

FAIR HOUSING REVIEW NATIONAL ORIGIN AND IMMIGRATION STATUS

Every Person in the United States Is Protected by the Fair Housing Act

A person's immigration status does not affect his or her federal fair housing rights or responsibilities. The Act prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, based on race, color, national origin, religion, sex (including sexual orientation and gender identity), familial status (the presence of children under 18 in a household or because a member of the household is pregnant, or they will be adopting or securing legal custody of a child), and disability. Housing discrimination is illegal regardless of the victim's immigration status.

Different treatment in housing because of a person's ancestry, ethnicity, birthplace, culture, language, or lack of English proficiency is illegal. This means that people cannot be denied housing opportunities because they or their family are from another country, have a name or accent associated with their national origin, participate in certain customs associated with their national origin, are married to or associate with people of a certain national origin, or face challenges communicating in English.

What Kinds of Identification Can a Landlord Require?

Landlords are allowed to request identification and conduct inquiries to determine whether a potential renter meets the criteria for rental, so long as the same procedure is applied to all potential renters. Landlords can also institute credit checks to ensure the ability to pay rent. If Social Security Numbers (SSN) are ordinarily used as part of the applicant screening process, alternative documents should be accepted, such as:

- Citizenship Card/Consulate Cards
- INS Form I-864 Sponsorship Verification
- Certificate of Naturalization INS I-550
- US Passport
- Individual Taxpayer Identification Number (ITIN)
- Unexpired foreign passport
- Alien Registration Receipt Card with Photograph
- Unexpired temporary resident card (I-688)
- Unexpired employment authorization card (I-688A or I 688B)

Examples of national origin discrimination:

- Refusing to rent to persons whose primary language is other than English or because their English is difficult to understand
- Steering prospective buyers or renters to or away from certain neighborhoods because of their ancestry
- Making assumptions about a person's immigration status because of their appearance, name, or accent and denying them housing
- A housing provider making comments about not wanting to rent to a particular ethnic group because they don't like the smell of their cooking or something else associated with their culture
- Threatening to report a tenant to U.S. Immigration and Customs Enforcement (ICE) if they report housing discrimination to HUD

- Unexpired Reentry permit
- Unexpired refugee travel document
- Government-issued Driver's License or ID card
- INS Form I-864 Sponsorship Declaration
- Federally recognized, tribal-issued photo ID

Housing providers who refuse to rent to prospective tenants due to their citizenship or immigration status may violate the Fair Housing Act's prohibitions on national origin housing discrimination.

Harassment Due to Immigration Status or National Origin Violates the Fair Housing Act

It is illegal to coerce, intimidate, threaten, or interfere with a person's fair housing rights. Housing discrimination is illegal regardless of the victim's immigration status. Threatening to report a tenant to U.S. Immigration and Customs Enforcement (ICE) if they report housing discrimination to HUD could constitute intimidation and violate the Fair Housing Act.

If a neighbor is harassing or threatening a person due to their immigration status or national origin, the tenant should notify the landlord in writing with a description of the harassment. The landlord is obligated to take prompt action to end the harassment.

A single incident of harassment because of national origin may constitute a discriminatory housing practice if the incident is severe enough to create a hostile environment. A housing provider is liable for their own conduct, and they may also be held liable if they fail to take prompt action to correct and end a discriminatory housing practice by an employee, an agent, or a third party.

Whether it is another tenant, a neighbor, a landlord, or some other person who is harassing a tenant due to their national origin or immigration status, the tenant should try to document evidence of housing discrimination. Some initial steps to take include:

- Save everything that contains discriminatory statements or shows discriminatory treatment. (For example, save text messages, emails, and voicemails.)
- Create a timeline of events. Include dates and times. (For example, when did you first inquire about housing? When did you apply and move in? When did the discriminatory conduct occur?)
- Write a detailed account of what happened.
- Make a list of any witnesses and include their contact information (address, email, and phone number).

The work that provided the basis for this publication was supported by funding under a grant with the U.S. Department of Housing and Urban Development. The substance and findings of the work are dedicated to the public. The author and publisher are solely responsible for the accuracy of the statements and interpretations contained in this publication. Such interpretations do not necessarily reflect the views of the Federal Government.



The Housing Equality Center is a nonprofit organization dedicated to advancing fair and equal access to housing opportunities for all Pennsylvanians. We provide education on fair housing rights to consumers and organizations serving members of the protected classes and training and technical assistance to housing providers and local governments. The Housing Equality Center provides fair housing counseling and testing investigation services for victims of housing discrimination in the City of Philadelphia and in Bucks, Chester, Delaware, Lehigh, Montgomery, and Northampton Counties.



Visit online:
equalhousing.org

For information and assistance, contact:
info@equalhousing.org
(267) 419-8918
(866) 540-FAIR



(267) 419-8918
equalhousing.org