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

(originally published as Appendix B to *Expanding Choice: Practical Strategies for Building a Successful Housing Mobility Program*, 2013)

Updated March 2026

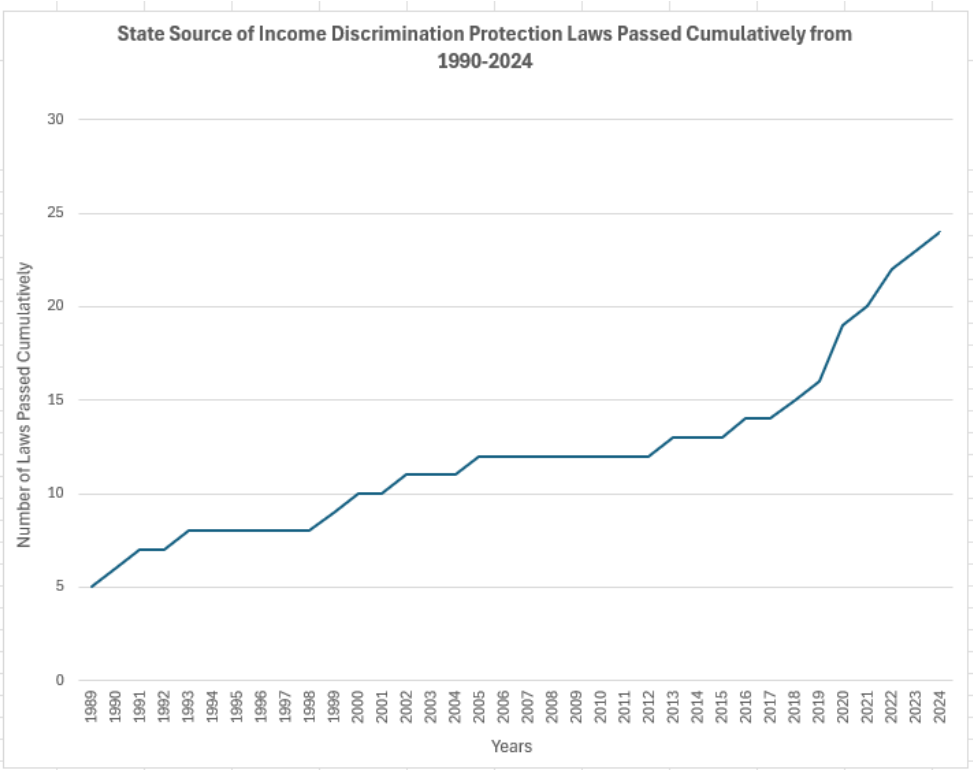
Set out below is a compilation of state, local, and federal statutes and ordinances prohibiting discrimination in the housing market based on source of income, along with an annotated bibliography of studies and published articles relating to discrimination against families with federal Housing Choice Vouchers. You can use the hyperlinks in the table of contents to navigate through the document. This compilation updates research originally compiled by PRRAC in 2009 and draws on earlier documents prepared by the National Housing Law Project and the Center for Policy Alternatives. The compilation 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* (May 2013). Since 2013, PRRAC has regularly updated and maintained this appendix state and local laws continue to change. In addition, we have compiled a guide for advocates and local policy leaders, titled *Crafting an Effective Local Source of Income Discrimination Law* (March 2020).

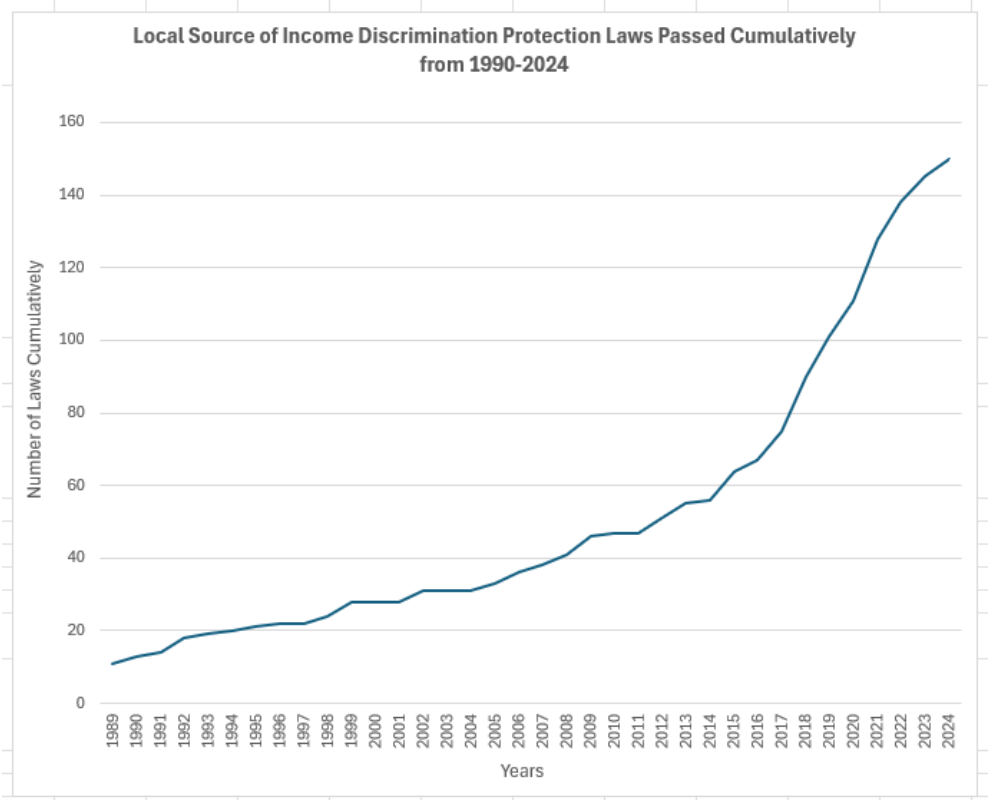
In 2018, the Center on Budget and Policy Priorities released a report using the data from this Appendix to provide a national overview of laws protecting Housing Choice Voucher participants from discrimination. The report, *Prohibiting Discrimination Against Renters Using Housing Vouchers Improves Results,* by Alison Bell, Barbara Sard, and Becky Koepnick (December 2018), includes a chronology of adoption of the statutes and ordinances described below, and an interactive map.[1] In 2020, the Urban Institute also developed a dataset based on this Appendix, which presents the information in a more analytic framework. Zillow has also incorporated data from this Appendix in the "Local Legal Protections" section of its online rental listings.

We are grateful for the contributions and corrections of our current and 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 please contact Audrey Lynn Martin (amartin@prrac.org).

[1] According to the Center's calculations, at the time their report was released, source of income discrimination laws protected 34% of voucher holders in the U.S. With the addition of seven states from 2018-2022 (New York, California, Colorado, Rhode Island, Maryland, Virginia, and Illinois) and many new municipalities, we estimated (in 2022) that over 57% of voucher holders were covered. With the addition of Michigan in 2025, it is likely that over 60% of voucher holders are now protected.

Expansion of state and local source of income discrimination protections, 1990-2024





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I. RECENT STUDIES RELATED TO SOURCE-OF-INCOME DISCRIMINATION AND HCV CONCENTRATION

A. STATE SOURCE OF INCOME DISCRIMINATION PROTECTION LAWS

1. California

a. Overview

In California, source of income discrimination is illegal under the Fair Employment and Housing Act (FEHA) at Cal. Gov't Code § 12955 and has explicitly protected voucher tenants since 2020.

Prior to 2020, the source of income discrimination law did not protect Housing Choice Voucher tenants. *See SABI v. Sterling*, 183 Cal.App.4th 916 (2010). However, in October 2019, the California Legislature modified the State Code to expand the definition of a source of income to include "any verifiable income paid directly to a tenant, to a representative of a tenant, or to a housing owner or landlord on behalf of a tenant, including Housing Choice Vouchers."

This state law may be augmented by ordinances in several California cities and counties (see discussion of local ordinances below).

b. Operative language

Cal. Gov't Code § 12955

> It shall be unlawful:
>
> (a) For the owner of any housing accommodation to discriminate against or harass any person because of the race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source of income, disability, veteran or military status, or genetic information of that person.
>
> (b) For the owner of any housing accommodation to make or to cause to be made any written or oral inquiry concerning the race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, disability, veteran or military status, or genetic information of any person seeking to purchase, rent, or lease any housing accommodation.
>
> (c) For any person 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 housing accommodation that indicates any preference, limitation, or discrimination based on race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source of income, disability, veteran or military status, or genetic information or an intention to make that preference, limitation, or discrimination.
>
> (d) For any person subject to the provisions of Section 51 of the Civil Code, as that section applies to housing accommodations, to discriminate against any person on the basis of sex, gender, gender identity, gender expression, sexual orientation, color, race, religion, ancestry, national origin, familial status, marital status,

> disability, genetic information, source of income, veteran or military status, or on any other basis prohibited by that section. Selection preferences based on age, imposed in connection with a federally approved housing program, do not constitute age discrimination in housing.

Cal. Gov't Code § 12927(i)

> "Source of income" means lawful, verifiable income paid directly to a tenant, or to a representative of a tenant, or paid to a housing owner or landlord on behalf of a tenant, including federal, state, or local public assistance, and federal, state, or local housing subsidies, including, but not limited to, federal housing assistance vouchers issued under Section 8 of the United States Housing Act of 1937 (42 U.S.C. Sec. 1437f). "Source of income" includes a federal Department of Housing and Urban Development Veterans Affairs Supportive Housing voucher. For the purposes of this definition, a housing owner or landlord is not considered a representative of a tenant unless the source of income is a federal Department of Housing and Urban Development Veterans Affairs Supportive Housing voucher.

c. Relevant cases

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).

SABI v. Sterling, 183 Cal.App.4th 916 (2010) (holding that a Housing Choice Voucher was not a source of income), *superseded by statute*, Cal. Gov't Code § 12927(i) (2019).

d. Date enacted

Source of income discrimination was added to § 12955 in January 2000 and further amended in 2005. The California Legislature added protections for voucher holders in October 2019.

Cal. Gov. Code § 12921 effective January 1, 2014; Amendments to § 12927 and § 12955 approved October 8, 2019

e. Attorney's fees and other special rules

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 a Housing Choice Voucher 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 Housing Choice 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 they 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.

Other related state regulation: 25 CCR § 12005

f. Treatment of minimum income requirements

2 CCR § 12143

> "Where a tenant or applicant is using a housing subsidy, including a voucher under Section 8 of the United States Housing Act of 1937 (42 U.S.C. § 1437f), a housing provider is only permitted to consider the portion of the rent to be paid by the tenant when considering whether the tenant or applicant meets financial or income eligibility standards."

g. Enforcement

The Fair Employment and Housing Act may be enforced, under Cal. Gov't Code § 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 or you can begin the complaint process online at https://calcivilrights.ca.gov/complaintprocess/how-to-file-a-complaint/.

The full enforcement process is described in Cal. Gov't Code § 12980(a)-(j) and includes a two-year statute of limitation on civil action filing which found at § 12989.1.

h. Fair housing initiatives program (FHIP) organizations and other organizations helping victims of discrimination

- Fair Housing Advocates of Northern California
- Project Sentinel
- California Rural Legal Assistance

- Greater Napa Fair Housing Center
- Fair housing of Sonoma County at Petaluma People Services Center
- Bay Area Legal Aid
- Eden Council for Hope & Opportunity
- Legal Aid Society of Santa Clara County
- Fair Housing Council of Central California
- Greater Bakersfield Legal Assistance
- Fair Housing Council of San Fernando Valley
- Housing Rights Center
- Fair Housing Foundation
- Inland Fair Housing and Mediation Board
- Orange County Fair Housing Council
- Fair Housing Council of Riverside County
- Fair Housing Council of San Diego
- CSA San Diego County
- Legal Aid Society of San Diego
- Mental Health Advocacy Services
- California Rural Legal Assistance
- Southern California Housing Rights Center

i. Local ordinances

2. Alameda, CA
3. Berkeley
4. Corte Madera
5. East Palo Alto
6. Fairfax
7. Los Angeles
8. Los Angeles County (unincorporated areas only)
9. Marin County
10. Mill Valley
11. Milpitas
12. Novato
13. San Anselmo
14. San Diego
15. San Francisco
16. San Jose
17. San Rafael
18. Santa Clara County (unincorporated areas only)
19. Santa Monica
20. Woodland

2. Colorado

a. Overview

Source of income discrimination has been illegal in Colorado under the Colorado Anti-Discrimination Act (CADA) since 2021 at Colo. Rev. Stat. Ann §24-34-502.

The statutory definition of source of income includes "all lawful forms of income, including state and federal housing vouchers, disability assistance, and any other type of government assistance, grant, or loan." The law explicitly prohibits landlords owning more than three (3) units in the rental market from discriminating against a tenant based on their source of income.

b. <u>Operative language</u>

Colo. Rev. Stat. Ann. §24-34-501:

> (4.5) "Source of income" means any lawful and verifiable 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 or rental payments derived from any government or private assistance, grant, or loan program

Colo. Rev. Stat. Ann §24-34-502 Unfair housing practices prohibited – definition:

> (1) It shall be an unfair housing practice and unlawful and hereby prohibited:
>
> > (a)(I) For any person to refuse to show, sell, transfer, rent, or lease any housing; refuse to receive and transmit any bona fide offer to buy, sell, rent, or lease any housing; or otherwise make unavailable or deny or withhold from an individual any housing because of disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, marital status, familial status, veteran or military status, religion, national origin, or ancestry; to discriminate against an individual because of disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, marital status, familial status, veteran or military status, religion, national origin, or ancestry in the terms, conditions, or privileges pertaining to any housing or the transfer, sale, rental, or lease of housing or in furnishing facilities or services in connection with housing; or to cause to be made any written or oral inquiry or record concerning the disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, marital status, familial status, veteran or military status, religion, national origin, or ancestry of an individual seeking to purchase, rent, or lease any housing; however, nothing in this subsection (1)(a) requires a dwelling to be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others;
> > (II) Nothing in this subsection (1)(a) prohibits a written or oral inquiry or record concerning military or veteran status when the purpose of the inquiry

or record is to determine a person's eligibility for veteran or military housing or for a veteran or military housing benefit.

(b) For any person to whom application is made for financial assistance for the acquisition, construction, rehabilitation, repair, or maintenance of any housing to make or cause to be made any written or oral inquiry concerning the disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, marital status, familial status, veteran or military status, religion, national origin, or ancestry of an individual seeking financial assistance or concerning the disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, marital status, familial status, veteran or military status, religion, national origin, or ancestry of prospective occupants or tenants of the housing, or to discriminate against any individual because of the disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, marital status, familial status, veteran or military status, religion, national origin, or ancestry of the individual or prospective occupants or tenants in the terms, conditions, or privileges relating to obtaining or using any such financial assistance;

(c)(I) For any person to include in any transfer, sale, rental, or lease of housing any restrictive covenants, but shall not include any person who, in good faith and in the usual course of business, delivers any document or copy of a document regarding the transfer, sale, rental, or lease of housing which includes any restrictive covenants which are based upon race or religion, or reference thereto; or
(II) For any person to honor or exercise or attempt to honor or exercise any restrictive covenant pertaining to housing;

(d)(I) For any person to make, print, or publish or cause to be made, printed, or published any notice or advertisement relating to the sale, transfer, rental, or lease of any housing that indicates any preference, limitation, specification, or discrimination based on disability, race, creed, color, religion, sex, sexual orientation, gender identity, gender expression, marital status, familial status, veteran or military status, national origin, or ancestry;
(II) This subsection (1)(d) does not apply when the purpose of the notice or advertisement is to promote veteran or military housing or a veteran or military housing benefit.

(e) For any person: To aid, abet, incite, compel, or coerce the doing of any act defined in this section as an unfair housing practice; to obstruct or prevent any person from complying with the provisions of this part 5 or any order issued with respect thereto; to attempt either directly or indirectly to commit any act defined in this section to be an unfair housing practice; to discriminate against any person because such person has opposed any practice made an unfair housing practice by this part 5, because he has filed a charge with the commission, or because he has testified, assisted, or participated in any manner in an investigation, proceeding, or hearing conducted pursuant to parts 3 and 5 of this article; or to coerce, intimidate,

threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged, any other person in the exercise of any right granted or protected by parts 3 and 5 of this article;

(f) For any person to discharge, demote, or discriminate in matters of compensation against any employee or agent because of said employee's or agent's obedience to the provisions of this part 5;

(g) For any person whose business includes residential real estate-related transactions, which transactions involve making or purchasing loans secured by residential real estate or providing other financial assistance for purchasing, constructing, improving, repairing, or maintaining a dwelling or selling, brokering, or appraising residential real property, to discriminate against an individual in making available such a transaction or in fixing the terms or conditions of such a transaction because of race, creed, color, religion, sex, sexual orientation, gender identity, gender expression, marital status, disability, familial status, veteran or military status, national origin, or ancestry;

(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 rent or lease, to refuse to show housing for 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 a 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; except that, if the initial payment to the landlord is not made timely in accordance with applicable regulations promulgated by the united states department of housing and urban development due to processing delays or a government shutdown, then a landlord may exercise any right or pursue any remedy available under law;

(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 discrimination based on a person's source of income;

(o) For any person to represent to another person that any housing is not available for rent or lease when the housing 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 housing by representations regarding the entry or prospective entry into the neighborhood of a person or persons with particular sources of income.

(1.5)

(a) Subsections (1)(l) to (1)(p) of this section do not apply to a landlord with three or fewer units of housing for rent or lease.

(b) Nothing in subsection (1) of this section precludes a landlord from checking the credit of a prospective tenant. Checking the credit of a prospective tenant is not an unfair housing practice under this section, provided that the landlord checks the credit of every prospective tenant.

(c) As used in this subsection (1.5) and in subsection (1) of this section, "landlord" means a person who owns, manages, leases, or subleases a unit of housing and who makes that housing available for rent or lease.

(1.7) Notwithstanding any provision of subsection (1) of this section to the contrary, if a landlord owns five or fewer single family rental homes and no more than five total rental units including any single family homes, the landlord is not required to accept federal housing choice vouchers for any of those five single family homes as an acceptable source of income under subsection (1) of this section.

Colo. Rev. Stat. Ann § 38-12-904 - Consideration of rental applications - limitations - portable tenant screening report - notice to prospective tenants - denial notice

(c) If a landlord uses financial information, including rental history or credit history, as a criterion in consideration of a rental application from a prospective tenant who is seeking to rent with the assistance of a housing subsidy, the landlord shall not consider or inquire about the prospective tenant's:

(I) Amount of income, except for the purpose of determining that the prospective tenant's annual amount of income equals or exceeds two hundred percent of the portion of the annual cost of rent that is to be paid by the prospective tenant; or

(II) Credit score, adverse credit event, or lack of credit score unless the landlord is required by federal law to consider a credit score or a lack of a credit score.

c. Relevant cases

- *Grey v. All. Alamosa, LLC*, No. 24CA0655, 2025 WL 274830 (Colo. App. Jan. 23, 2025) (holding that while no published Colorado appellate case has yet adopted the burden-shifting framework for employment discrimination in the housing source of income discrimination context, the appellate court "assumes, without deciding," that it is the proper test).
- *Metro W. Hous. Sols. v. Romero*, No. 23CA1738, 2024 WL 3818981 (Colo. App. Aug. 8, 2024) (holding that a tenant's source of income discrimination counterclaim based on a month-to-month lease renewal was a viable complaint).

d. Date enacted

Colorado's source of discrimination statute went into effect on January 1, 2021.

e. Attorney's fees and other special rules

A state court may, in its discretion, may allow the prevailing party reasonable attorney fees and costs. Colo. Rev. Stat. §24-34-505.6(6)(b).

f. Treatment of minimum income requirements

N/A

g. Enforcement

The Colorado source of income law can be enforced either through the Colorado Civil Rights Commission or in state court. An individual alleging a violation may file a charge with the Civil Rights Commission which will then conduct an investigation to determine if probable cause to conclude that discrimination occurred exists. If there is probable cause, there will be an attempt to negotiate a conciliation agreement through mandatory mediation, though the parties may agree to mediation earlier in the process. If a conciliation agreement cannot be reached, there may then be an administrative hearing. Generally, an individual may not file a civil action in district court based on an alleged unfair housing practice without first exhausting administrative proceedings and remedies. However, a tenant may request a "notice of right to sue" at any point in the process, which if granted terminates the administrative proceedings and allows 90 days to file a civil action in the district court.

The Colorado attorney general may also enforce the law. The attorney general may intervene in a civil action, initiate a civil action if there is a pattern or practice of discrimination, or initiate a civil action in a state district court for a case referred by the commission.

After the filing of a charge of discrimination, the Civil Rights Commission may file for temporary appropriate injunctive relief, pending the final determination of proceedings before

the commission. The Civil Rights Commission may award appropriate injunctive relief and can seek to enforce its orders in court.

h. Fair housing initiatives program (FHIP) organizations and other organizations helping victims of discrimination

- Denver Metro Fair Housing Center
- Colorado Civil Rights Division
- Civil Rights Education and Enforcement Center

i. Local ordinances

1. Boulder
2. Denver

3. Connecticut

a. Overview

Connecticut's source of income discrimination statute, Connecticut General Statutes, section 46a-64c, has been in place since 1989. The law prohibits discrimination against all lawful forms of income, including state and federal housing vouchers, federal welfare or disability assistance, and others. The statute has been challenged twice in court by landlords; 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: Housing Choice Voucher; state housing assistance, such as the Rental Assistance Program (RAP) and Transitionary Rental Assistance Program (T-RAP); and using the Security Deposit Guarantee Program in lieu of paying cash for a security deposit.

b. 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.

c. Relevant cases

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) (holding that housing assistance which is publicly 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 a Housing Choice Voucher).

Commission on Human Rights & Opportunities Ex Rel. Arnold v. Forvil, 302 Conn. 263, 274 (Conn. 2011) (holding that a 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*).

d. Date enacted

The Connecticut Legislature enacted their source of income discrimination statute in 1989.

e. Attorney's fees and other special rules

The Commission can award attorney's 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).

f. Treatment of minimum income requirements

The statutory text does not explicitly address the issue of minimum income requirements, but Connecticut state courts have clarified the issue through case law.

- *Commission on Human Rights & Opportunities v. Sullivan*, 939 A.2d 541 (Conn. 2008) (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).
- *Fulk v. Lee*, CV970063572, 2002 Conn. Super. LEXIS 499 (Conn. Super. Ct. Feb. 7, 2002) (holding that rejecting a tenant based on lack of income is source of income discrimination if the tenant is able to meet the expenses of her tenancy through public assistance).

- *Commission on Human Rights & Opportunities v. Sullivan*, 739 A.2d 238 (Conn. 1999) (holding that the landlord's income requirements did not take into consideration what portion of the rent the tenant would be responsible for, which was zero).

g. Enforcement

A victim of source of income discrimination can file a complaint 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.

h. Fair housing initiatives program (FHIP) organizations and other organizations helping victims of discrimination

- Connecticut Fair Housing Center
- Open Communities Alliance
- Norwalk Fair Housing Office

i. Local ordinances

N/A

4. Delaware

a. Overview

Though discrimination on the basis of "source of income" has been prohibited under the Delaware Fair Housing Act (6 Del. C. § 4601) since 2016, voucher tenants were not protected due to an exception which reads: "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."

In January 2026, anti-discrimination protections will extend to voucher tenants. This is due to a bill passed in 2024 which eliminated this exemption and replaced it with a provision that would streamline and unify voucher program procedures for all the Public Housing Authorities (PHAs) in the state, thus reducing alleged burdens on landlords. The new law will go into effect in January 2026, once the unified procedures are adopted.

Minimum income requirements and credit worthiness checks are statutorily allowed if applied in "a commercially reasonable manner and without regard to source of income."

b. <u>Operative language</u>

6 Del. C. § 4601. Declaration of purpose and construction.

> (a) *Purpose* - 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.

6 Del. C. § 4602. Definitions.

> (29) 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.

6 Del. C. § 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.~~
The public housing authorities must implement the standardized sequence of processing a Request for Tenancy Approval recommended by the third-party consultant in the May 2024 report, "Alignment of Delaware Housing Choice Voucher Programs to Create Efficiencies and Increase Landlord Engagement", prepared for the Delaware State Housing Authority.

(2) If a public housing authority fails to comply with the standardized sequence of processing a Request for Tenancy Approval under paragraph (e)(1) of this section, a landlord may deny a rental application to ensure the reliable and timely supply of housing units.
(3) The denial of a rental application under paragraph (e)(2) of this section 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.

c. Relevant cases

N/A

d. Date enacted

Source of income discrimination was originally added to the Delaware Fair Housing Act on August 3, 2016 but included the exemption referenced above.

Senate Bill 293 passed on August 9, 2024, amending the state Fair Housing Act to remove the exemption and require uniform streamlined procedures for state PHAs.

The Act's implementation date will be January 1, 2026, unless the PHA streamlining process is not completed by that time.

e. Attorney's fees and other special rules

Attorney's Fees available.

f. Treatment of minimum income requirements

N/A

g. Enforcement

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."

h. Fair housing initiatives program (FHIP) organizations and other organizations helping victims of discrimination

- Delaware Division of Human Relations
- Community Legal Aid Society
- Delaware State Housing Authority
- Housing Opportunities of Northern Delaware

i. Local ordinances

1. Wilmington

5. District of Columbia*

a. Overview

The District has prohibited source of income discrimination in housing since 2005. DC has since added language and guidance has to provide clarity and strengthen protections. For example, the law provides a rebuttable presumption of source of income discrimination if a landlord charges extra fees or deposits to a tenant using a housing subsidy, and this fee is not charged to other tenants.

b. 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.

c. Relevant cases

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 District's power to regulate matter of local concern, and

DCHRA's nondiscrimination requirement neither compelled nor permitted parties to violate any provision of HCVP and advanced HCVP'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).

d. Date enacted

Source of income discrimination was added to the D.C. Human Rights Act (DCHRA) on February 9, 2005. (D.C. Code Ann. §2-1402.21)

D.C. also has regulations that provide guidance regarding source of income protections: http://dcrules.elaws.us/dcmr/t4_ch4-10.

e. Attorney's fees and other special rules

The District of Columbia Human Rights Act does not require courts to award reasonable attorney's fees to prevailing parties but rather, confirms court'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).

f. Treatment of minimum income requirements

In language of statute, Human Rights Act amended in 2022 to state:

> (1) It shall be an unlawful discriminatory practice to do any of the acts prohibited in subsection (a) or subsection (b) of this section to a prospective tenant seeking to rent with the assistance of an income-based housing subsidy based on:
>
> … (B) Income level (other than whether or not the level is below a threshold as required by local or federal law), a credit score, or the lack of credit score, unless such consideration of a credit score or the lack of credit score is required by federal law; or

g. Enforcement

The D.C. source of income law can be enforced either through the Office of 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.

h. Fair housing initiatives program (FHIP) organizations and other organizations helping victims of discrimination

- Equal Rights Center
- Housing Counseling Services
- National Fair Housing Alliance
- National Community Reinvestment Coalition
- Washington Lawyers' Committee for Civil Rights & Urban Affairs

i. Local ordinances

N/A

6. Guam*

a. Overview

On February 10, 2026, Gov. Lourdes A. Leon Guerrero signed into law bill 29-38, prohibiting source of income discrimination in rental housing. It goes into effect October 1, 2026.

b. Operative language

48602. Prohibitions on Source-of-Income (SOI) Discrimination.
(a) It shall be unlawful and hereby prohibited:

(l) For any person to deny another person access to information provided through membership or participation in any multiple-listing service or other real estate brokers' service, on account of source-of-income (SOI);

(2) For any person to refuse to rent or lease, to refuse to show housing for 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 a person's source-of income (SOI);

(3) 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; except that, if the initial payment to the landlord is not made timely in accordance with applicable regulations promulgated by the

U.S. Department of Housing and Urban Development (HUD) due to processing delays or a government shutdown, then a landlord may exercise any right or pursue any remedy available under law;

(4) 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 discrimination based on a person'ssource-of-income (SOI);

(5) For any person to represent to another person that any housing is not available for rent or lease when the housing is in fact available for the purpose of discriminating against the person on the basis of the person's source-of-income (SOI); and

(6) For any person, for profit, to induce or attempt to rent any housing by representations regarding the entry or prospective entry into the neighborhood of a person or persons with particular sources of income.

c. Relevant cases

N/A

d. Date enacted

February 10, 2026 but goes into effect October 1, 2026.

e. Attorney's fees and other special rules

As per 21 G.C.A.§48604 (d) "No party shall be awarded attorney's fees or costs in any action under this act."

f. Treatment of minimum income requirements

Guam's legislation has remained silent on the treatment of minimum income requirements as it relates to source of income discrimination.

g. Enforcement

21 G.C.A. § 48604. Fines and Penalties.

(a) A landlord that violates any provisions of this Act may be subject to a civil penalty in an amount not to exceed Two-Thousand Dollars ($2,000) if determined by the court to have violated this Act for the first time within one year ofthe occurrence of the violation.

(b) The court may impose a penalty of Two-Thousand Five Hundred Dollars ($2,500) against a landlord for any subsequent violation of this Act by the landlord.

(c) The court may also order any injunctive or other equitable relief as it deems proper.

(d) No party shall be awarded attorney's fees or costs in any action under this Act.

§ 48605. Use of Collected Penalties. All fines collected under this Section shall be deposited into the Housing Trust Fund.

§ 48606. Enforcement. The Guam Housing and Urban Renewal Authority (GHURA) shall enforce the provisions of this Article. GHURA shall submit a budget request to I Liheslaturan Guåhan, annually, for cost related to the enforcement of this Article. GHURA shall create Rules and Regulations consistent with Chapter 9, 5 GCA."

h. Fair housing initiatives program (FHIP) organizations and other organizations helping victims of discrimination

- Guam Housing and Urban Renewal Authority

i. Local ordinances

N/A

7. Hawai'i

a. Overview

The Hawai'i legislature passed a law prohibiting discrimination, including in advertisements for rental property, in rental transactions based on participation in the Housing Choice Voucher Program or any permanent supportive housing program or requirements related to participation in these housing assistance programs. The law requires the Hawai'i Public Housing Authority and the Hawai'i Civil Rights Commission to provide informational materials. Although the law covers Housing Choice Vouchers, it is an extraordinarily weak state law, limiting fines to $2,500, and barring any recovery of attorney's fees for victims of discrimination who prevail in their challenges to discrimination.

b. Operative language

Haw. Rev. Stat. Ann. § 368F-1. Definitions:

"Housing assistance program" means a section 8 housing choice voucher program or any permanent supportive housing program.

Haw. Rev. Stat. Ann. § 368F-2. Discriminatory practices in a rental transaction based on source of income:

> It shall be a discriminatory practice for a landlord to:
>
> (1) Indicate in any manner used to advertise the availability of a rental property that the landlord will not rent a property to a person participating in a housing assistance program;
>
> (2) Discourage in any manner a person from seeking to engage in a rental transaction based on the person's participation in a housing assistance program;
>
> (3) Refuse to engage in a rental transaction with a person because of the person's participation in a housing assistance program or requirements related to participation in a housing assistance program; or
>
> (4) Require rental conditions that are different from those required for a person not participating in a housing assistance program.

Haw. Rev. Stat. Ann. § 368F-3. Exemptions:
(Multiple exemptions listed, including for landlords owning four or fewer dwelling units.)

c. Relevant cases

N/A

d. Date enacted

In July 2022, Governor David Ige signed bill ACT 310 into law, prohibiting landlords from discrimination against tenants based on their source of income.

e. Attorney's fees and other special rules

No party may be awarded attorney's fees or costs in any action under this section. (HRS § 368F-4(e)).

f. Treatment of minimum income requirements

N/A

g. Enforcement

Landlords violating the source of income law may be subject to a civil penalty up to $2,000 (first violation), or $2,500 (subsequent violations). A court may also order any injunctive or other equitable relief as it deems proper. HRS § 368F-4.

h. Fair housing initiatives program (FHIP) organizations and other organizations helping victims of discrimination

- Legal Aid Society of Hawai'i

i. Local ordinances

N/A

8. Illinois

a. Overview

The amendment to the Illinois Human Rights Act declares that it is the public policy of the State to prevent discrimination based on source of income in real estate transactions, defines, "source of income" as the lawful manner by which an individual supports himself or herself and his or her dependents, and provides that it is a civil rights violation for various people to participate in specified discriminatory actions related to real estate transactions because of an individual's source of income.

b. Operative language

775 ILCS 5/1-103:
General definitions.

> When used in this Act, unless the context requires otherwise, the term:…
>
> (O-5) Source of income. "Source of income" means the lawful manner by which an individual supports himself or herself and his or her dependents.

