



IMMIGRANTS, REFUGEES, AND PEOPLE OF ALL RELIGIOUS FAITHS FAIR HOUSING RIGHTS FACT SHEET # 15

State and federal fair housing laws prohibit discrimination based on national origin, religion, and ancestry as well as other protected groups. The protection extends across all types of housing related transactions, including rental, sales, lending, insurance, and zoning. Fair housing laws protect you *regardless of your immigration status*. **It is unlawful for a housing landlord or provider to treat you differently because of your immigration status, national origin, or religion. It is also unlawful for a landlord to ask you to identify your religion.** That means people involved in renting homes or apartments cannot:

- refuse to rent to you because you are an immigrant or refugee or because of your religious faith;
- refuse to rent to you because you are not from the United States;
- charge you more rent or a higher security deposit because of where you are from, your immigration status, or because of your religious faith;
- require you to get a co-signer because you are an immigrant, refugee, or because of your religion;
- tell you not to cook food you like because of the possible smell;
- refuse to rent to you because you or some of your family members do not speak English;
- tell you that you must speak English when outside of your apartment;
- force you to choose an apartment near other people who are from the same country, speak the same language as you, or are of the same religion; or
- enforce rules against you or your family because you are an immigrant or refugee or because of your religion, but not enforce those rules against anyone else.

It is unlawful for a landlord to ask you questions about your immigration status because of how you look, talk, or dress. Some landlords, owners, real estate agents, etc., might ask if you are in the country legally, ask to see your green card or visa, or ask for your social security number. A housing provider may inquire as to legal status as long as the inquiry is consistently made of everyone and not specific to a particular immigration status, national origin, or religion.

You are also protected if you are buying a home, or attempting to get a mortgage, from being denied or treated differently due to your immigration status, refugee status, or your religion.

State and federal fair housing laws continue to protect you once you are living in your home or apartment. A landlord, real estate agent, or anyone else associated with a housing transaction cannot:

- ask you to remove your head scarf, hijab, burka, keffiyeh, kippah, other religious clothing, or other religious symbol;

- evict you because of your religion, your immigration status, or your refugee status; or
- threaten or harass you because of your religion, your immigration status, or your refugee status.

Unlawful harassment or threats include:

- Threatening to report you to the police or immigration authorities because of your immigration status;
- Saying you will be deported;
- Telling you to go back to your own country;
- Painting graffiti or writing on your home, including using slurs or threats to harm you or your family if you do not move out;
- Yelling racial, ethnic, or religious slurs at you and your family; or
- Blocking access to your home, your belongings, or property amenities (like a swimming pool or laundry area).

Can my landlord tell me I cannot display religious items?

No. Guidance from the U.S. Department of Housing & Urban Development (HUD) states that under the First Amendment, our government cannot interfere with the free exercise of religion. Religious displays are allowed in housing situations provided the same opportunity is made available to people of all religious faiths.

What if a landlord says I must speak English to be approved for residency?

Limited English Proficiency (LEP) persons may speak English well enough to conduct essential housing-related matters or have a household member who can provide assistance as needed, so a blanket refusal to deal with LEP persons in the housing context is likely not motivated by genuine communication concerns, according to HUD.

Practices which may be discriminatory could include advertisements containing blanket statements such as “all tenants must speak English,” or turning away all applicants who are not fluent in English. If the housing provider or resident can access free or low-cost language assistance services, any cost-based justifications for refusing to deal with LEP persons would also be immediately suspect. In addition, the languages residents speak amongst themselves or to their guests do not affect the housing provider or neighbors in any legitimate way. Thus, bans on tenants speaking non-English languages on the property or statements disparaging tenants for speaking non-English languages have no cognizable justification under fair housing laws.

English proficiency is likely not necessary in the seller-buyer context because it does not involve an ongoing relationship, nor is it likely necessary in the landlord-tenant context where communications are not particularly complex or frequent. For example, a landlord employs a management company with multilingual staff or

otherwise can access language assistance. Similarly, refusing to allow an LEP borrower to have mortgage documents translated, or refusing to provide the borrower with translated documents that the lender or mortgage broker has readily available, is likely not necessary to achieve a substantial, legitimate, nondiscriminatory interest. Likewise, restricting a borrower's use of an interpreter, or requiring that an English speaker co-sign a mortgage, likely will not prove justifiable.

