

Credit screening in housing rental market: law and experiences of African immigrants

My research seeks to answer these interrelated questions: (a) whether credit history is an accurate or appropriate measure to determine whether a prospective tenant can pay the rent; and (b) whether disparate impact analysis under federal or state laws may make use of credit history a discriminatory act against immigrants because of their national origin; and (c) how this form of discrimination is different from (or overlapping with) discrimination based on race.

I. Introduction

One of the standard prerequisites to rent a home in major cities across the United States is having a robust credit score. Credit score is a hallmark of consumer capitalism-- employers, realtors, and other commodity vendors gauge consumer moral and financial prudence based on their recorded credit histories. One cannot have a meaningful existence in today's formal economy without having established a credible financial identity. Financial identity is legally formalized as an integral dimension of personal identity, and a relentless technological surveillance works to make consumers "morally responsible, obedient, predictable, and profitable".¹ In the housing market, real estate dealers and landlords look at credit histories to judge a potential renter's likelihood of defaulting on her rental responsibilities. If she lacks the required credit score, the landlords can reject her rental application. Thus, for many renters, lack of credit history or a bad score means no place to live. This is a normal fact of life since housing is viewed as a market commodity rather than as a right. Except in few instances, such as a recent policy of New York City,² regulators have approved credit history screening as an

¹ Lauer, J. (2017). *Creditworthy: A history of consumer surveillance and financial identity in America* (Columbia studies in the history of U.S. capitalism). New York: Columbia University Press. P4.

² Improving Access to Affordable Housing Opportunities (City of New York, 2017):<https://www1.nyc.gov/assets/dca/downloads/pdf/partners/Research-ImprovingAccessToAffordableHousingOpportunities.pdf>

("The City recently revised its policies regarding the use of credit scores and debt in the affordable housing screening process. Under the new policies, applicants cannot be denied because of a low credit

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element of powers and privileges inherent in private property. Courts have also held that screening out renters who have poor credit history does not trigger fair housing and antidiscrimination laws.³

When applied to immigrants, however, credit history screening in rental market raises serious legal issues intersecting property, equality/equal opportunity, and the policy of integrating immigrants into the formal economy and society. Is credit-history-screening a new immigrant consistent with the fair housing laws and policies? Related questions are whether credit history is an accurate or appropriate measure to determine whether a prospective tenant can pay the rent; whether disparate impact analysis under federal or state laws may make use of credit history a discriminatory act against immigrants because of their national origin; and (c) how this form of discrimination is different from or overlap with discrimination based on race, and how immigrants cope with the exigencies of formal screening practices.

I will consider these questions, drawing on the experiences⁴ of refugees and documented immigrants in the surroundings of Washington, DC, to show how credit history screening has contributed to exclusions of immigrants leading to social effects that are inconsistent with federal fair housing laws. Fair housing laws outlaw housing discrimination based on race,

score alone; developers must take multiple factors into account when reviewing the credit worthiness of an applicant.”)

³ *Pasquince v. Brighton Arms Apartments*, 378 N.J. Super. 588, 876 A.2d 834 (App. Div. 2005). “Apartment landlord could rely upon credit worthiness as a selection criterion for prospective tenants who received Section 8 housing assistance and could rely upon prospective tenant's poor credit history in rejecting his rental application.” Citing United States Housing Act of 1937, § 8(d), as amended, 42 U.S.C.A. § 1437f(d); 24 C.F.R. § 982.307; N.J.S.A. 10:5–12, subd. g(4). Screening out renters who have a poor credit is legal even if the landlord relied on its own unique credit-score rating formula and evaluation policy: *Miller v. Brookside At Somerville, LLC*, No. A-5757-06T3, 2008 WL 351338 (N.J. Super. Ct. App. Div. Feb. 11, 2008)

⁴ Using critical legal anthropology method [Coombe, R., & George, A. (2006). *The Cultural Life of Things: Anthropological Approaches to Law and Society in Conditions of Globalization*. In *Globalization and Intellectual Property* (1st ed., pp. 533-577). Routledge.]