775 ILCS 5/3-102:

> Civil rights violations; real estate transactions.
>
> It is a civil rights violation for an owner or any other person engaging in a real estate transaction, or for a real estate broker or salesman, because of unlawful discrimination, familial status, source of income, or an arrest record, as defined under subsection (B-5) of Section 25 1-103, to:
>
> (A) Transaction. Refuse to engage in a real estate transaction with a person or to discriminate in making available such a transaction;
>
> (B) Terms. Alter the terms, conditions or privileges of a real estate transaction or in the furnishing of facilities or services in connection therewith;
>
> (C) Offer. Refuse to receive or to fail to transmit a bona fide offer to engage in a real estate transaction from a person;

(D) Negotiation. Refuse to negotiate for a real estate transaction with a person;

(E) Representations. Represent to a person that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or to fail to bring a property listing to his or her attention, or to refuse to permit him or her to inspect real property;

(F) Publication of Intent. Make, print, circulate, post, mail, publish or cause to be made, printed, circulated, posted, mailed, or published any notice, statement, advertisement or sign, or use a form of application for a real estate transaction, or make a record or inquiry in connection with a prospective real estate transaction, that indicates any preference, limitation, or discrimination based on unlawful discrimination or unlawful discrimination based on familial status, source of income, or an arrest record, or an intention to make any such preference, limitation, or discrimination;

(G) Listings. Offer, solicit, accept, use or retain a listing of real property with knowledge that unlawful discrimination or discrimination on the basis of familial status, source of income, or an arrest record in a real estate transaction is intended. (Sec. 3-102)

775 ILCS 5/3-106: "Exemptions.
(Multiple exemptions listed)

c. Relevant cases

N/A

d. Date enacted

The source of income discrimination law passed the Illinois General Assembly on April 7, 2022, https://ilga.gov/legislation/102/HB/PDF/10200HB2775lv.pdf, and was signed into law in May 2022.

e. Attorney's fees and other special rules

775 ILCS 5/8B-104:

Relief; Penalties.

Upon finding a civil rights violation, a hearing officer may recommend and the Commission or any three-member panel thereof may provide for any relief or penalty identified in this Section, separately or in combination, by entering an order directing the respondent to: …

(D): Attorney Fees; Costs. Pay to the complainant all or a portion of the costs of maintaining the action, including reasonable attorney's fees and expert witness fees

incurred in maintaining this action before the Department, the Commission and in any judicial review and judicial enforcement proceedings."

In a circuit court action initiated by the aggrieved party, the court has discretion to "allow reasonable attorneys fees and costs" to the prevailing party. (775 ILCS 5/10-102(C)(2))

f. Treatment of minimum income requirements

The language of the statute does not discuss minimum income requirements, but the Illinois Department of Human Rights FAQs address the topic, stating that "[h]ousing providers must only consider the tenant's or applicant's portion of the rent when using a minimum income standard."

g. Enforcement

The Illinois Department of Human Rights or Human Rights Commission is charged with enforcing the Illinois Human Rights Act. The Illinois Human Rights Commission reviews tenant filings and can make a formal complaint following an investigation and finding of substantial evidence of a civil rights violation. (775 ILCS 5/7 and 5/8))

The Illinois Human Rights Act also allows civil rights violations to be enforced through the commencement of a civil suit in circuit court by the aggrieved party within two years of the occurrence of the violation. Courts may award actual and punitive damages and injunctive relief. (775 ILCS 5/10-102(C)(2))

The Illinois Attorney General may initiate a civil action following a preliminary investigation if they have "reasonable cause to believe that any person or group of persons is engaged in a pattern and practice of discrimination prohibited" by the Illinois Human Rights Act. (775 ILCS 5/10-104)

h. Fair housing initiatives program (FHIP) organizations and other organizations helping victims of discrimination

- Prairie State Legal Services
- Illinois Coalition for Fair Housing
- University of Illinois Chicago (formerly John Marshall Law School) Fair Housing Legal Support Center & Clinic
- Oak Park Regional Housing Center
- South Suburban Housing Center
- HOPE Fair Housing Center
- Open Communities
- Access Living of Metropolitan Chicago
- Chicago Lawyers' Committee for Civil Rights Under Law

i. Local ordinances

1. Chicago
2. Cook County
3. Harwood Heights
4. Naperville
5. Oak Park
6. Urbana
7. Wheeling (does not cover housing vouchers)

9. Maryland

a. Overview

The Maryland General Assembly passed the Housing Opportunities Made Equal Act (http://mgaleg.maryland.gov/2020RS/bills/sb/sb0530t.pdf) in 2020. The Act amended Maryland law to prohibit discrimination based on source of income. The law was enacted on May 8, 2020 and became effective on October 1, 2020.

b. Operative language

MD. CODE. ANN. § 20-701:

> (j) (1) 'Source of income' means any lawful source of money
>
> paid directly or indirectly to or on behalf of a renter or buyer of housing.
>
> (2) '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;
>
> (III) A gift, an inheritance, a pension, an annuity, alimony, child support, or any other consideration or benefit; or
>
> (IV) The sale or pledge of property or an interest in property.

MD. CODE. ANN. § 20-702:

> (a) It is the policy of the State:

(1) to provide for fair housing throughout the State to all, regardless of race, color, religion, sex, familial status, national origin, marital status, sexual orientation, gender identity, disability, or source of income...

MD. CODE. ANN. § 20-704:

(a) This subtitle does not apply to:

(2) with respect to discrimination on the basis of sex, sexual orientation, gender identity or marital status, or source of income if the source of income is low-income housing assistance certificates or vouchers issued under the United States Housing Act of 1937:

(i) the rental of frooms in any dwelling, if the owner maintains the dwelling as the owner's principal residence or

(ii) the rental of any apartment in a dwelling that contains not more than five rental units, if the owner maintains the dwelling as the owner's principal residence

(d) The prohibitions in this subtitle against discrimination based on source of income do not:

(1) Prohibit a person from determining the ability of a potential buyer or renter to pay a purchase price or pay rent by verifying in a commercially reasonable and nondiscriminatory manner the source and amount of income or creditworthiness of the potential buyer or renter;
(2) Prevent a person from refusing to consider income derived from any criminal activity; or

(3) Prohibit a person from determining, in accordance with applicable federal and state laws, the ability of a potential buyer to repay a mortgage loan."

c. Relevant cases

N/A

d. Date enacted

e. Attorney's fees and other special rules

Maryland's allows attorney's fees to be awarded in actions enforcing anti-discrimination laws. Under MD CODE ANN. §20-1033, an administrative law judge in an administrative proceeding may allow the prevailing party, including the Maryland Commission on Civil Rights, to receive

reasonable attorney's fees and costs. A court may also allow reasonable attorney's fees in a civil action or a court proceeding arising from an administrative proceeding.

f. Treatment of minimum income requirements

Hare v. David S. Brown Enters., Ltd., 491 Md. 653, 340 A.3d 698 (2025) (holding that a 2.5 times monthly rent minimum-income requirement does not constitute disparate treatment for voucherholders and that the landlord failed to demonstrate that this requirement did not result in discriminatory impact against holders of housing vouchers, as required for judgment as matter of law).

g. Enforcement

Source of income protections are enforced by the Maryland Commission on Civil Rights. Individuals can file a complaint with the Commission and the Commission may also file its own complaint. The Commission investigates complaints and also engages in conciliation. If the Commission determines that there is probable cause that a discriminatory housing practice occurred and conciliation has failed, the commission can issue a charge for further proceedings. When a charge is issued, the complainant may choose to have an administrative hearing or an individual may elect to have the commission commence and maintain a civil action on their behalf. MD. CODE. ANN. §20-1026. If an administrative law judge finds that a discriminatory housing practice has occurred, they can issue an order for relief which can injunctive or equitable relief as well as monetary penalties. There is an opportunity for judicial review of a final order arising from an administrative hearing.

If an individual chooses to have the Commission pursue a civil action on their behalf instead of going through an administrative hearing, the action must be commenced within 60 days after a decision to undertake a civil action instead of an administrative hearing. The action must be filed in the circuit court for the county where dwelling that is the subject of the alleged discriminatory housing practice is located. A court can assess civil penalties and issue equitable or injunctive relief.

h. Fair housing initiatives program (FHIP) organizations and other organizations helping victims of discrimination

- Fair Housing Action Center of Maryland
- Maryland Legal Aid
- Equal Rights Center

i. Local ordinances

1. Annapolis
2. Anne Arundel County
3. Baltimore City
4. Baltimore County

5. Frederick
6. Frederick County
7. Howard County
8. Montgomery County
9. Prince George's County

10. Massachusetts

a. Overview

The Massachusetts source of income discrimination ban, 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.

Related state regulations: 804 CMR 2.01

b. 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]

c. Relevant cases

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) *superseded by* Mass. Gen. Laws Ann. ch. 151B § 4 (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).

J.A. v. Lorilee I, LLC (D. Mass. 2018) (holding 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).

d. 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*).

e. Attorney's fees and other special rules

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).

f. Treatment of minimum income requirements

Treatment of minimum income requirements is not mentioned in language of the statute. Though Massachusetts' statute is silent on the issue, the landlord's guide published by the commonwealth and distributed through their website explicitly prohibits "requiring an applicant's monthly income to be at least three times the full monthly rent even though they have a voucher."

g. 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).

h. Fair housing initiatives program (fhip) organizations and other organizations helping victims of discrimination

- Fair Housing Center of Greater Boston
- Suffolk University Housing Discrimination Testing Program
- Community Legal Aid
- Massachusetts Fair Housing Center
- South Coast Fair Housing

i. Local ordinances

1. Boston
2. Cambridge
3. Quincy

4. Revere

11. Michigan

a. Overview

Michigan added source of income as a protected characteristic under their Landlord-Tenant Relationship Act. This applies to all landlords with five or more rental units in Michigan. It explicitly names its application to the Housing Choice Voucher program as well as HUD-VASH and allows for injunctive relief, damages, and attorney's fees.

b. Operative language

554.601c.added Prohibition on the distinction, discrimination, or restriction based on source of income of tenant.

Sec. 1c.

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

(a) Deny or terminate a tenancy to the prospective or current tenant.

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

(c) Otherwise make unavailable or deny any rental unit to the prospective or current tenant if the prospective or current tenant would be eligible to rent the rental unit but for the individual's source of income.

(d) Represent to the prospective tenant that a rental unit is not available for inspection, rental, or lease when in fact it is so available, or knowingly fail to bring a rental listing to the prospective tenant's attention, or refuse to permit the prospective tenant to inspect a rental unit.

(e) Make any distinction, discrimination, or restriction against the prospective or current tenant in the price, terms, conditions, fees, or privileges relating to the rental, lease, or occupancy of any rental unit on the basis of the prospective or current tenant's use of emergency rental assistance.

(f) If the landlord requires a prospective or current tenant to have a certain threshold level of income, exclude any source of income in the form of a rent voucher or subsidy when calculating whether the income criteria have been met. This subdivision does not apply to emergency rental assistance.

(g) Attempt to discourage the rental or lease of any rental unit to the prospective or current tenant.

(h) Publish, circulate, display, or cause to be published, circulated, or displayed any communication, notice, advertisement, or sign of any kind relating to the rental or lease of any rental unit that indicates a preference, limitation, or requirement based on any source of income.

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

(j) 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 subsection.

(2) This section does not apply to a person if the person, including all related entities to that person, is a landlord of fewer than 5 rental units in this state. As used in this subsection:

(a) "Person" means an individual, partnership, corporation, association, limited liability company, or any other legal entity.

(b) "Related entity" means a person that, directly or indirectly, controls, is controlled by, or is under common control with another person.

c. Relevant cases

N/A

d. Date enacted

Gov. Gretchen Whitmer signed Senate bills 205, 206, and 207 of a five-bill package Monday, Dec. 30, 2024.

e. Attorney's fees and other special rules

Enforcement mechanism is through the courts and damages allowable include court costs and reasonable attorney's fees.

"Damages would mean actual damages for injury or loss caused by each violation, or up to three times the monthly rent for the rental unit or units at issue, whichever is less, together with court costs and reasonable attorney fees."

f. Treatment of minimum income requirements

In language of the statute,
554.601c (1) (f)

If the landlord requires a prospective or current tenant to have a certain threshold level of income, exclude any source of income in the form of a rent voucher or subsidy when calculating whether the income criteria have been met. This subdivision does not apply to emergency rental assistance.

g. Enforcement

A person alleging a violation of the above provisions could bring a civil action for appropriate injunctive relief or damages, or both, in the circuit court for the county where the alleged violation occurred or where the person the action is filed against resides or has their principal place of business.

h. fair housing initiatives program (FHIP) organizations and other organizations helping victims of discrimination

- Fair Housing Center of West Michigan
- Legal Services of Eastern Michigan
- Community Action Agency
- Fair Housing Center of Southwest Michigan
- Fair Housing Center of Metropolitan Detroit
- Fair Housing Center of Southeast & Mid Michigan

i. Local ordinances

1. Ann Arbor
2. Detroit
3. East Lansing
4. Ferndale
5. Grand Rapids
6. Hazel Park
7. Holland
8. Jackson
9. Kalamazoo
10. Kentwood
11. Lansing
12. Oak Park
13. Pontiac
14. Royal Oak
15. Westland
16. Wyoming

12. New Jersey

a. Overview

New Jersey law makes it illegal for a landlord to refuse to rent to a person because the person has a Housing Choice 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).

b. 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.

c. Relevant cases

- *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).
- *Pasquince v. Brighton Arms Apartments*, 378 N.J. Super. 588 (App. Div. 2005) (holding 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 landlord's business judgment in determining tenant's creditworthiness when it found that tenant'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).

d. 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.

Related state regulations: N.J.A.C. § 11:5-6.4, N.J.A.C. § 13:9-1.1

e. Attorney's fees and other special rules

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.

f. Treatment of minimum income requirements

Treatment of minimum income requirements is not mentioned in language of the statute. The issue has been addressed in case law. *Moran v. Tower Mgmt. Servs.*, No. A-2616-16T4, 2018 WL 6272934 (N.J. Super. Ct. App. Div. Dec. 3, 2018) (finding that the landlord failed to demonstrate the required legitimate non-discriminatory business interest for requiring a voucher holding prospective tenant meet a minimum income requirement).

g. Enforcement

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

h. Fair housing initiatives program (FHIP) organizations and other organizations helping victims of discrimination

- Fair Housing Council of Northern New Jersey
- New Jersey Citizen Action Education Fund
- Citizen Action of New Jersey
- Legal Services of New Jersey

i. Local ordinances

None

13. New York

a. Overview

New York has protected against source of income discrimination since 2019. New York courts have consistently upheld the elements of the law including the treatment of minimum income requirements. However, there has been a recent court case that found the source of income discrimination law violates a Fourth Amendment. Despite this, the law still currently stands, and the case is currently being appealed to higher courts.

b. Operative language:

New York Executive Law (Exec. Law) §§ 292

> 36. 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."

New York Executive Law (Exec. Law) §§ 296

> 2-a (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.

New York Executive Law (Exec. Law) §§ 296

> 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.

c. Relevant cases

- *Matter of People of the State of N.Y. v. Commons West, LLC*, (A.D.3d), 2026 NY Slip Op 01253 (3d Dep't Mar. 5, 2026) (holding that New York's source of income discrimination law is facially unconstitutional under the Fourth Amendment because the HAP contract requirements effectively compel landlords to consent to warrantless searches of their property and records).
    - **Note this case is recent and we are not yet sure of its full impact or other judicial avenues that remain.*
- *Fair Housing Justice Center, Inc. v. Pelican Management, Inc.,* 2025 WL 251723 (C.A.2 (N.Y.), 2025) (holding that minimum income requirements constituted source of income discrimination).
- *Fair Housing Justice Center, Inc. v Parkchester Preservation Management LLC*, Conciliation Agreement, https://fairhousingjustice.org/wp-content/uploads/2024/08/FHJC-Parkchester-Settlement.pdf (agreeing to eliminate minimum income requirements and certain credit/financial screening requirements for applicants using vouchers).

d. 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)

Related state regulations: 9 CRR-NY 466.14

e. Attorney's fees and other special rules

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

f. Treatment of minimum income requirements

Treatment of minimum income requirements is not mentioned in language of the statute. New York State Division of Human Rights discussed the issue in their Guidance on Protections from Source of Income Discrimination in Housing Under the New York State Human Rights Law: "With regard to vouchered or other subsidized tenants, a determination of ability to pay the tenant's or applicant's portion of the rent has already been made by the vouchering agency. If the housing provider found the person unqualified based on the same information obtained by the vouchering agency this would have the effect of negating the Law. With regard to tenants who do not have a housing voucher or other housing subsidy, the analysis of ability to pay cannot be applied in a way that frustrates the purpose of the Law to treat all tenants and applicants equally regardless of their sources of income."

A New York case addressing minimum income requirements has also been settled in the U.S. Court of Appeals for the Second Circuit. *FHJC v. Pelican Management*, No. 23-7348-CV, 2025 WL 251723 (2d Cir. Jan. 21, 2025) (holding that requiring tenants utilizing vouchers to have a rent-to-income ratio based on the full monthly rent, rather than the tenant's portion, violates the state source of income discrimination law).

Olivierre v. Parkchester Preserv. Co., L.P., No. 452058 (N.Y. Sup. Ct. 2022) (holding that the landlord discriminated against a family whose voucher covered the entire rental amount by requiring they meet an income requirement that was uniformly applied to all prospective tenants).

g. 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.

h. Fair housing initiatives program (FHIP) organizations and other organizations helping victims of discrimination

- Westchester Residential Opportunities
- Fair Housing Justice Center
- Long Island Housing Services
- Housing Opportunities Made Equal
- Brooklyn Legal Services
- CNY Fair Housing
- Legal Assistance of Western New York

i. Local ordinances

1. Buffalo
2. Erie County
3. Hamburg
4. Nassau County
5. New York City
6. Rochester
7. Suffolk County
8. Syracuse
9. Westchester County
10. West Seneca

14. North Dakota

a. Overview

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"). 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. Source of income discrimination is also specifically prohibited under N.D. CENT. CODE § 14-02.5-07, passed in 1999.

b. 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.

c. Relevant cases

N/A

d. 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.

e. Attorney's fees and other special rules

§ 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.

f. Treatment of minimum income requirements

N/A

g. 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.

h. Fair housing initiatives program (FHIP) organizations and other organizations helping victims of discrimination

- High Plains Fair Housing Center

i. Local ordinances

N/A

15. Oklahoma

a. Overview

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.

b. 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….

c. Relevant cases

N/A

d. Date enacted

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

e. Attorney's fees and other special rules

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

f. Treatment of minimum income requirements

N/A

g. 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.

h. Fair housing initiatives program (FHIP) organizations and other organizations helping victims of discrimination

- Legal Aid Services of Oklahoma
- Metropolitan Fair Housing Council of Oklahoma

i. Local ordinances

N/A

16. Oregon

a. Overview

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." The law also includes a requirement of expedited Housing Quality Standards (HQS) inspections, creation of a Statewide Housing Choice Advisory Committee and a state-funded damage mitigation fund.
https://olis.oregonlegislature.gov/liz/2013R1/Downloads/MeasureDocument/HB2639/Enrolled

Related state regulations: Or. Admin. R. 839-005-0205

b. 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:

(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.

Supplemental provisions:

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…..

(3) Consistent with federal law, local housing authorities shall facilitate participation of landlords in the Housing Choice Voucher Program by:

(a) Ensuring timely inspection of dwelling units and prompt processing of tenant applications and tenant-based assistance payments to landlords…..

(4)(a) There is created the Statewide Housing Choice Advisory Committee to be appointed by the Director of the Housing and Community Services Department…..

c. Relevant cases

N/A

d. Date enacted

2013

e. Attorney's fees and other special rules

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).

f. Treatment of minimum income requirements

Treatment of minimum income requirements is not mentioned in language of the statute. Oregon landlords may screen for "inability to pay rent" under their source of income discrimination law. However, the Fair Housing Council of Oregon published in their FAQs that income screening is limited to the tenant's ability to pay *their portion* of the rent.

g. 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.

h. Fair housing initiatives program (FHIP) organizations and other organizations helping victims of discrimination

- Fair Housing Council of Oregon

i. Local ordinances

N/A

17. Rhode Island

a. Overview

The Rhode Island Fair Housing Practices Act (2021-H 5257aa/2021 – S0561) was amended in 2021 to add source of income as a protected class.

b. 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 and includes any income, benefit, or subsidy derived from child support; alimony; Social Security; Supplemental Security Income; any other federal, state, or local public assistance program, including, but not limited to, medical or veterans assistance; any federal, state, or local rental assistance or housing subsidy program, including Section 8 Housing Choice Vouchers as authorized by 42 U.S.C. § 1437; and any requirement associated with such public assistance, rental assistance, or housing subsidy program

34-37-4. Unlawful Housing Practices

> (a) No owner having the right to sell, rent, lease, or manage a housing accommodation as defined in § 34-37-3(10), or an agent of any of these, shall, directly or indirectly, make, or cause to be made, any written or oral inquiry concerning the… lawful source of income,…; directly or indirectly, refuse to sell, rent, lease, let, or otherwise deny to or withhold from any individual the housing accommodation because of … lawful source of income,... Nor shall an owner having the right to sell, rent, lease, or manage a housing accommodation as defined in § 34-37-3(10), or an agent of any of these, directly or indirectly, issue any advertisement relating to the sale, rental, or lease of the housing accommodation that indicates any preference, limitation, specification, or discrimination based upon … lawful source of income…, or shall, directly or indirectly, discriminate against any individual because of his or her … lawful source of income…, in the terms, conditions, or privileges of the sale, rental, or lease of any housing accommodation or in the furnishing of facilities or services in connection with it.
>
> Nothing in this section shall be construed to prohibit any oral or written inquiry as to whether the prospective purchaser or tenant is eighteen (19) years of age or older, or to confirm the source, amount and expected duration of the lawful source of income of the prospective purchaser or tenant to determine whether the prospective purchaser or tenant meets the nondiscriminatory standards and preferences or terms, conditions, limitations or specifications permitted under subsection (c) of this section.
>
> (c) … If a landlord requires that a prospective or current tenant have a certain minimum level of income, the standard for assessing eligibility shall be based only on the portion of the rent to be paid by the tenant, taking into account the value of any federal, state, or local rental assistance or housing subsidy.

34-37-4.6 Discrimination based on lawful source of income - Exemption

> Nothing in this chapter shall prohibit an owner of a housing accommodation from refusing to rent to a person based on their lawful source of income if the housing accommodation is three (3) units or less, one of which is occupied by the owner.

c. Relevant cases

N/A

d. Date enacted

April 15, 2021

e. Attorney's fees and other special rules

The Rhode Island Commission for Human Rights may award attorney's fees, including expert fees and other litigation expenses to the attorney for the plaintiff if they prevail. Additionally, if a complaint meets the administrative requirements to file suit in the courts, the superior court may make orders consistent with the those of the Commission, as well as punitive damages and such other damages the courts deems just and proper.

f. Treatment of minimum income requirements

In the language of the statute,
34-37-4 (c)

> If a landlord requires that a prospective or current tenant have a certain minimum level of income, the standard for assessing eligibility shall be based only on the portion of the rent to be paid by the tenant, taking into account the value of any federal, state, or local rental assistance or housing subsidy.

g. Enforcement

The statute is enforced by the Rhode Island Commission for Human Rights. The Commission may investigate the case and makes a formal ruling whether there is probable cause or not in respect to the allegations of the charge of discrimination. The Commission attempts to conciliate the matter if there is probable cause. If conciliation is unsuccessful and the parties wish to proceed at the Commission, an administrative hearing takes place. The Commission may order injunctive remedies and compensatory damages if discrimination is found.

In addition, under R.I. GEN LAWS. § 34-47.6, any complainant, intervener, or respondent may obtain judicial review of a final order of the commission. The Commission may also obtain a court order for enforcement of its order. 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.

h. Fair housing initiatives program (FHIP) organizations and other organizations helping victims of discrimination

- SouthCoast Fair Housing

i. Local ordinances

1. Providence

18. Utah

a. Overview

Utah's Fair Housing Act, UTAH CODE ANN. § 57-21-5, was passed in 1989 and amended to cover 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.

b. Operative language

UTAH CODE ANN. § 57-21-5:

> (1) It is a discriminatory housing practice to do any of the following because of a person'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.

c. Relevant cases

N/A

d. Date enacted

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

e. Attorney's fees and other special rules

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

f. Treatment of minimum income requirements

N/A

g. 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 action. A civil action may be filed by an individual or by the division.

h. Fair housing initiatives program (FHIP) organizations and other organizations helping victims of discrimination

- Disability Law Center

i. Local ordinances

N/A

19. Vermont

a. Overview

Vermont has one of the oldest iterations of source of income discrimination law. "Receipt of public assistance" was added to the human rights code as a protected status in 1988.

b. Operative 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.

c. Relevant cases

N/A

d. Date enacted

Vermont's source of income discrimination law VT. STAT. ANN. tit. 9, § 4503 was passed in 1987. Further, federal housing assistance is explicitly included in the definition of public assistance under Code Vt. R. 80-250-001.

e. Attorney's fees and other special rules

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 . . ."

f. Treatment of minimum income requirements

N/A

g. 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.

h. Fair housing initiatives program (FHIP) organizations and other organizations helping victims of discrimination

- Vermont Legal Aid
- Champlain Valley Office of Economic Opportunity

i. Local ordinances

N/A

20. Virginia

a. Overview

Virginia's Fair Housing Law, VA. CODE ANN. §36-96.1 et. Seq., was amended in 2020 to add protections against discrimination based on source of income
https://lis.virginia.gov/cgi-bin/legp604.exe?201+ful+CHAP0477

The amended law went into effect on July 1, 2020.

The State of Virginia Real Estate and Fair Housing Boards also released guidance on the law in April 2021:
https://townhall.virginia.gov/l/GetFile.cfm?File=C:\TownHall\docroot\GuidanceDocs\222\GDoc_DPOR_6978_v1.pdf

b. Operative language

VA. CODE. ANN. § 36-96.1. Declaration of policy:

> (B) It is the policy of the Commonwealth of Virginia to provide for fair housing throughout the Commonwealth, to all its citizens, regardless of race, color, religion, national origin, sex, elderliness, familial status, *source of funds*, or handicap, and to that end to prohibit discriminatory practices with respect to residential housing by any person or group of persons, in order that the peace, health, safety, prosperity, and general welfare of all the inhabitants of the Commonwealth may be protected and ensured. This law shall be deemed an exercise of the police power of the Commonwealth of Virginia for the protection of the people of the Commonwealth.

VA. CODE. ANN. § 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 of buyer of housing, including any assistance, benefit, or subsidy program, whether such program is administered by a governmental or nongovernmental entity.

VA. CODE. ANN. § 36-96.2. Exemptions:

> (H). Nothing in this chapter shall prohibit an owner or an owner's managing agent from denying or limiting the rental or occupancy of a rental dwelling unit to a person because of such person's source of funds, provided that such owner does not own more than four rental dwelling units in the Commonwealth at the time of the alleged discriminatory housing practice. However, if an owner, whether individually or through a business entity, owns more than a 10 percent interest in more than four rental dwelling units in the Commonwealth at the time of the alleged discriminatory housing practice, the exemption provided in this subsection shall not apply.

(I). It shall not be unlawful under this chapter for an owner or an owner's managing agent to deny or limit a person's rental dwelling unit based on the person's source of funds for that unit if such source is not approved within 15 days of the person's submission of the request for tenancy approval.

VA. CODE. ANN. § 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 *that* 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 to 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;

c. Relevant cases

N/A

d. Date enacted

Effective July 1, 2020

e. Attorney's fees and other special rules

Under VA. CODE. ANN. §36-6.18(C): "if the court or jury finds that a discriminatory housing practice has occurred or is about to occur…the court may award reasonable attorney's fees and costs…"

f. Treatment of minimum income requirements

Treatment of minimum income requirements is not explicitly mentioned in the language of the statute. On April 16, 2021, the Virginia Real Estate Board issued a Guidance Document: Housing Discrimination on the Basis of Source of Funds which stated: "To determine if a tenant can afford the rent, the relevant factor for a landlord's risk assessment is the tenant's portion of rent, not the total rent. The voucher portion of the rent is secured under a contract with the administrative agency that has already qualified the HCV holder. The landlord's reasonable focus should be on whether the tenant can afford the tenant's share of the rent."

g. Enforcement

Provisions of Virginia's Fair Housing Law may be enforced pursuant to VA. CODE. ANN. §36-96.8. An individual who has suffered from housing discrimination may file a complaint with the Virginia Real Estate Board and Virginia Fair Housing Board. Each Board investigates claims through the Virginia Fair Housing Office. If the complaint is not resolved, each Board can issue a charge on behalf of the claimant and refer the charge to the Attorney General. The Attorney General has 30 days after a charge is referred to commence a civil action in the circuit court for the city, county, or town in which the discriminatory housing practice has occurred.

Under VA. CODE. ANN. §36-96.18, individuals may file a civil action in an appropriate United States district court or state court to enforce the Fair Housing Law. The action must be commenced within 180 days after the conclusion of the administrative process with respect to a

complaint or within 2 years after the occurrence of an alleged discriminatory housing practice. Individuals can also file a civil action within two years of the breach of a conciliation agreement entered to obtain relief with respect to a discriminatory housing practice.

h. Fair housing initiatives program (FHIP) organizations and other organizations helping victims of discrimination

- The Legal Aid Justice Center
- Legal Aid Society of Eastern Virginia
- Legal Services of Northern Virginia
- Housing Opportunities Made Equal of Virginia

i. Local ordinances

- Alexandria
- Arlington County
- Norfolk
- Richmond

21. Washington

a. Overview

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 became effective on September 30, 2018.

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

b. Operative language

RCW 59.18.255

(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 ~~€~~ant;

(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.

c. Relevant cases

N/A

d. Date enacted

2018

e. Attorney's fees and other special rules

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."

f. Treatment of minimum income requirements

In language of the statute, RCW 59.18.255 (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.

g. 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.

h. Fair housing initiatives program (FHIP) organizations and other organizations helping victims of discrimination

- Fair Housing Center of Washington
- Northwest Fair Housing Alliance

i. Local ordinances

1. Bellevue
2. Bellingham
3. Kent
4. King County (unincorporated areas only)
5. Kirkland
6. Olympia
7. Redmond
8. Renton
9. Seattle
10. Spokane
11. Tumwater
12. Vancouver

B. WEAKENED STATE SOURCE OF INCOME DISCRIMINATION PROTECTION LAWS

1. Maine (weakened by court interpretation)

a. Overview

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. However, in *Dussault v. RRE Coach Lantern Holdings*, 86 A.3d 52 (2014), the Maine Supreme

Judicial Court (in a 4-3 decision) held that discrimination against a voucher tenant because of the voucher program's required lease form did not constitute discrimination based on the voucher tenant's "status" as a recipient of housing assistance. Based on this odd decision, landlords in Maine are free to discriminate against families with Housing Choice Vouchers, as long as they know the correct excuse to give.

b. 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.

Additionally, Maine LD 2158 was signed by the Governor April 2, 2024 directs the Maine State Housing Authority to convene a stakeholder group to gather information about the use of housing vouchers and income-based rental assistance, with the goal of improving the system.

c. Relevant cases

Dussault v. RRE Coach Lantern Holdings, 86 A.3d 52 (2014) (holding refusing to enter the HAP contract is not discrimination if it is about the contract and not the status of the tenant).

d. 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.

e. Attorney's fees and other special rules

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).

f. Treatment of minimum income requirements

N/A

g. Enforcement

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 pubic 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.

h. Fair housing initiatives program (FHIP) organizations and other organizations helping victims of discrimination

- Maine Volunteer Lawyers Project
- Maine Equal Justice Project
- Disability Rights Center
- Pine Tree Legal Assistance

i. Local ordinances

1. Portland

2. Minnesota (weakened by court interpretation)

a. Overview

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*)

b. 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.

c. Relevant cases

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."

d. Date enacted

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

e. 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.

f. Treatment of minimum income requirements

N/A

g. 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:

B. 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).

C. 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.

h. Fair housing initiatives program (FHIP) organizations and other organizations helping victims of discrimination

- Mid-Minnesota Legal Assistance

i. Local ordinances

1. Minneapolis

3. Texas (only covers homeowners association restrictions)

a. Overview

Although Texas is one of the states that has prohibited local governments from passing source of income discrimination ("preemption"), abuses by "homeowners associations" enforcing restrictive covenants against owners who wished to rent their homes to voucher holders led the legislature to adopt a law barring these types of restrictive covenants.

