

PRRAC

Poverty & Race Research Action Council
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Expanding Choice: Practical Strategies for Building a Successful Housing Mobility Program

APPENDIX B: State, Local, and Federal Laws Barring Source-of-Income Discrimination

Updated June 25, 2019

Set out below is a compilation of state, local, and federal statutes prohibiting discrimination in the housing market based on source of income. Please use the hyperlinks on this page to navigate through the document. This compilation updates research originally compiled by PRRAC in 2009 and also drawing on earlier documents prepared by the National Housing Law Project and the Center for Policy Alternatives. The list was updated for the Fourth National Housing Mobility Conference in 2012 and was published as an appendix to the PRRAC-Urban Institute housing mobility toolkit that followed the conference, [*Expanding Choice: Practical Strategies for Building a Successful Housing Mobility Program*](#) (February 2013). This guide has been updated most recently by Abi Hollinger, a PRRAC Law & Policy Intern, Peter Kye, PRRAC Law & Policy Associate, David Pringle, a PRRAC Law & Policy Intern, Heidi Kurniawan, PRRAC Administrative and Program Assistant, and Philip Tegeler, PRRAC Executive Director. We are grateful for the contributions and corrections of our former staff contributors, and many of our legal services colleagues in the Housing Justice Network (see our full list of acknowledgements [here](#)). If you discover any errors in this document or have additional materials to add (new ordinances, case law developments, law review articles, etc.), please contact Phil Tegeler (ptegeler@prrac.org).

In 2018, the Center on Budget and Policy Priorities released a report using the data from this Appendix to provide a national overview of laws protecting Housing Choice Voucher families from discrimination. The report, [*Prohibiting Discrimination Against Renters Using Housing Vouchers Improves Results*](#) (updated December 20, 2018), includes a chronology of adoption of the statutes and ordinances described below, and an interactive map illustrating the geographic scope of SOI laws. According to the Center's calculations, source of income discrimination laws protect 34% of voucher holders in the U.S. The report was authored by Alison Bell, Barbara Sard, and Becky Koepnick.

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STATE LAWS

California

The California source of income discrimination law does not protect Section 8 voucher tenants. *See SABI v. Sterling*, 183 Cal.App.4th 916 (2010). However, in February 2016, Senator Leno introduced a state bill (SB 1053) which would prohibit discrimination against voucher holders.

In California Government Code Section 12955(p)(1): “Source of income’ is defined as ‘lawful, verifiable income paid directly to a tenant or paid to a representative of a tenant. For purposes of this section, a landlord is not considered a representative of a tenant.” California’s Fair Employment and Housing Department has held, therefore, that landlords are not required to accept Section 8 housing choice vouchers under the “source of income” discrimination prohibitions. Moreover, even if a landlord accepts a section 8 voucher, a tenant must meet other requirements for tenancy and have the financial resources to pay any rental amounts not covered by a voucher.

The state law is augmented by ordinances in several California cities, including Los Angeles (suspended by court ruling), Santa Monica, San Francisco (court challenge pending), East Palo Alto, Berkeley, Marin County, Santa Clara County, Corte Madera, and Woodland, which do explicitly bar voucher discrimination. See discussion of local ordinances below.

Date Enacted

Source of income discrimination was added to §12955 in January 2000 and further amended in 2005.

Cal.Gov.Code § 12921 effective January 1, 2014

Relevant Case Law:

Morrison v. Vineyard Creek, 193 Cal. App. 4th 1254, 123 Cal. Rptr. 3d 414 (2011): Landlord did not harass or discriminate against tenant, based on her source of income, when it advised tenant of its good faith belief that tenant could not operate day care in apartment premises, as required for tenant to be entitled to attorney’s fees under the California Fair Employment and Housing Act; objection was based on lease’s express limitation of the use of the apartment to private residential purposes; landlord’s prohibition was against all nonresidential uses, not just family day care homes, and landlord was aware at time of rental that tenant’s primary source of income was from her work as a nanny.

Sabi v. Sterling, (2010) 183 C.A.4th 916, 933, 939, 107 C.R.3d 805. Government assistance payments paid to a landlord under the program known as “Section 8” are not part of a tenant’s income for purposes of Govt.C. 12955, and a landlord’s refusal to participate in the program does not constitute source of income discrimination.

Sisemore v. Master Financial, Inc., 60 Cal. Rptr. 3d 719, 724 (Cal. Ct. App. 2007) (finding that despite the language of subsection (p)(1), protection against discrimination on the basis of source of income is not limited to landlords and tenants and may be applied to borrowers and lenders).

Operative Language:

Cal. Gov't Code § 12955; effective January 1, 2005 (Section of the Fair Employment and Housing Act):

“For the purposes of this section, ‘source of income’ means lawful, verifiable income paid directly to a tenant or paid to a representative of a tenant. For the purposes of this section, a landlord is not considered a representative of a tenant.”

Rules Pertaining to Source of Income

Source of income discrimination applies to landlords; real estate brokers, home sellers, mortgage companies, and banks may not refuse to deal with you because of the source of your income. They also cannot charge a higher deposit or treat you differently because of your source of income.

A landlord cannot advertise or state a preference for certain sources of income. However, a landlord can have a minimum income requirement, such as two or three times the rent.

A landlord can require each person in the household to meet the minimum income requirement separately only if he or she would make a husband and wife who applied each meet the income requirement separately. Otherwise, the landlord must consider all household members' incomes combined to determine whether the household as a whole meets the minimum income requirement.

If the applicant receives a governmental rent subsidy, such as Section 8 or Shelter Plus Care, landlords can only use a minimum income requirement that relates to the tenant's portion of the rent. For example, suppose a landlord requires that a tenant's income must be three times the rent of \$900. If an applicant has a Section 8 voucher with a tenant-portion of the rent being only \$200 (because of her income), then the landlord can only require her income to be \$600 (three times her portion of the rent), not \$2700 (three times the total rent).

A landlord can ask what an applicant's source of income is as long as he/she do not discriminate based on that information.

The fair housing protections for source of income apply to all housing EXCEPT a home in which the landlord lives and rents out only one room.

Enforcement Process

The Fair Employment and Housing Act may be enforced under § 12980 by filing a complaint with the California Department of Fair Employment and Housing (DFEH). One can also file a civil action in an appropriate court. The DFEH can be contacted

at (800) 884-1684. See also: <http://www.dfeh.ca.gov/Complaints.htm> for general information about complaints and <http://esq5.houdiniesq.com/dfeh2/esq/reg/> to directly file a complaint online.

If the department indicates that it will not issue a notice of the complaint, the complainant has the right to bring a civil action against the person named in the verified complaint. (§ 12980(h)). A filing with the department for a discrimination claim does not bar an individual from seeking redress in the courts, but once an individual files a civil action, the department shall terminate its proceedings. A civil action must be brought within 2 years after the “occurrence or the termination of an alleged discriminatory housing practice, or the breach of a conciliation agreement entered into, whichever occurs last.” § 12989.1.

Connecticut

Connecticut’s source of income discrimination statute, Connecticut General Statutes, section 46a-64c, was passed in 1989. The law prohibits discrimination against all lawful forms of income, including state and federal housing vouchers, federal welfare or disability assistance, etc. The statute has been challenged twice in court; in both cases, the Connecticut Supreme Court upheld the law. See *Commission on Human Rights & Opportunities v. Sullivan Associates*, 739 A.2d 238 (Conn. 1999); *Commission on Human Rights & Opportunities v. Sullivan*, 939 A.2d 541 (Conn. 2008).

In Connecticut, each of the following programs are considered a lawful source of income: Section 8 housing voucher; state housing assistance, such as the Rental Assistance Program (RAP) and Transitional Rental Assistance Program (T-RAP); and using the Security Deposit Guarantee Program in lieu of paying cash for a security deposit.

Date Enacted

Connecticut’s source of income discrimination statute was enacted in 1989.

Relevant Case Law

Commission on Human Rights & Opportunities v. Sullivan Associates, 739 A.2d 238 (Conn. 1999) (*Sullivan I*) (upholding the statute and finding that landlords may only consider the Section 8 recipient’s personal rent obligation and other reasonable obligations associated with the rental when assessing sufficiency of income).

Commission on Human Rights & Opportunities ex rel. Palmer v. Burkamp, CVH7749, 2012 WL 2850985 (Conn. Super. May 21, 2012) (Housing assistance which is public or state administered is a lawful source of income.)

Francia v. Mount Vernon Fire Ins. Co., CV084032039S, 2012 WL 1088544 (Conn. Super. Ct. Mar. 6, 2012). Denying motion to strike complaint by landlord against insurance company and insurance broker for refusing to provide general liability insurance on his multi-family property because more than 20% of his tenants paid with HCV.

Commission on Human Rights & Opportunities Ex Rel. Arnold v. Forvil, 302 Conn. 263, 274 (Conn. 2011) (Security Deposit Guarantee issued by the State is a lawful source of income under statute).

Commission on Human Rights & Opportunities v. Sullivan, 939 A.2d 541 (Conn. 2008) (upholding the statute and affirming *Sullivan I*).

Operative Language

Conn. Gen. Stat. Ann. § 46a-63:

“‘Lawful source of income’ means income derived from Social Security, supplemental security income, housing assistance, child support, alimony or public or state-administered general assistance.”

Enforcement Process

The Connecticut source of income law can be enforced either through the state Commission on Human Rights and Opportunities or in state court. Complaints may be filed with the Commission’s Fair Housing Unit at (860) 541-3403 or (800) 477-5737 ext. 3403. See also: <http://www.ct.gov/chro/cwp/view.asp?a=2524&Q=316274>

The Commission’s responsibilities include issuing a complaint of its own volition if discrimination is suspected; investigating and mediating discriminatory practice complaints; and holding hearings relating to any matter under investigation. A private cause of action remains after the Commission’s release, which can be filed in the superior court for the judicial district in which the discriminatory practice is alleged to have occurred. Any action involving state agency or official may be brought in the superior court for the judicial district of Hartford.

A private cause of action may be brought in certain circumstances, but must be brought within one year of the alleged discriminatory practice or of a breach of a conciliation agreement entered into pursuant to this chapter.

Attorney’s Fees

The Commission can award attorney fees, or seek them in court on the complainant’s behalf. See, *Commission on Human Rights and Opportunities v. Sullivan* 939 A.2d 541 (Conn. 2008) (finding that a landlord challenging prospective tenant’s claim for attorney fees had the right to call the tenant’s attorney as a witness in order to question her regarding her affidavit and billing records and test reasonableness of fees); see also, *Commission on Human Rights and Opportunities v. Litchfield Housing Authority*, 978 A.2d 136 (Conn. 2009). (seeking an award of costs and reasonable attorney’s fees)

Organizations Helping Victims of Discrimination

Victims of source of income discrimination can contact the Connecticut Fair Housing Center at (888) 247-4401.

Delaware

The Delaware Fair Housing Act (Section 4601, Title 6 of the Delaware Code) prohibits discrimination on the basis of source of income.

Date Enacted

Source of Income discrimination was added to the Delaware Fair Housing Act on August 3, 2016.

Relevant Case Law

N/A

Operative Language

4601. Declaration of purpose and construction.

“This chapter is intended to eliminate, as to housing offered to the public for sale, rent or exchange, discrimination based upon race, color, national origin, religion, creed, sex, marital status, familial status, source of income, age, sexual orientation or disability, and to provide an administrative procedure through which disputes concerning the same may effectively and expeditiously be resolved with fairness and due process for all parties concerned.”

4602. Definitions.

(25) “Source of income means any lawful source of money paid directly, indirectly, or on behalf of a renter or buyer of housing including:

- a. Income derived from any lawful profession or occupation;
- b. Income or rental payments derived from any government or private assistance, grant, or loan program.”

4607. Exemptions in certain situations.

(h) “The prohibitions in this chapter against discrimination based on source of income shall not limit the ability of any person to consider the sufficiency or sustainability of income, or the credit rating of a renter or buyer, so long as sufficiency or sustainability of income, and the credit requirements, are applied in a commercially reasonable manner and without regard to source of income.

(i) The prohibitions in this chapter against discrimination based on source of income shall not limit the ability of any housing authority or related agency having oversight over the provision of housing assistance from prohibiting such authority’s employees or agents from renting housing to persons who receive such assistance, where such prohibition is intended to prevent conflicts of interest or the appearance of impropriety, nor shall this chapter prohibit such agents and employees from complying with any such prohibition on renting housing to persons receiving such assistance.

(j) A landlord is not required to participate in any government sponsored rental assistance program, voucher, or certificate system. A landlord’s non-participation in any government sponsored rental assistance program, voucher, or certificate system may not serve as the basis for any administrative or judicial proceeding under this chapter.

(k) The prohibitions in this chapter against discrimination based on source of income shall not limit the ability of a landlord participating in any government sponsored rental assistance program, voucher, or certificate system from reserving rental units for tenants who qualify for such governmental program.”

§5116, Title 25. Fair housing provisions.

(e) “A landlord not be required to participate in any government sponsored rental assistance program, voucher, or certificate system. A landlord's non-participation in any government sponsored rental assistance program, voucher, or certificate system may not serve as the basis for any administrative or judicial proceeding under this chapter.

(f) The prohibitions in this section against discrimination based on source of income shall not limit the ability of a landlord participating in any government sponsored rental assistance program, voucher, or certificate system from reserving rental units for tenants who qualify for such governmental program.

(g) The prohibitions in this chapter against discrimination based on source of income shall not limit the ability of any landlord or prospective landlord to consider the sufficiency or sustainability of income of, or the credit rating of, a tenant or prospective tenant, so long as sufficiency or sustainability of income, and the credit requirements, are applied in a commercially reasonable manner and without regard to source of income.”

Enforcement Process

Title 6. § 4612 Enforcement by Commission.

(g) *Hearings; findings and conclusions; orders.* —

(3) ”If the Administrative Hearing Officer or Panel finds that a respondent has engaged or is about to engage in a discriminatory housing practice, such Administrative Hearing Officer or Panel shall promptly issue an order for such relief as may be appropriate, which may include actual damages suffered by the aggrieved person, costs, expenses, attorney's fees and injunctive or other equitable relief. Such order may, to vindicate the public interest, assess a civil penalty against the respondent to be paid to the Special Administration Fund:

- a. In an amount not exceeding \$10,000 for each discriminatory practice if the respondent has not been adjudged to have committed any prior discriminatory housing practice;
- b. In an amount not exceeding \$25,000 for each discriminatory practice if the respondent has been adjudged to have committed 1 other discriminatory housing practice during the 5-year period ending on the date of the filing of this charge; and
- c. In an amount not exceeding \$50,000 for each discriminatory practice if the respondent has been adjudged to have committed 2 or more discriminatory housing practices during the 7-year period ending on the date of the issuing of this charge; except that if the acts constituting the discriminatory housing practice that is the object of the charge are committed by the same natural person who has been previously adjudged to have committed acts constituting a discriminatory housing practice, then the civil penalties set forth in paragraphs (g)(3)b. and c. of this section may be imposed without regard to the period of time within which any subsequent discriminatory housing practice occurred.”

Attorney's Fees

Yes

Organizations Helping Victims of Discrimination

- [Delaware Division of Human Relations](http://statehumanrelations.delaware.gov/index.shtml)
<http://statehumanrelations.delaware.gov/index.shtml>

District of Columbia

The D.C. Human Rights Act of 1977 (D.C. Code Ann. § 2-1402.21) prohibits discrimination on the basis of income or its derivation, including Section 8 voucher assistance.

Date Enacted

Source of Income discrimination was added to the D.C. Human Rights Act (DCHRA) on February 9, 2005.

Relevant Case Law

Bourbeau v. Jonathan Woodner Co., 549 F. Supp. 2d 78 (D. D.C. 2008) (holding that the DCHRA, prohibiting source of income housing discrimination against federally funded rental assistance voucher holders, did not alter, amend, or conflict with federal statute establishing Housing Choice Voucher Program (HCVP), permitting landlords to accept as many or as few voucher holders as they chose, as required for preemption of DCHRA, under the Supremacy Clause, since preemption would affect Distr'ct's power to regulate matter of local concern, and DC'RA's nondiscrimination requirement neither compelled nor permitted parties to violate any provision of HCVP and advanced H'VP's objective of aiding low-income families in obtaining decent place to live).

Feemster v. BSA Limited Partnership, 471 F. Supp. 2d 87 (D.D.C. 2007) (mem.) (stating that DCHRA requires a showing that a landlord's refusal to accept vouchers is based on discrimination rather than the desire to ready the property for sale).

Operative Language

D.C. Code Ann. § 2-1401.02: Definition of Source of Income:

“‘Source of income’ means the point, the cause, or the form of the origination, or transmittal of gains of property accruing to a person in a stated period of time; including, but not limited to, money and property secured from any occupation, profession or activity, from any contract, agreement or settlement, from federal payments, court-ordered payments, from payments received as gifts, bequests, annuities, life insurance policies and compensation for illness or injury, except in a case where conflict of interest may exist.”

D.C. Code Ann. § 2-1402.21(e): “The monetary assistance provided to an owner of a housing accommodation under Section 8 of the United States Housing Act of 1937, approved August 22, 1974 (88 Stat. 662; 42 U.S.C. § 1437f), either directly or through a tenant, shall be considered a source of income under this section.”

D.C. Code Ann. § 42-2851.06(c): “The owner of a housing accommodation shall not refuse to rent a dwelling unit to a person because the person will provide his or her rental payment, in whole or in part, through a Section 8 voucher.”

Enforcement Process

The D.C. source of income law can be enforced either through the Commission on Human Rights or in the D.C. courts. The DCOHR may be contacted at (202) 727-4559. For more information on fair housing, go to <http://www.ohr.washingtondc.gov/ohr/cwp/view,a,3,q,627574,ohrNav,%7C30953%7C.asp> or see <http://ohr.dc.gov/complaint> for more information about how to file a complaint.

The commission can hear and decide cases of unlawful discrimination. Additionally, a private cause of action can be filed as provided in Sec. 2-1403.16 for anyone claiming to be aggrieved by an unlawful discriminatory practice.

Attorney’s Fees

The District of Columbia Human Rights Act does not require courts to award reasonable attorney’s fees to prevailing parties, but rather, confirms co’rt’s discretionary authority over attorney’s fee applications. *See*, D.C.Code 1981, §§ 1-2501 et seq., 1-2553, 1-2553(a)(1), 1-2556, 1-2556(b); *see also*, *Thompson v. International ’ss’n of Machinists and Aerospace Workers*, 664 F. Supp. 578 (1987) (holding that the goal of awarding attorney’s fees in civil rights cases is to attract competent counsel for these cases, but not to provide them with windfalls).

Organizations Helping Victims of Discrimination

- Equal Rights Center
http://www.equalrightscenter.org/site/PageServer?pagename=issues_housing
- Washington Lawyers Committee for Civil Rights & Urban Affairs (established in 1968) with pro bono assistance from private law firms.
<http://www.washlaw.org/projects/fair-housing>

Maine

The Maine Human Rights Act protects recipients of both state and federal housing assistance from discrimination on the basis of their status as a recipient. ME. REV. STAT. ANN. tit. 5, § 4582.

Date Enacted

In 1975 the Maine Human Rights Act was amended to include a provision prohibiting the refusal to rent or the imposition of different tenancy terms to individuals receiving public assistance. The law was further amended in 1985, making the provisions applicable to any person furnishing public accommodations, and made discrimination unlawful where

refusal to rent or imposition of different tenancy terms is done primarily because an individual is receiving public assistance.

Operative Language

ME. REV. STAT. ANN. tit. 5, § 4581-A:

“It is unlawful housing discrimination, in violation of this Act:

For any person furnishing rental premises or public accommodations to refuse to rent or impose different terms of tenancy to any individual who is a recipient of federal, state or local public assistance, including medical assistance and housing subsidies primarily because of the individual's status as recipient.”

Enforcement Process

The Maine Human Rights Act may be enforced by filing a charge with the Maine Human Rights Commission. The Commission must issue a right-to-sue letter before a civil complaint may be filed in state court.

The Commission can investigate all conditions and practices that allegedly "detract from the enjoyment, by each inhabitant of the State, of full human rights and personal dignity," including investigating all forms of discrimination, whether carried out legally or illegally, and whether by public agencies or private persons." (ME. REV. STAT. ANN. tit. 5, § 4566).

The Commission may hold hearings on any case being investigated and may also file an action in the superior court.

Attorney's Fees

Attorney's fees are covered under § 4614. Attorneys' fees and costs may be awarded in the court's discretion to the prevailing party, other than the commission, under ME. REV. STAT. ANN. tit. 5, § 4614.

Housing applicant was “prevailing party” in his action alleging that federally subsidized housing project owner's use of application that inquired into nature of person's disability was illegal, and thus, applicant was entitled to attorney's fee award under Maine Human Rights Act. *Robards v. Cotton Mill Associates*, 713 A.2d 952 (Me. 1998).

Organizations Helping Victims of Discrimination

Advocacy Groups and Legal Resources

Maine Volunteer
Lawyers Project
Tel: 1-800-442-4293

Maine Equal Justice
Project
Tel: 207-626-7058 or
866-626-7059

Disability Rights Center
Statewide Hotline: 800-
452-1948

Massachusetts

Massachusetts source of income discrimination law, MASS. GEN. LAWS ANN. ch. 151B, § 4, prohibits discrimination against individuals or families receiving public assistance or rental subsidies, or because of any of the requirements of these programs.

Date Enacted

Source of income was originally included in subsection 10 of the Massachusetts law on Aug. 31, 1971. The law was later amended in 1989 to clarify language in order to overcome a damaging State Supreme Court interpretation (*Attorney Gen. v. Brown*)

Relevant Case Law

DiLiddo v Oxford Street Realty, Inc., 876 N.E.2d 421 (Mass. 2007) (holding that the terms of the voucher program lease are requirements that cannot be rejected by landlords or their agents, and that agents can be held liable for discrimination; discriminatory animus is not required).

Attorney Gen. v. Brown, 511 N.E.2d 1103 (Mass. 1987) (finding that because a landlord did not discriminate against a Section 8 voucher holder “solely” on the basis of the tenant’s status as a participant in the program, that the landlord’s actions were lawful. The legislature subsequently removed “solely” and added new language that made it unlawful for a landlord to discriminate either because the person is a housing subsidy recipient or because of any requirements of the program.).

Clemons v. Niedzwiecki, Mass. Housing Court, docket no 15-cv-0488 (2016) (no discriminatory animus necessary to prove violation of statute)

J.A. v. Lorilee I, LLC et al (D. Mass. 2018) (federal court reviews state statute and state court decisions to conclude that liability for discrimination under the statute does not require discriminatory animus against persons with housing subsidies; e.g., even good faith safety concerns are not a defense to discrimination)

Operative Language

Mass. Gen. Laws Ann. ch. 151B § 4:

“It shall be an unlawful practice: . . . For any person furnishing credit, services or rental accommodations to discriminate against any individual who is a recipient of federal, state, or local public assistance, including medical assistance, or who is a tenant receiving federal, state, or local housing subsidies, including rental assistance or rental supplements, because the individual is such a recipient, *or because of any requirement of such public assistance, rental assistance, or housing subsidy program.*” [emphasis added]

Enforcement

Massachusetts source of income discrimination law can be enforced through the Human Rights Commission or the Massachusetts Commission against Discrimination. A plaintiff can file a complaint with the Commission against Discrimination. If the Commission finds probable cause, then it can commence a suit against the offender. If the offender so chooses, this suit may be resolved in the Superior Court. Additionally, the injured party can substitute herself in this suit so as to seek damages against the landlord. Mass. Gen. Laws Ann. ch. 151B § 3(1-7).

Attorney's Fees

Mass. Gen. Laws Ann. ch. 151B § 9 requires that a prevailing petitioner be awarded reasonable attorney's fees and costs "unless special circumstances would render such an award unjust." See also, *Bandera v. City of Quincy*, 220 F. Supp. 2d 26 (D. Mass. 2002). (holding that mediation fees were includable as part of the reasonable attorney fees and costs allowed by court under Massachusetts civil rights statute).

Organizations Helping Victims of Discrimination

- **Massachusetts Commission Against Discrimination** (www.state.ma.us/mcad/)

Boston Office
(617) 994-6000
Springfield Office
(413) 739-2145

Worcester Office
(508) 799-8010
New Bedford Office
(508) 990-2390

Minnesota

Minnesota's source of income ("public assistance") law was enacted in 1990. It was later undermined by judicial interpretation in 2010 (*Edwards v. Hopkins Plaza Ltd. Partnership*)

Date Enacted

Minnesota's source of income ("public assistance") law was enacted in 1990.

Relevant Case Law

Edwards v. Hopkins Plaza Ltd. Partnership, 783 N.W.2d 171 (Minn. App., 2010) held that participation in Section 8 programs was voluntary and thus it is not "unlawful for property owners to either refuse to rent, or refuse to continue renting, to tenant-based Section 8 recipients based on a legitimate business decision not to participate in Section 8 programs."

Operative Language

MINN. STAT. ANN. § 363A.09:

“‘Status with regard to public assistance’ means the condition of being a recipient of federal, state, or local assistance, including medical assistance, or of being a tenant receiving federal, state, or local subsidies, including rental assistance or rent supplements.”

Enforcement:

In Minnesota, unfair discriminatory practice must be brought as a civil action pursuant to section 363A.33, subdivision 1, filed in a charge with the Department of Human Rights Commission pursuant to section 363A.07, subdivision 3. One may also file a private cause of action as granted in Sec. 363A.28.

- The department can issue complaints, receive and investigate charges alleging unfair discrimination, determine whether probable cause exists for a hearing, subpoena witnesses, take testimony, require production of materials for examination, attempt to eliminate unfair discriminatory practice (Sec. 363A.06).
- There is a private cause of action granted in Sec. 363A.28. Any person can either bring a civil action or file a verified charge with the commissioner.

Attorney’s Fees

Minn. Stat. Ann. § 363A.33 governs allocation of attorney’s fees and allows for an award of reasonable attorney’s fees to the prevailing party at the court’s discretion.

New Jersey

New Jersey law makes it illegal for a landlord to refuse to rent to a person because the person has a Section 8 voucher or another type of housing assistance. N.J. STAT. ANN. § 10:5-12(g). This applies to tenants who obtain Section 8 assistance while already tenants in a house or apartment and to tenants who are seeking to rent from a landlord for the first time. A landlord cannot refuse to accept rental assistance from a tenant and then turn around and sue to evict that tenant for nonpayment of rent. *See Franklin Tower One, L.L.C. v. N.M.*, 157 N.J. 602 (1999).

Date Enacted

The New Jersey Law Against Discrimination: N.J. STAT. ANN. §10:5-12 was amended in 2002 to include source of income discrimination.

Relevant Case Law

Bell v. Tower Mgmt. Services, L.P., A-3165-08T3, 2010 WL 2346651 (N.J. Super. Ct. App. Div. June 11, 2010). Reversing and remanding dismissal of complaint alleging SOI and reasonable accommodation violations by landlord refusing to accept housing subsidy for persons with disabilities because it didn’t meet annual income limitations. “The complaint clearly states a cause of action for discrimination based on the adoption of a policy that is allegedly not justified by business necessity but which allegedly has the impact of excluding almost all applicants who intend to pay their rent through an S-RAP subsidy.”

The leading case on section 8 voucher law, *Pasquince v. Brighton Arms Apartments*, 378 N.J. Super. 588 (App. Div. 2005), has not set positive precedent in the state, but is very fact specific. In *Pasquince*, the court held that a person with a Section 8 voucher could be denied an apartment if he/she had a poor credit history, even though the poor credit was a result of disability.

Franklin Tower One v. N.M., 157 N.J. 602 (1999) (upholding the statute stating that Section 8 vouchers are covered by source of income protection because the statute prohibits discrimination not only against source of income but also against the source of a lawful rent payment).

T.K. v. Landmark West, 802 A.2d 527, (N.J. Super. App., 2002) (finding that trial court did not violate statute and substitute its standards for landl'rd's business judgment in determining ten'nt's creditworthiness when it found that ten'nt's disputed credit problems were used by landlord as a pretext; though statute did not limit landlords from refusing to rent based on creditworthiness, it was up to trial court to make assessment of credibility).

Operative Language

N.J. STAT. ANN. §10:5-4 (2002):

“All persons shall have the opportunity to obtain employment, and to obtain all the accommodations, advantages, facilities, and privileges of any place of public accommodation, publicly assisted housing accommodation, and other real property without discrimination because of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, familial status, disability, nationality, sex or source of lawful income used for rental or mortgage payments, subject only to conditions and limitations applicable alike to all persons. This opportunity is recognized as and declared to be a civil right.”

Enforcement

Housing discrimination claims in New Jersey can be handled either administratively, through the New Jersey Division of Civil Rights, or via civil action.

Attorney's Fees

N.J. STAT. ANN. 10:5-27.1 governs attorney's fees and allows the prevailing party to be awarded “reasonable attorney's fees” but also includes a bad faith exception.

Organizations Helping Victims of Discrimination

Low-income New Jerseyans can get free legal help by calling toll-free hotline at 1-888-LSNJ-LAW (1-888-576-5529), Monday through Friday, 8:00 a.m. to 5:30 p.m. Outside of New Jersey; they can call 732-572-9100 and ask to be transferred to the hotline.

New York

Date Enacted: The “Lawful Source of Income Non-Discrimination Act of 2019 was added to the NY State Human Rights Law in April 2019

(<https://www.nysenate.gov/legislation/bills/2019/A6360>)

Operative Language: “THE TERM "LAWFUL SOURCE OF INCOME" SHALL INCLUDE, BUT NOT BE LIMITED TO, CHILD SUPPORT, ALIMONY, FOSTER CARE SUBSIDIES, INCOME DERIVED FROM SOCIAL SECURITY, OR ANY FORM OF FEDERAL, STATE, OR LOCAL PUBLIC ASSISTANCE OR HOUSING ASSISTANCE INCLUDING, BUT NOT LIMITED TO, SECTION 8 VOUCHERS, OR ANY OTHER FORM OF HOUSING ASSISTANCE PAYMENT OR CREDIT WHETHER OR NOT SUCH INCOME OR CREDIT IS PAID OR ATTRIBUTED DIRECTLY TO A LANDLORD, AND OTHER FORMS OF LAWFUL INCOME.” (Amd §§292 & 296, Exec L)

S 3. Paragraphs (a), (b) and (c) of subdivision 2-a of section 296 of the executive law, as amended by chapter 106 of the laws of 2003, are amended to read as follows:

(a) To refuse to sell, rent or lease or otherwise to deny to or withhold from any person or group of persons such housing accommodations because of the race, creed, color, disability, national origin, sexual orientation, military status, age, sex, marital status, [or] familial status, OR SOURCE OF INCOME of such person or persons, or to represent that any housing accommodation or land is not available for inspection, sale, rental or lease when in fact it is so available.

(b) To discriminate against any person because of his or her race, creed, color, disability, national origin, sexual orientation, military status, age, sex, marital status, [or] familial status, OR SOURCE OF INCOME in the terms, conditions or privileges of any publicly-assisted housing accommodations or in the furnishing of facilities or services in connection therewith.

(c) To cause to be made any written or oral inquiry or record concerning the race, creed, color, disability, national origin, sexual orientation, membership in the reserve armed forces of the United States or in the organized militia of the state, age, sex, marital status, [or] familial status, OR SOURCE OF INCOME of a person seeking to rent or lease any publicly-assisted housing accommodation; provided, however, that nothing in this subdivision shall prohibit a member of the reserve armed forces of the United States or in the organized militia of the state from voluntarily disclosing such membership.

S 4. Subdivision 5 of section 296 of the executive law, as amended by chapter 106 of the laws of 2003, is amended to read as follows:

5. (a) It shall be an unlawful discriminatory practice for the owner, lessee, sub-lessee, assignee, or managing agent of, or other person having the right to sell, rent or lease a housing accommodation,

constructed or to be constructed, or any agent or employee thereof:

(1) To refuse to sell, rent, lease or otherwise to deny to or withhold from any person or group of persons such a housing accommodation because of the race, creed, color, national origin, sexual orientation, military status, sex, age, disability, marital status, [or] familial status, OR SOURCE OF INCOME of such person or persons, or to represent that any housing accommodation or land is not available for inspection, sale, rental or lease when in fact it is so available.

(2) To discriminate against any person because of race, creed, color, national origin, sexual orientation, military status, sex, age, disability, marital status, [or] familial status, OR SOURCE OF INCOME in the terms, conditions or privileges of the sale, rental or lease of any such housing accommodation or in the furnishing of facilities or services in connection therewith.

(3) To print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for the purchase, rental or lease of such housing accommodation or to make any record or inquiry in connection with the prospective purchase, rental or lease of such a housing accommodation which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, sexual orientation, military status, sex, age, disability, marital status, [or] familial status, OR SOURCE OF INCOME, or any intent to make any such limitation, specification or discrimination.

Enforcement

The Act is incorporated into the general NY State Human Rights Law, which provides for administrative enforcement through the NY State Division of Human Rights, or court enforcement in the NY State trial courts.

Attorney's Fees

NY State Human Rights Law permits the award of both damages and attorneys fees in housing discrimination cases.

Organizations Helping Victims of Discrimination

NY State Division of Human Rights, (800) 496-4294

North Dakota

The North Dakota Code Chapter 14-02.4 and 14-02.5, the Human Rights laws and Housing Discrimination code, govern source of income discrimination (“status with regard to public assistance”). Source of income discrimination is specifically prohibited under N.D. CENT. CODE § 14-02.5-07, passed in 1999. It became the policy of North Dakota not to discriminate based on source of income in 1983 under N.D. CENT. CODE § 14-02.4-01.

Date Enacted

N.D. CENT. CODE, § 14-02.4-01 was passed in 1983
N.D. CENT. CODE § 14-02.5-07 was passed in 1999.

Operative Language:

N.D. CENT. CODE § 14-02.4-02:

“‘Status with regard to public assistance’ means the condition of being a recipient of federal, state, or local assistance, including medical assistance, or of being a tenant receiving federal, state, or local subsidies, including rental assistance or rent supplements.”

Enforcement

North Dakota’s source of income discrimination can be enforced through filing a complaint with the Human Rights Division within the Department of Labor, or by filing a private right of action. If the department determines that there is probable cause but cannot resolve the complaint through negotiations or conciliation, the department will provide for an administrative hearing.

Attorney’s Fees

§ 14-02.5-44 governs the allocation of attorney’s fees and provides for the allocation of “reasonable attorney’s fees” to the prevailing party.

