

# Exchange of Sexual Relations for Accommodation ('Sex-for-rent')

## Government [Call for Evidence](#)

### SECTION ONE

#### Introduction

This consultation response is jointly submitted by the Domestic Abuse Housing Alliance (DAHA) led-[National Housing and Domestic Abuse Policy and Practice Group](#), including specific contributions from DAHA, Generation Rent, Latin American Women's Aid, Safety4Sisters, and Solace Women's Aid.

Our National Group brings together 29 expert partners from the housing, domestic abuse, and violence against women and girls' (VAWG) sectors from commissioning, charity, and policy perspectives. We support statutory agencies, government departments, and the private sector to deliver safe and suitable housing for survivors of domestic abuse.

We are not criminal law experts, and as such, will not attempt to provide specific suggestions regarding the categorisation of 'sex for rent' as a crime. However, we are well placed to provide evidence and recommendations regarding the diverse experiences of women who are subjected to 'sex for rent' exploitation, the vulnerabilities, and disadvantages that place women at an increased risk of this form of harm, and the different support women require to achieve safety and housing security.

#### Summary of evidence and recommendations

- 'Sex for rent' is a form of predatory sexual exploitation and abuse predominantly perpetrated by men towards women and therefore, should be recognised as a form of violence against women and girls (VAWG).
- The new definition of 'sex for rent' must reflect it as a form of VAWG and sexual exploitation which recognises a diverse range of perpetrators (e.g. not just landlords) and the different housing circumstances and needs that are sexually exploited by perpetrators. This definition must also reflect informal and formal accommodation arrangements where 'sex for rent' exploitation occurs.
- The predatory and exploitative nature of 'sex for rent', means that any changes to criminal law should ensure that only the 'landlord' is criminalised and not the tenant, even where it is suggested that the tenant 'offered' or 'initiated' sex for rent.
- Continuing to categorise 'sex for rent' as a form of prostitution, under section 52 of the Sexual Offences Act 2003 (causing or inciting prostitution for gain) and section 53 of the Sexual Offences Act (controlling prostitution for gain), both criminalises and stigmatises victims and deters use of the criminal justice system. This will only serve to limit prosecutions and isolate victims from support, as demonstrated by the significant lack of prosecutions (currently just one to date).
- Any change in legislation which may reflect 'sex for rent' as a form of VAWG must be accompanied by sustainable funding to provide women at risk of 'sex for rent' exploitation with specialist support. This must include ringfenced funding for specialist 'by and for' support services for Black and minoritised women, and specifically migrant women, and women experiencing long-term homelessness and multiple disadvantage.
- Women who are additionally vulnerable and systemically disadvantaged are at a greater risk of 'sex for rent' exploitation, including: women on a low and insecure income, single women (especially with dependent children), women fleeing domestic abuse and wider forms of VAWG,

migrant women with insecure immigration status and no recourse to public funds (NRPF), and women who are experiencing long-term homelessness and multiple disadvantage.

- Migrant women with insecure immigration status and NRPF have little support or incentive to use the criminal justice system in cases of 'sex for rent' exploitation due to fear of being criminalised for their immigration status. Therefore, to support prosecutions in these cases, there must be a firewall between immigration services and the Crown Prosecution Service (CPS).
- While migrant women continue to have NRPF, they cannot access the specialist support and safe accommodation through vital refuges, which makes them more likely to seek informal accommodation arrangements that place them at risk of 'sex for rent' exploitation. Therefore, the government must enable all women at risk of VAWG, including 'sex for rent' exploitation, recourse to public funds to access life-saving specialist support and refuges.
- Women are placed at risk of 'sex for rent' exploitation often as a direct result of limited safe and affordable long- and short-term accommodation, including a significant lack of social housing, which forces women into the private rented sector (PRS).

## SECTION TWO

**Sex for rent is defined as landlords offering or providing accommodation for reduced rent in exchange for sexual services.**

**Q1. Do you think that this description reflects sex-for-rent?**

**Answer:**

No, the description does not fully or accurately reflect 'sex for rent' practices.

**Use of term 'landlords':** There are several individuals who could be responsible for proposing and establishing exploitative 'sex for rent' arrangements which include, but are not limited to, the landlord, individuals employed by the landlord, or who are enlisted to carry out housing services, such as letting agents. Certain individuals may also establish or seek to establish a 'sex for rent' arrangement via a known landlord, when they are only associated with the landlord.

Many 'sex for rent' circumstances will also involve informal situations without official landlords or prior tenancy agreements. These arrangements might be proposed by people who are known to the victim or by strangers or new acquaintances and might involve a range of housing circumstances in which the person may or may not own the property or space offered. These informal arrangements can particularly impact migrant women and women who are homeless and rough sleeping.

According to evidence provided by Latin American Women's Aid (LAWA) and Safety4Sisters, for migrant women, often with insecure immigration status and no recourse to public funds, 'sex for rent' arrangements are often informal, with no tenancy agreement or contract in place. In these circumstances, housing is most likely offered by friends, acquaintances, or someone known in the community to have accommodation available. Usually this will be space within their own home (not necessarily including a private room). In these situations, the individual(s) providing accommodation may require the 'tenant' to provide sexual services as a way of paying for their accommodation, not just to the 'landlord', but to other individuals within or outside of the household, such as family members and friends. Additionally, 'sex for rent' often is required alongside other domestic services.

The informal nature of the landlord/tenant relationship is most often a direct consequence of many migrant women's insecure immigration status and no recourse to public funds and the inability to

seek employment. As a result, many migrant women cannot pursue 'legitimate' tenancies, but only have these informal options available to them.

**Therefore, to capture the experiences of migrant women, often with no recourse to public funds, and insecure immigration status, we also suggest that the term 'landlord' is replaced with 'anyone providing accommodation/housing, even if they are not formally identified as the landlord and the victim of 'sex for rent' exploitation, is not formally their tenant'.**

**Use of wording 'exchange of sexual services':** the terms "exchange of sexual services" does not accurately reflect the nature of 'sex for rent', as it implies that an equal exchange is occurring between the landlord and the (potential) tenant. 'Sex for rent' is ultimately an exploitative and predatory practice, in which the landlord (or the individuals acting on behalf of the landlord or gaining from the landlord's position), have significantly more power than the individual who is being approached for 'sexual services'. The tenant will be in a position of dependency due to the landlord/tenant relationship, in which the tenant is dependent on the landlord for their housing security and risk of homelessness.

Many landlords will actively seek out tenants who are additionally vulnerable to exploit their position of disadvantage. For many victims of 'sex for rent', this includes the gendered nature of 'sex for rent', in which most landlords are men, and the tenants are women. Additionally, many women who are at risk of these practices are single women, often with dependent children, are fleeing or have fled experiences of violence and abuse, and have low to no income, all of which makes them more dependent on the housing offered. For migrant women with no recourse to public funds, this power dynamic is even more imbalanced, as the landlord has significantly more power and privilege. In most cases shared with our National Group by partners such as Latin American Women's Aid (LAWA) and Safety4Sisters, landlords were white British males, while the victims of exploitation were Black and minoritised women, often with no recourse to public funds, some immigrants with insecure status, encountering language and culture barriers, as well as other disadvantages, such as a disability. Any landlord who offers, accepts, and requires 'sex for rent' is exploiting these power imbalances, dependencies, and vulnerabilities.

This also impacts women who are experiencing 'hidden' homelessness and rough sleeping and who may be reliant on strangers or people who are known to them to provide somewhere to stay, for anything ranging from a night, a few weeks, or longer term. People may resort to such offers to avoid the risks of rough sleeping, and the 'sex for rent' nature of this may be upfront or concealed. Such circumstances may look like sofa surfing but contain significant risks. Again, vulnerability and lack of options is being knowingly exploited in these situations.

