

Fair Housing Rights for Immigrants and Refugees

Fact Sheet #11



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 and services, including rental, sales, lending, insurance, and zoning. Fair housing laws protect you regardless of your immigration status. It is unlawful for a landlord or housing provider to treat you differently because of your national origin, ancestry, or religion. It is also unlawful for a landlord to require you to identify your national origin, ancestry, or religion.

What is prohibited?

Fair housing laws protect you throughout the entire housing process, from the search, through the application, and including during your tenancy or ownership up until you vacate or move. A landlord, real estate agent, lender, appraiser, or anyone else associated with a housing transaction cannot:

- refuse to rent to you because of the country you come from, your ancestry, or because of your religious beliefs;
- charge you more rent or a higher security deposit because of where you are from or your religious faith;
- require you to get a co-signer because of your home country of origin 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 your family do not speak English, or 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;
- enforce rules against you or your family because of your ancestry, but not enforce those rules against anyone else;
- ask you to remove your head scarf, hijab, burka, keffiyeh, kippah, other religious clothing, or another religious symbol;
- evict you because of your religion or your country of origin; or
- threaten/harass you because of your religion, national origin, or ancestry.

Immigration Status and Screening Criteria

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 can pay the rent and follow the rules. Contact the FHCCI or visit [our 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, as long as sought of all applicants.

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

Who's required to provide translation?

Under Title VI of the Civil Rights Act of 1964, and with Supreme Court precedent in *Lau v. Nichols*, recipients of federal financial assistance are required to take reasonable steps to ensure access to their programs, services, and activities by Limited English Proficient (LEP) persons. This could include lease agreements, mortgage documents, or property rules/policies. Check with the FHCCI for more information on when it may be required.

Who else is protected under fair housing laws?

Fair housing laws protect you from housing discrimination due to your race, color, national origin, religion, sex/gender, familial status, disability, and ancestry (Indiana only).

Cooking Odors

Odors are very subjective. You can't be denied housing or treated differently in housing due to the assumption that there might be cooking odors. A housing provider should handle any complaint like they would handle any other situation involving strong smells, such as regarding cigarette smoke, excessive perfume, garlic, or burned food. 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 others' 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.

For more information, check out the FHCCI's Education page on this topic:

<https://www.fhcci.org/programs/education/national-origin-immigration-refugee-status/>

Or scan the QR code:





Religious Displays

Under the First Amendment, the government cannot interfere with the free exercise of religion. In housing situations, religious displays are allowed, provided the same opportunity is made available to people of all religious faiths. If community rooms or other amenities are made available for one religious service, they must be available for all faiths.

Examples of Unlawful Threats Under Fair Housing Laws:

- A neighbor threatening to report you to the police or immigration authorities because you are new to the country or making threats to harm you or your family if you do not move or go back to your own country
- A community member painting graffiti or writing on your home, which includes racial, ethnic, or religious slurs
- A condo board blocking access to property amenities (ex. pool or laundry area) because of your national origin, religion, or ancestry

What should I do if I believe I'm a victim of housing discrimination?

Housing discrimination due to a protected class is unlawful, and you have the right to file a complaint. Contact the FHCCI with any questions or to learn of your options under law.

FHCCI Mission Statement

The mission of the Fair Housing Center of Central Indiana (FHCCI) is to facilitate open housing for all people by ensuring the availability of affordable and accessible housing; promoting housing choice and homeownership; advocating for an inclusive housing market; working toward stable and equitable communities; and eradicating discrimination within Central Indiana, the State of Indiana, and nationally.

Can a housing provider require that I speak English?

Limited English Proficiency (LEP) persons may speak English well enough to conduct essential housing-related matters or have a household member who can assist as needed, so a blanket refusal to deal with LEP persons in the housing context is likely not motivated by genuine communication concerns. This is particularly of point in the growth of free online language translation services and the expansion of Artificial Intelligence (AI) programs.

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 them for speaking non-English languages have no 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 in the landlord-tenant context where communications are not particularly complex or frequent. For example, a landlord could employ a management company with multilingual staff. Similarly, a lender or mortgage broker could allow an LEP borrower to have mortgage documents translated or provide the borrower with translated documents that they already have available. If a landlord or mortgage lender restricts a borrower's use of an interpreter or requires that an English speaker co-sign the lease or mortgage, that is likely not justifiable and could be a violation of their fair housing rights.

Threatening to report you to authorities?

It is unlawful for a housing provider to coerce, intimidate, threaten, or interfere due to a protected class under fair housing laws. It is also unlawful to retaliate against you for exercising your fair housing rights. This includes threats to report a person to U.S. Immigration and Customs Enforcement (ICE) for filing a complaint of housing discrimination.

If you are fearful of filing a complaint, you can contact the FHCCI anonymously about your housing discrimination concerns. The FHCCI can pursue its own investigation independent of your involvement to try to stop any discriminatory practices.

Contact us!

If you are experiencing barriers to housing, including discrimination to your national origin, race, or religion, please reach out to the FHCCI:



317-644-0673
Toll-Free: 855-270-7280
Relay: 711



info@fhcci.org
www.fhcci.org