Oklahoma

Oklahoma’s source of income discrimination statute, OKLA. ST. tit. 25, § 1452 was added by Laws 1985, c. 289, § 2 and amended by Laws 1991, c. 177, § 3.

Date Enacted

Oklahoma’s source of income discrimination law was added in 1985 and amended in 1991.

Operative Language

OKLA. ST. tit. 25, § 1452:

“A. It shall be an unlawful discriminatory housing practice for any person, or any agent or employee of such person:

. . . 8. To refuse to consider as a valid source of income any public assistance, alimony, or child support, awarded by a court, when that source can be verified as to its amount, length of time received, regularity, or receipt because of race, color, religion, gender, national origin, age, familial status, or handicap....”

Enforcement

Oklahoma’s source of income discrimination law may be enforced by filing a complaint with the Human Rights Commission or by filing a private cause of action suit within the required statutory period.

Attorney’s Fees

Attorney’s fees are governed by OKLA. ST. tit. 25, §1506.8, which provides for “reasonable attorney’s fees” to the prevailing party.

Oregon

Oregon’s law prohibiting unlawful discrimination in employment public accommodations and real property transactions, OR. REV. STAT. § 659A.421, was passed in 1995.

The Housing Choice Act of 2013 was passed in 2013 (HB 2639). It went into effect on July 1, 2014 (Oregon Laws Chapter 740).

- Amends ORS 659A.421(1)(d) to include federal rent subsidy payments under 42 U.S.C 1437f, and any other local, state, or federal housing assistance, in the definition of the term “source of income.”

Date Enacted:

2013

Operative Language

OR. REV. STAT. § 659A.421:

“Source of income” includes federal rent subsidy payments under 42 U.S.C. 1437f and any other local, state or federal housing assistance.”

“(2) A person may not, because of the race, color, religion, sex, sexual orientation, national origin, marital status, familial status or source of income of any person:

- (a) Refuse to sell, lease or rent any real property to a purchaser. This paragraph does not prevent a person from refusing to lease or rent real property to a prospective renter or prospective lessee:

(A) Based upon the past conduct of a prospective renter or prospective lessee provided the refusal to lease or rent based on past conduct is consistent with local, state and federal law, including but not limited to fair housing laws; or

(B) Based upon the prospective renter's or prospective lessee's inability to pay rent, taking into account the value of the prospective renter's or prospective lessee's local, state and federal housing assistance, provided the refusal to lease or rent based on inability to pay rent is consistent with local, state and federal law, including but not limited to fair housing laws.

(b) Expel a purchaser from any real property

(c) Make any distinction, discrimination or restriction against a purchaser in the price, terms, conditions or privileges relating to the sale, rental, lease or occupancy of real property or in the furnishing of any facilities or services in connection therewith.

(d) Attempt to discourage the sale, rental or lease of any real property to a purchaser.

(e) Publish, circulate, issue or display, or cause to be published, circulated, issued or displayed, any communication, notice, advertisement or sign of any kind relating to the sale, rental or leasing of real property that indicates any preference, limitation, specification or unlawful discrimination based on race, color, religion, sex, sexual orientation, national origin, marital status, familial status or source of income.

(f) Assist, induce, incite or coerce another person to commit an act or engage in a practice that violates this section.

(g) Coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of the person having exercised or enjoyed or having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this section.

(h) Deny access to, or membership or participation in, any multiple listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting dwellings, or discriminate against any person in the terms or conditions of the access, membership or participation.

(i) Represent to a person that a dwelling is not available for inspection, sale or rental when the dwelling in fact is available for inspection, sale or rental.

(j) Otherwise make unavailable or deny a dwelling to a person.

(3)(a) A person whose business includes engaging in residential real estate related transactions may not discriminate against any person in making a transaction available, or in the terms or conditions of the transaction, because of race, color, religion, sex, sexual orientation, national origin, marital status, familial status or source of income.

(b) As used in this subsection, "residential real estate related transaction" means any of the following:

(5) (A) The making or purchasing of loans or providing other financial assistance For purchasing, constructing, improving, repairing or maintaining a dwelling; or

(ii) Secured by residential real estate; or

(B) The selling, brokering or appraising of residential real property.

(4) A real estate licensee may not accept or retain a listing of real property for sale, lease or rental with an understanding that a purchaser may be discriminated against with respect to the sale, rental or lease thereof because of race, color, religion, sex, sexual orientation, national origin, marital status, familial status or source of income.

(5) A person may not, for profit, induce or attempt to induce any other person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, sexual orientation, national origin, marital status, familial status or source of income.”

Enforcement

Enforcement is governed by OR. REV. STAT. § 659A.825. The statute may be enforced by filing a complaint with the Bureau of Labor and Industries or by filing a private cause of action in circuit court. A complaint may similarly be filed by the Attorney General.

Attorney’s Fees

The allocation of attorney’s fees is governed by OR. REV. STAT. § 659A.885. Reasonable attorney’s fees are allowable at the court’s discretion subject to certain exceptions. In a housing discrimination case, the court “shall award reasonable attorney fees to the commissioner if the commissioner prevails in the action.” OR. REV. STAT. § 659A.885(8). The aggrieved party can also sue and recover compensatory damages or \$200, whichever is greater, punitive damages and attorney fees. *See* ORS 649A.885 (1) and (3).

Utah

Utah’s Fair Housing Act, UTAH CODE ANN. § 57-21-5, was passed in 1989 and amended to add source of income discrimination in 1993. In 2016, Utah introduced a bill which would explicitly exclude vouchers from their definition of source of income. After pressure from advocates, the state senate decided not to move forward with the bill.

Date Enacted

UTAH CODE ANN. § 57-21-5 was amended to add source of income discrimination in 1993.

Operative Language:

UTAH CODE ANN. § 57-21-5:

“(1) It is a discriminatory housing practice to do any of the following because of a per’ on’s race, color, religion, sex, national origin, familial status, source of income, or disability:

- (a) refuse to sell or rent after the making of a bona fide offer, refuse to negotiate for the sale or rental, or otherwise deny or make unavailable any dwelling from any person;
- (b) discriminate against any person in the terms, conditions, or privileges of the sale or rental of any dwelling or in providing facilities or services in connection with the dwelling; (c) represent to any person that any dwelling is not available for inspection, sale, or rental when in fact the dwelling is available.”

Enforcement:

Utah's source of income discrimination laws may be enforced pursuant to UTAH CODE ANN. § 57-21-(8-12) by filing a complaint with the Division of Antidiscrimination and Labor under the Labor Commission. One may also file a private right of action. A civil action may be filed by an individual or by the division.

Attorney's Fees

Reasonable attorney's fees are provided for under UTAH CODE ANN. § 57-21-11 at the court's discretion, whichever is greater, punitive damages and attorney fees. *See* ORS 649A.885 (1) and (3).

Vermont

Date Enacted

Vermont's source of income discrimination law VT. STAT. ANN. tit. 9, § 4503 was passed in 1987.

Statutory Language

VT. STAT. ANN. tit. 9, § 4503:

“(a) It shall be unlawful for any person

- (5) (1) To refuse to sell or rent, or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling or other real estate to any person because of the race, sex, sexual orientation, gender identity, age, marital status, religious creed, color, national origin, or handicap of a person, or because a person intends to occupy a dwelling with one or more minor children, or because a person is a recipient of public assistance.”

Enforcement:

Vermont source of income discrimination may be enforced pursuant to VT. STAT. ANN. tit. 9, § 4506 by filing a claim with the Human Rights Commission established under sec. 4551, or a private right of action in state or federal court. The commission has jurisdiction to investigate and enforce complaints of unlawful discrimination, including that based upon receiving public assistance.

Attorney's Fees: Under VT. STAT. ANN. tit. 9, § 4506 (b), “the court may award costs and reasonable attorney's fees to an aggrieved person who prevails in an action . . .”

Organizations Helping Victims of Discrimination

Vermont Legal Aid, Inc. is a non-profit organization that provides free civil legal services including for housing issues.
Phone: 800-889-2047

The Vermont Human Rights Commission is a Vermont State Agency that investigates and adjudicates charges of housing discrimination. It is a neutral body.
Phone: 800-416-2010

Champlain Valley Office of Economic Opportunity (CVOEO)'s Fair Housing Project does intake and referral of housing discrimination victims to the HRC and to VLA.
Phone: 802-862-2771

Washington

Washington's Residential-Landlord Tenant Act, WASH. REV. CODE §59.18, was amended to add a chapter that prohibits source of income discrimination. The law becomes effective on September 30, 2018.

<http://lawfilesexternal.wa.gov/biennium/2017-18/Pdf/Bills/Session%20Laws/House/2578-S2.SL.pdf#page=1>

Date Enacted

2018

Statutory Language

(1) A landlord may not, based on the source of income of an otherwise eligible prospective tenant or current tenant:

(a) Refuse to lease or rent any real property to a prospective tenant or current tenant, unless the: (i) Prospective tenant's or current tenant's source of income is conditioned on the real property passing inspection; (ii) written estimate of the cost of improvements necessary to pass inspection is more than one thousand five hundred dollars; and (iii) landlord has not received moneys from the landlord mitigation program to make the improvements;

(b) Expect a prospective tenant or current tenant from any real property;

(c) Make any distinction, discrimination, or restriction against a prospective tenant or current tenant in the price, terms, conditions, fees, or privileges relating to the rental, lease, or occupancy of real property or in the furnishing of any facilities or services in connection with the rental, lease, or occupancy of real property;

(d) Attempt to discourage the rental or lease of any real property to a prospective tenant or current tenant;

(e) Assist, induce, incite, or coerce another person to commit an act or engage in a practice that violates this section;

(f) Coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of the person having exercised or enjoyed or having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected under this section;

(g) Represent to a person that a dwelling unit is not available for inspection or rental when the dwelling unit in fact is available for inspection or rental; or

(h) Otherwise make unavailable or deny a dwelling unit to a prospective tenant or current tenant that, but for his or her source of income, would be eligible to rent real property.

(2) A landlord may not publish, circulate, issue, or display, or cause to be published, circulated, issued, or displayed, any communication, notice, advertisement, or sign of any kind relating to the rental or lease of real property that indicates a preference, limitation, or requirement based on any source of income.

(3) If a landlord requires that a prospective tenant or current tenant have a certain threshold level of income, any source of income in the form of a rent voucher or subsidy must be subtracted from the total of the monthly rent prior to calculating if the income criteria have been met.

(4) A person in violation of this section shall be held liable in a civil action up to four and one-half times the monthly rent of the real property at issue, as well as court costs and reasonable attorneys' fees.

(5) As used in this section, "source of income" includes benefits or subsidy programs including housing assistance, public assistance, emergency rental assistance, veterans benefits, social security, supplemental security income or other retirement programs, and other programs administered by any federal, state, local, or nonprofit entity. "Source of income does not include income derived in an illegal manner.

Enforcement

Individuals can file a private civil suit in court. The Washington State Attorney General does not have the authority to enforce the Residential Landlord-Tenant Act.

Attorney's Fees

Yes. "A person in violation of this section shall be held liable in a civil action...as well as court costs and reasonable attorneys' fees."

Organizations Helping Victims of Discrimination

Fair Housing Center of Washington serves western and central Washington.
Northwest Fair Housing Alliance serves eastern Washington.

Wisconsin

WIS. STAT. § 106.50 was amended in 1980 to include lawful source of income discrimination protection and authorizes the Department to promulgate such rules as are necessary to carry out this section. Lawful source of income includes: wages, a voucher having monetary value, social security, public assistance or other related payments. However, the Wisconsin law has been interpreted to exclude Section 8 federal rent assistance from the definition of lawful source of income. *See Knapp v. Eagle Property Management Corp.*, 54 F.3d 1272 (Wis. 1995).

Date Enacted

1980

Relevant Case Law

Knapp v. Eagle Property Management Corp., 54 F.3d 1272 (Wis. 1995) (finding that Section 8 federal rent assistance vouchers were not “lawful source of income” within meaning of Wisconsin Open Housing Act provision prohibiting landlords from discriminating in housing on basis of lawful source of income).

Metropolitan Milwaukee Fair Housing Council v. South Side Spirit, ERD Case No. 9052484 (August 26, 1992) (finding a violation of sec. 101.22 (2) (d), Stats. by publishing an advertisement which stated or indicated discrimination).

Fernandez-Tome v. Joseph (LIRC, 07/25/90) (finding a violation of the statute where Respondent stated he preferred “to rent to “two working people” where complainant was known to accept social security).

Statutory Language

WIS. STAT. § 106.50 - Open housing

“(1) Intent. It is the intent of this section to render unlawful discrimination in housing. It is the declared policy of this state that all persons shall have an equal opportunity for housing regardless of sex, race, color, sexual orientation, disability, religion, national origin, marital status, family status, lawful source of income, age or ancestry and it is the duty of the political subdivisions to assist in the orderly prevention or removal of all discrimination in housing through the powers granted under ss. 66.0125 and 66.1011. . . .”

“...1(m) Definition: (h) “Discriminate” means to segregate, separate, exclude or treat a person or class of persons unequally in a manner described in sub. (2), (2m) or (2r) because of sex, race, color, sexual orientation, disability, religion, national origin, marital status, family status, lawful source of income, age or ancestry.”

Enforcement

Wisconsin's source of income discrimination law may be enforced by filing a complaint with the Equal Rights Division, or by filing a private cause of action in court. Individuals can file complaints charging discrimination violations.

Attorney's Fees

Wis. STAT. §106.50(6) allows for reasonable attorney's fees for the prevailing complainant.

Organizations Helping Victims of Discrimination

Metropolitan Milwaukee Fair Housing Council

- Fair Housing Council can help one understand one's rights under the law and outline a variety of ways to pursue a complaint.
- To determine if a Fair Housing Council serves your area of the state, contact the Metropolitan Milwaukee Fair Housing Council at (414) 278-1240.

LOCAL ORDINANCES

Cities/Counties in California

Although an earlier trial court case in Los Angeles (2006) had raised the issue of state preemption of local source of income discrimination laws, a more recent appellate court case has clarified that local California source of income discrimination laws are not preempted by state law. See *City and County of San Francisco et. al. v. Chuck M. Post et al.*, 22. Cal. App. 5th 121 (Cal. Ct. App. 2018).

Berkeley:

Citation: Berkeley Municipal Code Title 13 Ch. 13.31

(<https://www.codepublishing.com/CA/Berkeley/html/Berkeley13/Berkeley1331/Berkeley1331.html>)

Date enacted: July 25, 2017

Operative Language: ““Source of income” includes any lawful source of income or rental assistance from any Federal, State, local or non-profit-administered benefit or subsidy program including, but not limited to, the Section 8 voucher program.” (Sec. 13.31.020)

Exemptions for certain property types: No

Administrative complaint, private action, or both: Both

Identifies enforcement agency: No

Injunctive relief, damages, civil penalties or attorney’s fees: All. Civil penalties: “The court may award in addition thereto not less than two hundred dollars (\$200.00) but not more than four hundred dollars (\$400.00), together with attorney’s fees, costs of action, and punitive damages. Civil actions filed pursuant to this section must be filed within one year of the alleged violations. 2. Any person who violates any provision of this chapter or who aids in the violation of any provision of this chapter shall be liable for a separate civil action for each provision of this chapter that he or she violates, and for each instance in which he or she violates a provision of this chapter.”

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

Corte Madera:

Citation: Corte Madera Code of Ordinances Title 5 Ch. 5.30
(https://library.municode.com/ca/corte_madera/codes/code_of_ordinances)

Date enacted: 2000

Operative Language: “It is unlawful for the owner or manager of rental housing to discriminate against an existing tenant on the basis of that tenant's use of a Section 8 rent subsidy. It is a violation of this prohibition for a property owner or manager to refuse to accept a Section 8 rent subsidy for which an existing tenant qualifies, or to terminate the tenancy of an existing tenant based on the property owner” or manager's refusal to participate in a Section 8 rent subsidy program for which an existing tenant has qualified.” (Sec. 5.30.020)

Exemptions for certain property types: “Nothing in this chapter shall be construed to apply to rental or leasing of any housing unit located in a structure or on the same property containing ten or fewer dwelling units.”

Administrative complaint, private action, or both: Administrative with limited right to private action (complainant must first offer to mediate the controversy)

Identifies enforcement agency: “Marin County Mediation Services, Fair Housing of Marin, or any free mediation service that the town may establish for this purpose in the future”

Injunctive relief, damages, civil penalties or attorney’s fees: Unknown

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

East Palo Alto:

Citation: East Palo Alto Code of Ordinances Title 14 Ch. 14.16
(https://library.municode.com/ca/east_palo_alto/codes/code_of_ordinances?nodeId=TIT14HO_C14.16INSEREHODI)

Date enacted: November 6, 2000

Operative Language: “For purposes of this subsection, ‘source of income’ means all lawful sources of income or rental assistance program, homeless assistance program, security deposit assistance program or housing subsidy program. Source of income includes any requirement of any such program or source of income or rental assistance.” (Sec. 14.16.010)

Exemptions for certain property types: “Nothing in this chapter shall be construed to apply to the rental or leasing of any housing unit in which the owner or any member of his/her family occupies one of the living units and (1) it is necessary for the owner to use either a bathroom or kitchen facility common with the prospective tenant, or (2) the structure contains fewer than three dwelling units.”

Administrative complaint, private action, or both: Private action

Identifies enforcement agency: No

Injunctive relief, damages, civil penalties or attorney’s fees: All. Civil penalties: “The court may award in addition thereto not less than two hundred dollars (\$200.00) but not more than four hundred dollars (\$400.00), together w’th attorney's fees, costs of action, and punitive damages.”

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

Fairfax:

Citation: Fairfax Code of Ordinances Title 5 Div. II Ch. 5.52

T([http://library.amlegal.com/nxt/gateway.dll/California/fairfax_ca/townoffairfaxcaliforniamunicipalcodeofor?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:fairfax_ca](http://library.amlegal.com/nxt/gateway.dll/California/fairfax_ca/townoffairfaxcaliforniamunicipalcodeofor?f=templates$fn=default.htm$3.0$vid=amlegal:fairfax_ca))

Date enacted: April 4, 2018

Operative Language: “SOURCE OF INCOME. All payments from a rental assistance program, homeless assistance program, security deposit assistance program or housing subsidy program, provided such funds are not paid directly to the tenant.” (Sec. 5.52.060)

Exemptions for certain property types: “(1) Nothing in this chapter shall be construed to apply to the rental or leasing of any housing unit in which the owner or any member of his/her family occupies one of the living units and it is necessary for the owner to use either a bathroom or kitchen facility common with the prospective tenant(s).”

Administrative complaint, private action, or both: Private action

Identifies enforcement agency: No

Injunctive relief, damages, civil penalties or attorney’s fees: All. Civil penalties: “The court may award in addition thereto not less than \$200 but not more than \$400, together w’th

attorney's fees, costs of action, and punitive damages. Civil actions filed pursuant to this section must be filed within one year of the alleged discriminatory acts.”

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

Los Angeles:

Citation: Los Angeles Municipal Code Ch. IV Sec. 1 Art. 5.6.1
(http://clkrep.lacity.org/onlinedocs/2018/18-0462_ord_draft_06-06-2019.pdf)

Date enacted: June 24, 2019 (effective January 1, 2020)

Operative Language: “**Source of Income.** Any lawful source of income, rental assistance, subsidy, or financial aid from any person, including but not limited to a federal, state or local government, or non-profit or charitable agency, whether paid directly to the program participant, landlord or his or her representative, including but not limited to the Section 8 voucher program, the Los Angeles Homeless Services Authority’s Rapid Re-Housing program or any other housing subsidy program, homeless assistance or prevention program or security deposit assistance program.” (Sec. 45.66)

Exemptions for certain property types: No

Administrative complaint, private action, or both: Private action

Identifies enforcement agency: No

Injunctive relief, damages, civil penalties or attorney’s fees: Injunctive relief, damages, and attorney’s fees

Landlord incentives: Incentives available for housing homeless individuals
(<http://home.hacla.org/hip>)

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: Risk mitigation funds for homeless individuals
(<http://home.hacla.org/hip>)

Provides tax abatement for HCV participation: No

Los Angeles County (unincorporated areas only):

Citation: Los Angeles County Code of Ordinances Ch. 858 (<http://Prrac.org/pdf/Los-Angeles-County-SOI-Ordinance.pdf>)

Operative Language: ““Source of Income” means any lawful source of income for rental payment from a rental assistance program, homeless assistance program, security deposit assistance program, or housing subsidy program from any federal, State or local government, or nonprofit or charitable agency, whether paid directly to the program participant, landlord or representative, including, but not limited to the Section 8 Housing Choice Vouchers Program, other federally-funded rental assistance programs, the Flexible Housing Subsidy Pool, and rapid re-housing rental assistance.” (Sec. 8.58.020)

Exemptions for certain property types: “The rental or leasing of any dwelling unit in which the owner or any member of his/her immediate family occupies one of the dwelling units and it is necessary for the owner to use either a bathroom or kitchen facility common with the Tenant.”

Administrative complaint, private action, or both: Private action

Identifies enforcement agency: No

Injunctive relief, damages, civil penalties or attorney’s fees: All

Landlord incentives: Incentives available for housing homeless individuals (http://file.lacounty.gov/SDSInter/dmh/246499_HACoLA.pdf)

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

Marin County:

Citation: Marin County Code of Ordinances Title 5 Ch. 5.53 (https://library.municode.com/ca/marin_county/codes/code_of_ordinances?nodeId=TIT5BUREL I_CH5.53INSEREHODI)

Date enacted: November 8, 2018 (amended to remove exception for owner-occupied structures March 21, 2017) (<https://www.marincounty.org/main/county-press-releases/press-releases/2017/cda-fairhousing-032117>)

Operative Language: “For purposes of this subsection, "source of income" means all lawful sources of income or rental assistance program, homeless assistance program, security deposit assistance program or housing subsidy program. Source of income includes any requirement of any such program or source of income or rental assistance.” (Sec. 5.53.010)

Exemptions for certain property types: No

Administrative complaint, private action, or both: Private action

Identifies enforcement agency: No

Injunctive relief, damages, civil penalties or attorney’s fees: All. Civil penalties: “The court may award in addition thereto not less than two hundred dollars but not more than four hundred dollars, together with attorney's fees, costs of action, and punitive damages. Civil actions filed pursuant to this section must be filed within one year of the alleged discriminatory acts.”

Landlord incentives: Access to a dedicated landlord liaison through a 24-hour hotline; enhanced security deposit beyond the standard tenant payments; access to special loans for property rehabilitation up to \$25,000 per unit; vacancy loss coverage in the event that an unforeseen vacancy should occur; waived building and planning permit fees for some repairs or improvements in the unincorporated area of the county.

(<https://www.marincounty.org/main/county-press-releases/press-releases/2016/cda-landlords-092916>)

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: Yes (<https://www.marincounty.org/main/county-press-releases/press-releases/2016/cda-landlords-092916>)

Provides tax abatement for HCV participation: No

Mill Valley:

Citation: Mill Valley Municipal Code Title 5 Ch. 5.33
(http://www.qcode.us/codes/millvalley/?view=desktop&topic=5-5_33)

Date enacted: 2005

Operative Language: “For purposes of this chapter, ‘source of income’ means all lawful sources of income or rental assistance program, security deposit assistance program or housing subsidy program.” (Sec. 5.33.020)

Exemptions for certain property types: “Nothing in this chapter shall be construed to apply to the rental or leasing of any housing unit in a multi-family development that contains five or fewer dwelling units.”

Administrative complaint, private action, or both: Administrative with limited right to private action (complainant must first offer to mediate the controversy)

Identifies enforcement agency: “Marin County Mediation Services, Fair Housing of Marin, or any free mediation service that the City may establish for this purpose in the future”

Injunctive relief, damages, civil penalties or attorney’s fees: Injunctive relief and damages

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

Novato:

Citation: Novato Code of Ordinances Ch. IV Sec. 4-16
(https://library.municode.com/ca/novato/codes/code_of_ordinances?nodeId=CHIVBUHO_4-16INSEREHODI)

Date enacted: September 11, 2018 (effective October 11, 2018)

Operative Language: ““Source of income” as used in this chapter means all payments from a rental assistance program, homeless assistance program, security deposit assistance program or housing subsidy program, provided such funds are not paid directly to the tenant.” (Sec. 4-16.8)

Exemptions for certain property types: “Nothing in this chapter shall be construed to apply to the rental or leasing of any housing unit in which the owner or any member of his/her family occupies one of the living units and it is necessary for the owner to use either a bathroom or kitchen facility common with the prospective tenant(s).”

Administrative complaint, private action, or both: Private action

Identifies enforcement agency: No

Injunctive relief, damages, civil penalties or attorney’s fees: All. Civil penalties: “The court may award in addition thereto not less than two hundred (\$200.00) dollars but not more than four hundred (\$400.00) dollars, together with attorney's fees, costs of action, and punitive damages.”

Landlord incentives: No

Language re: minimum income or HCV program features: “Nothing in this chapter shall be construed to prohibit a requirement for a guarantor or co-signer based on amount of income or credit worthiness.”

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

San Anselmo:

Citation: San Anselmo Code of Ordinances Title 10 Ch. 14
(https://library.municode.com/ca/san_anselmo/ordinances/code_of_ordinances?nodeId=928453)

Date enacted: December 11, 2018 (effective January 10, 2019)

Operative Language: “‘Source of income’ means all lawful sources of income or rental assistance program, homeless assistance program, security deposit assistance program or housing subsidy program. Source of income includes any requirement of any such program or source of income or rental assistance.” (Sec. 10.14.010)

Exemptions for certain property types: “Nothing in this chapter shall be construed to apply to the rental or leasing of any housing unit in which the owner or any member of his/her family occupies one (1) of the living units and (1) it is necessary for the owner to use either a bathroom or kitchen facility common with the prospective tenant, or (2) the structure contains fewer than three (3) dwelling units.”

Administrative complaint, private action, or both: Private action

Identifies enforcement agency: No

Injunctive relief, damages, civil penalties or attorney’s fees: All. Civil penalties: “The court may award in addition thereto not less than two hundred dollars (\$200.00) but not more than four hundred dollars (\$400.00), together with attorney’s fees, costs of action, and punitive damages.”

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

San Diego:

Citation: San Diego Municipal Code Ch. 9 Art. 8 Div. 8
(<http://docs.sandiego.gov/municode/MuniCodeChapter09/Ch09Art08Division08.pdf>)

Date enacted: September 18, 2018 (effective October 18, 2018)

Operative Language: “*Source of income* means all lawful, verifiable sources of income, or rental assistance from any federal, state, local, or nonprofit-administered benefit or subsidy

program, or any financial aid from any rental assistance program, homeless assistance program, security deposit assistance program, or housing subsidy program, whether paid directly to the program participant, landlord, or representative of either.” (Sec. 98.0802)

Exemptions for certain property types: “Nothing in this Division shall apply to any tenancy in which the owner or any member of his or her family resides within the same residential building as the tenant and the owner or family member share a bathroom or a kitchen facility with the tenant or prospective tenant.”

Administrative complaint, private action, or both: Private action

Identifies enforcement agency: No

Injunctive relief, damages, civil penalties or attorney’s fees: All

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

San Francisco:

Citation: San Francisco Police Code Art. 33 Sec. 3304 (https://sf-hrc.org/sites/default/files/Documents/Governing_Laws/Police_Code_Article_33_9_24_12.pdf)

Date enacted: July 31, 1998

Operative Language: “For purposes of this Subsection (a), source of income means all lawful sources of income or rental assistance from any federal, State, local, or nonprofit-administered benefit or subsidy program. "Source of income" also means a rental assistance program, homeless assistance program, security deposit assistance program or housing subsidy program. "Source of income" includes any requirement of any such program or source of income, or rental assistance.” (Sec. 3304)

Exemptions for certain property types: “Nothing in this Article shall be construed to apply to the rental or leasing of any housing unit in which the owner or any member of his or her family occupies one of the living units and: (1) it is necessary for the owner to use either a bathroom or kitchen facility in common with the prospective tenant; or (2) the structure contains less than three dwelling units”

Administrative complaint, private action, or both: Both

Identifies enforcement agency: Human Rights Commission

Injunctive relief, damages, civil penalties or attorney’s fees: All. Civil penalties: “In all cases, the court may award in addition thereto, not less than \$200 but not more than \$400, together with attorney's fees, costs of action, and punitive damages.”

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

Legal challenges: A challenge to the ordinance was brought in 2016, claiming that the ordinance was preempted by California’s FEHA (Fair Housing and Employment Act). The preemption argument was rejected by the trial court. The Appellate Division upheld the trial court decision, agreeing that the local ordinance was not preempted. First Appellate District, Div. 2. *City and County of San Francisco et. al. v. Chuck M. Post et al.*, 22 Cal. App. 5th 121 (Cal. Ct. App. 2018)

San Rafael:

Citation: San Rafael Code of Ordinances Title 10 Ch. 10.98
(https://library.municode.com/ca/san_rafael/codes/code_of_ordinances?nodeId=TIT10BUPROCINTR_CH10.98REHOSOINDI)

Date enacted: December 17, 2018

Operative Language: ““Source of income” as used in this chapter means all lawful sources of income and/or all payments from a rental assistance program, homeless assistance program, security deposit assistance program or housing subsidy program, provided such funds are not paid directly to the tenant.” (Sec. 10.98.020)

Exemptions for certain property types: No

Administrative complaint, private action, or both: Private action

Identifies enforcement agency: No

Injunctive relief, damages, civil penalties or attorney’s fees: All

Landlord incentives: No

Language re: minimum income or HCV program features: “Nothing in this chapter shall be construed to prohibit a requirement for a guarantor or cosigner based on amount of income or credit worthiness.”

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

Santa Clara County (unincorporated areas only):

Citation: Santa Clara Code of Ordinances Title B Div. B37
(https://library.municode.com/ca/santa_clara_county/codes/code_of_ordinances?nodeId=TITBRE_DIVB37AFHO)

Date enacted: April 15, 2017

Operative Language: “For purposes of this Division, "housing assistance" includes all housing and rental assistance programs, homeless assistance programs, security deposit assistance programs, and housing subsidy programs.” (Sec. B37-3)

Exemptions for certain property types: “Nothing in this Division shall be construed to apply to the rental or leasing of a dwelling unit that is occupied by its owner or members of his or her family and that has no more than a single roomer or boarder.”

Administrative complaint, private action, or both: Private action

Identifies enforcement agency: No

Injunctive relief, damages, civil penalties or attorney’s fees: Damages and attorney’s fees

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

Santa Monica:

Citation: Santa Monica Municipal Code Art. 4 Ch. 4.28. The Santa Monica ordinance was challenged in 2015 but the city prevailed and the ordinance remains in effect.
(http://www.qcode.us/codes/santamonica/view.php?topic=4-4_28-4_28_030)

Date enacted: May 2015

Operative Language: “For purposes of this part, “source of income” includes any lawful source of income or rental assistance from any federal, State, local or non-profit-administered benefit or subsidy program including, but not limited to, the Section 8 voucher program.” (Sec. 4.28.030)

Exemptions for certain property types: No

Administrative complaint, private action, or both: Private action

Identifies enforcement agency: No

Injunctive relief, damages, civil penalties or attorney's fees: All

Landlord incentives: “A signing bonus of \$5,000 will be awarded to the first 45 property owners of non-deed restricted, rent-controlled apartments who lease a vacant apartment to a new Santa Monica Housing Voucher holder.” (<https://beta.smgov.net/strategic-goals/inclusive-diverse-community/landlord-incentive-program>)

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: Yes (<https://beta.smgov.net/strategic-goals/inclusive-diverse-community/landlord-incentive-program>)

Provides tax abatement for HCV participation: No

Woodland:

Citation: Woodland Municipal Code Title 15 Ch. 15.16 Sec. 15.16.130
(<http://qcode.us/codes/woodland/>)

Date enacted: 2018

Operative Language: “Owner shall not discriminate based on any government rental subsidy, including but not limited to HUD Section 8 assistance. Tenants may utilize Section 8 vouchers to assist in renting inclusionary units; however, the rent levels collected for inclusionary units occupied by tenants using Section 8 vouchers shall remain at the affordable level determined pursuant to Section 6A-4-40 of Chapter 6A of this code”

Exemptions for certain property types:

Administrative complaint, private action, or both: Both, but must exhaust all administrative remedies before any court action can be filed.

Identifies enforcement agency: No

Injunctive relief, damages, civil penalties or attorney's fees: All

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation:

Cities in Colorado

Denver:

Citation: Denver Revised Municipal Code Ch. 3 Art. IV Sec. 28-95
(https://library.municode.com/co/denver/codes/code_of_ordinances?nodeId=TITIIREMUCO_C H28HURI_ARTIVPRDIEMHOCOSPPUACEDINHEWESE_S28-95DIPRREESTR)

Date enacted: August 6, 2018 (effective January 1, 2019)

Operative Language: “Source of income: Any lawful, verifiable source of income or housing assistance paid to or on behalf of a renter or buyer including, but not limited, to monies from any occupation or activity, from any contract, agreement, loan or settlement, from any court-ordered payments such as child support, from payments received as gifts, bequests, annuities or life insurance policies, or from federal, state or local payments, including disability benefits and housing choice vouchers or any other rent subsidy or rent assistance program and related program requirements.” (Sec. 28-92)

Exemptions for certain property types: “2) This section shall not apply to multiple-unit dwellings of not more than two dwelling units where at least one of the units is owner-occupied. 4) This article shall not apply to religious organizations or associations.”

Administrative complaint, private right of action, or both: Both, but must exhaust all administrative remedies before any court action can be filed.

Enforcement agency: The Agency for Human Rights and Community Partnerships

Injunctive relief, damages, civil penalties or attorney’s fees: Injunctive relief, civil penalties, and damages. Civil penalties of up to \$5,000

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

Cities in Delaware

Wilmington:

Citation: Wilmington City Code Ch. 35 Art. III
(https://library.municode.com/de/wilmington/codes/code_of_ordinances?nodeId=PTIIWICO_C H35HURI ARTIIFAHO)

Date enacted: 1998

Operative Language:

“Fixed income means unearned income and shall include pension income, social security benefits and any other income from other than gainful employment.

