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FLASH REPORT

Country:	Germany
Title:	Discrimination by large building society
Date:	22 April 2020
Expert:	Matthias Mahlmann
<u>Context</u>	
Issue at stake:	Discrimination in housing
Grounds of discrimination:	Racial or ethnic origin
Field of application:	Housing
Source:	National court decision
Applicable law:	Section 19.1 AGG

Content

Case: The case concerns access to housing. The complainant sued a building company in Berlin owning about 110 000 apartments because of discrimination on the ground of ethnic origin. He enquired about a flat of this company under his true ('Turkish sounding') name, but received the information that the flat was not available anymore. After having been informed about this, he enquired again with an invented ('German-sounding') name. After this, he was informed that he could visit the flat. When he tried to collect the key at the service point, the attendant told him, however, that the flat was already let to somebody else. A colleague of his, however, called an hour later and was informed that he could visit the flat to see whether he wanted to rent it. This happened a second time within the next month: he applied for a flat under his true name and was informed that the flat was not available anymore. When he applied with a fictitious name again, he was invited to inspect the flat.

Decision of the court: The Local Court of Charlottenburg argued that there was a direct discrimination on the ground of ethnic origin.¹ The complainant was treated differently because of his 'Turkish sounding' name. The procedure of individual situational testing applied by the complainant is in the view of the Court admissible. There was no indication that the complainant was not seriously interested in renting a flat. The complainant received a compensation of EUR 6000.

Key points of analysis: The case highlights the existing patterns of discrimination in the area of housing. It is of particular interest because the agent of discrimination is a leading building company with a very considerable amount of flats to let and thus a mayor actor on the housing market.

Internet link source:

<http://www.gerichtsentscheidungen.berlin-brandenburg.de/jportal/portal/t/279b/bs/10/page/sammlung.psml?pid=Dokumentanzeige>

¹ Amtsgericht Charlottenburg, 14 January 2020, 203 C 31/19, ECLI:DE:AGBECH:2020:0114.203C31.19.00.

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