**Therefore, the term 'sexual exploitation' would be the only appropriate term to describe the crime of 'sex for rent'.**

**Use of the terms "offering or providing accommodation for reduced rent":** defining 'sex for rent' solely in terms of "offering or providing accommodation for reduced rent" does not encompass the number of housing needs and dependencies which could be sexually exploited by the 'landlord' (or person acting on behalf of the landlord or benefiting from the landlord). Situations could include, but are not limited to:

- The informal provision of housing for free with no rent, and often no tenancy agreement in place. This gives the 'landlord' power to end this arrangement at any point, making the victim immediately homeless.

- Threatening eviction, increased rent, withholding a deposit if sexual services are not provided.
- Offering to write off damage to property, rent arrears, or to not act on anti-social behaviour complaints if sexual services are provided.
- Only agreeing to make necessary alterations to the property in exchange for sexual services, such as fixing broken goods, dealing with damp, mould, broken locks, doors, or windows.
- Landlords may also use their position of immigration enforcement to threaten to report someone without legal immigration status unless sexual services are provided.
- Employees of corporate entities, e.g. hotels, corporate landlords, letting agencies, exploiting people by using their access to accommodation and to people housed in the company's accommodation.

**Therefore, we suggest the term is extended to, 'the provision of accommodation for free or reduced rent, as well as the provision of any housing-based needs or dependencies, which are exploited by the (formal or informal) landlord (and those acting on their behalf or benefiting from), for sexual services from the (formal or informal) tenant'.**

### SECTION THREE

**Which of the following scenarios do you think would be a crime? Presume that the person providing sexual relations is not otherwise engaged in sex work.**

**Q2. A person offering accommodation concealingly advertises a shared one-bedroom flat on a website and then an individual accepts the advert, without realising they are expected to share a room.**

**Answer:**

Yes, this is a crime.

One must always consider the motivation of the person who is concealingly advertising a one-bedroom flat to determine the nature of the crime. At the very least, this is a consumer issue, with the property not being advertised accurately. This may also be a deliberate attempt by an individual to coerce someone into sleeping in a room with them. They would have full access to the room and have full control of who comes and goes and would place the 'tenant' in a position of extreme vulnerability and risk of harm.

**Q3. A landlord advertises a room for reduced rent and an individual is then persuaded to provide sexual services for no rent.**

**Answer:**

Yes. This should be a crime.

However, it should only be a crime on the part of the landlord, even if the tenant 'accepts' the proposal. This is due to the above-mentioned exploitative nature of sex for rent which depends upon the power imbalance between landlord and tenant. As such, it is an implicitly coercive and exploitative arrangement, in which the landlord (those acting on their behalf or benefiting from them) is exploiting their tenant's need for housing and the risk of homelessness.

The act of reducing the rent, which will intentionally attract the attention of more vulnerable people who otherwise could not afford the property, before then persuading them to exchange sexual acts

for a rent-free living arrangement, suggests a prolonged and deliberate strategy in coercing a vulnerable individual into 'sex for rent'.

Additionally, by the victim already being in a tenancy arrangement with the landlord (if it is indeed a formal tenancy arrangement), places the victim in an even more vulnerable circumstance where their current housing is at risk, and they could be made homeless by refusing the offer.

This also presents risk to the victim depending on at which stage the suggestion of providing sexual services for no rent is made. If this is at a viewing, the victim could be afraid for their safety during the encounter and afterwards, depending on the information known about them at this stage. If the victim is already residing in the accommodation, the landlord will have information about them that they could exploit (e.g. employment information, previous addresses, contacts of relatives, immigration status), and has access to their accommodation.

**Because of the deliberate and calculated nature of this practice, we would advise that the term 'persuade' does not reflect the coercive nature of this act.**

**Q4. A landlord openly offers a situation of sexual services being exchanged for accommodation, and a tenant accepts.**

**Answer:**

Yes, this is and should remain a crime. Again, it is imperative that only the landlord be criminalised in these circumstances, and this is not categorised as a form of prostitution which criminalises and stigmatises the tenant and doesn't reflect the nature of the tenant-landlord relationship. Again, this is due to the significant power imbalance between the landlord (or person acting on their behalf or benefiting from the landlord) and the (potential) tenant, where the tenant is in a position of dependency and vulnerability, with the risk of becoming homeless, or who may very well already be homeless, and therefore in desperate need of accommodation. The landlord is very likely to be deliberately exploiting the vulnerability of the potential tenant in this situation.

The most vulnerable women are more likely to encounter this form of exploitation (compared to the scenarios described above), particularly migrant women with no recourse to public funds and insecure immigration status, who often cannot access housing support or advice, cannot gain legal employment, and therefore cannot seek a genuine and legal tenancy. This means they are often left with no other choice but to be homeless or accept an informal arrangement of accommodation, which then requires them to compensate the 'landlord' with sexual services. Many of these women will also have experiences of violence and abuse within the country they are fleeing from (asylum seekers) or within their relationships or communities, which creates an additional layer of risk, dependency, and disadvantage. The perpetrators who are offering these arrangements are knowingly and strategically manipulating and targeting the victim's vulnerable circumstances which give them little choice but to accept the arrangements.

Despite the openness, the ability to coerce still applies due to the vulnerability of victims and the power that a landlord can have, as discussed above. In dynamics of power and abuse, an openness about this can often be used to indicate an awareness of the person's vulnerability (and limited options) and that the perpetrator believes they are unlikely to be caught or stopped: this in itself can be an intimidating and coercive factor.

**Q5. A tenancy agreement is already in place, but a change of circumstances causes the tenant to offer alternative arrangements, including sexual relations which the landlord accepts.**

**Answer:** Yes. This is currently a crime and should remain as such. Again, only the landlord should be seen as the perpetrator, due to the power imbalance between landlord and tenant, which places landlords in a position of exploiting their power over the tenant's housing in exchange for sexual services. Even where it may be viewed that the tenant 'offered' sexual services in exchange for alternative arrangements, this should be viewed in the context of dependency on the landlord for housing and the risk of homelessness, or for victims of domestic abuse, the risk of returning to their abuser. It is an act of last resort and desperation. If the landlord can reduce or waive the rent in such circumstances in exchange for sexual acts, then they will be in a financial position to discuss a legitimate and fair arrangement which does not exploit their tenant. Therefore, the landlord (or an individual on their behalf) accepting an exchange of sexual services for alternative arrangement should be a crime, not a tenant offering sex for rent, as this is in circumstances of dependency, vulnerability, and exploitation.

This also requires consideration of the tenant's ability to refuse, for example if they wish to stop the arrangement at a later date, or if the landlord expects sexual relations under any circumstances, with the tenant unable to refuse. Again, with the landlord having access to the property and knowledge about the tenant, the risks can be very high, keeping a tenant trapped in a situation of exploitation and harm. If they have offered the alternative arrangements, they may also feel unable to refuse or report the landlord due to how this might be interpreted.

#### **Q6. If a landlord threatens eviction unless sexual services are provided.**

**Answer:**

Yes, this is and should be considered a crime. The threat of eviction unless sexual services are provided should be considered a form of rape or sexual assault, as the tenant cannot consent under such duress and with the threat of eviction and homelessness.

This is also a criminal act in the sense that all evictions must follow a legal process, which cannot in any way be an act of revenge or retaliation to a tenant who simply wants to live safely and securely in their home. In these circumstances, a tenant cannot give legitimate and free consent.