Unlawful acts: “Except as provided in section 35-80 it shall be an unlawful practice for any person because of race, age, marital status, creed, color, sex, sexual orientation, handicap, national origin, or economic or family status to: (1) Refuse to sell or rent to those who are welfare recipients, or who are dependent upon other fixed incomes, or to a parent with minor children, or to handicapped persons, if such refusal is based only upon the status of the applicant as stated above. . . .” (Sec. 35-76)

Exemptions for certain property types: Religious organizations

Administrative complaint, private right of action, or both: Administrative complaint (but see Sec. 35-86)

Enforcement agency: Division of Human Relations

Injunctive relief, damages, civil penalties or attorney’s fees: Civil penalties up to \$2,500

Landlord incentives: No

Language re: minimum income or HCV program features: Exception to fixed income discrimination includes inability to pay: “Refusal (to sell or rent) must be based upon the grounds that indicate inability to pay, poor payment record at previous occupancy or a documented record of destruction at previous place of occupancy.” (Sec 35-78). ““Inability to pay” means that if the amount of rent to be charged for lease of the premises is more than 40 percent of a prospective tenant’s net income, there shall be a conclusive presumption of inability of such person to pay such rent. Conversely, if the amount of such rent is equal to 40 percent or less of such prospective tenant’s net income, there shall be a conclusive presumption that such person does have the ability to pay such rent.” (Sec. 35-76)

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

Counties in Florida

Broward County:

Citation: Broward County Code of Ordinances Ch. 16 ½ Art. III Div. 3

(https://library.municode.com/fl/broward_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH16_1-2HURI_ARTIIDIPR_DIV3DIREESTR)

Date enacted: December 5, 2017

Operative Language: “*Lawful source of income* means the origin or cause of a legal gain or recurrent benefit, often measured in money or currency, including, but not limited to, income derived from social security, supplemental security income, child support, alimony, veteran's benefits, disability benefits, unemployment, pension and retirement benefits, an annuity, a gift, an inheritance, the sale or pledge of or interest in property, or any form of federal, state, or local public, food, or housing assistance or subsidy, including assistance from the Supplemental Nutrition Assistance Program (SNAP) and the Housing Choice Voucher Program or "Section 8" vouchers, whether such income is received directly or indirectly by the renter or purchaser and even if such income includes additional federal, state, or local requirements.” (Sec. 16 1/2 -3)

Exemptions for certain property types:

“(1) Any single-family house sold or rented by its private, individual owner, provided that such owner does not: a. Own more than three such single-family houses at any one time; or b. Own any interest in, nor is there owned or reserved on his or her behalf, under any express or voluntary agreement, title to or any right to any part of the proceeds from the sale or rental of more than three single-family houses at any one time.

(2) The sale or rental of any such single-family house shall be exempted only if the house is sold or rented without: a. The use of the sales or rental facilities, or services for sale or rental, of any real estate broker, agent, or salesperson or any person in the business of selling or renting a dwelling, or of any employee or agent of such; and b. The making, printing, publication, posting, or mailing of any advertisement or written notice in violation of this section.

Nothing in this section prohibits the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer title to real property.

(3) The sale or rental of rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies any such living quarters as his or her residence. For the purposes of this section, a person is deemed to be in the business of selling or renting dwellings if: a. He or she has, within the preceding twelve months, participated as a principal in three or more transactions involving the sale or rental of any dwelling or interest therein; b. He or she has, within the preceding twelve months, participated as an agent, other than in the sale or rental of his or her own personal residence, in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or interest therein; or c. He or she is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.”

Administrative complaint, private right of action, or both: Both

Identifies enforcement agency: Human Rights Board

Injunctive relief, damages, civil penalties or attorney’s fees: All. “Eleven thousand dollars (\$11,000) if the respondent has been adjudged by order of the Board to have committed a prior discriminatory housing practice; (2) Except as provided in subparagraph (d) below, twenty-seven thousand five hundred dollars (\$27,500) if the respondent has been adjudged by order of the Board to have committed one (1) other discriminatory housing practice during the five-year period ending on the date of the filing of the charge; and (3) Except as provided by subparagraph (d) below, fifty-five thousand dollars (\$55,000) if the respondent has been adjudged by order of the Board to have committed two (2) or more discriminatory housing practices during the seven-year period ending on the date of the filing of the charge.”

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

Miami-Dade County:

Citation: Miami-Dade County Code of Ordinances Ch. 11A Art. II Sec. 11A-12
(https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH11ADI_ARTIHO_S11A-12UNHOPR)

Date enacted: August 3, 2009 (updated November 5, 2014)

Operative Language: “*Source of income* shall mean the lawful, verifiable income paid directly to a tenant or paid to a representative of a tenant, including, but not limited to, Section 8 Housing Choice Vouchers, Supplemental Security Income, Social Security, pensions and other retirement benefits.” (Sec. 11A-11)

Exemptions for certain property types: Owner-occupied four-family dwellings, religious organizations and other limited exemptions

Administrative complaint, private right of action, or both: Both

Enforcement agency: Commission on Human Rights

Injunctive relief, damages, civil penalties or attorney’s fees: All. Civil penalties: “(a)Up to ten thousand dollars (\$10,000.00) if the respondent has not previously been found guilty of a violation of this article;(b)Up to twenty-five thousand dollars (\$25,000.00) if the respondent has been found guilty of one (1) prior violation of this article within the preceding five (5) years prior to filing of a complaint;(c)Up to fifty thousand dollars (\$50,000.00) if the respondent has

been found guilty of two (2) or more violations of this article within the preceding seven (7) years prior to filing of a complaint.”

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

Cities/Counties in Illinois

Chicago:

Citation: Municipal Code of Chicago Title 5 Ch. 5-8 Sec. 5-8-040
([http://library.amlegal.com/nxt/gateway.dll/Illinois/chicago_il/municipalcodeofchicago?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:chicago_il](http://library.amlegal.com/nxt/gateway.dll/Illinois/chicago_il/municipalcodeofchicago?f=templates$fn=default.htm$3.0$vid=amlegal:chicago_il))

Date enacted: 1990

Operative Language: ““Source of income” means the lawful manner by which an individual supports himself or herself and his or her dependents.” (Sec 2-160-020)

Exemptions for certain property types: Religious organizations

Administrative complaint, private right of action, or both: Administrative; private right of action unclear (“Nothing herein contained shall be construed so as to preclude any aggrieved person from pursuing such other and further legal and equitable relief to which he may be entitled.”)

Enforcement agency: Chicago Commission on Human Relations

Injunctive relief, damages, civil penalties or attorney’s fees: All. Civil penalties limited to \$500 per violation

Landlord incentives: Yes

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: Yes – under Illinois code, see Section 3 of this document below

Cook County:

Citation: Cook County Human Rights Ordinance Ch. 42 Art. II Sec. 42-38
(https://library.municode.com/il/cook_county/codes/code_of_ordinances?nodeId=PTIGGEOR_CH_42HURE_ARTIIHURI_S42-38HO)

Date enacted: May 8, 2013 (effective 60 days after)

Operative Language: “*Source of income* means the lawful manner by which an individual supports himself or herself and his or her dependents.” (Sec. 42-31)

Exemptions for certain property types: Religious organizations; “rental of a room or rooms in a private home by an owner if the owner or a member of the owner's family resides therein or, while absent for a period of not more than 12 months, if the owner or a member of the owner's family intends to return to reside therein.”

Administrative complaint, private action, or both: Both

Identifies enforcement agency: Cook County Commission on Human Rights

Injunctive relief, damages, civil penalties or attorney's fees: All. Civil penalties: “of not less than \$100 and not more than \$500 for each offense. Every day that a violation shall continue shall constitute a separate and distinct offense.”

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: Yes – under Illinois code, see Section 3 of this document below

Harwood Heights:

Citation: Harwood Heights Municipal Code Title 19
(https://library.municode.com/il/harwood_heights/codes/code_of_ordinances?nodeId=TIT19FAHO)

Date enacted: August 13, 2009

Operative Language: “Discrimination against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of factors set forth in Section 19.04.010.” (Sec. 19.08.010)

“It is declared to be the public policy of the village and the purpose of this chapter, in the exercise of its power to regulate for the protection of the public health, safety, morals and

welfare, and to maintain and promote commerce and good government in the village and to acknowledge the value of diversity within the village, to assure fair housing and freedom from the effects of residential segregation by race, color, creed, sex, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, source of income, gender identity, or housing status, to promote population diversity in a free and open community, to secure for all persons in the village equal opportunities to view, purchase, lease, rent or otherwise occupy real estate without discrimination, and to secure for its citizens the economic, social and professional benefits of living in an integrated society.” (Sec. 19.04.010)

Exemptions for certain property types: Single rooms in owner-occupied single-family dwellings and religious organizations

Administrative complaint, private action, or both: Administrative

Identifies enforcement agency: Village of Harwood Heights Board of Trustees

Injunctive relief, damages, civil penalties or attorney’s fees: All. Civil penalties between \$100 and \$500 for each violation.

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: Yes – under Illinois code, see Section 3 of this document below

Naperville:

Citation: Naperville Code of Ordinances Title 10 Ch. 5 Sec. 10-5-1
(https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT10PORE_CH5FAHO)

Date enacted: June 6, 2000

Operative Language: “LEGAL SOURCE OF INCOME: Any lawful income, subsidy or benefit with which an individual supports himself or herself and his or her dependents, including but not limited to, child support, maintenance, and any federal, state or local public assistance, medical assistance or rental assistance program.” (Sec. 10-5-2)

Exemptions for certain property types: No

Administrative complaint, private action, or both: Administrative with limited right to private action (“Nothing in this Subsection shall be construed as prohibiting the complainant from taking independent legal or administrative action against the respondent for any violation of this Chapter or any other applicable law or ordinance.”)

Identifies enforcement agency: Housing Advisory Commission

Injunctive relief, damages, civil penalties or attorney’s fees: Injunctive relief and civil penalties between \$1,000 and \$5,000 for each offense.

Landlord incentives: No

Language re: minimum income or HCV program features: “(1) Nothing in this Chapter prevents an owner or agent acting in good faith from taking into consideration factors other than legal sources of income such as credit history, criminal history or reference; (2) nothing in this Chapter shall require or prevent any person whose property, upon inspection by the Housing Authority, fails to meet federal housing quality standards in connection with the federal Housing Choice Voucher program to lease or rent a unit to a prospective tenant who is relying on such subsidy, payment assistance contribution or voucher for payment of part or all of the rent for such unit; (3) in addition, in such time as a landlord is waiting for an inspection or other agency response relative to a Housing Choice Voucher participant's application for rental of the landlord's housing unit, this Chapter shall not prohibit such landlord from choosing to rent such unit to another applicant who may or may not be a Housing Choice Voucher participant.”

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: Yes – under Illinois code, see Section 3 of this document below

Urbana:

Citation: Urbana Code of Ordinances Ch. 12 Art. III Div. 1 Sec. 12-37
(https://library.municode.com/il/urbana/codes/code_of_ordinances?nodeId=COOR_CH12HURI_ARTIIIIDI)

Date enacted: 1996

Operative Language: “*Source of Income.* The point or form of the origination of legal gains of income accruing to a person in a stated period of time; from any occupation, profession or activity, from any contract, agreement or settlement, from federal, state or local payments, including Section 8 or any other rent subsidy or rent assistance program, from court ordered payments or from payments received as gifts, bequests, annuities or life insurance policies.” (Sec. 12-39)

Exemptions for certain property types: Owner-occupied dwellings and religious organizations

Administrative complaint, private action, or both: Administrative

Identifies enforcement agency: City of Urbana Human Relations Commission

Injunctive relief, damages, civil penalties or attorney's fees: Injunctive relief and civil penalties up to \$500 for each violation

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: Yes – under Illinois code, see Section 3 of this document below

Wheeling (does not cover housing vouchers):

Citation: Wheeling Code of Ordinances Ch. 6.14
(https://library.municode.com/il/wheeling/codes/code_of_ordinances?nodeId=TIT6HURI_CH6.14REESFAHO)

Date enacted: 1995

Operative Language: ““Source of income” means the lawful manner by which an individual supports himself or herself and his or her dependents.” (Sec. 6.04.190)

Exemptions for certain property types: HCVs and religious organizations (Sec. 6.14.100)

Administrative complaint, private action, or both: Administrative

Identifies enforcement agency: City of Wheeling Human Rights Commission

Injunctive relief, damages, civil penalties or attorney's fees: Unknown

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: Yes – under Illinois code, see Section 3 of this document below

Cities in Iowa

Des Moines:

Citation: Des Moines Code of Ordinances Ch. 62 (<http://Prrac.org/pdf/Des-Moines-SOI-Ordinance.pdf>)

Date enacted: May 9, 2019 (effective September 1, 2019)

Operative Language: “Sources of income: Any sources of income or support received directly or indirectly on behalf of a renter or buyer of housing to purchase or rent housing. It includes any pension, annuity, child support, or alimony, or any tax supported federal, state or local funds, including social security, supplemental security income temporary assistance, general relief, food stamps, unemployment compensation, housing choice voucher rent subsidies or similar programs.”

Exemptions for certain property types: “(1) The rental or leasing of a dwelling in a building which contains dwellings for not more than two families living independently of each other, if the owner resides in one of such dwellings. (2) Any bona fide religious institution with respect to any qualifications it may impose based on religion, sexual orientation, or gender identity when such qualifications are related to a bona fide religious purpose, unless the religious institution owns or operates property for a commercial purpose or membership in the religion is restricted on account of race, color or national origin. (3) The rental or leasing of less than four rooms within a single dwelling by the occupant or owner of such dwelling, if the occupant or owner resides in the dwelling. (5) The rental or leasing of a dwelling in a building which contains dwellings for not more than four families living independently of each other, if the owner resides in one of the dwellings for which the owner qualifies for the homestead tax credit under I.C. § 425.1.”

Administrative complaint, private action, or both: Administrative with limited right to private action. “(1) The election must be made not later than 20 days after the date of receipt by the electing person of service under subsection 62-4(h)(2) of this chapter, or for the human rights commission not later than 20 days after the date of such service. (2) The person making the election shall give notice to the commission and to all other complainants and respondents to whom the election relates. (3) The election to have the charges of a complaint decided in a civil action as provided in this subsection is only available if it is alleged that there has been a violation of section 62-101 or 62-102 of this article.” (Sec. 62-106)

Identifies enforcement agency: Des Moines Civil and Human Rights Commission.

Injunctive relief, damages, civil penalties or attorney’s fees: All. Civil penalties up to fifty thousand dollars for a first violation and one hundred thousand dollars for a second or subsequent violation.

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

Iowa City:

Citation: Iowa City Code Title 2 Ch. 3 Sec. 2-3-5

(https://www.sterlingcodifiers.com/codebook/getBookData.php?chapter_id=76455#s1136177)

Date enacted: December 15, 2015

Operative Language: “PUBLIC ASSISTANCE SOURCE OF INCOME: Income and support derived from any tax supported Federal, State or local funds, including, but not limited to, social security, supplemental security income, temporary assistance for needy families, family investment program, general relief, food stamps, and unemployment compensation, housing choice voucher subsidies and similar rent subsidy programs.” (Sec. 2-1-1)

Exemptions for certain property types: Religious organizations; “the rental or leasing of four (4) or fewer rooms within a single dwelling by the owner of such dwelling, if the owner resides therein, and rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner occupies the premises, or some portion thereof, and actually resides therein.”

Administrative complaint, private action, or both: Administrative

Identifies enforcement agency: Iowa City Human Rights Commission

Injunctive relief, damages, civil penalties or attorney’s fees: All

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

Marion:

Citation: Marion Code of Ordinances Ch. 31.18

(<http://www.cityofmarion.org/home/showdocument?id=4238>)

Date enacted: 2000

Operative Language: “Prohibitions/Unfair or Discriminatory Practices – Housing. It is an unfair or discriminatory practice for any person, owner of rights to housing or real property, or a

person acting for an owner of rights to housing or real property, with or without compensation, including (but not limited to) persons licensed as real estate brokers or salespersons, attorneys, auctioneers, architects, builders, developers, agents, or representatives by power of attorney or appointment, or any person acting under court order, deed of trust, or will – collectively referred to in this chapter as a “housing provider”:

[...] F. To discriminate against an individual who is receiving or has a Federal, State or local housing subsidy, including rental assistance or Section 8 vouchers, because the individual is such a recipient or because of any requirement of such rental assistance or housing subsidy or voucher program, subject to the exemptions in Section 31.21 of this chapter.”

Exemptions for certain property types: No

Administrative complaint, private action, or both: Administrative

Identifies enforcement agency: Marion Civil Rights Commission

Injunctive relief, damages, civil penalties or attorney’s fees: All. Civil penalties: must not exceed “(1) \$10,000 if the respondent has not been adjudged by the order of the commission or a court to have committed a prior discriminatory housing or real estate practice. (2) Except as provided by paragraph “c”, \$25,000 if the respondent has been adjudged by order of the commission or a court to have committed one other discriminatory housing or real estate practice during the five-year period ending on the date of the filing of the complaint. (3) Except as provided by paragraph “c”, fifty thousand dollars if the respondent has been adjudged by order of the commission or a court to have committed two or more discriminatory housing or real estate practices during the seven-year period ending on the date of the filing of the complaint.” (Code of Iowa Ch. 216.15A)

Landlord incentives: No

Language re: minimum income or HCV program features: “The protection against lawful source of income discrimination shall not prohibit a person from: 2. Determining the ability of any potential buyer or renter to pay a purchase price or pay rent by: A. Verifying, in a commercially reasonable manner, the source and amount of income of the potential buyer or renter, including any rental or purchase payments or portions of rental or purchase payments that will be made by other individuals, organizations or voucher and rental assistance payment programs on the same basis as payments to be made directly by the potential buyer or renter B. Evaluating, in a commercially reasonable manner, the prospective stability, security and credit worthiness of the potential buyer or renter or any source of income of the potential buyer or renter, including any rental or purchase payments or portions of rental or purchase payments that will be made by other individuals, organizations or voucher and rental assistance payment programs.”

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

Cities/Counties in Maryland

Annapolis:

Citation: Annapolis Code of Ordinances Ch. 11.32.030
(https://library.municode.com/md/annapolis/codes/code_of_ordinances?nodeId=TIT11PUPEMOWE_CH11.32FAHO_11.32.020DE&showChanges=true)

Date enacted: April 13, 2009

Operative Language: ““Source of income” means any lawful verifiable source of money paid directly or indirectly to a renter or buyer of housing including: 1. Income received through any lawful profession or occupation; 2. Federal, state, or local government assistance including, but not limited to, Section 8 housing choice vouchers, medical assistance subsidies, rental assistance, or rent supplements; 3. Any gift, inheritance, pension, annuity, alimony, child support, trust or investment accounts. A gift may only be considered income where it is verified by a letter or other means and unless it is recurring throughout a tenancy, may only support one time only expenses including a security deposit, pet fee, or other such fees, or other consideration or benefit; and 4. Any sale or pledge of property where the sale or pledge of property will result in proceeds inuring to the recipient's benefit within sixty days of the application to rent or purchase a property, or interest in property.”

Exemptions for certain property types: Rental or leasing of a room or rooms in a personal residence and religious organizations.

Administrative complaint, private action, or both: Administrative

Identifies enforcement agency: Annapolis Human Relations Commission

Injunctive relief, damages, civil penalties or attorney’s fees: All

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

Baltimore:

Citation: Baltimore City Code Art. 4 Sec. 3-5
(<http://ca.baltimorecity.gov/codes/Art%2004%20-%20CommunRel.pdf>)

Date enacted: April 12, 2019

Operative Language: ““Source of income”, as used in § 3-5 {“Housing”} of this article, means any lawful source of money paid directly or indirectly to, or on behalf of, a renter or buyer of housing. (2) Inclusions. “Source of income” includes income from: (i) a lawful profession, occupation, or job; (ii) any government or private assistance, grant, loan, or rental assistance program, including low-income housing assistance certificates and vouchers issued under the United States Housing Act of 1937; or (iii) a gift, an inheritance, a pension, an annuity, alimony, child support, or other consideration or benefit.” (Sec. 1-2)

Exemptions for certain property types: Religious organizations; “(1) to the rental of a dwelling unit in a building which contains not more than 4 dwelling units, provided the owner resides in 1 of the units; (2) to the rental of not more than 2 rooming units in a dwelling unit by any person if the person resides in the dwelling unit”

Administrative complaint, private action, or both: Administrative

Identifies enforcement agency: Baltimore Equal Opportunity Commission

Injunctive relief, damages, civil penalties or attorney’s fees: Injunctive relief, damages, and civil penalties. Civil penalties: “[T]he Commission may also impose a civil penalty of not more than \$1,000, and each day that a violation continues constitutes a separate offense, with maximum amounts assessable as follows: (i) in an amount not exceeding \$10,000, if the respondent has not been adjudged to have committed any prior discriminatory housing practice; (ii) in an amount not exceeding \$25,000, if the respondent has been adjudged to have committed 1 other discriminatory housing practice during the 5-year period ending on the date of the filing of this complaint; and (iii) in an amount not exceeding \$50,000, if the respondent has been adjudged to have committed 2 or more discriminatory housing practices during the 7-year period ending on the date of the filing of this complaint; except that if the acts constituting the discriminatory housing practice that is the object of the complaint are committed by the same natural person who has been previously adjudged to have committed acts constituting a discriminatory housing practice, then the civil penalties set forth in subparagraphs (ii) and (iii) may be imposed without regard to the period of time within which any subsequent discriminatory housing practice occurred.”

Landlord incentives: No

Language re: minimum income or HCV program features: “(a-1) Source of income exception. (1) Qualifying housing development defined. In this subsection, “qualifying housing development” means a development consisting of 5 or more contiguous rental dwelling units in which 20% or more of the dwelling units are rented to persons whose source of income is derived in whole or in part from housing assistance certificates or vouchers issued under the United States Housing Act of 1937. (2) Exception. The prohibitions in subsection (a) of this section, as they relate to source of income, do not apply to a qualifying housing development in Baltimore City.”

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

Frederick:

Citation: Frederick City Code Appendix F Sec. 1

(https://library.municode.com/md/frederick/codes/code_of_ordinances?nodeId=PTIITHCO_AP_XFHODI)

Date enacted: May 16, 2002

Operative Language: “‘Source of Income’ means any lawful, verifiable source of money paid directly or indirectly to a renter or buyer of housing including: (1) Any lawful profession or occupation; (2) The condition of being a recipient of federal, state, or local government assistance, including medical assistance, subsidies, rental assistance, or rent supplements; (3) Any gift, inheritance, pension, annuity, alimony, child support, trust or investment accounts, or other consideration or benefit; and (4) Any sale or pledge of property or interest in property.” (Sec. 2)

Exemptions for certain property types: Owner-occupied four-unit dwellings and religious organizations

Administrative complaint, private action, or both: Administrative

Identifies enforcement agency: Frederick Fair Housing Commission

Injunctive relief, damages, civil penalties or attorney’s fees: Injunctive relief, damages, and civil penalties up to \$500 if the violation was willful

Landlord incentives: No

Language re: minimum income or HCV program features: “The prohibitions in this Ordinance against discrimination because of source of income do not prohibit: (1) a commercially reasonable verification of a source and amount of income; (2) a commercially reasonable evaluation of the stability, security, and creditworthiness of any source of income; (3) the eviction of any individual for lease violation behaviors; or (4) the refusal to consider income derived from any criminal activity.”

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

Frederick County:

Citation: Frederick County Code Ch. 1-2 Art. VII Sec. 1-2-93

[http://library.amlegal.com/nxt/gateway.dll/Maryland/frederickco_md/frederickcountymarylandcodeofordinances?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:frederickco_md](http://library.amlegal.com/nxt/gateway.dll/Maryland/frederickco_md/frederickcountymarylandcodeofordinances?f=templates$fn=default.htm$3.0$vid=amlegal:frederickco_md)

Date enacted: April 21, 2009

Operative Language: “(B) Discrimination based upon the following is unlawful in Frederick County: (1) Race, color, religion, national origin, sex, age, marital status or disability in employment, housing, or public accommodations, (2) Familial status in housing or employment, and (3) Source of income in housing.”

Exemptions for certain property types: No

Administrative complaint, private action, or both: Administrative

Identifies enforcement agency: Frederick County Human Relations Commission

Injunctive relief, damages, civil penalties or attorney’s fees: No attorney’s fees or civil penalties. Injunctive relief and damages allowed.

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

Howard County:

Citation: Howard County Fair Housing Ordinances Title 12 Subtitle 2 Sec. 12.207

https://library.municode.com/md/howard_county/codes/code_of_ordinances?nodeId=HOCOCO_TIT12HESOSE_SUBTITLE_2HURI_S12.207UNHOPR

Date enacted: 1992

Operative Language: “Source of income means any lawful source of money that is paid to or for the benefit of a renter or buyer of housing, including:

- (1) A lawful profession or occupation;
- (2) A Federal, State or local government assistance, grant or loan program;
- (3) A private assistance, grant or loan program . . .”

Exemptions for certain property types: Religious organizations; “ (b)Owner occupied dwelling. Discrimination shall not be unlawful with regard to the leasing of a room or apartment in an owner occupied dwelling containing only one rental unit. [...] (e)Sale or rental of single-family dwellings without broker, agent, advertising, etc. The provisions of section 12.207 shall not apply to the sale or rental of a single-family dwelling if it is sold or rented without:(1)Using

the services of a real estate broker, agent, or salesman, or person in the business of selling or renting dwellings or an agent of any of the preceding persons.(2)The publication, posting or mailing, after notice, of any advertisement or written notice in violation of section 12.207.”

Administrative complaint, private action, or both: Both (Sec. 12.217)

Identifies enforcement agency: Howard County Human Rights Commission

Injunctive relief, damages, civil penalties or attorney’s fees: All. Civil penalties not exceeding: “(a) Ten thousand dollars may be assessed if the respondent has not been adjudged to have committed any prior unlawful housing practice; (b) Twenty-five thousand dollars may be assessed if the respondent has been adjudged to have committed one other unlawful housing practice during the five-year period prior to the filing of this complaint; and (c) Fifty thousand dollars may be assessed if the respondent has been adjudged to have committed two or more unlawful housing practices during the seven-year period prior to the filing of this complaint. If the unlawful housing practice was committed by the same individual who has been previously adjudged to have committed unlawful housing practice(s), then the civil penalties set forth in paragraphs (b) and (c) of this subsection may be imposed without regard to the period of time within which any subsequent unlawful housing practice occurred.”

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

Montgomery County:

Citation: Montgomery County Code Part II Chapter 27 Article I
(http://library.amlegal.com/nxt/gateway.dll?f=templates&fn=default.htm&vid=amlegal:montgomeryco_md_mc)

Date enacted: 1991

Operative Language: “Source of income means any lawful source of money, paid directly or indirectly to a renter or buyer of housing, including income from:

- (1) any lawful profession or occupation;
- (2) any government or private assistance, grant, or loan program;
- (3) any gift, inheritance, pension, annuity, alimony, child support, or other lawful compensation or benefit; or
- (4) any sale or pledge of any property or interest in property.” (Sec. 27.6)

Exemptions for certain property types: Religious organizations; “the rental or leasing of a part of a dwelling in which the owner is residing; provided, that the dwelling must continue to be

used by the owner thereof as a bona fide residence for himself or herself and any member of his or her family; provided further, that the dwelling does not contain more than two (2) rental or leasing units.”

Administrative complaint, private action, or both: Both

Identifies enforcement agency: Montgomery County Commission on Human Rights

Injunctive relief, damages, civil penalties or attorney’s fees: All. Civil penalties for each violation: “(i) up to \$10,000, if no court or administrative agency has found that the respondent committed any previous discriminatory act or practice involving discrimination in housing; (ii) up to \$25,000, if any court or administrative agency has found that the respondent committed a previous act or practice involving discrimination in housing during the 5 years before this complaint was filed with the Commission; and (iii) up to \$50,000, if any court or administrative agency has found that the respondent committed 2 or more previous acts or practices involving discrimination in housings during the 7 years before this complaint was filed with the Commission”

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

Cities in Massachusetts

Boston:

Citation: City of Boston Municipal Code Ch. 10-3
([http://library.amlegal.com/nxt/gateway.dll/Massachusetts/boston/chapterxhousingervices?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:boston_ma\\$anc=JD_10-3](http://library.amlegal.com/nxt/gateway.dll/Massachusetts/boston/chapterxhousingervices?f=templates$fn=default.htm$3.0$vid=amlegal:boston_ma$anc=JD_10-3))

Date enacted: 1980

Operative Language: “It is the policy of the City of Boston to see that each individual, regardless of his/her race, color, religious creed, marital status, military status, handicap, children, national origin, sex gender identity or expression, age, ancestry, sexual preference or source of income shall have equal access to housing and to encourage and bring about mutual understanding and respect among all individuals in the City by the elimination of prejudice, intolerance, bigotry and discrimination in the area of housing.”

Exemptions for certain property types: No

Administrative complaint, private action, or both: Administrative

Identifies enforcement agency: Boston Fair Housing Commission

Injunctive relief, damages, civil penalties or attorney’s fees: Unknown

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

Cambridge:

Citation: Cambridge Municipal Code Title 14

(https://library.municode.com/ma/cambridge/codes/code_of_ordinances?nodeId=TIT14FAHO_CH14.04FAHO)

Date enacted: 1992

Operative Language: ““Source of income” means public assistance reciprocity. “Source of income” shall not include income derived from criminal activity.” (Sec. 14.04.030)

Exemptions for certain property types: Religious organizations

Administrative complaint, private action, or both: Administrative

Identifies enforcement agency: Cambridge Human Rights Commission

Injunctive relief, damages, civil penalties or attorney’s fees: All. Civil penalties: not to exceed “\$10,000 for the first offense, \$25,000 for the second offense within a five-year period ending at the time of filing the complaint; \$50,000 for a third or subsequent offense within a seven-year period ending at the time of filing the complaint”

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

Quincy:

Citation: Quincy Municipal Code Title 2 Ch. 2.150

https://library.municode.com/ma/quincy/codes/code_of_ordinances?nodeId=TIT2ADPE_CH2.150HURICO

Date enacted: 1992

Operative Language: “No person in our city shall be unlawfully discriminated against in matters of housing, employment, education, contracts, purchasing or public accommodations, on the basis of age, ancestry, citizenship status, color, disability, economic status, ethnicity, family/marital status, gender, military status, national origin, race, religion, sexual orientation or source of income.”

Exemptions for certain property types: No

Administrative complaint, private action, or both: Administrative

Identifies enforcement agency: Quincy Human Rights Commission

Injunctive relief, damages, civil penalties or attorney’s fees: Civil penalties

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

Revere:

Citation: Revere Code of Ordinances Title 9 Ch. 9.24

https://library.municode.com/ma/revere/codes/code_of_ordinances?nodeId=TIT9PUPESAWE_CH9.24FAHO

Date enacted: 1994

Operative Language: ““Source of income” means the manner or means by which an individual supports herself or himself and his or her dependents, except in this chapter it shall not include any criminal activity from which a source of income is derived.” (Sec. 9.28.080)

Exemptions for certain property types: Religious organizations; “C) Any single-family house sold or rented by an owner; provided, that such private individual owner does not own more than three such single-family houses at any one time; provided further, that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four-month

period; provided further, that such bona fide private individual owner does not own any interest in, nor is there owned or served on his or her behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of more than three such single-family houses at any one time; provided further, the sale or rental of any such single-family house shall be excepted from the application of this chapter only if such house is sold or rented: 1. Without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings or of any employee or agent of any such broker, agent, salesman, or person, and 2. Without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of the provisions of 42 United States Code Section 3604(c), or of Section 9.24.030 of this revision; but nothing in this chapter shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title. D) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his or her residence.”

Administrative complaint, private action, or both: Administrative

Identifies enforcement agency: Revere Human Rights Commission

Injunctive relief, damages, civil penalties or attorney’s fees: Civil penalties: “not more than three hundred dollars for each offense. Except where otherwise specifically provided, each day any violation of any provision of these Revised Ordinances or any other such ordinance continues shall constitute a separate offense.” (Sec. 9.24.070, citing to Ch. 1.16)

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

Cities in Michigan

Ann Arbor:

Citation: Ann Arbor City Code Title IX Ch. 112 Sec. 9:152
(https://library.municode.com/mi/ann_arbor/codes/code_of_ordinances?nodeId=TITIXPORE_C_H112NSC_9_152DIHOPR)

Date enacted: March 17, 1978

Operative Language: “*Source of income.* Any legal source from which a person obtains money.” (Sec. 91:151)

Exemptions for certain property types: Religious organizations; “(2) For the owner of an owner-occupied 1-family or 2-family dwelling, or a housing facility or public accommodation facility, respectively, devoted entirely to the housing and accommodation of individuals of 1 sex, to restrict occupancy and use on the basis of sex.”

Administrative complaint, private action, or both: Both

Identifies enforcement agency: Ann Arbor Human Rights Commission

Injunctive relief, damages, civil penalties or attorney’s fees: All. Civil penalties: “(1) A violation of any provision of this chapter is a civil infraction punishable by a fine of not more than \$500.00 for each day upon which a violation occurs, plus all costs of the action. The court may issue and enforce any judgment, writ, or order necessary to enforce this chapter. This may include reinstatement, payment of lost wages, hiring and promotion, sale, exchange, lease or sublease of real property, admission to a place of public accommodation, and other relief deemed appropriate. (2) A violation proved to exist on a particular day shall be presumed to exist on each subsequent day unless it is proved that the violation no longer exists.”

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

East Lansing:

Citation: East Lansing Code of Ordinances Ch. 22 Art. II Sec. 22-34

(https://library.municode.com/mi/east_lansing/codes/code_of_ordinances?nodeId=PTIICOOR_C H22HURE_ARTIICIRI)

Date enacted: March 19, 2002

Operative Language: “The opportunity to purchase, lease, sell, hold, use, and convey dwelling houses or dwelling units or engage in any other type of real estate transaction as protected in this section or under state and federal law is hereby recognized and declared to be a civil right. This includes, but is not limited to seeking, inspecting, advertising, offering, or listing of real property without discrimination because of religion, race, color, national origin, age, height, weight, disability, sex, marital status, sexual orientation, gender identity or expression, student status, use of adaptive devices or aids, or legal source of income, except with respect to age or income only, where necessary to meet the requirements of federal, state, or local programs.”

Exemptions for certain property types: “(c)It shall not be a violation of this section for the owner of an owner-occupied, one-family dwelling to restrict occupancy in the rental unit, or to

the rental of a housing accommodation for not more than 12 months by the owner or lessor where it was occupied by him/her for at least three months immediately preceding occupancy by the tenant and is temporarily vacated while maintaining legal residence.”

