

## **“Anti-Immigrant” Legislation & National Origin Discrimination**

### **FAIR HOUSING HIGHLIGHT #27**

**I’ve heard that some towns are passing laws that make it illegal for a landlord to rent to immigrants who are undocumented. Can a landlord inquire about the legal status of their tenants? Is that legal?**

This is an emerging area of the law and local ordinances that have recently popped up that deal with immigration issues are now being challenged in the courts. While the Fair Housing Act prohibits discrimination based on national origin, it makes no specific mention of a person’s legal status. In 2001 HUD issued guidance that said it is not a violation of the law for landlords to ask applicants to provide documentation of legal status ***if the landlord requires ALL applicants to provide this information***. Asking for immigration or citizenship documentation only from people who speak with an accent or seem to be “foreign” is a civil rights violation. Most federally subsidized housing (i.e. Section 8 or public housing) require proof of legal residency to qualify.

**Is it a crime to rent to a person who is not a legal resident?**

Under federal and state law it is not a crime to rent to undocumented immigrants. This means landlords don’t have to reject tenants solely based upon their immigration status. Currently there is some confusion about this because a few localities have attempted to enact laws that are more restrictive than federal and state laws. The legality of these local ordinances are currently being looked at by the courts and may be found to be in violation of the Fair Housing Act and other laws.

**Is it illegal for a landlord to require a social security number from an applicant in order to rent an apartment?**

No, it is not illegal to require a social security number (SSN) from an applicant for the purposes of establishing identity or to obtain credit checks as long as it is asked of all applicants. But landlords should accept alternatives to SSN such as an Individual Taxpayer Identification Number (ITIN), a Voter Registration Card, Temporary Resident Cards, Employment Authorization Cards, or a driver’s license to establish proof of identity.

**Is legal status required to file a fair housing complaint?**

No, any person who experiences discrimination can file a complaint and may not be intimidated or threatened or prevented from filing the complaint, regardless of immigration status.

**Questions? Call the Fair Housing Rights Center in Southeastern Pennsylvania at 215-576-7711 or visit us online at [www.fairhousingrights.org](http://www.fairhousingrights.org).**