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color, religion, sex, disability, familial status, or national origin.⁵ As an immigrant could not have recorded credit history before she gets a mailing home address and income to open a bank account, her capacity to formally rent a dwelling is severely restricted. Credit screening produces social effects excluding immigrants in the formal rental market.

Immigrants cope with the exigency by depending on personal contacts linking new immigrants to dwelling sites. Personal contacts work in networks fostered in a “semi-autonomous social field”.⁶ A new immigrant looking for a place to live would normally start with a contact who might have a place to accommodate her or refers someone else. Among African immigrants, the referrals run usually within and along the lines of communities of common acquaintances or “home” places. One’s social bond within such community is indispensable to generate chains of referrals leading to a dwelling place-- a possibility of finding an informal but affordable dwelling arrangement.

Informal dwellings work within autonomous social fields that generate and enforces norms and practices. Immigrants’ dwelling experiences are shaped by these norms and practices as well as the formal housing rules, impersonal rental market, and rules and policies of housing agencies. But tenure conditions in informal dwellings are usually “private ordering” fraught with uncertainties, insecurities, and sometimes abuse and violence contradicting the visions of official fair housing laws.⁷

⁵ Carpenter, D., & Library of Congress. Congressional Research Service issuing body. (2018). The Fair Housing Act (FHA) : A Legal Overview.

⁶ Moore, S. (1973). Law and Social Change: The Semi-Autonomous Social Field as an Appropriate Subject of Study. *Law and Society Review*, 7(4), 719-746. [compare] Maurer, R. (2017). New Criminal History Screening Restrictions Now in Effect in California. *HRNews*, p. HRNews, Jul 10, 2017. (Seattle and California restrict criminal history screening for employment. NYC restricts credit screening in certain cases in public housing)

⁷ Clowney, Stephen. (2015). Rule of flesh and bones: The dark side of informal property rights. *University of Illinois Law Review*, 2015(1), 59-116.

[The paper is structured as follows. ...]

II. The troubles with housing in major cities: Affordability and Discrimination

In major US cities, immigrants confront serious housing problems. Where there are jobs, means of transport, and good schools, there are no affordable places to live. But housing is not one of the top issues that comes to one's mind in thinking about immigration and immigrants today for two major reasons. First, housing scarcity is a crisis facing most Americans, a "five-alarm fire", according to Senator Ron Wyden.⁸ The Department of Housing and Urban Development (HUD) has recently reported that about half a million people are homeless,⁹ and research shows a growing number of people are edging homelessness.

Rental housing is home to more than a third of the US households.¹⁰ 71 per cent of the country's 11 million "extremely low-income renter households spend more than half of their incomes on rent and utilities."¹¹ The housing crisis facing African Americans, Latinx, and other low-income citizens is particularly chronic, and immigrant experiences are not particularly unique as they often integrate along shared racial or ethnic lines.¹² As the theory of segmented

⁸ United States. Congress. Senate. Committee on Finance. (2018). America's affordable housing crisis: Challenges and solutions: Hearing before the Committee on Finance, United States Senate, One Hundred Fifteenth Congress, first session, August 1, 2017 (United States. Congress. Senate. S. hog. 115-288). Washington: U.S. Government Publishing Office. p.3

⁹ The 2018 Annual Homeless Assessment Report (AHAR) to Congress, <https://files.hudexchange.info/resources/documents/2018-AHAR-Part-1.pdf>

¹⁰ <https://www.jchs.harvard.edu/research-areas/rental-housing>

¹¹ Andrew Auraed et al., The Gap: Shortage of Affordable Homes (Mar 2019), https://reports.nlihc.org/sites/default/files/gap/Gap-Report_2019.pdf#page=9 . According to state and federal standards, households should spend approximately 30 percent of their income on housing to maintain financial stability, Bill de Blasio, Improving Access to Affordable Housing Opportunities (City of New York, 2017): <https://www1.nyc.gov/assets/dca/downloads/pdf/partners/Research-ImprovingAccessToAffordableHousingOpportunities.pdf>

¹² Dennis Hevesi, *Racial Disparity Seen in Immigrant Housing*, *NYT* (Nov. 27, 1998): <https://www.nytimes.com/1998/11/27/nyregion/racial-disparity-seen-in-immigrant-housing.html?searchResultPosition=1>

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integration suggests,¹³ descendants of African immigrants generally share segregation and racial experiences faced by African-Americans in the housing market.