Administrative complaint, private action, or both: Administrative; private right of action unclear (“This article shall not be so construed as to diminish the rights of a person to direct or immediate legal or equitable remedies in the courts of this state.”)

Identifies enforcement agency: East Lansing Human Relations Commission

Injunctive relief, damages, civil penalties or attorney’s fees: All. Civil penalties of not more than \$1,000.

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

Grand Rapids:

Citation: Grand Rapids City Code Title IX Ch. 160 Sec. 9.364
(https://library.municode.com/mi/grand_rapids/codes/code_of_ordinances?nodeId=TIOLRE_CH160DIREPRTR_S9.364DIPR)

Date enacted: July 11, 2000

Operative Language: “*Source of lawful income* means consistent income derived from wages, social security, supplemental security income, all forms of federal, state or local assistance payments or subsidies, Section 8 assistance, child support, alimony and public assistance which can be verified and substantiated.” (Sec. 9.363)

Exemptions for certain property types: Religious or organizations; “1) the rental of a housing accommodation in a building which contains housing accommodations for not more than two (2) families living independently of each other, if the lessor or a member of his or her family resides in one (1) of the housing accommodations; 2) the rental of a room or rooms in a single dwelling unit by an individual if he or she or a member of his or her family resides therein.”

Administrative complaint, private action, or both: Administrative

Identifies enforcement agency: No

Injunctive relief, damages, civil penalties or attorney’s fees: Unknown

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

Holland:

Citation: Holland Code of Ordinances Ch. 14 Art. III Sec. 14-7
(<https://ecode360.com/27622720>)

Date Enacted: July 17, 2002

Operative Language: “Source of income shall mean any legal source from which a person obtains money. This section shall not prevent reasonable inquiry regarding a person's source of income or the ability to meet the financial obligations of housing. This definition shall not be construed to prevent a good faith business determination relating to a person's ability to meet the financial burdens involved.” (Sec. 14-6)

Exemptions for certain property types: “(a) To the rental of a housing accommodation in a building which contains housing accommodations for not more than two families living independently of each other, if the owner or lessor or a member of his family resides in one of the housing accommodations. (b) To the rental of one or more rooms in a single-family dwelling by the owner or lessor if he or a member of his family resides therein. (c) To the sale or rental by the owner or lessor of a housing accommodation in a building which contains housing accommodations for not more than two families living independently of each other which was not in any manner listed or publicly advertised for sale or rental. (d) To the rental of a housing accommodation for not to exceed 12 months by the owner or lessor where it was occupied by him and maintained as his home for at least three months immediately preceding occupancy by the tenant and is temporarily vacated while maintaining legal residence.”

Administrative complaint, private action, or both: Administrative

Identifies enforcement agency: The Human Relations Commission of the City

Injunctive relief, damages, civil penalties or attorney’s fees: Injunctive relief and civil penalties. Civil penalties: “Whenever in this Code or in any ordinance of the City an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided therefore, the violation of any such provision of this Code or any other ordinance of the City shall be punished by a fine and costs, the total of which fine and costs shall not exceed \$500, or by imprisonment for not more than 90 days, or by both such fine and imprisonment. Each act of violation, and every day upon which such violation shall occur or continue, shall constitute a separate offense. The penalty provided

in this section, unless another penalty is expressly provided therein, shall apply to every addition to this Code and to the amendment of any section thereof without the necessity of providing such penalty in the ordinance making any such addition or amendment. In addition to the penalty prescribed in this section, the City may pursue any equitable remedy for a violation of this Code or any ordinance of the City provided by a provision of this Code, or a provision of a technical or other code adopted by reference in this Code, or a rule, regulation or order promulgated or made under the authority of either, or provided by state law, or a rule, regulation or order promulgated or made under the authority of state law, including, but not limited to, the enforced removal of prohibited conditions, injunctive relief and revocation of licenses or permits.” (Sec. 14-13, citing to Sec. 1-10)

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

Jackson:

Citation: Jackson Code of Ordinances Ch. 14 Art. IV
(https://library.municode.com/mi/jackson/codes/code_of_ordinances?nodeId=PTIICOOR_CH14_HO_ARTIVFAHO)

Date enacted: June 26, 2018

Operative Language: “The term "source of income" means only lawful sources from which income is derived.” (Sec. 14.131)

Exemptions for certain property types: “(1) Rental of a housing accommodation in a building which contains housing accommodations for not more than two (2) families living independently of each other, if the owner or lessor or a member of his family resides in one (1) of the housing accommodations. (2) Rental of a room in a single-family dwelling by the owner or lessor if he or a member of his family resides therein. (3) Rental of a housing accommodation for a period of time not to exceed twelve (12) months by the owner or lessor where it was occupied and maintained as his home for at least three (3) months immediately prior to occupancy by the tenant and is temporarily vacated while being maintained as a legal residence. (4) Restriction by a religious organization or institution of facilities for housing or accommodation, to persons of the denomination involved. (7) Practice by the owner of an owner-occupied one- or two-family dwelling, housing accommodations”

Administrative complaint, private action, or both: Administrative

Identifies enforcement agency: No

Injunctive relief, damages, civil penalties or attorney’s fees: Civil penalties of not more than five hundred dollars (\$500.00)

Landlord incentives: No

Language re: minimum income or HCV program features: “When used in this article this term [source of income) shall not be deemed to preclude a good faith business decision by an owner, lessee or sublessee of real property that an individual be denied access to housing due to his inability to meet the financial burdens attendant to the purchase, lease or sublease of such housing accommodation.” (Sec. 14.131)

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

Kentwood:

Citation: Kentwood Code of Ordinances Ch. 74 Art. 6
(https://library.municode.com/mi/kentwood/codes/code_of_ordinances?nodeId=SPBLADEOR_CH74BUBURE_ART6FAHO)

Date enacted: September 11, 2018

Operative Language: “It shall be an unlawful housing practice and a violation of this article:(1)For any person or real estate agent to: a. Discriminate against any person in the selling, leasing, subleasing, renting, assigning or otherwise transferring of any interest in housing.” (Sec. 74-205)

“*Discrimination, discriminating and discriminate* mean to render any difference in treatment to any person in the sale, lease, rental or financing of a dwelling or housing unit because of a person's race, creed, color, sex, marital status, religious belief, age, height, weight, national origin, disability or source of income.” (Sec. 74-201)

Exemptions for certain property types: Religious organizations; “(3) Any single-family house sold or rented by an owner, provided that such private individual owner does not own more than three such single-family houses at any one time; provided, further, that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any 24-month period; provided, further, that such bona fide private individual owner does not own any interest in, nor is there owned or served on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of more than three single-family houses at any one time; provided, further, that the sale or rental of any such single-family house shall be excepted from the application of this article only if such house is sold or rented: a. Without the use in any manner of the sales or rental facilities or the sales or

rental services of any real estate broker, agent or any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman or person; and b. Without the publication, posting or mailing after notice of any advertisement or written notice in violation of [section 74-206](#), but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies and other such professional assistance, as necessary, to perfect or transfer the title; or (4) Rooms or units in dwellings containing living quarters occupied, or intended to be occupied, by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.”

Administrative complaint, private action, or both: Administrative; private action unclear (“Nothing contained in this article shall prevent any person from exercising any right or seeking any remedy to which he might otherwise be entitled or from filing any complaint with any other agency or court.”)

Identifies enforcement agency: Mayor or his designee

Injunctive relief, damages, civil penalties or attorney’s fees: “(a) Every person convicted of a violation of this article shall be guilty of a misdemeanor. (b) Further, to the extent permitted by law, the court in any civil case arising under this section may award damages to the aggrieved party and injunctive relief, if the circumstances so require.”

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

Lansing:

Citation: Lansing Code of Ordinances Title 12 Ch. 296
(https://library.municode.com/mi/lansing/codes/code_of_ordinances?nodeId=COOR_PT2ADCO_TIT12CIRI_CH296FAHO)

Date Enacted: March 10, 1986 (supplemented with new definition in 2006)

Operative Language: “*Source of income:* Any legal source from which a person obtains money.” (Sec. 297.02)

Exemptions for certain property types: Religious organizations; “rental of a room or rooms to three or fewer persons in a single dwelling or two-family unit, the remainder of which dwelling is occupied by either the owner or a member of his or her immediate family or a lessee of the entire dwelling unit or a member of his or her immediate family”

Administrative complaint, private action, or both: Administrative; private right of action unclear (“Nothing in this chapter shall be construed to limit the rights of access by an individual to remedies before the State Civil Rights Commission or before any State court on an individual basis, or to prohibit cooperation between the City and the State Civil Rights Commission.”)

Identifies enforcement agency: Lansing Human Relations and Community Services Department

Injunctive relief, damages, civil penalties or attorney’s fees: All. Civil penalties: “not less than \$150.00, plus costs and other sanctions, for each infraction. A. The fine for any offense which is a first repeat offense shall be not less than \$250.00, plus costs. B. The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be not less than \$500.00 plus costs.” (Sec. 296.99 (citing Sec. 202.99))

Landlord incentives: No

Language re: minimum income or HCV program features: “With respect to the source of income provision only, nothing contained in this chapter shall be construed to preclude the making of a good faith business determination involving a person's ability to meet the financial burden involved in the sale, lease, rental, sublease, assignment or transfer of housing accommodations. A determination by a person to accept or not to accept rental payments in advance and/or arrearages shall not constitute a violation of this chapter.”

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

Wyoming:

Citation: Wyoming Code of Ordinances Ch. 42 Art. II Div. 2
(https://library.municode.com/mi/wyoming/codes/code_of_ordinances?nodeId=PTIICOOR_CH42HURE_ARTIIDI_DIV2FAHO)

Date enacted: May 31, 2018

Operative Language: “It is an unfair housing practice for an owner, a real estate broker or real estate salesman, or any other person to perform any of the following: (1) Refuse to negotiate for a real estate transaction with a person because of race, color, religion, national origin, age, sex, height, weight, handicap, source of income, familial status or marital status. (2) Refuse to engage in a real estate transaction with a person because of race, color, religion, national origin, age, sex, height, weight, handicap, source of income, familial status or marital status.” (Sec. 42-53)

Exemptions for certain property types: “(1) The rental or lease of a housing accommodation in a building which contains housing accommodations for not more than three families living independently of each other, if the owner or lessor or a member of his family resides in one of

the housing accommodations. (2) The rental or lease of rooms in a single-family dwelling by the owner or lessor if he or a member of his family resides therein. (3) The rental or lease of a housing accommodation for not to exceed 12 months by the owner or lessor where it was occupied by him and maintained as his home for at least three months immediately preceding occupancy by the tenant and is temporarily vacated while maintaining legal residence.”

Administrative complaint, private action, or both: Administrative

Identifies enforcement agency: City manager

Injunctive relief, damages, civil penalties or attorney’s fees: Unknown

Landlord incentives: No

Language re: minimum income or HCV program features: “Nothing in this division shall be deemed to prohibit an owner, lender or his agent from requiring that any person who seeks to buy, rent, lease or obtain financial assistance for housing accommodations to supply information concerning his financial and business status, but not concerning race, color, religion, national origin, age, sex, height, weight, handicap, source of income, familial status or marital status.” (Sec. 42-54)

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

Cities in Minnesota

Minneapolis:

Citation: Minneapolis Code of Ordinances Title 7 Ch. 139
(https://library.municode.com/mn/minneapolis/codes/code_of_ordinances?nodeId=COOR_TIT7_CIRI_CH139INGE_139.40ACDISP)

Date enacted: March 24, 2017 (effective May 1, 2018)

Operative Language: “*Public assistance program:* Federal, state or local assistance, including medical assistance, or tenant-based federal, state or local subsidies, including, but not limited to, rental assistance, rent supplements, and housing choice vouchers.

Status with regard to a public assistance program: The condition of being a recipient of or participant in a public assistance program.

Status with regard to public assistance: The condition of being a recipient of federal, state or local assistance, including medical assistance, or of being a tenant receiving federal, state or local subsidies, including rental assistance, or rent supplements.” (Sec. 139-20)

Exemptions for certain property types: “(b) Property rights and public assistance; The provisions of section 139.40(e) relating to tenant-based federal, state or local subsidies,

including, but not limited to, rental assistance, rent supplements, and housing choice vouchers, or any requirement of such a program, shall not apply to:

- (1) Renting or leasing a room in an owner occupied single-family dwelling.
- (2) Renting or leasing a single-family dwelling, a single dwelling unit, or a single dwelling unit of a condominium, townhouse, or housing cooperative, by the owner of the dwelling or dwelling unit, for no more than thirty-six (36) months, when such dwelling or dwelling unit is an owner occupied homestead at the start of the thirty-six (36) month period.
- (3) Renting or leasing a dwelling with two dwelling units when a person who owns or has an ownership interest in the dwelling is residing in the other dwelling unit.
- (4) Renting or leasing a single-family dwelling, a single dwelling unit, or a single dwelling unit of a condominium, townhouse, or housing cooperative, by the owner of the dwelling or dwelling unit, while the owner is on active military duty and when such dwelling or dwelling unit is an owner occupied homestead at the start of the active military duty.”

Administrative complaint, private action, or both: Administrative with limited private action options (Sec. 141-60)

Identifies enforcement agency: Minneapolis Commission on Civil Rights

Injunctive relief, damages, civil penalties or attorney’s fees: All (Sec. 141-50)

Landlord incentives: No

Language re: minimum income or HCV program features: “(c) Property rights; The provisions of section 139.40(e) do not prohibit an owner of a dwelling or dwelling unit from: (2) Screening any person who will occupy a dwelling unit based on rental or lease history as allowed by the public assistance program applicable to the rental or lease, or any other non-discriminatory criteria, including, but not limited to, past conduct or the ability to pay their applicable portions of the rent or lease.” (Sec. 139.30)

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

Relevant Case Law: A local court found the ordinance unconstitutional but the decision was reversed on appeal. *Fletcher Properties, Inc. v. City of Minneapolis*, File No. 27-CV-17-9410 (Minn. Ct. App. June 10, 2019). The appellate court found that Fletcher, the group of landlords suing on the basis that the ordinance violated their due process rights, had not met its burden to show that the amended ordinance does not use means that are rationally related to the public purpose of increasing housing opportunities for voucher holders. The court held that prohibiting source of income discrimination was rationally related to the public purpose of increasing housing opportunities for voucher holders.

Opinion available at: <https://prrac.org/pdf/Fletcher-v-Minneapolis-MNCtApp-6-10-19.pdf>

Cities in Missouri

Saint Louis:

Citation: Saint Louis City Ordinance Title 3 Ch. 44 Sec. 3.44.080

(https://library.municode.com/mo/st._louis/codes/code_of_ordinances?nodeId=TIT3AD_CH3.44_CIRIENAG_3.44.080PRDIPR)

Date enacted: 2015

Operative Language: ““Source of income" means the point or form of the origination of legal gains of income accruing to a person in a stated period of time; from any occupation, profession or activity, from any contract, agreement or settlement, from federal, state or local payments, including Section 8 or any other rent subsidy or rent assistance program, from court ordered payments or from payments received as gifts, bequests, annuities or life insurance policies.” (Sec. 344.010)

Exemptions for certain property types: Religious organizations; “Any single-family house sold or rented by an owner, provided that: such private individual owner does not own more than three single-family dwellings at any one time; that in the case of the sale of any single-family dwelling by a private owner who was not the most recent resident of such house prior to such sale, the exemption granted herein shall apply only with respect to one such sale within any twenty-four month period, if such bona fide private individual owner does not own any interest in, nor is there owned or reserved any interest on his behalf, under any express or voluntary agreement, title to or rental of, or any right to all or a portion of the proceeds from the sale or rental of, more than three single-family dwellings at one time; the sale or rental of any single family dwelling shall be excepted from the application of this subsection only if such house is sold or rented (A) without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, and (B) without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of subsection (C)(1)(f) of this section; except that nothing herein shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer title; or ii. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.”

Administrative complaint, private action, or both: Administrative

Identifies enforcement agency: Saint Louis Civil Rights Enforcement Commission

Injunctive relief, damages, civil penalties or attorney’s fees: All. “Any person convicted of violation of this chapter shall be punished by a fine of not less than two hundred fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00)”

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

Cities/Counties in New York

Buffalo:

Citation: Buffalo Code of Ordinances Ch. 154 Art. IV (<https://ecode360.com/13584158>)

Date enacted: May 2, 2006 (effective May 17, 2006)

Operative Language: “SOURCE OF INCOME: Payments from a lawful occupation or employment, as well as other payments including, but not limited to, public assistance, supplemental security income, pensions, annuities, unemployment benefits, government subsidies such as Section 8 or other housing subsidies.” (Sec. 154-13)

Exemptions for certain property types: “A. The rental of a housing accommodation on a parcel that contains housing accommodations for not more than three households living independently, if the owner resides in one of the dwelling units, or the rental of a housing accommodation on a parcel that contains more than one residential dwelling in which no dwelling is for more than three households or less living independently, if the owner resides in one of the dwelling units; [...] C. The rental of a room or rooms in a housing accommodation designed in such a way that the occupants would be required to share part of their living quarters with another occupant or occupants not of their own choice”

Administrative complaint, private action, or both: Both

Identifies enforcement agency: Fair Housing Officer

Injunctive relief, damages, civil penalties or attorney’s fees: All. Civil penalties not exceeding \$1,500 for each offense, with each act of discrimination being considered a separate offense

Landlord incentives: No

Language re: minimum income or HCV program features: “This article does not prohibit a landlord from refusing to rent a housing accommodation to a person if one or more of the

following conditions are met: A. The person's source of income is unstable, or insufficient to pay the rent, or the source of said income is from an unlawful source; or B. The tenant has been unable to make timely rental payments in all or part of the preceding 18 months; or C. The person has been the source of past complaints from neighbors in all or part of the preceding 18 months, except where those complaints can be reasonably attributed to harassment or discriminatory intent”

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

Erie County:

Citation: Fair Housing in Erie County, Local Law 4

https://locallaws.dos.ny.gov/sites/default/files/drop_laws_here/ECMMDIS_appid_DOS20180529060015/Content/09021343801f3924.pdf

Date enacted: May 22, 2018

Operative Language: “Source of Income: Payments from any lawful occupation or employment, as well as other payments including, but not limited to, public assistance, public assistance security agreements, supplemental security income, pensions, annuities, unemployment benefits, disability payments, government subsidies, or other housing subsidies.” (Sec. 2)

Exemptions for certain property types: Religious organizations; “C) The rental of a housing accommodation in a building which contains housing accommodations for not more than two families living independently of each other, if the owner or members of his immediate family reside in one of such housing accommodations and the rental has occurred without advertising. D) The rental of rooms in a housing accommodation if such rental is by the occupant of the housing accommodation or the owner of the housing accommodation, and the occupant/owner or members of his/her family reside in such housing accommodation.”

Administrative complaint, private action, or both: Both

Identifies enforcement agency: Erie County Fair Housing Board

Injunctive relief, damages, civil penalties or attorney’s fees: All. Civil penalties: “not more than five-thousand dollars (\$5,000) for the first violation and not more than ten thousand dollars (\$10,000) for a respondent adjudged to have committed any prior discriminatory housing practice”

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

Hamburg:

Citation: Hamburg General Code Ch. 109 (<https://ecode360.com/8303087>)

Date enacted: May 14, 2005

Operative Language: “SOURCE OF INCOME. Payments from any lawful occupation or employment, as well as other payments including, but not limited to, public assistance, public assistance security agreements, supplemental security income, pensions, annuities, unemployment benefits, government subsidies such as Section 8, or other housing subsidies.” (Sec. 109-2)

Exemptions for certain property types: Religious organizations; “C. The provisions of this chapter shall not apply to: (1) The rental of a housing accommodation in a building which contains housing accommodations for not more than two families living independently of each other, if the owner or members of his family reside in one of such housing accommodations and the rental has occurred without advertising. (3) The rental of rooms in a housing accommodation, if such rental is by the occupant of the housing accommodation or by the owner of the housing accommodation and he or members of his family reside in such housing accommodations.”

Administrative complaint, private action, or both: Both

Identifies enforcement agency: Director of Community Development Office

Injunctive relief, damages, civil penalties or attorney’s fees: All. Civil penalties of not more than \$5,000 for a first violation and not more than \$10,000 for a respondent adjudged to have committed any prior discriminatory housing practice.

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

Nassau County:

Citation: Nassau County Administrative Code Art. XXI Title C-1 Sec. 21-9.7 (<https://www.nassaucountyny.gov/DocumentCenter/View/17813/Administrative-Code-as-of-June-21-2018?bidId=>)

Date enacted: 2006 (effective January 1, 2007)

Operative Language: ““Source of income” means any lawful source of income, including federal, state, local, non-profit assistance or subsidy program.” (Sec. 21-9.2)

Exemptions for certain property types: “The provisions of subparagraphs (i) through (iv) of this paragraph shall not apply: (1) to the rental of housing accommodations in a building which contains housing accommodations for not more than two families if the owner of such building actually maintains and occupies one of such housing accommodations as his or her residence, or (2) to the rental of a room or rooms in a housing accommodation by a person who actually maintains and occupies such housing accommodation as his or her residence.”

Administrative complaint, private action, or both: Administrative and limited right to private action (Sec. 21-9.7)

Identifies enforcement agency: Nassau County Human Rights Commission

Injunctive relief, damages, civil penalties or attorney’s fees: All. Civil penalties: “not more than fifty thousand dollars. Where the Commission finds that an unlawful discriminatory practice was the result of the respondent’s wanton or malicious act, the Commission or court shall impose a civil penalty in an amount not more than one hundred thousand dollars.”

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

New York City:

Citation: New York Administrative Code Title 8 Ch.1 Sec. 8-107

([http://library.amlegal.com/nxt/gateway.dll/New%20York/admin/newyorkcityadministrativecode?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:newyork_ny](http://library.amlegal.com/nxt/gateway.dll/New%20York/admin/newyorkcityadministrativecode?f=templates$fn=default.htm$3.0$vid=amlegal:newyork_ny))

Date enacted: March 26, 2008

Operative Language: “The term “lawful source of income” shall include income derived from social security, or any form of federal, state or local public assistance or housing assistance including section 8 vouchers.” (Sec. 8-102)

Exemptions for certain property types: Religious organizations; “(1) the rental of a housing accommodation, other than a publicly-assisted housing accommodation, in a building which contains housing accommodations for not more than two families living independently of each other, if the owner members of the owner's family reside in one of such housing

accommodations, and if the available housing accommodation has not been publicly advertised, listed, or otherwise offered to the general public; or (2) the rental of a room or rooms in a housing accommodation, other than a publicly-assisted housing accommodation, if such rental is by the occupant of the housing accommodation or by the owner of the housing accommodation and the owner or members of the owner's family reside in such housing accommodation.”

Administrative complaint, private action, or both: Administrative; private action unclear (“Nothing in this section shall be construed to prohibit (i) an aggrieved person from filing a complaint pursuant to section 8-109 or from commencing a civil action pursuant to chapter 5 of this title based upon the same facts pertaining to such a pattern or practice as are alleged in the civil action, or (ii) the commission from filing a commission-initiated complaint pursuant to section 8-109 alleging a pattern or practice of discrimination, provided that a civil action pursuant to this section shall not have previously been commenced.”)

Identifies enforcement agency: New York Commission on Human Rights

Injunctive relief, damages, civil penalties or attorney’s fees: All. Civil penalties: “not more than \$125,000. Where the commission finds that an unlawful discriminatory practice was the result of the respondent's willful, wanton or malicious act or where the commission finds that an act of discriminatory harassment or violence as set forth in chapter 6 of this title has occurred, the commission may, to vindicate the public interest, impose a civil penalty of not more than \$250,000.”

Landlord incentives: Some incentives are available in the HCV housing mobility program; incentives also available for homeless individuals.

<https://www.enterprisecommunity.org/sites/default/files/media-library/where-we-work/new-york/come-home-nyc-2-pager-4-2-15.pdf>

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: Risk mitigation fund for homeless individuals

<https://www.enterprisecommunity.org/sites/default/files/media-library/where-we-work/new-york/come-home-nyc-2-pager-4-2-15.pdf>

Provides tax abatement for HCV participation: No

Rochester:

Citation: Rochester Municipal Code Sec. 63-5 (<https://ecode360.com/8676705>)

Date enacted: June 20, 2017

Operative Language: “SOURCE OF INCOME Payments from a lawful occupation or employment, as well as other payments, including, but not limited to, pensions, annuities, public assistance, supplemental security income, social security disability insurance, unemployment

benefits. Housing Choice Vouchers (formerly known as Section 8), other housing voucher or subsidy programs, and any other governmental or charitable subsidy.” (Sec. 63-2)

Exemptions for certain property types: Religious organizations; “(1) To the rental of a dwelling unit in a two-family dwelling, if the owner or members of the owner's family reside in one of such dwelling units; (3) To the rental of a room or rooms in a dwelling if the renter or lessee would share common living areas with the owner or lessor or members of the owner's or lessor's family”

Administrative complaint, private action, or both: Private action

Identifies enforcement agency: Center for Dispute Settlement (for mediation only)

Injunctive relief, damages, civil penalties or attorney’s fees: All. Civil penalties: “\$500 for the first violation of this article; (2) A penalty of \$1,000 for each subsequent violation of this article.”

Landlord incentives: No

Language re: minimum income or HCV program features: “The following conduct shall not constitute an unlawful discriminatory practice under Subsection C:

(1) An inquiry, required disclosure, or required verification about a person's source of income that is necessitated by a federal, state, or local law that is generally applicable, applicable to the housing at issue, or applicable to the financing or subsidies necessary to a person's purchase or leasing of such housing.

(2) A refusal to rent or lease housing to a person due to one or more of the following conditions and such refusal is based on selection criteria that are applied equally to all tenants or prospective tenants or purchaser without regard to the category of income source:

(a) The person's income is insufficient to make the payments over the term of the lease; and/or

(b) The person is a tenant who has been unable to make timely lease payments in all or part of the preceding 18 months.”

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

Suffolk County:

Citation: Suffolk County Administrative Code Ch.528 Art. 9 (<http://ecode360.com/14946868>)

Date enacted: January 21, 2015

Operative Language: “LAWFUL SOURCE OF INCOME Includes, but is not limited to, income derived from social security, or any form of federal, state or local public assistance or housing assistance, including the Housing Choice Voucher Program.” (Sec. 528-6)

Exemptions for certain property types: “(2) The provisions of Subsection A(1) through (7) shall not apply: (a) To the rental of housing accommodations in a building which contains housing accommodations for not more than two families if the owner or members of his or her family reside in one of such housing accommodations; or (b) To the rental of a room or rooms in a housing accommodation if such rental is by the occupant of the housing accommodation or by the owner of the housing accommodation and he or she or members of his or her family reside in such housing accommodation; (3) The provisions of § 528-9, as they relate to unlawful discriminatory practices on the basis of lawful source of income, shall not apply to housing accommodations that contain two or fewer housing units; provided, however, the provisions of § 528-9 shall apply to all housing accommodations, regardless of the number of units contained in each, of any person who has the rights to sell, rent or lease or approve the sale, rental or lease of at least three housing accommodations within Suffolk County, constructed or to be constructed, or has the rights to sell, rent or lease or approve the sale, rental or lease of interests in at least three housing accommodations.”

Administrative complaint, private action, or both: Both

Identifies enforcement agency: Suffolk County Human Rights Commission

Injunctive relief, damages, civil penalties or attorney’s fees: All. Civil penalties: “not to exceed \$50,000, to be paid to the County general fund by a respondent, or not to exceed \$100,000 to be paid to the County general fund by a respondent found to have committed an unlawful discriminatory act which is found to be willful, wanton or malicious.”

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

Syracuse:

Citation: Syracuse Local Laws Ch. 8 Sec. 8-4
(https://library.municode.com/ny/syracuse/codes/code_of_ordinances?nodeId=PTLLOLA_CH8_HURI_S8-4UNDIPR)

Date enacted: December 5, 2016

Operative Language: “The term "lawful source of income" includes payments from a lawful occupation or employment, as well as other lawful payments including, but not limited to, any form of state, federal or local public assistance, income derived from social security, pensions, annuities, state or federal disability programs or benefits, child support, alimony, foster care subsidies, unemployment benefits, disability or unemployment insurance, veteran's benefits, government subsidies such as Housing Choice Vouchers (also referred to as "Section 8

Vouchers") or other housing subsidies. The term "lawful source of income" shall include payments to, or on behalf of, the head of household, or to, or on behalf of, any of the members of their household who will be listed on the lease as residents living in the dwelling unit with the head of household, or any combination of such payments." (Sec. 8-3)

Exemptions for certain property types: Religious organizations

Administrative complaint, private action, or both: Private action

Identifies enforcement agency: No

Injunctive relief, damages, civil penalties or attorney's fees: All

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

Westchester County:

Citation: Westchester County Code of Ordinances Part IV Ch. 700 Art. II Sec. 700.21
(https://library.municode.com/ny/westchester_county/codes/code_of_ordinances?nodeId=PTIVO_TLOLAACRE_CH700HURI_ARTIIFAHOLA_S700.22UNDIREESPRRECR)

Date enacted: June 17, 2013

Operative Language: “*Source of income* shall mean, as it relates to unlawful discriminatory real estate practices, lawful, verifiable income derived from social security, or any form of federal, state or local public assistance or housing assistance, grant of loan program, including the federal housing subsidy known as ‘Section 8,’ any disability payment, and assistance, or grant or loan program from a private housing assistance organization.” (Sec. 700.20)

Exemptions for certain property types: Religious organizations; “The provisions of paragraph (A) (1)-(4) and (7)-(9) shall not apply: a. To any single-family house sold or rented by an owner provided: (i) That such private individual owner does not own more than three such single-family houses at any one time; and (ii) That in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four month period; and (iii) That such bona fide private individual owner does not own any interest in, nor is there owned or reserved on their behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of more than three such single-family houses at any one time; and (iv) That such single-family house is sold or rented: (a) Without the

use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent or salesperson, or of such facilities or services of any person in the business of selling or renting housing accommodations, as defined in section 700.20(P) of this article, or of any employee or agent of any such broker, agent, salesperson, or person, and (b) Without the publication, posting, or mailing, after notice, of any advertisement or written notice in violation of § 700.21(A)(5) and (6) of this article, but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title; b. To the transaction of, or the negotiation of a transaction of a housing accommodation, other than a publicly assisted housing accommodation, in a building that contains housing accommodations for not more than four families living independently of each other, if the owner actually resides in one of such housing accommodations”

Administrative complaint, private action, or both: Both

Identifies enforcement agency: Fair Housing Board within the Westchester County Human Rights Commission

Injunctive relief, damages, civil penalties or attorney’s fees: All. Civil penalties: “ not to exceed \$50,000.00, to be paid to the County of Westchester by a respondent found to have committed an unlawful discriminatory real estate practice which is found to be willful, wanton or malicious”

Landlord incentives: No

Language re: minimum income or HCV program features: “It shall not constitute an unlawful discriminatory real estate practice on the basis of source of income that a housing accommodation was denied based on the use by a person of his or her reasonable business judgment in relation to transactions involving housing accommodations that the person owns or in which the person has an ownership interest.”

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

Relevant Case Law

County of Westchester v. U.S. Dept. of Housing and Urban Development (2013 WL 440084) (S.D. NY 2013): In order to receive certain federal funding from HUD, the County must certify that it will meet a variety of fair housing obligations, including that the County will affirmatively further fair housing (“AFFH”). See 42 U.S.C. § 5304(b)(2).¹ As part of its duty to AFFH, the County was required to conduct an analysis of impediments, or AI, that analyzes the existence and impact of racial discrimination in barriers to housing opportunities. In the 2009 Opinion, the Court ruled that the County's certifications to HUD were false as a matter of law. Later that year, on August 10, 2009, the United States and the County entered into a Stipulation and Order of Settlement and Dismissal (“Settlement”), which required the County inter alia to complete a

revised AI analyzing impediments to fair housing based on race that must be deemed acceptable by HUD; promote a model zoning ordinance to advance fair housing; and promote legislation to ban source-of-income discrimination in housing.

West Seneca:

Citation: West Seneca Fair Housing Code Ch. 71 (<https://ecode360.com/6842321>)

Date enacted: March 5, 1979

Operative Language: “It shall be unlawful: A. To refuse to sell or rent or refuse to negotiate for the sale or deny a dwelling to any person because of race, color, religion, sex, age, marital status, handicap, national origin, source of income or because the person has a child or children.”

Exemptions for certain property types: Religious organizations

Administrative complaint, private action, or both: Both

Identifies enforcement agency: The Town of West Seneca or its designee shall receive, investigate and refer complaints under this chapter. The Supervisor shall designate a not-for-profit fair housing organization or the Affirmative Action Officer of the Town of West Seneca to perform the function contained in this section

Injunctive relief, damages, civil penalties or attorney’s fees: All. Civil penalties of five hundred dollars (\$500). Each day such a violation continues shall constitute a separate violation of this chapter.

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

Cities in Ohio

Linndale:

Citation: Linndale Code of Ordinances Part Five Ch. 515
([http://library2.amlegal.com/nxt/gateway.dll/Ohio/linndale_oh/codifiedordinancesoflinndaleohio?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:linndale_oh](http://library2.amlegal.com/nxt/gateway.dll/Ohio/linndale_oh/codifiedordinancesoflinndaleohio?f=templates$fn=default.htm$3.0$vid=amlegal:linndale_oh))

Date enacted: May 1, 2012

Operative Language: “It shall be an unlawful housing practice and a violation of this chapter:(a) For any person or real estate agent:(1) To discriminate against any person in the selling, leasing, subleasing, renting, assigning or otherwise transferring of any interest in a housing unit.” (Sec. 515.03)

“(c) The terms “discrimination”, “discriminating” or “discriminate” mean to render any difference in treatment to any person in the sale, lease, rental or financing of a dwelling or housing unit because of a person's race, color, religion, sex, familial status as defined in Section 4112.01 of the Ohio Revised Code, national origin, disability as defined in that section, ancestry, military status, sexual orientation, gender identity and source of income.” (Sec. 515.02)

Exemptions for certain property types: No

Administrative complaint, private action, or both: Administrative; private right unclear (“Nothing contained in this chapter shall prevent any person from exercising any right or seeking any remedy to which he might otherwise be entitled or from filing any complaint with any other agency or court of law or equity.”)

