

## Service-Public.fr

Le site officiel de l'administration française

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# Rental discrimination

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The owner of a dwelling has the right to choose his tenant from among the different candidates. However, he must be careful about the selection criteria he uses. It is prohibited to refuse a tenant on the basis of certain criteria considered discriminatory (national or ethnic origin, physical appearance, sex, age, sexual orientation, etc.). If you are discriminated against at the rental, you can file a complaint against the owner.

## Allowed selection criteria

To select a tenant from among the candidates, the landlord has the right to rely on objective criteria relating to his financial situation. Examples: income, presence of a person who is surety, professional status (CDI, CDD).

### Warning

In order to verify the tenant's income situation, the landlord is not entitled to claim certain private documents (<https://www.service-public.fr/particuliers/vosdroits/F1169?lang=en>)

as a statement of account.

## Discrimination

Certain criteria should not be used to select a tenant, as they are discriminatory:

- Age
- Physical appearance
- Genetic characteristics
- Banking
- Health status
- Pregnancy
- Disability
- Gender identity
- Spoken language (ability to speak in a language other than French)
- Place of residence
- Mothers
- Name
- Philosophical opinions
- Political opinions
- Sexual orientation
- Origin
- Particular vulnerability related to the economic situation
- Loss of autonomy
- Alleged race, ethnicity, nationality: membership or non-membership
- Religion: belief or affiliation or non-affiliation
- Gender
- Family situation
- Syndicalism

## Complain

## Complaint

If you have applied for accommodation in the private park and feel that you have been discriminated against in renting, you can apply for different remedies.

You can file a complaint against my landlord and, possibly, the real estate agent, if he has selected candidates according to discriminatory criteria. The complaint must be lodged no later than 6 years after the fact.

You must prove that your non-selection was made solely because of discriminatory criteria. Without waiting for the police or the gendarmerie to investigate, you can collect any form of evidence: testimonials, letters...

The practice of **le chantage**, where a person pretends to be a candidate tenant to verify that he will be discriminated against, may be admitted as evidence by the court.

## On site

You must go to a police station or the gendarmerie of your choice.

The police or gendarmerie are obliged to register the complaint.

The complaint is then transmitted to the public prosecutor to decide on the follow-up (investigation, classification without follow-up...).

If you do not know the author of the facts, you can fill out a pre-complaint online before moving.

You will then get an appointment and the police or gendarmes will already have the elements of your complaint when you arrive.

Online Pre-Complaint (<https://www.service-public.fr/particuliers/vosdroits/R19620>)

## By mail

You can lodge a complaint directly with the public prosecutor. We need to send free paper letter (<https://www.service-public.fr/particuliers/vosdroits/R11469?lang=en>) of the offender.

the court of the place of the offense or the place of residence

The letter must include the following:

Civil status and full contact information (address and telephone number) of the complainant

Detailed account of the facts, date and place of the offense

Assumed author's name if you know him (otherwise the complaint will be filed against X)

Names and addresses of potential witnesses to the offense

Description and provisional or final injury estimate

Evidence: medical certificates, work stoppages, various invoices, findings .....

Willingness to take part in civil proceedings

Make a complaint to the public prosecutor (<https://www.service-public.fr/particuliers/vosdroits/R11469>)

You can send your complaint by registered letter with acknowledgement of receipt or by simple letter. You can also file your complaint directly at the court reception. In all cases, a receipt will be given to you as soon as the public prosecutor's office has registered your complaint.

## Sanctions

The perpetrator of discrimination, (owner, real estate agent) a penalty up to:

- 3 years in prison,
- and **€25,000** fine.

## Enter Rights Defender

You can enter the Rights Defender.

## Online

Entering the Rights Defender Online (<https://www.service-public.fr/particuliers/vosdroits/R20689>)

## On site

You can make an appointment with a representative of the Defender of Rights.

## By mail

Referral to the rights defender may lead to 3 solutions:

- **Mediation** :: appointed by the Ombudsman, the Ombudsman shall hear the persons concerned. Mediation may not exceed 3 months. This period may be renewed 1 time.
- **A transaction** :: the Defender of Rights proposes to the perpetrator one or more sanctions (payment of a fine, compensation of the victim, publicity of the facts). In case of agreement, the transaction must be validated by the public prosecutor.
- **Legal action** :: if the Defender of Rights has knowledge of facts which constitute an offense or if the author refuses the transaction, the Defender of Rights shall bring the matter before the Public Prosecutor.

### Warning

Bringing the matter before the Defender of Rights shall not suspend the prescription.. The time limit for lodging complaints is 6 years.

### Statute and miscellaneous references

- Act No. 89-462 of 6 July 1989 on rental reports: Article 1 (<http://www.legifrance.gouv.fr/affichTexteArticle.do?idArticle=LEGIARTI000028806595&cidTexte=LEGITEXT000006069108>)  
Discrimination in housing
- Penal Code: Articles 225-1 to 225-4 (<http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006165298&cidTexte=LEGITEXT000006070719>)  
Discrimination

### Online services and forms

- Make a complaint to the public prosecutor (<https://www.service-public.fr/particuliers/vosdroits/R11469>)
  - lang=en)  
Document template
- Entering the Rights Defender Online (<https://www.service-public.fr/particuliers/vosdroits/R20689>)
  - lang=en)  
Online service

### FAQ

- What should be done in case of discrimination? (<https://www.service-public.fr/particuliers/vosdroits/F19448>)
  - lang=en)

### Additional topics

- Rent without discrimination: guide for owners (<http://www.defenseurdesdroits.fr/fr/actus/actualites/des-outils-au-service-des-propriteaires-et-des-professionnels-de-l'immobilier-pour>)
  - Advocate