



Have You Experienced Housing Discrimination or Retaliation Based on Immigration Status?
Know your Rights under California's Immigrant Tenant Protection Act

Immigrant Tenants and prospective tenants may encounter discrimination from landlords who may deny them housing or who may treat them differently because of their immigration status. Yet a California law known as the Immigrant Tenant Protection Act **PROHIBITS** landlords from engaging in discriminatory or retaliatory practices against tenants on account of their actual or perceived immigration status:

Among other things – Private Landlords MAY NOT:

- **Ask you about your immigration status or ask to see your immigration “papers” - either as part of your rental application or during your tenancy**
- **Deny your rental application based on assumptions they make about your immigration status**
- **Serve you with an eviction notice because they may believe you to be an undocumented immigrant**
- **Disclose or threaten to disclose your immigration or citizenship status to law enforcement, to ICE, or to other government authorities – unless a federal law or a court order requires them to do so**
- **Retaliate against you for having complained about conditions in your unit by threatening to report your immigration status to law enforcement or to immigration authorities**
- **Have their attorneys make immigration-related threats to you on their behalf because you have exercised your tenancy rights. Attorneys who make such threats can be disciplined by the California State Bar**

You do not need to actually be an immigrant to access these legal protections. California law prohibits the above actions even if landlords are mistaken in their perception of your immigration status.

- **Under state law, a tenant who has been subject to the unlawful landlord practices described above may:**
 1. File a lawsuit in state court against a landlord who unlawfully discloses their immigration status. Depending on the facts, California courts are authorized to use their discretion to order monetary damages equal to between 6 and 12 times the monthly rent charged to the tenant who was harmed by the disclosure
 2. If the tenant is being impermissibly evicted due to their immigration status, the tenant may also invoke the above state law protections as part of their affirmative defense to the eviction lawsuit
- **Additionally, tenants who have been unlawfully denied housing or who have experienced unlawful differential treatment during their tenancy due to their actual or perceived immigration status may:**
 1. File an administrative discrimination complaint with the CA Department of Fair Employment and Housing - <https://www.dfeh.ca.gov/complaintprocess/>
 2. Seek assistance from a private attorney with a private discrimination lawsuit in court

The availability of certain legal protections depends on the facts of each individual situation. Contact Bay Area Legal Aid to find out which protections may apply to you.

Free legal advice, referrals and assessment for representation available through our:

Tenant Rights Line for Alameda County Tenants: (888) 382-3405

Legal Advice Line for Tenants in other Bay Area Counties: (800) 551-5554

Bay Area Legal Aid provides legal assistance for low-income individuals and families. Although we cannot guarantee that an attorney will be able to provide representation in all cases, we will provide referrals to other sources of assistance for those individuals who do not qualify for our services.

www.baylegal.org

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