Identifies enforcement agency: Linndale Officer of Fair Housing

Injunctive relief, damages, civil penalties or attorney’s fees: No damages. Injunction and civil penalties. Civil penalties: “not more than one thousand dollars (\$1,000)”

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

South Euclid:

Citation: South Euclid Code of Ordinances Part Fourteen Ch. 1408
([http://library.amlegal.com/nxt/gateway.dll/Ohio/south_euclid_oh/codifiedordinancesofsoutheuclidohio?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:southeuclid_oh](http://library.amlegal.com/nxt/gateway.dll/Ohio/south_euclid_oh/codifiedordinancesofsoutheuclidohio?f=templates$fn=default.htm$3.0$vid=amlegal:southeuclid_oh))

Date enacted: April 9, 2018 (amended September 30, 2015)

Operative Language: “It is hereby declared to be a discriminatory housing practice and unlawful for any person to: (a) Refuse to sell, transfer, assign, rent, lease, sublease, finance, negotiate or otherwise deny or make unavailable a dwelling to any person because of the race, color, religion, sex, sexual orientation, gender identity, age, ancestry, disability, including people associated with or residing with a person meeting the definition of a disability, ethnic group, marital status, familial status, national origin, military status, association with someone of a

protected class, sources of income, or receipt of public assistance of any present or prospective owner, occupant, or user of such dwelling, or an associate thereof” (Sec. 1408.04)

Exemptions for certain property types: Religious organizations; “any single-family house sold or rented by an owner under the terms and conditions set forth in 42 U.S.C. Section 3603(b), or to rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his or her residence. However, the exclusions provided for in this subsection (h) shall only apply to the provisions of Sections 1408.04(a), (b), (d), (i) and (l) of this chapter.”

Administrative complaint, private action, or both: Administrative; limited right of private action (“The City, or the complainant, or any person aggrieved by a violation of any provision of this chapter may, at any time within one year from the date of the alleged violation, and in lieu of proceeding with the administrative process set forth in this chapter, apply to any court of competent jurisdiction for appropriate relief”)

Identifies enforcement agency: Fair Housing Review Board

Injunctive relief, damages, civil penalties or attorney’s fees: All

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

University Heights:

Citation: University Heights City Ordinances Part Eight Title Two Ch. 820
(<http://Prrac.org/pdf/University-Heights-Fair-Housing-Ordinance.pdf>)

Date enacted: April 2, 2012 (amended April 15, 2019)

Operative Language: ““Source of income” means lawful income derived from wages, social security, supplemental security income, all forms of federal, state or local assistance payments or subsidies, child support, spousal support, and public assistance which can be verified and substantiated”

Exemptions for certain property types: Religious organizations

Administrative complaint, private action, or both: Both

Identifies enforcement agency: Fair Housing Review Commission

Injunctive relief, damages, civil penalties or attorney’s fees: All

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

Warrensville Heights:

Citation: Warrensville Heights Code of Ordinances Part One Title One Chapter 113
[http://library2.amlegal.com/nxt/gateway.dll/Ohio/warrensvillehts_oh/codifiedordinancesofthecityofwarrensvill?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:warrensvillehts_oh](http://library2.amlegal.com/nxt/gateway.dll/Ohio/warrensvillehts_oh/codifiedordinancesofthecityofwarrensvill?f=templates$fn=default.htm$3.0$vid=amlegal:warrensvillehts_oh)

Date enacted: May 15, 2012

Operative Language: “It shall be unlawful to: (a) Refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny a dwelling to any person because of race, color, creed, sex, religion, family status, disability or national origin, ancestry, military status, sexual orientation, gender identity or source of income.” (Sec. 113.04)

Exemptions for certain property types: No

Administrative complaint, private action, or both: Administrative; private right of action unclear (“Nothing contained in this chapter shall prevent any person from exercising any right or seeking any remedy to which he or she might otherwise be entitled or from filing any complaint with any other agency or court of law.”)

Identifies enforcement agency: Building Commissioner for the City of Warrensville Heights

Injunctive relief, damages, civil penalties or attorney’s fees: Unknown

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

Wickliffe:

Citation: Wickliffe Code of Ordinances Part Eleven Title One Ch. 1103
([http://library2.amlegal.com/nxt/gateway.dll/Ohio/wickliffe_oh/codifiedordinancesofthecityofwicliffeoh?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:wickliffe_oh](http://library2.amlegal.com/nxt/gateway.dll/Ohio/wickliffe_oh/codifiedordinancesofthecityofwicliffeoh?f=templates$fn=default.htm$3.0$vid=amlegal:wickliffe_oh))

Date enacted: June 8, 2009

Operative Language: “It shall be an unfair housing practice and unlawful for any owner, lessee, sub-lessee, assignee, managing agent, or other person, firm or corporation having the right to sell, rent, lease or sublease any housing accommodation, within the City of Wickliffe, or any agent of any of these, or any real estate broker licensed as such:

(a) To make any distinction, discrimination, or restriction against any person in the price, terms, conditions or privileges of any kind relating to the sale, rental, lease or occupancy of any real estate used for residential purposes in the City of Wickliffe or in the furnishing of any facilities or services in connection therewith, predicated upon the race, color, sex, sexual orientation, gender identity, age, religion, disability, national origin, ancestry, marital status, parental status, military discharge status or source of income of the prospective or actual buyer or tenant thereof.” (Sec. 1103.02)

Exemptions for certain property types: Religious organizations

Administrative complaint, private action, or both: Administrative; limited right of private action (“Nothing herein contained shall be construed so as to preclude any aggrieved person from pursuing such other and further legal and equitable relief to which he may be entitled.”)

Identifies enforcement agency: Director of Public Safety

Injunctive relief, damages, civil penalties or attorney’s fees: Unknown

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

Cities in Pennsylvania

Borough of State College:

Citation: Code of Ordinances of the Borough of State College Ch. V Part E
(<https://ecode360.com/32894192>)

Date enacted: March 9, 1993

Operative Language: “SOURCE OF INCOME - income received through any legal means including, but not limited to, wages, salaries, interest, dividends, child support, alimony, public assistance, pensions or other retirement benefits, social security or other documentation of ability to pay.” (Sec. 5-502)

Exemptions for certain property types: Religious organizations; “Owner-Occupied Dwellings. This ordinance shall not apply to owner-occupied dwellings containing four units or less, providing the landlord occupies one of the units as his/her primary residence”; “Subleasing a Dwelling Unit. This ordinance shall not apply to the subleasing of a dwelling unit where one or more of the tenants named on the lease in effect at the time of the subleasing will continue to reside in the unit.”

Administrative complaint, private action, or both: Administrative

Identifies enforcement agency: The Municipality

Injunctive relief, damages, civil penalties or attorney’s fees: Injunctive relief, civil penalties, and attorney’s fees. Civil penalties: “Any person who shall violate any provision of this ordinance or who resist or interfere with any authorized representative of the Municipality in the performance of his duties shall, upon conviction thereof before any District Justice, be sentenced to pay a fine, not less than \$100 nor more than \$1,000 and the costs of prosecution”

Landlord incentives: No

Language re: minimum income or HCV program features: “Nothing herein shall be construed to mean a landlord must rent to someone who does not have the ability to pay.”

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

Philadelphia:

Citation: Philadelphia Code Title 9 Ch. 9-1108
([http://library.amlegal.com/nxt/gateway.dll/Pennsylvania/philadelphia_pa/thephiladelphiacode?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:philadelphia_pa](http://library.amlegal.com/nxt/gateway.dll/Pennsylvania/philadelphia_pa/thephiladelphiacode?f=templates$fn=default.htm$3.0$vid=amlegal:philadelphia_pa))

Date enacted: 1980

Operative Language: “*Source of Income.* Shall include any lawful source of income, and shall include, but not be limited to, earned income, child support, alimony, insurance and pension proceeds, and all forms of public assistance, including Aid For Dependent Children and housing assistance programs.” (Sec. 9-1102)

Exemptions for certain property types: Religious organizations; “rental or leasing of a room or rooms in a personal residence or the furnishing of facilities or services in connection therewith, except in the case of Limited Lodging, as defined in § 14-604(13).”

Administrative complaint, private action, or both: Administrative; limited right of private action (“(1) If a complainant invokes the procedures set forth in this Chapter, that person's right of action in the courts of the Commonwealth shall not be foreclosed. If within one (1) year after the filing of a complaint with the Commission, the Commission dismisses the complaint or has not entered into a conciliation agreement to which the complainant is a party, the Commission must so notify the complainant. On receipt of such a notice the complainant may bring an action in the Court of Common Pleas of Philadelphia County based on the right to freedom from discrimination granted by this Chapter.”)

Identifies enforcement agency: Philadelphia Commission on Human Relations

Injunctive relief, damages, civil penalties or attorney’s fees: All. Civil penalties: of not more than two thousand (2,000) dollars per violation

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

Pittsburgh:

(Temporarily suspended by litigation – see below)

Citation: Pittsburgh Code of Ordinances Title Six Art. V Ch. 659.03

(https://library.municode.com/pa/pittsburgh/codes/code_of_ordinances?nodeId=COOR_TITSIX_CO_ARTVDI_CH659UNPR)

Date enacted: December 15, 2015

Operative Language: “*SOURCE OF INCOME.* All lawful sources of income or rental assistance program, including, but not limited to, earned income, child support, alimony, insurance and pension proceeds, and all forms of public assistance including federal, state and local housing assistance programs. This includes the Section 8 Housing Choice Voucher Program.” (Sec. 651.04)

Exemptions for certain property types: Religious organizations

Administrative complaint, private action, or both: Administrative; limited right of private action (“If a complaint invokes the procedures set forth in this Article, that individual's right of

action in the courts of the Commonwealth shall not be foreclosed. If within one (1) year after the filing of a complaint with the Commission, the Commission has not entered into a conciliation agreement to which the complainant is a party, the Commission must so notify the complainant. On receipt of such notice, the complainant shall be able to bring an action in the courts of Common Pleas of the Commonwealth based upon the right to freedom from discrimination granted by this Article. (b) An action under this subsection shall be filed two (2) years after the date of notice from the Commission closing the complaint. Any complaint so filed shall be served on the Commission at the time the complaint is filed in court. The Commission shall notify the complainant of this requirement.”)

Identifies enforcement agency: Human Relations Commissions

Injunctive relief, damages, civil penalties or attorney’s fees: All. Civil penalties: “not more than ten thousand dollars (\$10,000.00) if the respondent has not been adjudged to have committed any prior discriminatory housing practice. B. In an amount not exceeding twenty-five thousand dollars (\$25,000.00) if the respondent has been adjudged to have committed one (1) other discriminatory housing practice during the five-year period ending on the date of the filing of the charge; and C. In an amount not exceeding fifty thousand dollars (\$50,000.00) if the respondent has been adjudged to have committed more than one (1) other discriminatory practice during the seven-year period ending on the date of this charge.” (Sec. 655.06)

Landlord incentives: HACP offers administrative services, including rental listing service, criminal background checks, lease preparation, paperwork, and option for custom lease. (https://hacp.org/app/uploads/2018/11/2018_Landlord_Packet.pdf)

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

Relevant Case Law: In *Apartment Association of Metropolitan Pittsburgh, Inc. v. The City of Pittsburgh*, an intermediate court held that the ordinance imposed “affirmative duties” on property owners, in violation of the state Home Rule Law (Commonwealth Court of Pennsylvania, No. 528 CD 2018 (March 12, 2019). The city has appealed this decision.

Cities in Tennessee

Memphis:

Citation: Memphis Code of Ordinances Title 10 Ch. 10-36 (https://library.municode.com/tn/memphis/codes/code_of_ordinances?nodeId=TIT10PUPEMO_WE_CH10-36FAHO)

Date enacted: March 5, 2002

Operative Language: “*Source of income* means a regular, verifiable income, or its equivalent, from which an individual can pay rental, mortgage or other payments associated with the provision of housing. The term shall specifically include Section 8 vouchers or certificates issued by the United States Department of Housing and Urban Development or other similar contractual commitments whereby a third party commits to making all or a portion of rental, mortgage or other housing-related payments.” (Sec. 10-36-3)

Exemptions for certain property types: Religious organizations; “E. Nothing in this chapter shall apply to the rental of housing accommodations in a building which contains housing accommodations for not more than two families living independently of each other, if the owner or a member of the owner's family resides in one of the housing accommodations. F. Nothing in this chapter shall apply to the rental of one room or one rooming unit in a housing accommodation by an individual, if such individual or a member of such individual's family resides therein, or, with regard to discrimination based on sex, rooms or rental units where tenants would be required to share a common bath.”

Administrative complaint, private action, or both: Administrative; private right of action unclear (“Nothing herein contained shall be construed so as to preclude any aggrieved person from pursuing such other and further and equitable relief to which he or she may be entitled. Fines collected pursuant to this section will be used to establish a fund to educate the community about fair housing and responsibilities and to promote fair housing in the city.”)

Identifies enforcement agency: Division of Housing and Community Development

Injunctive relief, damages, civil penalties or attorney’s fees: “Violation of any provision of this chapter shall be punished by a fine of \$50.00 and a penalty in any sum not exceeding \$200.00. Each day on which a continuing violation occurs shall constitute a new and separate violation of this chapter.”

Landlord incentives: No

Language re: minimum income or HCV program features: “Nothing in this chapter shall require a real estate broker or salesperson or operator to negotiate with any person who has not shown evidence of financial ability to consummate the purchase or rental of a housing accommodation.”

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

Cities in Texas

Note that local Source of Income Discrimination laws in Texas may be preempted by a state statute that purports to prohibit such laws, Tex. Local Gov’t Code § 250.007, which is currently being challenged in federal court (see descriptions below).

Citation: Texas Local Government Code Sec. 250.007
(<https://codes.findlaw.com/tx/local-government-code/loc-gov-t-sect-250-007.html>)

Date enacted: September 1, 2015

Operative Language: “REGULATION OF RENTAL OR LEASING OF HOUSING ACCOMMODATIONS. Except as provided by this section, a municipality or county may not adopt or enforce an ordinance or regulation that prohibits an owner, lessee, sublessee, assignee, managing agent, or other person having the right to lease, sublease, or rent a housing accommodation from refusing to lease or rent the housing accommodation to a person because the person's lawful source of income to pay rent includes funding from a federal housing assistance program.

(b) This section does not affect an ordinance or regulation that prohibits the refusal to lease or rent a housing accommodation to a military veteran because of the veteran's lawful source of income to pay rent.

(c) This section does not affect any authority of a municipality or county or decree to create or implement an incentive, contract commitment, density bonus, or other voluntary program designed to encourage the acceptance of a housing voucher directly or indirectly funded by the federal government, including a federal housing choice voucher.”

This preemption statute was challenged in the case below:

Relevant Case Law: *Inclusive Communities Project v. Governor Greg Abbott*, No. 3:17-cv-440 (N.D. Tex. 2017), complaint alleging the Texas statute, “Tex. Local Gov’t Code § 250.007” outlawing local source of income discrimination laws violates the 14th Amendment to the U.S. Constitution and the Fair Housing Act.). See Complaint here: www.prrac.org/pdf/ICP_Complaint_-_state_preemption_of_SOI_ordinance.pdf. Case was dismissed without prejudice for lack of standing on May 28, 2018. The court held that ICP failed to prove a causal link between its injury and the actions of the Governor. Further, the court held that the action was barred by the 11th Amendment. ICP has no plans to appeal this decision.

Austin:

Citation: Austin Code of Ordinances Title 5 Ch. 1. This ordinance is currently preempted by state law (see above) (https://library.municode.com/tx/austin/codes/code_of_ordinances)

Date enacted: December 11, 2014 (effective January 12, 2015)

Operative Language: “SOURCE OF INCOME means lawful, regular, and verifiable income including, but not limited to, housing vouchers and other subsidies provided by government or non-governmental entities, child support, or spousal maintenance, but does not include future gifts.” (Sec. 5-1-13)

Unsuccessful court challenge to ordinance by property owners (*Austin Apartment Association v. City of Austin*) was followed by state legislative repeal (below). But in 2017, a fair housing act challenge to state preemption law was filed. The case was dismissed for lack of standing in 2018 (see below).

Exemptions for certain property types: Religious organizations

Administrative complaint, private action, or both: Administrative with limited right to private action

Identifies enforcement agency: Equal Employment/Fair Housing Office

Injunctive relief, damages, civil penalties or attorney’s fees: All. “To vindicate the public interest, the commission may assess a civil penalty against the respondent in an amount that does not exceed: (1) \$10,000 if the respondent has not been adjudged to have committed any prior discriminatory housing practice; (2) except as provided by Subsection (D), \$25,000 if the respondent has been adjudged by order of the commission or a court to have committed one other discriminatory housing practice during the five year period ending on the date of the filing of this charge; and (3) except as provided by Subsection (D), \$50,000 if the respondent has been adjudged by order of the commission or a court to have committed two or more discriminatory housing practices during the seven year period ending on the date of the filing of the charge.”

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

Relevant Case Law:

1. *Austin Apartment Assn. v. City of Austin*, 89 F. Supp.3d 886 (W.D. Tex. 2015): Austin Apartment Association (the Association), a trade association whose members control rental properties serving over 192,000 households, claimed the Ordinance is invalid and sought a preliminary injunction against its enforcement. Specifically, the Association argued that the Ordinance is preempted by Texas and federal law, impairs the obligation of contracts in violation of the Texas Constitution, and constitutes a regulatory taking and due process violation under the Texas and United States Constitutions. The Court denied the motion for preliminary injunction. Case and appeal subsequently mooted by state legislation.

2. In August, 2017, the Austin City Council also voted to sue the state of Texas for prohibiting source of income protections. *City of Austin v. Ken Paxton*, Texas Attorney General, in his official capacity, and the Texas Workforce Commission, No. 1:17-cv-00843-SS (W.D. Tex., filed Aug. 29, 2017). See article [here](#). State’s motion to dismiss City’s § 3615 preemption claim was denied on July 12, 2018. See order [here](#).

Dallas:

Citation: Dallas City Code Volume I Ch. 20A. This ordinance is currently preempted by state law (see above)

([http://library.amlegal.com/nxt/gateway.dll/Texas/dallas/cityofdallastexascodeofordinances?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:dallas_tx](http://library.amlegal.com/nxt/gateway.dll/Texas/dallas/cityofdallastexascodeofordinances?f=templates$fn=default.htm$3.0$vid=amlegal:dallas_tx))

Date enacted: October 26, 2016

Operative Language: “SOURCE OF INCOME means lawful, regular, and verifiable income from whatever source derived (including housing vouchers and other subsidies provided by government or non-governmental entities, child support, or spousal maintenance), except as prohibited by Texas Local Government Code, Section 250.007, as amended. For purposes of housing accommodations that benefit from a subsidy approved by the city council on or after the effective date of this ordinance, source of income includes housing choice vouchers and other federal, state, and local housing subsidies.” (Sec. 20A-3)

Exemptions for certain property types: Religious organizations; “(b) It is a defense to criminal prosecution or civil action under all of Section 20A-4 except Section 20A-4(c)(2) and (3) that the housing accommodation is: (1) a single-family dwelling owned by the respondent; except that, this defense is not available if the respondent: (A) owns an interest or title in more than three single-family dwellings, whether or not located inside the city, at the time the offense is committed; (B) has not resided in the dwelling within the preceding 24 months before the offense is committed; or (C) uses the services or facilities of a real estate agent, or any other person in the business of selling or renting real estate, in connection with a sale or rental involved in the offense; or (2) occupied or intended for occupancy by four or fewer families living independently of each other, and the respondent is the owner of the accommodation and occupies part of the accommodation as a residence; except that, this defense is not available if the offense involves a sale of all or part of the housing accommodation.”

Administrative complaint, private action, or both: Administrative with limited right to private action

Identifies enforcement agency: Administrator of the Fair Housing Office

Injunctive relief, damages, civil penalties or attorney’s fees: All. Civil penalties in an amount that does not exceed: “(A) \$10,000 if the respondent has not been adjudged by order of a court to have committed a prior discriminatory housing practice; (B) except as provided by Subparagraph (D) of this paragraph, \$25,000 if the respondent has been adjudged by order of a court to have committed one other discriminatory housing practice during the five-year period ending on the date of the filing of the charge; and (C) except as provided by Subparagraph (D) of this paragraph, \$50,000 if the respondent has been adjudged by order of a court to have committed two or more discriminatory housing practices during the seven-year period ending on the date of the filing of the charge. (D) If the acts constituting the discriminatory housing practice that is the subject of the charge are committed by the same individual who has been previously adjudged to

have committed acts constituting a discriminatory housing practice, the civil penalties in Subparagraphs (B) and (C) of this paragraph may be imposed without regard to the period of time within which any other discriminatory housing practice occurred”

Landlord incentives: “In accordance with Section 250.007(c) of the Texas Local Government Code, as amended, the city hereby creates and implements the following voluntary program to encourage acceptance of housing vouchers, including vouchers directly or indirectly funded by the federal government.

(a) Subsidy. All housing accommodations that benefit from a subsidy approved by the city council on or after the effective date of this ordinance shall not discriminate against holders of any housing vouchers, including vouchers directly or indirectly funded by the federal government.

(b) Financial award. Multifamily housing accommodations that benefit from a financial award approved by the city council on or after the effective date of this ordinance shall set aside at least 10 percent of the dwelling units and solely lease those dwelling units to holders of housing vouchers, including vouchers directly or indirectly funded by the federal government, for a minimum of 15 years from the date of the initial issuance of the housing accommodation’s certificate of occupancy. Multifamily has the meaning assigned in Section 51A-4.209(b)(5) of the Dallas Development Code, as amended.” (Sec. 20A-4.1: Housing Voucher Incentives)

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

Cities/Counties in Washington

Bellevue:

Citation: Bellevue City Code Title 9 Ch. 9.20 (<https://bellevue.municipal.codes/BCC/9.20.010>)

Date enacted: January 30, 1990 (effective February 5, 1990)

Operative Language: “No person shall refuse to rent a dwelling unit to any rental applicant solely on the basis that the applicant proposes to rent such unit pursuant to a Section 8 voucher or certificate issued under the Housing and Community Development Act of 1974 (42 USC 1437(F)); provided this section shall only apply with respect to a Section 8 certificate if the monthly rent on such residential unit is within the limits of fair market rent as established by the Department of Housing and Urban Development.” (Sec. 9.20.045)

Exemptions for certain property types: Religious organizations

Administrative complaint, private action, or both: Administrative

Identifies enforcement agency: Compliance officer appointed by the city manager

Injunctive relief, damages, civil penalties or attorney’s fees: Civil penalties not exceeding \$500.00 for each day or portion thereof that the unlawful act or omission has continued.

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

King County (unincorporated areas only):

Citation: King County Code Sec. 12.20.040

(<https://www.kingcounty.gov/~media/exec/civilrights/documents/OrdFH.ashx?la=en>)

Date enacted: March 2006

Operative Language: “A. It is a discriminatory practice and unlawful for any person, whether acting for himself or herself or another, because of race, color, religion, national origin, ancestry, age, gender, marital status, parental status, participation in the Section 8 program, sexual orientation, disability or use of a service or assistive animal by an individual with a disability: 1. To refuse to engage in a real estate transaction with a person or to otherwise make unavailable or deny a dwelling to any person; 2. To discriminate against a person in the terms, conditions or privileges of a real estate transaction, including financial terms and conditions such as the setting of rents or damage deposits, or in the furnishing of facilities or services in connection with any real estate transaction; however, rents and damage deposits may be adjusted to recognize the number of persons utilizing the property except insofar as such adjustment might discriminate based on race, color, religion, national origin, ancestry, age, gender, marital status, parental status, participation in the Section 8 program, sexual orientation, disability or use of a service or assistive animal by an individual with a disability”

Exemptions for certain property types: Religious organizations; “B. Nothing in this chapter, except K.C.C. 12.20.040.A.6, 12.20.040.A.7, 12.20.040.A.8, 12.20.040.B and 12.20.050, applies to the renting, subrenting, leasing or subleasing of a single-family or duplex dwelling unit in which the owner normally maintains a permanent residence, home or abode”

Administrative complaint, private action, or both: Both

Identifies enforcement agency: Office of Civil Rights

Injunctive relief, damages, civil penalties or attorney’s fees: All. Civil penalties up to the limits in 42 U.S.C. Sec. 3612(g)(3) and 24 C.F.R. 180.671(2003), as they exist on April 16, 2006

Landlord incentives: No

Language re: minimum income or HCV program features: “C. Nothing in this chapter prohibits any party to a real estate transaction or real estate-related transaction from considering the capacity to pay and credit history of any individual applicant.”

Includes risk mitigation fund: Yes (<http://creatingmoves.org/property-owners/>)

Provides tax abatement for HCV participation: No

Kirkland:

Citation: Kirkland Municipal Code Ch. 7.74
(<https://www.codepublishing.com/WA/Kirkland/?Kirkland07/Kirkland0774.html#7.74.010>)

Date enacted: March 19, 2013

Operative Language: “No person shall refuse to rent a dwelling unit to any rental applicant solely on the basis that the applicant proposes to rent such unit pursuant to a Section 8 voucher or certificate issued under the Housing and Community Development Act of 1974 (42 U.S.C. 1437f); provided, this section shall only apply with respect to a Section 8 certificate if the monthly rent on such residential unit is within the allowable rent as established by the Department of Housing and Urban Development. ‘Dwelling unit’ shall have the meaning set forth in KZC 5.250.” (Sec. 7.74.010)

Exemptions for certain property types: Religious organizations; “renting, subrenting, leasing, or subleasing of a portion of a single-family dwelling, wherein the owner or person entitled to possession thereof maintains a permanent residence, home or abode therein”

Administrative complaint, private action, or both: Administrative

Identifies enforcement agency: No

Injunctive relief, damages, civil penalties or attorney’s fees: All. “(A) The penalty for first-time violations is one hundred dollars per day for each violation; (B) The per-day penalty for repeat violations shall be double the previous per-day penalty amount. For example, the per-day penalty for second-time violations is two hundred dollars, and the per-day penalty for third-time violations is four hundred dollars. (2) Limit. The total monetary penalties for each violation shall not exceed ten thousand dollars per violation, except as provided for in Sections 1.12.050(d)(3) and (4)” (Ch. 1.12)

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

Olympia:

Citation: Olympia Municipal Code Title 5 Ch. 5.80

(<https://www.codepublishing.com/WA/Olympia/?Olympia05/Olympia0580.html#5.80.010>)

Date enacted: 1980

Operative Language: "No owner, lessee, sublessee, assignee, real estate broker, associate broker, salesperson, or employee, managing agent of, or other person having the right to sell, rent, lease, sublease, assign, transfer, or otherwise dispose of a housing accommodation shall refuse to sell, rent, lease, sublease, assign, transfer, or otherwise deny to, or withhold from any person or group of persons such housing accommodations, or segregate the use thereof, or represent that such housing accommodations are not available for inspection, when in fact they are so available, or expel or evict an occupant from a housing accommodation because of the race, color, religion, ancestry or national origin, gender, familial status, the presence of any sensory, mental, or physical disability, the use of a trained guide dog or service animal by a disabled person, marital status, sexual orientation, or gender identity, or the perception thereof, of such person or persons, or discriminate against or segregate any person because of the person's race, color, religion, ancestry, national origin, gender, familial status, the presence of any sensory, mental, or physical disability, the use of a trained guide dog or service animal by a disabled person, marital status, sexual orientation, or gender identity, or the perception thereof, in the terms, conditions, or privileges of the sale, rental, lease, sublease, assignment, transfer, or other disposition of any such housing accommodations or in the furnishing of facilities or services in connection therewith." (Sec. 5.80.040)

Exemptions for certain property types: "Renting, subrenting, leasing or subleasing of single-family dwellings wherein the owners or persons entitled to possession thereof normally maintain, or intend to maintain, their residences, homes or abodes"

Administrative complaint, private action, or both: Administrative with limited right to private action

Identifies enforcement agency: Washington State Human Rights Commission

Injunctive relief, damages, civil penalties or attorney's fees: "A. Any person, firm, or corporation who knowingly violates or fails to comply with any term or provision of this chapter shall be deemed to have committed a misdemeanor, and if found guilty, shall be subject to a fine not to exceed One Thousand Dollars (\$1,000), and/or to imprisonment not to exceed ninety (90) days or to both such fine and imprisonment. Each day shall be a separate offense. In the event of a continuing violation or failure to comply, the second and subsequent days shall constitute a gross misdemeanor punishable by a fine not to exceed Five Thousand Dollars (\$5,000) and/or imprisonment not to exceed three hundred and sixty-five (365) days or both such time and imprisonment. Continuing violation shall mean the same type of violation which is committed within a year of the initial violation.

B. As an additional concurrent penalty, it shall be a civil infraction for a person, firm, or corporation to violate or fail to comply with any term or provision of this chapter. Each day shall be a separate infraction. A person, firm, or corporation found to have committed a civil infraction shall be assessed a monetary penalty as follows: 1. First offense: Class 3 (\$50), not including statutory assessments. 2. Second offense arising out of the same facts as the first offense: Class 2 (\$125), not including statutory assessments. 3. Third offense arising out of the same facts as the first offense: Class 1 (\$250), not including statutory assessments.”

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

Redmond:

Citation: Redmond Municipal Code Title 6 Ch. 6.38
(<https://www.codepublishing.com/WA/Redmond/municode/Redmond06/Redmond0638.html#6.38>)

Date enacted: February 7, 2012

Operative Language: “(A) No person shall refuse to rent a dwelling unit to any rental applicant solely on the basis that the applicant proposes to rent such a unit pursuant to a Section 8 voucher or certificate under the House and Community Development Act of 1974 (42 USC 1437(F)); provided this section shall only apply with respect to a Section 8 certificate if the monthly rent on such residential unit is within the allowable rent as established by the Department of Housing and Urban Development. ‘Dwelling unit’ shall have the meaning set forth in RZC 21.78.” (Sec. 6.38.020)

Exemptions for certain property types: Religious organizations; “renting, sub-renting, leasing, or subleasing of a single-family dwelling, wherein the owner or person entitled to possession thereof maintains a permanent residence, home or abode”

Administrative complaint, private action, or both: Unknown

Identifies enforcement agency: No

Injunctive relief, damages, civil penalties or attorney’s fees: “Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code, unless provision is otherwise made herein, shall upon conviction thereof, be punished by a fine of not more than five thousand dollars, or by imprisonment for a period of not more than one year, or by both such fine and imprisonment. Each such person is guilty of a separate offense for each and every day during any portion of which any violation of any provisions of this Code is

committed, continued or permitted by such person and shall be punished accordingly. In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this Code, is a public nuisance and all remedies given by law for the prevention and abatement of nuisances shall apply thereto. Further, each day that such condition continues shall be regarded as a new and separate offense.” (Sec. 1.01.110)

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

Renton:

Citation: Renton Municipal Code Title 6 Ch. 32
(<https://www.codepublishing.com/WA/Renton/#!/Renton06/Renton0632.html#32>)

Date enacted: November 7, 2016 (amended May 7, 2018)

Operative Language: ““Source of income” includes benefits or subsidy programs including housing assistance, public assistance, emergency rental assistance, veterans benefits, social security, supplemental security income or other retirement programs, and other programs administered by any federal, state, local, or nonprofit entity. “Source of income” does not include income derived in an illegal manner.” (Sec. 6-32-2)

Exemptions for certain property types: Religious organizations

Administrative complaint, private action, or both: Both

Identifies enforcement agency: No

Injunctive relief, damages, civil penalties or attorney’s fees: “A violation of this Chapter is punishable by an order imposing a civil penalty in the amount of one thousand dollars (\$1,000). A second violation of this Chapter by the same person within a two (2) year period is punishable by a civil penalty in the amount of two thousand five hundred dollars (\$2,500).”

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

Seattle:

Citation: Seattle Municipal Code Title 14 Ch. 14.08

(https://library.municode.com/wa/seattle/codes/municipal_code?nodeId=TIT14HURI_CH14.08_UNHOPR)

Date enacted: December 11, 1989 (amended in 2016)

Operative Language: “Section 8 or other subsidy program” means short or long term federal, state or local government, private nonprofit, or other assistance programs in which a tenant's rent is paid either partially by the program (through a direct arrangement between the program and the owner or lessor of the real property), and partially by the tenant or completely by the program. Other subsidy programs include but are not limited to HUD-Veteran Affairs Supportive Housing (VASH) vouchers, Housing and Essential Needs (HEN) funds, and short-term rental assistance provided by Rapid Rehousing subsidies.” (Sec. 14.08.020)

Exemptions for certain property types: “Religious organizations; renting, subrenting, leasing or subleasing of a single-family dwelling, wherein the owner or person entitled to possession thereof maintains a permanent residence, home or abode, except as set forth in SMC 14.08.040(B), 14.08.040(C), SMC 14.08.045, SMC 14.08.060, SMC 14.08.070(A), and SMC 14.08.070(B)”

Administrative complaint, private action, or both: Both

Identifies enforcement agency: Seattle Office for Civil Rights

Injunctive relief, damages, civil penalties or attorney’s fees: All. Civil penalties not to exceed: “1. Eleven Thousand Dollars (\$11,000) if the respondent has not been determined to have committed any prior unfair practice; 2. Twenty seven Thousand Five Hundred Dollars (\$27,500) if the respondent has been determined to have committed one (1) other unfair practice during the five (5) year period ending on the date of the filing of this charge; or 3. Fifty five Thousand Dollars (\$55,000) if the respondent has been determined to have committed two (2) or more unfair practices during the seven (7) year period ending on the date of the filing of this charge; except that if acts constituting the unfair practice that is the subject of the charge are committed by the same natural person who has been previously determined to have committed acts constituting an unfair practice, then the civil penalties set forth in subparagraphs 2 and 3 of subsection B of this section may be imposed without regard to the period of time within which those prior acts occurred.”

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

Spokane:

Citation: Spokane Municipal Code Title 18 Ch. 18.01
(<https://my.spokanecity.org/smc/?Chapter=18.01>)

Date enacted: March 27, 2017 (effective May 13, 2017)

Operative Language: “Housing choice or other subsidy program (or alternative source of income)” means, without limitation: (i) any short or long term federal, state or local government, private nonprofit, or other assistance program in which a tenant’s rent is paid either partially by the program (through a direct arrangement between the program and the owner or lessor of the real property), and partially by the tenant or completely by the program; or (ii) HUD-Veteran Affairs Supportive Housing (VASH) vouchers, Housing and Essential Needs (HEN) funds, and short-term rental assistance provided by Rapid Rehousing subsidies.” (Sec. 18.01.030)

Exemptions for certain property types: The provisions of this chapter do not apply to the owner of a single-family house rented or leased by the owner if: (i) the owner does not own or have an interest in the proceeds of the rental or lease of more than one single-family house at one time; and (ii) the owner also occupies the single-family house rented or leased.

