

Your rights in the AIDS era. 7, Security from eviction / Immunity.

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Wellcome Collection
183 Euston Road
London NW1 2BE UK
T +44 (0)20 7611 8722
E library@wellcomecollection.org
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Society for HIV Research and Education

YOUR RIGHTS IN THE AIDS ERA

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**7. Security
from eviction**

Eviction can be a threat for people with HIV infection or AIDS – or one of the AIDS-related complexes – for a number of reasons. Your landlord may object to your continuing to live in your home – or you may have got behind with your rent because of financial problems caused by your not being able to work as regularly as you used to.

This leaflet aims to give you guidance about your security at home.

When can my landlord evict me?

Usually before your landlord can take any action he – or she – must have served you with notice – except:

- when your agreement was for a fixed period and your landlord has not accepted any rent from you since the period ended
- when what is known as your contractual tenancy has already been ended – e.g. by notice of a rent rise or because you are the successor to the original tenant.

What sort of notice should I get?

That depends on what sort of agreement you have and on why the landlord wants possession.

If you have a tenancy you must get at least four weeks' notice. And the notice you're given must give you certain further information about your rights. If it doesn't, it is not a valid notice, so the landlord can't do anything without starting all over again.

What if I only have a licence?

Even though a document may describe itself as a licence it may really be a tenancy. Many landlords have produced what they call licence agreements to try and get round the Rent Acts which give protection to tenants. It is important to get detailed legal advice.

If you only have a licence the notice does not have to be so technical and it can be either verbal or in writing – and the length of the notice must be 'reasonable'. What is reasonable depends on a number of things, like:

- how long you have lived there
- the reason your landlord wants possession
- where you might be expected to go afterwards

Once the notice is up must I go?

No. If you've got a tenancy the landlord must get a court order to get you out. Often the same is true if

you've only got a licence.

If you move out when you could have stayed put you may lose any right you had to re-housing because your local council may decide you made yourself intentionally homeless (See Leaflet 6 on Homelessness).

When is the landlord likely to be able to get a court order against me?

Even with the Government's new legislation many tenancies are still protected. That means the landlord must have particular grounds for wanting you out – because you have been a nuisance to your neighbours by making too much noise or because you're in arrears with rent, for instance. There are several other grounds laid down by Act of Parliament.

In some cases those grounds themselves are not enough and the court also has to be convinced that it is reasonable to order you to leave.

Are there any tenancies where grounds aren't needed?

Yes. There are certain tenancies where the landlord will be entitled to get a possession order automatically. The commonest examples are when the landlord lives on the premises or where you are in a student letting.

But remember that your landlord still needs to give you notice and get a court order against you before you have to leave.

What if I am put under pressure to leave?

If you have or had a tenancy or have a current licence, it is a criminal offence for the landlord to interfere with your 'peace and comfort' or persistently to withdraw or withhold services – like cutting off your water or electricity – with the intention of forcing you out or stopping you exercising your rights, by applying for a reasonable rent to be fixed, for instance.

If I'm harassed who can prosecute?

Your local council, the police or you all have power to prosecute. However, the police do not do so and it's best if the council takes this on. Prosecuting, even in the magistrates' court, is a complicated business and not something for private individuals to undertake lightly.

What good will prosecution do me?

The magistrates have power to fine up to £2000 and to imprison the offender: they can also award you compensation for personal injury or physical loss but probably not for injury to feelings.

Can I do anything else?

Yes. You can take action in the local county court for an injunction (a court order telling someone to do something or to stop doing it). Such an order is useful because it can apply also to the landlord's associates.

You can also get a wider range of damages awarded against the landlord, for inconvenience and injury to feelings, for instance.

What if I am illegally thrown out?

The same remedies apply. You can get an injunction ordering the landlord to let you back in as well as claiming damages which can stretch to exemplary damages (more than you have actually lost), if the landlord's behaviour has been particularly outrageous.

What if I am too scared to go to court?

That can be a real fear because a court order can't stop things happening – like windows being broken, and things being put through your letterbox. It may be better to appeal to the local council for rehousing. There's more about that in Your Rights in the AIDS Era 6 on Homelessness.

Do I have any protection if I am a squatter or my licence has ended?

