



Civil Rights
Department
STATE OF CALIFORNIA

Fair Housing in a Climate of Fear: National Origin Discrimination and the Rights of Immigrant Communities

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CRD Disclaimer

This guidance is for informational purposes only, does not establish substantive policy or rights, and does not constitute legal advice. The opinions expressed by the presenters do not necessarily reflect the opinions of CRD.

Mission

The mission of the Civil Rights Department (CRD) is to protect the people of California from unlawful discrimination in employment, housing, businesses, and state-funded and administered programs/activities, as well as from hate violence and human trafficking.

Effective July 1, 2022, we have changed our name from the Department of Fair Employment and Housing to the Civil Rights Department. This name change better encompasses our full scope of responsibilities.

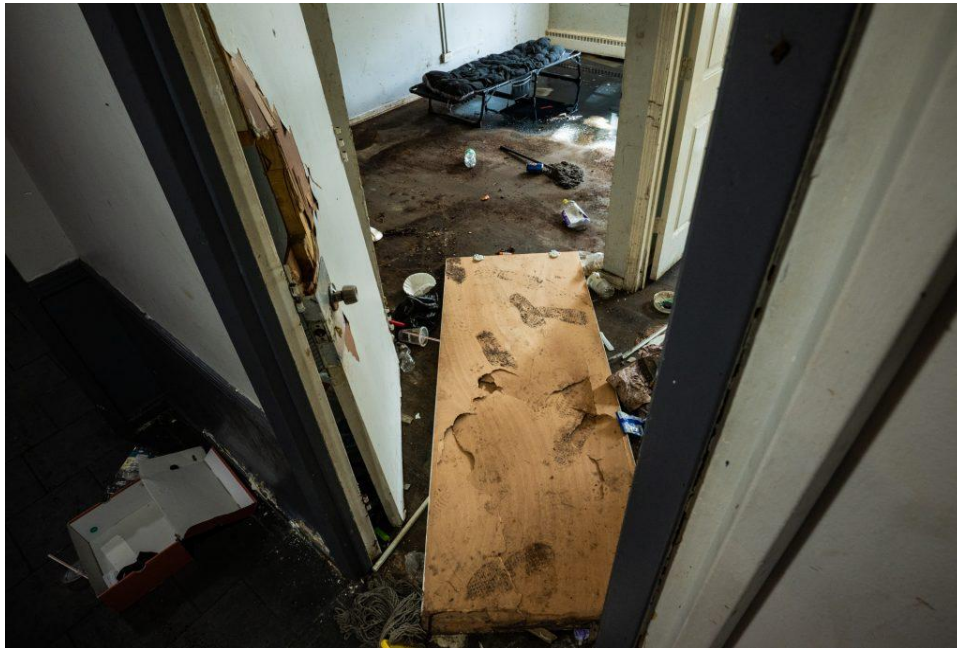
Understanding the Climate of Fear

Setting the Scene: Climate of Fear in the United States

- Overt racism and discriminatory statements and videos made by government officials and agencies
- President Trump's Anti-Immigrant Executive Orders
- Immigration & Customs Enforcement (I.C.E.)
 - I.C.E. raids, arrests, deportations, incarceration, violence, and killings
 - 2025 was I.C.E.'s deadliest year in more than two decades
 - Expansion and creation of immigrant detention facilities



Setting the Scene: Climate of Fear in Housing



[Photograph: Colin Boyle/Block Club Chicago](#)

An apartment unit's door is seen busted open to a room flooded with water damage at 7500 S. South Shore Drive in South Shore on Oct. 1, 2025. The apartment building was raided by federal agents the morning before. ([South Shore Residents Return To Ransacked Apartments After ICE Raid: 'It Looks Like Hell'](#))

- March 2025 – HUD signed MOU with DHS
- May 2025 – I.C.E. authorized agents to rely on I-205 Forms to forcibly enter homes without consent
- February 2026 – HUD Issued Proposed Rule Attacking Mixed-Status Rule
- Landlords reporting to and/or cooperating with I.C.E., threatening tenants they will call I.C.E.
- Immigrant tenants underreporting complaints of discrimination, harassment, poor living conditions



Fair Housing Protections for Immigrant Communities

Fair Housing Act (FHA), 42 U.S.C. § 3601 *et seq.*

- Prohibits discrimination against any person in housing based on actual or perceived race, color, and national origin



HUD's Fair Housing Door Exhibit in Honor of 50 years of Fair Housing

- Protections apply regardless of immigration status. (“any person”)
 - The FHA does not expressly protect non-citizens. However, a person’s immigration status does not affect their federal fair housing rights.
- Can be proven through disparate treatment (intentional) or disparate impact.