Administrative complaint, private action, or both: Administrative

Identifies enforcement agency: Spokane Human Rights Commission

Injunctive relief, damages, civil penalties or attorney’s fees: Restitution damages allowed. “The maximum civil penalties and default amounts, not including statutory assessments, for a violation of this code, unless otherwise provided by state law, are: 1. Class 1 civil infraction: Two hundred sixty- one dollars.” (Sec. 01.02.950: general penalty provision)

Landlord incentives: No

Language re: minimum income or HCV program features: “Nothing in this Title 18 prohibits the use of reasonable, non-discriminatory factors in housing decisions, including, without limitation, criminal background or rental history.”

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

Tumwater:

Citation: Tumwater Municipal Code Ch. 5.70
(<https://www.codepublishing.com/WA/Tumwater/html/Tumwater05/Tumwater0570.html#5.70>)

Date enacted: December 21, 2010

Operative Language: “No owner, lessee, sublessee, assignee, real estate broker, real estate salesman, managing agent of, or other person having the right to sell, rent, lease, sublease, assign, transfer, or otherwise dispose of a housing accommodation shall refuse to sell, rent, lease, sublease, assign, transfer, or otherwise deny to, or withhold from any person or group of persons such housing accommodations, or segregate the use thereof, or represent that such housing accommodations are not available for inspection, when in fact they are so available, or expel or evict an occupant from a housing accommodation because of the race, color, religion, ancestry, sensory, mental, or physical disability, national origin, gender, familial status, marital status or sexual orientation of such person or persons, or use of federal housing assistance by such person or persons, or discriminate against or segregate any person because of his/her race, color, religion, ancestry, national origin, gender, sensory, mental, or physical disability, familial status, marital status, sexual orientation or use of federal housing assistance, in the terms, conditions, or privileges of the sale, rental, lease, sublease, assignment, transfer or other disposition of any such housing accommodations or in the furnishing of facilities or services in connection therewith.” (Sec. 5.70.040)

Exemptions for certain property types: Religious organizations; “the renting, subrenting, leasing or subleasing of a single-family or duplex dwelling unit wherein the owner or person entitled to possession thereof normally maintains, or intends to maintain, a permanent residence, home or abode.”

Administrative complaint, private action, or both: Administrative

Identifies enforcement agency: Washington State Human Rights Commission

Injunctive relief, damages, civil penalties or attorney’s fees: “Any person who violates or fails to comply with any of the provisions of this chapter shall be subject to a civil penalty not exceeding \$500.00 for each day or portion thereof that the unlawful act or omission has continued.”

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

Vancouver:

Citation: Vancouver Municipal Code Ch. 8.45 (<https://vancouver.municipal.codes/VMC/8.45>)

Date enacted: September 2015

Operative Language: ““Source of income” includes income derived from social security, supplemental security income, other retirement programs, and any federal, state, local, or

nonprofit-administered benefit or subsidy programs, including housing assistance, public assistance, and general assistance programs. ‘Source of income’ does not include income derived in an illegal manner.” (Sec. 8.45.010)

Exemptions for certain property types: Religious organizations; “renting, subrenting, leasing, or subleasing of a portion of a single-family dwelling, wherein the owner or person entitled to possession thereof maintains a permanent residence, home or abode therein”

Administrative complaint, private action, or both: Administrative

Identifies enforcement agency: Human Relations Commission

Injunctive relief, damages, civil penalties or attorney’s fees: Unknown

Landlord incentives: No

Language re: minimum income or HCV program features: “Nothing in this chapter shall: [...] B. Be interpreted to prohibit any person from making a choice among prospective tenants on the basis of factors other than the source of income; 1. If income screening criteria are elected to be used, any source of income in the form of a rent voucher or subsidy must be subtracted from the total of the monthly rent prior to calculating if the income criteria have been met.”

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

Cities/Counties in Wisconsin

Relevant Case Law:

Knapp v. Eagle Property Management Corp., 54 F.3d 1272 (Wis. 1995) (finding that Section 8 federal rent assistance vouchers were not “lawful source of income” within meaning of Wisconsin Open Housing Act provision prohibiting landlords from discriminating in housing on basis of lawful source of income). Therefore, note that local ordinances need to include specific language on housing assistance to avoid this state court ruling.

Cambridge (does not cover housing vouchers):

Citation: Village of Cambridge Wisconsin Code of Ordinances Title 9 Ch. 9.36 (https://library.municode.com/wi/cambridge/codes/code_of_ordinances?nodeId=TIT9PUPEMOWE_CH9.36HODI)

Date enacted: 2010

Operative Language: “It is declared to be the policy of the village to assure equal opportunity to all persons to live in adequate housing facilities regardless of race, color, religion, ancestry,

national origin, sex, handicap, sexual preference, marital status of persons maintaining a household, lawful source of income, place of birth, or age, and, to that end, to prohibit discrimination in housing by any persons.” (Sec. 9.36.010)

Cambridge follows WIS. STAT. § 106.50 and does not include Section 8 vouchers in “lawful source of income.”

Exemptions for certain property types: Religious organizations; “C. Any single-family house sold or rented by an owner; provided, that such private individual owner does not own more than three such single-family houses at any one time; provided further, that in the case of the sale of any such single-family house by a private individual not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four (24) month period; provided further, that such bona fide private individual owner does not own any interest in, nor is there owned or served on his or her behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of more than three such single-family houses at any one time; provided further, the sale, or rental of any such single-family house shall be excepted from the application of this chapter only if such house is sold or rented: 1. Without the use of any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesperson or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesperson, or person; 2. Without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of the provisions of 42 United States Code Section 3604; and 3. Without the violation of Section 9.36.030 of this chapter; but nothing in this subsection shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title. D. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his or her residence.”

Administrative complaint, private action, or both: Administrative

Identifies enforcement agency: Cambridge Village Board

Injunctive relief, damages, civil penalties or attorney’s fees: All. “A. Except where a penalty is provided elsewhere in this code, any person who shall violate any of the provisions of this code shall upon conviction of such violation, be subject to a penalty, which shall be as follows: 1. First Offense—Penalty. Any person who shall violate any provision of this code shall, upon conviction thereof, forfeit not less than twenty-five dollars (\$25.00) nor more than one thousand dollars (\$1,000.00), together with the costs of prosecution and, in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding ninety (90) days. 2. Second Offense—Penalty. Any person found guilty of violating any ordinance or part of an ordinance of this code who shall previously have been convicted of a violation of the same ordinance within one year shall upon conviction thereof, forfeit not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000.00) for each such offense, together with costs of prosecution and in default of payment of such

forfeiture and costs shall be imprisoned in the county jail until such forfeiture and costs of prosecution are paid, but not exceeding ninety (90) days. B. Continued Violations. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this code shall preclude the village from maintaining any appropriate action to prevent or remove a violation of any provision of this code. C. Other Remedies. The village shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeitures and costs of prosecution above.” (Sec. 1.16.010: general penalty)

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

Dane County:

Citation: Dane County Ordinances Ch. 31
(<https://danedocs.countyofdane.com/webdocs/pdf/ordinances/ord031.pdf>)

Date enacted: August 6, 1987 (effective January 1, 1988)

Operative Language: “Lawful source of income” includes, but is not limited to, lawful compensation or lawful remuneration in exchange for goods or services provided; profit from financial investments; any negotiable draft, coupon or voucher representing monetary value such as food stamps; social security; public assistance; unemployment compensation or worker's compensation payments. (Sec. 31.03 (citing Wis. Admin. Code DWD § 220.02))

Exemptions for certain property types: No

Administrative complaint, private action, or both: Administrative with limited right to private action cases (“Nothing in this chapter shall limit an individual's right to maintain a private right of action to enforce his or her statutory or constitutional rights and privileges”). However, the Corporate Counsel refuses to enforce Section 8.

Identifies enforcement agency: No

Injunctive relief, damages, civil penalties or attorney’s fees: All Civil penalties: “(a) Any person who violates any provision of this chapter or any lawful order issued under this chapter shall, for the first violation, forfeit an amount not to exceed \$5,000. (b) Any person adjudged to have violated any provision of this chapter for the second time within a five year period shall, for that second violation committed within the same five year period, forfeit an amount not to exceed \$10,000. (c) Any person adjudged to have violated any provision of this chapter for a third or subsequent time within a five year period shall, for the third and subsequent violations committed within the same five year period, forfeit an amount not to exceed \$50,000.”

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

Madison:

Citation: Madison Code of Ordinances Ch. 39.03

(https://library.municode.com/wi/madison/codes/code_of_ordinances?nodeId=COORMAWIVOIVCH32--45_CH39DECIRI)

Date enacted: October 29, 1977

Operative Language: “Source of income includes, but shall not be limited to, moneys received from public assistance, pension, and Supplementary Security Income (SSI). Source of income shall be limited to legally derived income.”

Exemptions for certain property types: No

Administrative complaint, private action, or both: Administrative

Identifies enforcement agency: Equal Opportunities Commission

Injunctive relief, damages, civil penalties or attorney’s fees: Injunctive relief, damages, and civil penalties. Civil penalties: “(a) Any person violating any of the provisions of this section shall upon conviction be subject to a forfeiture of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500). (b) Any person who shall fail or neglect to comply with any lawful order of the Equal Opportunities Commission issued pursuant to the provisions of this section shall be deemed guilty of a violation of this section, and every day or fraction thereof on which such person shall fail or neglect to comply with such order, shall be deemed a separate offense.”

Landlord incentives: No

Language re: minimum income or HCV program features: “(7) Minimum Income Requirements . (a) No landlord may deny an application for housing based solely on a minimum income requirement or minimum income-to-rent ratio or other financial criterion of a similar nature as part of a prospective tenant screening process if other reliable, demonstrable evidence of an applicant's actual ability to pay the rental amount exists and is provided by the applicant.” (Sec. 32.12)

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

Milwaukee:

Citation: Milwaukee Code of Ordinances Ch. 109

(<https://city.milwaukee.gov/ImageLibrary/Groups/ccClerk/Ordinances/Volume-1/CH109.pdf>)

Date enacted: June 21, 2018

Operative Language: “SOURCE OF INCOME means income that is legally derived and that is subject to reasonable and good-faith efforts to verify the lawfulness of its derivation and includes moneys received from public assistance, pension and supplementary security income.” (Sec. 109-5)

Exemptions for certain property types: No

Administrative complaint, private action, or both: Administrative

Identifies enforcement agency: Equal Rights Commission

Injunctive relief, damages, civil penalties or attorney’s fees: Injunctive relief and civil penalties. Civil penalties: “1. Any person who willfully violates this chapter or any lawful order of the commission under this chapter shall, for the first violation, forfeit not less than \$500 nor more than \$5,000. 2. For each successive violation within 5 years of having been adjudged to be in violation of this chapter or any lawful order of the commission under this chapter, the person shall forfeit not less than \$1,000 nor more than \$10,000.”

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

Ripon (does not cover housing vouchers):

Citation: Ripon Municipal Code Title 12 Part IV Ch. 12.48

(https://library.municode.com/wi/ripon/codes/code_of_ordinances?nodeId=TIT12PUPEMOWE_IVOFAGPR_CH12.48HODI)

Date enacted: 2007

Operative Language: “In connection with any of the transactions set forth in this section which affect any housing accommodation on the open market or in connection with any public sale,

purchase, rental, financing or lease of any housing accommodation, it is unlawful within the city of Ripon for a person, owner, financial institution, real estate broker or real estate salesman, or any representative of the above, to: A. Refuse to sell, purchase, rent or lease, or deny to or withhold any housing accommodation from a person because of his or her race, color, religion, age, ancestry, national origin, gender, sexual orientation, disability, marital status, familial status, lawful source of income, or place of birth” (Sec. 12.48.030)

Ripon follows WIS. STAT. § 106.50 and does not include Section 8 vouchers in “lawful source of income.”

Exemptions for certain property types: Religious organizations; “single-family house sold or rented by an owner; provided, that such private individual owner does not own more than three such single-family houses at any one time; provided further, that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within a twenty-four-month period; provided further, that such bona fide private individual owner does not own any interest in, nor is there owned or served on his or her behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three such single-family houses at any one time; provided further, the sale or rental of any such single-family house shall be excepted from the application of this chapter only if such house is sold or rented: 1. Without the use of any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman or person, and 2. Without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of the provisions of 42 United States Code Section 3604(c) or of Section 12.48.030; but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies and other such professional assistance as necessary to perfect or transfer the title; or D. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, or if the owner actually maintains and occupies one of such living quarters as his or her residence.”

Administrative complaint, private action, or both: Administrative

Identifies enforcement agency: Code Enforcement Officer of the City of Ripon

Injunctive relief, damages, civil penalties or attorney’s fees: Unknown regarding injunctive relief, damages, or attorney’s fees. Civil penalties: “First Offense—Penalty. Any person who shall violate any provision of this code shall, upon conviction thereof, forfeit not less than twenty-five dollars nor more than five hundred dollars, together with the costs of prosecution and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail until said forfeiture and costs are paid, but not exceeding ninety days. B. Second Offense—Penalty. Any person found guilty of violating any ordinance or part of an ordinance of this code who shall previously have been convicted of a violation of the same ordinance within one year shall, upon conviction thereof, forfeit not less than fifty dollars nor more than one

thousand dollars for each such offense, together with costs of prosecution and in default of the payment of such forfeiture and costs shall be imprisoned in the county jail until such forfeiture and costs of prosecution are paid, but not exceeding ninety days maximum prison term. C. Maximum Penalty. In no case shall the forfeiture imposed for the violation of any provision of this code exceed the maximum forfeiture for the same offense under the laws of the state of Wisconsin.” (Sec. 12.48.060 (citing Sec. 1.16.010))

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

Sun Prairie (does not cover housing vouchers):

Citation: Sun Prairie Code of Ordinances Title 9 Ch. 9.20

(https://library.municode.com/wi/sun_prairie/codes/code_of_ordinances?nodeId=COOR_TIT9PUPEWE_CH9.20HODI)

Date enacted: November 6, 2007

Operative Language: “In connection with any of the transactions set forth in this section which affect any housing accommodation on the open market, or in connection with any public sale, purchase, rental or lease of any accommodation, it is unlawful within the city for a person, owner, financial institution, real estate broker or real estate salesperson, or any representative of the above, to: A. Refuse to sell, purchase, rent or lease, or deny to or withhold any housing accommodation from a person because they are a member of a protected class” (Sec. 9.20.030)

Exemptions for certain property types: Religious organizations; “Any single-family house sold or rented by an owner; provided, that such private individual owner does not own more than three such single-family houses at any one time; provided further, that in the case of the sale of any such single-family house by a private individual not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four (24) month period; provided further, that such bona fide private individual owner does not own any interest in, nor is there owned or served on his or her behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three such single-family houses at any one time; provided further, the sale, or rental of any such single-family house shall be excepted from the application of this chapter only if such house is sold or rented: 1. Without the use of any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesperson or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesperson, or person; and 2. Without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of the provisions of

42 United States Code Section 3604; or 3. Of Section 9.20.030 of this chapter; but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title. D. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his or her residence.”

Administrative complaint, private action, or both: Administrative

Identifies enforcement agency: Common Council

Injunctive relief, damages, civil penalties or attorney’s fees: All. Civil penalties: “A. General Penalty. Except where a penalty is provided elsewhere in this code, any person who shall violate any of the provisions of this code shall upon conviction of such violation, be subject to a penalty, which shall be as follows: 1. First Offense—Penalty. Any person who shall violate any provision of this code shall, upon conviction thereof, forfeit not less than five dollars (\$5.00) nor more than five hundred dollars (\$500.00) together with the costs of prosecution and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding ninety (90) days. 2. Second Offense—Penalty. Any person found guilty of violating any ordinance or part of an ordinance of this code who shall previously have been convicted of a violation of the same ordinance within one year shall upon conviction thereof, forfeit not less than twenty dollars (\$20.00) nor more than one thousand dollars (\$1,000.00) for each such offense, together with costs of prosecution and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until such forfeiture and costs or prosecution are paid, as permitted by law. B. Continued Violations. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this code shall preclude the city from maintaining any appropriate action to prevent or remove a violation of any provision of this code.”

Landlord incentives: No

Language re: minimum income or HCV program features: This policy does not preclude an owner from taking reasonable precautions and implementing sound business practice by screening tenants. This screening may include requiring credit histories and credit checks, requiring valid state or federal identification that provides sufficient identification of a person, or review of criminal background for reasonably related offenses. (Sec. 9.20.010)

‘Discrimination’ or ‘discriminatory housing practice’ means any difference in treatment based upon race, color, religion, sex, or national origin; or any act that is unlawful under this chapter. Discrimination as defined in this chapter does not include, and specifically exempts defining any of the following as protected classes for purposes of fair housing discrimination unless required by state statute or federal law: . . .

5. Refusal of Section 8 housing tenants, if not otherwise income qualified, if the owner has either refused all Section 8 tenants or if they have previously set capacity controls on the number of Section 8 units allowed within the property. (Sec. 9.20.020)

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

Wauwatosa (does not cover housing vouchers):

Citation: Wauwatosa Municipal Code Title 15 Ch. 15.22

https://library.municode.com/wi/wauwatosa/codes/code_of_ordinances?nodeId=TIT15BUCO_CH15.22DIHO

Date enacted: 8/5/1986

Operative Language: “It is unlawful for any person to discriminate: A. By refusing to sell, lease, finance or contract to construct housing or by refusing to discuss the terms thereof” (Sec. 15.22.030)

““Discriminate” and “discrimination” mean to segregate, separate, exclude or treat any person unequally only because of sex, race, color, sexual orientation as defined in Section 111.32(13m) of the Wisconsin Statutes, handicap, religion, national origin, familial status, sex or marital status of the person maintaining a household, lawful source of income, age or ancestry. It is intended that the factors set forth herein shall be the sole basis for prohibiting discrimination.” (Sec. 15.22.020)

Wauwatosa follows WIS. STAT. § 106.50 and does not include Section 8 vouchers in “lawful source of income.”

Exemptions for certain property types: No

Administrative complaint, private action, or both: Administrative

Identifies enforcement agency: City Attorney

Injunctive relief, damages, civil penalties or attorney’s fees: Attorney’s fees and civil penalties. Civil penalties: “(1) In any case where there is a violation of a city ordinance for which no penalty is provided, the person violating the same shall be subject to a forfeiture of not less than one dollar, nor more than five thousand dollars for each offense, except as provided in the following subsection. (2) In any case where any ordinance or section of an ordinance of the city does not provide the greater penalty for a second or subsequent conviction for a violation thereof, any person violating the same who has previously been convicted of a violation thereof shall be subject to a forfeiture of not less than twenty-five dollars nor more than two thousand dollars for each offense, except that where the penalty provided by any such ordinance or section for a first violation thereof is larger than the penalty herein provided such larger penalty shall be applicable. (3) No violation of any ordinance of the city shall be, or construed to be, a misdemeanor nor shall imprisonment be imposed as a punishment for violation of any ordinance of the city except in the event of a failure of the defendant to pay the forfeiture imposed by the court, any other provision of the general ordinances of the city to the contrary notwithstanding.

(4) When a forfeiture is imposed for the violation of any ordinance of the city or any section thereof the court may also order the defendant to pay the cost of the action. The court may issue an execution against the property of the defendant for said forfeiture and costs. (Sec. 1.12.01: general penalty)

Landlord incentives: No

Language re: minimum income or HCV program features: “Nothing in this chapter shall be deemed to prohibit an owner, or his agent, from requiring that any person who seeks to buy, rent or lease housing supply information concerning his family, marital, financial and business status.”

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

STATE AND LOCAL INCENTIVES TO PROMOTE ACCEPTANCE OF HOUSING CHOICE VOUCHERS

ILLINOIS

Citation: Chapter 35. Revenue § 200/18-173

Date enacted: 8/15/2014

Operative Language: Housing opportunity area abatement program.

(a) For the purpose of promoting access to housing near work and in order to promote economic diversity throughout Illinois and to alleviate the concentration of low-income households in areas of high poverty, a housing opportunity area tax abatement program is created.

(c) The owner of property located within a housing opportunity area who has a housing choice voucher contract with a housing authority may apply for a housing opportunity area tax abatement by annually submitting an application to the housing authority that administers the housing choice voucher contract. The application must include the number of housing opportunity units as well as the total number of dwelling units contained within the property. The owner must, under oath, self-certify as to the total number of dwelling units in the property and must self-certify that the property is in substantial compliance with local building codes. The housing authority shall annually determine the number of qualified units located within each property for which an application is made. The housing authority shall establish rules and procedures governing the application processes and may charge an application fee. The county clerk may audit the applications to determine that the properties subject to the tax abatement meet the requirements of this Section. The determination of eligibility of a property for the housing opportunity area abatement shall be made annually; however, no property may receive an abatement for more than 10 tax years.

(d) The housing authority shall determine housing opportunity areas within its service area and annually deliver to the county clerk, in a manner determined by the county clerk, a list of all properties containing qualified units within that service area by December 31st of the tax year for which the property is eligible for abatement; the list shall include the number of qualified units and the total number of dwelling units for each property.

The county clerk shall deliver annually to a housing authority, upon that housing authority's request, the most recent available equalized assessed value for the county as a whole and for those taxing districts and townships so specified by the requesting housing authority.

(e) The county clerk shall abate the tax attributed to a portion of the property determined to be eligible for a housing opportunity area abatement. The portion eligible for abatement shall be determined by reducing the equalized assessment value by a percentage calculated using the following formula: 19% of the equalized assessed value of the property multiplied by a fraction where the numerator is the number of qualified units and denominator is the total number of dwelling units located within the property.

(f) Any municipality, except for municipalities with 1,000,000 or more inhabitants, may annually petition the county clerk to be excluded from a housing opportunity area if it is able to demonstrate that more than 2.5% of the total residential units located within that municipality are occupied by tenants under the housing choice voucher program. Properties located within an

excluded municipality shall not be eligible for the housing opportunity area abatement for the tax year in which the petition is made.

(g) Applicability. This Section applies to tax years 2004 through 2024, unless extended by law.

<http://www.ilga.gov/legislation/ilcs/fulltext.asp?DocName=003502000K18-173>

OREGON

Citation: ORS 456.378. Housing Choice Landlord Guarantee Program

Date enacted: 2013

Operative Language:

(1)The Housing and Community Services Department shall develop and implement the Housing Choice Landlord Guarantee Program for the purpose of providing financial assistance to landlords to mitigate damages caused by tenants as a result of occupancy under the Housing Choice Voucher Program.

(2)Landlords that are eligible for assistance under the Housing Choice Landlord Guarantee Program must obtain a judgment against the tenant, following a hearing in which the landlord proves the amount of damages, in either the small claims department of a circuit court or a circuit court for the county in which the property is located. Assistance is limited to reimbursement for only those amounts in the judgment that are related to property damage, unpaid rent or other damages:

- (a)Caused as a result of the tenant’s occupancy under the Housing Choice Voucher Program;
- (b)That exceed normal wear and tear; and
- (c)That are in excess of \$500 but not more than \$5,000 per tenancy.

(3)A landlord must submit a claim for assistance to the department within one year of obtaining a judgment against a tenant pursuant to subsection (2) of this section.

(4)The department may contract with a public or private provider for the administration of the Housing Choice Landlord Guarantee Program. The department is not subject to the provisions of ORS chapter 279A or 279B in awarding a contract under the provisions of this subsection. The department shall establish by rule procedures for inviting proposals and awarding contracts under this subsection.

(5)The department shall adopt rules to implement the provisions of this section, including but not limited to prescribing additional qualifications and requirements that must be met by landlords and the form of application that must be submitted to the department to receive assistance under the program. [2013 c.740 §3; 2017 c.271 §2]

VIRGINIA

Citation: § 58.1-439.12:04. Tax Credits for Technology Industries Grants for Investment and Research and Development in Tobacco-Dependent Localities.

Date enacted: 3/7/2016

Operative Language: “B. For taxable years beginning on or after January 1, 2010, a participating landlord renting a qualified housing unit shall be eligible for a credit against the tax levied pursuant to § 58.1-320 or 58.1-400 in an amount equal to 10 percent of the fair market value of the rent for the unit, computed for that portion of the taxable year in which the unit was rented by such landlord to a tenant participating in a housing choice voucher program. The Department of Housing and Community Development shall administer and issue the tax credit under this section. If (i) the same parcel of real property contains four or more dwelling units and (ii) the total number of qualified housing units on the parcel in the relevant taxable year exceeds 25 percent of the total dwelling units on the parcel, then the tax credit under this section shall apply only to a limited number of qualified housing units with regard to such parcel of real property, with the limited number being equal to 25 percent of the total dwelling units on such parcel of real property in the taxable year.

C. The Department of Housing and Community Development shall issue tax credits under this section on a fiscal year basis. The maximum amount of tax credits that may be issued under this section in each fiscal year shall be \$250,000.

D. Participating landlords shall apply to the Department of Housing and Community Development for tax credits under this section. The Department of Housing and Community Development shall determine the credit amount allowable to the participating landlord for the taxable year and shall also determine the fair market value of the rent for the qualified housing unit based on the fair market rent approved by the United States Department of Housing and Urban Development as the basis for the tenant-based assistance provided through the housing choice voucher program for the qualified housing unit. In issuing tax credits under this section, the Department of Housing and Community Development shall provide a written certification to the participating landlord, which certification shall report the amount of the tax credit approved by the Department. The participating landlord shall attach the certification to the applicable income tax return.

E. The Board of Housing and Community Development shall establish and issue guidelines for purposes of implementing the provisions of this section. The guidelines shall provide for the allocation of tax credits among participating landlords requesting credits. The guidelines shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.).

F. In no case shall the amount of credit taken by a participating landlord for any taxable year exceed the total amount of tax imposed by this chapter for the taxable year. If the amount of credit issued by the Department of Housing and Community Development for a taxable year exceeds the landlord's tax liability imposed by this chapter for such taxable year, then the amount that exceeds the tax liability may be carried over for credit against the income taxes of the participating landlord in the next five taxable years or until the total amount of the tax credit issued has been taken, whichever is sooner. Credits granted to a partnership, limited liability company, or electing small business corporation (S corporation) shall be allocated to the

individual partners, members, or shareholders, respectively, in proportion to their ownership or interest in such business entities.

G. In the event that the amount of the qualified requests for tax credits for participating landlords in the fiscal year exceeds \$250,000, the Department of Housing and Community Development shall pro rate the tax credits among the qualified applicants.”

<http://law.lis.virginia.gov/vacode/title58.1/chapter3/section58.1-439.12:04/>

WASHINGTON

Citation: Section 2 of E2SHB 2578.SL (Laws of 2018)

Date enacted: 3/15/2018

Operative Language:

NEW SECTION. Sec. 2. A new section is added to chapter 43.31 RCW to read as follows:

(1) Subject to the availability of funds for this purpose, the landlord mitigation program is created and administered by the department. The department shall have such rule-making authority as the department deems necessary to administer the program. The following types of claims related to landlord mitigation for renting private market rental units to low-income tenants using a housing subsidy program are eligible for reimbursement from the landlord mitigation program account:

(a) Up to one thousand dollars for improvements identified in section 1(1)(a) of this act. In order to be eligible for reimbursement under this subsection (1)(a), the landlord must pay for the first five hundred dollars for improvements, and rent to the tenant whose housing subsidy program was conditioned on the real property passing inspection. Reimbursement under this subsection (1)(a) may also include up to fourteen days of lost rental income from the date of offer of housing to the applicant whose housing subsidy program was conditioned on the real property passing inspection until move in by that applicant;

(b) Reimbursement for damages as reflected in a judgment obtained against the tenant through either an unlawful detainer proceeding, or through a civil action in a court of competent jurisdiction after a hearing;

(c) Reimbursement for damages established pursuant to subsection (2) of this section; and

(d) Reimbursement for unpaid rent and unpaid utilities, provided that the landlord can evidence it to the department's satisfaction.

<http://lawfilesexxt.leg.wa.gov/biennium/2017-18/Pdf/Bills/Session%20Laws/House/2578-S2.SL.pdf#page=1>

Citation: Section 1010 of ESHB-2380 (Laws of 2016)

Date enacted: 4/18/2016

Operative Language: Landlord Mitigation Program. “The Department of Commerce was directed by the 2016 Washington State Legislature to develop and implement a Landlord Mitigation Program. The program is designed to provide financial assistance to landlords of private market units to mitigate qualifying damages caused by tenants who use HUD’s Housing Choice Voucher Program to pay for their rent. Specifically, Section 1010 of ESHB-2380 (Laws of 2016) stated: “\$125,000 of the appropriation is provided solely for landlord mitigation for the cost of damages that may be caused to private market units renting to housing choice voucher holders. In order to be eligible for assistance, a landlord must obtain a judgment against a tenant from the county in which the property is located. Participation is restricted to units within jurisdictions that prohibit denying tenancy based solely on the applicant's source of income. Reimbursement is allowed only for amounts related to property damage, unpaid rent, and other damages caused as a result of the voucher-holder tenant's occupancy. Damages must exceed normal wear and tear on the property and be in excess of \$500 but not more than \$5,000 per tenancy. A claim must be submitted within one year of obtaining a judgment against a tenant.”

WHO CAN APPLY?

To be eligible for the program, a landlord must have leased a private market unit to a tenant using the HUD Housing Choice Voucher Program. For more details on the various Housing Choice Voucher types, visit HUD’s Housing Choice Voucher Program website. The damages to the rented unit/property must exceed normal wear and tear.

To qualify for this assistance, the landlord must first obtain a judgment against the tenant from a court in the county in which the rental property is located. The judgment claim must have been initiated **no earlier than April 18, 2016** (which is the date the bill became law). An application for reimbursement under the Landlord Mitigation Program must be submitted to Department of Commerce within one year of the date of the judgment.

The rented unit/property in question must also be located in a jurisdiction that prohibits landlords from denying tenancy based solely on the tenant's source of income. To the Department of Commerce’s knowledge, the following locations currently have such protections in place. We recommend you check with authorities in your community, as local landlord-tenant ordinances vary and may change.

- Unincorporated King County
- Bellevue
- Redmond
- Kirkland
- Seattle
- Olympia
- Tumwater
- Vancouver

Reimbursements are limited to those amounts covered in a final judgment against a tenant who was a Housing Choice Voucher-holder during their tenancy. The landlord must submit an application for mitigation assistance to the Department of Commerce within one year of obtaining a judgment against a qualified tenant. The timeframe to appeal a judgment must have expired without appeal *or* there must be no outstanding appeal on the judgment.

HOW MUCH CAN I BE REIMBURSED?

Damages must exceed normal wear and tear on the property and must be in excess of \$500, but not more than \$5,000 *per tenancy*. Program assistance may be available on a judgment that exceeds \$5,000, but the amount of assistance provided will not exceed \$5,000.

For example, for a judgment of \$7,000 in qualifying damages, a landlord may seek reimbursement for up to \$5,000 of the qualifying damages. In such cases, the damages covered by this program must be clearly identified in the application submitted to the Department of Commerce. All reimbursement requests must be clearly substantiated by paid invoices of work performed. We cannot disburse funds for requests based solely on estimates.

WHAT DAMAGES ARE COVERED?

The following costs can be considered "damages" eligible for reimbursement under the Landlord Mitigation Program:

- Repairs or replacements due to property damage that exceed normal wear and tear
- Unpaid rent
- Other damages caused as a result of the tenant's occupancy and which are included in the judgment

If the judgment is \$5,000 or less, and the landlord received payment from the tenant or a third party for some amount included in the judgment (such as any deposits retained by the landlord), the amount must be deducted from the request for reimbursement from the Landlord Mitigation Program. If a judgment exceeds the \$5,000 program reimbursement limit, and the payment received, if any, does not reduce the total unpaid amount of the judgment below \$5,000, the landlord may request assistance up to the \$5,000 program limit.

For example, if \$500 has been received toward satisfaction of a \$7,000 court judgment, the landlord may still apply for the full \$5,000 allowable from the program. However, if, after submitting an application for program assistance, a landlord receives payment for any claimed damages from a tenant or a third party, the landlord must notify the Department of Commerce within 10 days of such payment. If payment from another source (the tenant or a third party) results in an overpayment by Commerce, the landlord must provide restitution to the department for the overpaid assistance within 45 days. The Department of Commerce will maintain a record of mitigation assistance provided to landlords in order to determine if there have been any overpayments.

WHAT IS THE PROCESS FOR APPLYING AND RECEIVING THE FUNDS?

The application and submittal instructions are available for download here. After submitting the application and supporting materials, the Department of Commerce will notify the landlord within 10 days that the application was received and ask for additional information or clarifications, if needed. The department will process applications on a first come, first served basis. If all criteria for reimbursement are met, payments will be provided to the landlord within 45 days from the date the application is received.

Within 30 days of receiving financial assistance from the Department of Commerce, the landlord must file a **satisfaction of judgment** in the amount of assistance received from Commerce. A "partial satisfaction" must be filed if the judgment is *more* than the amount received. The landlord must file satisfaction documents in the court that issued the judgment against the tenant. Landlords have 40 days from the date they received assistance to deliver a copy of the filed satisfaction of judgment to the Department of Commerce. If the assistance received from the department did not cover the full amount of the judgment, the landlord may pursue other means to complete the judgment.”

<http://www.commerce.wa.gov/building-infrastructure/housing/landlord-mitigation-program/>

PROPOSED LEGISLATION (and ABA RESOLUTION)

COLORADO

Citation: Colorado House Bill No. 18-1432

Status as of May 2018: Passed by House of Representatives. Introduced into Senate Committee on State, Veterans, & Military Affairs and postponed indefinitely.

Operative Language:

Section 1. In Colorado Revised Statutes, 23-34-501, amend (4) and add (4.5) as follows:

24-34-501. Definitions. As used in this part 5, unless the context otherwise requires:

(4.5) “Source of income” means any lawful source of money paid directly, indirectly, or on behalf of a person, including: (a) Income derived from any lawful profession or occupation; and (b) Income of rental payments derived from any government or private assistance, grant, or loan program.