With one exception there is no protection. The exception is that if you are in the premises no-one may, without a court order, use or threaten violence to gain entry. But, if you're out, that protection does not apply.

Housing problems are complicated. You will need proper legal advice to help work out what your legal rights or remedies may be.

If you live in the Greater London area you can contact Immunity's Legal Centre. We exist to provide anyone with HIV infection or AIDS – or the people connected with them with legal advice and assistance.

LONDON AND NATIONAL GROUPS AND SERVICES

Afro Caribbean Helpline Service: Black advisers offering specialised advice and support, Fridays 6pm-10pm, on the National AIDS Helpline (0800-567 123). Calls free

AIDS and Housing Project: Write: 16-18 Strutton Ground, London SW1P 2HP

AIDS Helpline: Information from the College of Health. Daily, 2pm-10pm

Asian AIDS Helpline: Advice given in Bengali, Gujarati, Hindi and English. Wednesdays 6pm-10pm, on 0800-282 445. Calls free

Cantonese AIDS Helpline: Advice given in Cantonese, Tuesdays 6pm-10pm, on 0800-282 445. Calls free

Body Positive: write PO Box 493 London W14 0TF. Mutual help and support group. Drop-in centre (from December, 1988) at 51b Philbeach Gardens, London SW6. Helpline: (7pm-10pm) 01-373 9124

Body Positive Support Group: For newly diagnosed people with HIV infection and others with the infection who are anxious, plus the lovers, close friends and relatives of both groups. Meets Sundays at 12.15pm (for 12.30pm) on the second floor at the London Lesbian and Gay Centre, 69 Cowcross Street, London EC1

Care and Resources for People Affected by AIDS/HIV (CARA): write 40 Bacon Road, London SW6. Phone 01-381 9568. Christian group offering support to Christians and non-Christians affected by HIV infection and by AIDS

Dentists who treat people with HIV infection: NHS Special Needs Dental Clinic, Alderney Street, London SW1. (Mondays, 3pm-5pm, Tuesdays, Wednesdays 9am-12pm) Phone: 01-630 8436 Or: advice on who to see from Mrs Satchell at City and Hackney Health Authority. Phone: 01-253 3020

Drug Users and Ex-Users with HIV infection/AIDS/ARC: run by Terrence Higgins Trust. Meets Fridays 7pm-9pm at Trust's offices (52-54 Grays Inn Road, WC1) Info: David Bickerton on 01-831 0330

Ealing AIDS Response: Local group. Write: PO Box 16, Isleworth, Middlesex, TW7 6AG. Phone: 01-893 8872

East London HIV Social Group: Meets Mondays 8.30pm upstairs at the London Apprentice, 33 Old Street, London EC1. Info: Nigel Harvey on 01-377 7458

Frontliners: Mutual help and support group for people who have AIDS. Write: c/o Terrence Higgins Trust, BM AIDS, London WC1N 3XX. Phone 01-831 0330

Haringey Health Authority Helpline: Counselling and advice on the phone on 01-801 1490/01808-1061, extension 212 (10am-6pm)

Haemophilia Society: Information, advice and support for everyone who has haemophilia — and special representation of and support for people with haemophilia infected with HIV by using Factor 8. Write: 123 Westminster Bridge Road, London SE1. Phone: 01-928 2030

Immunity: HIV research and health education charity. With full-time specialist legal centre for anyone with a legal problem connected with HIV infection, AIDS or an AIDS-related complex. Advice and court representation on offer. Also welfare rights advice. Open 10am-5.30pm. Phone to fix an appointment. Charity and legal centre at 260A Kilburn Lane, London W10 4BA. Phone: 01-968 8909

Italian Drug Users and Ex-Users Group: run by Terrence Higgins Trust. Meets Wednesdays 6pm-7.30pm at Basement, SCODA,

1-4 Hutton Place, London EC1 8TD. Info: David Bickerton on 01-831 0330 or Dr Massimo Riccio on 01-362 8161

The Landmark: Open July 1989. Day centre for people who have HIV infection and people who have AIDS. Will offer advice, recreational facilities, meals. Plus info for other people. 47 Tulse Hill, London SW2. Phone 01-671 7611/2

Lesbian Employment Rights: Non-AIDS specialist. Good on rights at work. Address: as LAGER Phone: 01-587 1636 (Mon-Thur 7pm-10pm)

