known in their social circles and fear that reporting to the police will cause isolation from other groups that they prioritise. For example, are members of religious groups or sports clubs.

Disabled LGBT people may need continued access to medical treatments, care and support. Access to medical services and support networks should be taken into consideration when discussing moving into alternative accommodation. NHS funding for gender identity services may also be a major consideration as levels of funding vary in each PCT area.

Disabled LGBT people with parental responsibility may also need to consider the welfare of their children. Children who witnessing hate crime may become emotional distressed. Threats can be extended towards the whole family, putting children at risk of harm. Moving home but this might disrupt a child’s education, and friendship groups. It might on the other hand relieve stress and reduce risk to the whole family.

Special consideration should also be given if there are family court proceedings in progress or there are court orders in place that relate to child contact. In this situation contacting a family law advocate is highly recommended.

Finance is also an issue. If a person is in rent arrears, it might be more difficult to arrange a move to safe accommodation. An advocate who can suggest a repayment plan would be useful in this instance.

Moving home is not cheap. House removals for large properties can cost thousands. There may be some financial assistance available via Adult Social Care, a personal budget or other hardship grants. There may also be help available with arranging packing and transportation for furniture via the same route.

There is no requirement to report hate crime to the police to obtain new social housing although a crime reference number or a third party report can certainly help. The fear of physical retaliation (or counter allegation) should not be dismissed, especially as quick escape housing options are so limited for disabled people.

Hate crimes or hate incidents frequently take place where there are no independent witnesses. With this in mind, housing departments will take other forms of evidence into consideration. This evidence may include:

- A third party report
- A report to a medical practitioners/ GP/Consultant
- A report from a local estate officer or anti-social behaviour officer
- An affidavit from a friend or family member, stating that they had witnessed a hate crime or incidents

Read more at www.lgbt hate crime.org.uk
Evidence from the noise abatement departments
A diary or log of incidents. (See information sheet 2 below)

Type of accommodation

LGBT hate crime can happen to anyone, irrespective of their income or housing status although in a recent study Liverpool Council found that 75% of victims of hate crime were social housing tenants. According to Home Office data 1 percent of social renters were victims of hate crime nationally in 2009/10 or 2010/11 compared with 0.3 percent of owners and 0.5 percent of private renters.

The type of housing a person occupies will raise different types options. (See information sheets 4 and 5 below).

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. The other useful information sheets are:

1. Glossary of Terms Relating to Hate Crime
2. Diary Sheets and Guidance on Keeping a Written Record of Hate Crime
4. LGBT Hate Crime and Emergency Accommodation
5. Non-Emergency Housing Options for LGBT People Facing Hate Crime
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
8. Training Toolkit on LGBT Hate Crime
9. LGBT Hate Crime Quality Standard: A Service Improvement Tool for Organisations
14. Hate Crime and Older Lesbian, Gay, Bisexual and Trans people in Care Settings
15. Commissioning LGBT Hate Crime Services: A Guide for Organisations
16. Building Partnerships to Tackle Hate Crime

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

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