Second, there are more pressing issues than housing facing immigrants. Immigrants housing issues raise stakes inapposite to political currents and narratives surrounding immigration debates. From the standpoint of a pro-immigration policy, there are more pressing issues as recent laws, policies, practices have caused grave humanitarian crisis in the field of immigration.¹⁴ The spectacles of the crisis, such as detention of asylum seekers and separation of families, have overshadowed housing and other domestic problems facing the immigrants.¹⁵ When there are such urgent issues, arguing for housing problems facing immigrants could actually undercut a pro-immigration agenda by feeding into the anti-immigrant rhetoric that “immigrants drain our resources”.¹⁶

Furthermore, in law school classrooms, the intersections of housing and immigration laws are not common themes. Housing issues concerning immigrants fall through the cracks of property law, civil rights law, and immigration law.¹⁷ In property law, while some treatises include a

¹³ Rosenbaum, E., & Friedman, S. (2007). *The housing divide : How generations of immigrants fare in New York's housing market*. New York: New York University Press.

¹⁴ See e.g., Board, T. (2019). *Immigration Crisis Is Corrupting the U.S.* *The New York Times*, p. A18.; Wadhia, S. (2019). *Banned : Immigration enforcement in the time of Trump*. New York: New York University Press; Sharma-Crawford, Rekha. (2018). *Caging Humanity: America's Immigration Crisis*. *The Journal of the Kansas Bar Association*, 87(8), 35.

¹⁵ For major themes concerning immigration debates, see Kerwin, D. (2018). *From IIRIRA to Trump: Connecting the Dots to the Current US Immigration Policy Crisis*. *Journal on Migration and Human Security*, 6(3), 192-204.

¹⁶ A recent PEW research reports that “Six-in-ten Americans (62%) say immigrants strengthen the country “because of their hard work and talents,” while about a quarter (28%) say immigrants burden the country by taking jobs, housing and health care.” Jynnah Radford, *Key Findings About US Immigrants* (June 17, 2019): <https://www.pewresearch.org/fact-tank/2019/06/17/key-findings-about-u-s-immigrants/>

¹⁷ A few scholars have written in the area: Tirres, Allison Brownell. (2013). *Ownership without citizenship: The creation of noncitizen property rights*. *Michigan Journal of Race & Law*, 19(1), 1-52; Allison Brownell Tirres. (2012). *PROPERTY OUTLIERS: NON-CITIZENS, PROPERTY RIGHTS AND STATE POWER*. *Georgetown Immigration Law Journal*, 27, 77-885.

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section on fair housing and anti-discrimination laws, immigration hardly arises as a separate theme. In civil rights studies, immigrants and housing rights occupy a marginal position. This is partly due to the fact that immigrants integrate into existing racial and ethnic cleavages for both legal and social purposes. And as questions concerning admission, unauthorized immigrations, and removal of noncitizens take much of immigration law classrooms, housing rights occupy the penumbra of the field as matters largely falling within the domestic legal structures.

Housing regulation is often deployed as a means to deter unauthorized presence in the country.¹⁸ This is an important exception that has given a relative visibility for immigrants' housing issues in the academic and popular discussions. Instances of using housing regulation as a weapon against unauthorized presence are a series of local ordinances requiring landlords to verify the immigration status of tenants under pain of penalty.¹⁹ These ordinances have positioned housing in the intersection of alienage and property laws, attracting a considerable attention among property law scholars. There have also been a series of litigations challenging the authority of local governments to deploy regulatory authority in the field of property and housing to enforce immigration policies. [property as a means of immigration regulation]

¹⁸ Oliveri, Rigel C. (2009). Between a rock and a hard place: Landlords, Latinos, and anti-illegal immigrant ordinances, and housing discrimination. *Vanderbilt Law Review*, 62(1), 55-125; Oliveri, R. (2015). Are Disparate Impact Claims Cognizable Under the Fair Housing Act? *Preview of United States Supreme Court Cases*, 42(4), 148-152. Mukherjee, A. (2019). *The Legal Right to Housing in India*. Cambridge: Cambridge University Press. doi:10.1017/9781108757454

Lewis, Hannah, Peter Dwyer, Stuart Hodkinson, and Louise Waite. *Precarious Lives: Forced Labour, Exploitation and Asylum*. Bristol: Bristol University Press, 2015. doi:10.2307/j.ctt1t896xk.