#### **Further comment on the categorisation of sex for rent arrangements**

While we agree that all the above-mentioned circumstances should be considered crimes and forms of 'sex for rent', none fully encompass the experiences of Black and minoritised women, and particularly migrant women with no recourse to public funds, who are often most at risk of being exploited and have no means of support or escape.

Both LAWA and Safety4Sisters shared that all the women they supported who were victims of 'sex for rent' exploitation were only ever offered informal accommodation for no rent, and with no explicit request for a 'sex for rent' arrangement. It was only after accepting accommodation from an 'informal landlord' (such as a friend or acquaintance offering housing) that 'sex for rent' was demanded in return for the offer of accommodation (and other costs associated with accommodation). Many of the migrant women exploited were in situations of extreme vulnerability and dependency. All women were homeless due to fleeing violence, abuse, and unsafe accommodation, and have no access to support or public funds. This means they had no option but to 'accept' the sex for rent demands to remain 'safe' and avoid homelessness.

As above, people experiencing homelessness and rough sleeping can be at significant risk of exploitation by informal sex for rent arrangements, which can include the offer of staying with someone for a night or two or more long-term, in exchange for sex. This might be made clear upfront or might be an unknown requirement of the offer but may sometimes seem a safer option than the unknown risks of sleeping on the street which can include high levels of violence for women. Services working with women who are rough sleeping hear anecdotally that women are regularly offered accommodation on this basis. This can also be known as 'survival sex', demonstrating that such exchanges are often undertaken due to lack of any other option or ability of the victim to otherwise meet their basic needs.

Situations can also involve corporate or professional entities. For example, local authorities often need to exercise their accommodation duties by using other services, for example hotels, individual private landlords, corporate landlords and letting agencies. Individuals within those companies are also able to use their positions and knowledge of people's vulnerabilities to exploit women placed in their care. This may be unknown to either the local authority or company managers, and victims may feel unable to report without compromising their access to housing or duties from the local authority.

There are a wide range of circumstances in which people can be exploited for 'sex for rent': legislation should encompass this range and should be accompanied by comprehensive guidance which details a range of possible circumstances. **Therefore, a further criminal categorisation of 'sex for rent' should include: 'an individual is offered accommodation informally, for no rent or reduced rent, and is asked to provide sex services in return for the provision of accommodation'.**

## SECTION FOUR

### Characteristics/Circumstances of sex-for-rent arrangements.

**Q7. What do you know about the characteristics and/or circumstances of tenants that are typically subject to sex-for-rent arrangements? (e.g., employment status, family status, immigration status, financial circumstances)?**

#### Answer

Based on research and anecdotal evidence provided by members of our National Group, 'sex for rent' is a form of exploitation perpetrated predominantly by men towards women. Therefore, it should be considered a form of violence against women and girls (VAWG). The research further demonstrates that the risk of exploitative 'sex for rent' increases significantly for additionally vulnerable and minoritised women, including:

- women experiencing or at risk of homelessness;
- single women (particularly single women with children)
- women who are on a low or no income (below £20k per year)
- women with insecure immigration status and no recourse to public funds (particularly asylum seekers)
- women with multiple and complex needs
- women who have experienced domestic abuse and other forms of VAWG who are at risk of homelessness due to fleeing violence and abuse.

It is imperative to understand that the most vulnerable amongst these women are those with insecure immigration status and no recourse to public funds, who almost universally are experiencing other forms of violence and abuse, which leads them to seek informal accommodation arrangements with men who exploit their circumstances for sexual services. Due to the profound structural barriers these women face, including language barriers, no access to public funds, no access to employment or specialist support, or homelessness duty, these women are left with no option but to concede to sex for rent demands.

Additionally, women experiencing long-term homelessness, multiple disadvantage and other forms of VAWG are at an increased risk of these practices, as many women are continually weighing up the multiple risks by multiple perpetrators to their safety while sleeping rough versus the comparatively controlled risk of a 'landlord' exploiting them for sex.

It is important to highlight that migrant women with insecure immigration status and women rough sleeping and experiencing multiple disadvantage and VAWG are also more likely to experience 'sex for rent' exploitation within informal accommodation arrangements, and not within a legal tenant/landlord contract. This creates the additional risk of being made homeless at any point, with the 'landlord' not being required to follow any legal eviction process. This may mean that women in these circumstances are more likely to be exploited because the risk of homelessness is greater.

### **The predatory nature of 'sex for rent' exploitation**

It is important to frame 'sex-for-rent' exploitation within a climate of predatory behaviour towards women, which must also take into consideration the power imbalance between tenant and landlord, where the tenant is dependent on the landlord for housing security, to avoid homelessness, and for some women, to avoid the violence and abuse that forced them to seek alternative accommodation. In the Mumsnet/Generation rent [survey](#), this predatory behaviour, almost universally perpetrated by men, included:

- Over a quarter of respondents (27%) indicated that they had experienced unwanted presence at their property from an unscrupulous landlord or letting agent.
- Almost 1 in 7 participants (14%) said that they had experienced suggestive remarks or 'jokes' of a sexual nature.
- 12% of participants reported that they had received unwanted comments about their body or appearance.
- 11% said they had heard comments of a sexual nature.
- 5% reported receiving unwanted messages.
- 4% reported unwanted touching.

In all, over a quarter (26%) of all respondents indicated that they had experienced at least one of the predatory acts outlined at least once.

### **Gender, relationship, and socioeconomic status**

Generation Rent and Mumsnet conducted a survey on 'sex for rent' practices in the PRS, for which they received 1045 responses. 95% of respondents who had been offered free or discounted rent in exchange for sexual favours at some point in their lives were women. All the predatory acts associated with 'sex for rent' exploitation also became significantly more prevalent amongst women respondents who were not in a relationship for those with low to no household incomes.

Additionally the predatory nature of landlords' actions increased for women with lower income. For example, receiving unwanted comments rose to a shocking 28% amongst respondents with an

income below £20,000. Meanwhile, nearly 20% of participants who said they were not in a relationship also stated that they had experienced this predatory behaviour. This suggests that there is a clear targeting of certain private renters perceived as vulnerable, and that those individuals experience repeated abuse.

### **Women fleeing violence and abuse**

Anecdotal evidence shared by members of our National Group confirmed that women fleeing domestic abuse, often who share the additional vulnerabilities associated with 'sex for rent', including 'single women' (with children) and on a low to no income, are at higher risk of 'sex for rent' exploitation. In some circumstances, this is when women are informally seeking alternative accommodation when fleeing domestic abuse, through a friend, family member or acquaintance (as is commonly the case for asylum seekers), or even for women who are placed in often unsafe and unregulated temporary accommodation provided through the PRS, where women are 'offered' 'sex for rent' arrangements. Further details and recommendations on the regulation of temporary accommodation is provided in answers below.

One respondent to the Generation Rent/Mumsnet survey shared:

*"I was a young girl of 17 with a baby renting to get away from an abusive family at the time when I was approached by one of the two landlords who owned the property I was staying at. He intimidated me continuously, making me feel extremely ugly, horrible, that I was a cheap girl that needed him and his help. When I turned him down, he got so nasty."*

Temporary accommodation can also be provided through the use of hotel provision, letting agents or corporate landlords in which individual employees may perpetrate sexual exploitation.

For women who have experienced abuse and violence, a safe home is paramount. An offer of 'sex for rent' can immediately make a woman feel unsafe in her home and she may face high risks of harm whether she refuses or not. The perpetrator has information about her which they could exploit as part of the 'sex for rent' or as a response to refusal. For example, they could contact her employer, relatives, social services by virtue of the information they may have about her as her landlord. If they are placed in accommodation by the local authority, they could jeopardise her access to housing or her relationship with social services, to exploit her circumstances. Whether or not she refuses, the landlord has knowledge about and access to her home or room. This means that from the point of any proposition, the victim can no longer feel safe in their home.

