

IMMIGRATION: SEEKING SANCTUARY

PROJECT SENTINEL 2019 FAIR HOUSING SYMPOSIUM

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**COMMUNITY
LEGAL SERVICES**
IN EAST PALO ALTO

INTRODUCTION

- **Community Legal Services in East Palo Alto**
 - Non-profit based in East Palo Alto
 - Services in housing, immigration, workers' rights and consumer rights
- **Housing Program**
 - Serve low-income tenants throughout San Mateo County and Mountain View
 - Mission to prevent displacement of low-income families and communities of color on the peninsula with focus on preserving rent-controlled housing
 - Assist tenants on wide variety of issues, including, eviction, unlawful rent increases, health and safety issues in housing, and discrimination



CHALLENGES FOR TENANTS IMPACTED BY BOTH HOUSING AND IMMIGRATION CRISES

- Fear of making complaints
- Vulnerability to unlawful threats and harassment
- Different treatment of tenants based on perceived immigration status



EXPANDED PROTECTIONS FOR CALIFORNIA TENANTS UNDER AB 291

- **Civil Code § 1940.2:** Prohibits landlord threats to disclose information regarding immigration status of tenant, occupant, or associated person for the purpose of influencing tenant to vacate
- **Civil Code § 1940.3:** Prohibits landlord from inquiring about or disclosing information relating to immigration status of tenant, occupant, or prospective tenant or occupant for purpose of harassing, intimidating, retaliating, or influencing tenant to vacate



EXPANDED PROTECTIONS FOR CALIFORNIA TENANTS UNDER AB 291

- **Civil Code § 1940.35:** Prohibits landlord disclosure of information related to immigration status of a tenant, occupant, or associated person to law enforcement or immigration authorities for the purpose of harassing, intimidating, retaliating, or influencing tenant to vacate (**exception** for disclosures required by law)
- **Code of Civil Procedure § 1161.4:** Prohibits landlord from evicting tenant because of immigration status of tenant, occupant, or associated person (**exception** for compliance with legal obligations under federal government programs)



HYPOTHETICAL CASE STUDY: FACTUAL SUMMARY

- Landlord serves tenant with invalid notice to vacate. Tenant, with assistance of attorney, informs Landlord that notice is invalid and that tenant has no legal obligation to move.
- Landlord responds by making threats based on Tenant's perceived immigration status if Tenant does not leave.



HYPOTHETICAL CASE STUDY: AFFIRMATIVE HOUSING CLAIMS

- Unlawful discrimination based on race, ancestry, and national origin under federal and state fair housing laws
- Unlawful discrimination based on perceived immigration status under state fair housing laws
- Unlawful threats to influence tenant to vacate under Civil Code §1940.2 (expanded protections of AB 291)



HYPOTHETICAL CASE STUDY: IMMIGRATION RELIEF

- U Visa application process available to victims of qualifying crimes who demonstrate willingness to participate in investigation or prosecution of the crime
- Application requires certification from a law enforcement agency that the person:
 - Was a victim of a qualifying crime (or that someone attempted, conspired, or solicited someone else to commit crime against applicant)
 - Has been or is likely to be helpful in investigation or prosecution of the crime



HYPOTHETICAL CASE STUDY: IMMIGRATION RELIEF

- Tenant may file complaint with the California Department of Fair Employment and Housing based on landlord's unlawful conduct
- DFEH is a law enforcement agency that can provide certification for a U Visa application
- Extortion is a qualifying crime for purposes of filing a U Visa application



GENERAL STRATEGIES

- Connect clients to immigration attorneys
 - Help clients understand actual risks
 - Identify potential basis for immigration relief
 - Education regarding emergency immigration services
- Connect clients to community
 - Work with community organizers
 - Build power with tenant associations



HOW TO CONTACT US

Community Legal Services in East Palo Alto

(650) 326-6440

1861 Bay Road

East Palo Alto, CA 94303

Walk-in Hours Monday-Friday 9:00 a.m.-1:00 p.m.

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QUESTIONS?