Discrimination

Discrimination is unlawful under the tenancy law when it breaches the Human Rights Act.

When providing accommodation, it is against the law to choose tenants based on:

- gender
- religious or ethical beliefs
- race or colour
- nationality, ethnicity, origin or citizenship
- physical or mental disability or illness
- age
- political opinion
- employment status eg, if unemployed or on a benefit
- marital and family status – including any responsibilities for dependants
- sexual orientation.

For example, a landlord can’t turn down a potential tenant because they go to a certain church. They also can’t change an agreement after it is signed because they find out the tenant is unemployed.

What the Residential Tenancies Act says

The Residential Tenancies Act makes it unlawful for anyone to discriminate:

- when deciding whether to grant a tenancy
- when deciding to continue or change an existing tenancy
- when deciding to end a tenancy.

You also can’t tell someone else to discriminate. For example, a landlord can’t tell an agent not to rent to a single parent.

Discrimination – what can be done?

A tenant who thinks they have been discriminated against can either:

- make an application to the Tenancy Tribunal (http://www.tenancy.govt.nz/disputes/tribunal/completing-an-application-to-the-tenancy-tribunal/).

However a tenant cannot do both. Before you decide what to do, get advice from both Tenancy Services and the Human Rights Commission. Once you’ve chosen to apply to one organisation, you can’t apply to the other.

Landlords can contact both if they want to check their decisions are lawful.