### **Discrimination in the PRS**

The additional discrimination faced by women living in the PRS must also be taken into consideration when determining who is vulnerable to these practices. This is important, as it demonstrates the additional barriers these women will face in seeking alternative PRS accommodation, which a landlord could then exploit.

It is already well known and established that there is an accepted practice amongst PRS landlords of discrimination against tenants with children, and as women are more likely to have children in their care, and single women in particular, this practice disproportionately impacts single women with children. For women with children, this creates a context of dependency on current and potential landlords who will accept a tenant with children.

This form of discrimination is further compounded for women on low income, and dependent on universal credit or housing benefit. Although it is now illegal to discriminate against tenants on

universal credit, it is well known and established that this is a common practice even if not overtly communicated by the landlord. This creates an additional barrier to seeking alternative accommodation for women on low income who may find it difficult to find a PRS landlord who will accept a tenant with low income and in receipt of universal credit.

Race is also a key factor for discrimination in the private rental sector more generally. A [2021 report](#) by the housing charity Shelter found that 14% of Black respondents, and 10% of Asian respondents, had faced discrimination when looking for housing. Though there is no research into the impact of race on vulnerability to predatory landlords, those already facing discrimination in a highly competitive private rental market will be at greater risk of exploitation and find it more difficult to escape 'sex for rent' exploitation.

These vulnerabilities mean that the options available to women with children and Black and minoritised women are even fewer. This means that many women may feel that they must endure sexual abuse and exploitation by landlords, because they will face discrimination when seeking alternative accommodation. For these reasons, it is imperative that the current Renters (Reform) Bill fulfils its commitment to apply the Decent Home Standard in the PRS and to ban discrimination of tenants based on access to benefits or having children. Additionally, the government must commit to addressing racial discrimination. This will go a long way to ensure that women do not feel 'trapped' in their current PRS accommodation where they must endure sexual advances.

### **Insecure immigration status and no recourse to public funds**

Immigration status is another key driver of vulnerability to 'sex for rent' and other forms of exploitation by landlords, due to restrictive policies around access to the private rental market. Since 2016, all landlords in England face up to 5 years in prison, or an unlimited fine, if they rent a property to someone without current immigration status. There is ample evidence showing that the impact of this legislation has been to increase discrimination and exploitation within the private rental sector. A [review of Right to Rent](#) commissioned by the government and published in February 2023 found that one in 10 of the landlords surveyed knew of landlords who had discriminated against tenants "as a direct impact of the Right to Rent scheme." The report also found that there was greater racial discrimination in the PRS in England than in Wales, the comparator location used in the research. Right to Rent legislation has never been rolled out in Wales, suggesting that the legislation is a direct driver of discrimination against renters of colour in England.

The findings of this research, commissioned by government and carried out by independent academics, corroborate earlier findings from [research](#) by the Joint Council for the Welfare of Immigrants, which found that 51% of landlords were less likely to rent to a foreign national because of the legislation (regardless of their immigration status). In a mystery shopping exercise, a BME British national without a passport received a negative response, or no response, to 58% of his enquiries about renting a property.

This legislation puts non-British citizens at a significant disadvantage in an already extremely competitive housing market. Those who have not been able to secure their immigration status are placed at far greater risk of living in unsuitable and unsafe accommodation and being exploited by their landlords. Landlords know that if tenants complain about their living conditions, or about exploitation and abuse, the tenants can simply be reported to the Home Office over their immigration status. This power dynamic creates the conditions for rampant abuse by landlords, with no recourse to support for those affected.

A further factor increasing vulnerability to 'sex for rent' predation is the No Recourse to Public Funds (NRPF) policy. NRPF is a policy that prevents almost all migrants in the UK from accessing state benefits, and often from accessing other forms of support like homelessness support or domestic abuse refuges. It affects people on work visas, family visas, students, and those with no current immigration status. Being unable to claim support when they need it puts people with NRPF at far greater risk of poverty and exploitation. There is no specific research into NRPF and 'sex for rent', but anecdotally, it increases vulnerability to predatory landlords, since those experiencing exploitation by landlords know they will not be able to claim housing or homelessness support if they seek to leave an exploitative situation.

Our National Group Members, Latin American Women's Aid (LAWA) and Safety4Sisters, both shared evidence from their services that women with insecure immigration status and no recourse to public funds were at a significant risk of 'sex for rent' exploitation, often due to having other option but to seek informal accommodation arrangements where they were unable to offer rent from the offset. This meant 'landlords' took advantage of this vulnerability and dependency to exploit them for sexual services. In some cases, as shared by LAWA, this included also providing domestic servitude as well as sexual services. In one specific LAWA case, a woman was brought into the country under the guise of a genuine marriage, only to find there was no genuine marriage, and she was trafficked into the home as a domestic slave. She was also used to provide sexual services to the men in the household, as well as others outside of the household, to maintain her accommodation. Due to NRPF, language barriers, and being Deaf and disabled, she was unable to access safety and support, and remained trapped.

Devastatingly, this is not a unique practice, and in fact, has become a common tool of coercion and control against migrant women. LAWA shared that in the last quarter alone, they had supported at least three cases of 'sex for rent' exploitation. All women were asylum seekers, which means they have very precarious living conditions, especially because they are not able to work or receive benefits, given their immigration restrictions. Many are placed in unsafe Home Office (temporary accommodation) often sharing facilities with men, where they feel unsafe and often subjected to sexual abuse.

In one case, a transgender Latin American woman was seeking asylum in the UK due to sexual exploitation in her home country. She was placed in Home Office temporary accommodation, where she felt unsafe and at risk of harm and abuse. There was no clear prospect of when her time in the accommodation would end and caused long-term exposure to ongoing abuse. She was offered accommodation by a man, which she took up to manage her safety. To repay him for the accommodation, he demanded sex, which she provided as a way of managing the balance of risks within the Home Office accommodation. She continues to live with the perpetrator of this abuse, due to the greater risks presented within Home Office accommodation.

In another case shared by LAWA, a woman had been sofa-surfing for several months, before she met a man who took advantage of her vulnerability promising that he was going to provide accommodation, only to sexually abuse her while she was asleep and later blackmailing her for sex. He told her that she would have to sleep with him to not become homeless.

Ms Belen Ruiz, VAWG Services Centre Coordinator at LAWA, said: *"It is unacceptable that women in such vulnerable circumstances are exposed so frequently to harassment and intimidation, being doubly victimised and unable to seek any redress to their situation. Worryingly, some of the cases where the survivors are asylum seekers, they have also been harassed and abused within public law accommodation facilities. This makes them afraid of accessing these services, which makes them easy prey for abusers living in private accommodation."*

**Q8. What do you know about the characteristics and/or circumstances of people providing accommodation that are typically involved in exchanging sexual relations for accommodation? (e.g., relationship status, financial status?)**

According to research conducted by Generation Rent and Mumsnet, 'Sex for Rent' ads are overwhelmingly posted by men. They often contain stipulations for "young" women, usually between the ages of 18 and 25. Some adverts include references to offering accommodation for "homeless" women. These perpetrators are evidently seeking particularly vulnerable women to establish these arrangements with.

As described above, Generation Rent and Mumsnet research also highlighted the predatory nature of this abuse, including several forms of sexually abusive behaviour, which must place this form of abuse in the wider context of the perpetration of male violence against women and girls.