¹⁹ See Oliveri, R. (2009). Between a Rock and a Hard Place: Landlords, Latinos, Anti-Illegal Immigrant Ordinances, and Housing Discrimination. *Vanderbilt Law Review*, 62(1), 53-125.

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Policy discussions on the housing crisis have focused on two major themes: affordability and fairness.²⁰ The problem of affordability refers to a serious scarcity of housing supply in absolute terms as well as the lack of affordable houses in locations suitable for the less well-off social segments. The supply of housing is increasingly left to the forces of free market as policymakers believe that increased demand will stimulate investment in housing development and increases the supply.²¹ But supply has consistently failed to keep up with the demand,²² and the increasingly waning welfare state, cutbacks on funding for low income housing, diminishing social housing, and the private sector developers' preference for high-profit-yielding housing developments targeting middle and upper-end social classes have worsened housing conditions for the poor.²³

Complex and costly zoning laws and practices have steered housing supply away from low income households. "By restricting the supply of land available for higher-density development, regulatory constraints and not-in-my-backyard (NIMBY) opposition may also add to the challenges of supplying more affordable types of housing."²⁴

²⁰ Desmond, M., & Bell, M. (2015). Housing, Poverty, and the Law. *Annual Review of Law and Social Science*, 11, 15; Vicki Been, Ingrid Gould Ellen & Katherine O'Regan (2019) Supply Skepticism: Housing Supply and Affordability, *Housing Policy Debate*, 29:1, 25-40, DOI: 10.1080/10511482.2018.1476899

²¹ Joint Center for Housing Study of Harvard University, *The State of the Nation's Housing 2019* (2019):

https://www.jchs.harvard.edu/sites/default/files/Harvard_JCHS_State_of_the_Nations_Housing_2019.pdf

²² Vicki Been, & Leila Bozorg. (2017). Spirling: Evictions and Other Causes and Consequences of Housing Instability. *Harvard Law Review*, 130, 1408-1986.

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²⁴ Joint Center for Housing Study of Harvard University, *The State of the Nation's Housing 2019* (2019):

https://www.jchs.harvard.edu/sites/default/files/Harvard_JCHS_State_of_the_Nations_Housing_2019.pdf

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Housing scarcity means increasing cost of rent, stifling money that low-income households need for food, childcare, and other basic necessities. As housing supply is geared toward the needs of those who can pay, low income citizens face a heavy pressure because of housing cost. John J. Ammann describes the policy as one that is “housing out the poor”.²⁵ Racial and other discriminatory preferences have skewed access to affordable and decent housing for people of color.²⁶ Steadily intensifying tenure insecurity driven by pervasive evictions push low-income households to the edge of homelessness.²⁷ While these policy issues apply to the housing conditions of immigrants, there are themes that uniquely concern immigrants.

III. African Immigrants’ experience and the law

The housing crisis uniquely affects immigrants in many ways. Immigrants constitute a significant number of the population. About 44 million people, of which about 10 million are undocumented, living in the US were born in another country.²⁸ African immigrants living in

²⁵ Ammann, John J. "Housing out the Poor." *St. Louis U. Pub. L. Rev.* 19 (2000): 309.

²⁶ Gano, Alex. (2018). *Disparate Impact and Mortgage Lending: A Beginner's Guide.* *Journal of Affordable Housing & Community Development Law*, 26(3), 437. Matthew Jordan Cochran. (2011). *Fairness in Disparity: Challenging the Application of Disparate Impact Theory in Fair Housing Claims Against Insurers.* *George Mason University Civil Rights Law Journal*, 21, 159-471. *Disparate Impact Claims under the Fair Housing Act (R44203).* (n.d.). Schneider, Valerie. (2014). *In defense of disparate impact: Urban redevelopment and the Supreme Court's recent interest in the Fair Housing Act.* *Missouri Law Review*, 79(3), 539.

