



Ministry of the Interior and  
Kingdom Relations

# Everyone deserves a fair chance at a place to live.

## Let's prevent discrimination in the housing sector

Everyone needs a place to live. And everyone in the Netherlands deserves a fair chance at finding one. However, in reality, not everyone gets the same opportunities. A person's origin, sexual orientation or religion can sometimes play a part in whether they are selected as tenant or buyer. This can constitute discrimination. Under the Equal Treatment Act (AWGB), the Equal Treatment of Disabled and Chronically Ill People Act (WGBH/CZ), the Criminal Code and the Landlords (Good Practices) Act (WGV), discrimination is not allowed.

The Landlords (Good Practices) Act entered into force on 1 July 2023. The Act sets out the steps landlords and rental agencies must take to prevent discrimination in the rental housing sector. From 1 January 2024, all municipalities have a reporting office where tenants and those looking for accommodation can report problems with landlords, including discrimination.

*This brochure provides a summary of the rules relating to discrimination in the housing sector.*



Wijs **discriminatie**  
de deur.

## What constitutes discrimination?

When selecting a tenant or buyer, putting people at a disadvantage or treating them unfavourably because of characteristics like their origin, religion, health or sexual orientation is not allowed. Personal characteristics like these are not relevant. In the Netherlands there are two laws that specify the personal characteristics that cannot be taken into consideration in such situations: the Equal Treatment Act (AWGB) and the Equal Treatment of Disabled and Chronically Ill People Act (WGBH/CZ).

## Recognising discrimination

The green box shows what landlords or rental agencies are allowed to ask potential tenants or buyers. The orange box shows what they are not allowed to ask. They cannot consider this information when selecting a tenant or buyer.



### ✓ Landlords and agencies can ask for the following information

- Given name and surname
- Address
- Telephone number
- Email address
- Type of household: single, couple, children, no children
- Total monthly net income
- Proof of income
- Current rent amount and/or landlord statement

### ✗ Landlords and agencies cannot ask for the following information or use it to make their decision

- The colour of your skin or your ethnic or cultural background
- Your religion or beliefs
- Your political opinions
- Your sexual orientation
- Your state of health (physical or mental)

## Examples of discrimination:

- A **landlord** previously had problems with a tenant from Poland. The tenant caused a nuisance. As a result, the landlord no longer wishes to rent to Polish tenants.
- A **landlord** only wants to rent out accommodation to expats. But the landlord does not have a good reason for this (the term used in the law is 'objective justification' (*objectieve rechtvaardiging*)).
- A **rental agency** does not want to rent to single mothers. The agency has the impression that single mothers do not have stable incomes and will not be able to pay the rent.
- A **landlord** only wants to rent out accommodation to people who speak fluent Dutch. There is no objective justification for this.
- A **landlord** does not wish to rent out accommodation to people with an Indonesian background. The landlord thinks that they will use the kitchen a lot and not take good care of it.

Everyone in the Netherlands deserves a fair chance at housing.  
Regardless of their origin, sexual orientation or beliefs.

Don't accept discrimination.

## Direct and indirect discrimination

Discrimination is treating people differently on the basis of characteristics that aren't relevant. There are two types of discrimination: indirect and direct. Laws on equal treatment set out rules on direct and indirect discrimination.

### Direct discrimination

If a potential tenant is not selected due to a characteristic such as their religion, skin colour, origin, gender, nationality or sexual orientation, this is direct discrimination. Direct discrimination is prohibited, unless there is an exception under the law.

### Indirect discrimination

There are ways of selecting tenants or ending tenancy agreements that may appear neutral, but in reality lead to people with certain personal characteristics being treated unfairly or unequally. This is indirect discrimination and it is also illegal.

Sometimes, however, there is a good reason to differentiate indirectly between people. In such cases, an exception to the ban on indirect discrimination is possible. For an exception to be lawful, it has to be objectively justified. Three questions are relevant in this

regard. If all three can be answered with a 'yes', then an exception is possible.

- Is the *aim* legitimate? In other words, is the reason for making the distinction justified?
- Why does a distinction need to be made *in this way*? In other words, is this an appropriate way to achieve the intended aim?
- Is it *necessary*? In other words, do the benefits for one party outweigh the impact of disadvantaging others?

*For example:*

*Can landlords favour families over single people when renting out one-family homes with two or more bedrooms?*

The answer is **'yes'**.

This question was submitted to the Netherlands Institute for Human Rights because it involves indirect discrimination. If certain types of accommodations are purposely allocated specifically to families, potential tenants who have no children are not eligible. Often, people who don't have children are unmarried and not in a registered partnership. So this could be seen as indirect discrimination on the basis of civil status, which normally isn't allowed. But in this case, it is. Landlords can justify their preference for families because families need more rooms, so there is an objective justification.

### The law at a glance

The Equal Treatment Act (AWGB) makes it illegal to discriminate on the basis of:

- religion
- belief
- political opinion
- race
- sex
- nationality
- sexual orientation
- civil status

Under the Equal Treatment of Disabled and Chronically Ill People Act, it is illegal to discriminate on the grounds of disability or chronic illness. Discrimination is illegal and punishable under the Criminal Code.