What if an applicant is a recent immigrant with no social security number, and with little or no employment or rental history in the U.S.? Many housing providers use screening criteria that depend on information such as a social security number, past employment, and rental history. Alternative documents are available to determine if a recent immigrant is able to pay the rent and follow the rules. Contact the FHCCI or visit our Website's Education Page for a list of documents that will assist in determining an applicant's identity, rental history, and credit history or ability to pay rent.

Landlords are allowed to request documentation and conduct inquiries to determine whether a potential renter meets the criteria for rental, so long as this same procedure is applied to all potential renters. Landlords can ask for identity documents and institute credit checks to ensure ability to pay rent. However, a person's ability to pay rent or fitness as a tenant is not necessarily connected to his or her immigration status.

Does my immigration status impact how I will be treated if I am discriminated against? Every person in the United States is protected by the federal 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/gender, familial status, and disability. Such discrimination is unlawful regardless of the victim's immigration status. Even if you file a fair housing complaint, HUD guidance states that the Fair Housing & Equal Opportunity Department within HUD does not ask about immigration status when people file complaints.

What can I do if a landlord or neighbor is threatening to report me, a family member or friends to ICE if we report housing discrimination to our local fair housing center, HUD, or civil rights commission? It is unlawful to coerce, intimidate, threaten, or interfere with a person's exercise or enjoyment of rights granted or protected by the federal Fair Housing Act. This includes threats to report a person to U.S.

Immigration and Customs Enforcement (ICE) if they report housing discrimination to HUD. HUD does not inquire about immigration status when investigating claims of housing discrimination. If you have filed or are considering filing a complaint with HUD or a similar agency but are concerned that you or someone in your household will be reported to ICE, please consult ICE's policy on individuals pursuing legitimate civil rights complaints. If you do come into contact with ICE after you have filed a fair housing complaint, you should let ICE know that you are pursuing a fair housing complaint with HUD. If you are still fearful of filing a complaint, you can also contact the FHCCI anonymously about your discrimination concerns. The FHCCI could then pursue its own investigation independent of your involvement.

What if a prospective landlord raises a concern that you may have cooking odors they consider offensive? Odors are very subjective. You can't be denied housing or treated differently in housing just due to the assumption that there might be cooking odors. A housing provider should handle a situation like they would handle any other situation involving strong smells, such as regarding cigarette smoke, excessive perfume, garlic, or burned food. However, no resident has the right to allow their odors, whatever they may be, to intrude into other apartments or the common areas to the point that it interrupts the enjoyment of other's housing units. The housing provider should address each situation individually, as an "odor complaint," and remember that who the resident is, where they come from, how they worship, their race, color, or familial status should not impact their treatment.

Resources:

- Visit the FHCCI's Education page at www.fhcci.org and scroll to the National Origin and/or Religion Sections for copies of resources below and other information.
- HUD Limited English Proficiency Guidance
- HUD Fair Housing Act Protections for Persons with Limited English Proficiency
- Cooking Odors & National Origin
- HUD Statement on Religious Items

Note: There are some exemptions from the fair housing laws. Please contact the FHCCI even if you think your landlord may be exempt from the law. Call the FHCCI at 317-644-0673 or email info@fhcci.org if you think you have been the victim of housing discrimination because you are an immigrant or a refugee, because of where you are from, or because of your religious faith.

The mission of the Fair Housing Center of Central Indiana (FHCCI) is to ensure equal housing opportunities by eliminating housing discrimination through advocacy, enforcement, education and outreach. The FHCCI is located at 445 N. Pennsylvania St., Suite 811, Indianapolis, IN 46204. Phone: 317-644-0673 or 855-270-7280. Relay: 711. Email: info@fhcci.org Web: www.fhcci.org

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