

Housing association can rent only to Orthodox Jews



A judge said that because of the specific needs of Orthodox Jews, it was fair for the housing association to cater only to them

A Jewish housing association has won a court battle allowing it to refuse homes to tenants who are not Orthodox Jews.

The Agudas Israel Housing Association (AIHA) was founded in 1986 to provide social housing for Orthodox Jews in north London and does not accept applications from anyone outside the community. Lawyers for the association welcomed the ruling by the High Court as recognition by the judges that antisemitism in the UK was “widespread and increasing and overt”.

A non-Jewish woman who has four children, including two sons with autism and twin baby girls, was at the top of Hackney council’s list for a four-bedroom home in the area. Six four-bedroom properties owned by AIHA became available, but the single mother was not allowed to apply. The woman, who has not been named, took the housing association and Hackney council to court to apply for a judicial review, arguing that it was unlawful and discriminatory for the AIHA to refuse her a home.

The woman’s mother told the court that her daughter’s legal case was “not driven by antisemitism”, but by a need to house her disabled children.

When applying for an AIHA home, prospective tenants are asked whether they are “strictly observant” Orthodox Jews and for details of their synagogue.

The court was told that Orthodox Jewish families tended to have more children and were more likely to require benefits and live in overcrowded homes, often preferring to live in unsuitable homes rather than move away from their community. There are around 16,000 Jewish people in Hackney, mainly from Orthodox backgrounds.

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Ian Wise, QC, representing the claimant, acknowledged that Orthodox Jews in the area had “very severe housing needs”, but said that they were not any more severe than those of other local people. The AIHA provides homes with “kosher kitchens” with dual sinks to separate meat and dairy products, special timers designed to operate light switches during the Sabbath, and sacred Jewish scrolls affixed to door posts, but Mr Wise said these could be added to any home at little expense.

The court was told that a third of AIHA tenants in a 2002 survey said that they had experienced antisemitic harassment and heard that AIHA owns 470 properties, just 1 per cent of the rentable homes in Hackney.

In their ruling, Lord Justice Lindblom and Sir Kenneth Parker said: “The disadvantages and needs of the Orthodox Jewish community are many and compelling. They are also in many instances very closely related to the matter of housing accommodation. We recognise the needs of other applicants for social housing, but, in the particular market conditions to which we have referred, AIHA’s arrangements are proportionate in addressing the needs and disadvantages of the Orthodox Jewish community.”

Ita Cymerman-Symons, chief executive of the AIHA, said: “This ruling will help address the imbalance, disadvantages and prejudices faced by Orthodox Jewish families in trying to find suitable housing.”

Elliot Lister, a partner at Asserson, the law firm that represented the housing association, said after the ruling: “The Jewish community and even more so the obviously Orthodox Jewish community, faces an ongoing battle against antisemitism, recognised by their lordships as widespread and increasing and overt.”