

Housing Equity and Source of Income Discrimination



Moderated by Elizabeth Sanchez, Assistant Director

Agenda

1. Short Introduction-Source of Income Discrimination
2. Nathan Ho, Santa Clara County Senior Strategic Advisor
3. Kelly McElwain, MPP-Lead Research Analyst of Public and Affordable Housing Research Corporation
4. Q&A



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Source of Income – Protected under FEHA

The California Fair Employment and Housing Act (FEHA) makes it unlawful :

For the owner of any housing accommodation, or any person or organization involved in any real estate transaction

to discriminate against or harass any person because of source of income,....

- (CA Gov. Code §12955)



What is a Source of Income? (CA Gov. Code §12955, subd. (l).)

- Lawful, verifiable income,
- Paid to a tenant, or paid to the housing owner or landlord on behalf of the tenant, including, but not limited to
- Federal, State, or local public assistance
- Federal, State or local housing subsidies, including
 - Housing assistance vouchers, issued under Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f)
 - Department of Housing and Urban Development Veterans Affairs Supportive Housing voucher.



Source of Income Discrimination includes:

- Advertising or stating a preference for Tenants with a certain source of income. (E.g., “No section 8.” “There is a waitlist for people with vouchers or on assistance programs.” “Professionals preferred.”)
- Under an income standard (2x or 3x rent) to qualify an applicant, using more than the prospective T’s portion of the rent to calculate whether the standard is met.
- Refusing to take an application, enter a lease, or renew a lease based on source of income. (E.g., upon learning that a Applicant or Tenant has or is obtaining a housing voucher or assistance income.)
- Demanding side (“under the table”) payments, to accept or maintain a tenancy where the source of income includes a housing voucher.
- Harassing, threatening behavior or comments based on Source of Income.

