

Subject-matter concerned	<input checked="" type="checkbox"/> 1) non-discrimination on grounds of nationality <input type="checkbox"/> 2) freedom of movement and residence - linked to which article of the Directive 2004/38 <input type="checkbox"/> 3) voting rights <input type="checkbox"/> 4) diplomatic protection <input type="checkbox"/> 5) the right to petition
Decision date	2 July 2007
Deciding body (in original language)	La Haute autorité de lutte contre les discriminations et pour l'égalité (HALDE).
Deciding body (in English)	High Authority for the fight against discrimination and for equality
Case number (also European Case Law Identifier (ECLI) where applicable)	Ruling No. 2007-190
Parties	Mr. D. / Housing Agency G and insurance company S
Web link to the decision (if available)	www.defenseurdesdroits.fr/fr/actions/protection-des-droits-libertes/decision/deliberation-ndeg2007-190-du-2-juillet-2007-relative
Legal basis in national law of the rights under dispute	Law No. 89-462 of 6 July 1989 on improving tenancy relations.
Key facts of the case (max. 500 chars)	Mr D. of European nationality (the ruling does not contain any other details), has lived and has been taxable in France since 1998 and works as a civil servant.

	<p>On 26 October 2004, after having visited an apartment, he filled out a reservation contract with agency G. On 3 November 2004, the agency informed him that the rental insurance of the owner, company S, would not allow for the conclusion of the lease on the grounds that he was not of French nationality. Within the framework of the investigation insurance company S communicated the documents relating to the conditions of subscription to insurance against unpaid rents, which impose the provision of an identity document issued by the French administration.</p> <p>On 27 April 2006, Mr D. referred to the HALDE with a claim relating to a refusal to rent by housing agency G.</p>
Main reasoning / argumentation (max. 500 chars)	<p>The HALDE argued that the facts exposed arose from Article 1 of law No. 89-462 of 6 July 1989 relating to tenancy relations, in that they imply the existence of discrimination based on nationality.</p>
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	<p>Discrimination in housing based on nationality</p>
Results (e.g. sanctions) and key consequences or implications of the case (max. 500 chars)	<p>The HALDE informed Mr. D. that it fell to him to apply to the civil courts in order to claim his rights, by invoking the rules relating to the burden of proof applicable in this field, in which case the HALDE will present its observations before the court.</p> <p>The HALDE reminded agency G as well as insurance company S that the Criminal code prohibits refusing or subjecting rental of housing to a prohibited criterion of discrimination.</p> <p>The HALDE recommended to insurance company S that it put the list of documents required to benefit from the safeguard against unpaid rents in conformity with the law in force, and asked to be kept informed of the actions taken pursuant to this recommendation within three months as from the notification of the ruling.</p>
Key quotations in original language and translated into English with reference details (max. 500 chars)	<p>Article 1 of the “Mermaz” law No. 89-462 of 6 July 1989 relating to tenancy relations provides that the right to housing is a basic right and that no person can be refused rented housing, in particular, on the grounds of their belonging to a particular nation.</p> <p><i>L'article 1er de la loi «Mermaz » n°89-462 du 6 juillet 1989 relative aux rapports locatifs prévoit que le droit au logement est un droit fondamental et qu'aucune personne ne peut se voir refuser la location d'un logement, notamment en raison de son appartenance à une</i></p>

	<i>nation.</i>
Has the deciding body refer to the Charter of Fundamental Rights. If yes, to which specific Article.	No