


## REPORT OF THE CHIEF LEGISLATIVE ANALYST

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DATE: April 14, 2017

TO: Honorable Members of the Rules, Elections, Intergovernmental Relations, and  
Neighborhoods Committee

FROM: Sharon M. Tso   
Chief Legislative Analyst

Assignment No: 17-03-0342

SUBJECT: Resolution (Huizar - Krekorian) to SUPPORT AB 291 (Chiu).

CLA RECOMMENDATION: Adopt Resolution (Huizar - Krekorian) to include in the City's 2017-2018 State Legislative Program SUPPORT for AB 291 (Chiu), which would establish numerous legal protections against the disclosure of tenants' immigration or citizenship status to federal immigration authorities, namely prohibiting a landlord from threatening to disclose the immigration status of a tenant for the purpose of influencing a tenant to vacate a dwelling.

### SUMMARY

Resolution (Huizar - Krekorian), introduced on March 29, 2017, describes that some landlords are threatening to report tenants to immigration authorities for a variety of reasons, including to deflect habitability complaints, illegally increase rent, and evict tenants. The Resolution describes AB 291 (Chiu), the Immigrant Tenant Protection Act of 2017, which would establish numerous legal protections against the disclosure of tenants' immigration or citizenship status to federal immigration authorities, namely prohibiting a landlord from threatening to disclose the immigration status of a tenant for the purpose of influencing a tenant to vacate a dwelling. As the bill proposes many safeguards against potential harassment, retaliation, or discrimination against tenants based on their immigration or citizenship status, real or perceived, the Resolution calls on the City to support AB 291.

### BACKGROUND

Under existing State law, landlords are prohibited from various forms of conduct in their relationships with tenants on the subject of immigration and citizenship, namely:

- Making any inquiry regarding or based on the immigration or citizenship status of a tenant, prospective tenant, occupant, or prospective occupant of residential rental property.
- Requiring that any tenant, prospective tenant, occupant, or prospective occupant of the rental property make any statement, representation, or certification concerning his or her immigration or citizenship status.
- Threatening to contact or contacting immigration authorities, or filing or threatening to file a false report or complaint with any state or federal agency.

AB 291, the Immigrant Tenant Protection Act of 2017, would strengthen existing State law by providing these protections to tenants in regards to immigration status and citizenship:

- 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.

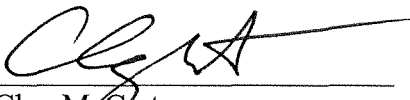
Tenant advocates including Community Legal Services in East Palo Alto and Inner City Law Center in Los Angeles have reported that some landlords are threatening to report tenants to immigration services for a variety of reasons, including increasing rents, eviction, and to deflect habitability complaints. AB 291's strengthened provisions would provide tenants with additional protections against unscrupulous landlords and our Office recommends the City support AB 291.

DEPARTMENTS NOTIFIED

Housing and Community Investment Department

BILL STATUS

03/30/17	Re-referred to Com. on P. & C.P.
03/29/17	Amended
03/28/17	Amended, and do pass as amended and re-refer to Com. on P. & C.P.
03/15/17	Amended
02/13/17	Referred to Coms. on JUD. and P. & C.P.

  
\_\_\_\_\_  
Clay McCarter  
Analyst

Attachment: Resolution (Huizar - Krekorian)

**RESOLUTION**

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations, or policies proposed to or pending before a local, state or federal government body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, housing advocacy organizations have reported that some landlords are threatening to report tenants to immigration authorities in order to deflect habitability complaints and evict tenants; and

WHEREAS, threats are also made in connection with attempts to increase rents on long term tenants; and


WHEREAS, currently pending in the California State Assembly is AB 291 (Chiu), the Immigrant Tenant Protection Act of 2017, which would establish numerous legal protections against the disclosure of tenants' immigration or citizenship status to federal immigration authorities, namely prohibiting a landlord from threatening to disclose the immigration status of a tenant for the purpose of influencing a tenant to vacate a dwelling; and

WHEREAS, the bill proposes many safeguards against potential harassment, retaliation, or discrimination against tenants based on their immigration or citizenship status, real or perceived; and

WHEREAS, California renters should not have to fear intimidation and retaliation in their homes and the City of Los Angeles should support AB 291;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this resolution, the City of Los Angeles hereby includes in its 2017-2018 State Legislative Program SUPPORT for AB 291 (Chiu), which would establish numerous legal protections against the disclosure of tenants' immigration or citizenship status to federal immigration authorities, namely prohibiting a landlord from threatening to disclose the immigration status of a tenant for the purpose of influencing a tenant to vacate a dwelling.

PRESENTED BY: \_\_\_\_\_

  
JOSÉ HUIZAR  
Councilmember, 14<sup>th</sup> District

SECONDED BY: \_\_\_\_\_

  
Paul Rekorian

MAR 13 2017

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