Section 2. In Colorado Revised Statutes 24-34-502, amend (1)(h) and add (1)(l),(1)(m),(1)(n),(1)(o),(1)(p), and (1)(q) as follows:

24-34-502. Unfair housing practices prohibited. (1) It shall be an unfair housing practice and unlawful and hereby prohibited:

(h) For any person to deny another person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility related to the business of selling or renting dwellings or to discriminate against such person in the terms or conditions of such access, membership, or participation on account of race, creed, color, religion, sex, sexual orientation, disability, marital status, familial status, or national origin or ancestry, or source of income;

(l) For any person to refuse to show, rent, or lease; to refuse to receive and transmit any bona fide offer to rent or lease; or to otherwise make unavailable or deny or withhold from another person any housing for rent or lease because of the person's source of income;

(m) For any person to discriminate in the terms, conditions, or privileges pertaining to the rental or lease of any housing, or in the furnishing of facilities or services in connection therewith, because of a person's source of income, including a person's receipt of public housing assistance or a person's participation in a third-party contract required by a public housing assistance program;

(n) For any person to make, print, or publish or cause to be made, printed, or published any notice or advertisement relating to the rental or lease of any housing that indicates any limitation, specification, or discriminated based on a person's source of income;

- (o) For any person to represent to another person that any dwelling is not available for rent or lease, when the dwelling is in fact available, for the purpose of discriminating against the person on the basis of the person's source of income; and
- (p) For any person, for profit, to induce or attempt to induce another person to rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons with particular sources of income

http://leg.colorado.gov/sites/default/files/documents/2018A/bills/2018a_1432_ren.pdf

HAWAII

Citation: Hawaii Senate Bill No. 805

Status as of April 2014: Carried over to 2014 Regular Session

Operative Language: ““Source of income” means any lawful source of money paid directly or indirectly to a renter or buyer of housing, including:

- (1) Any lawful profession or occupation;
- (2) Any government or private assistance, grant, loan, or rental assistance program, including low-income housing assistance certificates and vouchers under the United States Housing Act of 1937, as amended;”

http://capitol.hawaii.gov/measure_indiv.aspx?billtype=SB&billnumber=805

Citation: Hawaii House Bill No. 676

Status as of April 2014: Carried over to 2014 Regular Session

Operative Language: “Source of income” means any lawful source of money paid directly or indirectly to a renter or buyer of housing, including:

- (1) Any lawful profession or occupation;
- (2) Any government or private assistance, grant, loan, or rental assistance program, including low-income housing assistance certificates and vouchers under the United States Housing Act of 1937, as amended;”

http://www.capitol.hawaii.gov/measure_indiv.aspx?billtype=HB&billnumber=676

MARYLAND

Citation: Maryland House Bill 759 (Home Act of 2016)

Status: Introduced on 2/8/2016

Operative Language: “FOR the purpose of expanding the housing policy of the State to include providing for fair housing to all citizens regardless of source of income; prohibiting a person from refusing to sell or rent a dwelling to any person because of source of income; establishing

certain qualifications and limitations on the general prohibition against discrimination in housing based on source of income; prohibiting a person from discriminating against any person in the terms, conditions, or privileges of the sale or rental of a dwelling because of source of income; prohibiting a person from making, printing, or publishing certain types of materials with respect to the sale or rental of a dwelling that indicate a preference, limitation, or discrimination on the basis of source of income; prohibiting a person from falsely representing that a dwelling is not available for inspection, sale, or rental based on source of income; prohibiting a person from inducing or attempting to induce, for profit, a person to sell or rent a dwelling by making certain representations relating to the entry or prospective entry into the neighborhood of a person having a particular source of income; prohibiting a person whose business includes engaging in residential real estate transactions from discriminating against any person in making available a transaction, or in the terms or conditions of a transaction, because of source of income; prohibiting a person from denying a person, based on source of income, access to or membership or participation in, a service, an organization, or a facility relating to the business of selling or renting dwellings or from discriminating against a person in the terms or conditions of membership or participation; prohibiting a person from, by force or threat of force, willfully injuring, intimidating, or interfering with any person because of source of income and because the person is negotiating for the sale or rental of any dwelling or participating in any service relating to the business of selling or renting dwellings; defining a certain term; providing that this Act does not limit the rights or remedies that are otherwise available to a landlord or tenant under any other law; and generally relating to prohibitions against discrimination in housing based on source of income.”

Citation: Maryland House Bill 168

Status as of April 2014: Unfavorable Report by Environmental Matters Withdrawn

Operative Language: “Source of Income” means any lawful source of money paid directly or indirectly to, or on behalf of, a renter or buyer of housing. Source of income includes income from:

- (1) A lawful profession, occupation, or job;
- (2) Any government or private assistance, grant, loan, or rental assistance program, including low-income housing assistance certificates and vouchers issued under the United States Housing Act of 1937.”

<http://mlis.state.md.us/2012rs/billfile/hb0168.htm>

Citation: Maryland Senate Bill No. 643

Status as of April 2014: Referred to Committee

Operative Language: “SOURCE OF INCOME” INCLUDES INCOME FROM:
(I) A LAWFUL PROFESSION, OCCUPATION, OR JOB;
(II) ANY GOVERNMENT OR PRIVATE ASSISTANCE, GRANT, LOAN, OR RENTAL ASSISTANCE PROGRAM, INCLUDING LOW-INCOME HOUSING ASSISTANCE

CERTIFICATES AND VOUCHERS ISSUED UNDER THE UNITED STATES HOUSING ACT OF 1937;

<http://mlis.state.md.us/2011rs/billfile/sb0643.htm>

Citation: Maryland Senate Bill No. 487

Status as of April 2014: Recommitted to Judicial Proceedings

Operative Language: SOURCE OF INCOME” INCLUDES INCOME FROM:
(I) A LAWFUL PROFESSION, OCCUPATION, OR JOB;
(II) ANY GOVERNMENT OR PRIVATE ASSISTANCE, GRANT, LOAN, OR RENTAL ASSISTANCE PROGRAM, INCLUDING LOW-INCOME HOUSING ASSISTANCE CERTIFICATES AND VOUCHERS ISSUED UNDER THE UNITED STATES HOUSING ACT OF 1937

<http://mgaleg.maryland.gov/2013RS/bills/sb/sb0487F.pdf>

OHIO

Citation: Ohio House Bill 229

Status as of June 2019: Recently introduced in the Ohio Legislature

Operative Language: "Lawful source of income" includes benefits or subsidy programs including housing assistance, housing vouchers, public assistance, emergency rental assistance, veterans benefits, social security, supplemental security income or other retirement programs, and other programs administered by any federal, state, local, or nonprofit entity.

Sec. 4112.02. It shall be an unlawful discriminatory practice:

(23) Refuse to rent or lease a housing accommodation, or access to or use of the common areas and facilities of the housing accommodation, serve a notice of termination of tenancy, commence a forcible entry and detainer action on grounds not authorized under section 1923.02 of the Revised Code, or otherwise deny to or withhold from any person or persons, a housing accommodation on the basis of lawful source of income. (24) Represent to any person, on the basis of lawful source of income, that a housing accommodation is not available for inspection or rental when such housing accommodation is in fact available for inspection or rental, or to require different terms for such transactions on the basis of lawful source of income.

(25) Make, print, or publish, or cause to be made, printed, or published any notice, statement, sign, advertisement, application, or contract with regard to renting or leasing of a housing accommodation offered by that person that indicates any preference, limitation, or discrimination with respect to lawful source of income.

RHODE ISLAND

Citation: Rhode Island Senate Bill No. 331

(<http://webserver.rilin.state.ri.us/BillText/BillText18/SenateText18/S2301.pdf>)

Status as of June 2019: The Senate passed the bill and referred it to the House Judiciary Committee for review

Operative Language:

SECTION 1. Sections 34-37-1, 34-37-2, 34-37-3, 34-37-4 and 34-37-5.3 of the General Laws in Chapter 34-37 entitled "Rhode Island Fair Housing Practices Act" are hereby amended to read as follows:

34-37-1

(b) It is hereby declared to be the policy of the state to assure to all individuals regardless of ...lawful source of income..., equal opportunity to live in decent, safe, sanitary, and healthful accommodations anywhere within the state in order that the peace, health, safety, and general welfare of all the inhabitants of the state may be protected and ensured.

(c) The practice of discrimination in rental housing based on the lawful source of income of an applicant for tenancy, or the potential or actual tenancy of a person with a minor child, or on the basis that a tenant or applicant or a member of the household is, or has been, or is threatened with being the victim of domestic abuse, or that the tenant or applicant has obtained, or sought, or is seeking relief from any court in the form of a restraining order for protection from domestic abuse is declared to be against public policy.

34-37-2. Right to equal housing opportunities – Civil Rights

The right of all individuals in the state to equal housing opportunities regardless of... lawful source of income... is hereby recognized as, and declared to be, a civil right. Nothing in this section shall prevent a landlord from proceeding with eviction action against a tenant who fails to comply with § 34-18-24(7)

34-37-3. Definitions.

When used in this chapter:

(18) The term "lawful source of income" means income or other assistance derived from Social Security; Supplemental Security Income; any other federal, state or local general public assistance, including medical assistance; any federal, state or local housing assistance, including Section 8 Housing as authorized by 42 U.S.C. §1437, and any other rental assistance; child support; or alimony.

SAINT LOUIS COUNTY, MO (unincorporated areas only)

Citation: Bill Number 102

Status as of June 2019: Introduced by Councilwoman Clancy in April 2019 but has stalled due to recent vacancies on the County Council

Operative Language: “*Lawful source of income* includes but is not limited to income from Section 8 or other subsidy program, short or long-term federal, state or local government, private nonprofit, or other assistance programs in which a tenant’s rent is paid either partially by the program (through a direct arrangement between the program and the owner or lessor of the real property), and partially by the tenant or completely by the program. Other subsidy programs which are lawful sources of income include but are not limited to HUD-Veteran Affairs 3 Supportive Housing (VASH) vouchers, Housing and Essential Needs (HEN) funds, and short-term rental assistance provided by Rapid Rehousing subsidies.”

“Except as exempted by Section 717.030, it shall be unlawful for any person:

1. To refuse to sell or rent after the making of a bona fide offer or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, national origin, gender, disability, sexual orientation, gender identity, lawful source of income, or familial status.
2. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services, or facilities in connection therewith, because of race, color, religion, national origin, gender, disability, sexual orientation, gender identity, lawful source of income, or familial status.
3. To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, national origin, gender, disability, sexual orientation, gender identity, lawful source of income, or familial status or an intention to make any such preference, limitation, or discrimination.
4. To represent to any person because of race, color, religion, national origin, gender, disability, sexual orientation, gender identity, lawful source of income, or familial status that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.
5. For profit, to induce or attempt to induce any person to sell or rent any dwelling by representation regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, national origin, gender, disability, sexual orientation, gender identity, lawful 4 source of income, or familial status.”

VIRGINIA

Citation: Virginia House Bill No. 1408

Status as of February 13, 2018: Left in Committee on General Laws

Operative Language:

§ 36-96.1:1. Definitions

For the purposes of this chapter, unless the context clearly indicates otherwise:

"Source of funds" means any source that lawfully provides funds to or on behalf of a renter or buyer of housing, including any assistance, benefit, or subsidy program, whether such program is administered by a governmental or nongovernmental entity.

§ 36-96.3. Unlawful discriminatory housing practices.

A. It shall be an unlawful discriminatory housing practice for any person *to*:

1. *Refuse* to sell or rent after the making of a bona fide offer or ~~to~~ refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, national origin, sex, elderliness, *source of funds*, or familial status;

2. *Discriminate* against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in the connection therewith to any person because of race, color, religion, national origin, sex, elderliness, *source of funds*, or familial status;

3. *Make*, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination or an intention to make any such preference, limitation, or discrimination based on race, color, religion, national origin, sex, elderliness, familial status, *source of funds*, or handicap. The use of words or symbols associated with a particular religion, national origin, sex, or race shall be prima facie evidence of an illegal preference under this chapter which shall not be overcome by a general disclaimer. However, reference alone to places of worship, including, but not limited to, churches, synagogues, temples, or mosques in any such notice, statement, or advertisement shall not be prima facie evidence of an illegal preference;

4. *Represent* to any person because of race, color, religion, national origin, sex, elderliness, familial status, *source of funds*, or handicap that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available;

5. *Deny* any person access to membership in or participation in any multiple listing service, real estate brokers' organization, or other service, organization, or facility relating

to the business of selling or renting dwellings, or-discriminate against such person in the terms or conditions of such access, membership, or participation because of race, color, religion, national origin, sex, elderliness, familial status, *source of funds*, or handicap;

6. *Include* in any transfer, sale, rental, or lease of housing; any restrictive covenant that discriminates because of race, color, religion, national origin, sex, elderliness, familial status, *source of funds*, or handicap or for any person to honor or exercise, or attempt to honor or exercise, any such discriminatory covenant pertaining to housing;

7. *Induce* or attempt to induce to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, national origin, sex, elderliness, familial status, *source of funds*, or handicap;

8. *Refuse* to sell or rent, or refuse to negotiate for the sale or rental of, or otherwise discriminate or make unavailable or deny a dwelling because of a handicap of (i) the buyer or renter,; (ii) a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available,; or (iii) any person associated with the buyer or renter;

9. *Discriminate* against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith because of a handicap of (i) that person,; (ii) a person residing in or intending to reside in that dwelling after it was so sold, rented, or made available,; or (iii) any person associated with that buyer or renter.

King County, WA

Citation: Proposed Ordinance 2017-0176

This proposed legislation would extend the list of protections that are part of the Open Housing Chapter of the King County Code. Landlords would be prohibited from denying housing for potential tenants who have a verifiable alternative source of income, such as Social Security. The legislation also includes housing subsidies including Veterans Affairs Supportive Housing (VASH) vouchers, state Housing and Essential Needs (HEN) funds, or rapid rehousing assistance.

Status: Passed by King County Council on April 16, 2018

<https://www.kingcounty.gov/council/news/2018/April/04-16-JKW-housingdiscrimination.aspx>

Operative Language:

SECTION 2. Ordinance 5280, Section 1, as amended, and K.C.C. 12.20.010 are each hereby amended to read as follows:

This chapter is an exercise of the police power of King County for the protection of the public welfare, health, peace and safety of the residents of King County and in fulfillment of the state Constitution. The King County council finds and declares that practices of housing discrimination against any persons on the basis of race, color, religion, national origin, ancestry, age, gender, marital status, parental status, participation in the Section 8 program or other housing subsidy program, alternative source of income, sexual orientation, disability or use of a service or assistive animal by an individual with a disability constitute matters of local concern and are contrary to the public welfare, health, peace and safety of the residents of King County.

SECTION 3. Ordinance 5280, Section 2, as amended, and K.C.C. 12.20.020 are each hereby amended to read as follows:

B. "Alternative source of income" means lawful, verifiable income derived from sources other than wages, salaries, or other compensation for employment. It includes but is not limited to moneys derived from Social Security benefits, other retirement programs, supplemental security income, unemployment benefits, child support, the state Aged, Blind or Disabled Cash Assistance Program, state Refugee Cash Assistance and any other federal, state, local government, private or nonprofit-administered cash benefit program.

J. "Participation in the Section 8 program or other housing subsidy program" means participating in a short- or long-term federal, state or local government, private, nonprofit or other assistance program in which a tenant's rent is paid either partially or completely by the program, through a direct 98 arrangement between the program and the owner or lessor of the real property. Other housing subsidy programs include, but are not limited to, the federal Veteran Affairs Supportive Housing vouchers, state Housing and Essential Needs funds and short-term rental assistance provided by rapid rehousing subsidies.

ABA Resolution on Source of Income Discrimination

In August of 2017 the American Bar Association (ABA) House of Delegates adopted a [Resolution](#) urging federal, state, and local governments to “enact legislation prohibiting discrimination in housing on the basis of lawful source of income.” The report accompanying the resolution recognized that source of income discrimination presented a significant barrier to families who wanted to use Housing Choice Vouchers to move out of high poverty, racially segregated neighborhoods. The ABA Report on the Resolution noted that a [Chicago study](#) found that voucher holders could not access 70% of the city’s housing stock because of landlord’s refusal to accept vouchers. The Report relied on data showing that families who live in high poverty, racially segregated neighborhoods were more likely to have poor health outcomes and inferior educational and employment outcomes than their peers in more integrated, high-opportunity areas. Thus, the ABA found that supporting source of income discrimination laws would help it further its commitment to promoting “the human right to adequate housing for all” and preventing “infringement of that right.”

The ABA resolution can be a useful tool in state or local advocacy for SOI, and may be something that a state bar association or local lawyers association could consider emulating. Contact Antonia Fasanelli at afasanelli@hprplaw.org. The ABA Resolution and Report can be accessed [here](#).

2018 Federal Bills

In 2018, several bills were introduced in Congress that included source of income discrimination protections, including:

“American Housing and Economic Mobility Act of 2018” <https://www.congress.gov/bill/115th-congress/senate-bill/3503/text> (Senator Warren)

“Fair Housing Improvement Act of 2018” <https://www.congress.gov/bill/115th-congress/senate-bill/3612/text> (Senators. Hatch and Kaine)

“Landlord Accountability Act of 2017” <https://www.congress.gov/bill/115th-congress/house-bill/202> (Representative Velazquez)

“HOME Act of 2013,” <https://www.congress.gov/bill/113th-congress/senate-bill/1242> (Senator Brown)

FEDERAL LAWS PROHIBITING DISCRIMINATION AGAINST HOUSING CHOICE VOUCHER FAMILIES

Capital Magnet Fund

From Interim Rule, 81 Fed. Reg. 25 (February 8, 2016):

12 CFR §1807.401(b) *Nondiscrimination against rental assistance subsidy holders.* The Recipient shall require that the owner of a rental unit cannot refuse to lease the unit to a Section 8 Program certificate or voucher holder ([24 CFR part 982](#), Section 8 Tenant-Based Assistance: Unified Rule for Tenant-Based Assistance under the Section 8 Rental Certificate Program and the Section 8 Rental Voucher Program) or to the holder of a comparable document evidencing participation in a HOME tenant-based rental assistance program because of the status of the prospective tenant as a holder of such certificate, voucher, or comparable HOME tenant-based assistance document.

HOME Program

42 USC 12745 (a)(1)(D):

“(a)(1) Housing that is for rental shall qualify as affordable housing under this subchapter only if the housing –

(D) is not refused for leasing to a holder of a voucher or certificate of eligibility under section 1437f of this title because of the status of the prospective tenant as a holder of such voucher or certificate of eligibility”

24 CFR 92.252(d):

“(d) Nondiscrimination against rental assistance subsidy holders. The owner cannot refuse to lease HOME-assisted units to a certificate or voucher holder under 24 CFR part 982 — Section 8 Tenant-Based Assistance: Unified Rule for Tenant-Based Assistance under the Section 8 Rental Certificate Program and the Section 8 Rental Voucher Program or to the holder of a comparable document evidencing participation in a HOME tenant-based rental assistance program because of the status of the prospective tenant as a holder of such certificate, voucher, or comparable HOME tenant-based assistance document

Low-Income Housing Tax Credit Program (LIHTC)

26 U.S.C. § 42(h)(6)(B)(iv):

“(6) Buildings eligible for credit only if minimum long-term commitment to low-income housing...

(B) Extended low-income housing commitment. For purposes of this paragraph, the term ‘extended low-income housing commitment’ means any agreement between the taxpayer and the housing credit agency...

(iv) which prohibits the refusal to lease to a holder of a voucher or certificate of eligibility under section 8 of the United States Housing Act of 1937 because of the status of the prospective tenant as such a holder...”

26 C.F.R. § 1.42-5(c)(1)(xi): Regulations Relating to IRS

“(c) Certification and review provisions—

(1) Certification. Under the certification provision, the owner of a low-income housing project must be required to certify at least annually to the Agency that, for the preceding 12- month period—

(xi) An extended low-income housing commitment as described in section 42(h)(6) was in effect (for buildings subject to section 7108(c)(1) of the Omnibus Budget Reconciliation Act of 1989, 103 Stat. 2106, 2308-2311), including the requirement under section 42(h)(6)(B)(iv) that an owner cannot refuse to lease a unit in the project to an applicant because the applicant holds a voucher or certificate of eligibility under section 8 of the United States Housing Act of 1937, 42 U.S.C. 1437f (for buildings subject to section 13142(b)(4) of the Omnibus Budget Reconciliation Act of 1993, 107 Stat. 312, 438-439)”

See also HUD Notice PIH 2002-15 (HA) (June 7, 2002) Reinstatement - Notice PIH 2001-2 (HAs), Prohibition of Discrimination against Families with Housing Choice Vouchers by Owners of Low-Income Housing Tax Credit and HOME Developments (This Notice reinstates Notice PIH 2001-2 (HA), same subject, indefinitely. Notice PIH 2001-2 (HA) expired January 31, 2002)

Mark-to-Market

United State Housing Act of 1937, 42 U.S.C. § 1437f

24 C.F.R § 401.556: Regulations Relating to HUD

“A Restructuring Plan must prohibit any refusal of the owner to lease a unit solely because of the status of the prospective tenant as a section 8 voucher holder.”

Multifamily Properties Purchased from HUD

National Housing Act, 12 U.S.C § 1701z-12

“The Secretary shall require any purchaser of a multifamily housing project owned by the Secretary which is sold on or after October 1, 1978, to agree not to refuse unreasonably to lease a vacant dwelling unit in the project which rents for an amount not greater than the fair market rent for a comparable unit in the area as determined by the Secretary under section 1437f of Title 42 to a holder of a certificate of eligibility under that section solely because of such prospective tenant’s status as a certificate holder.”

24 C.F.R § 290.19: Regulations Relating to Multifamily properties purchased from HUD

“The purchaser of any multifamily housing project shall not refuse unreasonably to lease a dwelling unit offered for rent, offer to sell cooperative stock, or otherwise discriminate in the terms of tenancy or cooperative purchase and sale because any tenant or purchaser is the holder of a Certificate of Family Participation or a Voucher under Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), or any successor legislation. This provision is limited in its application, for tenants or applicants with Section 8 Certificates or their equivalent (other than Vouchers), to those units which rent for an amount not greater than the Section 8 Fair Market Rent, as determined by HUD. The purchaser's agreement to this condition must be contained in any contract of sale and also may be contained in any regulatory agreement, use agreement, or deed entered into in connection with the disposition.”

24 C.F. R § 290.39: Regulations Relating to Multifamily properties purchased from HUD

“(a) Nondiscrimination requirement. For any mortgage described in paragraphs (c) or (d) of this section that HUD sells without FHA mortgage insurance, the project owner shall not unreasonably refuse to lease a dwelling unit offered for rent, offer to sell cooperative stock, or otherwise discriminate in the terms of tenancy or cooperative purchase and sale because any tenant or purchaser is a certificate or voucher holder under 24 CFR part 982...

(c) Applicability to mortgages securing unsubsidized projects receiving project-based assistance (partially-assisted projects) or securing subsidized projects.

(1) The nondiscrimination requirement in paragraph (a) of this section applies to the project owner upon the sale of a mortgage without FHA mortgage insurance if, at the time HUD offers it for sale, the mortgage secures:

i) An unsubsidized project that receives any of the forms of assistance enumerated in paragraphs (4)(i) to (4)(iv) of the "subsidized project" definition in § 290.5; or

(ii) A subsidized project, as defined in § 290.3.

(2) This requirement shall continue in effect until the mortgage debt is satisfied.

(d) Covenant requirement for all delinquent mortgages sold without FHA mortgage insurance. This paragraph (d) applies to the sale of any mortgage that is delinquent at the time HUD offers it for sale without FHA mortgage insurance, without regard to the subsidy status of the project. The mortgage purchaser and its successors and assigns shall require the mortgagor to record a covenant running with the land as part of any loan restructuring or final compromise of the mortgage debt and shall include a covenant in any foreclosure deed executed in connection with the mortgage. The covenant shall set forth the nondiscrimination requirement in paragraph (a) of this section. The covenant shall continue in effect until a date that is the same as the maturity date of the mortgage sold by HUD.”

National Housing Trust Fund

The National Housing Trust Fund interim rule, 24 CFR part 93.303(d)(4), provides that properties receiving NHTF assistance “Do not exclude an applicant with a voucher under the Section 8 Tenant-Based Assistance: Housing Choice Voucher program (24 CFR part 982) or an applicant participating in a HOME tenant-based rental assistance program (24 CFR part 92) because of the status of the prospective tenant as a holder of such voucher or comparable HOME tenant-based assistance document.”

Neighborhood Stabilization Act of 2008: In response to the federal loan and foreclosure crisis in the United States, the House of Representatives passed legislation which provided a loan and grant program for the distribution of money to areas severely impacted by foreclosures and predatory lending. Participants in this program cannot discriminate against holders of Section 8 vouchers. Section 8(h) of H.R. 5818.

[Related law: The Equal Credit Opportunity Act]

The Equal Credit Opportunity Act, 15 USC §1691 et seq, prohibits discrimination in the provision of credit, including discrimination “because all or part of the applicant’s income derives from any public assistance program,” 15 USC §1691(a)(2). The Act’s implementing regulations require that banks report any loans made or denied to multifamily properties that include units that are “income-restricted pursuant to Federal, State, or local affordable housing programs,” 15 CFR §1003.4 (a)(32) and discrimination in lending based on presence of these deed restricted units is prohibited (note however that the statute does not require reporting of units that receive portable tenant based Housing Choice Vouchers).

A note on federal preemption:

Does the lack of a landlord mandate in the Housing Choice Voucher program “preempt” state and local source of income discrimination protections? No. “Nothing in part 982 is intended to preempt operation of State and local laws that prohibit discrimination against a Section 8 voucher-holder because of status as a Section 8 voucher-holder. However, such State and local laws shall not change or affect any requirement of this part, or any other HUD requirements for administration or operation of the program.” 24 C.F.R. 982.53(d).

ADDITIONAL RESOURCES

Annotated Bibliography: Law Reviews and Studies

Law Review Articles on Source-of-Income Discrimination

Stacy Seicshnaydre et al., *Missing Opportunity: Furthering Fair Housing in the Housing Choice Voucher Program*, 79 *Law & Contemp. Probs.* 173 (2016).

The premier rental housing program created in part to reduce isolation of low-income renters is marked by a series of missed opportunities to provide expanded housing choice and upward socioeconomic mobility for those harmed by racial and economic segregation. The United States Department of Housing and Urban Development (HUD) never structured the program to address segregation, deconcentrate low-income persons, expand housing choice, or further fair housing. HUD's issuance of a new Fair Housing Act (FHA) rule, designed to affirmatively further fair housing, explicitly imposes detailed fair housing planning obligations on the public-housing authorities (PHAs) that administer voucher programs. Part I of the article describes the HCV Program's structure, purpose, and failure to fulfill its potential for expanding housing choice. Part II discusses the role of informed housing choice in transforming the HCV from a short-term instrument of survival to a long-term tool of opportunity. Part III conducts a case study using the dramatic expansion of HCV use in post-Katrina New Orleans following the hurricanes and accelerated public housing demolitions; this case study examines the clustering of vouchers and the extent to which the HCV Program delivers housing choice in a nondiscriminatory manner. Part V proposes tools for reforming the historical flaws in the HCV Program to affirmatively further fair housing.

Armen H. Merijan, *Attempted Nullification: The Administrative Burden Defense in Source of Income Discrimination Cases*, 22 *Geo. J. on Poverty L. & Pol'y* 211 (2014-2015).

The use of an administrative burden defense by defendants in a source of income discrimination case is wholly unsupported, and unsupportable, under the relevant laws. Not one of the seven state or local source of income laws analyzed provides an exception based upon administrative requirements or burdens. Creating an exception based upon these burdens would provide landlords with an easy ground upon which to evade compliance, rendering source of income protections nugatory. For a court to permit such an exception would be to nullify the laws, to render them meaningless by judicial fiat. This article examines existing source of income laws and analyzes the defense of administrative burden under those laws, concluding that there is no basis for this defense, with numerous independently dispositive grounds for rejecting it out of hand. Part I provides background on source of income discrimination in the United States. Part II provides an analysis of every case to date that has examined the administrative burden defense under source of income laws. Part III concludes by reviewing the multiple grounds upon which courts have found--and should find--the administrative burden defense impermissible.

Jonathan Sheffield, *Cook County Prevents Source of Income Discrimination from Begetting Unlawful Race Discrimination and So Should Illinois*, 19 Pub. Interest L. Rptr. 86 (2014).

Author points to a recent amendment to Cook County's human rights ordinance that prohibits discrimination against Housing Choice Voucher (HCV) holders, and argues for Illinois to outlaw source of income (SOI) discrimination throughout the state to promote fair housing. The author presents research findings highlighting the impact SOI discrimination on HCV holders and their ability to move out of high-poverty, distressed neighborhoods into opportunity neighborhoods. The author also highlights the work of fair housing advocates in Cook County, who help monitor and enforce SOI discrimination. The author explains that some Cook County suburbs, such as Glenview, have attempted to nullify the recently amended ordinance by adopting retaliatory ordinances that repeal the protections for HCV holders.

Kinara Flagg, *Mending the Safety Net through Source of Income Protections: The Nexus between Antidiscrimination and Social Welfare Law*, 20 CJGL (2011).

Public sources of income that are targeted vary, but include everything from Social Security and unemployment compensation to food stamps, Temporary Assistance for Needy Families (TANF), and Section 8 housing participation; private sources include alimony and child support.⁸ Section 8 is perhaps the most well known of these federal income support programs: each year, over two million Section 8 vouchers are distributed to qualifying individuals and families.⁹ However, the Department of Housing and Urban Development (HUD) reports that in spite of the high number of vouchers distributed, approximately one-third of vouchers are returned unused.¹⁰ Low-income families and individuals who are denied housing on account of their vouchers are not left with many housing opportunities.¹¹ SOI discrimination harms people who pay their rents with income received through trusts, legal settlements and third-party payers. [...] success in curbing discrimination and improving the social welfare could emerge from this single change in housing discrimination policy.

Michael Quirk, *Preserving Project-Based Housing in Massachusetts: Why the voucher Discrimination Law Falls Short*, 30 Rev. Banking & Fin. L. 651 (2011).

Some plaintiffs in Massachusetts are attempting to use the state voucher discrimination statute as a means to preserve expiring project-based housing. This approach, however, is problematic. While the Massachusetts voucher discrimination law might be an effective tool to combat voucher discrimination toward individual tenants in the open market, it cannot be interpreted to apply to expiring project-based housing contracts. Moreover, the regulatory regime governing both mortgage prepayment and failure to renew Section 8 contracts is extensive, and there is some authority to suggest that federal law might preclude utilizing state anti-discrimination law to require a developer to renew a federal contract.

Part II of this note summarizes the history of the relevant federal housing programs and Congress' periodic attempts to adjust and maintain these programs. Part III discusses whether application of the Massachusetts voucher discrimination law to expiring project-based contracts is a viable cause of action. Part IV analyzes the interaction of the

Massachusetts voucher discrimination law with federal statutes and regulations, and whether federal law precludes application of the voucher discrimination law. Part V discusses alternative means of preserving expiring project-based units. Part VI concludes that while the voucher discrimination law may not be an effective tool for preserving project-based contracts, other alternatives may be applied with some success.

Tamica H. Daniel, Note, *Bringing Real Choice to the Housing Choice Voucher Program: Addressing Voucher Discrimination under the Federal Fair Housing Act*, 98 Geo. L.J. 769 (2010).

Author provides an overview of the status of voucher discrimination under federal law and argues for an amendment to the Fair Housing Act which would add voucher holders as a protected class. The author analogizes to a similar legal climate as existed prior to the addition of familial status as a protected class under the Fair Housing Act in the 1980s. The author argues that current State, county and city statutes and ordinances which protect against source-of-income discrimination do not go far enough to significantly reduce the occurrences of voucher holder discrimination. The author argues that in lieu of a Congressional amendment to the Fair Housing Act, the courts could allow voucher holders to bring disparate impact claims for voucher discrimination, and thereby support the goals and purposes of the federal legislation.

Rebecca Rotem, *Using Disparate Impact Analysis in Fair Housing Act Claims: Landlord Withdrawal from the Section 8 Voucher Program* 78 Fordham L. Rev. 1971 (2010).

The U.S. Courts of Appeals for the Second and Seventh Circuits have held that, as a matter of law, a landlord who withdraws from the Section 8 voucher program cannot be held liable under the FHA, even if that action has a disproportionate impact on a protected class. In contrast, the Court of Appeals for the Sixth Circuit has held that a plaintiff can rely on evidence of disparate impact to show that a landlord violated the FHA by withdrawing from Section 8. This Note argues that in order to meet the FHA's goal of ending housing discrimination, landlords who withdraw from the Section 8 program should not be given a categorical exemption from liability under the FHA if that action has a disparate impact on a protected class.

Jenna Bernstein, *Section 8 Source of Income Discrimination, and Federal Preemption: Setting the Record Straight*, Cardozo L. Rev. (2010).

Since the mid 1980s, a number of state and local governments have passed legislation mandating participation in the Section 8 program in an attempt to combat what they perceive to be “source of income discrimination” by landlords. By amending state and local fair housing statutes to prohibit discrimination based on source of income--a category that lawmakers and courts have defined to include Section 8 vouchers--these state and local governments have left landlords virtually no choice but to accept a Section 8 tenant or face a discrimination action. This Note argues that decisions by courts that uphold state and local discriminatory laws run counter to federal preemption doctrine and

stand in violation of the Supremacy Clause of the United States Constitution. Part I reviews the purpose and history of the Section 8 legislation, discusses the obstacles facing Section 8 voucher holders today, and reviews the legislation that federal, state, and local governments have passed to combat these problems. Part II summarizes the state cases that have rejected landlords' preemption defense, outlines federal preemption doctrine, applies preemption law to the state and local anti-discrimination regulations, and explains why the highest courts in Massachusetts, New Jersey, Connecticut, and Maryland reached the wrong result in holding that such state and local laws do not violate the Supremacy Clause.

Julie Becker, Rebecca Lindhurst & Antonia K. Fasanelli, *Case Note: D.C. Circuit says that enhanced-voucher tenants have "right to remain" and landlord's "benign motive" does not justify source-of-income discrimination*, 43 Clearing House J. Poverty L. & Pol'y 74 (2009).

Between 2004 and 2008 the District of Columbia's active real estate market and the accompanying rise in sales prices for residential property increasingly pressured low-income tenants. Eager landlords saw opportunities to turn affordable rental housing into luxury properties. Our litigation (see *Feemster v. BSA Limited Partnership*, 548 F.3d 1063 (D.C. Cir. 2008)) and transactional efforts during this period allowed ten low-income tenants to keep their homes. We based our legal claims on our clients' federal-law "right to remain" in their subsidized housing units and on District of Columbia landlord-tenant law.

