

Immigrant Tenant Protection Act

Summary: According to California's Immigrant Tenant Protection Act, landlords cannot threaten tenants with eviction or worse living conditions based on their immigration status.

In California, the Immigrant Tenant Protection Act is intended to protect residents of all immigration statuses from landlord intimidation or mistreatment. This manifests in the use of immigration status to blackmail tenants into excusing their refusal to repair basic facilities, threats to evict paying renters, or other forms of intimidation. These actions have since been illegalized.

Additionally, since the establishment of California as a "sanctuary state" (a state that protects its immigrants of all statuses from deportation by preventing local authorities from cooperating with federal immigration officers - SB 54), landlords cannot threaten to expose your status.

If a landlord exposes your status/threatens to expose you status, you can sue for 6-12 times their monthly rent (consult legal professionals in advance).

What Landlords Cannot Do:

- Require that tenants or prospective tenants disclose their immigration status
- Disclose/ threaten to expose the immigration status of a tenant/ prospective tenant
- Evict/ threaten to evict a tenant based on their immigration status

What Landlords Can Do:

- Request information to verify financial qualifications of the tenant
- Request information to verify the identity of the tenant

For more information regarding your specific rights and prohibitions, consult this document: [KTS Law - AB 291 and AP 299 \(2018\)](#)

To report an Immigrant Tenant Protection Act violation, you should contact a housing lawyer immediately.

Sources:

[Boston Globe - CA Lawmakers Approve Bill Protecting Undocumented Immigrant Tenants from Landlord Harassment](#)
[The Sacramento Bee - Rent Increases, Evictions up in Immigrant Communities under Trump, Housing Lawyers Sayt](#) .

Fair Housing Act / California Fair Employment and Housing Act

Summary: The Fair Housing Act is a federal law that prohibits housing discrimination based on race, religion, gender identity, sexuality, disability, marital status, nationality, and ethnic origin. The Fair Employment and Housing Act protects the same people, but also includes undocumented immigrants.

The Fair Housing Act, passed in 1968, was originally meant to be passed alongside the Civil Rights Act of 1964, but couldn't due to the majority voting against its passage. However, the assassination of Martin Luther King Jr. in 1968 acted as a catalyst for its approval, as he had been a staunch advocate for fair housing and riots broke out to avenge his cause. Lyndon B. Johnson signed it into action, one of the first steps taken to treat the housing disparities among US residents.

The California Fair Employment and Housing Act, passed in 1959 (preceding the Fair Housing Act) was originally intended to prohibit sexual harassment and other discrimination in employment and housing, but over time came to adopt similar measures to the Fair Housing Act, only including undocumented immigrants as well.

These acts illegalized the role of discrimination to:

- Refuse to sell/rent/negotiate housing
- Impose different costs for the same dwelling
- Limit access to facilities or services
- Advertise to limited demographics with intent to separate
- Falsely deny that the housing is available for inspection, sale, or rental
- Assign the tenant to a specific part or section of a neighborhood/building
- Refuse/discriminate in the conditions of homeowners insurance or membership in the real estate brokers' organization
- More found here: [HUD - FHEO/FHA](#)

For more information regarding your specific rights and prohibitions, consult the following documents:

[HUD - FHA](#)

[CalCivilRights - FEHA](#)

To report a Fair Housing violation, you may contact the US Department of Housing and Urban Development at [HUD - File a Complaint](#)

Sources:

[FC Law - Legal Protections for Undocumented Tenants in the US](#)

[US Dept. of Justice - FHA](#)

[HUD - FHA](#)

[PubMed - Legacy of 1968 Fair Housing Act.](#)

Minimum Wage Laws and the Workday

Summary: The minimum wage rate of California is \$16.00 per hour. This varies with the number of hours you work, and where.

As a worker, your rights are protected by the California Labor Commissioner (Division of Labor Standards Enforcement). The Division of Labor Standards Enforcement (DLSE) receives complaints about intimidation, wages, child labor, and unfair working hours/conditions. Both undocumented and documented workers are protected by state laws, and the DLSE cannot request your immigration status.

Different regions of the US have different minimum wages. While the federal (US-wide) minimum wage is \$7.25, the California-specific wage is \$16.00 per hour during regular working hours. For fast-food workers, minimum wage has increased to \$20.00 per hour.