Further anecdotal evidence provided by Safety4Sisters and Latin American Women's Aid (LAWA), confirmed that 'sex for rent' practices are perpetrated by men, and in most cases, white British men with secure immigration status. They also shared that some of these perpetrators already had histories of violent and abusive behaviours, and 'sex for rent' exploitation was a continuation and even escalation of these behaviours, including the trafficking of women under false pretences of a genuine marriage, and to provide domestic and sexual slavery. Therefore, perpetrators of 'sex for rent' should be considered in the wider context of VAWG, including domestic abuse, sexual abuse, trafficking, and exploitation and forced marriage.

**Q9. What do you know about the circumstances in which exchanging sexual relations for accommodation takes place?**

See our response to question 7 above.

**Q10. Do you think these factors have changed recently? (Yes, no, unsure, explain)**

**Answer: Yes**

Several current circumstances have made many women more vulnerable to sex for rent exploitation, including the current cost-of-living crisis and benefit caps, a hostile immigration environment and policies, and a severe lack of social housing which has forced many women into unsafe and unregulated temporary and longer-term accommodation in the PRS when they would otherwise qualify for social housing. We are also concerned by government plans to further deregulate Houses of Multiple Occupancy (HMOs), such as asylum accommodation, which will place migrant women at an even greater risk of harm within asylum accommodation and force when to seek unsafe accommodation alternatives where they are placed at risk of 'sex for rent' exploitation.<sup>1</sup>

**The cost-of-living crisis**

Given the evidence that sex for rent perpetrators opportunistically use periods in which their tenants are struggling to pay the rent to target vulnerable women for 'sex for rent' arrangements, it is likely that the recent cost-of-living crisis has made women even more susceptible to abuse.

Women are especially likely to [struggle financially](#). Before the coronavirus pandemic, women, especially low-paid, disabled, and Black, Asian, and ethnic minority women, were more likely than

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<sup>1</sup> <https://www.cih.org/media/3fgokjq0/joint-letter-regarding-changes-to-housing-regulations-for-people-seeking-asylum.pdf>

men to be in debt: 61% of those getting into debt to purchase everyday necessities are women. The impacts of Covid have only exacerbated this inequality with 30% of women who reported being negatively affected financially by the pandemic compared with 26% of men.

The cost-of-living crisis continues to disproportionately affect women's financial resilience (or lack thereof). Research from [Legal & General](#) has found that women are more vulnerable to the cost-of-living crisis. On average, working women are only 14 days away from the 'breadline' if they lose their income. This is significantly less than the average working man, who would be able to meet their household costs for 28 days.

Now, more than ever, women risk falling prey to 'Sex for Rent' perpetrators, who target the most vulnerable in our society. It is therefore vital that adequate provisions are put in place, in the form of improved welfare and local authority provided support, as well as more stringent regulations surrounding 'sex for rent'.

### **Current immigration policy and practices**

As evidenced above, migrant women with no recourse to public funds including asylum seekers and women with 'insecure immigration status are the most vulnerable to 'sex for rent' exploitation. Our National Group partner Safety4Sisters, have seen a rise in the number of women subjected to these practices since the UK left the European Union, which has given many European women insecure immigration status, and has also increased in a hostile environment, where public services, as well as landlords, are obligated to report illegal immigration. This means that women feel unsafe to report violence and abuse and are forced into informal housing arrangements with landlords who exploit their vulnerabilities.

### **Lack of social housing (particularly in London) and an unregulated PRS**

Many women fleeing domestic abuse who should access social housing are forced into both temporary and long-term PRS accommodation, due to a significant lack of social housing. This is forcing many single women on low income, often with dependent children, into the PRS where their vulnerabilities are exploited by perpetrators of 'sex for rent'. These practices will only increase in the context of a significant lack of social housing forcing many women into the unaffordable and unregulated PRS.

## **SECTION FIVE**

### **Criminal Law**

**The Crown Prosecution Service's legal guidance states that the provision of accommodation in return for sex may be captured by the following legislation – section 52 of the Sexual Offences Act 2003 (causing or inciting prostitution for gain) and section 53 of the Sexual Offences Act (controlling prostitution for gain). In certain circumstances, the placing of an advert seeking to attract someone into a sex-for-rent arrangement may also be an offence under section 52.**

**Q11. What, if any, changes to the criminal legislation do you think are needed to tackle exchanging sexual relations for accommodation?**

Under the current legislation, an individual can only be prosecuted for such a crime under section 52 and section 53 of the Sexual Offences Act 2003 - Causing or Inciting Prostitution for Gain. However, only [one person has ever been convicted](#) in a 'Sex for Rent' case.

The law itself has made it extremely difficult for victims in 'Sex for Rent' cases to seek justice. According to this law, victims must be legally defined as 'prostitutes' (e.g. proving the tenant became a 'prostitute') which is a huge deterrent in their access to justice.

[Crown Prosecution Service](#) has tried to provide a broad interpretation to the existing legislation to find a way of prosecuting 'Sex for Rent' as a criminal offence. However, because of a lack of a specific criminal offence and the fact that victims must legally identify as 'prostitutes' to access justice, the law remains inaccessible for victims of this form of sexual exploitation.

While this guidance is creative and well-intentioned the lack of prosecutions demonstrates that the law is not working for victims of 'Sex for Rent'.

As the CPS guidance itself acknowledges:

*"As the legislation is designed to address exploitation, there are potential difficulties in prosecuting arrangements where the element of exploitation is or may be missing; for example, a 'sex for rent' arrangement, which developed following a suggestion made by the tenant or prospective tenant. Such a scenario would call into question whether the landlord had 'caused' the tenant to become a prostitute. Similarly, there may be cases where the arrangement was discussed and agreed freely between two adults with full capacity in circumstances where there was no significant financial and/or power imbalance."*

Considering the scale of 'sex for rent' and the fact that there has only ever been one prosecution, the law as it stands is not working to adequately protect victims from this predatory practice. It is vital that the law is clarified or amended so there is a robust legal framework to allow victims to seek justice against these predators.

Overall it is vital to acknowledge that housing scarcity, affordability and security is exacerbating the conditions for 'sex for rent' so there also needs to be a focus on greater support for financially vulnerable renters. A crucial step for this is to raise Local Housing Allowance, scrap the benefits cap, and increase Discretionary Housing Payments funding to local authorities.

#### **Q12. What concerns, if any, do you have about possible changes to the criminal law in this area?**

Firstly, we are concerned that the law will be changed to target sex workers. Instead, we advise that the law is clarified or amended to ensure it protects vulnerable renters who do not view themselves as sex workers, as well as those who do. We view this within the framing of 'sex for rent' as a form of violence against women and girls and sexual exploitation, not as a means of demonising or endangering sex workers.

Experiences of 'sex for rent' include women who are sex working and who may also be unable to utilise current legislation. As is the case more broadly, sex for rent can impact this group in a range of ways: for example, someone who is sex working may be exploited based on a perpetrator's awareness of them as a sex worker. This can include where a perpetrator uses their knowledge of the person as a sex worker and their own power in a situation, for example as a landlord or as an employee of an accommodation provider. People may feel unable to use current legislation because it might not accurately describe or fit their experiences and because of potential stigma and

judgement they may face in reporting; including having to identify in the way prescribed; potential risks of being criminalised by coming forward; risk of not being believed; or lack of understanding of the separation of sex working and exploitation around sex for rent. This could lead to fear of how the situation will be seen and responded to, as well as under-reporting and victim-blaming. Changes to legislation should ensure this is taken into account, that those who are sex working are not at any risk and are not penalised by coming forward, and accompanying guidance should acknowledge potential complexities of such circumstances and barriers to reporting.

