

Discrimination based on race and national origin and the Immigrant Tenant Protection Act

What is discrimination?

Housing discrimination includes refusing to take action to stop harassment, unequal enforcement of rules and regulations, and different treatment in handling maintenance and repair requests. Discrimination is illegal regardless of immigration status.

What is the Immigrant Tenant Protection Act?

The ITPA became effective on August 21, 2019. It was passed to protect tenants from intimidation, harassment, retaliation, and eviction based on their actual or perceived immigration or citizenship status. Illinois is the first state in the Midwest and second in the country to enact this type of legislation.

What can landlords NOT do?

- Disclose or threaten to disclose information about a tenant's immigration or citizenship status to any person, entity, or immigration or law enforcement agency with the intent of harassment, intimidation, retaliation, or pressuring the tenant to move out.
- Evict a tenant based solely or in part on the tenant's immigration or citizenship status.

These protections cannot be waived, no matter what is written in the lease.

What CAN landlords do?

- Landlords are not prohibited from complying with subpoenas, warrants, court orders, or any legal obligation under federal, state, or local law. This includes any legal obligations under a government program providing for rent limitations or rental assistance.
- Landlords may request information or documentation necessary to determine or verify the financial qualifications of a prospective tenant.
- Landlords are not prohibited from giving written notice of lease violations, seeking to collect rent, or otherwise exercising their existing legal rights, because the tenant is an immigrant.

What are the consequences of violation?

If a landlord violates the Immigrant Tenant Protection Act, the tenant can sue the landlord for damages and recover 1) actual damages for injury or loss, 2) civil penalty payable to the tenant of \$2,000 for each violation, 3) attorneys fees and court costs, 4) injunctive or other equitable relief. The tenant will have a defense to an eviction action filed by the landlord based on the tenant's immigration or citizenship status, or based on the tenant's failure to provide a social security number, information required to obtain a credit report, or other form of identification.



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