Lesbian & Gay Employment Rights (LAGER): Specialist in rights at work. Mainly men. Write: Room 203 Southbank House, Black Prince Road, London SE1 7SJ. Phone: 01-587 1643. (Mon-Fri, noon-6pm)

London Lesbian and Gay Switchboard: The original helpline. Not an AIDS specialist — but helpful. Write BM Switchboard, London WC1N 3XX. Phone: 01-837 7324 (24hrs)

London Lesbian Line: Information, support and advice for women. Phone 01-251 6911. Mondays and Fridays 2pm-10pm, Tuesdays-Thursdays 7pm-10pm

London Lighthouse: Hospice and drop-in centre. Offers counselling, health advice, support at home, breaks for carers and terminal care. 111 Lancaster Road, London W11 1QU. Phone 01-792 1200

Mainliners: Group for ex-drug users — and drug users who get their supplies on prescription — who have HIV infection or have AIDS or any other AIDS-related complex. Meets Wednesdays 7.30pm-9.00pm at 369 Old Kent Road, London SE1

National AIDS Helpline: Phone — free of charge for free leaflets (0800-555 777) or confidential advice (0800-567 123). 24 hours a day

North London Social and Support Group: Info: Joe on 01-482 4107

Nurses Support Group: Runs helpline for healthcare workers who need advice and help on HIV problems, Mondays and Wednesdays 7pm-10pm, on 01-708 5606

Positively Women: Group of women who have HIV infection or have AIDS. Meets in central London. Info: 01-837 9706 (Mondays-Fridays, 10am-5pm)

Project for Advice, Counselling and Education (PACE): One-to-one counselling and training in counselling. Meetings and write c/o London Lesbian and Gay Centre, 69 Cowcross Street, London EC1. Phone: 01-251-2689

South London Support and Social Group: Info: Rick, 01-675 3919

Standing Conference on Drug Abuse (SCODA): Information officer keeps up-to-date list of needle exchange schemes. 1-4 Hutton Place, London EC1. Phone: 01-430 2341/3

Terrence Higgins Trust: Information and counselling about HIV infection and AIDS. Plus support groups and trained volunteers to help people with HIV infection and people with AIDS. Write: BM AIDS, London WC1N 3XX. Phone: 01-831 0330 (admin only) 01-242 1010 (helpline, daily, 3pm-10pm)

Women's Reproductive Rights Information Centre: Not an AIDS specialist — helpful. Advice on all health issues affecting women, including HIV infection and AIDS. 52-54 Featherstone Street, London EC1. Phone: 01-361 6332

Women's Support Group: Run by Terrence Higgins Trust. Info: 01-831 0330

What's AIDS?

AIDS is short for the Acquired Immune Deficiency Syndrome. If you have AIDS your body's defence system against all sort of infections is weakened so much you catch diseases which people whose immune systems aren't affected can just shrug off. And, when you catch them, the diseases turn out to be much more serious than they are in people with healthy immune systems. Nobody knows for certain, but it look as if everyone who has AIDS dies of one of the diseases they catch, such as a fairly rare form of pneumonia. You can't catch AIDS. It develops in you for some reason. HIV probably causes that to happen.

What's HIV?

HIV is short for the Human Immunodeficiency Virus. It was first discovered in 1983. Since then it has been called LAV and HTLVIII. But since 1986 the proper name for it has been HIV. It may cause AIDS to develop in you. You can catch HIV infection by allowing your body fluids — blood, semen or vaginal fluids — to become mixed with the body fluids of some who's already infected. HIV isn't like most viruses because, when you're infected it lives inside blood cells which are part of your body's defence system.

What's Immunity?

Immunity is a charity started in 1985 to research into HIV. Its aim is to find some way of helping people who have HIV infection stay well longer. It also runs fitness classes and produces education leaflets and relaxation tapes. With funds from the London Boroughs Grants Scheme, Immunity runs a legal centre in London to give advice and assistance to people who have HIV infection and people who have AIDS. Phone first before visiting to fix a time to call. The address and phone number are at the bottom of this page.

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Society for HIV Research and Education

260A KILBURN LANE, LONDON W10 4BA TELEPHONE 01-968 8909

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