Krista Sterken, *A Different Type of Housing Crisis: Allocating Costs Fairly and Encouraging Landlord Participation in Section 8*, 43 Colum. J.L. & Soc. Probs. 215 (2009).

The Section 8 Housing Choice Voucher Program ("Section 8") is an important effort to make quality housing accessible to low-income families. Although the federal program is voluntary, several states, cities, and local communities have responded to the problem of landlord rejection of Section 8 tenants with laws prohibiting discrimination based on a prospective tenant's source-of-income. Mandatory Section 8 facilitates the program's success but also raises significant equity issues when individual landlords face unusually high burdens as a result of mandated participation. Further, mandatory participation undermines incentives to implement an efficient program because it removes the need to attract voluntary participants. As such, an exception is a necessary and desirable complement to a mandatory Section 8 scheme. An exception could be constructed as a statutory exemption or affirmative defense, or created through a play-or-pay approach. Finally, encouraging rather than coercing landlord participation offers significant advantages in achieving the program's objectives and is an important balance to mandated participation.

Laura Bacon, Note, *Godinez v. Sullivan-Lackey: Creating a Meaningful Choice for Housing Choice Voucher Holders*, 55 DePaul L. Rev. 1273 (2006).

Author offers Chicago and its local law barring source-of-income discrimination as a potential model for creating a realistic solution to discrimination against section 8

voucher recipients. Focusing on the HCVP in Chicago, the author discusses the history of the program and its limited effectiveness in the face of source-of-income discrimination. The city's ordinance, subject to challenge in *Godinez v. Sullivan-Lackey*, was upheld by the Illinois Appellate Court. The case may serve as an example to other cities and municipalities of the legal viability of local fair housing ordinances. Although there are shortcomings to the local legislative approach, if states and cities add source-of-income protection to their legislative agendas, the goals of HCVP can be more likely realized.

Kinara Flagg, *Mending the Safety Net Through Source of Income Protections: The Nexus Between Antidiscrimination and Social Welfare Law*, 20 Colum. J. Gender & L. 201 (2011).

This Article considers the issue of SOI discrimination, discussing its effects in practice as well as its status in laws, and recommends that SOI discrimination be addressed through a change to federal law. In order to better understand the consequences of such an amendment, this Article argues that the addition of a source of income protection provision requires engagement with both the antidiscrimination model and the social welfare paradigm. The addition of a source of income provision would be compatible with both social welfare and antidiscrimination laws.

Paul Boudreaux, *Vouchers, Buses, and Flats: The Persistence of Social Segregation*, 49 Vill. L. Rev. 55 (2004).

Author presents an analysis of the failure of the Housing Choice Voucher Program in the face of the social trend towards racial and socio-economic segregation, the scarcity of affordable housing in many cities, and the difficulties of finding a landlord who will accept the voucher. Despite its goals, the rental subsidy program fails to protect its recipients from the discrimination that promotes segregation. Unless landlords are prevented from discrimination on the basis of source-of-income, real integration will not be possible.

Kim Johnson-Spratt, Note, *Housing Discrimination and Source of Income: A Tenant's Losing Battle*, 32 Ind. L. Rev. 457 (1999).

Author presents an overview of source-of-income litigation and discusses remedies for the lack of protection given to source-of-income under federal law. Previous discrimination cases have met with success by molding source-of-income discrimination into discrimination of a protected category such as familial status or gender. In jurisdictions where source-of-income protection does exist, results have been mixed and suggest that existing protections are inadequate. Without a federal law banning source-of-income discrimination, section 8 voucher holders lack a meaningful choice in obtaining housing. The author examines Paula Beck's proposal to amend the Fair Housing Act and rejects the proposed amendment as incomplete and unlikely. The author further suggests that given legislative intent and the purpose of the section 8 statute and Personal Responsibility and Work Opportunity Reconciliation Act of 1996, protection against source-of-income discrimination may be implied in both laws. Given

the public's fears of judicial activism, however, the best approach may be for HUD to promulgate a rule prohibiting discrimination on the basis of income source.

Paula Beck, *Fighting Section 8 Discrimination: The Fair Housing Act's New Frontier*, 31 Harv. C.R.-C.L. L. Rev. 155 (1996).

Author discusses the failures of the section 8 program to promote integration, reviews the effectiveness of current state and federal laws to protect against source-of-income discrimination, and suggests that an amendment to the Fair Housing Act is needed. By prohibiting discrimination on the basis of source-of-income, the social and economic burdens of section 8 vouchers will be shifted from low income renters to the landlords and middle-income renters who are in a better position to absorb them.

Mark A. Malaspina, Note, *Demanding the Best: How to Restructure the Section 8 Housing-Based Rental Assistance Program*, 14 Yale L. & Pol'y Rev. 287 (1996).

Author reviews the flaws in the section 8 program, noting that many of the program's problems result from inappropriate use of supply-side housing policies in a demand-side program (including federal eviction standards, housing quality requirements, and fixed payment structure which may fail to motivate voucher-holders). Author further suggests reforms to (1) improve the administration of the program by replacing local public housing authorities with regional government agencies, (2) increase mobility through the implementation of counseling services and extended deadlines for finding an acceptable apartment, and (3) introduce a new payment structure. Landlord acceptance of section 8 vouchers could be further increased by a federal nondiscrimination provision, barring source-of-income discrimination.

Courts Consider Landlord Defenses to Source of Income Laws, Housing Law Bulletin, Volume 38, National Housing Law Project (2008)

Over the past two years, courts have decided numerous cases where Section 8 voucher holders have sought enforcement of state and local laws that prohibit landlords from discriminating against tenants and applicants based upon source of income. Many of these cases have upheld local source of income statutes, rejecting landlord claims that local source of income laws are preempted. On what is usually the threshold question, courts have evaluated whether the state and local anti-discrimination protection covers the receipt of Section 8 assistance. Frequently, these cases have also addressed defenses raised by landlords that the rejection of a tenant with a Section 8 voucher was not discriminatory, but instead based upon legitimate reasons, such as burdensome program requirements, poor credit or insufficient income. The courts have usually rejected such claims as inadequate. This article briefly reviews these recent cases, as well as prior precedents addressing source of income issues where necessary.

Other Recent Studies of Source-of-Income Discrimination

Mary K. Cunningham, Martha Galvez, Claudia L. Aranda, Robert Santos, Doug Wissoker, Alyse Oneto, Rob Pitingolo, James Crawford, *A Pilot Study of Landlord Acceptance of Housing Choice Vouchers: Executive Summary*, U.S. Department of Housing and Urban Development Office of Policy Development and Research (2018)

Abstract: This pilot study uses rigorous paired testing methodology to explore landlord treatment of Housing Choice Voucher (HCV) holders during the initial stages of the housing search process. It is the first study to use paired testing methods across multiple sites to examine landlord treatment of HCV holders. The study finds that landlords often refuse to rent to HCV holders. In most cases, the landlord refusal takes place early in the search process, when a tester calls the landlord and asks whether Housing Choice Vouchers are accepted. In other cases, the landlord may suggest that vouchers are accepted, but subsequently fail to show up for a scheduled appointment. Landlord denial rates vary across the five study sites and may be influenced by factors such as state or local laws that prohibit discrimination by source of income (particularly local source of income laws that include protections for Section 8/voucher holders), housing market conditions, and voucher payment standards.

Philip Garboden, Eva Rosen, Meredith Greif, Stefanie DeLuca, Kathryn Edin, The Poverty and Inequality Research Lab; Johns Hopkins University, *Urban Landlords and the Housing Choice Voucher Program – A Research Report*, U.S. Department of Housing and Urban Development Office of Policy Development and Research (2018)

Summary: Authors examine the role landlords play in shaping the residential experience of low and moderate-income renters, especially those with housing choice vouchers. Authors use interview data from 127 landlords and property managers in Baltimore, Dallas, and Cleveland combined with ethnographic observations collected between 2013 and 2015 and 1.5 million administrative records on landlords and tenants in the HCV program from HUD's 50058 database.

Equal Rights Center, *Next Generation Segregation: A Civil Rights Testing Investigation and Report* (2018), <https://equalrightscenter.org/wp-content/uploads/next-generation-segregation-report.pdf>.

Fifteen tests were conducted with source of income as the basis of the tests, while 20 tests were conducted with familial status as the basis of the tests. Over half of the source of income based tests revealed concerning discrimination—three tests reflected outright denials of the Voucher, and five tests showed housing providers or property management companies disclosing incorrect or confusing information in response to questions about whether they accepted Vouchers from testers posing as potential applicants.

Results of this investigation indicate that source of income discrimination plays a clear role in maintaining, if not intensifying, racial segregation within the DC housing market. It also appears to be one piece of a complex confluence of factors that is leading African American families to move out of the District altogether. In order to undo these legacies of segregation and displacement, multiple stakeholders must take decisive action.

Michael Lepley & Lenore Mangiarelli, The Housing Center, *Housing Voucher Discrimination and Race Discrimination in Cuyahoga County*, (2017)

Abstract: The Housing Center identified housing policies that limit choices of HCVP participants that include a region-wide voucher payment standard (Fair Market Rent) that is insufficient for participants to gain access to high-opportunity areas and the continual siting of Low Income Housing Tax Credit units, which are required to accept Housing Choice Vouchers, in low- opportunity neighborhoods throughout Cuyahoga County. Nearly 80% of HCVP participants surveyed reported that one barrier to finding housing is that landlords refuse (legally in most of Cuyahoga County) to accept housing vouchers, the most reported challenge. Using an investigatory technique known as “testing,” this report explores the role housing providers play in limiting the housing choices of HCVP participants in Cuyahoga County: how refusal to take a voucher might serve as a proxy for race-based discrimination and how limited housing choices perpetuate racial segregation. The Housing Center used race-based, matched-pair, email testing (one African American tester and one white tester per test) to compare the incidences of “unfavorable treatment” on the basis of race by housing providers that advertise that they do not accept housing vouchers (Experiment Group) compared to the prevalence of unfavorable treatment on the basis of race by housing providers that state no preference for housing vouchers (Control Group). Differences in race-based discrimination could show that housing providers are racially motivated when refusing to accept vouchers.

Policy Basics: Federal Rental Assistance. Federal Rental assistance enables over 5 million low-income households to afford modest homes, Center on Budget and Policy Priorities (2017)

Summary: Article explains programs such as Housing Choice Vouchers, Section 8 Project-based Rental Assistance, and Public housing as well as the “202” and “811” Supportive Housing Programs for the Elderly and for People with Disabilities; Housing Opportunities for People with AIDS/HIC (HOPWA) and McKinney-Vento permanent housing programs for the homeless. The authors also explain who is helped by federal rental assistance, who is eligible, how much assisted families pay for housing, the role of the private market, and the geographic location and funding of federal rental assistance.

J. Rosie Tighe, Megan E. Hatch, Joseph Mead, *Source of Income Discrimination and Fair Housing Policy*, *Journal of Planning Literature* 32:1 (2017).

The housing choice voucher program was designed with two main goals in mind: to eliminate concentrations of poverty and the social problems it causes and to provide poor households with greater access to higher-opportunity neighborhoods. However, research suggests that voucher holders would like to move to higher-opportunity neighborhoods, but often are unable to do so. One of the most prominent reasons for this is that, in most cities and states, local law allows landlords to discriminate against potential tenants on the grounds of their “source of income” (SOI). This article reviews the literature on discrimination of voucher recipients and the potential for SOI antidiscrimination laws to mitigate some of these negative outcomes.

Vouchers Help People of All Racial and Ethnic Backgrounds Afford Modest Housing, Center on Budget and Policy Priorities (2016)

Summary: Infographic that details the share of the 2.2 million voucher households by race/ethnicity. Race/ethnicity categories are based on the household head. Household heads that identify as Hispanic/Latino are excluded from the other categories. Information was accumulated by CBPP tabulations of 2016 Department of Housing and Urban Development administrative data.

Ruoni Wang, UIC College of Urban Planning and Public Affairs, *Tracking “Choice” in the Housing Choice Voucher Program: The Relationship Between Neighborhood Preference and Locational Outcome*, *Urban Affairs Review* (2016)

Summary: Do residential locations of Housing Choice Voucher (HCV) households reflect tenants’ preferences for neighborhood quality? Study results come from a three-part methodology: (1) survey of voucher holders to find neighborhood preferences and other factors in the consumer decision-making model, (2) geographic information system (GIS) analysis of actual locational outcomes in terms of neighborhood opportunity and transportation accessibility, and (3) quantitative analysis of the strength of preference–outcome relationships. The results reveal that survey participants placed high priority on neighborhoods that were safe and clean, and with quality schools. Despite this, higher priority on quality housing and search barriers affected the housing choice. As such, to a large extent, the residents did not live in places that met their location preferences. The study calls for an expansion of location assessment measures in the current policy framework and the provision of more information about housing and neighborhood options to voucher recipients.

“The Answer”, Shelterforce Staff, *Do Section 8 voucher holders increase crime in a neighborhood*, Shelterforce.org (2015)

Summary: One pager that details researchers’ efforts to determine whether there was any association between an increase in Housing Choice Vouchers (formerly known as Section

8 vouchers) and the crime levels in that neighborhood. They found no association, rather, that in reality an increase in crime predicts an increase in voucher holders the next year.

Lance Freeman & Yunjing Li, *Do Source of Income Anti-discrimination Laws Facilitate Access to Less Disadvantaged Neighborhoods?* Housing Studies Vol. 29:1 (2014).

Vouchers have come to be seen as a tool for promoting economic and racial/ethnic integration. Discrimination based on Source of Income (SOI), however, could hinder the use of vouchers to move to more desirable neighborhoods. State and local SOI anti-discrimination laws (SOI laws) are one policy response to address this issue. SOI laws make it illegal for landlords to discriminate against voucher recipients solely on the basis of their having a voucher. The research presented here tested whether SOI laws in the USA improve locational outcomes for voucher recipients. This research found that the impacts of SOI laws on locational outcomes are mixed. We found substantively important reductions in neighborhood poverty rates associated with the implementation of SOI laws and small but statistically significant reductions in minority concentration as well. The concentration of voucher recipients in a neighborhood, however, does not appear to be related to SOI law implementation.

Stefanie DeLuca, Philip M.E. Garboden & Peter Rosenblatt, *Segregating Shelter: How Housing Policies Shape the Residential Locations of Low-Income Minority Families*, The ANNALS of the American Academy of Political and Social Science, vol. 647:1 (2013).

Individuals participating in the HUD Housing Choice Voucher program, formerly Section 8, can rent units in the private market and are not tied to public housing projects in a specific neighborhood. We would expect vouchers to help poor families leave the ghetto and move to more diverse communities with higher socioeconomic opportunity, but many voucher holders remain concentrated in poor, segregated communities. We use longitudinal qualitative data from one hundred low-income African American families in Mobile, Alabama, to explore this phenomenon, finding that tenants' limited housing search resources, involuntary mobility, landlord practices, and several aspects of the voucher program itself limit families' ability to escape disadvantaged areas. We also find that the voucher program's regulations and funding structures do not incentivize housing authorities to promote neighborhood mobility and residential choice. This combination of forces often keeps voucher recipients in neighborhoods with high concentrations of poor and minority residents.

Will You Take My Voucher? An update on Housing Choice Voucher discrimination in the District of Columbia, The Equal Rights Center (2013)

Abstract: This report provides an update on source of income discrimination between 2011 and 2013 and confirms that while the Equal Rights Center's outreach efforts have proven useful, discrimination against voucher holders persists. In the most recent testing, voucher holders were subject to discrimination 28 percent of the time. While much improved, continued education and advocacy is needed to address the more than 1 out of 4 voucher holders who still experience some form of discrimination.

“The Answer”, Shelterforce Staff, *Does affordable housing development lower nearby property values? No.*, Shelterforce.org (2013)

Summary: This infographic explains that affordable housing development does not lower property values but actually might raise them. Researchers combed through seven bibliographies and literature reviews and found 62 studies on the effects of affordable housing on property values.

Lance Freeman and Yunjing Li. “Do Source of Income (SOI) Anti-Discrimination Laws Facilitate Access to Better Neighborhoods?” Paper presented at the Association of Public Policy and Management Fall Research, Baltimore, MD, November 8, 2012.

In recent decades vouchers have come to be seen as a tool for promoting economic and racial/ethnic integration. The advantages of vouchers over project-based housing assistance depend on the ability of voucher recipients to locate a landlord who will accept the voucher. Some landlords wish to avoid the administrative burden associated with the voucher program. Other landlords perceive voucher recipients to be undesirable tenants and/or fear their other tenants would object to voucher recipients as neighbors. This type of discrimination based on SOI could hinder the use of vouchers to move to more desirable neighborhoods. State and local SOI anti-discrimination laws are one policy response to address this issue. SOI laws make it illegal for landlords to discriminate against voucher recipients solely on the basis of their having a voucher. The research presented here tested whether SOI laws improve locational outcomes for voucher recipients. This research found that SOI laws appear to have a modest impact on locational outcomes.

Lance Freeman, *The Impact of Source of Income Laws on Voucher Utilization*, HUD Office of Policy Development and Research Report, (2011). Available at:
https://www.huduser.gov/publications/pdf/freeman_impactlaws_assistedhousingrcr06.pdf

Vouchers are lauded both for being the most efficient way of delivering housing assistance to needy households and for the potential to allow poor households to access better neighborhoods. The success of vouchers is of course predicated on recipients being able to successfully use a voucher. For a number of reasons, including discrimination by landlords on the basis of source of income (i.e. a voucher), voucher recipients frequently cannot find apartments to lease. Using a difference-in-differences approach the research reported here examines how Source of Income anti-discrimination laws affect the utilization of housing vouchers. The findings indicate that utilization rates are higher among Local Housing Authorities in jurisdictions with Source of Income anti-discrimination laws. These findings suggest such laws can be an effective tool for increasing the rate at which vouchers are successfully utilized. In a time of scarce resources for affordable housing this is an important policy tool that should not be overlooked.

Voucher Holders Need Not Apply: An Audit Report on the Refusal of Housing Choice Vouchers by Landlords in the Austin MSA, Austin Tenants' Council (2012)

Abstract: The Austin Tenants' Council conducted this survey to measure the number of private landlords in the Austin MSA that accept Housing Choice Voucher Program subsidies to determine where in the MSA this rental housing is located. Such an audit is especially important as the area experiences record low apartment vacancy rates, a shortage of affordable housing, and persistently segregated residential neighborhoods. While discrimination based on source of income is not illegal in Texas, understanding the rate at which voucher holders encounter source of income discrimination is essential to evaluating the effectiveness of the HCVP. Examining where the housing is located helps answer whether the HCVP is meeting its goal of increasing housing choice for low-income renters in areas of high opportunity with access to high-performing schools, sustainable employment, stable housing, safe neighborhoods, and health care.

Martha Galvez. "Defining Choice in the Housing Choice Voucher Program: The Role of Market Constraints and Household Preferences in Location Outcomes" PhD diss., Robert F. Wagner School of Public Service, New York University, 2011.

This dissertation examines neighborhood concentration and quality outcomes for Housing Choice Voucher holders in 315 metropolitan areas (MSAs) in 2004, coupled with an in-depth analysis of move preferences and outcomes for a sample of new voucher holders in Seattle, Washington, in 2009. Results show that voucher holders lived in nearly all MSA neighborhoods and few experienced extremely high neighborhood poverty rates. However, assisted households were unevenly distributed in a manner similar to black residential segregation. On average, neighborhood quality for voucher holders was no better than that of similarly poor households or Low Income Housing Tax Credit unit locations. Results are consistent for the Seattle sample of households, who tended to shift from one low opportunity neighborhood to another. Results are more promising for black households specifically: on average nationally, black voucher holders lived in lower poverty, less distressed neighborhoods compared to similarly poor blacks in the same MSAs.

Regression analyses suggest voucher holders are more concentrated and live in higher poverty rate neighborhoods in MSAs that are more racially segregated, and where a larger share of voucher holders is minority. Average neighborhood poverty rates for voucher holders were slightly lower in areas with source of income anti-discrimination laws in place.

Survey results for the Seattle sample suggest location outcomes mirrored pre-program mobility preferences. Respondents who wanted to change neighborhoods tended to do so, and respondents who wanted to lease in place likely did so. Respondents who were dissatisfied with pre-program neighborhood quality were more likely to change neighborhoods and to experience improvements in quality. In contrast, place attachments and market perceptions were only weakly correlated with move preferences or outcomes. Importantly, dissatisfaction with pre-program neighborhood quality was the exception

and not the norm. The majority of the sample was satisfied with their pre-program neighborhoods, despite living in areas that offered limited access to economic mobility opportunities.

Matthew D. Marr, *Mitigating apprehension about section 8 vouchers: The positive role of housing specialists in search and placement*, *Housing Policy Debate*, 16:1, 85-111, DOI: [10.1080/10511482.2005.9521535](https://doi.org/10.1080/10511482.2005.9521535) (2010)

Abstract: The U.S. Department of Housing and Urban Development has found that Section 8 voucher recipients are often unable to secure apartments outside of high-poverty areas in tight urban rental markets. However, intensive housing placement services greatly improve the success and mobility of voucher holders. Drawing on ethnographic research in the housing placement department of a private, nonprofit community-based organization, I first describe how fundamental problems in implementing the public subsidy program in a tight private rental market generate apprehension among landlords and voucher recipients that can prevent the successful use of vouchers. Second, I demonstrate how housing placement specialists can dispel and overcome this apprehension through a variety of tactics that require extensive soft skills and a deep commitment to the mission of housing poor families. These findings provide support for the increased use of housing placement services to improve success and mobility rates for Section 8 vouchers.

Stefanie DeLuca & James E. Rosenbaum, *If low-income blacks are given a chance to live white neighborhoods, will they stay? Examining mobility patterns in a quasi-experimental program with administrative data*, *Housing Policy Debate Vol 14* (2003). available at <http://dx.doi.org/10.1080/10511482.2003.9521479> (2010).

After describing the distinctive features of various policy models of residential mobility, we examine the long-term outcomes of the Gautreaux program. Administrative records provide baseline characteristics for all participants, and we located recent addresses for over 99 percent of a random sample of 1,506 participants an average of 14 years after original placement. Although 84 percent of the families made subsequent moves, the racial composition of the current address is strongly related to program placement, even among movers, and after family attributes and premove neighborhood characteristics are controlled. Combined with our prior findings, these results suggest that residential mobility has an enduring, long-term impact on the residential locations of these families. Contrary to models that assume that families' enduring preferences will quickly erase these moves, these results suggest the need for further research to consider whether mobility alters preferences or structural barriers.

Barbra Teater, *Residential Mobility of Section 8 Housing Choice Voucher Program Recipients: Assessing Changes in Poverty and Racial Composition in Neighborhoods*, *Journal of Poverty*, 12:3, 351-371, DOI: [10.1080/10875540802198651](https://doi.org/10.1080/10875540802198651) (2008)

Abstract: This study evaluates the locational outcomes of the HCV program recipients in Columbus, Ohio from 1999–2005 against the program's policy goals of deconcentration

and desegregation by examining the change in poverty and change in racial composition from pre to post-move neighborhoods. The results reveal that the mobility of recipients does not predict a change in poverty and a recipient's race does not predict a change in racial composition in neighborhoods. The findings suggest that the HCV program policy goals of deconcentration and desegregation are currently being met in Columbus, Ohio.

Kirk McClure, *Deconcentrating Poverty With Housing Programs*, Journal of the American Planning Association, 74:1, 90-99, DOI: [10.1080/01944360701730165](https://doi.org/10.1080/01944360701730165) (2008)

Abstract: Administrative data from the Department of Housing and Urban Development are used to assess the degree to which federal housing programs help low-income homebuyers and renters locate in neighborhoods where less than 10% of the population is below poverty. Research indicates that housing vouchers supplied to households are not helping renters locate in low poverty areas any more effectively than are current project-based subsidies. Additionally, a disproportionately high share of low-income homebuyers are locating in low-poverty neighborhoods than are low-income renters. Author recommends that housing planners seeking to make poverty deconcentration more effective use housing placement counselors, administer programs at the metropolitan scale, lease and broker market-rate housing directly, promote mixed-income LIHTC developments, practice inclusionary zoning, and monitor impacts of these efforts.

Fred Freiberg and Diane L. Houk, Fair Housing Justice Center, *No License to Discriminate: Real Estate Advertising, Source of Income Discrimination, and Homelessness in New York City* (2008).

The Fair Housing Justice Center examines whether real estate brokers in New York City comply with the March 2008 addition of a prohibition on source-of-income discrimination to local fair housing law. The report focuses on the listings placed by brokers on the www.craigslist.org website during the month of July 2008. During that period, at least 363 postings used discriminatory language that made unavailable housing units based on receipt of Section 8 vouchers or of other “program” assistance. Seventy-six percent of those advertised units were priced at rates affordable to low- and moderate-income renters, and many were within the fair market rent allowed for voucher-holders. In response, the FHJC makes a number of recommendations aimed at strengthening and expanding fair housing enforcement activity: (1) City government should support systemic testing investigations; (2) fair housing organizations should increase efforts to notify state authorities when there is evidence of discrimination; and (3) fair housing enforcement should emphasize remedies that end discrimination, provide redress, and promote future compliance with fair housing laws. Additionally, the FHJC recommends that appropriate standards be created to evaluate the fair housing training received by brokers and that such training be required of all brokers. Finally, the FHJC also recommends that source-of-income protection be included in New York State fair housing law.

New York ACORN, *Housing for Everyone: New York City, Section 8, and Source of Income Discrimination* (2007).

ACORN conducted three series of tests to document discrimination experienced by Section 8 voucher holders seeking to rent in New York City. Results indicated that only a limited number (less than 21%) of property management companies offered apartments within voucher rent limits. Of these, less than half would accept a Section 8 voucher. In addition, only 13% of those apartments identified by common rental listing sources would accept vouchers. ACORN also found that over 40% of the units listed in the New York City Housing Authority's own rental materials were unavailable. To remedy this, ACORN recommends that New York City adopt source-of-income/Section 8 protection similar to that in place in a number of other states and cities.

Rachel Blake, *Illegal Steering in America: Who's at the Wheel?*, ABA Journal of Affordable Housing & Community Development Law. 16: 2 (2007).

There are numerous mechanisms in place that perpetuate residential segregation in the United States. For decades, researchers have recognized that real estate agents have been a driving force behind steering, a major contributing factor to segregation in the United States. Recent studies indicate that large numbers of real estate agents continue to violate the laws that prohibit steering, some with full knowledge that they are violating the law. Whether the agent is maliciously withholding information from Black home seekers or offering a friendly suggestion to white prospective purchasers, the result is the same. A real estate agent's willingness to flout civil rights laws helps keep America segregated. Attorneys practicing in the field of affordable housing and community development are practicing in an area where race and poverty are constantly present. Whether these issues are at the forefront of our practice or fade into the background obscured by loan documents, zoning ordinances, or HUD regulations, an understanding of the continuing presence and evolving nature of these issues is critical to our work. Specifically, the topic of segregation is critical to practitioners of affordable housing and community development law because it negatively impacts either our clients or the clients of our direct clients. Segregation also impacts each of us individually. We are impacted generally as members of a segregated society; and, despite the fact that we are attorneys, we are not immune from civil rights violations of any type, including steering.

Victoria Basolo, Mai Thi Nguyen, *Does mobility matter? The neighborhood conditions of housing voucher holders by race and ethnicity*, Housing Policy Debate, 16:3-4, 297-324, DOI: [10.1080/10511482.2005.9521546](https://doi.org/10.1080/10511482.2005.9521546) (2005)

Abstract: Mobility is one mechanism used to address the federal goals of deconcentrating poverty and minorities. The Housing Choice Voucher Program relies on participants to make residential location decisions consistent with these goals. Our research investigates the level and impact of mobility on the neighborhood quality of voucher holders, their neighborhood conditions by race and ethnicity, and perceived obstacles to mobility within the jurisdiction of a Southern California housing authority. About one-third of the sample moved during the study and moving resulted in improved

neighborhoods for only one subset of movers. Minorities live in more impoverished, overcrowded neighborhoods than nonminorities, even when controlling for mobility status, contract rent, and other factors. Further, most voucher holders see the lack of rental units as a major obstacle to mobility. These findings suggest that current policy is not uniformly achieving deconcentration and that real and perceived barriers to mobility exist, especially for minorities.

Isabelle M. Thabault & Eliza T. Platts-Mills, *Discrimination Against Participants in the Housing Choice Voucher Program: An Enforcement Strategy*, Poverty & Race Research Action Council (2006)

Summary: This article discusses the importance of enforcement strategies that include testing and litigation to open up housing opportunities to low-income families. The combination of rising rents and fewer available apartments abetted by discriminatory practices created a housing crisis for low-income tenants. The enforcement program described in this article can be replicated in other jurisdictions where local or state civil rights laws include source-of-income discrimination provisions.

Lawyers Committee for Better Housing, Inc., *Locked Out: Barriers to Choice for Housing Voucher Holders, Report on Section 8 Housing Choice Voucher Discrimination* (2002).

This study by Lawyers Committee for Better Housing seeks to substantiate the accounts of discrimination encountered by Section 8 voucher holders in the Chicago area. LCBH worked with two fair housing centers to conduct phone and in-person testing. The study finds that (1) voucher holders are routinely discriminated against, (2) evidence exists indicating increased discrimination against vouchers seeking to rent in an area designated by the Chicago Housing Authority as an “exception rent area,” and (3) evidence shows that vouchers face increased discrimination due to race and ethnicity. As a result, LCBH recommends: mandatory landlord education, education for voucher holders regarding their rights and remedies, increased enforcement of Chicago’s Fair Housing Ordinance, increased landlord testing for noncompliance with fair housing laws, greater inclusion source-of-income protection of county and state laws, and implementation of a media campaign to debunk myths of renting to voucher holders.

Meryl Finkel, Larry Buron, Abt Associates Inc., *Study on Section 8 Voucher Success Rates Volume I – Qualitative Study of Success Rates in Metropolitan Areas - Final Report*, U.S. Department of Housing and Urban Development Office of Policy Development and Research (2001)

Summary: Authors work to provide a national estimate of the success rate for Section 8 voucher holders in metropolitan areas and to compare success rates by demographic group and type of voucher issued. Authors also examine the role the tightness of a local housing market plays in success rates and in the time it takes successful voucher holders to lease a unit. In addition, authors examine the role specific PHA policies and procedures play in success rates. These policies and procedures include applicant screening criteria, the level at which the PHA sets the payment standard compared with

HUD's published Fair Market Rents (FMRs), and assistance provided to voucher holders searching for housing.

Susan J. Popkin & Mary K. Cunningham, The Urban Institute, *Searching for Rental Housing with Section 8 in Chicago Region* (2000).

This Urban Institute report examines the challenges facing a growing population of Section 8 voucher holders in Chicago and seeks to build on their 1999 study of unsuccessful voucher holders. The authors find that Chicago voucher holders have special needs as a group that will require a more intensive approach to housing counseling. Additionally, they find that few differences exist between those voucher holders who are successful at finding housing and those holders who are unsuccessful. Discrimination, financial barriers, and participants' personal problems create barriers to finding housing through Section 8 in Chicago. Housing authorities must strategize as to how these difficulties can be managed.

Susan J. Popkin & Mary K. Cunningham, The Urban Institute, *CHAC Section 8 Program: Barriers to Successful Leasing Up* (1999).

This Urban Institute study examines the reasons behind voucher holders' unsuccessful searches for housing in Chicago. The authors describe four types of discrimination: (1) racial discrimination; (2) discrimination against families with children; (3) discrimination against Section 8 tenants; and (4) discrimination against former public housing high rise residents now attempting to use Section 8 vouchers. Although the study found that many factors may contribute to families' difficulty in locating housing, discrimination against voucher holders particularly demonstrates the need for mobility services to facilitate the transition to less segregated housing.

James H. Carr, Fannie Mae Foundation, *The Complexity of Segregation: Why it Continues 30 Years After the Enactment of the Fair Housing Act*, *Cityscape: A Journal of Policy Development and Research*, Volume 4, Number 3, U.S. Dept of Housing and Urban Development (1999)

Summary: Author highlights the complexities of housing segregation, improvements that have been made, the impact of federal programs on segregation, mobility programs to achieve integration, the lingering problem of housing discrimination, and the cost of discrimination and segregation to society. Author argues three main points: (1) The Fair Housing Act was not designed to address segregation directly, so its ability to further promote integration, particularly where it is most intransigent, is limited, (2) current Federal housing programs aimed at reducing segregation have had only modest influence on segregation, and (3) government-supported initiatives to reduce segregation must address segregation directly, and not just discrimination.

David P. Varady, Carole C. Walker, *Vouchering out Distressed Subsidized Developments – Does Moving Lead to Enhanced Feelings of Safety?*, DOI: [10.1177/00139169921971976](https://doi.org/10.1177/00139169921971976) (1999)

Abstract: When families are provided with Section 8 vouchers or certificates, with moderate counseling and no program requirements as to where they should move, how far will they move and how successful will the moves be in terms of attaining greater feelings of safety? This article offers some answers to these questions through analysis of the experiences of households relocated from four distressed privately-owned subsidized developments in Baltimore, Newport News, Virginia; Kansas City, Missouri; and San Francisco. Even though many of the residents chose to remain in the same area, most improved their situation in terms of safety by moving. The overwhelming majority reported that they felt safer at their new location, noting a lower incidence of crime, better neighbors, less loitering, and better security features. Thus, this article contends that inner-city families need not make long-distance moves toward the suburbs to enhance their sense of security.

Reynolds Farley, Charlotte Steeh, Maria Krysan, Tara Jackson, and Keith Reeves, *Stereotypes and Segregation: Neighborhoods in the Detroit Area*, *American Journal of Sociology* Vol. 100:3 (1994).

Two opposing hypotheses seek to explain why black-white residential segregation persists despite open housing laws. One perspective argues that discriminatory practices in the marketing of real estate are responsible. Another view contends that it is the preferences of both blacks and whites for their own neighborhoods that maintain segregation. Using data from the Detroit Area Study of 1976 and 1992, the authors test the hypothesis that stereotypes among whites play an important role in explaining their resistance to integrated neighborhoods. They conclude that stereotype use links white preferences to discriminatory real estate practices in a way that helps to explain the persistence of segregation in the Detroit area.

Other Resources

PRRAC'S Housing Mobility Webpage: <https://prrac.org/all-articles-under-the-housing-mobility-initiative/>

Housing mobility resources, program descriptions, and family stories: www.housingmobility.org

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