

## **Immigration Status and Housing Discrimination Frequently Asked Questions<sup>1</sup>**

### **1. Does immigration status affect whether a person is covered by the Iowa Civil Rights Act?**

No. Every person in the United States is protected by the Fair Housing Act, and every person in the state of Iowa is protected by the Iowa Civil Rights 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, familial status, and disability. Such discrimination is illegal regardless of the victim's immigration status.

Examples:

- If a landlord refuses to rent to someone because of a person's religion, that is illegal discrimination regardless of immigration status.
- If a landlord charges a different price or asks for additional identification documents because of a person's national origin, that is illegal discrimination regardless of immigration status.
- If a lender offers different terms on a mortgage to a prospective homebuyer because of the homebuyer's race, that is illegal discrimination regardless of immigration status.

### **2. Does the Iowa Civil Rights Commission (ICRC) inquire into the immigration status of people who file fair housing complaints?**

No, ICRC does not ask about immigration status when people file complaints.

### **3. Does the Fair Housing Act apply in my town, city, or state even if there is a local law that does not provide the same protections?**

Yes. Local laws may provide fewer or additional fair housing protections, but, the federal Fair Housing Act and Iowa Civil Rights Act continue to prohibit discrimination and is enforceable whether or not a local ordinance or state law exists.

### **4. What is National Origin discrimination?**

National origin discrimination is different treatment in housing because of a person's ancestry, ethnicity, birthplace, culture, or language, and it is illegal. This means people cannot be denied housing opportunities because they or their family are from another country, because they have a name or accent associated with a national origin group, because they participate in certain customs associated with a national origin group, or because they are married to or associate with people of a certain national origin.

Examples of potential national origin discrimination include:

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<sup>1</sup> Adapted from the HUD Guidance, <https://www.equalhousing.org/wp-content/uploads/2014/09/2012-Immigration-Status-FAQ.pdf>

- refusing to rent to persons whose primary language is other than English;
- offering different rent rates based on ethnicity;
- steering prospective buyers or renters to or away from certain neighborhoods because of their ancestry; and
- failing to provide the same level of service or housing amenities because a tenant was born in another country.

## **5. 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 HUD or ICRC?**

It is illegal to coerce, intimidate, threaten, or interfere with a person's exercise or enjoyment of rights granted or protected by the 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 or ICRC. HUD and ICRC do not inquire about immigration status when investigating claims of housing discrimination.

If you have filed or are considering filing a complaint with HUD or ICRC 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 HUD or ICRC complaint, you should let ICE know that you are pursuing a Fair Housing complaint with HUD.

For more information, see the Memorandum issued on June 17, 2011, by ICE Director John Morton "Prosecutorial Discretion: Certain Victims, Witnesses, and Plaintiffs." Available at: <http://www.ice.gov/doclib/secure-communities/pdf/domestic-violence.pdf>. For the most up to date version of this policy, please check <http://www.ice.gov>.

## **6. Can landlords ask for immigration documents?**

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.

Procedures to screen potential and existing tenants for citizenship and immigration status may violate the Iowa Civil Rights Act's prohibitions on national origin housing discrimination. ICRC will investigate complaints alleging that a landlord inquired into a person's immigration status or citizenship to see whether national origin discrimination may have occurred.

Landlords should remember that their policies must be consistent. If they ask for information from one person or group, they must ask for the same information from all applicants and tenants. Potential renters and home buyers cannot be treated differently because of their race, color, national origin, religion, sex, disability or familial status.

## **7. How can I report incidents of housing discrimination?**

*To file a Housing Discrimination Complaint please call 1-800-457-4416 or 515-281-4121 and ask to speak to a Housing Intake Staff Person.*

## **8. Is assistance available in languages other than English and Spanish?**

Yes. The ICRC has documents and informational brochures translated into numerous languages. HUD also has documents available in Amharic, Arabic, Armenian, Cambodian, Chinese, Creole, Farsi, French, Hmong, Khmer, Korean, Polish, Portuguese, Russian, Spanish, Tagalog, Vietnamese, and English. ICRC also uses phone interpreter services that allow us to assist people in many languages.