HB 1193 prohibits housing discrimination by a property owners' association against a residential tenant based on the tenant's method of payment.

b. Operative language

88(R) HB 1193, amending Ch. 202 of Texas Property Code
"SECTION 1. Chapter 202, Property Code, is amended by adding Section 202.024 to read as follows:

Sec. 202.024. DISCRIMINATION AGAINST TENANT BASED ON METHOD OF PAYMENT PROHIBITED.

a. In this section, 'method of payment' includes payment made in whole or in part by:
    i. a housing choice voucher under Section 8, United States Housing Act of 1937 (42 U.S.C. Section 1437f); or
    i. any other federal or state or local housing assistance provided to a person or to a property owner on behalf of a person, including rental vouchers, rental assistance, or rental subsidies from a nongovernmental organization.
a. A property owners' association may not include or enforce a provision in a dedicatory instrument that prohibits or restricts a property owner from renting a dwelling to a person based on the person's method of payment."

c. Relevant cases

N/A

d. Date enacted

Passed on 6/18/2023. Effective on 9/1/2023

e. Attorney's Fees

N/A

f. Treatment of minimum income requirements

N/A

g. Enforcement

N/A

h. Fair housing initiatives program (FHIP) organizations and other organizations helping victims of discrimination

- Disability Rights Texas
- San Antonio Fair Housing Council
- Austin Tenants' Council
- Greater Houston Fair Housing Center

i. Local ordinances

1. Austin (preempted by state law 2015)
2. Dallas (preempted by state law 2015)

4. Wisconsin (does not cover housing vouchers)

a. Overview

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).

Related state regulations: Wis. Admin. Code §DWD 220.02(8)

b. Operative language

WIS. STA–. § 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. . . .
>
> …(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."

c. Relevant cases

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).

d. Date enacted

1980

e. Attorney's fees

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

f. Treatment of minimum income requirements

N/A

g. 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.

h. Fair housing initiatives program (FHIP) organizations and other organizations helping victims of discrimination

- Metropolitan Milwaukee Fair Housing Council

i. Local ordinances

1. Cambridge (does not cover housing vouchers)

2. Dane County
3. Madison
4. Milwaukee County
5. Ripon (does not cover housing vouchers)
6. Sun Prairie (does not cover housing vouchers)
7. Wauwatosa (does not cover housing vouchers)

C. STATES WITH PREEMPTIVE BANS ON LOCAL SOURCE OF INCOME DISCRIMINATION PROTECTIONS

In recent years, there has been a rise in states preempting source of income discrimination protections as part of a larger attack on fair housing measures. These preemption laws supersede to prohibit and nullify protections at the county or city level. Many of these preemption bills seem to have been influenced by conservative institutions like the Cicero Institute.

1. Florida

a. Overview

In 2023, the Florida legislature preempted local source of income discrimination protections.

b. Operative language

CS/HB 1417

> Preemption.—The regulation of residential tenancies, the landlord-tenant relationship, and all other matters covered under this part are preempted to the state. This section supersedes any local government regulations on matters covered under this part, including, but not limited to, the screening process used by a landlord in approving tenancies; security deposits; rental agreement applications and fees associated with such applications; terms and conditions of rental agreements; the rights and responsibilities of the landlord and tenant; disclosures concerning the premises, the dwelling unit, the rental agreement, or the rights and responsibilities of the landlord and tenant; fees charged by the landlord; or notice requirements.

c. Relevant cases

N/A

d. Date enacted

2023

e. Local laws preempted

1. Alachua County
2. Broward County
3. Daytona Beach
4. Gainesville
5. Hillsborough County
6. Miami-Dade County
7. Orange County
8. Pinellas County
9. St. Petersburg
10. Tampa

2. Idaho

a. Overview

In 2024, the Idaho legislature passed HB 545 which preempted local source of income discrimination protections.

b. Operative language

ID Code § 55-307 (2024)

> (2) A local governmental unit shall not enact, maintain, or enforce an ordinance or resolution that would have the effect of mandating Idaho property owners to be forced to participate in an optional federal housing assistance program or any other program or law that would otherwise regulate rent, fees, or deposits charged for leasing private residential property. This provision does not impair the right of any local governmental unit to manage and control residential property in which the local governmental unit has a property interest.

c. Relevant cases

N/A

d. Date enacted

2024

e. Local laws preempted

1. Boise

3. Indiana

a. Overview

Indiana has preempted local governments from implementing source of income discrimination protections as well as inclusionary zoning, rental control, or short-term rental limitations. This preemption was passed in April 2015 to block a proposed 2014 source-of-income protection law that would have gone into effect in Indianapolis.

b. Operative language

Ind. Code § 36-1-3-8.5 Ordinance requiring housing program participation prohibited

> Sec. 8.5. A unit may not adopt or enforce an ordinance that requires or would have the effect of requiring a landlord to participate in:
>
> (1) a Section 8 program of the federal Housing Act of 1937 (42 U.S.C. 1437f); or
>
> (2) a similar program concerning housing.

c. Relevant cases

N/A

d. Date enacted

2015

e. Local laws preempted

4. Iowa

a. Overview

In 2021, the Iowa legislature preempted local source of income protections which nullified laws in Des Moines, Iowa City, and Marion.

b. Operative language

Iowa Code Ann. §§ 331.304(13), 364.3(13)
Sec. I

13. A county shall not adopt or enforce an ordinance or regulation that prohibits an owner, lessor, sublessor, managing agent, or other person having the right to lease, sublease, or rent out a dwelling unit from refusing to lease or rent out the dwelling unit to a person because of the person's use of a federal housing choice voucher issued by the United States department of housing and urban development. Such an ordinance or regulation in effect on January 1, 2021, is void and unenforceable on and after January 1, 2023. For purposes of this subsection, 'dwelling unit" means the same as defined in section 562A.6.

Sec. II

13. A city shall not adopt or enforce an ordinance or regulation that prohibits an owner, lessor, sublessor, managing agent, or other person having the right to lease, sublease, or rent out a dwelling unit from refusing to lease or rent out the dwelling unit to a person because of the person's use of a federal housing choice voucher issued by the United States department of housing and urban development. 13. A city shall not adopt or enforce an ordinance or regulation that prohibits an owner, lessor, sublessor, managing agent, or other person having the right to lease, sublease, or rent out a dwelling unit from refusing to lease or rent out the dwelling unit to a person because of the person's use of a federal housing choice voucher issued by the United States department of housing and urban development. Such an ordinance or regulation in effect on January 1, 2021, is void and unenforceable on and after January 1, 2023. For purposes of this subsection, "dwelling unit" means the same as defined in section 562A.6.

c. Relevant cases

N/A

d. Date enacted

2021

e. Local laws preempted

1. Des Moines
2. Iowa City
3. Marion

5. Kentucky

a. Overview

In 2024 Kentucky passed House Bill 18 (2024), which preempted local source of income discrimination protections. Though vetoed by Governor Beshear, the legislature overrode the veto with a majority vote. This bill nullified laws in Louisville and Lexington.

b. Operative language

KRS 65.874 Local ordinance or regulation prohibiting refusal to lease or rent housing based on federal housing assistance program funds as source of income disallowed.

> A city, county, charter county government, urban-county government, consolidated local government, or unified local government shall not adopt or enforce an ordinance or regulation that prohibits any owner, lessee, sublessee, assignee, managing agent, or other person having the authority to lease, sublease, or rent a housing accommodation from refusing to lease or rent the housing accommodation to any person when the person's lawful source of income to pay rent includes funding from a federal housing assistance program.

c. Relevant cases

N/A

d. Date enacted

2024

e. Local laws preempted

1. Louisville
2. Lexington

6. Missouri

a. Overview

In 2025, the Missouri legislature passed HB 595 (2025) which preempted local source of income discrimination protections. This nullified protections in Clayton, Columbia, Kansas City, St. Louis, and Webster Groves.

b. Operative language

441.043. Prohibited ordinances and resolutions, exceptions.

> 1. No county or city, or county or city with a charter form of government may enact, maintain, or enforce any ordinance or resolution which regulates the amount

of rent to be charged for privately-owned, single-family, or multiple-unit residential or commercial rental property.

2. No county or city, or county or city with a charter form of government, shall enact, maintain, or enforce any ordinance or resolution that:

(1) Prohibits landlords from refusing to lease or rent a privately owned, single-family, or multiple-unit residential or commercial rental property to a person because the person's lawful source of income to pay rent includes funding from a federal or other housing assistance program;

(2) Restricts a landlord's ability to use or consider income-qualifying methods, credit scores, credit reports, eviction or property damage history, or criminal history, according to such landlord's own customarily applied criteria, or prohibits landlords from requesting such information, to determine whether to rent or lease a property to a prospective tenant;

(3) Limits the amount of security deposit a landlord may require from a prospective tenant; or

(4) Requires tenants to automatically receive the right of first refusal.

3. This section shall not be construed as prohibiting any county or city, or any authority created by a county or city for that purpose, from:

(1) Regulating in any way property belonging to that city, county, or authority;

(2) Entering into voluntary agreements with private persons which regulate the amount of rent charged for subsidized rental properties; or

(3) Enacting ordinances or resolutions restricting rent for properties assisted with community development block grant funds.

4. Nothing in this section shall prevent a county or city, or county or city with a charter form of government, from enacting, maintaining, or enforcing an ordinance or resolution that prohibits a landlord from discriminating against a tenant or prospective tenant solely on the basis that such tenant is a recipient of veterans' benefits.

c. Relevant cases

- *Jones & Vogel v. City of Kansas City, Missouri*, (Case No. 4:24-cv-00649-RK) (2025) (a federal court granted a preliminary injunction requested by private landlords halting the enforcement of Kansas City's source of income discrimination ordinance).

d. Date enacted

2025

e. Local laws preempted

1. Clayton
2. Columbia
3. Kansas City
4. Saint Louis
5. Webster Groves

7. Texas

a. Overview

Texas has prohibited local governments from passing source of income discrimination ("preemption"). However, abuses by "homeowners associations" enforcing restrictive covenants against owners who wished to rent their homes to voucher holders led the legislature to adopt a law barring these types of restrictive covenants.

HB 1193 prohibits housing discrimination by a property owners' association against a residential tenant based on the tenant's method of payment.

b. Operative language

88(R) HB 1193, amending Ch. 202 of Texas Property Code
"SECTION 1. Chapter 202, Property Code, is amended by adding Section 202.024 to read as follows:

Sec. 202.024. DISCRIMINATION AGAINST TENANT BASED ON METHOD OF PAYMENT PROHIBITED.

b. In this section, 'method of payment' includes payment made in whole or in part by:
   i. a housing choice voucher under Section 8, United States Housing Act of 1937 (42 U.S.C. Section 1437f); or
   ii. any other federal or state or local housing assistance provided to a person or to a property owner on behalf of a person, including rental vouchers, rental assistance, or rental subsidies from a nongovernmental organization.
c. A property owners' association may not include or enforce a provision in a dedicatory instrument that prohibits or restricts a property owner from renting a dwelling to a person based on the person's method of payment."

c. Relevant cases

N/A

d. Date enacted

Passed on 6/18/2023. Effective on 9/1/2023

e. Local laws preempted

1. Austin (preempted by state law 2015)
2. Dallas (preempted by state law 2015)

D. LOCAL SOURCE OF INCOME DISCRIMINATION PROTECTIONS

1. Cities in Arizona

a. Phoenix

Citation: Phoenix City Code, Sec. 18-11. (https://phoenix.municipal.codes/CC/18_ArtIII)

Date enacted: March 1, 2023 (effective 3/31/23)

Operative language:

"Sec. 18-11.01. Definitions…

Source of income means any lawful source of income or support that provides funds to or on behalf of a renter or buyer of housing and is verifiable as to amount, regularity, receipt, and length of time received or to be received, including, but not limited to wages, salaries, grant, gift, loan, inheritance, pension, annuity, child support, spousal support, foster care subsidies, rental assistance, security deposit or down payment assistance, income derived from social security or disability insurance, veterans' benefits, section 8 housing choice vouchers, or any other form of governmental assistance, benefit, or subsidy. source of income includes any draft requirement of any such program, assistance, benefit, or subsidy."

"Sec. 18-11.16. Discrimination in sale or rental.

A. A person may not refuse to sell or rent after a bona fide offer has been made or refuse to negotiate for the sale of or otherwise make unavailable or deny a dwelling to any person because of … source of income.

B. A person may not discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in providing services or facilities in connection with the sale or rental, because of … source of income"

"Sec. 18-11.17. Publication of sales or rentals.

A person may not 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… source of income, or an intention to make such a preference, limitation or discrimination."

"Sec. 18-11.18 Inspection of dwelling.

A person may not represent to any person because of … source of income that a dwelling is not available for inspection, for sale, or rental if the dwelling is available for inspection, sale, or rent."

"Sec. 18-11.19. Entry into neighborhood.

A person, for profit, may not induce or attempt to induce a person to sell or rent a dwelling by representations regarding the entry or prospective entry into a neighborhood of a person of a particular … source of income."

Exemptions for certain property types: No, if the alleged discrimination arises exclusively from source of income (Sec. 18-11.03).

Administrative complaint, private action, or both: Administrative complaint.

Identifies enforcement agency: Penalties imposed by the Municipal Court of the City of Phoenix. (Sec. 18-11.37.01).

The City Attorney is authorized to file a civil action in Superior Court if they have reasonable cause to believe the violator is engaged in a pattern or practice, or the denial of the right "raises an issue of general public importance." (Sec. 18-11.37.02).

Injunctive relief, damages, civil penalties or attorney's fees: Civil penalties: $300-$2500 for first violation. $600-$2500 for second violation. $900-$2500 for third violation. (Sec. 18-11.37.01).

Penalties are cumulative and an additional penalty in the same amount is assessed for each day a person fails to comply.

Injunctive relief, monetary damages, reasonable attorney fees, and a civil penalty of up to $50,000 (first violation) or $100,000 (subsequent violations) available in pattern or practice civil actions filed by the City Attorney. (Sec. 18-11.37.02).

Landlord incentives: $2,000 sign-up bonus

Language re: minimum income or HCV program features: No.

Includes risk mitigation fund: No.

Provides tax abatement for HCV participation: No.

b. Tempe

Citation: Tempe City Code, Ch. 22, Art. V Sec. 22-91, 92, 93. (https://library.municode.com/az/tempe/ordinances/city_code?nodeId=1253934)

Date enacted: November 30, 2023 (effective 12/3/23)

Operative language:
"Sec. 22-91. Declaration of policy.

> It is hereby declared that the civil rights of the people of the City shall be free from discrimination, and no person(s) shall be denied or excluded from participation in the sale, leasing, rental, or other disposition of housing or related facilities (including land) because of . . . source of income"

"Sec. 22-92. Definitions.

> Source of income means any lawful source of income or support that provides funds to or on behalf of a renter or buyer of housing and is verifiable as to amount, regularity, receipt, and length of time received or to be received, including, but not limited to, wages, salaried, grant, gift, loan, inheritance, pension, annuity, child support, spousal support, foster care subsidies, rental assistance, security deposit or down payment assistance, income derived from social security or disability assistance, veterans' benefits, section 8 housing choice vouchers, or any other form of governmental assistance, benefit, or subsidy. Source of income includes any requirement of any such program, assistance, benefit, or subsidy."

"Sec. 22-93. Prohibited actions.

> (2) To refuse to sell or rent after the making of a bona fide offer, because of . . . source of income.
>
> (4) To print, publish, or advertise the sale or rental of a dwelling which indicates preference, limitations, or discrimination based on . . . source of income.
>
> (5) To represent to any person that a house is not available for inspection, sale, or rental when such a house is, in fact, based on . . . source of income.
>
> (6) To induce, or attempt to induce, for profit any person to sell or rent a house by representation regarding the entry or prospective entry into the neighborhood of a person or persons of a particular . . . source of income."

Exemptions for Property Types

(a) A dwelling 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 one (1) such living quarters as his/her residence.
(b) Religious organizations, expressive associations and private clubs

Administrative complaint, private action, or both: Administrative complaint within 180 days of the violation

Identifies enforcement agency: Fair Housing Officer or his authorized agent

Injunctive relief, damages, civil penalties or attorney's fee: Not mentioned.

Landlord incentives: No.

Language re: minimum income or HCV program features: No.

Includes risk mitigation fund: No.

Provides tax abatement for HCV participation: No.

c. Tucson

Citation: Tucson City Code §17-1, §17-50, §17-52.
(https://codelibrary.amlegal.com/codes/tucson/latest/tucson_az/0-0-0-11845)

Date enacted: September 27, 2022

Operative language:
"Sec. 17-1. Policy declaration.
It is the policy of the city to eliminate prejudice and discrimination due to race, color, religion, ancestry, sex, age, disability, national origin, sexual orientation, gender identity, familial status or marital status, or source of income in places of public accommodation, in employment, and in housing."

"Sec. 17-50. Definitions.
As used in this article:
(f) *Source of income* means any lawful source of income or support that provides funds to or on behalf of a renter or buyer of housing and is verifiable as to amount, regularity, receipt, and length of time received or to be received, including, but not limited to, wages, salaries, child support, spousal support, foster care subsidies, rental assistance, security deposit or down payment assistance, income derived from social security or disability insurance, veterans' benefits, or any other form of governmental assistance, benefit, or subsidy. Source of income includes any requirement of any such program, assistance, benefit, or subsidy."

"Sec. 17-52. Discrimination in sale or rental of housing.
It shall be a violation of this article:
(a) 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 … source of income.
(b) 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 … source of income.

(c) 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 … source of income.
(d) To represent to any person because of … source of income that any dwelling is not available for inspection, sale, or rental when such dwelling is, in fact, so available.
(e) For profit, to induce or attempt to induce any 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… source of income.
(f) For any bank, savings and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial or residential real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against such person in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of…source of income of such person
(g) To deny any person 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 housing, or to discriminate against such person in the terms or conditions of such access, membership, or participation, on account of … source of income."

Exemptions for certain property types: Any single family dwelling sold or rented by a private individual owner, as long as they do not own more than 3 such dwellings at one time and the dwelling is sold or rented without the use of a broker, agent, or salesman. § 17-51(b)(1).
Buildings intended to be occupied by no more than 4 families, if the owner also lives in the building. § 17-51(b)(2).
Housing for older persons. § 17-51(b)(3).

Administrative complaint, private action, or both: Administrative complaint

Identifies enforcement agency: Equal Opportunity Office (EOO) of the city manager's office; Tucson Human Relations Commission to review finding of EOO

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

If the EOO, or the commission in the event of a request for review, finds there is reasonable cause to believe that the respondent has engaged in a discriminatory housing practice, the EOO shall promptly attempt to eliminate the alleged discriminatory practice by conference, conciliation and persuasion. The terms of a conciliation agreement may require the respondent to refrain in the future from committing discriminatory practices of the type stated in the agreement and to take such affirmative action as the EOO may require to carry out the purposes of this article. § 17-54(d).

After a finding of reasonable cause by the EOO, or by the commission in the event of a request for review, the EOO may, in addition to the remedy outlined in subsection (d) of this section, request the city attorney to file a complaint against respondent in the city court. § 17-54(e).

Civil penalties range from $300-$2,500 per infraction. Committing the same civil infraction raises the minimum penalty by $300 for each infraction (i.e., second infraction may be $600-$2,500, third infraction may be $900-$2,500). § 17-56.

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

2. 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).

a. Alameda

Citation: Alameda Municipal Code Chapter VI, Article XVIII (Ordinance No. 3251) (https://library.municode.com/ca/alameda/ordinances/code_of_ordinances?nodeId=979045)

Date enacted: September 17, 2019

Operative language: "It shall be unlawful for any Landlord to do or attempt to do any of the following: 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 an unlawful detainer action, or otherwise deny to or withhold from any person or persons, a Housing Accommodation on the basis of disability, age, source of income, parenthood, pregnancy, or the potential or actual occupancy of a minor child." 6-61.50(A).

"For the purposes of this Section 6-61.50, "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." 6-61.50(I).

Exemptions for certain property types: Yes:

The section does not apply to or affect housing accommodations designed and operated exclusively for senior adults and their spouses, or any nursing home, convalescent home, or retirement home; or any housing accommodation where the landlord owns and lives and the property and shares living quarters such as kitchens, bathrooms, bedrooms or living rooms, with tenant(s). 6-61.50(J)(1)-(2).

In addition, the following are also exempt from the Article: rooms in hotels, motels, inns, tourist homes, short term rentals, rooming or boarding houses, provided that such rooms are not occupied by the same occupant9s) for more than 30 consecutive days; commercial units such as storage units and office condominiums; rooms in any hospital or facilities for assisted living, skilled nursing, convalescence or extended care; rooms in facilities that provide services including meals, continuing care, medication management, case management, counseling, wellness; rooms in a convent, monastery, fraternity or sorority house in a building owned, operated or managed by a bona fide education institution for occupancy by students; rooms in a building or a dwelling unit where the primary use is providing short-term treatment, assistance or therapy for alcohol, drug or other substance abuse where the room is provided incident to tthe recovery program and where the occupant has been informed in writing of the temporary or transitional nature of the arrangement at the inception of the occupancy; community cabins. 6-61.20(B)(1)-(7).

Administrative complaint, private action, or both: Both . 6-61.60(A)-(C) and (E).

Identifies enforcement agency: No

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

The City may issue an administrative citation to any Landlord for a violation of this Article, which can be accompanied by a $250 fine for the first offense, $500 for a second offense within a one year period, and $1000 for a third offense within a one year period. A person in violation of this Article shall also be guilty of an infraction punishable by a fine not exceeding $250, or a misdemeanor punishing by a fine not exceeding $1000 per violation, or by imprisonment in the County jail for a period not exceeding 6 months, or by both fine and imprisonment. Aggrieved persons may also enforce and seek to enjoin against any violation of this Article by means of civil action. In civil actions brought by the People of the State of California or by the City of Alameda to enforce this article, courts may assess civil penalties in an amount up to $2500 per violation per day or $10,000 per violation, with 50% payable to the City and 50% payable to the victims. Any violator shall be liable for an additional civil penalty of up to $5,000 for each offense committed against a disabled or senior adult victim. The Court may also award punitive damages, and nothing in this Article precludes any person from seeking any other remedies, penalties, or procedures provided by law. 6-61.60 (A)-(C), (E).

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

b. 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

c. 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

d. 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_CH14.16INSEREHODI)

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

e. 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)

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

f. 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

g. 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

h. 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

i. 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

j. Milpitas

Citation: Milpitas Municipal Code Title XII, CH. 3, Sec. 2 – Income Discrimination Prohibited (https://library.municode.com/ca/milpitas/codes/code_of_ordinances?nodeId=TITXIIHO_CH3TEPR_S2INDIPR)

Date enacted: October 15, 2019

Operative language: "For purposes of this section, "source of income" means all lawful sources of income, including but not limited to any rental assistance program, homeless assistance program, security deposit assistance program or housing subsidy program, including, but not limited to, Housing Choice Voucher Program (Section 8) assistance. "Source of income" includes any requirement of any such program or source of income or rental assistance." (Title XII-3-2.00)

"It is unlawful for any person to do any of the following as wholly or partially based on source of income:

1. To interrupt, terminate, or fail or refuse to initiate or conduct any transaction in real property, including, but not limited to, the rental thereof; to require different terms for such transaction; or falsely to represent that an interest in real property is not available for transaction;
2. To include in the terms or conditions of a transaction in real property any clause, condition or restriction;
3. To refuse or restrict facilities, services, repairs or improvements for any current or prospective tenant or lessee;
4.To make, print, publish, advertise or disseminate in any way, or cause to be made, printed or published, advertised or disseminated in any way, any notice, statement or advertisement with respect to a transaction in real property, or with respect to financing related to any such transaction, which unlawfully indicates preference, limitation or discrimination based on source of income. 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. "Person" means any individual, firm, corporation, or other organization or group of persons however organized."
(Title XII-3-2.01)

Exemptions for certain property types: No

Administrative complaint, private action, or both: All, plus criminal liability.

Identifies enforcement agency: No

Injunctive relief, damages, civil penalties or attorney's fees: All. Civil penalties: "The court may also award punitive damages in an amount of not less than $200.00 and not more than $400.00 per violation, as well as attorneys' fees and costs." (Title XII-3-4.02)

"Criminal enforcement and liability: Any person who violates any provision of this Chapter or who aids in the violation of any provision of this Chapter shall be guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine of not more than $1,000.00, or by imprisonment in the county jail for a period not exceeding six months, or both."
(Title XII-3-4.04)

Landlord incentives: No

Language re: minimum income or HCV program features: "It is unlawful for any person to use a financial or income standard for the rental of housing that does either of the following:

1. Fails to account for any rental payments or portions of rental payments that will be made by other individuals or organizations on the same basis as rental payments to be made directly by the tenant or prospective tenant;
2. Fails to account for the aggregate income of persons residing together or proposing to reside together or an aggregate income of tenants or prospective tenants and their cosigners or proposed cosigners or proposed cosigners on the same basis as the aggregate income of married persons residing together or proposing to reside together."
(Title XII-3-2.02)

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

k. 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

l. 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

m. 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

n. 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)

o. San Jose

Citation: San Jose Municipal Code Ch. 5.10 - Housing Payment Equality (https://library.municode.com/ca/san_jose/codes/code_of_ordinances?nodeId=TIT5HO_CH5.10HOPAEQ)

Date enacted: August 13, 2019

Operative language: ""Source of Income" shall mean all lawful sources 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. 5.10.260)

"It shall be unlawful for a Landlord to do any of the following:

A. To interrupt, terminate, fail or refuse to initiate the rental of real property based on an individual or household's source of income; or
B. To falsely represent that an interest in real property is not available for rent, lease, or tenancy based on an individual or household's source of income; or
C. To require different terms for such transaction based on an individual or household's source of income, unless those terms are lawfully required by the particular source of income; or
D. To include in the terms or conditions of a transaction in real property any clause, condition, or restriction based on an individual or household's source of income, unless such terms or conditions are lawfully required by the particular source of income; or
E. To refuse or restrict facilities, services, repairs or improvements for any current or prospective tenant or lessee based upon an individual's or household's source of income; or
F. To in any way make, print, or publish, advertise or disseminate any notice, statement, or advertisement involving the rental of real property that unlawfully indicates preference, limitation, or discrimination based on an individual or household's source of income; or
G. To use a financial or income standard in assessing eligibility for the rental of housing that is not based upon the portion of the rent to be paid by the tenant."
(Sec. 5.10.400)

Exemptions for certain property types: Single family homes occupied by the owner are exempt. (Sec. 5.10.300)

Administrative complaint, private action, or both: Both. Private action available only after notifying the Department of Housing and the Director determines there is no ability to cure the alleged violation. The City Attorney may also bring a civil action for repeated violations.

Identifies enforcement agency: San Jose Department of Housing

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

Landlord incentives: No

Language re: minimum income or HCV program features: Unlawful "To use a financial or income standard in assessing eligibility for the rental of housing that is not based upon the portion of the rent to be paid by the tenant."

"This Ordinance is intended to promote equal consideration and treatment of Housing Choice Voucher Holders and other individuals who receive rental assistance through local agencies, Federal, State, or non-profit organizations." (Sec. 5.10.110)

Definition of "source of income" explicitly includes assistance from the Section 8 Voucher Program.

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

p. 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

q. 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

r. 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

s. 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: N/A

3. Cities in Colorado

a. Boulder

Citation: Boulder Revised Code Title 12 Ch. 1-2, 1-8, 1-9 (https://library.municode.com/co/boulder/codes/municipal_code?nodeId=TIT12HURI)

Date enacted: Aug. 23, 2018

Operative language:
"12-1-1. – Definitions.

> *Source of income* means any verifiable money, compensation or housing assistance that is lawful in the State of Colorado and paid to or on behalf of a renter or buyer including, but not limited to money or compensation from any occupation or activity, from any contract, agreement, loan or settlement, from any court-ordered payment such as child support, from any payment received from an annuity or life insurance policy, or from any federal, state or local payment, including a disability benefit and housing choice voucher, any other rent subsidy or rent assistance program and related program requirements, or other public assistance."

"12-1-2. Discrimination in Housing Prohibited.
(a) It is an unfair housing practice, and no person:

> (1) Who has the right of ownership or possession or the right of transfer, sale, rental, or lease of any housing or any agent of such person shall:
>
> > (A) Refuse to show, sell, transfer, rent, or lease, or refuse to receive and transmit any bona fide offer to buy, sell, rent, or lease, or otherwise to deny to or withhold from any individual such housing because of the…source of income…of that individual…
> >
> > (B) Discriminate against any individual because of the…source of income… of the individual …in the terms, conditions, or privileges pertaining to any facilities or services in connection with a transfer, sale, rental, or lease of housing…

(4) Shall print or cause to be printed or published any notice or advertising relating to the transfer, sale, rental or lease of any housing that indicates any preference, limitation, specification or discrimination based on …source of income…"

Exemptions for certain property types: Does not apply to religious/denominational institutions/organizations giving preference for a bona fide religious/denominational purpose. (12-1-2(b)(1)).

Does not prohibit an owner or lessee from limiting occupancy of: a single dwelling unit occupied by such owner as his or her residence; rooms or dwelling units in buildings occupied by no more than two families living independently of each other if the owner actually maintains and occupies one of such rooms or dwelling units as his or her residence; a housing facility devoted entirely to housing individuals of one sex from limiting lessees or tenants to persons of that sex, provided that people shall be allowed to use a housing facility that is consistent with their gender identity. (12-1-2(b)(2)(A)-(C)).

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

Enforcement agency: City Manager/Office of Human Rights

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

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

b. 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_CH28HURI_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

4. Cities in Delaware

a. Wilmington

Citation: Wilmington City Code Ch. 35 Art. III (https://library.municode.com/de/wilmington/codes/code_of_ordinances?nodeId=PTIIWICO_CH35HURI_ARTIIIFAHO)

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

5. Cities/Counties in Florida

Note that several of these ordinances may be affected by a recent state law preempting comprehensive local landlord tenant laws – a future edition of Appendix B will indicate which ordinances are implicated.

a. Alachua County

Citation: Alachua County Code of Ordinances Title 11 Chapter. 111 Art. I Sec. 111.03
Title 11 - OFFENSES | Code of Ordinances | Alachua County, FL | Municode Library

Date enacted: April 23, 2019

Operative language: Sec. 111.03. -Intent of Chapter.

It is the intent of this chapter to:

(a) Secure for all individuals within Alachua County freedom from discrimination because of race, color, national origin, religion, sex, marital status, age, disability, sexual orientation, gender identity or expression in connection with employment, housing, or public accommodations; and

(b) Prohibit discrimination in housing and real estate transactions based on familial status, veterans or service member status, lawful source of income, citizenship status, or being the victim of dating violence, or stalking.

(Ord. No 2013-10, § 1, 8-13; Ord. No. 2019 -11 § 1, 4-23-19)

"*Lawful* source of income means the lawful, verifiable income paid directly to a tenant or paid to a representative of a tenant, including but not limited to, income derived from social security, supplemental security income, child support, alimony, veteran's benefits, disability benefits, pension and retirement benefits, 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 includes supplemental income.

Protected status or characteristic in housing and real estate transactions means race, color, national origin, religion, sex, marital status, age, disability, sexual orientation, gender identity or expression, familial status, veteran or service member status, lawful source of income, citizenship status, or being the victim of dating violence, domestic violence, or stalking.

Exemptions for certain property types:

Title 11 Chapter 111 Art. III Sec 111.41

(a) Religious societies. Nothing contained in section 111.40 shall prohibit a religious organization, association, or society, or any nonprofit charitable or educational institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, from limiting or from advertising the sale, rental, or occupancy of housing which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on the basis of a protected status or characteristic.

