

KNOW YOUR RIGHTS: **Housing Rights for Immigrants**

Do housing laws protect me if I am an immigrant?

Yes, eviction and fair housing laws protect people of all immigration statuses.¹

Is a landlord allowed to ask about my immigration status?

Most of the time, it is illegal for a landlord to ask you about your immigration status if you are a tenant or are trying to rent a place.² A landlord **may ask** you about your immigration status if they have to follow federal law.³ For example, a landlord is allowed to ask you about your immigration status if you are trying to rent a federally subsidized apartment that is only available to U.S. citizens and people with specific immigration statuses. A landlord may also ask you about your immigration status to obey a warrant or other court order.⁴

If your landlord illegally asks about your immigration status, you can ask them to stop. You can use FVAP's Template letter "[Demand That a Landlord Stop Asking About Immigration Status](#)" to do this.

Is my landlord allowed to evict me because of my immigration status?

Most of the time, it is illegal for your landlord to evict you because of your immigration status or the immigration status of someone you know.⁵ If you are an immigrant living in federally subsidized housing that has immigration restrictions, your landlord may be able to evict you because of your immigration status.⁶ Learn about some federally subsidized housing that is available to all immigrants in FVAP's information sheet "[Common VAWA-Covered Housing Programs and Immigration Status](#)."

If your landlord unlawfully tries to evict you because of your immigration status, you can ask them to stop with FVAP's template letter "[Withdraw Eviction Notice Given Due to Immigration Status](#)."

If you receive an eviction notice, including a notice to terminate tenancy like a 30 or 60 day notice, contact your local legal aid organization for help if one is available to you. Locate your local legal aid organization at <https://www.lawhelpca.org/>.

Is my landlord allowed to threaten to tell someone my immigration status to pressure me to move?

No, it is illegal for your landlord to threaten to tell anyone, including immigration authorities or law enforcement, your immigration status or the status of someone you know to pressure you to move.⁷ For example, it is illegal for a landlord to tell you that if you don't move out soon, they will tell the police your mother is undocumented.

Is my landlord allowed to tell anyone my immigration status because I asserted my housing rights?

No, it is illegal for your landlord to tell anyone, including immigration authorities or law enforcement, your immigration status to punish you for asserting (asking for) your housing rights.⁸ It is also illegal for your landlord to tell immigration authorities, law enforcement or other government agencies about the immigration status of someone you know because you asserted your housing rights.⁹ For example, it is illegal for your landlord to tell your neighbors your immigration status because they are mad at you for asking them to fix your roof.

Is my landlord allowed to tell someone my immigration status to harass or intimidate me?

No, it is illegal for a landlord to tell anyone your immigration status to intimidate or harass you.¹⁰ For example, if your landlord tells your neighbor your immigration status knowing that your neighbor hates immigrants to make you feel uncomfortable, that may be illegal harassment by your landlord.

Is a landlord allowed to discriminate against me because of my immigration status?

Most of the time, it is illegal for a landlord to discriminate against you because of your immigration status.¹¹ This means that a landlord is not allowed to deny you housing or charge you a higher rent because of your immigration status. However, some federally subsidized housing providers can deny you housing or rental assistance because of your immigration status.¹²

What can I do if my landlord violated my housing rights?

Explore your legal options. If your landlord did not follow the law, you may want to assert your legal rights to stop their illegal behavior and possibly make them pay you for the harm they caused. Here are some ways you may be able to assert your rights:

1. Write a letter to the landlord asking them to stop violating your rights.
2. File a complaint with the California Civil Rights Department (CRD).¹³ Complaints can be made online, over the phone, or by mail. Visit the CRD website for more details on the complaint process here: <https://calcivilrights.ca.gov/complaintprocess/>
3. File a lawsuit against the landlord because they violated your rights. Examples of landlords discriminating against immigrant tenants include, making them pay more for rent because they are an immigrant, or reporting them to immigration authorities to punish them for asserting their housing rights.¹⁴

If there is legal aid available to you, talk with your local legal aid or fair housing organization to explore what option is best for you. For more information on immigrants' fair housing rights, [visit Project Sentinel's website here](#) or use the URL in the footnotes.¹⁵ Project Sentinel has many resources including a fair housing toolkit for immigrants and brochures about retaliation and discrimination.



How do I get more assistance?

Contact FVAP at info@fvapl.org or (510) 380-6243 for questions.

¹ 42 U.S.C. § 3602, subd. (d), Gov. Code, § 12955(a); Code Civ. Proc., § 1161.4.

² Civ. Code, § 1940.3, subd. (b)(1).

³ *Id.* at § 1940.3, subd. (c).

⁴ *Id.*

⁵ Code Civ. Proc., § 1161.4, subd. (a).

⁶ 42 U.S. Code § 1436a, subd. (d)(5)(A).

⁷ Civ. Code, § 1940.2, subd. (a)(5).

⁸ *Id.* at §§ 1940.3 subd. (b)(3), 1940.35 and 1942.5, subds. (c), (e).

⁹ *Id.* at §§ 1940.35 subd (a), 1942.5, subds. (c), (e).

¹⁰ *Id.* at § 1940.3 subd. (b)(3).

¹¹ *Id.* at § 51, Gov. Code § 12955 subd. (d), *Swann v. Burkett* (1962) 209 CA2d 685, 694-695., *Burks v. Poppy Const. Co.* (1962) 57 C2d 463, 468.

¹² 42 U.S.C. § 1436a, Civ. Code, § 51 subd. (g).

¹³ Civ. Code, § 52 subd. (f), Gov. Code, § 12980 subd. (a).

¹⁴ Civ. Code, § 52, Gov. Code, § 12989.1, & Code Civ. Proc., § 1942.5, subd. (e).

¹⁵ <https://www.housing.org/resources-for-immigrants>