²⁷ Desmond, M. (2017). *Evicted : Poverty and profit in the American city* (First paperback ed.). New York: BDWY, Broadway Books.

²⁸ <https://www.pewresearch.org/fact-tank/2019/06/17/key-findings-about-u-s-immigrants/>

“Today, more than 40 million people living in the U.S. were born in another country, accounting for about one-fifth of the world’s migrants in 2017. The population of immigrants is also very diverse, with just about every country in the world represented among U.S. immigrants. Mexico is the [top origin country](#) of the U.S. immigrant population. In 2017, 11.2 million immigrants living in the U.S. were from there, accounting for 25% of all U.S. immigrants. The next largest origin groups were those from China (6%), India (6%), the Philippines (5%) and El Salvador (3%). By [region of birth](#), immigrants from South and East Asia combined accounted for 27% of all immigrants, close to the share of immigrants from Mexico (25%). Other regions make up smaller shares: Europe/Canada (13%), the Caribbean (10%), Central America (8%), South America (7%), the Middle East (4%) and sub-Saharan Africa (4%).”

More than 1 million immigrants arrive in the U.S. each year. In 2017, the top country of origin for new immigrants coming into the U.S. was India, with 126,000 people, followed by Mexico (124,000), China (121,000) and Cuba (41,000). By [race and ethnicity](#), more Asian immigrants than Hispanic immigrants have arrived in the U.S. in most years since 2010. Immigration from Latin America slowed following

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the US are about 2 million and Ethiopians are about 226, 000. Federal laws have excluded undocumented immigrants from accessing housing benefits. A limited category of “qualified aliens” may receive federal public benefits.²⁹ The “qualified noncitizens” include:

- Legal Permanent Residents (an alien admitted for lawful permanent residence (LPR));
- Refugees who are admitted to the United States based on immigration law
- Asylees who are granted asylum based on immigration law
- Noncitizens who are paroled into the United States based on immigration law for a period of at least one year;
- Noncitizens whose deportation is being withheld on the basis of prospective persecution based on immigration law.

Because of the chronic shortage of supply, qualified immigrants rarely access publicly assisted housing. Thus, they rely on private market and social networks, and the peculiar barriers they face in the private market makes their experience with the law and housing rental unique.

the Great Recession, particularly for Mexico, which has seen both decreasing flows into the United States and large flows back to Mexico in recent years.

Asians are projected to become the [largest immigrant group](#) in the U.S. by 2055, surpassing Hispanics. Pew Research Center estimates indicate that in 2065, Asians will make up some 38% of all immigrants; Hispanics, 31%; whites, 20%; and blacks, 9%.

How many immigrants have come to the U.S. as refugees?

Since the creation of the federal [Refugee Resettlement Program](#) in 1980, [about 3 million refugees](#) have been resettled in the U.S – more than any other country.

In fiscal 2018, a total of 22,491 refugees were resettled in the U.S. The largest origin group of refugees was the Democratic Republic of the Congo, followed by Burma (Myanmar), Ukraine, Bhutan and Eritrea. Among all refugees admitted in that fiscal year, 3,495 are Muslims (16%) and 16,018 are Christians (71%). [Texas, Washington, Ohio and California](#) resettled more than a quarter of all refugees admitted in fiscal 2018.

²⁹ McCarty, M., Siskin, A., & Library of Congress. Congressional Research Service issuing body. (2015). Immigration : Noncitizen Eligibility for Needs-based Housing Programs.