(b) Single-family houses. Nothing in section 111.40, other than subsection (a)(7) thereof, shall apply to:

(1): Any single-family house sold or rented by its 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 reserved on such owner's 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 that the owner sells or rents such housing:

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, 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 subsection 111.40(a)(7); however, 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

(2)Rooms or units in housing 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 such owner's residence, provided that the owner sells or rents such rooms or units:

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, or of any employee or agency 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 subsection 111.40(a)(7).

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

Identifies enforcement agency: Human Rights Board

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

Chapter 111 Art. 1. Sec. 111-13(i): If the hearing officer finds that a discriminatory practice has occurred or is about to occur, he or she shall issue a recommended order to the board prohibiting the practice and recommending affirmative relief from the effects of the practice, including actual damages and reasonable attorneys' fees and costs and other injunctive or equitable relief. Judgment for the amount of damages and costs assessed pursuant to a final order by the board may be entered in any court having jurisdiction thereof and may be enforced as any other judgment.

Chapter 111 Art. 1. Sec. 111-14: "In any civil action commenced under subsection (h) of section 111.13, the court may issue an order prohibiting the discriminatory practice and providing affirmative relief from the effects of the practice, including back pay. The court may also award compensatory damages, punitive damages, and other relief in accordance with federal and state anti-discrimination laws. A civil action brought under this chapter shall be commenced no later than one year after the date of determination of reasonable cause by the board. The commencement of a civil action shall divest the board of jurisdiction of 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

b. 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_ARTIIIDIPR_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

c. Daytona Beach

Citation: Daytona Beach Code of Ordinances, Ordinance No. 2021-323 (https://library.municode.com/fl/daytona_beach/ordinances/code_of_ordinances?nodeId=1111340)

Date enacted: October 6, 2021

Operative language:
Sec. 54-27. Definitions.

Source of income means income from: (I) a lawful profession, occupation or job; (2) any government or private assistance, grant, loan or housing assistance program or subsidy, including but not limited to Housing Choice (Section 8) Vouchers and Veterans Affairs Supportive Housing (VASH) Vouchers, Social Security, and Supplemental Security Income; (3) a gift, an inheritance, a pension or other retirement benefits, an annuity, trust income, investment income, alimony, child support, or veteran's benefits; or (4) the sale of property or an interest in property.

Sec. 54-28. Violations.

(a) It shall be unlawful and is hereby prohibited for any person to do any of the following :

(1) Refuse to rent, show, or lease, to refuse to negotiate for the rental of, a residential dwelling unit located within the city to any person because of a person ' s source of income or status with regard to a public assistance program, or because of any administrative requirements of a public assistance program such as required inspections and contracting with the agency administering the housing assistance program for the landlord to receive housing assistance vouchers on behalf of the tenant. It shall not be a violation of this section for a landlord to refuse to rent a unit where the public assistance program requires the landlord to reduce, delay, or waive rents, or other lease related fees such as security deposits (provided that such rents or other fees do not violate subsection 2 below); or where the public assistance program requires the landlord to conduct repairs, maintenance, or improvements to the leased premises that exceed applicable provisions of the Land Development Code, including the property maintenance code, or the requirements of this Code.

(2) Discriminate against any person in the terms , conditions, or privileges of the rental or lease of a residential dwelling unit located within the city, or in the provision of services or facilities in connection therewith , because of that person's source of income.

(3) Represent to any person, because of the source of income, that a residential dwelling unit located within the city is not available for inspection or rental when such rental unit is in fact so available.
(4) Use a financial or income standard in assessing a person ' s eligibility for rental of a residential dwelling unit located within the city, that is not based on or does not include government subsidies or vouchers that are provided for payment of rent.
(5) Make, print, or publish, or cause to be made, printed, or published, any notice, statement, or advertisement with respect to the rental of a residential dwelling unit located within the city, that indicates any preference, limitation, or discrimination based on source of income , or an intention to make any such preference, limitation, or discrimination.
(6) For profit, induce or attempt to induce a person to lease or rent a residential dwelling unit located within the city, by making representations to the person regarding the entry or prospective entry into the neighborhood of other persons based on their particular sources of income.
(7) Aid , abet, or assist another person in the conduct of any of the actions enumerated in (1)- (6) above.

d. Gainesville

Citation: Ordinance No. 190814, amending Gainesville Code of Ordinances Chapter 8 (HYPERLINK "https://library.municode.com/fl/gainesville/ordinances/code_of_ordinances?nodeId=1022881" https://library.municode.com/fl/gainesville/ordinances/code_of_ordinances?nodeId=1022881HYPERLINK "https://library.municode.com/fl/gainesville/codes/code_of_ordinances?nodeId=PTIICOOR_CH8DI_ARTIINGE")

Date enacted: May 21, 2020

Operative language: Sec. 8-3(e): "*Lawful source of income* means the lawful, verifiable income received by or on behalf of a person, including but not limited to, income derived from social security, supplemental security income, child support, alimony, veteran's benefits, disability benefits, pension and retirement benefits, 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 includes supplemental income."

Exemptions for certain property types: Owner-occupied dwellings; religious organizations, private clubs (Sec. 8-94)

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

Sec. 8-95(c): "...the administrative procedure provided for in this article is neither an obstacle nor a prerequisite to the aggrieved person commencing a separate civil action on his own."

Identifies enforcement agency: The Director of the Office of Equity and Inclusion (Equal Opportunity Director)

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

Sec. 8-95(r): "If the hearing officer finds that a discriminatory practice has occurred or is about to occur, the hearing officer may recommend affirmative relief from the effects of the practice, including actual damages, equitable and injunctive relief and reasonable attorneys fees and costs. Judgment for the amount of damages, equitable relief and costs assessed pursuant to a final order by the board may be entered in any court of competent jurisdiction thereof and may be enforced as any other judgment."

Sec. 8-96(d): "In a civil action brought under this article, if a court finds that a discriminatory housing practice has occurred, it shall issue an order prohibiting the practice and providing affirmative relief from the effects of the practice, including injunctive and other equitable relief, actual damages, and reasonable attorneys' fees and costs. If the city has brought the civil action, the court shall award reasonable attorneys' fees and costs to the city in any action in which the city prevails."

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

e. Hillsborough County

Citation: Hillsborough County Ordinance No. 21-17
https://library.municode.com/fl/hillsborough_county/ordinances/code_of_ordinances,_part_a?nodeId=1071583

Date enacted: March 3, 2021

Operative language: "Lawful Source of Income shall mean income from: 1) a lawful profession, occupation or job; 2) any government or private assistance, grant, loan or housing assistance program or subsidy, including but not limited to Housing Choice (Section 8) Vouchers and Veterans Affairs Supportive Housing (VASH) Vouchers, Social Security, and Supplemental Security Income; 3) a gift, an inheritance, a pension or other retirement benefits, an annuity, trust income, investment income, alimony, child support, or veteran's benefits; or 4) the sale of property or an interest in property."

"It shall be unlawful and is hereby prohibited for any Person:

(1) To refuse to rent, show or lease, to refuse to negotiate for the rental of, or otherwise to make unavailable or deny, a Rental Unit to any Tenant because of that Tenant's Lawful Source of Income, or because of the Tenant's status with regard to a public assistance program, or because of any requirements of a public assistance program.

(2) To discriminate against any Tenant in the terms, conditions, or privileges of the rental or lease of a Rental Unit, or in the provision of services or facilities in connection therewith, because of that Tenant's Lawful Source of Income.

(4) To represent to any Tenant because of the Tenant's Lawful Source of Income that any Rental Unit is not available for inspection or rental when such Rental Unit is in fact so available.

(5) To make, print, or publish, or cause to be made, printed, or published, any notice, statement, or advertisement with respect to the rental of a Rental Unit that indicates any preference, limitation, or discrimination based on a Lawful Source of Income, or an intention to make any such preference, limitation, or discrimination.

(6) To induce or attempt to induce another Person, for profit, to rent any Rental Unit by representations regarding the entry or prospective entry into the neighborhood of a Tenant with particular Lawful Sources of Income."

Exemptions for certain property types: Rental Units governed exclusively by Chapter 723 of the Florida Statutes relating to mobile home park lot tenancies

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

Enforcement agency: Hillsborough County Code Enforcement Department and/or the Hillsborough County Consumer & Veterans Services Department

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

Civil Penalty:

"The Hillsborough County Code Enforcement Department and/or the Hillsborough County Consumer & Veterans Services Department are authorized to enforce this Article through the issuance of a noncriminal civil citation as provided in Sections 125.69 and 775.083, Florida Statutes, and Hillsborough County Code of Laws and Ordinances, Part A, Chapter 14, Article III and/or Hillsborough County Code of Laws and Ordinances, Part A, Chapter 16, Article II."

"Violation of this Article is punishable by a fine of $500 for a first offense and any subsequent offenses."

Landlord incentives: No

Language re: minimum income or HCV program features:

"It shall be unlawful and is hereby prohibited for any person: To use a financial or income standard in assessing eligibility for the rental of a Rental Unit that is not based on the portion of the rent to be paid by the Tenant in instances where there is a government rent subsidy which will be used to pay for a portion of the rent."

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

f. 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=PTIIICOOR_CH11ADI_ARTIIHO_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

g. Orange County

Citation: Ordinance No. 2023-06, amending Orange County Code of Ordinances Chapter 22, Article IV (https://library.municode.com/fl/orange_county/ordinances/code_of_ordinances?nodeId=1197360)

Date enacted: Adopted by the Board of County Commissioners on January 24, 2023. Effective on March 1, 2023.

Operative language: Sec. 22-51: "*Lawful source of income* shall mean income from: (1) a lawful profession, occupation or job; (2) any government or private assistance, grant, loan or housing assistance program or subsidy, including but not limited to Housing Choice (Section 8) Vouchers and Veterans Affairs Supportive Housing (VASH) Vouchers, Social Security, and Supplemental Security Income; (3) a gift, an inheritance, a pension or other retirement benefits, an annuity, trust income, investment income, alimony, child support, or veteran's benefits; or (4) the sale of property or an interest in property."

Exemptions for certain property types: religious organization or nonprofit institutions; private clubs; housing for older people (Sec. 22-55)

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

Sec. 22-4(a): "An aggrieved individual may, under this chapter, commence a civil action in a court of competent jurisdiction against the person alleged to have committed a discriminatory practice

Sec. 22-57(a): "A person who claims that another person has committed a discriminatory housing practice against him or her may report the alleged offense to the manager by filing a complaint..."

Enforcement agency: The manager of the Orange County Housing and Community Development Division or an authorized agency chosen by the manager

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

Sec. 22-4: "If, in a civil action commenced under this chapter, the court finds that a discriminatory practice has been committed or is about to be committed, the court may issue an order prohibiting the discriminatory practice and providing affirmative relief from the effects of the discriminatory practice including, but not limited to, a temporary or permanent injunction or other equitable relief, a temporary restraining order, an award of actual damages, including back

pay, punitive damages, an award of reasonable attorney's fees, interest, and costs, or other such relief as the court deems appropriate."

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

h. Pinellas County

Citation: Pinellas County, FL. Ch. 42. (2022).

- **Title**: Tenants Bill of Rights Ordinance No. 22-27
- **Link**: Tenants Bill of Rights

Date enacted:
- September 6, 2022

Operative language:
- Sec. 42-434(a): "It shall be unlawful for a landlord to allow a tenant to occupy a rental unit under said landlord's control or authority without first providing the tenant with a copy of the Notice of Rights."
- Sec. 42-435(a)(1): "To refuse to rent, show or lease, to refuse to negotiate for the rental of, or otherwise to make unavailable or deny, a rental unit to any tenant because of that tenant's lawful source of income..."
- Sec. 42-435(a)(2): "To discriminate against any tenant in the terms, conditions, or privileges of the rental or lease of a rental unit, or in the provision of services or facilities in connection therewith, because of that tenant's lawful source of income."

Definitions:
- Sec. 42-433:
  - Lawful source of income: "Income from a lawful profession, occupation or job; any government or private assistance, grant, loan or housing assistance program or subsidy..."
  - Notice of Rent Increase: "A printed, paper copy... that notifies a tenant that their rent is increasing at a specific time and identifies what the new rental rate shall be at that time."
  - Notice of Rights: "A printed, paper copy, available in both English and Spanish... provided by the Pinellas County Office of Consumer Protection."

Exemptions for Certain Property Types:
- Sec. 42-433: "Rental units governed by Chapter 723 of Florida Statutes are excluded from this definition and the provisions of this article."

Administrative Complaint, Private Action, or Both:
- Sec. 42-435(e): "This section does not create any private causes of action and may only be enforced as set forth herein."
- Sec. 42-434(f): "This section does not create any private causes of action and may only be enforced as provided herein."

Identifies Enforcement Agency:
- Sec. 42-438(a): "Duly authorized code inspectors employed within Pinellas County's Code Enforcement Division and/or Office of Consumer Protection... may enforce this article."

Injunctive Relief, Damages, Civil Penalties, or Attorney's Fees:
- Sec. 42-438(b): "Violation of this article is punishable by a fine of $500.00 for a first offense and any subsequent offenses."

Landlord Incentives:
- No specific language regarding incentives for landlords.

Language Regarding Minimum Income or HCV Program Features:
- Sec. 42-435(a)(3): "To use a financial or income standard in assessing a tenant's eligibility for a rental unit based on a total dollar amount that is greater than the portion of the rent to be paid directly by the tenant..."

Includes Risk Mitigation Fund:
- No specific language.

Provides Tax Abatement for HCV Participation:
- No specific language.

i. St. Petersburg

Citation: City of St. Petersburg Code of Ordinances Chapter 20 – Offenses and Miscellaneous Provisions; Art. VII – Tenant Bill of Rights Sec. 20-330

Date enacted: Adopted by City Council on December 9, 2021. Effective on April 1, 2022.

Operative language:

It shall be unlawful for any person, including but not limited to; any owner, lessee, lessor, sublessee, sublessor, assignee, assignor, manager, real estate broker, condominium association, homeowners' association, cooperative association, or any representative of any of the foregoing:

(1) To refuse to rent after the making of a bona fide offer, to refuse to negotiate for the rental of, or otherwise to make unavailable or deny, a Rental Unit to any person because of their Source of Income;

(2) To discriminate against any person in the terms, conditions, or privileges of the rental of a Rental Unit, or in the provision of services or facilities in connection therewith, because of their Source of Income;

(3) To represent to any person because of their Source of Income that any dwelling is not available for inspection or rental when such Rental Unit is in fact so available;

(4) To make, print, or publish, or cause to be made, printed, or published, any notice, statement, or advertisement with respect to the rental of a Rental Unit that indicates any preference, limitation, or discrimination based on a Source of Income, or an intention to make any such preference, limitation, or discrimination; or

(5) To induce or attempt to induce, for profit, any person to rent any Rental Unit by a representation regarding the entry or prospective entry into the neighborhood of a person or persons distinguished by a Source of Income.

Exemptions for certain property types: No

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

Enforcement agency: City Code Enforcement Board

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

Violations of this section of the St. Petersburg City Code shall be punishable by a fine of $500 for a first offense and any subsequent offenses. In addition, all provisions of section 1-7 shall apply.

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

j. Tampa

Citation: City of Tampa Code of Ordinances Chapter 12 – Human Rights; Article VII – Tenant's Bill of Rights and the Prohibition of Source of Income Discrimination Sec. 12-141, Sec. 12-143, Sec. 12-144, Sec. 12-145

https://library.municode.com/fl/tampa/codes/code_of_ordinances?nodeId=COOR_CH12HURI_ARTVIITEBIRIPRSOINDI

Date enacted: Adopted by City Council on March 17, 2022. Effective June 1, 2022.

Operative language:
Sec. 12-141. - Definitions.

> *Lawful source of income* shall mean the income from: 1) a lawful profession, occupation or job; 2) any government or private assistance, grant, loan or housing assistance program or subsidy, including but not limited to Housing Choice (Section 8) Vouchers and Veterans Affairs Supportive Housing (VASH) Vouchers, Social Security, and Supplemental Security Income; 3) a gift, an inheritance, a pension or other retirement benefits, an annuity, trust income, investment income, alimony, child support, or veteran's benefits; or 4) the sale of property or an interest in property. A person renting more than one rental unit may require reasonable verification of the lawful source of income from a tenant so long as such verification is required from all tenants leasing or renting rental units from that same person.

Sec. 12-143. – Prohibition of source of income discrimination.

(a) It shall be unlawful and is hereby prohibited for any person:
  (1) To refuse to rent, show or lease, to refuse to negotiate for the rental of, or otherwise to make unavailable or deny, a rental unit to any tenant because of that tenant's lawful source of income, or because of the tenant's status with regard to a public assistance program, or because of any requirements of a public assistance program. However, this section shall not be construed as requiring a person to: (a) reduce the amount of rent normally charged for a rental unit; (b) waive any security deposit, fee or similar charge required from all tenants renting rental units from that person; or (c) make repairs or improvements to a rental unit or conduct maintenance activities not otherwise legally required by City Code or by the applicable laws and regulations of the State of Florida.
  (2) To discriminate against any tenant in the terms, conditions, or privileges of the rental or lease of a rental unit, or in the provision of services or facilities in connection therewith, because of that tenant's lawful source of income.
  (3) To use a financial or income standard in assessing eligibility for the rental of a rental unit that is not based on the portion of the rent to be paid by the tenant in instances where there is a government rent subsidy or assistance, which will be used to pay for a portion of the rent for that rental unit. The financial or income standard, if used, may include reasonable living costs and utilities in addition to rent; however a person may only use a financial or income standard in assessing eligibility for the rental of rental units, if the same standard is applied to all of that person's tenants renting a rental unit regardless of lawful source of income.

(4) To represent to any tenant because of the tenant's lawful source of income that any rental unit is not available for inspection or rental when such rental unit is in fact so available.
(5) To make, print, or publish, or cause to be made, printed, or published, any notice, statement, or advertisement with respect to the rental of a rental unit that indicates any preference, limitation, or discrimination based on a lawful source of income, or an intention to make any such preference, limitation, or discrimination.
(6) To induce or attempt to induce another person, for profit, to rent any rental unit by representations regarding the entry or prospective entry into the neighborhood of a tenant with particular lawful sources of income…

Exemptions for certain property types:

Sec. 12-145. – Exemptions.
(a) This article shall not apply to Rental Units governed exclusively by F.S. Ch. 723 relating to mobile home park lot tenancies.

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

Enforcement Agency: Tampa Office of Human Rights

Injunctive relief, damages, civil penalties or attorney's fees: Citation with civil penalty of $450.00 for each violation.

And "for a person's first violation of this section, the city's division of neighborhood enhancement or any successor city division or department responsible for enforcement of the city's Code shall have the discretion to provide a reasonable time period, not to exceed twenty-one (21) calendar days, within which the person must correct the violation, as provided in section 9-3(b) of the city's Code of Ordinances." (Sec. 12-142)

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

6. Cities in Georgia

a. Atlanta (city supported properties only)

In November 2022, the Atlanta City Council passed a resolution requiring residential properties receiving funding or other funding incentives from the city to accepted Housing Choice Vouchers as a source of income. (https://atlantacityga.iqm2.com/Citizens/Detail_LegiFile.aspx?Frame=None&MeetingID=3670&MediaPosition=12248.373&ID=31098&CssClass=).

In 2020, Atlanta had also adopted a general SOI discrimination ordinance, but to our knowledge it has not yet been enforced due to concerns about state law preemption. The 2022 resolution was adopted in response to the City's nonenforcement.

Citation: City of Atlanta Code of Ordinances Part 94 – Human Relations; Article IV – Fair Housing Sec. 94-91, Sec. 94-92, Sec. 94-94

Date enacted: Adopted by City Council on February 17, 2020. Effective 6 months from adoption by City Council.

Operative language:
Sec. 94-91. - Definitions.

> *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. 94-94. – Unlawful practices in selling or renting dwellings.

(a) Except as exempted by subsection (b) or (d) of this section or section 94-97 it shall be unlawful:

(1) To refuse to sell or rent, after the making of a bona fide offer, or refuse to negotiate for the sale or rental of or otherwise make unavailable or deny a dwelling to any person because of the person's, or a perception of the person's, race, color, creed, religion, sex, domestic relationship status, parental status, familial status, sexual orientation, national origin, gender identity, age, disability, or the use of a service animal, or *refuse to consider any source of income in the same manner as ordinary wage income*.

Exemptions for certain property types:

Single-family dwelling sold or rented by an owner if: (1) the private owner does not own more than 3 single-family swellings at a time; and (2) the owner does now have any interest in, title to, or right to all or a portion of the proceeds from the sale or rental of more than 3 single-family dwellings at a time; and (3) such dwelling is sold or rented without any sales or rental services or any real estate broker or agent. There is also an exemption for property owned by religious organizations or private clubs

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

Enforcement Agency: Atlanta Human Rights Commission

Injunctive relief, damages, civil penalties or attorney's fees: Injunctive relief through administrative hearing

Landlord incentives: No

Language re: minimum income or HCV program features: Yes

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

7. Cities in Idaho

a. Boise

Preempted by state law

Citation: Boise Code of Ordinances, Ch. 15 (https://codelibrary.amlegal.com/codes/boise_id/latest/boise/0-0-0-6334) **Effective:** 1-1-2024

Operative language:

"Sec 5-15-2 - Definitions:

DENY: . . . includes, but is not limited to, the requiring of a person to pay a larger sum than the uniform rates charged other persons, or the refusing or withholding from persons the sale, purchase, lease or rental of housing accommodations except for conditions and limitations established by law and applicable alike to all persons, because of source of income.

DISCRIMINATION: Any direct or indirect exclusion, distinction, segregation, limitation, refusal, denial or other differentiation in the treatment of a person because of a person's . . . source of income. Discrimination shall not be interpreted to require or to grant or accord any preferential treatment to any person because of that person's . . . source of income.

SOURCE OF INCOME: Any lawful, verifiable source of money, paid directly or indirectly to a renter or buyer of housing at the time of application, including income from . . . (2) Any government or private assistance, grant, or loan or rental assistance program or other benefit or subsidy, including low income housing assistance certificates

and vouchers issued under the United States Housing Act of 1937, rental assistance . . . and other programs administered by any federal, state, local, or nonprofit entity . . .”

Exemptions for Property Types:

Source of income provisions in this ordinance do not limit “ . . . (1) Any employer from limiting the sale, rental or occupancy of housing accommodations which it owns or operates to its employees, or from giving preferences to such persons; or
(2) Any 501(c)(3) organization from limiting the sale, rental or occupancy of housing accommodations which it owns or operates in accordance with an employer preference program that is in furtherance of the organization's charitable purposes, or from giving preferences in accordance with such program.”

Administrative complaint, private action, or both: No private right of action available

Identifies enforcement agency: City Clerk’s Office

Injunctive relief, damages, civil penalties or attorney’s fee: No money damages available

Landlord incentives: No.

Language re: minimum income or HCV program features: No.

Includes risk mitigation fund: No.

Provides tax abatement for HCV participation: No.

8. Cities/Counties in Illinois

a. 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)

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

b. 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=PTIGEOR_CH42HURE_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."

2022 Guidance on minimum income requirements:
https://www.cookcountyil.gov/sites/g/files/ywwepo161/files/documents/2022-

07/SOI_UpdatedMemo2022_updated072122_0.pdf?fbclid=IwAR3aqGVr1pdpV7eOjbKuL4aSNpsuZH0Lg8scYCiPXnHO0Esx-LXa4t6kRww

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

c. 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

d. Naperville

Citation: Ordinance No. 20-143, amending Naperville Code of Ordinances Title 12, Chapters 1-6 (https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT12HURIFAHO)

Date enacted: December, 15, 2020

Operative language: Sec. 12-2-1: "LEGAL SOURCE OF INCOME: Any lawful income, subsidy or benefit with which an individual supports themselves and their dependents, including but not limited to, child support, maintenance, and any federal, state or local public assistance, medical assistance or rental assistance program, provided that: (1) nothing in this Title 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 Title 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 Title 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."

Exemptions for certain property types: Housing accommodations to people of certain ages; religious organizations; same-sex housing; owner-occupied dwellings (Sec. 12-4-4)
Administrative complaint, private action, or both: Administrative complaint with limited right to private action

Sec. 12-6-6: "Nothing in this Section shall be construed as prohibiting the complainant from taking independent legal or administrative action against the respondent for any violation of this Title or any other applicable law or ordinance."

Identifies enforcement agency: The City of Naperville's Human Rights and Fair Housing Commission

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

Sec. 12-6-4: **"**If the respondent was found to have engaged in unlawful discrimination, a recommendation for such relief as may be appropriate, which may include actual damages suffered by the complainant and injunctive or other equitable relief. Such order may, to serve the public interest, assess a civil penalty against the respondent."

Landlord incentives: No

Language re: minimum income or HCV program features: none

Includes risk mitigation fund: No

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

e. Oak Park

Citation: (Ord. 16-033, 3-21-2016) adopted into Chapter 13 of the Village Code Art. 2

Date enacted: March 21, 2016

Operative language:
"It is hereby declared to be the policy of the Village and the purpose of this chapter, in the exercise by the Village of its police and regulatory powers for the protection of the public health, safety and welfare and for the maintenance and promotion of commerce, industry and good government in the Village, to secure to all persons living or desiring to live in the Village, a fair opportunity to purchase, lease, rent or occupy housing or other real estate, to provide all persons desiring employment in the Village fair and equal employment opportunities, and to provide all persons full and equal access to all public places of accommodation, regardless of race, sex, gender identity, gender expression, color, religion, ancestry, national origin, veteran status, sexual orientation, age, marital status, familial status, source of income, disability, housing status, military discharge status, or order of protection status." (Village Code 13-1-1 Policy)

"DISCRIMINATE: To extend differential treatment on the basis of the actual or perceived status, practice, or expression of race, sex, gender, gender identity, color, religion, ancestry, national origin, veteran status, sexual orientation, age, marital status, familial status, source of income, disability, housing status, military discharge status, order of protection status, or the actual or perceived association with such a person." (Village Code 13-1-2)

"SOURCE OF INCOME: The amount of money or its equivalent received as compensation by a person during a period of time from a lawful source. Source of income shall include wages, alimony, child support, income derived from social security, federal or state public assistance, federal or state housing and rental subsidies, such as the federal housing choice voucher program

and the state of Illinois rental housing support program (collectively referred to as "housing choice vouchers"), and other lawful compensation. (Village Code 13-1-2)

Exemptions for certain property types:

- "Owner-occupied buildings with no more than 4 units/families;
- shall not apply to the payment of rent through housing choice vouchers for any owner occupied two (2) to four (4) residential unit buildings;
- shall not apply to the payment of rent through housing choice vouchers for a single-family attached or detached residence;
- A building owner may assert as an affirmative defense to the prohibition set forth in subsection 13-1-2 C of this article to not accept housing choice vouchers as payment from persons who seek to rent a dwelling unit from the owner when twenty five percent (25%) or more of the dwelling units in the building are already occupied by persons who pay rent in whole or in part with housing choice vouchers." (Village Code 13-2-2)

Administrative complaint, private action, or both: Administrative complaints (Village Code 13-2-4) Then circuit court once exhausted, "Action By Complainant: At any time after final action by the Village Manager, or after dismissal of a complaint by the Administrator, or in the event of the refusal of the Administrator or Village Manager to act on a complaint within the time limits herein set forth, the complainant may file a complaint in the circuit court for appropriate relief for the alleged violation." (Village Code 13-2-4-J)

Identifies enforcement agency: Village Administrator then Village Manager/hearing officer (Village Code 13-2-4)

Injunctive relief, damages, civil penalties or attorney's fees: All: injunctive relief, damages, order to lease, costs, attorneys' fees, interest, civil penalties, revocation of license/permit, instruction to Village to file circuit court case. (Village Code 13-2-4-H)

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 state law, Illinois property owners who rent to participants in the Housing Choice Voucher (HCV) Program may receive property tax abatement ("tax savings") in an amount up to 19% of a property's Equalized Assessed Value (EAV). The actual amount will depend upon tax rates, the state equalizer, EAV and the number of qualified units rented to HCV Program participants.

f. 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_ARTIIIDI)

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

g. 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

9. Cities in Iowa

In April 2021, Iowa passed a state law preempting local laws that prohibit discrimination against families with Housing Choice Vouchers. The law permits the ordinances in the three cities below to remain in effect until January 1, 2023.

a. 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)
Date expiring: January 1, 2023

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

b. 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
Date expiring: January 1, 2023

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

c. Marion

Citation: Marion Code of Ordinances Ch. 31.18
(http://www.cityofmarion.org/home/showdocument?id=4238)

Date enacted: 2000
Date expiring: January 1, 2023

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

10. Cities in Kansas

a. Lawrence

Citation: Lawrence City Code Ch. 10, Art. 1, Sections 10-101, 10-102, 10-110, and 10-111 Online version of Lawrence City Code does not include ordinances adopted after January 1, 2018. Ordinance available here: (https://lawrenceks-my.sharepoint.com/personal/webmaster_lawrenceks_org/_layouts/15/onedrive.aspx?id=%2Fpersonal%2Fwebmaster%5Flawrenceks%5Forg%2FDocuments%2Fwebsite%2FOrdinances%20and%20Resolutions%2FOrdinances%2FOrdinances%2D9900s%2FOrd9960%2Epdf&parent=%2Fpersonal%2Fwebmaster%5Flawrenceks%5Forg%2FDocuments%2Fwebsite%2FOrdinances%20and%20Resolutions%2FOrdinances%2FOrdinances%2D9900s&ga=1)

Date enacted: February 14, 2023 (effective June 1, 2023)

Operative language: "10-102.32 SOURCE OF INCOME
means any source of money paid to an individual or family or in behalf of an individual or family, including, but not limited to:
(A) Money derived from any lawful profession, occupation, or activity;
(B) money derived from any contract, agreement, loan, settlement, court order (such as court-ordered child support or alimony), gift, grant, bequest, annuity, or life insurance policy; and
(C) money derived from any assistance, benefit, or subsidy program.

(1) Assistance, benefit, or subsidy programs include, but are not limited to: Any housing assistance, such as Housing Choice Vouchers, Veterans Affairs Supportive Housing (VASH) Vouchers, tribal grants or vouchers, or any other form of housing assistance payment or credit, whether or not paid or distributed directly to a landlord or other owner of land; public assistance; emergency rental assistance; tribal or Native American benefit programs; veterans benefits; Social Security or other retirement programs; supplemental security income; or other assistance program administered by any federal, state, or local agency or nonprofit entity…"

"10-111 **UNLAWFUL HOUSING/REAL PROPERTY PRACTICES**
It shall be an unlawful housing/real property practice for any person:…

10-111.1 To refuse to sell, broker, appraise, assign, or rent, or make unavailable sales, brokerage, appraisal, assignment, or rental services with regard to any housing/real property available for sale, assignment, or rental, or fail to transmit, or otherwise make unavailable, any application for assignment or rental, or fail to transmit a bona fide offer or refuse to negotiate in good faith for the sale, assignment, or rental of such housing/real property, or otherwise make unavailable or deny any housing/real property or services or facilities in connection therewith, because of … source of income … of: any buyer, renter or person involved in any such transaction; any person residing in or intending to reside in the housing/real property before or after it is sold, rented, or made available; or any person associated with the buyer, renter, or any other person involved in any transaction or representation related to the sale, assignment or rental of housing/real property or services or facilities in connection therewith…

10-111.3 To discriminate against any person in the terms, conditions, or privileges of the sale, brokerage, appraisal, assignment, or rental of housing/real property…because of…source of income…"

Exemptions for certain property types: Religious organizations/associations/societies may give preference to persons of the same religion. (10-111.15(A))
"Nonprofit private clubs" not open to the public which provide lodging for "other than a commercial purpose" may limit occupancy of the lodging or give preference to members. (10-111.15(B)).
Does not apply to the rental or leasing of housing accommodations for two families living independently of each other, if the owner resides in one such housing unit; or to the rental or leasing to less than four persons within a single housing accommodation by the occupant or owner of such housing accommodation if the owner resides therein. (10-111.15(C)).

Administrative complaint, private action, or both: Both. Administrative complaint first. If a resolution is not found through the complaint process, and there is evidence to support a violation, the case may go to district court. (10-108).

Identifies enforcement agency: Human Relations Department

Injunctive relief, damages, civil penalties or attorney's fees: Conciliation agreement, possibly including binding arbitration which may award "appropriate relief, including monetary relief." (10-108.10).
Remedies after public hearing may include "actual damages, including damages caused by pain, suffering, and humiliation," and civil penalties up to $10,000 (first violation), $25,000 (second violation in 5 years), or $50,000 (two or more violations in 7 years). (10-108.15(B)).
Remedies in a civil action include actual and punitive damages, injunctions, and attorney's fees. (10-108.22(D)).

