



Equality Hub

## **Annex A – Consultation Questions**

**Improving disabled people’s access to let residential premises: reasonable adjustments to common parts, a new duty**

**June 2022**



# Equality Hub

## Your information

(Please note that this section is optional).

Your name or the organisation's name you are answering on behalf of.

Please state which of these groups do you belong to?

- a disabled person who lives in rented, leasehold or commonhold accommodation
- a disabled person who plans to live in rented, leasehold or commonhold accommodation
- private landlord
- social landlord
- managing/letting agents
- local authority
- organisations representing any of the above groups
- expert in any of the topics covered
- other (please specify)

Your email address and/or phone number.

Would you be happy to be contacted by the Government Equalities Office about your responses? (Yes / No)



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## Consultation Questions

Please read the consultation document, 'Improving disabled people's access to let residential premises: reasonable adjustments to common parts, a new duty', before answering the following questions. There are 18 questions. You can answer any questions.

### Question 1

Do you think any types of property should be excluded from the proposed reasonable adjustments duty? (Yes / No) If Yes, explain what types of property.

(See section on 'exceptions to scope').

### Question 2

Do you think that guidance should set out what a "reasonable period" should be for the landlord to complete the tenant consultation process following a reasonable adjustment request? (Yes / No)

(For questions 2 to 3, see section on 'requirement to consult').

### Question 3

Do you have any views to add on how landlord-tenant consultation arrangements should work? (Yes / No) If "yes", please state your views.

### Question 4

Do you foresee any issues for landlords in operating the new requirements alongside existing lease obligations? (Yes / No) If "yes", please describe those issues.

(For questions 4 to 14, see section on 'costing/feasibility of the work and the interaction with leasehold law').

### Question 5

Do you think further guidance is needed on the use of project management fees for section 36 works?

### Question 6

Who should pay for the costs of adaptations to the communal parts where this is required and reasonable? Please select from the list below.



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- The disabled person
- The landlord
- All tenants
- Cost should be shared between disabled person and landlord
- Cost should be shared between landlord and all tenants
- Difficult to say because it will depend on the particular circumstances

### **Question 7**

Other than possible Disabled Facilities Grant support for the disabled person requesting the work, what provision should be made to protect leaseholders where they may all be liable for the costs of the work?

### **Question 8**

Other than possible Disabled Facilities Grant support, what provision should be made to protect the disabled resident where other leaseholders cannot help to pay for the work?

### **Question 9**

Do you anticipate any risks with landlords being able to decide how costs should be allocated? (Yes / No) If “yes”, how might we mitigate these?

### **Question 10**

Do you foresee any risks, to any of the parties concerned, in cases where the landlord deems it appropriate under the lease to pass on the costs of the adjustment to all leaseholders? (Yes / No) If “yes”, please explain the nature of the risks and how, in your view, they might be mitigated.

### **Question 11**

What factors should we consider when drafting guidance for the process to consult other tenants?

### **Question 12**

There is no power in the Equality Act to set out a mandatory form or template that residents and landlords must use to manage the process, from initial application for an adjustment through to landlord decision, however, the Government could, provide a template for voluntary use. Would you welcome a model form or template, which would be included in the guidance? (Yes / No)



## Question 13

Are there any other considerations on reasonableness that you think the guidance should cover? (Yes / No) If “yes”, please state.

## Question 14

Is there any other support that landlords would find useful in helping them to make decisions on reasonableness? (Yes / No) If “yes”, please state.

## Question 15

After a landlord has agreed to an adjustment, as well as setting out the requirements of a written agreement between the parties, the Government could also set out a mandatory form for this purpose. Would you welcome this? (Yes / No)

(For questions 15 to 17, see section on ‘reasonable adjustment agreement’).

## Question 16

If you answered “no” to question 15, would you prefer us to suggest in guidance a format for use on a voluntary basis, leaving landlords and the disabled person some flexibility in how their agreement is drawn up? (Yes / No)

## Question 17

If you answered “yes”, to either question 15 or 16, what would you like to see covered in a mandatory or voluntary form?

## Question 18

Do you agree that the landlord should be required to set out in the agreement how the disabled person’s money will be held and paid over to the contractor? (Yes / No) If “no”, please say why.

(See section ‘monies held on trust’).