



## Discrimination in tenancy matters

Discrimination is prohibited by both the Residential Tenancies Act and the Human Rights Act. A tenant who thinks they have been illegally discriminated against can either make a complaint to the Human Rights Commission or make an application to the Tenancy Tribunal.

However, a tenant **cannot** do both. If you think you have been discriminated against, seek advice from both the Department of Building and Housing and the Human Rights Commission. Once you have made a choice you cannot apply to the other organisation, even if you change your mind or don't like the outcome.

### What does the Human Rights Act say?

Discrimination is when one person is treated less favourably than another person in similar circumstances. It becomes unlawful when the reason for discrimination is one prohibited by the Human Rights Act.

For example, it's illegal for a landlord to deny a tenancy to a person because they belong to a certain church, or to change an existing lease after it has been signed because the landlord discovers the tenant is unemployed.

When providing accommodation, it is unlawful to discriminate on the basis of:

- gender
- marital status
- religious or ethical belief
- race or colour
- ethnic or national origin – which includes nationality and citizenship
- disability – including physical or psychiatric illness
- age
- political opinion
- employment status – eg, being unemployed or a beneficiary, or receiving ACC payments
- family status – including having/ not having responsibility for children
- sexual orientation.

### What does the Residential Tenancies Act say?

This Act makes it unlawful for anyone to discriminate when considering whether to grant a tenancy or deciding to continue, extend or vary an existing tenancy. The Act prohibits discrimination when deciding to terminate or renew a tenancy.

A person cannot tell someone else to discriminate in any of these situations either. For instance, a landlord would be acting unlawfully if they instructed an agent not to rent to a single parent.

### Where can I get more information?

If you think you've been discriminated against, or you want to be sure you are not unlawful in your decisions regarding tenancy matters, you should seek advice from the offices of the Human Rights Commission or the Department of Building and Housing.