IV. Legal and sociological cases against credit history screening

This section of the paper considers why credit history screening, as a predictor of rent default and risks in rental agreements, raises legal and policy problems:

- Credit screening negatively affects a considerable number of renters- about 30 per cent of potential renters have poor or no credit history, according a survey in NYC.
- Immigrants face this challenge for the obvious reason—that they rarely have recorded financial histories and they need a home address to open a bank account and build credit history. *[Even if they manage to get a credit card, building credit history that fulfills landlords requirement takes time. NYC has recently enacted a mandatory maximum score that a landlord (or dealer) can require and a uniform assessment formula. Also, the NYC policy envisions means of including timely rent payment and other transactional histories that could assist renters boost their credit score.]*
- How do immigrants cope with the exigencies of credit screening and other standard requirements in the formal rental market?
- What roles informal rules and social networks play in how the new immigrants find a place to live?
- As barriers to entering the formal market, how credit history screening and standard practices inhibit economic and intercultural integration of new immigrants into the formal economy and society?
- Normatively, could the standard practices be legally impugned based on disparate impact discrimination? *[A legislative intervention abolishing credit history requirement might help ameliorate housing conditions of new immigrants by giving them a way to integrate into the American economy and society?]*

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The standard practices in the rental market include credit history, letters of reference, evidence of steady source of income, and security deposit. Landlords rely on these practices as proxies to gauge integrity, loyalty, and trustworthiness of potential renters.³⁰ These standard practices present informal legalities contradicting fair housing laws and policies of integrating immigrants into the American society.

In theory credit history screening is a neutral standard applying across all social groupings to promote the security and predictability of rental transactions. The Fair Housing Act³¹ outlawed discrimination based on race, color, national origin, religion, sex, familial status, disability in renting or buying a home, getting a mortgage, seeking housing assistance, or engaging in other housing-related activities. But courts have ruled that rejecting rental applications based poor credit scores is perfectly legal. [*Citing several court cases highlighting nuances and exceptions such as when credit history is a pretext for an invidious discrimination...*]

The jurisprudence has not addressed the legality of credit screening with respect to immigrants. Nevertheless, there are sufficient indications that credit history screening produces disparate impact on immigrants especially new immigrants who never had and could not have a recorded financial history.³² As Judge George S. Daniels of the Southern District of New York stated in connection with a litigation on the recent Public Charge rule, credit score of a new immigrant—who, for example, may have only recently opened her first credit account and therefore has a short credit history, which would negatively impact her credit score—is indicative of her

³⁰ Gallagher, Kelly. (2006). Rethinking the Fair Credit Reporting Act: When requesting credit reports for "Employment Purposes" goes too far. *Iowa Law Review*, 91(5), 1593-1620.

³¹ FHA

³² Dominguez, Silvia. *Getting ahead: Social mobility, public housing, and immigrant networks*. NYU Press, 2011.

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likelihood to receive public benefit”.³³ This ruling concerned the admission of immigrants—that an immigrants must have a credit score to gain admission into the United States. However, it has implications for the legality of immigrants’ credit history screening in the rental markets.

[*A ground for federal regulation: if requiring credit history for admission is illegal, credit screening in the rental market must be illegal for a stronger reason*]

- Debates concerning disparate impact in housing discrimination
- Disparate impact in rental market, credit screening
- Immigrants—constitutional ambivalence/plenary power doctrine (should not apply in housing cases)
- One need a place to live to find a place to work and earn the income needed to establish a recorded financial history. That one must have a credit history for meaningful existence in the formal economy and that to have a credit history one has to borrow from a formal financial institution and repay it on time eludes many immigrants. In fact, that being indebted and paid it off in time is better than being never indebted could be counter-intuitive for refugees and immigrants coming from developing countries where recording financial histories is absent or uncommon, which it is in many such settings.

Sociologically, exclusionary rental market undermines social integration. African immigrants reside in a few locales mainly because of access to housing conditions.

³³ *Make the Rd. New York v. Cuccinelli*, No. 19 CIV. 7993 (GBD), 2019 WL 5484638 (S.D.N.Y. Oct. 11, 2019). “... Similarly it is unclear how the **credit** score of a new **immigrant**—who, for example, may have only recently opened her first **credit** account and therefore has a short **credit history**, which would negatively impact her **credit** score—is indicative of her likelihood to receive 12 months of public benefits. Defendants blithely argue that a low **credit** score “is an indication that someone has made financial decisions that are not necessarily entirely responsible” and that “those irresponsible financial decisions may be the product of someone who doesn’t have very much money to work with.” (Tr. of Oral Arg. dated Oct. 7, 2019 at 86:16–20).”