As a National Group we are concerned that a new 'sex for rent' law will be created in isolation of other support for victims of violence against women and girls (VAWG). It is important to note that women are being forced into 'sex for rent' arrangements often because of the threat of eviction and homelessness, and some of whom are fleeing other forms of VAWG which is being exploited by landlords as yet another form of VAWG. Therefore, it is those who are already most vulnerable who are being coerced into 'sex for rent' arrangements when ordinarily, under financially stable conditions, they would not do so.

**Therefore, the government must accompany any new laws and regulations with increased benefit support and local authority funding, as well as the funding of specialist support services for these women. Funding must be specifically ringfenced for specialist by and for services for Black and minoritised women who are most at risk yet have the least access to support and guidance.**

Government must also be prepared for the fact that 'sex for rent' practices is leading to homelessness for women and children who have been subjected to this practice. It would not be safe or reasonable for them to remain in their current accommodation when enduring the threat of sexual abuse and exploitation. Under current homelessness legislation, women fleeing 'sex for rent' would not be considered additionally vulnerable and in priority need and the local authority would not have a homelessness duty towards them.

**Therefore, to support women to be safe from sexual abuse and exploitation within their own home, and to support the prosecution of 'sex for rent' cases, government must ensure that women fleeing 'sex for rent' should be automatically considered in priority need and provided a homelessness duty, with or without reporting to the police.**

It is also important to consider that sexual assault and rape remain underreported crimes. According to [Rape Crisis](#), 5 in 6 women who are raped do not report – and the same is true for 4 in 5 men.

**Therefore, a new 'sex for rent' law will only meaningfully protect vulnerable renters if courts are adequately funded, if victims have access to legal aid, and if police and local authorities receive suitable and sufficient training in 'sex for rent' and other forms of sexual assault.**

To increase prosecutions in these cases, the government must consider the benefits to survivors of 'sex for rent' exploitation in reporting these crimes and supporting prosecutions. What would be considered a good outcome for them? What would offer them protection and compensation? What risks are they taking impacting their safety and housing security by supporting these cases that the benefits would outweigh? Also, the government must consider what punishments to landlords will deter future 'sex for rent' exploitation and protect vulnerable women from landlords repeating these crimes in the future.

Lastly, it is imperative to understand that migrant women who are viewed as 'insecure immigrants' and who are the most vulnerable to 'sex for rent' exploitation, are the least likely to benefit from these changes to criminal law, due to the risk of being criminalised for their immigration status.

**Therefore, to protect migrant women and ensure that their cases of 'sex for rent' abuse and exploitation are prosecuted and the landlords who are benefiting from their disadvantage and vulnerabilities are punished and the public protected, there must be a firewall between immigration services and the CPS. Otherwise, the women most vulnerable to these practices will be unprotected, and even be placed at risk of deportation for reporting these crimes and seeking protection.**

## SECTION SIX

### Criminal Law

Section 54 of the Sexual Offences Act 2003 defines a 'prostitute' as a person (A) who, on at least one occasion and whether or not compelled to do so, offers or provides sexual services to another person in return for payment or a promise of payment to A or a third person; and 'prostitution' is to be interpreted accordingly. In subsection (2) and section 53A, 'payment' means any financial advantage, including the discharge of an obligation to pay or the provision of goods or services (including sexual services) gratuitously or at a discount.

**Q13. Do you think there is a need to change this aspect of the criminal law?**

**Answer:** Yes.

**We were guided by our National Group member Generation Rent who received guidance from legal professionals at Right to Equality and Georgina Blower, practising barrister at The 36 Group, and agree with their response copied here:**

We consider that a change in the criminal law is required, recognising the increasing prevalence of 'Sex for Rent' arrangements in the UK. We recommend that there should be new dedicated statutory offences specifically covering the practice of 'Sex for Rent'. We consider that the current legislative framework within sections 52 and 53 of the Sexual Offences Act 2003, which do not specifically cover 'Sex for Rent' arrangements, are ill-equipped to effectively regulate and prosecute this newly emerging and exploitative practice. This is evidenced by the low number of successful convictions, despite the issue being widespread nationally and globally.

#### **New and specific offences**

We consider that there should be the introduction of the two new criminal offences specifically addressing 'Sex for Rent'. First, the specific criminalisation of accommodation providers, which includes landlords and their employees, agents and contractors, who advertise, require, offer or accept any form of sexual conduct in exchange for access to or retention of accommodation or related services or transactions. Secondly, a specific offence should criminalise those who arrange or facilitate such arrangements for the sexual gratification of others.

We note 'Sex for Rent' amendments to the Police, Crime, Sentencing and Courts Act 2022 were suggested, although not implemented by parliament, and we broadly agree with this construction with some important amendments<sup>2</sup>. A similar construction is also being considered in Ireland<sup>3</sup>.

We consider that such a legal framework achieves the aims of the criminal law, which is public protection and deterrence, recognising the vulnerability of those who are compromised by their financial and personal circumstances and the considerable power imbalance inherent within the landlord/tenant relationship. Further, a new set of criminal offences would acknowledge the serious harm and sexual exploitation caused to vulnerable members of society through these types of arrangements, even where they do not come to fruition. Those who are most at risk from 'Sex for Rent' are amongst the most vulnerable in our society, including people of no fixed abode, those with mental and physical health issues, those with uncertain immigration status, those whose first language is not English, and those where structural social disadvantage and discrimination is most entrenched.

The proposed new offences would provide clear and easily comprehensible legislation to be understood and implemented by police, prosecutors, the courts and the public and make the offences easier to prosecute. A specific statutory offence makes clear to society as a whole and potential perpetrators what behaviour is criminally liable and what harm the law is seeking to prevent.

Furthermore, this framework deals with the problems inherent within the current legislation i.e. sections 52 and 53 of the Sexual Offences Act 2003, which were not originally designed to address criminality of this nature. The Act criminalises the causing or inciting of another person into prostitution and also controlling another person's prostitution for gain. The current offences are constructed so that victims must legally identify as 'prostitutes' in order to secure a conviction. We strongly oppose any reference to 'prostitution' or 'sexual services' within any new legislation, which we consider to be unhelpful terminology, and provides barriers rather than support to victims reporting the offence and seeking and obtaining justice. We are clear that any prohibition on 'Sex for Rent' does not limit consenting adults, where there is fully informed consent and choice and an absence of exploitation, from lawfully engaging in sex work within the current legal framework.

Our view is that criminalisation of 'Sex for Rent' (as is the current law) remains the correct approach given the exploitative power imbalance between those in need of accommodation and accommodation providers. In addition, the government's strategy to defeat this practice must be multi-pronged, systematic, and comprehensive and must include greater and fairer access to support services, including safe accommodation, to tackle the underlying social inequalities and structural discrimination inherent within our society, of which 'Sex for Rent' is a symptom.

### **Offence of advertising, offering, requiring, or accepting sexual conduct as a condition of or in return for accommodation**

We consider that it should be a criminal offence for any person (A) to advertise, offer, require, or accept or otherwise seek from another person (B) engagement in sexual conduct as a condition of or in return for access to or retention of accommodation or related services or transactions.

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<sup>2</sup> <https://bills.parliament.uk/bills/2839/stages/15740/amendments/89013>;  
<https://bills.parliament.uk/bills/2839/stages/15740/amendments/89012>.

<sup>3</sup> Ban on Sex for Rent Bill 2022: <https://data.oireachtas.ie/ie/oireachtas/bill/2022/28/eng/initiated/b2822d.pdf>.