Landlord incentives: No

Language re: minimum income or HCV program features: Makes it an unlawful housing/real property practice for a person to "refuse to comply with the administrative requirements of any assistance, benefit, or subsidy program, including but not limited to housing quality inspections for Housing Choice Vouchers." (10-111.13).

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

11. Cities in Kentucky

Local ordinances in Kentucky preempted by House Bill 18, March 2024
https://apps.legislature.ky.gov/record/24rs/hb18.html

a. Louisville

Citation: (https://louisville.legistar.com/View.ashx?M=F&ID=8931981&GUID=CF3BEEFA-2DFC-4B8E-9D60-2223A89D348D)

Date enacted: November 19, 2020

Operative language: "Lawful Source of Income" is defined as including "child support, alimony, foster care subsidies, income derived from social security, grants, pension, 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 any other forms of lawful income." It shall be prohibited to refuse sale or lease, to discriminate against, to refuse to receive a bona fide offer to sell, to refuse to negotiate for sale or lease, to represent that a unit is not for sale or lease, to post policy indicating intent to discriminate, or to induce the sale or lease of a unit to any person "because of…lawful source of income."

Exemptions for certain property types: No

Administrative complaint, private action, or both: Unclear

Identifies enforcement agency: Unclear

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

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

b. Lexington

https://www.prrac.org/wp-content/uploads/2024/02/LexingtonOrdinanceSOID.pdf

12. Cities in Maine

a. Portland

Citation: Portland Code of Ordinances Chapter 6, Article XII, Sec. 6-237 (https://content.civicplus.com/api/assets/c5af4c63-b877-4ea8-9d29-8420cbad7717?cache=1800)

Date enacted: Ballot referendum passed on November 3, 2020. Another ballot referendum passed on November 8, 2022.

Litigation note: A challenge to the ordinance was recently filed in the Maine superior court (*South Maine Landlord Association v. City of Portland*). The plaintiff landlord association lost a motion for summary judgment, and the next steps in the case are not known at this point. (July 2021)

Operative language: Sec. 6-237: "It shall be prohibited for a landlord to refuse to rent or negotiate for the rental of, or otherwise make unavailable or deny a dwelling to any tenant because of the tenant's source of income or because of the requirements of any program providing the source of income." Landlords are also banned from refusing to participate in rental assistance programs that include source of income non-discrimination requirements.

Exemptions for certain property types: Yes, exemptions for: (1) municipal housing authority units, (2) hospital, extended care, or religious facility housing, (3) higher education dormitories or dorms owned and operated by Portland Public Schools, (4) landlord-occupied buildings with less than 5 dwelling units, (5) rent-controlled units, and (6) accessory dwelling units (Sec. 6-231)

Administrative complaint, private action, or both: Administrative complaints may be filed with the Rent Board; private right of action likely under state Unfair or Deceptive Acts or Practices (UDAP) statute.

Identifies enforcement agency: The Portland Rent Board generally takes housing related complaints and adjudicates civil penalties.

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

Sec. 6-240: "Any violation of this Article is considered a civil infraction; all such violations, including any penalty determined to be appropriate by the Rent Board, shall be enforced pursuant to the Portland City Code Chapter 1, §1-15 [penalties for violations of city ordinances]. Violations of this Article, including enforcement of penalties for all such violations, shall be given the highest enforcement priority by the City."

Landlord incentives: No

Language re: minimum income or HCV program features: No
Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

13. Cities/Counties in Maryland

a. 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

b. Anne Arundel County

Citation: Anne Arundel Fair Housing Bill (https://www.aacounty.org/departments/county-council/legislation/bills-and-resolutions/55-191.pdf)

Date enacted: September 12, 2019

Operative language: "(I) 'Source of Income' means any lawful source of money that is paid to or for the benefit of a buyer or renter of housing, including money from: (1) A lawful profession or occupation; (2) A federal, state, or local government assistance, grant, or loan program; (3) A gift or inheritance, otherwise legally considered a source of income, provided that a purchase or lease agreement is executed; (4) A pension or annuity; (5) Alimony or child support; (6) Financial holdings, such as bank, trust, or investment accounts, stocks, and bonds; (7) Any contract right, sale, or pledge of an interest in property; (II) 'Source of income' does not include the determination of a person's ability to pay a purchase price or to pay rent, which is determined by such reasonable and customary standards as verification of income and its source, the creditworthiness of the renter or buyer, and the creditworthiness of any source of income." (1-9-101).

Exemptions for certain property types: (A) "(1) A medical, health, or education institution established for a specific age group; (2) Assisted living facilities, adult independent dwelling units; housing for the elderly of moderate means, and nursing homes; (3) child care centers and any other facilities for preschool children; (4) Age restricted residential development" and (B) Private membership clubs, "open to the public, that as incidental to its primary purpose provides housing, white it owns or operates for other than a commercial purpose" and (C) Religious organizations

Administrative complaint, private action, or both: Both

Identifies enforcement agency: Housing Commission of Anne Arundel County

Injunctive relief, damages, civil penalties, or attorney's fees: "A person who violates any provision of the laws…is subject to a fine not exceeding $1,000 or imprisonment not exceeding six months or both…Each day that a violation continues constitutes a separate offense" 9-1-101

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

c. Baltimore City

Citation: Baltimore City Code: Article 4, Sec. 3-5 (https://legislativereference.baltimorecity.gov/sites/default/files/Art%2004%20-%20CommunRel_(rev%2004-06-22).pdf)

Date enacted: April 12, 2019

Operative language: Sec. 1-1(x)(1): "*In general*. '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."
Exemptions for certain property types: Single-sex housing; housing for older people; 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" (Sec. 3-5(g-i))

Administrative complaint, private action, or both: Both

Sec. 4-1(a)(1): "Any person claiming to be aggrieved by an alleged unlawful practice may, by himself or his attorney, make, sign, and file with the Commission a complaint in writing under oath."

Sec. 4-7: "Nothing in this article shall be construed to require a person to exhaust the administrative remedies provided by this article prior to initiating a civil action."

Identifies enforcement agency: Baltimore Community Relations Commission

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

Sec. 4-3(e)(4): "[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: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

d. Baltimore County

Citation: Baltimore County Code, Article 29, Title 1 (https://prrac.org/pdf/baltimore-source-of-income-discrimination-ordinance-11-2019.pdf; https://library.municode.com/md/baltimore_county/codes/code_of_ordinances?nodeId=ART29HURE_TIT2PRPR_SUBTITLE_1HODI_S29-2-102PR)

Date enacted: October 7, 2019

Operative language: ""Discrimination" includes discrimination based on source of income" § 29-2-101(b). ""Discriminatory restrictive covenant" means a specification limiting the transfer or rental of a dwelling because of the person's race, creed, religion, color, sex, age, national origin, marital status, sexual orientation, gender identity or expression, status as a veteran, source of income, or physical or mental disability" § 29-2-101(c). ""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: (I) a lawful profession, occupation, or job; (II) receipt of a federal, state, or local benefit, including (1) Receipt of federal, state, or local public assistance, including medical assistance or disability benefits, or receipt of federal, state or local housing subsidies, including rental assistance or rent supplements, or because a person is such a

recipient, or because of any requirement of such public assistance, rental assistance or housing subsidy; (2) Having a history of receiving benefits as providing under sub-sub-paragraph 1 of this sub-paragraph; or (3) Being regarded as having a history of receiving benefits as provided under Sub-sub-paragraph 1 of this sub-paragraph; IIII) a gift, an inheritance, a pension, annuity, alimony, child support, or other consideration or benefits; or (IV) The sale or pledge of property or an interest in property" 29-2-101(F).

Exemptions for certain property types: "dwellings containing no more than four separate living quarters therein if (1) the owner does not own more than three such dwellings at one time; and (2) the dwelling is sold or rented without (A) the us of the sales or rental facilities or services of any (1) real estate broker, agent or salesperson; (2) Agent of any real estate broker, agent or salesperson; (3) person in the business of selling or renting dwellings as defined in § 20-701 of the state government article of the annotated code of Maryland; or (4) Agent of a person in the business of selling or renting dwellings as defined in § 20-701 of the state government article of the annotated code of Maryland; or (B) the publication, posting, or mailing after notice, of any advertisement or written notice in violation of this 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 such living quarters in the residence" § 29-2-104(F)

Additionally, Subtitle 1 (Housing Discrimination) of Article 29 (Human Relations) does not apply in the rental of a room or apartment in an owner-occupied dwelling containing only one rental unit; does not prohibit a private club, which as an incident to its primary purpose provides lodgings, from limiting the rental or occupancy of lodgings to members; does not prohibit a religious organization, association, or society, or a nonprofit controlled in conjunction with a religious organization, from limiting the sale or sale of dwellings it owns and operates for reasons other than commercial purposes to persons of the same religion; and does not prohibit a person from providing preferences in the sale, rental, or occupancy of dwellings or other facilities to a veteran to the extent authorized by state and federal law. 29-2-104(b)-(e).

Administrative complaint, private action, or both: Administrative: The Commission may hold administrative hearings and issue decisions and orders on its own, or bring an action in circuit court to enforce compliance with a final decision and order issued by the Commission § 29-3-101(c)(1)-(2). A person claiming to be aggrieved by an alleged violation of this article may file a complaint with the Commission not more than 6 months after the alleged violation has occurred or has been discovered by the complainant. § 29-3-103(a)-(b). The Commission or any member of the Commission may also file a complaint when the Commission or member has reasonable cause to believe that a person is engaging in a pattern or practice of discrimination that is unlawful under this article, in which case the Board of Appeals shall hear an administrative hearing on the complaint. 29-3-104(a)-(c).

Identifies enforcement agency: Baltimore County Human Relations Commission

Injunctive relief, damages, civil penalties or attorney's fees: Injunctive relief: The Commission may order the rental or sale of housing if a violation is found to have occurred. § 29-3-109(k)(2)(i). The Commission may also order "(vii) the filing of statistical or other reports

with the Commission regarding compliance with the provisions of this article or of any order issued under this title; (viii) nonmonetary relief; or (ix) other equitable relief or action that the Commission considers appropriate" § 29-3-109(k)(2)(vii)-(ix).

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

e. Frederick

Citation: Frederick City Code Appendix F Sec. 1 (https://library.municode.com/md/frederick/codes/code_of_ordinances?nodeId=PTIITHCO_APXFHODI)

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

f. 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)

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

g. 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

h. 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

i. Prince George's County

Citation: Prince George's Policy of Fair Housing (https://princegeorgescountymd.legistar.com/View.ashx?M=F&ID=7911258&GUID=D0827FDC-E31D-49DF-A1B2-57C1742ACBD9)

Date enacted: February 3, 2020

Operative language: "(17) "Source of income" means any lawful verifiable source of money paid directly or indirectly to a renter or a buyer of a housing unit, including: (A) Income received through any lawful profession or occupation, including but not limited to, bank statements, official government issued letters, pay stub or letter from an employer; (B) Federal, state, or local government assistance including housing vouchers, medical assistance subsidies, rental assistance, and rent supplements as issued under the United States Housing Act of 1937; (C) Any inheritance, pension, annuity, alimony, child support, trust, or investment accounts; (D) Any gift verified by a letter or other means but, unless it is recurring throughout a tenancy, the gift may support one-time expenses only, such as a security deposit or pet fee; and (E) Any sale or pledge of property if the sale or pledge will result in proceeds inuring to the recipient's benefit within sixty days of the application to rent a housing unit, purchase a housing unit, or purchase an interest in a housing unit." Sec 2-186.

Exemptions for certain property types: "Nothing in this Subsection requires…. (c) Discrimination shall not be wrongful with regard to the leasing of a room(s) or apartment(s) in an owner-occupied dwelling consisting of not more than three (3) rental units except as specified in (a)(4) of this Section"…."Nothing in this Division shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental, or occupancy of housing which it owns or operates, for other than commercial purposes, to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, sex, national origin, immigration status, citizenship status, source of income, age, occupation, marital status, political opinion, personal appearance, sexual orientation, physical or mental disability, or familial status." Sec. 2-210

Administrative complaint, private action, or both: Both

Identifies enforcement agency: Prince George's Housing Commission

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

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides take abatement for HCV participation: No

14. Cities in Massachusetts

a. Boston

Citation: City of Boston Municipal Code Ch. 10-3

(http://library.amlegal.com/nxt/gateway.dll/Massachusetts/boston/chapterxhousingservices?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

b. 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 recipiency. "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

c. 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

d. 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

15. Cities in Michigan

a. Ann Arbor

- Citation: Ann Arbor, MI. Ch. 112. (2020).

Ordinance Title: Ordinance No. ORD-20-12, Non-Discrimination
Link: An Ordinance to Amend Chapter 112 (Non-Discrimination), Sections 9:151 and 9:157, Title IX of the Code of the City of Ann Arbor

Date enacted:
March 17, 1978, Amended April 20, 2020

Operative language:
Sec. 9:150: "It is the intent of the city that no individual be denied equal protection of the laws; nor shall any individual be denied the enjoyment of his or her civil or political rights or be discriminated against because of actual or perceived...source of income..."
Sec. 9:152 (6): "No person shall fail to account for any tenant or prospective tenant's entire source of income when using a financial income standard for entering into or renewing a tenancy."

Definitions:
Sec. 9:151:
Discriminate: "To make a decision, offer to make a decision or refrain from making a decision based in whole or in part on an individual's...source of income..."
Source of Income: "Any lawful source of money paid directly to an individual or family or indirectly on behalf of an individual or family, including, but not limited to:
(a) Money derived from any lawful profession or occupation.
(b) Money derived from any contract, agreement, loan, or settlement; from any court order, such as court-ordered child support or alimony; from any gift or bequest; or from any annuity or life insurance policy.
(c) Money derived from any benefit or subsidy program, including, but not limited to, any housing assistance, such as Housing Choice Vouchers, Veterans Affairs Supportive Housing (VASH) Vouchers, or any other form of housing assistance payment or credit whether or not paid or attributed directly to a landlord; public assistance; emergency rental assistance; veterans benefit; Social Security or other retirement program; supplemental security income; or other program administered by any federal, state, or local agency or nonprofit entity."

Exemptions for Certain Property Types:
Yes

Sec. 9:157 (1): "For a religious organization or institution to restrict any of its facilities of housing or accommodations which are operated as a direct part of religious activities to individuals of the denomination involved or to restrict employment opportunities for officers, religious instructors and clergy to individuals of that denomination."
Sec. 9:157 (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."
Sec. 9:157 (3): "To limit occupancy in a housing project or to provide public accommodations or employment privileges or assistance to individuals who are of low income, over 55 years of age or disabled, in circumstances in which such limitations are appropriately designated."
Sec. 9:157 (10): "To provide discounts on products or service to students, minors, veterans, and senior citizens."

Administrative Complaint, Private Action, or Both:
Not explicitly detailed in the ordinance.

Identifies Enforcement Agency:
CITY OF ANN ARBOR NON-DISCRIMINATION ORDINANCE **-** Complaint Procedure: If any individual believes there has been a violation of this chapter, he/she may file a complaint with the City's Human Rights Commission

Injunctive Relief, Damages, Civil Penalties or Attorney's Fees:
Not explicitly detailed in the provided text.

Landlord Incentives:
No specific incentives mentioned.

Language Regarding Minimum Income or HCV Program Features:
Sec. 9:151 (287): "Any monthly housing assistance administered by any federal, state, or local agency or nonprofit entity shall be treated as income in the amount of 3x the value of that monthly rental assistance."

Includes Risk Mitigation Fund:
No

Provides Tax Abatement for HCV Participation:
No

b. Detroit

Citation: Detroit City Code, Ch. 23 Art. VI (https://library.municode.com/mi/detroit/codes/code_of_ordinances?nodeId=CICOCH21--43_CH23HURI_ARTVIREESINLOPR)

Effective: 5-22-2008

Operative language:
Persons are protected from source of income discrimination through the language "public benefit status."

Prohibited acts are outlined as follows:

Sec. 23-6-1. - Selling or leasing real estate—Unlawful practices.
Sec. 23-6-3. - Discriminatory practices in financing real estate.
Sec. 23-6-4. - Unlawful representations in selling or leasing real estate.
Sec. 23-6-5. - Unlawful real estate solicitations.
Sec. 23-6-8. - Unlawful insurance practices.
Sec. 23-6-9. - Unlawful loan practices.

Exemptions for Property Types:
"(1) The rental of a housing accommodation in a building that contains housing accommodations for not more than two families living independently of each other if the owner or a member of the owner's immediate family resides in one of the housing accommodations, or to the rental of a room in a single-family dwelling by a person if the lessor or a member of the lessor's immediate family resides in the dwelling;

(2) The rental of a housing accommodation for not more than 12 months by the owner or lessor if it was occupied by such owner or lessor and maintained as such owner's or lessor's home for at least three months immediately preceding occupancy by the tenant and is maintained as the owner's or lessor's legal residence"

Administrative complaint, private action, or both: Administrative complaint

Identifies enforcement agency: Human Rights Department

Injunctive relief, damages, civil penalties or attorney's fee: Not mentioned.

Landlord incentives: No.

Language re: minimum income or HCV program features: No.

Includes risk mitigation fund: No.

Provides tax abatement for HCV participation: No.

c. East Lansing

Citation: East Lansing, MI. Ch. 22. (2012).

Ordinance Title: East Lansing, Michigan, Code of Ordinances, Chapter 22 - Human Relations, Article II. Civil Rights
Link: Easy Lansing, MI| Municode Library

Date enacted:

March 19, 2002 (Ord. No. 977), Amended February 7, 2012 (Ord. No. 1275)

Operative language:
Sec. 22-34:
(c): "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...without discrimination because of...legal source of income..."
(d)(1): "A person to whom application is made for financial assistance or financing in connection with a real estate transaction...shall not:
(1) Discriminate against the applicant because of...legal source of income..."
(d)(2): "Use a form of application for financial assistance or financing...which indicates, directly or indirectly, a preference, limitation, specification, or discrimination as to...source of legal income..."

Exemptions for Certain Property Types:
Yes
Sec. 22-34 (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:
Sec. 22-38: "The human relations commission may receive, initiate, investigate, mediate, conciliate, adjust, dispose of, issue orders, and hold hearings on complaints alleging a violation of this article."

Identifies Enforcement Agency:
Sec. 22-38: "Commission means the East Lansing Human Relations Commission."

Injunctive Relief, Damages, Civil Penalties or Attorney's Fees:
Sec. 22-38 (h): "Action ordered under this section may include...Hiring, reinstatement, or upgrading of employees with or without back pay...Payment to an injured party of profits obtained by the respondent through violation of this article...Payment to the complainant of damage for an injury or loss caused by a violation of this article, including reasonable attorney fees plus statutory interest from the date of occurrence...Payment to the complainant of all or a portion of the costs of maintaining the action before the commission, including reasonable attorney fees and expert witness fees, when the commission determines that award to be appropriate."
Sec. 22-38 (m): "In addition to any other penalty or legal remedy available to the City of East Lansing or any complainant under this article, a person who is convicted in district court of a violation of any provision of this article...may be punished by a fine of not more than $500.00 and cost of prosecution or by imprisonment for not more than 90 days, or by both such fine and imprisonment."

Landlord Incentives:
No

Language Regarding Minimum Income or HCV Program Features:
No

Includes Risk Mitigation Fund:
No

Provides Tax Abatement for HCV Participation:
No

d. Ferndale

Citation: Ferndale, MI. Ch 28. (2021).

Ordinance Title: Ordinance No. 1262, City of Ferndale, Oakland County, Michigan
Link: City of Ferndale : Municipal Code
Date enacted:
8/9/21

Operative language:
Sec. 28-10: "It is the intent of the City of Ferndale that no person be denied housing due to source of income."
Sec. 28-12: "No person shall discriminate based on source of income in the following: Leasing or selling any dwelling; Maintaining or repairing any dwelling; Making, printing, or publishing, or cause to be made, printed, or published any written or oral notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on source of income; Promoting dwelling transactions by representing that changes are occurring or will occur in an area with respect to any protected classification; Coercing, threatening, or retaliating against person for making a complaint or assisting in the investigation regarding a violation or alleged violation of this section, nor require, conspire with, assist or coerce another person to retaliate against person for making a complaint or assisting in an investigation."

Definitions:
Sec. 28-11:
Discriminate: "To make a decision, offer to make a decision or refrain from making a decision based in whole or in part on a person's source of income. Discrimination includes the use of facially neutral practices that have an adverse impact based on source of income."
Dwelling: Various types of residential buildings, including apartments, efficiency units, live/work units, manufactured dwellings, multiple-family dwellings, single-family dwellings, single-family attached dwellings, and two-family dwellings.
Source of Income: "Refers to any lawful source of money paid directly to a person including, but not limited to... money derived from any lawful profession or occupation... any

housing assistance programs, or any other form of housing assistance payment or credit whether or not paid or attributed directly to a landlord; public assistance; emergency rental assistance; veterans benefit; Social Security or other retirement program; supplemental security income; VA and FHA loans, and any other program administered by any federal, state, or local agency or nonprofit entity."

Exemptions for Certain Property Types:
Yes
Sec. 28-13 (1)(a): "The sale or rental of any dwelling by an owner, provided the person owning the dwelling does not own or have any interest in more than three dwellings within the City at that time."
Sec. 28-13 (1)(b): "Rooms or units in a dwelling containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the person owning the dwelling actually maintains and occupies one of such living quarters as his or her residence."
Sec. 28-13 (2): "For a religious organization or institution to restrict any of its dwellings which are operated as a direct part of religious activities to persons and clergy of the denomination involved."
Sec. 28-13 (3): "To refuse to enter a contract with an unemancipated minor."
Sec. 28-13 (4): "To provide discounts on products or services to students, minors, veterans, and senior citizens."
Sec. 28-13 (5): "The use of a dwelling as a Short Term Rental Unit... shall not be a use subject to this Article."
Sec. 28-13 (6): "Nothing herein contained shall be construed to prohibit any affirmative action laws passed by federal or state law."

Administrative Complaint, Private Action, or Both:
Both: Violations can lead to civil infractions and misdemeanors. Courts can issue and enforce judgments, writs, or orders necessary to enforce the Article. "A violation of any provision of this Article is a civil infraction punishable by a fine of not more than $500.00, plus all costs of the action. Any third or subsequent offense within one calendar year shall be considered a misdemeanor, punishable by a fine not to exceed $500.00 or imprisonment for a term not to exceed 90 days, or both. Each day on which a violation continues shall constitute a separate offense. The court may issue and enforce any judgment, writ, or order necessary to enforce this Article."

Identifies Enforcement Agency:
Sec 28-27 Enforcement; Penalty - “Complaints of violations may be filed with the city manager”

Injunctive Relief, Damages, Civil Penalties or Attorney’s Fees:
Civil penalties: Violations can lead to fines and imprisonment. "A violation of any provision of this Article is a civil infraction punishable by a fine of not more than $500.00, plus all costs of the action. Any third or subsequent offense within one calendar year shall be considered a misdemeanor, punishable by a fine not to exceed $500.00 or imprisonment for a term not to exceed 90 days, or both. Each day on which a violation continues shall constitute a separate

offense. The court may issue and enforce any judgment, writ, or order necessary to enforce this Article."
Sec. 28-14 (2): "Nothing contained in this section shall be construed to limit in any way the remedies, legal or equitable, which are available to the City of Ferndale or any person for the prevention or correction of discrimination."

Landlord Incentives:
No specific incentives mentioned.

Language Regarding Minimum Income or HCV Program Features:
No specific language regarding minimum income or HCV program features.

Includes Risk Mitigation Fund:
No

Provides Tax Abatement for HCV Participation:
No

e. 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: City Attorney (pursuant Ch. 176 Art. 5 Sec. 9.967)

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

f. Hazel Park

Citation: Hazel Park, MI. Ch. 18.03. (2021).

Citation:
Ordinance Title: Source of Income Housing Discrimination
Link: Hazel Park/ 05-21

Date enacted:
June 22, 2021

Operative language:
Sec. 18.03.020: "It is the intent of the city of Hazel Park that no person be denied housing due to source of income."

Definitions:
Sec. 18.03.030:
"Discriminate means to make a decision, offer to make a decision or refrain from making a decision based in whole or in part on person's or his or her relatives' or associates' source of income. Discrimination includes the use of facially neutral practices that have an adverse impact based on source of income."
"Source of income, as used in this chapter, source of income refers to any lawful source of money paid directly to person or family or indirectly on behalf of person or family, including, but not limited to (a) money derived from any lawful profession or occupation; (b) money derived from any contract, agreement, loan, or settlement; from any court order, such as court-ordered child support or alimony; from any gift or bequest; or from any annuity or life insurance policy; and (c) money derived from any benefit or subsidy program, including, but not limited to, any housing assistance, such as Housing Choice Vouchers, Veterans Affairs Supportive Housing (VASH) Vouchers, or any other form of housing assistance payment or credit whether or not paid or attributed directly to a landlord; public assistance; emergency rental assistance; veterans benefit; Social Security or other retirement program; supplemental security income; VA and FHA loans, and any other program administered by any federal, state, or local agency or nonprofit entity. Any monthly housing assistance administered by any federal, state, or local agency or nonprofit entity shall be treated as income in the amount of three times the value of that monthly rental assistance."

Exemptions for Certain Property Types:
Yes
Sec. 18.03.050:

"For a religious organization or institution to restrict any of its facilities of housing or accommodations which are operated as a direct part of religious activities to persons and clergy of the denomination involved."
"To refuse to enter a contract with an unemancipated minor."
"To provide discounts on products or service to students, minors, veterans, and senior citizens."
"To discriminate in any arrangement for the sharing of a dwelling unit by person who is sharing the unit."

Administrative Complaint, Private Action, or Both:
Not explicitly specified.

Identifies Enforcement Agency:
18.04.080 (A) - "Complaints of violations may be filed with the city manager containing the following information and any additional information the city manager may prescribe by rules and regulation"

Injunctive Relief, Damages, Civil Penalties or Attorney's Fees:
Sec. 18.03.060:
"A violation of any provision of this chapter is a civil infraction punishable by a fine of not more than five hundred dollars ($500.00), plus all costs of the action. The court may issue and enforce any judgment, writ, or order necessary to enforce this chapter."
"Nothing contained in this chapter shall be construed to limit in any way the remedies, legal or equitable, which are available to the city of Hazel Park or any other person for the prevention or correction of discrimination."

Landlord Incentives:
No

Language Regarding Minimum Income or HCV Program Features:
No

Includes Risk Mitigation Fund:
No

Provides Tax Abatement for HCV Participation:
No

g. Holland

Citation: Holland, MI. Ch. 25. (2020)

Ordinance Title: Protection Against Discrimination

Link: City of Holland Ordinance Protection Against Discrimination

Date enacted:

August 19, 2020

Operative language:
Sec. 25-1: "It is the intent of the City that no individual be denied equal protection of the laws, nor shall an individual be denied the enjoyment of their civil rights or be discriminated against because of … source of income."
Sec. 25-3: "No person or persons shall discriminate against any person or persons within the City regarding: (d) public services on the basis of… source of income."

Definitions:
Sec. 25-2:
"DISCRIMINATION or DISCRIMINATE — Shall mean, without limitation, any act which, because of … source of income …results in the unequal treatment, termination or separation of any person, or denies, prevents, limits, adversely affects the benefits or enjoyment by any person of (i) employment, (ii) the advertising, listing, showing, inspection, negotiation, purchase, sale, exchange, ownership or financing of an interest in real property or the leasing or occupancy of real property, (iii) public accommodations, or (iv) public services."

Exemptions for Certain Property Types:
Yes
Sec. 25-4:

"To a private club, or other establishment not in fact open to the public, except to the extent that the goods, services, facilities, privileges, advantages, or accommodations of the private club or establishment are made available to the customers or patrons of another establishment that is a place of public accommodation or is licensed by the state under Act No. 8 of the Public Act of 1933, being MCLA § 436.1 et seq., the Michigan Liquor Control Act, as amended."

"To a religious educational institution or an educational institution operated, supervised, or controlled by a religious institution or organization which limits admission or gives preference to an applicant of the same religion."

"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 immediate family resides in one of the housing accommodations, or to the rental of a room or rooms in a single-family dwelling by a person if the lessor or a member of the lessor's immediate family resides in the dwelling."

"To the rental of housing accommodations for not more than 12 months by the owner or lessor where it was occupied by him/her and maintained as his/her home for at least three months immediately preceding occupancy by the tenant and is temporarily vacated while maintaining legal residence."

"With respect to age or familial status only, to the sale, rental or lease of housing accommodations meeting the requirements of federal, state or local housing programs for senior citizens, or accommodations otherwise intended, advertised, designed or operated, bona fide, for the purpose of providing housing accommodations for persons 50 years of age or older."

"A governmental entity or agency where a person's qualification is expressly limited by statute, charter, ordinance or policy as otherwise provided at law."

"Any conduct lawfully protected by the Holland City Charter or by the Michigan Constitution or the United States Constitution."

"Any conduct that is exempt under the Michigan Elliot-Larsen Civil Rights Act, Michigan Persons With Disabilities Act, or federal antidiscrimination laws."

Administrative Complaint, Private Action, or Both:
Sec. 25-5:
"If any individual believes that they were discriminated against in violation of this chapter, they may file a written complaint with the Department within: (1) One hundred eighty calendar days from the date of the individual's knowledge of the allegedly discriminatory action; or (2) One hundred eighty calendar days from the date when the individual should have known of the alleged discriminatory action."

Identifies Enforcement Agency:
Sec. 25-2:
"DEPARTMENT — The City's Department of Human Relations or a department designated by the City Manager as part of the City Manager's administrative plan."

Injunctive Relief, Damages, Civil Penalties or Attorney's Fees:
Sec. 25-7:
"Any person who violates this chapter shall be responsible for a municipal civil infraction, and upon a determination or admission of responsibility shall be subject to a civil fine of not more than $500, costs of prosecution and such other costs, damages, expenses, sanctions, and remedies as authorized by law, including but not limited to those specified in the Revised Judicature Act, and specifically MCLA § 600.8302, as amended."

Landlord Incentives:
No

Language Regarding Minimum Income or HCV Program Features:
No

Includes Risk Mitigation Fund:
No

Provides Tax Abatement for HCV Participation:
No

h. Jackson

Citation: Jackson Code of Ordinances Ch. 14 Art. IV (https://library.municode.com/mi/jackson/codes/code_of_ordinances?nodeId=PTIICOOR_CH14HO_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 of 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: Affordable Housing Development Board (pursuant Jackson Code of Ordinances Ch. 14 Art. IX)

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

i. Kalamazoo

Citation: Kalamazoo, Mich. Code Ch. 18, 18a.
https://www.kalamazoocity.org/boarddocs/civil-rights-board/6889-ordinance-2014-fair-housing-ordinance-adopted-september-8-2020/file

https://ecode360.com/9695230

Date enacted: September 8, 2020

Operative language: Defines discriminate as "To make a decision, offer to make a decision, or refrain from making a decision based in whole or in part on an individual's actual or perceived

race, color, religion, national origin, sex, age, height, weight, marital status, physical or mental disability, family status, sexual orientation or gender identity, educational affiliation, source of income, status as a victim of domestic violence, governmental identification method, arrest record and conviction record (collectively "protected classes")." (Sec. 18-2)

Source of income is defined as "Lawful verifiable income derived from wages, salaries or other compensation for employment, money derived from a gift or bequest, contract (including insurance proceeds), loan, or the settlement or award for a claim for personal injury. It also includes but is not limited to social security benefits, supplemental security income, unemployment benefits, retirement income, alimony, child support, Federal Housing Choice Voucher, Local Housing Assistant Fund Millage, or any other housing subsidy." (Sec. 18A-2)

Source of income also mentioned in prohibited conduct under discriminatory effects: "No person shall adopt, enforce or employ any policy, practice, or requirement which has the effect of creating unequal opportunities according to actual or perceived…source of income…" (Sec. 18-6)

Certain prohibited conduct related to source of income are also referenced under discriminatory housing practices:

> "No person shall fail to account for any tenant or prospective tenant's entire source of income when using a financial income standard for entering into or renewing a tenancy or lease for a housing facility." (Sec. 18A-3(I))
>
> "A landlord may not require an individual who receives housing assistance of dedicated rent via voucher or any other housing subsidies to earn any more than what is needed to pay for utilities as a requirement for tenancy." (Sec. 18A-3(J))

Exemptions for certain property types: No

Administrative complaint, private action, or both: Administrative complaint

Identifies enforcement agency: City Manager's office

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

j. 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

k. 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

l. Oak Park

Citation: Oak Park City Code, Ch. 18 Art. IV Div. 4. (https://library.municode.com/mi/oak_park/codes/code_of_ordinances?nodeId=PTIICOOR_CH18BUBURE_ARTIVHO)

Date enacted: 9/14/2021 (effective 9/14/2021)

Operative language:
"Sec. 18-191. - Definitions.