The Landlords (Good Practices) Act (WGV) also states that landlords and rental agencies are not allowed to discriminate. Municipalities can impose fines if they do.



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de deur.



## What can or should landlords and rental agencies do?

*Discrimination is prohibited. That means:*

- Personal characteristics cannot be taken into consideration when deciding on a tenant or buyer. This also includes decisions to extend or end tenancy agreements. These personal characteristics include where someone comes from, their sexual orientation, their gender and their religion. The Equal Treatment Act lists all the protected personal characteristics. There are some exceptions to the prohibition. These are also set out in the legislation.
- Landlords must provide assistance to tenants with a disability or chronic illness who request support. This includes things like allowing a tenant to park their mobility scooter in a communal area, even if this would normally not be allowed. If this would create a dangerous situation however, the landlord can refuse. The law does also not require landlords to make structural modifications to accommodation for tenants with a disability. They do not have to install stair lifts, for example.
- Landlords should work to ensure their properties are environments free from discrimination. This means they should take complaints about discrimination seriously and take action against tenants who discriminate against others.

*Exceptions:*

- Landlords who rent out rooms in their own home are sometimes allowed to set certain conditions that other landlords cannot. One example would be a woman who only wishes to rent out rooms to female students. In such cases, the obligations and prohibitions set out in the Equal Treatment Act do not apply.
- If a private landlord advertises accommodation via their own network rather than in the public domain, it is sometimes possible to set conditions relating to particular protected personal characteristics.

*It is never legal to discriminate on the basis of skin colour or origin. This can never be a reason to not offer someone accommodation.*

## The Landlords (Good Practices) Act: explain how you prevent discrimination

The Landlords (Good Practices) Act sets out what landlords and rental agencies must do to prevent discrimination. This Act came into force on 1 July 2023. It applies to all landlords and rental agencies advertising accommodation in the public domain; for example, on their own website or on websites like Funda or Pararius.

### The following rules apply to the process of selecting potential tenants and allocating accommodation:

- Landlords and rental agencies must make it clear how they select tenants. The selection method must be laid down in writing and verifiable.
- The selection method must be neutral if the accommodation is advertised in the public domain. This means that landlords and rental agencies cannot select tenants on the basis of personal characteristics. An example of a neutral selection method is a system that selects potential tenants on a 'first come, first served' basis or on the basis of how long they have been registered as looking for accommodation. When advertising accommodation, landlords and rental agencies must inform potential tenants about how they make their decision. This information could be included in the listing itself, for example.
- They must explain to unsuccessful candidates why they have selected another candidate. If a 'first-come, first served' system is used, the explanation can simply be that the successful candidate registered their interest earlier.

### As of 1 January 2024, landlords and rental agencies must:

- lay down in writing their method for preventing discrimination;
- make this method public;
- adjust this method if necessary;
- make any staff aware of the method.



## What can you do if you suspect discrimination?

- Since 1 January 2024 every municipality must have a reporting office that deals with reports of discrimination from tenants and people looking for accommodation.
- All municipalities are linked to an anti-discrimination service (*antidiscriminatievoorziening, ADV*). These services give independent advice and support to people who report discrimination or have questions about discrimination. Go to [www.discriminatie.nl](http://www.discriminatie.nl) to find the service nearest to you.
- You can also contact the Netherlands Institute for Human Rights with questions about discrimination. You can contact the Institute free of charge by calling +31 (0)30 888 3888 or emailing [info@mensenrechten.nl](mailto:info@mensenrechten.nl). Tenants and people looking for accommodation can ask the Institute to assess whether a landlord has discriminated against them, for example. For more information, go to [www.mensenrechten.nl](http://www.mensenrechten.nl).
- You can also file a complaint with the police. If you need help doing this, contact your local anti-discrimination service.

## Who can landlords and rental agencies contact if they have questions about discrimination?

- If a landlord or rental agency is a member of a trade association, they can contact the association.
- The Netherlands Institute for Human Rights can also provide advice, for instance if a landlord wants to know if they can require potential or existing tenants to meet certain conditions. They can contact the Institute free of charge by calling +31 (0)30 888 3888 or emailing [info@mensenrechten.nl](mailto:info@mensenrechten.nl). For more information, go to [www.mensenrechten.nl](http://www.mensenrechten.nl).
- The local anti-discrimination service can also help. Go to [www.discriminatie.nl](http://www.discriminatie.nl) to find an anti-discrimination service near you.
- Visit the website [www.goedeverhuur.nl](http://www.goedeverhuur.nl) to check whether a landlord and rental agency is following the anti-discrimination rules in the Landlords (Good Practices) Act.



### Version: January 2024

This brochure provides a summary of the rules set out in various laws to prevent discrimination in the housing sector. No rights can be derived from this publication.

### Ministry of the Interior and Kingdom Relations

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Report discrimination at [www.discriminatie.nl](http://www.discriminatie.nl)