

National Origin

Federal laws prohibit discrimination based on a person's national origin, race, color, religion, disability, sex, and familial status. Laws prohibiting national origin discrimination make it illegal to discriminate because of a person's birthplace, ancestry, culture, or language.

This means people cannot be denied equal opportunity 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.

What does "National Origin" protection mean?

Your national origin refers to your birthplace, ancestry, language, and/or customs. It is illegal for a landlord to deny housing or treat someone differently in a housing transaction because:

- Of a person's name, appearance, accent, or participation in customs associated with a nationality
- The landlord incorrectly perceives the person as being associated with a particular nationality
- The person associates with people of a particular national origin

Fair housing laws apply to rental housing, home sales, home lending, home insurance, and advertising. No one can deny housing, limit access to housing, discourage someone seeking a home or create different rules, fees, or standards because of national origin of a household.

Can a housing provider discriminate against people who do not speak English?

No. However, there is not legal requirement for landlords to provide translation for their tenants. If a tenant does not speak English, it is up to the housing consumer to find someone to help him or her communicate with a landlord. In order to be clear on what their rights and responsibilities are, tenants who do not speak fluent English should get help reading their rental agreement from a trusted family member or friend before they sign it. It is also good to prepare a list of names and phone numbers of translators to give the landlord.

Can a landlord require a social security number from a prospective tenant?

Landlords often use one's social security number to check past rental, credit, and criminal history. Using a social security number as part of a background check on a perspective tenant is considered a standard rental practice. It is okay to do with a couple of caveats:

1. The landlord requires a social security number from all prospective tenants and
2. The landlord is willing to consider alternative forms of identification including ITIN numbers, work visas, etc.

If a landlord is requiring social security numbers *only* from tenants of a particular national origin, that would constitute a fair housing violation, If a tenant does not have a social security number, the landlord should accept a work visa number or student visa number. Tenants should *never* use a false social security number.

Please note: any additional cost incurred to screen an individual without a social security number may not be passed on to the housing consumer as this would disproportionately affect individuals based on national origin, and therefore be illegal.

What recourse do residents have if others harass them because of their national origin?

If both parties are associated with the same housing provider (i.e. the landlord rents to both parties), the housing provider has a legal responsibility to protect residents from being harassed based on their national origin, just as with any other protected class. If a housing consumer is harassed because of his/her national origin and the landlord is aware of this harassment, the landlord has the responsibility to intervene. All tenants have the legal right to peaceful enjoyment of their homes. Continued harassment could be grounds for evicting the offending tenant.

Do fair housing laws apply to US citizens only?

It is not illegal to rent to an undocumented individual; housing is different than employment laws. Anyone living in the United States has fair housing protections. If someone is living in the US illegally, they still have the right to file a fair housing complaint but may choose not to since the information will become public record. Any person calling the Fair Housing Ombudsman will receive confidential information and assistance.

Does immigration status affect whether a person is covered by the Fair Housing Act?

No. Every person in the United States is protected by the 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, 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.

Does the Office of Fair Housing and Equal Opportunity (FHEO) inquire into the immigration status of people who file fair housing complaints?

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

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 continues to prohibit discrimination and is enforceable whether or not a local ordinance or state law exists.

Examples of potential national origin discrimination include:

- 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.

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?

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 US Immigration and Customs Enforcement (ICE) if they report housing discrimination to HUD.

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 Fair Housing Act's prohibitions on national origin housing discrimination. HUD 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 homebuyers cannot be treated differently because of their race, color, national origin, religion, sex, disability, or familial status.