

ASSEMBLY BILL 291 (CHIU)

IMMIGRANT TENANT PROTECTION ACT OF 2017

SUMMARY

This bill protects tenants from deportation threats. California renters should not have to fear intimidation and retaliation in their homes.

BACKGROUND

Landlords learn a lot about tenants: their social security numbers, the languages they speak, the times they're at home, and the identities of their families. Tenants have virtually no protection against misuse of this information.

Advocates in Los Angeles, Orange County, the San Francisco Bay Area, the Central Coast, and the Central Valley share stories of landlords threatening to report tenants to immigration authorities unless they immediately move out. In many cases, these threats are made to retaliate against tenants for reporting habitability issues, such as exposed electrical wiring and vermin, which landlords are legally required to fix. In other cases, it's to avoid the statutory eviction process, which ensures due process for tenants at risk of losing their homes. Threats are even made in connection with gentrification, when, in order to raise rents, long-time tenants are suddenly targeted for eviction based on their suspected immigration status.

THE PROBLEM

While the majority of landlords are law-abiding, some unscrupulous landlords seek to avoid their legal obligations by threatening to report tenants to immigration authorities. In recent years, the Legislature has enacted strong protections against such threats in the workplace. It is time to provide tenants the same protections in their homes.

Advocates statewide have reported many such instances, including the following:

"It is very common that landlords threaten to call ICE if a tenant refuses to vacate (whether a valid eviction notice has been served or not), and also if tenants complain about habitability or other maintenance and repair issues. We are worried that these sorts of threats in a post-Trump era will make it even less likely that undocumented tenants will stand up for themselves against abusive and illegal landlord behavior."

"The main thing I see is intimidation - landlords threatening to call immigration on tenants in order to get them to leave."

"When a new landlord takes over a building and wants to gentrify, he or she will run a credit check on undocumented tenants and then seek to evict on the grounds that the tenants provided false or duplicate social security numbers in their rental applications—even if the rental commenced years earlier."

THE SOLUTION

AB 291 would do as follows:

- Prohibit landlords from threatening to report tenants to immigration authorities, whether in retaliation for engaging in legally-protected activities or to influence them to vacate.
- Bar landlords from disclosing information related to tenants' immigration status.
- Provide tenants the right to sue landlords who report them to immigration authorities.
- Codify an existing defense to unlawful evictions based on immigration status.
- Prohibit questions about tenants' immigration status in discovery or at trial.
- Prohibit attorneys from reporting, or threatening to report, the immigration status of persons involved in housing cases.

As versions of most of these protections already exist in employment law, it only makes sense to extend them to landlord-tenant law.

Undocumented tenants know their landlords have the power to destroy their lives with a single phone call. Should they have to live in fear simply because they rent their homes?

SUPPORT

Western Center on Law and Poverty (co-sponsor)
California Rural Legal Assistance Foundation (co-sponsor)

FOR MORE INFORMATION

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