



Discrimination and renting

> Know your rights

There are different laws that protect you when you are renting a property or applying for one. As well as having rights under residential tenancies laws, you also have rights under Victoria's *Equal Opportunity Act 2010*, which can protect you from discrimination when renting.

The *Equal Opportunity Act 2010* makes it against the law to discriminate against someone because of their race, sex, age, disability, marital status, family responsibilities, and sexual orientation among other personal characteristics.

Discrimination is treating someone unfavourably because of one of these characteristics, and causing them to be disadvantaged as a result. For a full list of characteristics, go to humanrightscommission.vic.gov.au.

Victoria's equal opportunity laws make discrimination unlawful in areas including:

- > employment
- > goods and services
- > education
- > local government
- > sport
- > clubs and membership
- > accommodation.

What the law says about discrimination in private rental accommodation

It is against the law for a landlord or a rental agent to treat you unfavourably when you are applying for a rental property by doing any of the following things because of a personal characteristic such as race, sex, age, disability, or having children:

- > refusing or not accepting your application
- > processing your application in a different way
- > offering you the property on different terms (e.g. requiring a higher amount for the bond)
- > refusing to provide accommodation because you have an assistance dog.

Examples

Tiffany meets with a real estate agent to look through a property she wants to rent. Tiffany has her two children with her and the agent advises that he cannot rent the property to her because her children are under five and likely to damage the property.

David speaks to a real estate agent on the phone about his application form for a rental property. The agent has seen David's surname and asks about his ethnic background. David hears from the agent the next day and is told his application was not successful. When David asks why, the agent says he's had problems with 'people from your country' in the past.

Discrimination against people with disabilities in accommodation

In Victoria, it is against the law to discriminate against someone because of a disability. Disability includes physical, mental or intellectual conditions and may be short term, long term or permanent.

It is against the law for an agent or a landlord to deny you a rental property because you have a disability or use an aid such as a wheelchair, crutches or scooter.

If you are offered a rental property and would like to make alterations to the property to accommodate your disability (e.g. handrails or ramps), you have to pay for the alterations yourself. The agent or landlord must allow you to make such alterations to the property to accommodate your special needs provided that:

- > the alterations will not alter the premises of another occupier (i.e. impact on your neighbours' property)
- > things can be put back to the way that they were before the alterations
- > you agree to restore the accommodation to its previous state before you leave.

If you have an assistance dog, it is unlawful for a landlord or rental agent to require that you keep the dog elsewhere, or to require an additional fee.

Make a complaint to the Commission

If you feel you have been discriminated against when renting or applying to rent because of your race, sex, age, disability or sexual orientation among other personal characteristics, you or someone on your behalf can make a complaint to the Commission.

You can make a complaint to us by letter or email, by filling in an online complaint form, or calling us.

When you lodge a complaint we will contact you about it and may ask for more information. We can try to help you resolve your complaint through a conciliation process between you and the person you are complaining about.

In some cases we may decide we cannot deal with your complaint. If this happens, we will contact you and explain why. If we can't help you we will try to refer you to someone who can.

1300 292 153

enquiries@veohrc.vic.gov.au

humanrightscommission.vic.gov.au

Level 3, 204 Lygon Street, Carlton Vic 3053

Telephone 1300 891 848

Fax 1300 891 858

TTY 1300 289 621

Interpreters 1300 152 494

Online complaint form:

humanrightscommission.vic.gov.au/complaints



Victorian Equal Opportunity
& Human Rights Commission

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Enquiry Line 1300 292 153

Telephone 1300 891 848

Fax 1300 891 858

TTY 1300 289 621

Email enquiries@veohrc.vic.gov.au

Website humanrightscommission.vic.gov.au

We welcome your feedback!

Were these resources useful? Easy to use?

Would you like to see something else included?

Please email us at research@veohrc.vic.gov.au

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Disclaimer: This information is intended as a guide only. It is not a substitute for legal advice.