We consider that the wording of the actus reus (the physical act or omission of the offence) i.e. advertising, offering, requiring, or accepting or otherwise seeking (or some other form of similar terminology) is appropriate as the offence needs to be sufficiently wide to cover the variety human interactions which could lead to the formation of 'Sex for Rent' arrangements. We consider it to be irrelevant to a prosecution whether the offer was made by person A or B.

Accommodation will need to be defined and needs to be broad enough to encompass any residential accommodation including, for example, mobile homes, houseboats, rooms or beds in premises etc, whether occupied by the accommodation provider or a separate premise, and whether the accommodation is offered on the basis of a tenancy, licence, or any other basis.

It is imperative that any legislation includes the clause 'and retention of' to protect individuals from forced eviction from a premise on the ground that they refuse to engage in sexual conduct. This class of individual is also vulnerable, particularly in the current financial climate, as well as those who are seeking new accommodation.

It is also important that the legislation extends to 'accommodation or related services or transactions' as the 'Sex for Rent' arrangement may take place not only involving the accommodation itself but also, for example, the undertaking of repairs by the accommodation provider or access to essential services such as water or electricity within the accommodation on the condition that person B engages in sexual conduct. Related transactions should also include the writing off of rent arrears.

It is important that the definition of person A and B is broader than 'landlord' and 'tenant' respectively so that the offence includes not only formal landlords who offer accommodation and related services on a commercial basis but also those who do so on a more casual or informal basis, for example, those who advertise for lodgers in a spare room in their own home. For this reason, it is preferable for the legislation to refer to 'accommodation provider' as the offending party rather than landlord which can sometimes be narrowly construed. Furthermore, the new legislation should, in our view, include accommodation providers, employees, agents and contractors of the accommodation provider, and any other person having control or influence over the provision of accommodation as there may be circumstances where it is not the accommodation provider who is engaging in a 'Sex for Rent' arrangement. The legislation should avoid 'tenant' as the victim of the behaviour may not have this legal status, and equally it may be other occupiers of the premise who are affected. Furthermore, in our view, the legislation should specify that for the purposes of this legislation it is irrelevant whether the accommodation is offered on commercial or private basis.

### **Definition of sexual conduct**

Consideration will need to be given to the type of sexual behaviour which we, as a society, deem should be criminalised in 'Sex for Rent' situations. We note that the legislation being considered in Ireland uses the term 'sex' and legislation being previously considered in this country was drafted with the term 'sexual intercourse'<sup>4</sup>.

The term needs to be sufficiently clearly defined but wide enough to not exclude clearly sexual behaviours. We consider that 'sexual conduct' or 'sexual activity' is the appropriate terminology rather than, for example, 'sexual relations' or 'sexual intercourse', which implies only physical sexual contact

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<sup>4</sup> Ban on Sex for Rent Bill 2022: <https://data.oireachtas.ie/ie/oireachtas/bill/2022/28/eng/initiated/b2822d.pdf> .

between person A and B, particularly penetrative sex. 'Sexual activity' is used already within the Sexual Offences Act 2003.

A definition of 'sexual' is contained within section 78 of the Sexual Offences Act 2003 and applies to nearly all offences in part 1 of the Act:

*'Penetration, touching or any other activity is sexual if a reasonable person would consider that:*

- a. whatever its circumstances or any person's purpose in relation to it, it is because of its nature sexual, or*
- b. because of its nature it may be sexual and because of its circumstances or the purpose of any person in relation to it (or both) it is sexual'.*

Crown Prosecution Service guidance states that in deciding whether an activity is sexual look first at the nature of the activity. If the activity is by its nature sexual (e.g. sexual intercourse, masturbation), then it is sexual for the purposes of the legislation. Where the nature of the activity may or may not be sexual, prosecutors should consider the circumstances or purpose (or both) of the defendant in deciding whether it is sexual. Where the nature of the act cannot be sexual, it is not made sexual by a person having a secret fetish<sup>5</sup>.

We consider that the offences should be drafted to include any behaviour or act which is undertaken by either person A or B, or both, for A's sexual gratification or for a sexual purpose. For example, where person B is not undertaking any sexual act themselves but has been requested to wear little clothing by person A whilst they masturbate. This type of behaviour should be criminalised within the 'Sex for Rent' framework. The important concept is the sexual gratification of person A and the sexual exploitation of person B.

'Sexual conduct' is a wider definition than, for example, 'sexual relations' and encompasses a broad range of sexual behaviours or activities. It can be both physical and non-physical acts such as sexual intercourse, sexual touching, voyeurism, sexually explicit communication, requests to wear revealing attire or any other verbal or physical conduct of a sexual nature. There are concerns that less overtly sexual activities have been requested by preparators, such as massages, and this is used as a soft entry into more explicit activities<sup>6</sup> and we consider that the criminal law should encompass this type of offending too.

#### **Offence of arranging or facilitating the advertising, offering, requiring or accepting of sex conduct as a condition of or in return for accommodation**

We further consider that it should be an offence for a person to arrange or facilitate an offence of requiring or accepting sexual conduct as a condition of accommodation. This offence would be designed to capture those that are not directly the beneficiaries of the sexual conduct but are morally and criminally culpable.

#### **Point of commission of the offences**

The new offences must criminalise perpetrators *at point of offer, advertisement, acceptance or requirement* i.e. once such an advertisement, offer, requirement or acceptance has been communicated by any means by person A. The offence would therefore be deemed to have been

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<sup>5</sup> <https://www.cps.gov.uk/legal-guidance/rape-and-sexual-offences-chapter-7-key-legislation-and-offences>.

<sup>6</sup> Reported examples: <https://www.dailymail.co.uk/news/article-9208125/Police-quiz-creep-landlord-demanded-weekly-massage-Mail-expose.html>; <https://www.mirror.co.uk/news/uk-news/shameless-landlords-offer-women-free-9001661>.

committed whether or not any arrangement was formed and whether or not the sexual conduct actually occurred. This is preferable to the actus reus (i.e. the physical act or omission element of the offence) occurring at the later stage i.e. when the sexual conduct has taken place, at which point the harm sought to be prevented has already occurred, and this creates unnecessary barriers to the reporting of these allegations and the investigation and prosecution by the authorities. Such a legal construction would further have a deterrent effect on potential perpetrators.

### **The mental element of the offences**

Parliament will need to consider the men's rea (i.e. the mental element of the offence). What constitutes a guilty mind? We consider that the law should be drafted to include that person A must intend or believe that the sexual conduct to be carried out as a condition of accommodation. This would ensure that only those who intended or believed that they would engage in sexual conduct in exchange for accommodation are properly prosecuted and avoids the criminal law overreaching into private communication which may not cause or risk causing harm worthy of criminalisation, for example, where an individual makes a flippant comment, they clearly do not mean and is not intended to create a 'Sex for Rent' arrangement. In relation to arranging or facilitating an offence, a person should be criminally liable if they intend to arrange or know that their actions would facilitate a 'Sex for Rent' arrangement.

## **SECTION SEVEN**

### **Protective and preventative measures**

#### **Q14. What, if any, additional protective or preventative measures do you think are necessary to prevent the exploitation and harm associated with the exchange of sexual relations for accommodation?**

Protective and preventative measures must be responsive to the barriers and vulnerabilities experienced by women who are most at risk of being exploited through 'sex for rent' practices. This includes women who are on low and unreliable income, women who are at risk of violence and abuse, migrant women with no recourse to public funds and who have insecure immigration status.

#### **Support for low-income renters**

As described above, women with low and unreliable incomes are at an increased risk of 'sex for rent' exploitation, particularly in the context of a cost-of-living crisis, which disproportionately impacts single women with children. To ensure that women living in the PRS are not at an increased risk of 'sex for rent' exploitation, Government must offer adequate support to private renters, including:

- raising Local Housing Allowance to medium rents
- removing the benefit cap
- increasing local authorities' funding so that they can distribute Discretionary Housing Payments to struggling private renters.

