

Arabs sue Tel Aviv realtor for 'racist' housing discrimination

Three women told by a realtor detecting their accent that an apartment was already spoken for, but he later agreed to show the same flat to Jews

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In the summer of 2018, Yara Kraim, Awla Hassan and Walaa Abu Ishaq were looking for an apartment to rent in Tel Aviv. A real estate agency's Facebook post about an apartment in a "great location" that would be "excellent for three roommates" caught Kraim's eye. She called the number in the advertisement and arranged to see the place that afternoon. Just before the conversation ended, she gave her name.

A few minutes later, she was told that the apartment had already been taken. But her Jewish friend, who called a little while later, was told the opposite.

Kraim didn't settle for writing an angry Facebook post. Last month, she filed an unprecedented suit against the agency in Tel Aviv Magistrate's Court. Aside from seeking compensation, the suit aims to send a message: An agent can't cooperate with discriminatory behavior by the owner, even with regard to a privately owned apartment.

All three women had moved to Tel Aviv from the north to study at Tel Aviv University, stayed on after they graduated and found jobs. Kraim works at the Center for Educational Technology, Hassan at an investment bank and Abu Ishaq as a lawyer.

After living for six years in the Ramat Aviv neighborhood, they wanted to move. They began looking in March, Kraim said, since their contract ended in September. They saw many apartments.

"Every time we couldn't move ahead with an apartment, I told myself 'bummer' and blamed the high demand for rental apartments," she said. "Of course I've heard stories about how hard it is for Arabs to rent apartments in Tel Aviv, but I never encountered any signs of racism."

In July, she saw the Facebook post by the Up Town real estate agency about a four-room apartment in "excellent condition" with a "standard contract and

entry at the end of September.” It was located at 93 Nordau Boulevard, in north Tel Aviv.

At 10 A.M., she spoke with an agency representative, Dvir Elovitch, who praised the apartment and urged her to see it quickly. They agreed to meet at 5 P.M.

“I was excited and told my roommates,” she said. “I thought this could be our next apartment.”

But an hour later, Elovitch texted her, “I’m sorry, but in the end, that apartment’s is no longer relevant.”

“Already?” she asked. “Yes,” he replied.

When Kraim told her colleagues at work about her disappointment at losing the apartment, a Jewish friend suggested it could be related to her Arab name. “I truly didn’t think an owner should care whether an Arab or a Jew lives in the apartment,” she said. “I didn’t believe this could happen in north Tel Aviv.”

Nevertheless, she asked her friend to call Elovitch about the apartment. Less than 10 minutes after he told Kraim it was taken, he told her friend it was still available and arranged to show it to her at 5 P.M.

After Kraim told her roommates what had happened, Hassan also called Elovitch about the apartment. This was just 10 minutes after Kraim’s Jewish friend had called, but he said it was already taken. “Maybe he heard my Arabic accent,” Hassan said.

She also asked a Jewish friend to call, which the friend did about half an hour later, and once again, the apartment was available. A third Jewish friend who called 10 minutes after that got the same answer.

“I felt very humiliated,” Kraim said. “I sometimes hear all kinds of remarks, but I’ve never experienced such a case of discrimination.” So she decided to confront Elovitch directly by showing up at the apartment at 5 P.M.

“I was angry with myself for being so naïve as to think such racism wouldn’t be aimed at me or wouldn’t exist in Tel Aviv,” she said. “It’s already a nightmare to find an apartment in Tel Aviv, and now I have to hide my

identity? I don't know why, but I wanted to tell Elovitch he's a racist, so he'd feel something."

She asked Elovitch directly why he told her the apartment was unavailable while telling her Jewish friends the opposite. He "was in shock, he didn't know what to do with himself. At first he said it wasn't his decision, then he added that he didn't have a good answer."

When Kraim pressed him, he said he works for the agency, and it is responsible for dealing with home owners, who have "all kinds of criteria: There are some who won't accept ordinary people and some who won't accept dogs," Kraim said. She demanded that he not compare animals to Arabs.