Fair Housing Act (FHA)

- Key Types of unlawful acts:
 - Discriminatory refusal to provide housing (§ 3604(a))
 - Refusal to rent, sell, show
 - Evictions or constructive evictions
 - Discriminatory Terms and conditions (§ 3604(a))
 - Harassment, unequal maintenance or services, etc.
 - Discriminatory statements (§ 3604(c))
 - Retaliation (§ 3617)



Photo from the [National Archives](#) - Photographer: HUD Staff; White House

Section 1981

- *“**All persons** within the jurisdiction of the United States have the same rights in every state and territory to make and enforce contracts...as is enjoyed by white citizens.” 42 U.S.C. § 1981(a).*
 - Covers discrimination in the making, performance, or termination of contracts, including housing contracts.
 - Defendants may be public or private actors.

Section 1981

- Prohibits discrimination based on citizenship (or alienage). *Anderson v. Conboy*, 156 F.3d 167 (2d Cir. 1998).
- Requires proof of discriminatory intent.
- Non-citizens can sue.
- Also prohibits racial discrimination, but courts recognize national origin claims as race claims. *St. Francis College v. Al-Khazraji*, 481 U.S. 604, 613 (1987).



Photo from Trevor Stone via Wikimedia Commons

States with Immigration Status Protections

- California
- Colorado
- Illinois
- Washington



Common Forms of Discrimination / Intersectionality

- Requiring social security numbers or other proof of lawful immigration status
- Harassment
 - Explicit and implicit threats to call I.C.E. / actual reporting to I.C.E.
 - Racial Slurs
- English-only policies
- Associational discrimination
- Intersectionality with other forms of discrimination, for example:
 - Disability
 - Familial Status
 - Sexual harassment



Fair Housing Act - Requiring SSN

Reyes v. Waples Mobile Home Park Ltd. Partnership

- Mobile home park required all adult occupants to prove legal status in U.S.
- 4th Circuit held that plaintiffs sufficiently alleged FHA disparate impact claim based on statistics.
- 4th Circuit rejected defendants' defense that requiring proof of legal status was valid and necessary interest of avoiding criminal liability under anti-harboring statute.
- See 251 F. Supp. 3d 1006 (E.D. Va. 2017), rev'd & remanded, 903 F.3d 415 (4th Cir. 2018); 605 F.Supp.3d 890 (E.D. Va. 2022), rev'd & remanded, 91 F.4th 270 (4th Cir. 2024)