#### **Safe and regulated temporary accommodation**

Numerous members of our National Group have shared that unsafe and unsuitable temporary accommodation provided both for victims of domestic abuse and asylum seekers, is a driving force of 'sex for rent' exploitation. Firstly, it has been anecdotally shared by specialist domestic abuse services that women fleeing domestic abuse and placed in unregulated temporary accommodation provided by individual or corporate PRS landlords, hotels or letting agents, have been subjected to sexually predatory behaviour by landlords and/or employees, and offered arrangements of 'sex for

no rent'. Therefore, these women felt they were trapped in the accommodation offered to them via the local authority in response to their experiences of violence and abuse and resulting homelessness, which was unsafe and unsuitable.

Pressures on local authority budgets, lack of social housing options and increasing levels of homelessness force local authorities to rely on a range of corporate and individual entities for often the most vulnerable people. This might be through direct placements by the local authority, or through encouraging applicants to seek out private lettings that they can afford. Either way, there is little oversight or regulation of who is providing the accommodation or what is happening to people who are placed in them.

Additionally, members of our National Group shared those women and children fleeing violence and abuse, or seeking asylum, are being placed in unsuitable and unsafe temporary accommodation, such as mixed-gender bed and breakfast and hostel, with men who have a history of violence, abuse, and exploitation, for uncertain and extensive periods of time. Many women have shared that they feel safer on the street or in an unknown person's accommodation than in these forms of temporary accommodation.

By placing women and children in unsafe and unregulated temporary accommodation, often when fleeing domestic abuse, the government is failing to fulfil the duties established under Part 4 of the Domestic Abuse Act 2021, to provide victims of domestic abuse with support in safe accommodation. Furthermore, by acting on proposals to further deregulate Houses of Multiple Occupancy (HMOs) which is used for asylum accommodation, women will be placed at an even greater risk of harm which causes them to seek alternative unsafe accommodation.

**To meet the ambitions of the DA Act and provide safe accommodation to victims of domestic abuse, Government must ensure that temporary accommodation is safe and regulated. Furthermore, Government must increase the regulation of HMOs which acts as temporary housing for asylum seekers.**

### **Safety for migrant women experiencing all forms of VAWG**

A key driver of migrant women's vulnerability to 'sex for rent' exploitation is 'no recourse to public funds', the inability to seek employment, and the risk that their immigration status will be reported to the Home Office, leading to deportation and further risk of harm.

Therefore, for migrant women to become safe from the risk of 'sex for rent' exploitation, we support the Domestic Abuse Commissioner's call for migrant victims of domestic abuse to have access to public funds, including housing benefit. We also support the DAC office's recommendation for a firewall between the police and immigration enforcement to be established, and for this firewall to be extended to all public services through the Victims and Prisoners Bill. We believe this firewall should be further extended to all landlords, including PRS landlords and those providing social housing. We also support the DAC office's calls for further research into the use of insecure immigration status as a form of coercive and controlling behaviour, and for this to be considered in the context of the perpetrators of 'sex for rent' exploitation.

### **Regulation of the PRS**

Currently the PRS is largely unregulated, and landlords are not required to meet any professional standards or licensing checks (apart from HMOs). This means that landlords who can present a risk of harm to vulnerable tenants can have responsibility over the security of their housing and exploit

their vulnerabilities for sexual services. There is an opportunity through the current Renters (Reform) Bill to regulate the PRS, to require licensing of all PRS landlords, and to have basic professional standards for PRS landlords.

**Any landlord convicted of 'sex for rent' offences should not be allowed to be a licensed landlord and local licensing schemes should directly address 'sex for rent' practices.**

#### **Homelessness pathways/protections for those at risk of 'sex for rent'**

Government must be prepared for the fact that 'sex for rent' practices lead to homelessness for women and children, and it would not be safe or reasonable to remain in these dangerous circumstances of sexual abuse and exploitation. Under current homelessness legislation, women fleeing 'sex for rent' would not be considered additionally vulnerable and in priority need and the local authority would not have a homelessness duty to them.

**Therefore, to support women to be safe from this practice, and to support the prosecution of 'sex for rent' cases, government must ensure that women fleeing 'sex for rent', or who are made homeless due to 'sex for rent', should be considered in priority need and given a homelessness duty.**

#### **Extend the statute of limitation for reporting sexual abuse and harassment**

The Equality Act 2010 is the most recent and relevant mechanism through which victims of sexual harassment and assault can act against their perpetrators. However, victims have only six months to submit their claims. This means that many are unable to submit their cases on time, even if they report the abuse or harassment immediately.

**Therefore, to support the prosecution of 'sex for rent', government must extend the limitation period from six months to two years so that victims have enough time to report the abuse, seek legal representation and submit their case in the pursuit of justice.**

## **SECTION EIGHT**

### **Support**

**Q15. To what extent do you agree with the following statement?**

**The level of support available for people who have exchanged sexual relations for accommodation is adequate.**

**Answer:** Disagree.

**Q16. Please describe the support you are aware of for those involved in sex for rent exchanges.**

**Answer:**

We are not aware of any services that specifically support women who are experiencing 'sex for rent' exploitation. Specialist services for women experience VAWG are often made aware of these forms of abuse, however these services are already underfunded and under-resourced, and would not have the capacity to support women who are additionally impacted by this form of abuse. Additionally, traditional housing support services do not have the knowledge and expertise regarding the predatory nature of 'sex for rent' exploitation and the additional vulnerabilities and disadvantage faced by victims, to offer adequate support and advice.

To ensure women who are at risk of these practices receive the support they need, specialist services for women and girls need to receive adequate funding and resource to meet these needs. This must include ringfenced funding for specialist 'by and for' services for Black and minoritised women, who are most likely to offer support to migrant women at risk of these practices. Additionally, housing and homelessness advice services need to receive guidance and training on how to support victims of 'sex for rent' exploitation and work closely with local specialist VAWG support services.

## SECTION NINE Type of response

### Q17. About you: Are you representing an organisation?

This consultation response is jointly submitted by the Domestic Abuse Housing Alliance (DAHA) led-National Housing and Domestic Abuse Policy and Practice Group, including specific contributions from DAHA, Generation Rent, Latin American Women's Aid, Safety4Sisters, and Solace Women's Aid.

Our National Group brings together 29 expert partners from the housing, domestic abuse, and violence against women and girls' (VAWG) sectors from commissioning, charity, and policy perspectives. We support statutory agencies, government departments, and the private sector to deliver safe and suitable housing for survivors of domestic abuse. Our signed members include:

- Against Violence & Abuse (AVA);
- Agenda Alliance;
- Angelou Partnership;
- Birmingham & Solihull Women's Aid;
- Chartered Institute of Housing (CIH);
- Commonweal Housing;
- Crisis;
- Domestic Abuse Housing Alliance (DAHA);
- The DRIVE Partnership;
- Employers Initiative on Domestic Abuse (EIDA);
- Generation Rent;
- Gentoo Housing Association;
- Hestia;
- Homeless Link;
- Latin American Women's Aid
- National Housing Federation (NHF);
- National Federation of ALMO's;
- Peabody Housing Association;
- Refuge;
- Resolve ASB;
- Respect;
- Safety4Sisters
- SafeLives;
- Single Homeless Project (SHP);
- Solace Women's Aid;
- Standing Together Against Domestic Abuse;
- St Mungo's;
- Surviving Economic Abuse (SEA);
- Women's Aid Federation of England (Women's Aid)