



# Renter Immigration Status Privacy and Anti-Retaliation Ordinance

- By: Chavez, Chowdhury, Chughtai and Osman





# What this ordinance does:

## **Amends Minneapolis Housing Maintenance Code 244.2030 to establish explicit tenant protections based on immigration and citizenship status:**

- Prohibits\* an owner, operator, landlord, or their agent from asking about an applicant, tenant, occupant, or prospective occupant immigration status.
- Prohibits denying a rental applicant for using an ITIN. By including the provision in the ordinance, the City (via Regulatory Services) now has explicit authority to take license action against landlords who deny a rental applicant solely due to the use of an ITIN.
- Prohibits retaliation from an owner, operator, landlord or their agent against a tenant or applicant for reporting violations of law.

\*Note that there are a few exceptions where a landlord is permitted to ask about immigration status, such as complying with federal program requirements.





# Prohibition on immigration status inquiry

## **An owner, operator, landlord, or their agent may not:**

- Make any inquiry regarding or based on the immigration or citizenship status of an applicant, tenant, occupant, or prospective occupant of a rental dwelling.
- Require that any tenant, prospective tenant, occupant, or prospective occupant of the rental dwelling disclose or make any statement, representation, or certification concerning a person's immigration or citizenship status.
- Disclose to any person or entity information regarding or relating to the immigration or citizenship status of any applicant, tenant, occupant, or prospective occupant of the rental dwelling unit.
- Deny a rental application solely because the applicant provides an individual taxpayer identification number.





# Exceptions to Prohibition on immigration status inquiry

**This section does not prohibit a person from doing any of the following:**

- Complying with any legal obligation related to determining immigration status under state or federal law, including, but not limited to, any legal obligation under any federal government program that provides for rent limitations or rental assistance to a qualified tenant, or a subpoena, warrant, or other order issued by a court.
- Requesting information or documentation necessary to determine or verify the financial qualifications of a prospective tenant, or to determine or verify the identity of a prospective tenant or prospective occupant.



# Retaliation prohibited



**An owner, operator, landlord or their agent, may not increase rent, decrease services, alter an existing rental agreement, file a legal action against a tenant or applicant, contact federal or state law enforcement related to a tenant's or applicant's immigration status, or seek to recover possession or threaten any such action in whole or in part in retaliation after a tenant or applicant has:**

- Reported a code violation, including a violation of this section, to a government agency, elected official, or other government official responsible for the enforcement of a building, housing, health, safety or other code;
- Reported a building, housing, health, or safety code violation, or a violation of this chapter, to a community organization or the news media;
- Sought the assistance of a community organization or others, including but not limited to a media or news organization, for assistance with a code violation or a violation of this chapter;
- Made a request that the owner, operator, landlord, or their agent of a residential building make repairs to the premises as required by this chapter, or remedy a building or health code, other regulation, or uphold portions of the residential rental agreement;
- Joined or attempted to join a tenant association or similar organization; or
- Testified in any court or administrative proceeding concerning the condition of the premises or exercised any right or remedy provided by law.





# Why this policy is important :

- Federal and state law already prohibit discrimination based on race and national origin — but only after a discriminatory act occurs. Under this ordinance, simply asking about immigration status is a violation, even if the landlord doesn't follow through with a discriminatory action.
- State law already says landlords must accept ITINs and can't deny applicants for using one. But enforcement was limited. By putting this in the City's Housing Maintenance Code, Regulatory Services now has explicit authority to pursue license action against landlords who violate it.
- It expands retaliation protections beyond state law. State law protects tenants from retaliation but not applicants. This ordinance covers both, and adds a City enforcement pathway on top of existing legal remedies.





# How will this be enforced?

- In addition to any other remedy available at equity or law, failure to comply with the provisions of this section 244.2030 may result in criminal prosecution, adverse rental license action, and/or administrative fines, restrictions, or penalizes as provided in chapter 2 of this Code. A notice of violation, as described in section 244.150, shall not be required in order to establish or enforce a violation of this section. Any tenant aggrieved by a landlord's noncompliance with this section may seek redress in any court of competent jurisdiction to the extent permitted by law.





# Questions?