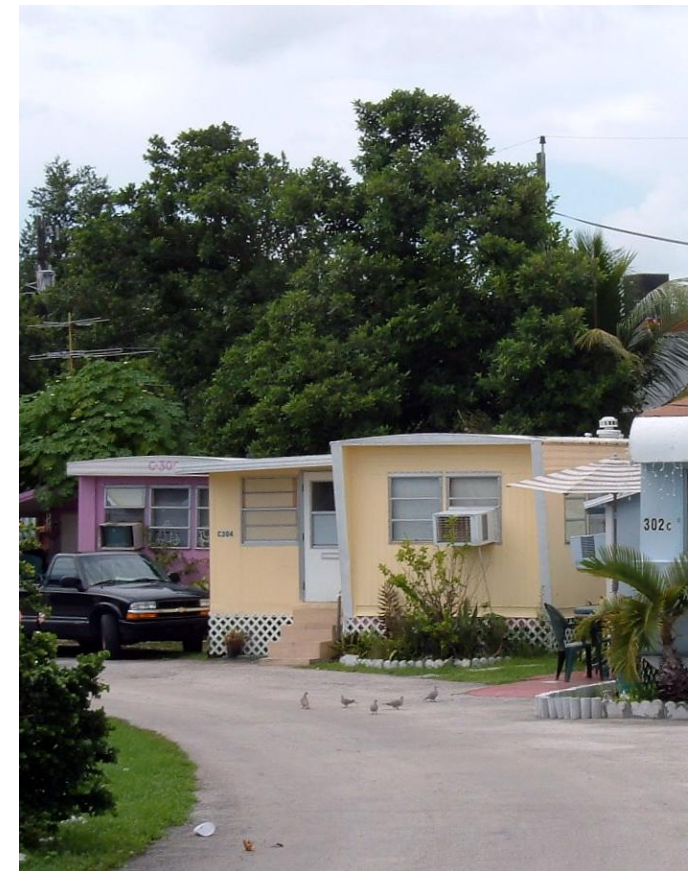


Photo by Dr Zak via Wikimedia Commons

Fair Housing Act – Harassment

Martinez v. Optimus Properties

- Defendants Property investment company and management company purchased rent-controlled apartment buildings in gentrifying area with the purpose of flipping them by forcing out low-income Latino tenants.
- Defendants locked out tenants without IDs, sent Latino tenants eviction notices and warnings, failed to maintain apartments and make repairs for Latino tenants, and made discriminatory statements and at least one threat to call I.C.E.
- \$2.5 million settlement
- *See* 2017 WL 1040743 (C.D. Cal. Mar. 17, 2017)(denying Defendants' motion to dismiss); 2018 WL 6039875 (C.D. Cal. Jun. 6, 2018)(granting and denying in part Defendants' motion for summary judgment).



Photo by Shiraz Chakera via Wikimedia Commons

Fair Housing Act - English-Only Policies



Children and their parents demonstrate against English-only Proposition 227 in Oakland, California, 1998.
Photo Credit: David Bacon

- *Cabrera v. Alvarez*, 977 F. Supp. 2d 969, 977 (N.D. Cal. 2013)
 - Plaintiffs stated claim under FHA based on allegations that housing authority denied request for an interpreter, employees stated plaintiff should learn English, and comment to HUD investigator that plaintiff had no right to live in public housing because she was undocumented.
- In contrast, see *Vialez v. New York City Housing Authority*, 738 F.Supp. 109 (E.D.N.Y. 1991).
 - Failure to translate termination notice into Spanish did not state disparate impact claim based on national origin.

Section 1981 Cases

- *Ibrahim, et al. v. Altman Management Co.*, No. 1:26.-cv-06973 (D.N.J. filed Jun. 11, 2026); *De Guzman v. Altman Management Co.*, No. 1:24-cv-07280-KMW-EAP (D.N.J. filed Jun. 26, 2024).
 - Two lawsuits against the same Defendant, Altman Management Co. in New Jersey.
 - Defendant refused to enter into rental agreement with applicants because of policy of requiring applicants to provide a copy of a permanent resident card or visa.
 - As a result of the policy, Defendant denied a DACA recipient and asylum applicant who both had Employment Authorization Documents.

Practical Investigation Techniques and Best Practices in Cases Involving Discrimination based on National Origin/Immigration Status

Protecting Immigrant Communities During Investigation and Litigation



- Utilize power as a certifying law enforcement agency to help victims obtain U-Visas or T-Visas
- Using fair housing testing to enforce protections in the face of underreporting of complaints
- Be wary of obtaining sensitive personal information. Consider:
 - Who else can access information you collect as part of your investigation? (e.g. DHS, HUD, FOIA/PRA)
 - Can the complainant obtain outside representation? (i.e. another layer of protection)
 - Should you file a protective order, and/or filing motions to proceed using a pseudonym/fictitious name?
 - Are remote appearances/interviews/depos an option?
 - Are there any state specific concerns you have?

Interviewing in Immigration/National Origin Cases: Best Practices



- Ensure your agency has created a Language Access Plan that you can implement reliably
 - Provide and use interpreters, hire/compensate bilingual employees, build in time for interviews and written communications to ensure adequate time for interpretation and translation
- Have a reason for each question you are asking, and explain up front why you are asking those questions
- Utilize trauma-informed & cultural competency skills and knowledge
- Be honest about process, risks, and limitations
- Don't minimize fears or pressure complainant/witness and, vice versa, don't patronize a complainant/witness who is taking a risk
- Recognize and address implicit bias, e.g. avoid assumptions

Questions, comments, ideas?



Workshop Activities: Practice Interviewing and Issue Spotting

Workshop Activity: Practice Interviewing

Pair up and select who will be the "Agency Interviewer" and who will be the "Complainant Interviewee". If you are in a group of three, two people can work as the interviewers.

Interviewer:

- Review the intake form and consider questions you might ask
- Conduct a 5-8 minute interview about the issues trying out some of the best practices we reviewed

Interviewee:

- Review the fact pattern and consider how you might respond to different questions
- Respond to the interviewer's techniques

(~10-15 minutes)

Workshop Exercise: Issue Spotting

- Everyone review the fact pattern provided to the "Complainant Interviewee".
- Discuss with your partner or in a larger group what potential claims you identify that should be investigated.

(~5-10 minutes)

Thank you!

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