Source of income, as used in this chapter, refers to any lawful source of money paid directly to person or family or indirectly on behalf of person or family, including, but not limited to:

(1) Money derived from any lawful profession or occupation;
(2) Money derived from any contract, agreement, loan, or settlement; from any court order, such as court-ordered child support or alimony; from any gift or bequest; or from any annuity or life insurance policy; and
(3) Money derived from any benefit or subsidy program, including, but not limited to, any housing assistance, such as Housing Choice Vouchers, Veterans Affairs Supportive Housing (VASH) Vouchers, or any other form of housing assistance payment or credit whether or not paid or attributed directly to a landlord; public assistance; emergency rental assistance; veterans benefit; Social Security or other retirement program; supplemental security income; VA and FHA loans, and any other program administered by any federal, state, or local agency or nonprofit entity.

Exemptions for Property Types: Religious organizations; Single Family Houses where: (1) The owner does not own more than three single-family houses at any time. (2) The sale or rental is done without a real estate broker, agent, salesperson, or any business selling/renting dwellings. (3) If the owner is not living in the house at the time of sale or wasn't the most recent resident, this exemption is limited to one sale per 24 months; dwellings with up to four independent living units and the owner lives in one of the units as their residence.

Administrative complaint, private action, or both: Both

Identifies enforcement agency: The Department of Municipal Services

Injunctive relief, damages, civil penalties or attorney's fee: Civil penalties of not more than five hundred dollars ($500.00). Injunctive relief or damages which includes reasonable 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.

m. Pontiac

Citation: Pontiac, MI. Ch. 78 Art. III. (2024).

Ordinance Title: Discrimination

Link: Pontiac Municipal Code

Date enacted:
March 12, 2024

Operative language:
- Sec. 78-56: "It is hereby declared to be contrary to the public policy of the City of Pontiac (City) for any person to deny any individual the enjoyment of civil rights, or for any person to discriminate against any individual in the exercise of civil rights because of... source of lawful income."
- Sec. 78-59: "The opportunity to purchase, lease, rent, sell, use, convey, and finance housing without discrimination on the basis of actual or perceived membership in a protected class... is hereby recognized and declared to be a civil right."

Definitions:
- Sec. 78-57: "Source of lawful income means any lawful source of money paid directly to an individual or family or indirectly on behalf of an individual or family, including, but not limited to: (1) Money derived from any lawful profession or occupation. (2) Money derived from any contract, agreement, loan, or settlement; from any court order... (3) Money derived from any benefit or subsidy program..."

Exemptions for Certain Property Types:
- Sec. 78-64:
  - "(a) Source of lawful income exceptions. Exceptions listed in subsections (a)(1) through (5) of this section shall exclusively apply to 'source of lawful income' for housing as defined in this chapter."

- "(1) For the owner of an owner-occupied one-family or two-family dwelling, or a housing facility or public accommodation facility, respectively, devoted entirely to the housing and accommodation of individuals of one sex, to restrict occupancy and use on the basis of sex."
- "(2) Rooms or units in a dwelling containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the person owning the dwelling actually maintains and occupies one of such living quarters as his or her residence."
- "(3) For the owner of a property where the property is subject to an agreement with the City, county, state, or federal government that sets aside some or all units in the property for income-restricted housing to ensure access and/or affordability for low-income and moderate-income tenants or any tax-credit programs."
- "(4) For the owner when any housing assistance is not approved by the appropriate agency within 30 days after the landlord has provided all information required as a condition of the agency's approval, including evidence that all repairs required before occupancy have been completed."
- "(5) Income that a prospective tenant cannot demonstrate is derived from sources and activities permitted by law and is provided on an ongoing basis."

Administrative Complaint, Private Action, or Both: Both
- Sec. 78-65: "Nothing contained in this chapter shall be construed to limit in any way the remedies, legal or equitable, available to the City or any person for the prevention or correction of discrimination... an individual who is the victim of discriminatory action... may bring a civil action for appropriate injunctive relief or damages or both against the person(s) who acted in violation of this chapter."

Identifies Enforcement Agency:
Sec. 78-62: "No agent, broker, labor union, employment agency or any other intermediary shall discriminate... A report of the conviction of any such person for a violation of this chapter shall be made to the applicable licensing or regulatory agency for such person or business."

Injunctive Relief, Damages, Civil Penalties or Attorney's Fees:
Sec. 78-65: "Damages means damages for injury or loss caused by each violation of this chapter, including reasonable attorney fees."

Landlord Incentives:
No

Language Regarding Minimum Income or HCV Program Features:
No

Includes Risk Mitigation Fund:
No

Provides Tax Abatement for HCV Participation:
No

n. Royal Oak

Citation: Royal Oak, MI. Ch. 402. (2013).

Ordinance Title: Ord. No. 2013-03 Human Rights
Link: City of Royal Oak, MI Human Rights

Date enacted:
March 4th, 2013

Operative language:
Sec. 402-1: "It is the intent of the City that no person be denied the enjoyment of his or her civil or political rights or be discriminated against because of ... source of income."
- Sec. 402-3: "No person shall discriminate in leasing, selling or otherwise making available any housing facilities."

Definitions:
Sec. 402-2:
- "DISCRIMINATE — To make a decision, offer to make a decision, or refrain from making a decision, based in whole or in part on the ... source of income ... of another person."

Exemptions for Certain Property Types:
Yes
- Sec. 402-10:
  - "For a religious organization ... to restrict any of its facilities of housing or accommodations which are operated as a direct part of religious activities to persons of the denomination involved."
  - "For the owner of an owner-occupied one-family or two-family dwelling ... to restrict occupancy and use on the basis of sex."
  - "To limit occupancy in a housing project ... to persons of low income, over 55 years of age, or who are handicapped."

Administrative Complaint, Private Action, or Both:
Both
- Sec. 402-8: "In cases involving alleged violations of this chapter, the City may enter into agreements ... to reverse the effects of past discrimination."
- Sec. 402-11: "Nothing contained in this chapter shall be construed to limit in any way the remedies, legal or equitable, which are available to the City or any other person for the prevention or correction of discrimination."

Identifies Enforcement Agency:
Sec. 400-7 Human Relations Commission - The Human Relations Commission created by this article shall have all the powers and duties within its geographical jurisdiction which the State Commission has under the provisions of Chapter 4 of Act No. 112, Public Acts of 1968, State of Michigan, as amended; provided, however, that said Human Relations Commission shall not

issue cease and desist orders without first obtaining the written approval of the State Commission as required by the provisions of Chapter 6 of Act No. 112, as amended.

Injunctive Relief, Damages, Civil Penalties or Attorney's Fees:
Sec. 402-11:
- "A violation of any provision of this chapter is a civil infraction, punishable by a fine of not more than $500."
- "The court may issue and enforce any judgment, writ, or order necessary to enforce this chapter."

Landlord Incentives:
No

Language Regarding Minimum Income or HCV Program Features:
No

Includes Risk Mitigation Fund:
No

Provides Tax Abatement for HCV Participation:
No

o. Westland

Citation: Westland, MI. Ch. 54 Art. I (2017).

Ordinance Title: Ord No. 194-B Human Relations

Link: Westland MI | Municode Library

Date enacted:
July 17, 2017

Operative language:
- Sec. 54-1: "It is the intent of the city that no person be denied equal protection of the laws; nor shall any person be denied the enjoyment of his or her civil or political rights or be discriminated against because of... source of income."
- Sec. 54-3: "No person shall discriminate in leasing, selling or otherwise making available any housing facilities."

Definitions:
Sec. 54-2: "Discriminate means to make a decision, offer to make a decision, or refrain from making a decision, based in whole or in part on the actual or perceived... source of income."

Exemptions for Certain Property Types:
Sec. 54-10:

- "(1) For a religious organization or institution to restrict any of its facilities of housing or accommodations which are operated as a direct part of religious activities to persons of the denomination involved..."
- "(2) For the owner of an owner-occupied one-family or two-family dwelling, or a housing facility or public accommodation facility, respectively, devoted entirely to the housing and accommodation of individuals of one sex, to restrict occupancy and use on the basis of sex."
- "(3) To limit occupancy in a housing project or to provide public accommodations or employment privileges or assistance to persons of low income, over 55 years of age, or who are handicapped."
- "(4) To engage in a bona fide effort to establish an affirmative action program to improve opportunities in employment for minorities and women."
- "(5) To discriminate based on a person's age when such discrimination is required by state, federal or local law."
- "(6) To refuse to enter a contract with an unemancipated minor."
- "(7) To refuse to admit to a place of public accommodation serving alcoholic beverages a person under the legal age for purchasing alcoholic beverages."
- "(8) To refuse to admit persons under 18 years of age to a business providing entertainment or selling literature which the operator of said business deems unsuitable for minors."
- "(9) For an educational institution to limit the use of its facilities to those affiliated with such institution."
- "(10) To provide discounts on products or service to students, minors and senior citizens."
- "(11) To discriminate in any arrangement for the sharing of a dwelling unit."
- "(12) To restrict use of lavatories and locker room facilities on the basis of sex."
- "(13) For a governmental institution to restrict any of its facilities or to restrict employment opportunities based on duly adopted institutional policies that conform to federal and state laws and regulations."
- "(14) To restrict participation in an instructional program, athletic event or on an athletic team on the basis of age or sex."

Administrative Complaint, Private Action, or Both:
Both
- Sec. 54-7: "Any person claiming a violation of this chapter shall file a signed, written complaint with the mayor or his designee..."
- Sec. 54-11: "Private actions and remedies shall be in addition to any actions for a violation which the city may take."

Identifies Enforcement Agency:
Sec. 54-7: "Any person claiming a violation of this chapter shall file a signed, written complaint with the mayor or his designee..."

Injunctive Relief, Damages, Civil Penalties or Attorney's Fees:
Sec. 54-11: "A violation of any provision of this chapter is a civil infraction, punishable by a fine of not more than $500, plus the costs of investigation and prosecution... the court may issue and enforce any judgment, writ, or order necessary to enforce this chapter."

Landlord Incentives:

No

Language Regarding Minimum Income or HCV Program Features:
No

Includes Risk Mitigation Fund:
No

Provides Tax Abatement for HCV Participation:
No

p. 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

16. Cities in Minnesota

a. Minneapolis

Citation: Minneapolis Code of Ordinances Title 7 Ch. 139
https://library.municode.com/mn/minneapolis/codes/code_of_ordinances?nodeId=CD_ORD_TIT7CIRI_CH139INGE_139.10FIDEPOPUJUCOEFDA

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)

Section 139.10 (b) Declaration of policy and purpose. It is the public policy of the City of Minneapolis and the purpose of this title to: (1) Prevent and prohibit all discriminatory practices in the City of Minneapolis in the following protected areas…..(f) In property rights: When race, color, creed, religion, ancestry, national origin, sex, sexual orientation, gender identity, disability, marital status, familial status, emancipated minor status, status with regard to a public assistance program, or any requirement of a public assistance program is a motivating factor.

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

17. Cities in Missouri

In July 2025, Missouri passed House Bill 595 preempting local laws that prohibit discrimination against families with Housing Choice Vouchers.

a. Clayton

Citation: City of Clayton, Missouri Ordinance Article I Ch. 225 Sec. 225.020

(https://prrac.org/pdf/clayton_ord6608.pdf; https://ecode360.com/27565566)

Date enacted: August 13, 2019

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. 225.020.

"It shall be an unlawful housing practice... 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, ancestry, sex, gender identity, sexual orientation, disability, **lawful source of income** or familial status." Sec. 225.030(A)(2).

It is also unlawful to make, print or publish notices or advertisements with respect to the sale or rental of a dwelling indicating preferences or limitations based on the abovementioned protected classes, including lawful source of income; to represent to any protected class member that any dwelling is not available when it is in fact so available; and to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood. Sec. 225.030(A)(3)-(5).

Exemptions for certain property types: "The provisions of this Section shall not apply to a private club, a place of accommodation owned by or operated on behalf of a religious corporation, association or society or other establishment which is not in fact open to the public, unless the facilities of such establishments are made available to the customers or patrons of a place of public accommodation as defined in Section 225.020 and this Section." Sec. 225.060

"Nothing in this Chapter shall prohibit a religious organization, association or society or any non-profit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color or national origin. Nor shall anything in this Chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodging which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodging to its members or from giving preference to its members." Sec. 225.080(C).

"Nothing in this Chapter, other than the prohibitions against discriminatory advertising in Subsection (A)(3) of Section 225.030 shall apply to: (1) The sale or rental of any single-family house by a private individual owner, provided the following conditions are met: (a) the private individual owner does not own or have any interest in more than three (3) single-family houses at any one time; and (b) the house is sold or rented without the use of a real estate broker, agent or

salesperson or the facilities of any person in the business of selling or renting dwellings and without publication, posting or mailing of any advertisement. If the owner selling the house does not reside in it at the time of the sale or was not the most recent resident of the house prior to such sale, the exemption in this Section applies to only one (1) such sale in any twenty-four (24) month period; (2) 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 actually maintains and occupied one (1) of such living quarters as his/her residence." Sec. 225.080(D).

Administrative complaint, private action, or both: Administrative

Identifies enforcement agency: Missouri Commission on Human Rights

Injunctive relief, damages, civil penalties or attorney's fees: City ordinance does not mention what, if any, relief, damages, penalties, or fees are available for complainants under the Ordinance.

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

b. Columbia

Citation: Columbia, Mo., Ordinance 025279 (Mar. 20, 2023) (codified at COLUMBIA, MO., CODE OF ORDINANCES ch. 12, art. I, § 12-1(1), art. II, § 12-18(6), art. 3, §§ 12-32, -34.1, ch. 19, art. I, § 19-4 (2023)).
https://www.prrac.org/columbia-missouri-ordinance-amended-to-include-source-of-income-discrimination-language-march-2023/

Date enacted: March 20, 2023

Operative language:

"**Protected category**" means "[r]ace, color, religion, sex, national origin, ancestry, marital status, disability, sexual orientation, gender identity or expression, receipt of governmental assistance, alienage or citizenship status, status as a survivor of sexual or domestic violence, order of protection status, or **source of income**." COLUMBIA, MO., CODE OF ORDINANCES ch. 12, art. III, § 12-32.

"**Source of income**" means "[a]ny source of money paid to an individual or family or on behalf of an individual or family, including, but not limited to: (1) Money derived from any lawful

profession, occupation, or activity; (2) Money derived from any contract, agreement, loan, settlement, court order (such as court-ordered child support or alimony), gift, grant, bequest, annuity, or life insurance policy; and (3) Money derived from any benefit or subsidy program. Benefit or subsidy programs include, but are not limited to: Any housing assistance, such as Housing Choice vouchers, Veterans Affairs Supportive Housing (VASH) vouchers, tribal grants or vouchers, or any other form of housing assistance payment or credit, whether or not paid or attributed directly to a landlord, public assistance, emergency rental assistance, tribal or Native American benefit programs, veterans benefits, social security or other retirement program, supplemental security income, or other program administered by any federal, state, or local agency or nonprofit entity." COLUMBIA, MO., CODE OF ORDINANCES ch. 12, art. III, § 12-32.

Exemptions for certain property types: religious organizations; "any dwelling occupied or intended to be occupied by no more than four (4) families living in units independent of each other, if the owner thereof occupies one (1) of such units as a residence." COLUMBIA, MO., CODE OF ORDINANCES ch. 12, art. III, §§ 12-41(1), (3).

Administrative complaint, private action, or both: Administrative

Identifies enforcement agency: City Commission on Human Rights

Injunctive relief, damages, civil penalties or attorney's fees: Civil penalties: "Any person who shall violate any provision of this article shall be deemed guilty of a misdemeanor and shall, upon conviction, be punished by a fine of not more than one thousand dollars ($1,000.00), or imprisonment not exceeding thirty (30) days, or by both such fine and imprisonment." COLUMBIA, MO., CODE OF ORDINANCES ch. 12, art. III, §§ 12-59.

Landlord incentives: No

Language re: minimum income or HCV program features: No.

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

c. Kansas City

Citation: Committee Substitute for Ordinance No. 231019, As Amended. (https://www.prrac.org/wp-content/uploads/2024/01/Authenticated-Ordinance-231019-C.S.A.pdf)

Date enacted: January 25, 2024.

Operative language: Amending various sections of Chapter 38, "Civil Rights," and Chapter 34, "Health and Sanitation," for the purpose of classifying source of income as a protected trait in regard to housing discrimination, requiring an annual report on source of income discrimination complaints and enforcement, and requiring standard language in rental applications; and

directing the City Manager to provide notification of this ordinance through various communication channels and identify an annual source of funding to implement the provisions of this ordinance; reducing the Contingent Appropriation by $1,000,000.00 in the General Fund; appropriating that amount for the Landlord Risk Mitigation Fund Pilot Program; and designating requisitioning authority.

****

(31) Source of income means the type of income or finances used by an individual to acquire goods and services for themselves, their dependents, or others. It includes reasonably verifiable and lawful income from any occupation, profession, contract, agreement, activity, any type of private, non-profit, or government assistance or payment such as federal Housing Choice Vouchers as authorized by Section 8 of the Housing Act of 1937, military pension payments, disability payments, court ordered payments, or any other form of reasonably verifiable and lawful income, including cash or tipped wages and payments from strike funds. Source of income includes the program requirements for any type of private, non-profit, or government assistance or payment, unless compliance with such requirements would require unreasonable structural modifications to the dwelling.

****

The director shall refer any person found in violation of a prohibited discriminatory practice or retaliation based on source of income more than once within a 12-month period to the director of the health department and recommend that the person's rental permits be placed on Special Probationary Status pursuant to Section 34-855(6) of the City's Code of Ordinances pending the completion of a corrective action plan prescribed by the director.

****

(d) The following discriminatory housing practices shall be unlawful: (10) To refuse to rent to a tenant solely on the basis of a rent-to-income ratio that does not take into account verifiable and lawful sources of income, such as vouchers, maintenance, disability payments, pensions, or other income supports. If a prospective tenant has a voucher, the landlord's requirement for any rent-to-income ratio shall apply only with respect to the portion of rent not covered by such prospective tenant's voucher amount, consistent with state and federal law, including, but not limited to, fair housing laws. (11) To refuse to rent to a tenant solely because of an adverse credit report or lack of credit history without reference to additional information provided pursuant to Section 38-105(e). (12) To refuse to rent to a tenant solely because of prior evictions or alleged damages without reference to additional information provided pursuant to Section 38-105(e), except that prior evictions or alleged damages that occurred within one year of the date that the tenant would begin a new rental agreement may result in refusal to rent to that tenant. (13) To refuse to rent to a tenant solely because of prior convictions or arrests without reference to additional information provided pursuant to Section 38-105(e).

****

(e) While a person may examine and consider a criminal background check, credit history, or rental history in reviewing an application for rental housing, the person shall review and consider additional information provided by the rental applicant, including, but not limited to, personal references, recency and status of any evictions, and any actions taken by the rental applicant to resolve past evictions, credit challenges, or alleged damages, the recency and severity of any convictions, the violent or sexual nature of any prior convictions, the facts or circumstances surrounding criminal conduct, the age of the applicant at the time of the conduct, the age or vulnerability of the victim of the conduct, evidence that the applicant has maintained a good tenant history in the intervening time, and evidence of rehabilitation efforts, consistent with state and federal law, including, but not limited to, fair housing laws. Denying an application based on reference to such factors specific to the individual applicant shall not constitute a violation of this Section.

****

Section 5. That the City Manager is directed to negotiate an intergovernmental agreement with the Housing Authority of Kansas City to establish a Landlord Risk Mitigation Fund Pilot Program (the "Program"). The Program shall include mitigation provisions as recommended based on staff research of the best practice policies of peer programs across the country Section 6. That the City of Kansas City, Missouri shall fund the Program in amount not to exceed $1,000,000.

****

Section 11. Landlord Liaison. There shall be established within the Housing Department a Landlord-Tenant Liaison who will provide assistance and educational resources applying for reimbursement from the Program. The liaison shall: (a) Provide assistance in navigating requirements of voucher programs; (b) Provide assistance in applying for Program funds; (c) Fulfill other duties as assigned by the Director

Administrative complaint, private action, or both: Administrative

Identifies enforcement agency: Kansas City Civil Rights Enforcement Office

Injunctive relief, damages, civil penalties or attorney's fees: Any person found in violation of a prohibited discriminatory practice or retaliation based on source of income, which includes, among other things, all violations of Section 38- 105(d), shall be subject to a fine of $1000.00.

(1) The director shall refer any person found in violation ofa prohibited discriminatory practice or retaliation based on source of income more than once within a 12-month period to the director of the health department and recommend that the person's rental permits be placed on Special Probationary Status pursuant to Section 34- 9 855(6) of the City's Code of Ordinances pending the completion of a corrective action plan prescribed by the director. (Sec. 38-101).

Landlord incentives: No, but landlord liaison to be appointed to provide assistance

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: Yes. "That the City Manager is directed to negotiate an intergovernmental agreement with the Housing Authority of Kansas City to establish a Landlord Risk Mitigation Fund Pilot Program ("The Program"). The Program shall include mitigation provisions as recommended based on staff research of the best practice policies of peer programs across the country. (Sec. 34-857).

Provides tax abatement for HCV participation: No

d. 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_CH3.44CIRIENAG_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

e. Webster Groves

Citation: Webster Groves, Missouri Ch. 30, Article 3, Sec. 30.510 (https://prrac.org/pdf/webstergroves_ord9090.pdf)

Date enacted: 2019

Operative language: ""Source of income" means "lawful, regular, 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. 30.510(h).

"It shall be unlawful for any person (a) 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, ancestry, sex, disability, source of income, familial status, sexual orientation or gender identity; (b) To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provisions of service or facilities in connection therewith, because of race, color, religion, national origin, ancestry, sex, disability, source of income, familial status, sexual orientation or gender identity or an intention to make any such preference, limitation or discrimination; (c) 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, ancestry, sex, disability, source of income, sexual orientation or gender identity; (d) To represent to any person, because of race, color, religion, national origin, ancestry, sex, disability, source of income, familial status, sexual orientation or gender identity that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available; (e) For profit, to induce or attempt to induce any 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, national origin, ancestry, sex, disability, source of income, familial status, sexual orientation or gender identity." Sec. 30.520(a)-(e).

Exemptions for certain property types: "The provisions of this Section shall not apply to a private club, place of accommodation owned by or operated on behalf of a religious corporation, association or society or other establishment which is not in fact open to the public, unless the facilities of such establishments are made available to the customers or patrons of a place of public accommodation..." Sec. 30.535(c).

Administrative complaint, private action, or both: Administrative

Identifies enforcement agency: Webster Groves Department of Planning and Development. Sec. 30.560.

Injunctive relief, damages, civil penalties or attorney's fees: "Any person who shall have committed a discriminatory housing practice in violation of this ordinance shall have their operating license revoked..." Sec. 30.570.

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

18. Cities/Counties in New Mexico

a. Albuquerque

Citation: Albuquerque Code of Ordinances Ch. 11 Art. 3 (https://codelibrary.amlegal.com/codes/albuquerque/latest/albuquerque_nm/0-0-0-14992)

Date enacted: June 28, 2022 (effective September 27, 2022)

Operative language: "Pursuant to Article VIII of The Albuquerque City Charter, in order to assure the public safety, public health and general welfare, to:

> (D) Prohibit discrimination on the basis of race, color, religion, sex, national origin or ancestry, age, physical handicap, or source of income…" (§11-3-2)

"SOURCE OF INCOME. Any lawful and verifiable source of money and program requirements of such funding, paid directly to or on behalf of a renter or buyer of housing, including, but not limited to:

> (1) Income from a lawful profession, occupation, or job;
> (2) Income derived from social security or any form of

federal, state, or local public assistance or housing assistance, including a housing choice voucher issued pursuant to Section 8 of the United States Housing Act of 1937, 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 even if such income includes additional federal, state, or local requirements including but not limited to required inspections and contracting with the agency administering the public assistance program; or
(3) A pension, annuity, alimony, child support, foster care subsidies, or any other recurring, lawful, and verifiable monetary consideration or benefit." (§11-3-3)

"It is unlawful discriminatory practice and a violation of this article for:…
(G) Any person to:
(1) Refuse to sell, rent, assign, lease or sublease, or offer for sale, rental, lease or sublease, or assignment, any housing accommodation, commercial space or real property to any individual, or discriminate against any person in the terms, conditions, or privileges of the sale, rental, lease or sublease, or assignment of any housing accommodation, commercial space, or real property, or to refuse to negotiate for the sale, rental, lease, assignment or sublease of any housing accommodation, commercial space or real property, or in the provision of facilities or services in connection therewith, because of race, color, religion, sex, race related hairstyle, the use of a cultural headdress, national origin or ancestry, source of income or the requirements of any program providing the source of income, or physical handicap.
(2) Print, circulate, display or mail, or cause to be printed, circulated, displayed or mailed, any statement, advertisement, publication or sign or use any form of application for the purchase, rental, lease, assignment or sublease of any housing accommodation, commercial space or real property, or to make any record or inquiry regarding the prospective purchase, rental, lease, assignment or sublease of any housing accommodation, commercial space or real property which expresses any preference, limitation or discrimination as to race, color, religion, sex, race related hairstyle, the use of a cultural headdress, national origin or ancestry, source of income, or physical handicap.
(3) Represent to any person, because of race, color, religion, sex, race related hairstyle, the use of a cultural headdress, national origin or ancestry, source of income or because of the requirements of any program providing the source of income, or physical handicap, that any dwelling is not available for inspection, sale, or rental when the dwelling is available;
(4) In determining whether the prospective tenant meets minimum income requirements, exclude from the calculation any lawful and verifiable source of income received by the applicant; or
(5) Impose additional requirements on a tenant or a prospective tenant whose rent is to be subsidized by a third party not imposed on other tenants, such as, but not limited to, additional security deposits or requirements to maintain renter's insurance; provided that nothing in this section shall be construed as a prohibition against a property owner or manager conducting an income or credit inquiry on a prospective tenant or from performing other vetting techniques, such as a background or rental history checks, provided these techniques are used for all tenants, regardless of their source of income.

a. Nothing in this legislation shall be construed as requiring a landlord to show preferential treatment to a prospective tenant who has a non-traditional source of income.
b. Nothing in this legislation shall be construed as requiring a landlord to set a rent rate at or under Fair Market Rent as defined by the U.S. Department of Urban Housing and Development.
c. Nothing in this legislation shall be construed to mean a landlord cannot change the terms of a lease after the agreed-upon lease expires.
d. Nothing in this legislation shall be construed to prevent a landlord from evicting a tenant for any lawful reason." (§11-3-7)

Exemptions for certain property types: "Nothing in this article shall:
(A) Bar any religious or denominational institution or organization which is operated or supervised or controlled by or is operated in connection with a religious or denominational organization from limiting admission to or giving preference to persons of the same religion or denomination, or from making selections of buyers, leasees or tenants as are calculated by the organization or denomination to promote the religious or denominational principles for which it is established or maintained unless in the religious or denominational organization is restricted on account of race, color, sex, national origin, ancestry, age, or physical handicap.
(B) Apply 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 the living quarters as his or her residence…
(D) Apply to private living quarters where the preference or limitation is based on sex…" (§11-3-12)

Administrative complaint, private action, or both: Administrative

Identifies enforcement agency: Human Rights Board

Injunctive relief, damages, civil penalties or attorney's fees: Injunctive relief and civil penalties in the form of a fine not exceeding $500.

Landlord incentives: No. However, the resolution states "It is the intent of the Council to study and develop options that may help incentivize landlords to accept of housing vouchers…Upon completion, the study and its recommendations shall be submitted as an Other Communication to the Council for its receipt."

Language re: minimum income or HCV program features: "MINIMUM INCOME REQUIREMENT. A requirement set by an owner relating to the amount of income a prospective tenant must receive in a prescribed period of time and used to determine the prospective tenant's ability to pay rent…" (§11-3-3)

See also §11-3-7 (G)(4)-(5) above.

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

b. Bernalillo County

Citation: Bernalillo County Code of Ordinances, Ch. 44. (https://library.municode.com/nm/bernalillo_county/codes/code_of_ordinances?nodeId=BECOCO_CH44HODI_S44-2DE).

Date enacted: October 11, 2022 (effective November 11, 2022)

Operative language: *Source of income* means any lawful and verifiable source of money and program requirements of such funding, paid directly to or on behalf of a renter of housing, including, but not limited to:

(1) Income from a lawful profession, occupation or job;
(2) Income derived from social security or any form of federal, state, or local public assistance or housing assistance, including a housing choice voucher issued pursuant to Section 8 of the United States Housing Act of 1937, 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 even if such income includes additional federal, state, or local requirements including but not limited to required inspections and contracting with the agency administering the public assistance program; or
(3) A pension, annuity, alimony, child support, foster care subsidies, or any other recurring, lawful, and verifiable monetary consideration or benefit. (§ 44-2).

Unlawful discriminatory practice. "It is an unlawful discriminatory practice and a violation of this chapter for any person to:

(1) refuse to rent, assign, lease, or sublease, or offer for rental, lease or sublease, or assignment, any housing accommodation or real property to any individual, or discriminate against any person in the terms, conditions, or privileges of the rental, lease or sublease, or assignment of any housing accommodation, or real property, or to refuse to negotiate for the rental, lease, assignment or sublease of any housing accommodation, or real property, or in the provision or services in connection therewith, source of income or the requirements of any program providing the source of income;
(2) Print, circulate, display or mail, or cause to be printed, circulated, displayed or mailed, any statement, advertisement, publication or sign or use any form of application for the rental, lease, assignment or sublease of any housing accommodation, or real property, or to make any record or inquiry regarding the prospective rental, lease, assignment or sublease of any housing accommodation or real property which expresses any preference, limitation or discrimination as to source of income;

(3) In determining whether the prospective tenant meets minimum income requirements, include in the calculation of rent any amounts that will be paid, credited, or attributed by the tenant or on the tenant's behalf from federal, state, or local housing assistance payment programs. In other words, the calculation of minimum income requirements shall be based on the portion of rent that a tenant is personally responsible for paying, not the portion of rent that will be paid by a housing assistance payment program;

(4) Impose additional requirements on a tenant or a prospective tenant whose rent is to be subsidized by a third party not imposed on other tenants, such as, but not limited to, additional security deposits or requirements to maintain renter's insurance; provided that nothing in this section shall be construed as a prohibition against a property owner or manager conducting an income or credit inquiry on a prospective tenant or from performing other vetting techniques, such as a background or rental history checks, provided these techniques are sued for all tenants, regardless of their source of income:

   a. Nothing in this legislation shall be construed as requiring a landlord to show preferential treatment to a prospective tenant who has a non-traditional source of income;
   b. Nothing in this legislation shall be construed as requiring a landlord to set a rent rate at or under fair market rent as defined by the U.S. Department of Urban Housing and Development;
   c. Nothing in this legislation shall be construed to mean a landlord cannot change the terms of a lease after the agreed-upon lease expires;
   d. Nothing in this legislation shall be construed to prevent a landlord from evicting a tenant for any lawful reason;

(5) Aid, abet, incite, compel, or coerce the doing of any unlawful discriminatory practice under this chapter or to attempt to do so;

(6) Engage in any form of threats, reprisals, or discrimination against any person who has opposed unlawful discriminatory practices or has filed a complaint, testified or participated in any proceeding under this chapter; or

(7) Willfully obstruct or prevent any person from complying with the provisions of this chapter. (§ 44-3).

