



## IMPORTANT CHANGES TO EQUALITY LAW FOR THE RENTAL MARKET

Information for landlords, letting agents and property advertisers

### **Refusing to accept tenants because of rent allowance is now illegal**

As of the 1st January 2016, the *Equality (Miscellaneous Provisions) Act 2015* has introduced “housing assistance” as a new discriminatory ground. This means that people in receipt of rent supplement, housing assistance payments or other social welfare payments can no longer be discriminated against in relation to the provision of accommodation or related services or amenities.

### **What do property professionals need to know?**

Discrimination in accommodation against those on rent supplement, housing assistance payments, or other social welfare payments, is now against the law. Landlords, letting agents, and property advertisers are also prohibited from publishing or displaying advertisements which indicate an intention to discriminate on the housing assistance ground.

- It is now illegal to refuse prospective tenants solely on the basis that they are in receipt of a rent supplement or other state supports.
- Landlords must remove any prohibitions on tenants in receipt of rent supplement from their advertisements, rent agreements and instructions to letting agents.
- It is also against the law to end a tenancy on the basis of a tenant receiving a rent supplement or other state supports.

An advertiser may be held liable for discrimination on the housing assistance ground if they publish or display an advertisement which serves to discriminate or could reasonably be understood as indicating such an intention.

Existing equality legislation already protects against discrimination in accommodation on the grounds of gender, civil status, family status, age, race, religion, disability, sexual orientation, and membership of the Traveller community as grounds for discrimination.



## Examples of discrimination on the basis of housing assistance

Discrimination on the housing assistance ground include -

- Using phrases such as 'rent supplement not accepted', 'professionals only' in property advertisements;
- Refusing to allow a person to view a property;
- Refusing to let a property;
- Including a discriminatory term or condition in a lease, tenancy agreement or licence agreement, whether oral or verbal;
- Refusing to renew a lease, tenancy agreement, or licence agreement;
- Terminating a lease, tenancy agreement, or licence agreement;
- Withdrawing or restricting access to services related to accommodation;

on the basis that the person concerned is in receipt of rent supplement, housing assistance payments, or other social welfare payments.

It is not discriminatory to refuse a tenant solely on the grounds that the tenant cannot afford the appropriate market rent. Where the level of rent supplement or housing assistance payment is not sufficient to meet the market rent, a landlord is not required to let the property to the prospective tenant.

- Rent supplement limits and housing assistance payments are determined by the Department of Social Protection and the Department of Housing, Planning, Community and Local Government, respectively, having regard to the size of the household and the area in which the property is situated.
- Disputes in relation to the setting and reviewing of rent levels may be referred to the Residential Tenancies Board: [www.rtb.ie](http://www.rtb.ie)



**Coimisiún na hÉireann um Chearta  
an Duine agus Comhionannas**  
Irish Human Rights and Equality Commission

## How will complaints be dealt with?

People who feel they have been discriminated against on the housing assistance ground, or any other protected ground, in relation to the provision of accommodation may have a complaint under the Equal Status Acts. Complaints should be made to the Workplace Relations Commission at [www.workplacerelations.ie](http://www.workplacerelations.ie)

- A complaint to the Workplace Relations Commission must be referred within 6 months of the date of discrimination.
- Before making a complaint to the Workplace Relations Commission, the landlord, letting agent, or advertiser concerned must be notified in writing within 2 months of the date of discrimination of the nature of the allegation and the intention to refer a complaint.
- The maximum award that may be made by the Workplace Relations Commission for discrimination/discriminatory advertising is €15,000.

## What can the Irish Human Rights and Equality Commission do?

We have a wide range of functions in relation to the protection and promotion of human rights and equality. Specifically, we may take the following steps with a view to eliminating discrimination on the housing assistance ground –

- Provide information and guidance to tenants, landlords, letting agents and property advertisers in relation to their rights and obligations under the Equal Status Acts;
- Provide assistance in appropriate cases to individuals in referring a complaint of discrimination on the housing assistance ground to the Workplace Relations Commission;
- Refer a complaint of discriminatory advertising on the housing assistance ground to the Workplace Relations Commission;
- Apply to the High Court or the Circuit Court for an order preventing discriminatory advertising.

**For further information, contact us at [info@ihrec.ie](mailto:info@ihrec.ie) or 1890 245545.**