

Help for the discriminated

THE Equal Opportunity Act (the Act) can offer redress for persons who have been discriminated against while seeking or already occupying accommodation.

It is unlawful to alter the terms and conditions or deny a person the opportunity to access accommodation because that person possesses the inherent characteristics or status grounds covered by the Act.

Section 18 of the Act refers to this category as the Provision of Accommodation and the status grounds protected by the Act are: race, ethnicity, sex, disability, marital status, origin including geographical origin and religion.

This column assists readers to understand their right to accommodation and empower them to lodge a complaint if they have been discriminated against under this category.

Provision of accommodation refers to a person renting or leasing a property from a landlord for residential purposes.

Accommodation, according to the Act, can also include a rehabilitation centre or any other organisation or hostel that provides accommodation.

The accommodation applies not only to the property in question; it also includes the conditions under which the property is leased or rented.

This extends to the terms of the offer, refusing applications for accommodation or placing that applicant on a lower order of precedence on any list of applicants for that accommodation.

The category applies to the treatment of persons seeking accommodation as well as persons to whom accommodation has already been provided.



The Act states that even after the person has occupied the accommodation, that person should not be denied access or limited access to any benefit connected with the said accommodation or should not be subjected to eviction on any of the seven status grounds above.

One example is a landlord who is of a particular religion and seeks to evict a tenant who was of the same religion when they initially rented the property but changed it while occupying the property; or a landlord that insists that potential tenants provide proof of marital status before agreeing to rent or lease the property.

According to the Act, this is discrimination based on religion and marital status, respectively, under the category of Provision of Accommodation.

EXCEPTIONS

While the general rule is that people should not discriminate against another individual, there are some exceptions under the Act, where living accommodations can be denied.

For instance, a landlord can choose to rent to family members over other applicants, once the landlord resides on the

property and intends to continue doing so.

The landlord also has the right to decide who lives on the premises, regardless of the status ground to which they belong, if the premises comprise no more than three units available for rent or lease.

Another example of an exemption under the Act is a man seeking residence at a women's rehabilitation centre. He can be denied accommodation, as the centre was established wholly for the welfare of only one sex, and in this case, females.

This further extends to accommodation in any hostel or other similar institution that was created for persons of a particular status.

Similarly, religious bodies are allowed to determine who resides on their premises, that being, for example, persons who belong to the same faith.

Under this category, it is not discriminatory to deny someone accommodation if the provision of making such facilities available, would impose an unjustifiable hardship on the person who makes the facilities available.

For instance, if the apartment is on the second floor of an apartment building, which only houses two apartments.

If a person with a disability is in a wheelchair, a landlord can decide not to rent the property to that person because updating the facilities to include an elevator will be an unjustifiable financial burden.

If you have been discriminated against under the category of Provision of Accommodation, you can lodge a complaint at the Equal Opportunity Commission on its website www.equalopportunity.gov.tt or via e-mail: complaints@eoc.gov.tt.