

Discrimination: Unlawful to Ban Benefits or Children

Landlord FAQ

Q: Can I refuse to consider an applicant because they receive benefits?

A: No. It's unlawful to discriminate against a prospective or current tenant because they receive benefits, including Universal Credit and Housing Benefit. This covers the whole process - you can't refuse enquiries, viewings, or applications on this basis, and "No DSS" style adverts or policies are not permitted.

Q: Can I refuse to let to a family with children?

A: No. Blanket bans on children are unlawful, whether stated openly in an advert or built into how you screen applicants. A property can still be assessed for suitability - for example, on genuine overcrowding grounds - but that has to be a specific, individual assessment, not a blanket policy against families.

Q: What if my mortgage or insurance says I can't let to tenants on benefits or with children?

A: This is no longer a valid excuse. Any clause in a mortgage, superior lease, or insurance contract that would require you to discriminate in this way has no legal effect from the 1st of May 2026. The responsibility sits with you as the landlord, not your lender or insurer.

Q: What about an existing insurance policy that already has one of these restrictions?

A: There's a transitional allowance here. If your insurance contract was entered into or renewed before the 1st of May 2026, a discriminatory term in it can continue to apply until that policy ends or is next renewed - but no later than that. In practice, this means all insurance products will need to comply by the time they're next renewed, at the latest.

Q: Can I still turn an applicant down on affordability grounds?

A: Yes. You're allowed to take income into account when assessing whether someone can afford the rent, and you can still carry out reference checks, credit checks, and ask for a guarantor. What you can't do is set the bar in a way that's really just designed to screen out benefit claimants or families - the assessment needs to be applied fairly and consistently to every applicant.

Q: What happens if I breach these rules?

A: Your local authority can impose a civil penalty of up to £7,000, based on the balance of probabilities rather than the higher "beyond reasonable doubt" standard used for some other breaches - so it's a lower bar for a council to prove. Repeated breaches can attract further penalties.

Q: What should I do to make sure my selection process is compliant?

A: Make sure your advertising, application forms, and screening criteria treat every applicant on their individual merits - affordability, references, and credit history - rather than excluding anyone outright because of their income source or family status.