One potential renter witnessed the confrontation. "I'm so embarrassed," she wrote in a Facebook post. "The owner of this apartment, in cooperation with the Up Town real estate agency, refused to show the apartment to someone else when they discovered she was an Arab."

The witness also appealed to fellow Jewish apartment-hunters. "True, the process drives you to despair," she wrote. "But there are boundaries that you don't cross. No price or location is worth debasing our most basic values as a society. Don't stand on the sidelines."

Kraim shared the post and added a comment: "And people still wonder how the nation-state law passed."

The experience Kraim and Hassan described is familiar to every Arab apartment-hunter. But this time, attorney Hicham Chabaita from the human rights clinic at Tel Aviv University's law school decided to sue the real estate agency.

"Just as an attorney may not draft an agreement to sell a kidney, a real estate agent may not be party to an illegal deal with racist conditions," he said. Or in other words, an agent can't acquiesce to an owner's demand not to rent to Arabs.

The suit is seeking 195,000 shekels in damages (65,000 shekels, or about \$19,000, for each roommate). In it, Chabaita argues that Elovitch violated the real estate agent law, which requires an agent to act "faithfully, fairly and in the accepted manner" and give clients all relevant information in their possession.

This means an agent can't "categorize their clients in a discriminatory fashion, even if he hides behind the owner's wishes," Chabaita wrote. In the case of Kraim and her friends, Elovitch "discriminated against the plaintiffs and lied to them" just because they were Arabs.

The suit also cites the Basic Law on Human Dignity and Freedom and the law forbidding discrimination in products and services.

But Elovitch is just an example. The suit's real targets are the real estate agencies.

In October 2018, Chabaita sent a warning letter to Up Town's manager, Dvir Cohen. After rejecting all the plaintiffs' complaints and demands, Cohen claimed that Elovitch is not and never was an agency employee, which never has and never would discriminate against anyone.

To explain the changing stories about the apartment's availability (though "without admitting the allegations"), Cohen said that sometimes, there are so many people calling and so many appointments being made that "an apartment is no longer relevant because too many people are already interested."

Yet in his brief to the court, Elovitch told a different story. He said his job was only to advertise apartments on Facebook and arrange meetings between clients and more experienced agents. In line with agency procedure, after speaking with Kraim, he posted her name, as well as those of other callers.

But when another manager, Erez Ashkenazi, saw the name and "realized she was an Arab," he demanded that Elovitch call her and say the apartment wasn't available, because "it won't fly with the owners." Elovitch's "protests were to no avail, and he had to send the message dictated to him" by his boss, the brief added.

When he told Ashkenazi about his confrontation with Kraim at the apartment, Elovitch continued, Ashkenazi replied, "What fun," and told him "not to tell her anything."

Elovitch recently informed the agency that if the court orders him to pay compensation, he will demand that it cough up the money.

His description of what goes on inside a real estate agency is rare, and if true, it reveals "the ugly behavior behind the scenes in many Israeli real estate

agencies,” Chabaita said. “Unfortunately, we encounter many cases of illegal discrimination by agents ostensibly acting at the desire of one of the parties.”

“It’s important that agents understand that they can’t cooperate with racist demands put by any of the parties,” he added. “And if they do, they need to know that they may personally bear responsibility for it.”

Kraim said the affair has made her “less naïve. I realized that even in Tel Aviv, racism exists and is much more deeply rooted than I thought. Here, too, there are apartment owners who aren’t willing to accept Arabs with academic degrees and steady jobs.”

Nor was this their last unpleasant experience. When they did finally find another apartment, Hassan said, “the owner was really nice, and we settled everything. But we waited for him to send the contract, and nothing happened. It’s hard to know whether there was racism here, too. The Nordau Boulevard story left us with a phobia.

“We looked for an apartment for almost a year,” she added. “I felt the fact that we were Arabs was a disadvantage.”

Since they couldn’t find a new apartment, they stayed in their Ramat Aviv rental for another year, until this past summer. Only three months ago did Kraim and Hassan finally move to another apartment, in central Tel Aviv.

“It was a rehabilitating experience,” Kraim said. “We found an owner who treated us wonderfully.”