

# Housing and Human Rights



Housing is a protected area of discrimination under the *New Brunswick Human Rights Act (Act)*. This means that landlords, property owners, and their staff must not discriminate against someone who identifies with a protected ground (ex: family status, physical disability, social condition, age, national origin, etc.). Discrimination in housing could include refusing to rent or sell property to someone, evicting or threatening to evict someone, or harassing someone because they belong to a protected group under the Act.

## Two Types of Protections in Rental Property

Section 5(1) of the Act provides the following protections to tenants and potential tenants:



### Denial of Accommodation:

The Act prohibits landlords from denying housing to individuals because they identify with a protected characteristic. **This makes sure that landlords don't use discriminatory tactics to discourage individuals from renting because of their protected characteristics.**

**Example:** A Black woman calls a landlord, and he agrees to rent an available unit to her. However, he changes his mind when they meet and he realizes that she is Black, so he tells her the unit is suddenly unavailable.









### Terms or conditions of occupancy:

**Discrimination is also prohibited in the terms and conditions of rental agreements.** This includes the cost of rent, the lease duration, the environment created by the landlord's behavior, access to a building's facilities, and maintenance of the property.

**Example:** A landlord raises the rent for an elderly tenant without a valid reason, but rent rates in other similar units in the building are not raised.

## Examples of Discriminatory Practices in Housing



Some examples of discriminatory treatment in housing include:

-  **Discriminatory language in ads:** Posting an ad for an apartment that says, "Only mature adults allowed" (family status).
-  **Unfair treatment during house viewings or interactions:** During a house viewing, a landlord refuses to show a unit to a person with a service dog (mental or physical disability), stating that they don't allow pets.
-  **Discriminatory treatment during tenancy:**
  -  **Different treatment in the provision of services and facilities:** A couple with a newborn baby (family status) moves into a condo and is told that they can't use the common areas as their baby will disturb other tenants using that facility.
  -  **Failure to accommodate:** An elderly tenant (age) with mobility issues requests that the landlord install a ramp for easier access to the building, but the landlord refuses.
  -  **Neglect in maintenance and repairs:** An Asian-Canadian family (race) repeatedly requests repairs for their leaking roof, but the property manager claims that he is too busy to address their issue. However, issues of other tenants in the building, who are not of the same race, are addressed more efficiently.

## Duty to Accommodate in Housing

Under the Act, housing providers and their staff have a legal obligation to make reasonable adjustments to their policies, practices, and spaces to accommodate individuals who identify with a protected characteristic like a disability, family status, etc. **This is called the duty to accommodate, and it is the law.**

### Examples:

-  A tenant with a **disability** requests changes to their apartment to make it more accessible, like adding ramps or widening doorways.
-  Another tenant requests to move to a bigger apartment because they have had an addition to their family (**family status**).



If it becomes too difficult for a housing provider to accommodate a person's needs related to a protected ground (for example, due to extremely high financial costs), they may, depending on the circumstances, deny the accommodation request. This denial must be based on a careful assessment – **it cannot be automatic**. This is called **undue hardship**.





## Obligations of Landlords in the Accommodation Process

Landlords have certain **responsibilities** when it comes to accommodating tenants. Landlords should consider the following:

-  Accommodations must be tailored to meet the tenant's needs and must be provided promptly. Significantly delaying an accommodation may be a violation of the Act.
-  If needed, landlords should get expert advice, for example, from a doctor, to determine what accommodations are necessary.
-  Landlords are usually responsible for covering the cost of accommodations, unless it would cause too much financial difficulty (i.e. undue hardship).
-  Landlords should explore alternative solutions and explore all possible options before denying a request for accommodation.
-  Landlords should be flexible with rules and procedures, especially when it comes to accommodating tenants' needs related to a protected ground. For example, allowing a service animal in a building that normally doesn't allow pets.
-  Throughout the accommodation process, landlords should respect tenants' dignity, privacy, and confidentiality.

## Tenants' Responsibilities in the Accommodation Process

Tenants also have **responsibilities** during the accommodation process, including:


-  Telling the landlord that an accommodation is needed, because a landlord might not know about the need for an accommodation unless it is clearly communicated.
-  Working with the landlord and experts to explore possible accommodation options.
-  Providing necessary information related to the accommodation, like a doctor's note.
-  Accepting a reasonable accommodation and communicating any issues with the accommodation to the landlord.

## Do you have questions? Contact the Commission

The **New Brunswick Human Rights Commission** is a government agency that ensures the human rights of all New Brunswickers are protected under the Act. If you want to learn more about your **rights and responsibilities related to housing**, contact the Commission. The Commission provides free information about your rights and can provide information on filing a complaint.

If you think you have experienced discrimination in New Brunswick, **you can file a complaint with the Commission.**

### You can reach us at:

 (506) 453-2301

 [hrc.cdp@gnb.ca](mailto:hrc.cdp@gnb.ca)

 [www.gnb.ca/hrc-cdp](http://www.gnb.ca/hrc-cdp)

Learn more about housing and human rights by consulting our "Guideline on Housing Discrimination"!

<https://bit.ly/3U6dHyk>

