

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](#)" below 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 below 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 *Ibid.*

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 and 1942.5 subd. (e), Gov. Code, § 12989.1.

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

[Template Letter, Demand That a Landlord Stop Asking About Immigration Status]

[delete instructions before giving letter to landlord]

1. You can download this template in a word document [by clicking this link](#).
2. Fill out the highlighted sections.
3. Date and sign the letter.
4. Attach any supporting documents you might have.
5. Make a copy or take a picture of the letter and attachment for your records.
6. Give or send the completed letter and attachment to the landlord.
7. If the landlord does not respond to you, reach out to them.

[Type Tenant Name Here]

[Type Tenant Contact Address Here]

[Type Date Here]

[Type PROPERTY MANAGEMENT/LANDLORD NAME Here]

[Type PROPERTY MANAGEMENT/LANDLORD COMPANY Here]

[Type PROPERTY MANAGEMENT/LANDLORD ADDRESS Here]

Re: Violation of rights of [Type either "tenants" or "potential tenants" here] in [insert housing address here]

Dear [Type PROPERTY MANAGEMENT/LANDLORD NAME Here]:

I am a tenant living at [insert address here]. [If you are a person who is applying to live at the unit/house but are not a current tenant, use this language for the first sentence and delete the previous sentence: I applied for a unit at [insert address here] on [insert date here]]. On [insert date or dates here], you [insert either of the following: "asked about my immigration status or the immigration status of another tenant" or "required me to disclose my immigration status or the immigration status of another tenant"]. As explained below, these actions violated California law and you must stop them immediately.

Under California law, it is usually illegal for landlords to ask about a tenant or prospective tenant's immigration status or make them reveal their immigration status. (Civ. Code § 1940.3 (b)(1)-(2)). [Provide information about what the landlord did here, for example: "On [insert date here], you refused to rent to me because I didn't tell you my immigration status", "On [insert date here], you asked me in person about my immigration status when I went to pick up the keys to the rental"]. Therefore, because you [insert either of the following: "asked about my immigration status or the immigration status of another tenant" or "required me to disclose my immigration status or the immigration status of another tenant"], you violated California law. If you continue to request this information, I may file a complaint with the California Civil Rights Department (CRD) or file a civil action for discrimination based on immigration status. (Civ. Code, § 52).

Thank you for the opportunity to explain my rights under California law. [OPTIONAL TO INCLUDE: If you continue to act unlawfully, I may be forced to take legal action. To avoid liability, please refrain from engaging in this illegal behavior any further.]

Sincerely,

[Add Tenant's Signature Here]

[Type Tenant's Name Here]

Enclosures: [list any supporting documents you want to attach here.]

[Template Letter, Withdraw Eviction Notice due to Immigration Status]

[delete instructions before giving letter to landlord]

1. You can download this template in a word document [by clicking this link](#).
2. Fill out the highlighted sections.
3. Date and sign the letter.
4. Attach any supporting documents you might have.
5. Make a copy or take a picture of the letter and attachment for your records.
6. Give or send the completed letter and attachment to the landlord.
7. If the landlord does not respond to you, reach out to them

[Type Tenant Name Here]

[Type Tenant Contact Address Here]

[Type Date Here]

[Type PROPERTY MANAGEMENT/LANDLORD NAME Here]

[Type PROPERTY MANAGEMENT/LANDLORD COMPANY Here]

[Type PROPERTY MANAGEMENT/LANDLORD ADDRESS Here]

Re: Notice to terminate tenancy for tenant residing at [insert housing address here]

Dear [Type PROPERTY MANAGEMENT/LANDLORD NAME Here]:

On [insert date or dates here], you served me with a notice to terminate tenancy because of [Insert either of the following: “my immigration status” or “the immigration status of another tenant” or “the immigration status of someone I know”]. As a tenant in California, I have housing protections regardless of my immigration status. Further, California law makes it unlawful for a landlord to end someone’s tenancy because of their immigration status or the immigration status of someone they know. (Code Civ. Proc. § 1161.4).

If a landlord files an unlawful detainer (eviction) action based on the immigration status of a tenant or someone they know, the eviction is based on an illegal cause and will not succeed in court. (Code Civ. Proc. § 1161.4(b)). [Include here details about what the landlord did that makes you think they are evicting you based on immigration status. For example: your landlord stated that they do not want to continue to rent to an undocumented person.] Therefore, because you served me a notice to terminate tenancy due to [Insert either of the following: “my immigration status” or “the immigration

status of another tenant” or “the immigration status of someone I know”], you are in direct violation of California law, will not succeed in court and should immediately rescind this notice.

Because your reason for this notice to terminate tenancy violates California law, it is unenforceable to remove me from my home. At this time, I will remain in the unit as your notice to terminate tenancy is unlawful and will not succeed in court. Further, I ask you to formally rescind my notice to terminate tenancy in writing. As mentioned, if you file an unlawful detainer action, you will not succeed in evicting me and I will assert my affirmative defense to the eviction.

Thank you for the opportunity to explain my rights as a tenant with respect to immigration status and for your understanding in this matter.

Sincerely,

[Add Tenant's Signature Here]

[Type Tenant's Name here]

Enclosures: [list supporting documents you attach such as the notice to terminate tenancy, texts, etc.]