Sub-African Immigrant Population in the US (2013 – 2017) 2, 037, 000

By State and County (more than 2000)

Harris County, Texas	60, 500
Los Angeles County, California	56, 300
Bronx County, New York	55, 800
Montgomery County, Maryland	54, 000
Hennepin County, Minnesota	48, 900
Prince Georg’s County, Maryland	48, 100
Cook County, Illinois	40, 200
King County, Washington	37, 800
Dallas County, Texas	37, 100
Fairfax County, Virginia	36, 300
Franklin County, Ohio	34, 900
King County, New York	32, 300

Source: Migration Policy Institute³⁴

About 226,000 the total Sub-Sahara African immigrants are Ethiopians.

Ethiopian immigrant population by State and County (more than 2000)

Montgomery County, Maryland	13, 400
King County, Washington	12, 900
Fairfax County, Virginia	11, 100
Hennepin County, Minnesota	8, 300
Dallas County, Texas	8, 100
Clark County, Nevada	7, 800
Alexandria City, Virginia	7, 700
DeKalb County, Georgia	7, 400
Los Angeles County, California	7, 200
District of Columbia, DC	5, 700
Ramsey County, Minnesota	4, 900
Arapahoe County, Colorado	4, 300

Source: Migration Policy Institute³⁵

³⁴ <https://www.migrationpolicy.org/programs/data-hub/charts/us-immigrant-population-state-and-county?width=850&height=850&iframe=true>

³⁵ <https://www.migrationpolicy.org/programs/data-hub/charts/us-immigrant-population-state-and-county?width=850&height=850&iframe=true>

Informalities shape immigrants' settlement pattern in the US along the lines of ethnic cleavages in the home country.³⁶ Among Ethiopian immigrants—Oromos reside largely in Minneapolis area, Amhara in DC, Los Angeles, Tigrians in Denver... . Other factors include income, immigration status, family status; gender, age ...

Immigrants choose familiar social settings to cope with credit screening and other standard prerequisites for participating in the formal market through “private ordering” in communities personal contacts and social networks. But informal dwellings are usually fraught with tenure insecurity, arbitrary evictions, and dwelling conditions inconsistent fair housing law and policies, and immigrants dwelling in such arrangements are reluctant to invoke formal rules and regulatory apparatus partly due to the complex trappings of informal norms and networks.

Informal dwellings usually occur in one of the following four cases. (*ethnographic materials go here under the four categories*):

- **Host owns a house** or an apartment and rents a room to new immigrants. This is common among new homebuyers who usually rely on immigrants who rent a room as a group. The owner raises money through the rent (which is often more than the market rate) for mortgage payment. Tenants share the rent, making the cost per individual lower than market. Relations could be formal or informal, and the application of formal landlord-tenant laws in these phenomena does not raise a unique legal/doctrinal question.

³⁶ Saiz, A. (2007). Immigration and housing rents in American cities. *Journal of Urban Economics*, 61(2), 345-371.

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- **Host is a renter** (a house or apartment) and subleases a room to new immigrant. This is slightly more common than the first case.
- **Host is a renter** (a house or apartment) but no rooms to legally sublet. Renting is frequently informal as formal arrangement may violate lease and occupancy and other regulations.
- **Host is a renter** in a subsidized or public housing but renting out is illegal. Immigrant's dwelling arrangement is informal.

These cases of dwelling arrangements occur in a variety of informalities. Different and complex legal/doctrinal issues arise in each case. For instance, can an immigrant who lives in a room rented from a renter of a subsidized housing acquire protections under the landlord-tenant regulation and law? Is the renter liable for warranty of habitability, for example, toward to the sub-renter? What social consequences would follow the tenant if she complains to government officials? The interplay between the formal legalities and informal legalities raise difficult doctrinal issues. ...

V. Living under the shadow of informalities as relative unfreedom....

[Analyzing ethnographic materials on informal living conditions, this section argues that credit screening violates fair housing and anti-discrimination laws].