Exemptions for certain property types: "Nothing in this chapter shall:

(1) Bar any religious or denomination institution or organization which is operated or supervised or controlled by or is operated in connection with a religious or denomination organization from making selections of leases or tenants as are calculated by the organization or denomination to promote the religious or denominational principles for which it is established or maintained unless membership in the religious or denominational organization is restricted on account of source of income or any other

condition or category identified in the state's Human Rights ACt, NMSA 1978, § 28-1(G);

(2) Apply 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 the living quarters of his or her residence;

(3) Bar a landlord from moving on to a different applicant if an agency provided housing support requiring a housing quality standards ("HQS") inspection fails to complete the initial inspection within five business days after notification that a prospective tenant has selected a unit; or if re-inspection is required, fails to complete the re-inspection within five business days of receiving notification that repairs have been completed, provided the landlord makes a good faith effort to schedule the inspection with the agency. ((§ 44-4).

Identifies enforcement agency: No

Injunctive relief, damages, civil penalties or attorney's fees: Injunctive relief and civil penalties in the form of a fine not exceeding $500.

Landlord incentives: No. However, the resolution states "It is the intent of the Council to study and develop options that may help incentivize landlords to accept of housing vouchers…Upon completion, the study and its recommendations shall be submitted as an Other Communication to the Council for its receipt."

Language re: minimum income or HCV program features: "*Minimum income requirement* means a requirement sent by a property owner relating to the amount of income a prospective tenant must receive in a prescribed period of time and used to determine the prospective tenant's ability to pay rent…" (§ 44-2).

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

c. Las Cruces

Citation: Las Cruces, New Mexico Ordinance 3045 (https://library.municode.com/nm/las_cruces/ordinances/code_of_ordinances?nodeId=1234243).

Date enacted: August 21, 2023

Operative language: "*Source of income* means any verifiable money, compensation, or housing assistance that is lawful in the State of New Mexico and paid to or on behalf of a renter or buyer including, but not limited to money or compensation from any occupation or activity, from any contract, agreement, loan or settlement, from any court-ordered payment such as child support, court-ordered alimony, from any payment received from an annuity or life insurance policy, or from any federal, state or local payment, including a disability benefit and housing choice

voucher, any other rent subsidy or rent assistance program and related program requirements, or other public assistance. (§13-2).

"Except as exempted by section 13-4 of this article, it shall be unlawful:

(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, ethnicity, color, religion, sex, or gender identity, disability, lawful source of income, familial status, sexual orientation, spousal affiliation, ancestry, or national origin.

(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, ethnicity, color, religion, sex, or gender identity, disability, lawful source of income, familial status, sexual orientation, spousal affiliation, ancestry, or national origin.

(3) To make, print, or publish, or cause to be made, printed, or published any notice, statement or advertisement, with respect to the sale of a rental of a dwelling that indicates any preference, limitation, or discrimination with respect to the sale of rental of a dwelling that indicates any preference, limitation, or discrimination based on race, ethnicity, color, religion, sex, or gender identity, disability, lawful source of income, familial status, sexual orientation, spousal affiliation, ancestry, or national origin, or an intention to make any such preference, limitation or discrimination.

(4) To represent to any person because of race, ethnicity, color, religion, sex, or gender identity, disability, lawful source of income, familial status, sexual orientation, spousal affiliation, ancestry, or national origin 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, ethnicity, color, religion, sex, or gender identity, disability, lawful source of income, familial status, sexual orientation, spousal affiliation, ancestry, or national origin.

(6) a. To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a disability of: (1) that buyer or renter; (2) a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or (3) any person associated with that buyer or renter.

b. 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 with such dwelling, because of a disability of (1) That person; (2) A person residing in nor intending to reside in that dwelling after it is so sold, rented, or made available; or (3) Any person associated with that person.

c. For purposes of this subsection, discrimination includes: (1) A refusal to permit, at the expense of the disabled person, reasonable modifications of existing premises occupied

or to be occupied by such person if such modifications are necessary to afford such person full enjoyment of the premises that, in the case of a rental, the landlord may where ti is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted; (2) A refusal to make reasonable modifications in the rules, policies, practices, or services, when such modifications are necessary to afford such person equal opportunity to use and enjoy a dwelling; or (3) In connection with the design and construction of covered multi-family dwellings for first occupancy, for which a city building permit is issued after adoption of the ordinance from which this article devices, a refusal to design and construct those dwellings in accordance with the 1998 Fair Housing Act, 2003 International Building Code and CABO/ANSI A117.1-1998, and their amendments, as made elsewhere within this Municipal Code.

d. Nothing in subsection (b) requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety or other individuals or whose tenancy would result in substantial physical damage to the property of others.

(7) For any person or other entity whose business includes engaging in residential real-estate related transactions to discriminate against any person in making available such a translation, or in the terms or conditions of such a transaction, because of race, ethnicity, color, religion, sex, or gender identity, disability, lawful source of income, familial status, sexual orientation, spousal affiliation, ancestry, or national origin. Nothing in this subsection prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, ethnicity, color, religion, sex, or gender identity, disability, familial status, sexual orientation, spousal affiliation, ancestry, or national origin.

(8) Deny any person access to or membership or participation in a multi-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him/her in the terms or conditions of such access, membership, or participation, on account of race, ethnicity, color, religion, sex, or gender identity, disability, lawful source of income, familial status, sexual orientation, spousal affiliation, ancestry, or national origin.

(9) Coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other person in the exercise or enjoyment of any right granted or protected under this article.

(10) A landlord shall not terminate a tenancy, fail to renew a tenancy, refuse to enter into a rental agreement, or otherwise retailiate in the rental of a dwelling based substantially on:

a. The tenant, applicant, or a household member's status as a victim of domestic violence, sexual assault, or stalking; or

b. The Tenant or applicant having terminated a rental agreement under early lease termination clause. (§13-5).

Exemptions for certain property types:

(a) "Nothing in Section 13-5 of this article shall apply to:
  (1) Units in an owner-occupied building containing no more than two units.
  (2) The rental of a room or rooms in a single-family dwelling unit if the owner actually maintains and occupies part of such living quarters as his/her residence.

(b) Nothing in section 13-5 of this article shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental, or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin.

(c) Nothing in section 13-5 of this article shall prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

(d) Nothing in section 13-5 of this article limits the applicability of any reasonable governmental restrictions regarding the maximum number of occupants permitted to occupy a dwelling.

(e) Nothing in section 13-5 of this article limits the applicability of any reasonable governmental restrictions regarding the maximum number of occupants permitted to occupy a dwelling.

(f) Nothing in section 13-5 of this article regarding familial status shall apply with respect to housing for older persons.

Housing for older persons means housing:

  (1) Provided under any state or federal program that is specifically designed and operated to assist elderly persons; or
  (2) Intended for, and solely occupied by, persons 62 years of age or older; or
  (3) Intended and operated for occupancy by at least one person 55 years of age or older per unit, where at least 80 percent of the units in the housing facility are occupied by at least one person 55 years of age or older (except that newly constructed facilities need not comply with this requirement until 25 percent of the units in the facility or occupied), and where the facility meets other regulations adopted by the Federal Department of Housing and Urban Development as set forth in 24 C.F.R. 1000.304; however
  (4) Housing shall not fail to meet the requirements for housing the older persons by reasons of persons residing in such housing as of September 13, 1988, who do not meet the age requirements set forth in subsections (e)(2) or (3);

or unoccupied units; provided that such units are reserved for occupancy by persons who meet the age requirements of subsections (e)(2) or (3) of this section). (§ 13-4).

Administrative complaint, private action, or both: Administrative.

Identifies enforcement agency: Administering department.

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

Landlord incentives: No.

Language re: minimum income or HCV program features: None.

Includes risk mitigation fund: No.

Provides tax abatement for HCV participation: No.

d. Santa Fe

Citation: Ordinance amended of Santa Fe Municipal Code Ch. 26 Sec. 4 "Fair Housing" https://library.municode.com/nm/santa_fe/codes/code_of_ordinances?nodeId=CHXXVIHO_26-4FAHO

Date enacted: August 31, 2024, implementation delayed until August 1, 2025 to establish enforcement administration.

Operative language:
Definitions

H. *Source of income* means any lawful and verifiable source of money, paid directly to or on behalf of a renter or buyer of housing, including, but not limited to, the following sources or any combination of the following sources:

(1) Income from a lawful profession, occupation, or job;
(2) Income derived from social security or any form of federal, state, or local public or private housing assistance, including a housing choice voucher issued pursuant to Section 8 of the United States Housing Act of 1937, 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 even if such income requires additional federal, state, or local compliance, including, but not limited to, inspections or contracting with the agency administering the assistance program; or
(3) A pension, annuity, distribution payment, alimony, child support, foster care subsidies, or any other lawful, and verifiable monetary consideration or benefit." (Municipal Code 26-4.3)

"26.4.8 – Discrimination in sales or rental of housing.

A. A person may not refuse to sell or rent a dwelling to a person who has made a bona fide offer; refuse to negotiate for the sale or rental of a dwelling; or otherwise make unavailable or deny a dwelling to any person because of race, color, religion, sex, gender, sexual orientation, familial status, national origin, or source of income.
B. A person may not discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling or providing services or facilities in connection with the sale or rental because of race, color, religion, sex, gender, sexual orientation, familial status, national origin, or source of income." (Municipal Code 26-4.8)

Exemptions for certain property types: Sale or rent single family house by owner not in business, owner-occupied in no more than 4-unit residence. (Municipal Code 26-4.4). Religious and private club exemption. (Municipal Code 26-4.5) Landlord can move on to next available tenant if agency providing housing support fails to complete required initial inspection within five (5) business days of notification of selection. (Municipal Code 26-4.4 C)

Administrative complaint, private action, or both: Administrative complaint may be taken to municipal court by city (Municipal Code 26-4.17- Enforcement)

Identifies enforcement agency: Complaint to city administration/administrator; federal HUD complaint referral, city may file complaint in municipal court. (Municipal Code 26-4.16 – Administration)

Injunctive relief, damages, civil penalties or attorney's fees: "The city may file a complaint in municipal court if conference and conciliation do not eliminate the alleged discriminatory practice, seeking penalties for noncompliance with this section. Persons found in noncompliance with this section are subject to fines and imprisonment as set forth in Section 1-3 SFCC 1987. (Municipal Code 26-4.17 – Enforcement)

Landlord incentives: No.

Language re: minimum income or HCV program features: "A person shall only assess a prospective tenant's or buyer's income in relation to the payment for which the tenant or buyer is personally responsible and not in relation to the portion of the payment that a housing assistance program, or other entity, will pay." (Municipal Code 26-4.8 C – Discrimination in sales or rental of housing)

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

19. Cities/Counties in New York

a. 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

b. 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

c. 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

d. 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

e. 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)

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

f. 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

g. 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

h. Syracuse

Citation: Syracuse Local Laws Ch. 8 Sec. 8-4 (https://library.municode.com/ny/syracuse/codes/code_of_ordinances?nodeId=PTLLOLA_CH8HURI_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

i. 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=PTIVOTLOLAACRE_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.

j. 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

20. Cities/Counties in North Carolina

a. Charlotte (city-supported properties only)

Citation: Policy is not yet published in the Charlotte Code of Ordinances as of August 23, 2022.

Date enacted: July 11, 2022

Operative language:

Exemptions for certain property types: Yes. Protections do not apply to housing with no city support.

Administrative complaint, private action, or both: Administrative complaint

Identifies enforcement agency: Community Relations Committee

Injunctive relief, damages, civil penalties or attorney's fees:
First violation: Compliance training and a fine up to $23,011* if the violation is not cured in 30 days.
Second violation (within 5 years): Fine up to $57,527* if the violation is not cured in 30 days.
Third violation (within 7 years): Fine up to $115,054* if the violation is not cured in 30 days, and potential preclusion from future city programs or awards.
If the housing provider does not cure a violation within 30 days, they must pay the applicant who was denied housing $100 each day until the violation is cured, for up to 180 days.
*Maximum remedies are based on the U.S. Department of Housing and Urban Development's (HUD) maximum civil penalties for Fair Housing Act violations, and will be subject to HUD's published annual inflation adjustments. The remedy amount imposed on the Housing

Owner/Provider will be determined by the CRC and will be influenced by factors such as the nature and circumstances of the violation, degree of culpability and history of prior violations.

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

b. Mecklenburg County (county-supported properties only)

Citation: Source of Income Protection Resolution (https://mecklenburg.legistar.com/LegislationDetail.aspx?ID=5844646&GUID=0B01423A-70D1-445C-8BCD-68502CD490CF)

Date enacted: Sept. 18, 2022

Operative language: "As set forth in this policy, prospective eligible residential tenants for County-supported units will not be disqualified from renting a housing unit based on a refusal of the housing owner, operator or developer to consider lawful sources of income."

Exemptions for certain property types: Yes. Protections do not apply to housing that is not county funded or supported.

Administrative complaint, private action, or both: Administrative complaint

Identifies enforcement agency: Community Relations Committee

Injunctive relief, damages, civil penalties or attorney's fees:
First violation: Compliance training and a fine of $100 a day if not cured within 30 days, up to $23,000* if the violation is not cured in 180 days. Fine is paid to the applicant denied housing.

Second violation (within 5 years): Compliance training and a fine of $100 a day if not cured within 30 days, up to $57,500* if the violation is not cured in 180 days. Fine is paid to the applicant denied housing.

Third violation (within 7 years): Compliance training and a fine of $100 a day if not cured within 30 days, up to $115,000* if the violation is not cured in 180 days. Fine is paid to the applicant denied housing.
*Maximum remedies are based on the U.S. Department of Housing and Urban Development's (HUD) maximum civil penalties for Fair Housing Act violations, and will be subject to HUD's published annual inflation adjustments. The remedy amount imposed on the Housing

Owner/Provider will be determined by the CRC and will be influenced by factors such as the nature and circumstances of the violation, degree of culpability and history of prior violations.

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

c. Raleigh (city-supported properties only)

Citation: Policy is not yet published in the Raleigh Code of Ordinances as of January 21, 2023. Proposed draft of the policy can be found at https://go.boarddocs.com/nc/raleigh/Board.nsf/goto?open&id=BYZNM7608EA3

Date enacted: March 16, 2021

Operative language: "The City Manager is directed, to the fullest extent permitted by law, to include among the terms of any City-provided financial assistance or subsidized real estate conveyance for the production of units of affordable housing that any prospective tenant or initial homebuyer for the development not be disqualified from participation based on a refusal to consider any lawful source of income."

"For purposes of this resolution, a lawful source of income shall include income from: …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;…"

Exemptions for certain property types: Yes. Protections do not apply to housing with no city support.

Administrative complaint, private action, or both:

Identifies enforcement agency:

Injunctive relief, damages, civil penalties or 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

d. Winston-Salem (city-supported properties only)

Citation: City of Winston-Salem Code of Ordinances Sec. 2-10 (https://library.municode.com/nc/winston-salem/codes/code_of_ordinances?nodeId=PTIIICOOR_CH2AD_ARTIINGE_S2-10CIWILEHOJUACHOJUAC)

Date enacted: June 21, 2022

Operative language:
"(b) *Definitions*…

> *(8) Sources of income* shall include, but not be limited to, financial assistance from any rental assistance program, supplemental security income, Social Security, pension and other retirement benefits, alimony, child support, federal housing choice vouchers, or other housing subsidy program whether paid directly to the program participant, landlord or other representative…"

"(d) *Prohibition against discrimination (sources of income).* No person, who has received city funds for the construction, development, rehabilitation, or renovation of a residential or housing development project, or who has purchased or leased city property shall deny an applicant, tenant or occupant housing, which includes the sale, rental, re-occupancy and financing of such housing, based upon the applicant's, tenant's or occupant's sources of income."

Exemptions for certain property types: Yes. Protections do not apply to housing with no city support.

Administrative complaint, private action, or both: Administrative complaint

Identifies enforcement agency: Winston-Salem Human Relations Department

Injunctive relief, damages, civil penalties or attorney's fees: Any person found to have violated the Housing Justice Act and has not cured after notice and reasonable cure period, will be ineligible to receive city funds for up to 5 years. (Sec. 2-10(g)).

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

21. Cities in Ohio

a. Athens

Citation: Ordinance No. 0-72-21: An ordinance amending Athens city code title 3, administrative provisions, "Unlawful Discriminatory Practices", Section 3.07.61 Community Relations Commission: Definitions - Section 3.07.62 Unlawful discriminatory practices. Ordinance No. 0-72-21 | Code of Ordinances | Athens, OH | Municode Library

Date enacted: June 7, 2021

Operative language:

3.07.61 – Community Relations Commission: Definitions.

(M) "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, including rent vouchers, child support, spousal support, and public assistance which can be verified and substantiated.

3.07.62 – Unlawful discriminatory practices.

(C) Discrimination in housing. It shall be unlawful:

(1) For an owner, lessee, sublessee, assignee, real estate broker, real estate salesperson, managing agent of, or other person having the right to sell, rent, lease, sublease, assign, transfer, or otherwise dispose of a housing accommodation, or any agent of these, to refuse to sell , to refuse to rent, lease, sublease, assign, transfer, or otherwise deny to or withhold from any person or group of persons such housing accommodations or represent that such housing accommodations are not available, because of the race, creed, color, sex, sexual orientation, gender identity or expression, national origin or ancestry, marital or familial status, SOURCE OF INCOME, religious belief, age, or disability of such person or persons; or discriminate against or segregate any person because of his/her race, creed, color, sex, sexual orientation, gender identity or expression, national origin, or ancestry, marital status, religious belief age, or disability in the terms, conditions, or privileges of the sale, rental, lease, sublease, assignment, transfer, or other disposition of any such housing accommodations or to do any other thing or engage in conduct which would otherwise make unavailable equal housing opportunities.

b. Akron

Citation: Ordinance No. 112-2021: An ordinance to amend title 3, Chapter 38 "Unlawful Discrimination", Section 38.01 "Definitions" of the Code of Ordinances of the City of Akron to prohibit discrimination on the basis of lawful source of income

https://onlinedocs.akronohio.gov/PublicAccess/PublicAccessProvider.ashx?action=ViewDocument&overlay=Print&overrideFormat=PDF

Date enacted: May 10, 2021

Operative language:

38.01- Definitions

(A)(10)

(a): "…Discriminate shall also include to engage in, take part in, create, enforce, or establish any act, policy, or practice that subjects any person to differential treatment as a result of that person's source of income as relates to real estate transactions."
(b) "…Discrimination shall also include any act, policy, or practice that subjects that subjects any person to differential treatment as a result of that person's source of income as relates to real estate transactions."
(c) "…Discriminatory shall also include characterization by differential treatment as a result of a person's source of income as relates to real estate transactions."

(A)(20): "Source of income" means any lawful source of money, including but not limited to, income derived from wages, public or private sources, court ordered payments, and benefits or subsidy programs administered by any federal, state, local, or nonprofit entity, including housing assistance, housing vouchers, public assistance, emergency rental assistance, veterans benefits, social security, supplemental security income or other retirement programs.

Exemptions for certain property types: No

Administrative complaint, private action, or both: Administrative Complaint

Identifies enforcement agency: Akron Civil 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

c. Bexley

Citation: BEXLEY, OHIO, ORDINANCE 28-20 (2020).
(https://bexley.granicus.com/MetaViewer.php?view_id=2&clip_id=1188&meta_id=137979)

Date enacted: September 23, 2020 (effective January 2021)

Operative language: Defines "source of income" as "lawful income derived from wages, social security, supplemental security income, all forms of federal, state or local assistance payments or subsidies, including rent vouchers, child support, spousal support, and public assistance which can be verified and substantiated." (Sec. 1)

Amends Ch. 637.02(a)(1) and (a)(3) to include "source of income" among the list of unlawful forms of discrimination.

"It shall be an unlawful discriminatory practice for any person to…

> Refuse to sell, transfer, assign, rent, lease, sublease, finance or otherwise deny or withhold housing accommodations from any person because of…source of income…of any prospective owner, occupant, or user of such housing accommodations.
>
> Refuse to lend money, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair, or maintenance of housing accommodations or otherwise withhold financing of housing accommodations from any person because of…source of income…provided such person, whether an individual, corporation, or association of any type, lends money as one of the principal aspects of their business or incidental to their principal business and not only as a part of the purchase price of an owner occupied residence they are selling nor merely casually or occasionally to a relative or friend.
>
> Discriminate against any person in the terms or conditions of selling, transferring, assigning, renting, leasing or, subleasing any housing accommodations or in furnishing facilities, services, or privileges in connection with the ownership, occupancy or use of any housing accommodations because of…source of income." (Sec. 2)

Exemptions for certain property types: No

Administrative complaint, private action, or both: Administrative complaint

Identifies enforcement agency: Ohio Civil Rights Commission/Equal Employment Opportunity Commission (following a complaint with the Bexley City Clerk of Courts)

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

d. Chauncey

Citation: Village of Chauncey Code, Ordinance 2024-3 (https://s3.documentcloud.org/documents/24549601/chauncey-ordinance-2024-3-unlawful-discriminatory-practices-second-reading.pdf). **Date enacted**: May 8*, 2024 (effective date unknown)

Operative language:

"2024-3(D) Discrimination in housing.

It should be unlawful:

(1) For an owner, lessee, sublessee, assignee, real estate broker, real estate salesperson, managing agent of, or other person having the right to sell, rent, lease, sublease, assign, transfer, or otherwise dispose of a housing accommodation, or any agent of these, to refuse to sell, to refuse to rent, lease, sublease, assign, transfer, or otherwise deny to or withhold from any person or group of persons such housing accommodations or represent that such housing accommodations are not available, because of . . . source of income . . . in the terms, conditions, or privileges of the sale, rental, lease, sublease, assignment, transfer, or other disposition of any such housing accommodations or to do any other thing or engage in conduct which would otherwise make unavailable equal housing opportunities.

(2) For a person to 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, lease, sublease, assignment, transfer, or listing of a housing accommodation or accommodations which indicates any preference, limitation, specification, or discrimination based on . . . source of income . . . .

(7) For any real estate agent or other individual:

(a) To induce or attempt to induce a sale, transfer of interest, or listing for sale of any housing by making representations regarding the existing or potential proximity of real property owned, used, or occupied by any person of any particular . . . source of income . . . by direct or indirect methods.

(b) To make any representations to any prospective purchaser, or lessee that any housing in a particular block, neighborhood, or area may undergo, is undergoing, or has undergone a change with respect to . . . source of income . . . of such block, neighborhood, or area.

(c) To induce or attempt to induce a sale or listing for sale of any housing by representation that the presence or anticipated presence of persons of any particular . . . source of income . . . in the area will or may result in:

(1) The lowering of property values.

(2) A change in racial, color, religious, nationality, or ethnic composition of the block, neighborhood, or area in which the property is located.

(3) An increase in criminal or antisocial behavior in the area.

(4) A decline in the quality of the schools serving the area."

Exemptions for Property Types: None.

Administrative complaint, private action, or both: Civil action.

Identifies enforcement agency: Not mentioned.

Injunctive relief, damages, civil penalties or attorney's fee: Permanent or temporary injunction; temporary restraining order, other order, actual damages and not more than one thousand dollars ($1,000) 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.

e. Cincinnati

Citation: Sec. 740-11: Discrimination Against Government Housing Allowance Recipients Forbidden.
https://library.municode.com/oh/cincinnati/codes/code_of_ordinances?nodeId=TITVIIGERE_CH740DIREBECISIPR

Date enacted: 1980

Operative language: "It is unlawful for owners of residential rental units or their agents to refuse to rent a vacant dwelling unit, to evict any person or otherwise discriminate in the terms of tenancy solely because a tenant or prospective tenant is a holder of a Certificate of Family Participation under the Section 8 Existing Housing Program of the Housing and Community for Development Act of 1974, as amended, or is a recipient of any other government housing allowance program."

Exemptions for certain property types: No

Administrative complaint, private action, or both: Private right of action - "The rights granted by Section 740-11 may be enforced by civil action. The court may grant injunctive or other relief, and award to the tenant actual damages or $300, whichever is greater, and punitive damages, together with court costs, and shall award reasonable attorney fees to a prevailing tenant." (Sec. 740-99 - Civil Remedy)

Identifies enforcement agency: N/A

Injunctive relief, damages, civil penalties or attorney's fees: Actual damages capped at $300; punitive damages and attorneys; fees permitted

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

f. Cleveland Heights

Citation: Ordinance N. 25-2021

Date enacted: April 19, 2021

Operative language:

SECTION 1. Section 749.03(n) of the Codified Ordinances of Cleveland Heights shall be, and is hereby, amended to read as follows: (n) The terms 'Discriminate,' 'Discriminating,' or 'Discrimination,' mean any act, policy, or practice that, regardless of intent, has or had the effect of subjecting any individual to different treatment as a result of that individual's … Source of Income…, except as otherwise set forth in this Chapter, and except that Age may be the basis of different treatment concerning Housing Practices (see Section 749.07) and/or Education Practices (see Section 749.14).

SECTION 2. Section 749.03(ii) of the Codified Ordinances of Cleveland Heights shall be, and is hereby, amended to read as follows: (ii) "Source of Income" means 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 publicly or privately provided assistance which can be verified and substantiated, including but not limited to housing vouchers, emergency rental assistance, disability benefits, and military or veterans benefits

49.07 UNLAWFUL DISCRIMINATORY HOUSING PRACTICES.
It shall be an Unlawful Discriminatory Housing Practice and a violation of this Chapter:
* * *
(c) For any Person or Real Estate Agent or Lending Institution, with respect to any prohibited act specified in this Chapter, to publish or circulate or cause to be published or circulated, any notice, statement, listing or advertisement, or to announce a policy or to make any record in connection with the prospective sale, lease, sublease, rental or financing of any Housing which indicates reliance, determination or decision based on… Source of Income.
(d) For any Person or Real Estate Agent or Lending Institution to assist in, compel, or coerce the doing of any act declared to be an Unlawful Discriminatory Housing Practice under this Chapter, or to obstruct or prevent enforcement or compliance with provisions of this

Chapter, or to attempt directly or indirectly to commit any act declared by this Chapter to be an Unlawful Discriminatory Housing Practice.

(e) For any Person or Real Estate Agent or Lending Institution:

(1) To induce or attempt to induce the sale, transfer of interest, or listing for sale of any Housing by making representations regarding the existing or potential proximity of real property owned, used, or occupied by any individual of any particular …Source of Income by direct or indirect methods.

(2) To make any representation to a prospective purchaser or lessee that any Housing in a particular block, neighborhood or area may undergo, is undergoing, or has undergone a change with respect to the …Source of Income of the individuals that live in such a block, neighborhood, or area.

(3) To induce or attempt to induce the sale or listing for sale of any Housing by representing that the presence or anticipated presence of individuals of any particular …Source of Income in the area will or may result in:

A. The lowering of property values.

B. A change in the … Source of Income status of the individuals in the block, neighborhood, or area in which the property is located.

C. An increase in criminal or anti-social behavior in the area.

5. A decline in quality of the schools serving the area.

(i) Nothing herein contained shall prohibit any Person subject to the terms of this Chapter from answering, in a truthful manner, any questions directed to him or her from any prospective purchaser or renter concerning the … Source of Income of individuals then Renting or living on a given street or neighborhood

749.08 Posting of Housing Notices

It is a violation of the Fair Practices Law of the City of Cleveland Heights for any real estate agent, or for any person owning or managing a multi-unit apartment dwelling to:

(a) Deny housing to any person because of … Source of Income.

(b) Discriminate against any person because of that person's … Source of Income with respect to the terms, conditions, or privileges of housing accommodations or in the furnishing of facilities or services in connection therewith.

Exemptions for certain property types: No

Administrative complaint, private action, or both: Administrative Complaint

Identifies enforcement agency: Cleveland Heights Fair Practices Board

Injunctive relief, damages, civil penalties or attorney's fees: Chapter 749.19 of the Codified Ordinances of Cleveland Heights provides for injunctive relief, actual damages, civil penalties (up to $10,000), and reasonable 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

g. Columbus

Citation: Ordinance No. 0494-2021: An ordinance to amend Chapter 4501 and Chapter 4551 of Columbus City Codes protecting a tenant from discrimination based on their source of income.

https://columbus.legistar.com/LegislationDetail.aspx?ID=4810997&GUID=F8814ABC-2462-4E56-8228-CE21CFE2CDE3&Options=&Search=

Date enacted: March 11, 2021

Operative language:

4501.378: "Source of income" means any lawful source of income which can be verified and substantiated, including but not limited to, income derived from wages, social security, supplemental security income, public or private sources, and all forms of federal, state or local assistance payments or subsidies, including rent vouchers, child support, spousal support, and public assistance.

4551.03 Source of Income Discrimination

(a) No operator shall knowingly, based on the source of income of a prospective tenant or current tenant:

(1) Refuse to lease or rent any real property to a prospective tenant or current tenant;

(2) 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;

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

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

(5) 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;

(6) 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

(7) 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.

Exemptions for certain property types: No

Administrative complaint, private action, or both: N/A

Identifies enforcement agency: N/A

Injunctive relief, damages, civil penalties or attorney's fees: Section 4551.03(d) "Whoever violates this section is guilty of source of income discrimination, a misdemeanor of the first degree."

Landlord incentives: No

Language re: minimum income or HCV program features: Sec 4551.03(b): "If an operator 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."

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

h. Dayton

Citation: Dayton Code of Ordinances, Section 32.02, 32.05, and 32.16
The ordinance is not published in the City Code as of 3/31/23. The information below is taken from the approved ordinance No. 32024-23.

Date enacted: March 1, 2023

Operative language:
"Sec. 32.02. – Definitions.

Source of Income. Includes any lawful source of income that can be verified and substantiated, including but not limited to, income derived from wages, Social Security, disability benefits, Supplemental Security Income, public or private sources, all forms of federal, state, or local assistance payments or subsidies, including but not limited to rent vouchers, child support, spousal support, and public assistance, court ordered payments, payments received as gifts, bequests, and or annuities or life insurance policies."

"Sec. 32.05. – Unlawful discriminatory practices—Housing.
(A) It shall be unlawful for any person to:…

> (8) Fail or refuse to rent, lease, or otherwise deny or make unavailable housing accommodations for an applicant because of their source of income. No person or entity shall include, honor, exercise any restrictions or set different conditions or terms related to the rental or lease of housing because of an applicant's source of income."

Exemptions for certain property types: Does not apply to units in buildings which contain 4 families or fewer living independently of each other, if the owner's residence is one of those units. Does not apply to religious, denominational, charitable, educational, or fraternal organizations. (Sec. 32.05(O)).

Administrative complaint, private action, or both: Both

Identifies enforcement agency: Human Relations Council.
The City Attorney may intervene in any civil action in which housing discrimination may be at issue, and the Human Relations Council certifies that the case is of general public importance. (Sec. 32.21(H)(6)).

Injunctive relief, damages, civil penalties or attorney's fees: All are available.
Civil penalties not to exceed $10,000 (first discriminatory practice), $25,000 (second discriminatory practice within 5 years), or $50,000 (if two or more discriminatory practices within 7 years). (Sec. 32.21(H)(3)).

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

i. Gahanna

Citation: Gahanna Code of Ordinances, Part Seven – Business Regulation Code, CH. 791 – Housing Nondiscrimination.

Date enacted: October 17, 2022

Operative language:
"791.02- DEFINITIONS

…(o) Source of Income – Payments from a lawful occupation or employment, as well as other substantiated and verified payments, including, but not limited to, assistance from private and public sources, supplemental security income, child support, spousal support (alimony), pensions, annuities, unemployment benefits, government subsidies such as housing vouchers, rental assistance, or other housing subsidies."

"791.06- UNLAWFUL DISCRIMINATORY PRACTICES
It shall be unlawful for any person or entity engaged in the sale or rental of housing to do any of the following:

(a) Refuse to sell, rent, lease, make unavailable for inspection/sale/rental, or otherwise to deny or withhold from any person or persons housing accommodation because of…

(3) or source of income.

(b) Discriminate against any person in the terms, conditions or privileges of sale, rental or lease of any housing accommodation or in the furnishing of facilities or services in connection therewith because of…

(3) or source of income.

(c) To print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form or application for the purchase, rental, or lease of a housing accommodation or to make any record or inquiry in connection with the prospective purchase, rental or lease of a housing accommodation which expresses, indirectly or directly, any limitation, specification or discrimination as to…

(3) or source of income.

(d) To induce or attempt to induce any persons to sell or rent any housing accommodation by representations regarding the entry or prospective entry into the neighborhood of persons of…

(3) source of income…

(h) For any bank, savings or loan organization, insurance company or other entity whose business consists in whole or part of the making of loans or the arranging of financing for housing or those secured by real property, or of the issuance of property insurance, to discriminate in the issuance or in the terms and conditions of a loan or insurance policy because of…

(3) or source of income.