Payment by Hours Worked (California Labor Code Section 510):

- Within 8-Hour Workday: You will be paid your regular wages.
- Greater than 8 Hours (Overtime): You will be paid 1.5x your regular wages.
- Greater than 12 Hours: You will be paid 2x your regular rate of pay

Your Rights:

- To be paid minimum wage or greater
- To a 10 minute rest period for every 4 hours (the 10 minutes can be distributed, but a net amount of 10 minutes is required).
 - If they don't do this, they must pay you 1 additional hour of pay at your regular rate for each workday the rest period was not granted.
- To a meal period of at least 30 minutes for every 5 hours.
 - The same rule of additional pay is applied here.

For select cities, the minimum wage may vary *:

- Berkeley: \$18.07
- Los Angeles: \$16.78
- Oakland: \$16.50
- San Francisco: \$18.07
- San Jose: \$17.55

* Higher minimum wage may correlate to higher housing prices.

For more information, you can consult these documents/articles:

[DLSE - Laws and Regulations](#)

[LA County Office of Immigrant Affairs](#)

To report a minimum wage or work hours violation, you may file a wage claim here:

[Department of Industrial Relations: How to File a Wage Claim](#)

Workplace Discrimination Laws

Summary: In the workplace, you cannot be discriminated against because of race, color, religion, sex, origin, age, or disability.

In the US, the Equal Employment Opportunity Commission protects all residents from discrimination in employment (both during and after hiring). All employees, applicants, and union members are protected from discriminatory practices, many of which are detailed below. If you feel that you have been discriminated against in a way that hasn't been enumerated below, you may refer to other resources or connect to a legal professional.

Discrimination can arise from:

- Race
- Color
- Religion
- National origin
- Sex (pregnancy, sexual orientation, or gender identity)
- Age (over 40)
- Disability
- Genetic information (request of disclosure of genetic tests or family medical history)
- Retaliation (after an employee files/threatens to file a complaint, they discriminate as punishment)

Discrimination can be found as unfair/unequal:

- Discharge/firing
- Harassment (verbal and physical)
- Hiring/promotion/benefits
- Unequal pay (discrimination-based)
- Failure to accommodate a disability (pregnancy/medical condition/belief or practice)
 - Accommodations such as unpaid, but job-protected leave, longer/additional breaks, food/drink policy flexibility
- Intimidation or coercion

For more information regarding discrimination complaints, you may access the following website:

[Filing a Complaint](#).

To report discriminatory policies, you can file a complaint here: [Complaint Process](#)

California Compulsory Education Laws

While parents can choose what districts or type of schools they would like their children to attend, there are regulations about how long their children's education can go on. In California, children must gain an education of some sort from the ages of 6-18.

This education can come in various forms, such as:

- Public Schools
- Private Schools
- Home Schools
 - Tutors with state credentials for the grade being taught
 - Parents with appropriate teaching credentials
 - Home study programs

Parents who do not comply with these laws will face increasing consequences with each offense:

- 1st: fine up to \$100
- 2nd: fine up to \$250
- 3rd+: fine up to \$500, and parents may be placed in parent education/counseling program

California Corporal Punishment in Education

Corporal punishment is the intentional use of physical force, such as slapping or hitting, as a means of discipline. While many states in the USA still allow corporal punishment in public education, California is fortunately not one of them, and even doesn't allow corporal punishment when consented to by parents. (In short, physical force in a classroom is unconditionally illegal).

Intentional physical force is only allowed in these circumstances (still limited):

- Breaking up fights between students
- Preventing damage to property
- Forcefully taking an object away from a student
- Self defense

If a teacher or school employee uses corporal punishment, you can sue them through a personal injury lawsuit, and they can be charged for assault and battery (threatening a person through physical contact). You should contact either school administration or law enforcement in this situation.

Religion in Public Schools

In the US, the education system has aimed to remain secular in most of its practices. While other states have begun to transition away from this goal, California will likely maintain its secularity for years to come.

While public and charter schools are unable to clearly denote a denomination (a religion), private schools are able to determine the extent to which they instruct on religion doctrine. It is illegal for California public schools to offer any religious education, and teaching/funding of faith-based programs is specifically prohibited.

It is important to understand the distinction between teaching *about* religion and influencing, or guiding one's religious beliefs. For example, if a teacher were giving a lesson about the role of Christianity during the Renaissance period, they would be teaching about religion. Conversely, if one were to claim that one religion is superior to another, they would be infringing on the students' rights to choose a religion.

If you would like to read more about what California public schools can or cannot do, you may access this document: [Appendix F of California's Public History and Social Science Framework](#)