(i) For purposes of qualifying a person as a tenant, for any landlord or its agent to fail to deduct from the monthly financial rental obligation the amount of any stipend, subsidy, or rental assistance paid directly to the landlord or its agent that have been allocated or made available to the tenant. Further, the landlord or its agent must utilize the same ratio of income to rent for qualifying the tenant for the balance of the monthly financial rental obligation as is utilized for all other tenants."

Exemptions for certain property types: Yes.
"791.07- EXEMPTIONS
The provisions of this section shall apply to all housing accommodations within the City of Gahanna as well as land zoned for residential uses except those exempted under Ohio Rev. Code § 4112.024."

Ohio Rev. Code § 4112.024 exempts religious or denominational institution or organizations, nonprofit charitable or educational organizations that are operated, supervised, or controlled by or in connection with a religious organization, bona fide private or fraternal organizations, and accommodations intended for and solely occupied by elderly persons from certain unlawful discriminatory practices.

Administrative complaint, private action, or both: Administrative complaint.

Identifies enforcement agency: Fair Housing Officer

Injunctive relief, damages, civil penalties or attorney's fees: Civil penalty of $1,500

Landlord incentives: No.

Language re: minimum income or HCV program features: No.

Includes risk mitigation fund: No.

Provides tax abatement for HCV participation: No.

j. Grandview Heights

Citation: Grandview Heights, Oh. ch. 727 (2024).

Ordinance title: City of Grandview Heights Ordinance 2024-03: An Ordinance Prohibiting Source-of-Income Discrimination

Link: 3319 (grandviewheights.gov)

Date enacted:
April 9, 2024

Operative language:
Sec. 727.01: "The City of Grandview Heights strives to ensure equal access to housing on the basis of any factor protected by law, including but not limited to race, color, creed, religion, national origin, disability, age, sex, sexual orientation or gender identity, familial status, the receipt of non-employment sources of income such as public or private benefits, or the receipt of non-W-2 income."

Definitions:
Sec. 727.02(a)(1): "Source of income means any lawful source of income which can be verified and substantiated, including but not limited to, income derived from wages, social security, supplemental security income, public or private sources, all forms of federal, state or local

assistance payments or subsidies, including rent vouchers, child support, spousal support, and public assistance."
- Sec. 727.02(a)(2): "Operator means an owner, lessor, sublessor, owner's assignee, or managing agent, or other person having the right to sell, rent or lease a housing accommodation provided, however, that 'operator' shall not include persons or entities with four (4) or less dwelling units under common ownership."

Exemptions for certain property types:
Sec. 727.02(c): "The provisions of this section shall apply to all housing accommodations within the City of Grandview Heights as well as land zoned for residential uses, except as may otherwise be provided by state or federal law."

Administrative complaint, private action, or both:
Sec. 727.05(a): "Fair housing complaints shall be submitted in writing, sworn under oath and notarized, and shall be filed with the City Administration within 30 days of the complained-of action."

Identifies enforcement agency:
Sec. 727.05: "Fair housing complaints...shall be filed with the City Administration."

Injunctive relief, damages, civil penalties or attorney's fees:
Sec. 727.99: "Whoever violates this Chapter is guilty of Source of Income Discrimination, a civil offense punishable by a fine of up to $1,500.00."

Landlord incentives:
No specific provisions found.

Language regarding minimum income or hcv program features:
Sec. 727.02(d): "If an operator 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."

Includes risk mitigation fund:
No specific provisions found.

Provides tax abatement for HCV participation:
No specific provisions found.

k. 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)

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

l. Lorain

Citation: Lorain, Oh. ch 136 (2024).

Ordinance Title: Lorain Fair Housing Ordinance

Link: 136.03 UNLAWFUL DISCRIMINATORY HOUSING PRACTICES.

Date enacted:
October 6, 2008

Operative language:
Sec. 136.03: "It shall be an unlawful discriminatory housing practice for any person to:

(a) Refuse to sell, transfer, assign, rent, lease, sublease, finance, or negotiate... because of membership in a protected class, a property to any person;
(b) Represent to any person... that a property is not available... when, in fact, it is available;
(c) Discriminate... in making available such a transaction, or in the terms or conditions... because of race, color, religion, sex, sexual orientation, national origin, age, disability, ethnic group, Vietnam-era or disabled veteran status, familial status, marital status, ancestry, gender identity, or source of income."

Definitions:
Sec. 136.02(k): “Protected group” or “protected class” refers to persons who are or may be discriminated against on the basis of race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group, Vietnam-era or disabled veteran status, familial status, marital status, ancestry, gender identity, or source of income."

Exemptions for Certain Property Types:
Sec. 136.04: "The provisions of this chapter shall not be construed to:
(a) Prohibit a religious or denominational institution, organization, society...

Administrative Complaint, Private Action, or Both:
Sec. 136.06: "Any aggrieved person may allege that a violation of Section 136.03 has occurred by filing... a complaint with the Fair Housing Board...”

Identifies Enforcement Agency:
Sec. 136.06: "The Fair Housing Board"

Injunctive Relief, Damages, Civil Penalties or Attorney’s Fees:
Sec. 136.12(b): "If the Fair Housing Board finds that the respondent has violated Section 136.03... the Fair Housing Board may order... injunctive relief, compensatory damages, punitive damages to the complainant and/or attorney's fees and costs incurred by the complainant and/or the Fair Housing Board and/or the City."

Landlord Incentives:
No specific provisions found.

Language Regarding Minimum Income or HCV Program Features:
No specific provisions found.

Includes Risk Mitigation Fund:
No specific provisions found.

Provides Tax Abatement for HCV Participation:
No specific provisions found.

m. Reynoldsburg

Citation: Reynoldsburg Code of Ordinances Chapter 503.03 et seq.

Date enacted: March 22, 2021

Operative language:

Chapter 503.03(y): "Source of Income" means lawful income, including but not limited to, income derived from wages, social security, supplemental security income, any form of federal, state or local assistance payments or subsidies, including rent vouchers, child support, spousal support, and public and private assistance which can be verified and substantiated.

Chapter 503.07 Unlawful Discriminatory Housing Practices

> (a) Subject to the limitations, exceptions, and qualifications provided in R.C. § 4112.024, it shall be an unlawful discriminatory housing practice for any person to do any of the following:
>
> (1) Refuse to sell, transfer, assign, rent, lease, sublease, or finance housing accommodations, refuse to negotiate for the sale or rental of housing accommodations, or otherwise deny or make unavailable housing accommodations because of a person being in a protected class or a person's source of income;
>
> (2) Represent to any person that housing accommodations are not available for inspection, sale, or rental, when in fact they are available, and the representation of unavailability is based on the person seeking such housing accommodations being in a protected class or a person's source of income;
>
> (4) Discriminate against any person in the terms or conditions of selling, transferring, assigning, renting, leasing, or subleasing any housing accommodations or in furnishing facilities, services, or privileges in connection with the ownership, occupancy, or use of any housing accommodations, including the sale of fire, extended coverage, or homeowners insurance, because the person's source of income … of the neighborhood in which the housing accommodations are located;
>
> (14) Discriminate in the sale or rental of, or otherwise make unavailable or deny, housing accommodations to any buyer or renter because of the person's source of income or the protected class status of the buyer or renter, or any person residing in or intending to reside in the housing accommodations after they are sold, rented, or made available;
>
> (15) Discriminate in the terms, conditions, or privileges of the sale or rental of housing accommodations to any person or in the provision of services or facilities to any person in connection with the housing accommodations because of the person's source of income or the protected class status of that person or any person residing in or intending to reside in the housing accommodations after they are sold, rented, or made available;

Exemptions for certain property types:

503.07 (B): "Nothing in this chapter shall bar any bona fide private or fraternal organization that, incidental to its primary purpose, owns or operates lodgings for other than a commercial purpose, from limiting the rental or occupancy of the lodgings to its members or from giving preference to its members."

503.07(F): "Nothing in this chapter pertaining to unlawful discriminatory housing practice shall be construed to apply to 'housing for older persons' as defined and provided in section 42 U.S.C. 3607(b)(2), as amended."

Administrative complaint, private action, or both: Administrative complaint.

Chapter 503.11 of the Codified Ordinances of the City of Reynoldsburg: "An aggrieved person, complainant, may file with the Reynoldsburg Clerk of Council a written complaint sworn under oath which specifies the facts and circumstances, including the location, date(s), and time(s), of alleged unlawful discriminatory act(s) or practices that did or are occurring within the City limits and which identifies the person who committed or continues to commit the alleged unlawful discriminatory act(s) or practices.

Identifies enforcement agency: N/A

Injunctive relief, damages, civil penalties or attorney's fees: Injunctive relief, reasonable costs of the administrative hearing, reasonable attorney fees incurred by the complainant, and a civil penalty (up to $2,500 for multiple offenses)

Landlord incentives: No

Language re: minimum income or HCV program features: Yes.

503.07 (H) "If a residential 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."

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

n. 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)

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

o. Toledo

Citation: ORD. 498-18 / 490-20. Repealing Toledo Municipal Code Chapter 554 "Discrimination Prohibited"; creating new Chapter 554 "Discrimination Prohibited".

https://docs.google.com/document/d/1RPQTG1wHy018BMbHj4sUtB3uJDWJkVn5/edit

Date passed: December 15, 2020. Comes into effect 120 days after adoption.

Operative language:

554.01 Definitions

(r) “Source of income” means any lawful income or payment, including but not limited to wages accruing from any lawful occupation; federal, state or local payments, including Section 8 housing assistance payments or any other rent subsidy or rent assistance program; court ordered payments; payments received as gifts, bequests, annuities or life insurance policies; or social security.

(t) “Protected Class” means race, ethnicity, religion, color, national origin, ancestry, sex, familial status, disability, age, source of income, military status, immigration status, sexual orientation, or gender identity.

554.03 Prohibited real estate discrimination

(h) As used in this Section source of income discrimination shall include refusal to cooperate in the process of accepting section 8 housing choice voucher assistance or payments from other rental assistance programs, including but not limited to refusal to cooperate in housing quality standards inspections by the housing authority.

Exemptions for certain property types: No

Administrative complaint, private action, or both: Administrative

Identifies enforcement agency: Toledo Human Rights Commission.

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

(a) Any person who violates any of the provision of Sections 554.02-554.05 of this chapter is guilty of a misdemeanor in the first degree.

Landlord incentives: No

Language re: minimum income or HCV program features: Yes

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

p. 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

q. Upper Arlington

Citation: City of Upper Arlington Ordinance amended §525.01 – Definitions and §525.02 –the Upper Arlington Code of Ordinances – "Unlawful Discriminatory Practices" https://library.municode.com/oh/upper_arlington/codes/code_of_ordinances?nodeId=PT5GEOFCO_CH525UNDIPR_S525.01DE

Date enacted: June 17, 2024

Operative language: Defines "source of income" as "payments from a lawful occupation or employment, as well as payments that are substantiated and verified by an employer, court order, or other official government record, including but not limited to, supplemental security income, veterans benefits, government subsidies, spousal and child support, and tax filings demonstrating self-employment." (City Code § 525.01 (N))

"§ 525.02 – Unlawful Discriminatory Practices.
Absent a religious exemption, it shall be an unlawful discriminatory practice: … (H) For any person to: … (2) Refuse to lease or rent any real property based on the protected class or source of income of any current or prospective tenant." (City Code § 525.02 (H)(2))

Exemptions for certain property types: religious exemptions and owner-occupied (City Code § 525.03 – Exceptions)

Administrative complaint, private action, or both: Both – private action (City Code § 525.07) and administrative complaint with opportunity to appeal final order in accordance with state administrative appeals process. (City Code § 525.02 (K))

Identifies enforcement agency: Upper Arlington Clerk of Council accepts complaints and city appoints an independent mediator or independent hearing officer (City Code § 525.02 (K))

Injunctive relief, damages, civil penalties or attorney's fees: All – hearing officer can impose injunctive relief, damages, civil penalties (City Code § 525.02 (K))

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

r. 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)

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

s. Westerville

Citation: Ordinance No. 2020-29. To amend chapter 511 of the codified ordinances to prohibit discrimination on the basis of source of income in rental and leasing of housing accommodations https://westerville.hylandcloud.com/203publicaccess/

Date passed: January 19, 2021

Operative language:

511.01

(ii) "Source of Income" means a lawful financial resource or form of assistance which the recipient appropriately discloses, and which can be verified and substantiated as derived from wages, investments, trusts, child support, spousal support, grant or loan program, and all forms of federal, state, or local assistance payments, benefits, or subsidy programs including but not limited to vouchers for rent or housing, foster child assistance, public assistance, emergency rental assistance, veterans benefits, social security, supplemental security income or other retirement programs, or programs administered by any federal, state, or local government, or a nonprofit entity.

511.03 Unlawful Discriminatory Housing Practices

(a) Subject to the limitations, exceptions, and qualifications provided in R.C. § 4112.024, it shall be an unlawful discriminatory housing practice for any person to do any of the following:

> (23) Refuse to rent or lease a housing accommodation, or serve a notice of termination of tenancy, commence a forcible entry and detainer action on grounds not authorized by Ohio law, or otherwise deny to or withhold from any person or persons, the rental or leasing of a housing accommodation on the basis of an income amount that fails to include any Source of Income, as such is defined in this Chapter.
>
> (24) Refuse to rent or lease a housing accommodation, or serve a notice of termination of tenancy, commence a forcible entry and detainer action on grounds not authorized by Ohio law, or otherwise deny to or withhold from any person or persons, the rental or leasing of a housing accommodation on the basis of the landlord's expected or actual increase in administrative obligations or additional expenses incurred by the landlord due to the tenant's Source of Income, where such increased obligations or expenses include but are not limited to inspection requirements of, or necessity to verify, participate in, or receive payment from, programs administered by any federal, state, or local government, or a nonprofit entity. Notwithstanding this prohibition, a landlord may require a tenant or

prospective tenant to do the following at the tenant's expense or from some other lawful Source of Income:

A. Complete background screening inquiries or lawful criteria established prior to tenant's application and requested of all prospective tenants

B. Pass a review and verification of tenant's prior rental history, criminal background, credit report, and utility payment history.

C. Pay a security deposit.

D. Pay the market rental rate for a housing accommodation.

(25) Rent or lease a housing accommodation upon different terms or conditions to a tenant on the basis of the tenant's Source of Income, including but not limited to charging an additional or increased amount of security deposit, increased rental rate or fees, or limiting, restricting, or prohibiting a tenant's privileges, access to or use of common facilities or areas in a manner that is not otherwise applicable to all tenants. Nothing herein prevents a landlord from charging a different security deposit, rental rate, or fee if that difference is directly and proportionally related to physical differences in the housing accommodations or the prospective tenant's proposed use thereof.

26) Represent to any person, on the basis of an income amount that fails to include any Source of Income, as such is defined in this Chapter, that a housing accommodation is not available for inspection or rental, when such housing accommodation is in fact available for inspection or rental.

Exemptions for certain property types: No

Administrative complaint, private action, or both: Administrative

Identifies enforcement agency: Columbus Community Relations Commission and its agents and subcontractors or such comparable agency as the council may approve

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

Civil penalty.

Westerville, Ohio Code 511.05:

The final decision of the Hearing Officer may include the imposition upon the respondent of a civil penalty payable to the City as follows:

A. If division (c)(5)B. or (c)(5)C. of this section does not apply, a civil penalty in an amount not to exceed one thousand dollars ($1,000);

B. If division (c)(5)C. of this section does not apply and if the respondent has been found by the Hearing Officer to have committed one violation of this chapter during the five-year period immediately preceding the date on which a complaint was filed with the Clerk of Council, a civil penalty in an amount not to exceed two thousand five hundred dollars ($2,500);

C. If the respondent has been found by the Hearing Officer to have committed two or more violations of this chapter during the five-year period immediately preceding the date on

which a complaint was filed with the Clerk of Council, a civil penalty in an amount not to exceed five thousand dollars ($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

t. Whitehall

Citation: Ordinance No. 113-2021. AMENDING CHAPTER 541OF THE CITY OF WHITEHALL CODIFIED ORDINANCES, ENTITLED "OFFENSE AGAINST PERSONS", ADDING "SOURCE OF INCOME" TO PROVIDE FAIR HOUSING OPPORTUNITIES FOR INDIVIDUALS AND THEIR FAMILIES REGARDLESS OF THE SOURCE OF INCOME TO PAY FOR SUCH ACCOMODATIONS.

Date enacted: December 21, 2021

Operative language:

(a) It shall be an unlawful discriminatory practice for any person, based on the source of income of a prospective tenant or current tenant. to:

(1) Refuse to lease or rent any housing accommodations to a prospective tenant or current tenant;

(2) Make any distinction in the terms or conditions of the rental or leasing of a housing accommodation, including but not limited to charging an additional or increased amount of security deposit. additional or increased amount of rental rate or fees, or limiting restricting, or prohibiting a tenant's privileges, access to or use of common facilities or areas;

(3) Attempt to discourage the rental or lease of any housing accommodations;

(4) Discriminate against any person in furnishing facilities, services, or privileges in connection with the rental or lease of any housing accommodations.

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

(6) Print, publish, or circulate any statement or advertisement relating to the rental or lease of any housing accommodations which indicates any preference, limitation, specification, or discrimination based upon the source of income of any prospective tenant or current tenant of such housing accommodations;

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

(8) (Represent to a person that a housing accommodation is not available for the inspections or rental . when the housing accommodation in fact is available for inspection or rental;

(9) Otherwise make unavailable or deny a housing accommodation to a prospective tenant or currenttenant that. but for the source of income of the person. would be eligible to rent the housing accommodation;

(10) Serve a notice of termination of tenancy or commence a forcible entry and detainer action on grounds not authorized by Ohio law; or

(11) Refuse to rent or lease a housing accommodation, or serve a notice of termination of tenancy, commence a forcible entry and detainer action on grounds not authorized by Ohio law. or otherwise deny to or withhold from any person or persons. the rental or leasing of a housing accommodation on the basis of the landlord's expected or actual increase in administrative obligations or additional expenses incurred by the landlord due to the tenant's source of income, which such increased obligations or expenses include by are not limit to inspection requirements of. or necessity to verify. participate in, or receive payment from, programs administered by any federal, state, or local government, or a nonprofit entity.

Exemptions for certain property types: No

Administrative complaint, private action, or both: Unknown

Identifies enforcement agency: No

Injunctive relief, damages, civil penalties or attorney's fees:
Organizational criminal liability as provided for in Section 501.10, 501.22 and 501.13 of the City of Whitehall Codified Ordinances and an organization who violates 541.16 is guilty of a misdemeanor of the first degree, punishable by $1,000 fine or up to 180 days in jail.

A person who violated 541.16 is guilty of a misdemeanor of the first degree, punishable by $1,000 fine or up to 180 days in jail.

Landlord incentives: No

Language re: minimum income or HCV program features:
If a landlord requires a prospective tenant or current tenant to have a certain threshold level of

income based on the ratio of income to rent in order to rent or lease a housing accommodation. then any source of income in the form of a rent voucher, subsidy, or any rental assistance paid directly to the landlord must be subtracted from the total of the monthly rent prior to the landlord calculating if the threshold level of income has been met. The landlord must use the same ratio of income to rent for all tenants and the calculation must be based only on the tenant's share of the rent obligation.

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

u. Wickliffe

Citation: Wickliffe Code of Ordinances Part Eleven Title One Ch. 1103 (http://library2.amlegal.com/nxt/gateway.dll/Ohio/wickliffe_oh/codifiedordinancesofthecityofwickliffeoh?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

v. Worthington

Citation: Ordinance No. 32-2021, amending Worthington Code of Ordinances Chapter 539 (https://www.worthington.org/ArchiveCenter/ViewFile/Item/3854#:~:text=The%20landlord%20must%20use%20the,share%20of%20the%20rent%20obligation.)
Date enacted: July 19, 2021. Effective on August 11, 2021.

Operative language:

Sec. 539.13(a): "It shall be an unlawful discriminatory practice for any person, based on the source of income of a prospective tenant or current tenant, to:
(1) Refuse to lease or rent any housing accommodations to a prospective tenant or current tenant;
(2) Make any distinction in the terms and conditions of the rental or leasing of a housing accommodation, including but not limited to charging an additional or increased amount of security deposit, increased rental rate or fees, or limiting, restricting, or prohibiting a tenant's privileges, access to or use of common facilities or areas in a manner that is not otherwise applicable to all tenants renting or leasing similar housing accommodations;
(3) Attempt to discourage the rental or lease of any housing accommodations to a prospective tenant or current tenant;
(4) Discriminate against any person in furnishing facilities, services, or privileges in connection with the rental or lease of any housing accommodations;
(5) Assist, induce, incite, or coerce another person to commit an act or engage in a practice that violates this section;
(6) Print, publish, or circulate any statement or advertisement relating to the rental or lease of any housing accommodations which indicates any preference, limitation, specification, or discrimination based upon the source of income of any prospective tenant or current tenant of such housing accommodations;
(7) Coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of their having exercised or enjoyed, or on account of their having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this section;
(8) Represent to a person that a housing accommodation is not available for inspection or rental when the housing accommodation in fact is available for inspection or rental;
(9) Otherwise make unavailable or deny a housing accommodation to a prospective tenant or current tenant that, but for the source of income of the person, would be eligible to rent the housing accommodation;
(10) Serve a notice of termination of tenancy or commence a forcible entry and detainer action on grounds not authorized by Ohio law; or
(11) Refuse to rent or lease a housing accommodation, or serve a notice of termination of tenancy, commence a forcible entry and detainer action on grounds not authorized by Ohio law, or otherwise deny to or withhold from any person or persons, the rental or leasing of a housing accommodation on the basis of the landlord's expected or actual increase in administrative obligations or additional expenses incurred by the landlord due to the tenant's source of income,

where such increased obligations or expenses include but are not limited to inspection requirements of, or necessity to verify, participate in, or receive payment from, programs administered by any federal, state, or local government, or a nonprofit entity. Notwithstanding this prohibition, a landlord may require a tenant or prospective tenant to do the following:

A. Complete background screening inquiries or lawful criteria established prior to tenant's application and requested of all prospective tenants, or

B. Pass a review and verification of tenant's prior rental history, criminal background, credit report, and utility payment history.

(b) If a landlord requires a prospective tenant or current tenant to have a certain threshold level of income based on the ratio of income to rent in order to rent or lease a housing accommodation, then any source of income in the form of a rent voucher, subsidy, or any rental assistance paid directly to the landlord must be subtracted from the total of the monthly rent prior to the landlord calculating if the threshold level of income has been met. The landlord must use the same ratio of income to rent for all tenants and the calculation must be based only on the tenant's share of the rent obligation.

Exemptions for certain property types: Religious organizations (Sec. 539.02(b))

Administrative complaint, private action, or both: Administrative complaint

Sec. 539.05(a)(1): "Any person may file a charge with the City Clerk alleging that another person has engaged or is engaging in an unlawful discriminatory practice as defined in Chapter 539 of the Worthington City Codes."

Identifies enforcement agency: Worthington City Clerk, Worthington Law Director

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

Sec. 539.05(a)(6): "In addition to issuing a cease and desist order, the Hearing Officer shall have the authority to issue the following remedies:

A. If division (a)(7)B. or C. of this section does not apply, a civil penalty in an amount not to exceed one thousand dollars ($1,000);

B. If division (a)(7)C. of this section does not apply and if the respondent has committed one violation of this Chapter during the five-year period immediately preceding the date on which a complaint was filed pursuant to division (a)(1) of this section, a civil penalty in an amount not to exceed two thousand five hundred dollars ($2,500).

C. If the respondent has committed two or more violations of this Chapter during the five-year period immediately preceding the date on which a complaint was filed pursuant to division (a)(1) of this section, a civil penalty in an amount not to exceed five thousand dollars ($5,000)."

Landlord incentives: No

Language re: minimum income or HCV program features: Sec. 593.13(b): "If a landlord requires a prospective tenant or current tenant to have a certain threshold level of income based on the ratio of income to rent in order to rent or lease a housing accommodation, then any source

of income in the form of a rent voucher, subsidy, or any rental assistance paid directly to the landlord must be subtracted from the total of the monthly rent prior to the landlord calculating if the threshold level of income has been met. The landlord must use the same ratio of income to rent for all tenants and the calculation must be based only on the tenant's share of the rent obligation."

Discrimination prohibited "on the basis of the landlord's expected or actual increase in administrative obligations or additional expenses incurred by the landlord due to the tenant's source of income, where such increased obligations or expenses include but are not limited to inspection requirements of, or necessity to verify, participate in, or receive payment from, programs administered by any federal, state, or local government, or a nonprofit entity."

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

w. Yellow Springs

Citation: Ordinance 2021-18: PROHIBITING HOUSING DISCRIMINATION BASED UPON SOURCE OF INCOME IN THE VILLAGE OF YELLOW SPRINGS BY AMENDING SECTION 626.02 AND ADDING SECTION 626.08 TO CHAPTER 626 "EQUAL HOUSING OPPORTUNITY" OF THE VILLAGE OF YELLOW SPRINGS CODIFIED ORDINANCES (https://www.yso.com/egov/documents/1632421391_49629.pdf)

Date enacted: September 20, 2021

Operative language:

Section 2. Chapter 626 of the Village Codified Ordinances shall be amended to add the following language bolded and underlined: 626.08 SOURCE OF INCOME DISCRIMINATION PROHIBITED.

A. No landlord shall knowingly, on the basis of the source of income of a potential or current tenant, including but not limited to, income derived from wages, social security, supplemental security income, public or private sources, all forms of federal, state or local assistance payments or subsidies, including housing choice vouchers, child support, spousal support, rental assistance and public assistance:
   1) Refuse to lease or rent any dwelling, dwelling unit or rooming house to a potential or current tenant;
   2) Distinguish between the sources of income of different potential or current tenants and use that distinction to base a decision on which potential or current tenant shall gain possession of the dwelling, dwelling unit or rooming house;
   3) Attempt to discourage the rental or lease of any dwelling, dwelling unit or rooming house to a potential or current tenant on the basis of source of income;

4) Assist, induce, incite or coerce another person or landlord to commit an act in violation of this ordinance;
5) Coerce, intimidate, threaten or otherwise interfere with any potential or current tenant in their exercise or enjoyment of, or on account of the person having exercised or enjoyed or having aided or encouraged any other potential or current tenant in the exercise or enjoyment of, any right granted or protected under this ordinance;
6) Represent to a potential or current tenant that a dwelling, dwelling unit or rooming house is unavailable on the sole basis of the source of income of the potential or current tenant;
7) Otherwise make unavailable or deny a dwelling, dwelling unit or rooming house to a potential or current tenant that, but for the source of income of the potential or current tenant, would be eligible to rent the dwelling, dwelling unit or rooming house.

22. Cities in Pennsylvania

a. 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

b. 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)

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

c. Pittsburgh

The Pittsburgh ordinance was struck down in 2021 by the state supreme court, based on limitations on the state's Home Rule Charter (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_TITSIXCO_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 October 2021, the Pennsylvania Supreme Court struck down the Pittsburgh law pursuant to the state's Home Rule Charter "business exclusion" provision, see *Apartment Association of Greater Pittsburgh v. City of Pittsburgh* (October 21, 2021), https://www.pacourts.us/assets/opinions/Supreme/out/J-24-2021mo%20-%20104931717149737228.pdf?cb=.

History of the litigation: The challenge to the Pittsburgh ordinance has centered on the powers of the city under the state home rule law. In *Apartment Association of Metropolitan Pittsburgh, Inc. v. The City of Pittsburgh*, (Commonwealth Court of Pennsylvania, No. 528 CD 2018, March 12, 2019), an intermediate court held that the ordinance imposed "affirmative duties" on property owners, in violation of the state Home Rule Law. In April 2019, the city appealed to the Pennsylvania Supreme Court. In September 2019, the appeal was granted, and the court remanded the case back to the intermediate court in light of the state supreme court's July 2019 decision in *Pennsylvania Restaurant and Lodging Ass'n v. City of Pittsburgh,* 211 A.3d 810 (which held that the city had the authority to enact a sick leave ordinance placing affirmative duties on businesses because it was "expressly authorized by statute," creating an exception to the "Business Exclusion" under home rule, but the city did not have the authority to enact the disaster preparedness ordinance because it was not authorized by statute, and the Business Exclusion therefore applied). In remanding the case, the highest court instructed the intermediate court to consider the Second Class City Code and Pennsylvania Human Rights Act to determine if the ordinance was "expressly authorized," and could therefore place affirmative duties on businesses (*Apartment Association of Metropolitan Pittsburgh, Inc. v. The City of Pittsburgh*, 217 A.3d 801). In March 2020, the intermediate court said that the ordinance was not expressly authorized, essentially affirming their previous decision striking down the ordinance because neither the Code nor the Act expressly authorized the city to "require landlords" to participate in Section 8 housing voucher program (*Apartment Association of Metropolitan Pittsburgh, Inc. v. The City of Pittsburgh*, --- A.3d ----, 2020 WL 1173660 (March 12, 2020)). In several amicus briefs, PRRAC, the National Housing Law Project, and the Fair Housing Partnership of Greater Pittsburgh have pointed out that the ordinance in question is simply a non-discrimination ordinance, well within the powers of Pennsylvania municipalities, home rule or otherwise. On May 11, 2020, the City filed a Petition for Allowance of Appeal with the Pennsylvania Supreme Court, seeking to reverse the intermediate Court's adverse opinion, and the *Amici* have filed brief in support the City's Petition.

23. Cities in Rhode Island

a. Providence

Citation: An Ordinance in Amendment of Chapter 16, “Offenses and Miscellaneous Provision”, Article II, Entitled: “Discrimination”, of the Code of Ordinances of the City of Providence, by amending Sections 16-54, "Definition of Terms," 16-55, "Unlawful Housing Practices," 16-63, "Function and Duties of Commission," 16-64, "Powers of Commission," and 16-65, "Certification of Bona Fide Qualifications".
(https://providenceri.iqm2.com/Citizens/FileOpen.aspx?Type=1&ID=8161&Inline=True)

Date enacted: February 26, 2021

Operative language:

Sec. 16-54.- Definition of terms

“Lawful source of income refers to any income or earnings including income, benefit, or subsidy derived from child support; alimony; Social Security; Supplemental Security Income; and other federal, state, or local public assistance program, including but not limited to medical or veterans assistance; any federal, state, or local rental assistance or housing subsidy program, including the federal Housing Choice Voucher Program authorized by 42 U.S.C. §1437; and any requirement associated with such public assistance, rental assistance, or housing subsidy program.”

Sec 16-55 Unlawful Housing Practices
(a) “It shall be an unlawful housing practice
(1) For any owner, lessee, sub-lessee, assignee, managing agent, real estate agent, or other person having the right to sell, rent, lease, or manage a housing accommodation or an agent of any of those:
C. To discriminate or directly or indirectly print or publish or cause to be printed or published, circulated, broadcasted, issued, used, displayed, posted, or mailed any written, printed or painted or oral communication, notice or advertisement relating to the sale, rental, lease or let of such housing accommodation which indicates any preference, denial, limitation, specification, qualification, or discrimination, based upon race or color, sex, sexual orientation, gender identity or expression, religion, marital status, disability, age, or country of ancestral origin, or lawful source of income;
D. To directly or indirectly discriminate against any person because of his or her race or color, sex, sexual orientation, gender identity or expression, religion, marital status, disability, age, or country of ancestral origin, or lawful source of income in the terms, conditions, or privileges of the sale, rental, lease, or let of any such housing accommodation or in the furnishing of facilities or services in connection therewith.

(2) For any person to whom application is made for a loan or other form of financial assistance for the acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation, whether secured or unsecured:

A. To discriminate or to directly or indirectly make or cause to be made any written or oral inquiry concerning the race or color, sex, sexual orientation, gender identity or expression, religion, marital status, disability, age, or country of ancestral origin of any individual seeking such financial assistance, or of existing or prospective occupants or tenants of such housing accommodation, nor shall any such person to whom such application is made, directly or indirectly discriminate in the terms, conditions or privileges relating to the obtaining or use of any such financial assistance against any applicant because of race or color, sex, sexual orientation, gender identity or expression, religion, marital status, disability, age, or country of ancestral origin, or lawful source of income of such applicant, or of the existing or prospective occupants or tenants thereof

(3) For any person, agent, firm, corporation or association, whether or not acting for monetary gain, to directly or indirectly induce, attempt to induce, prevent or attempt to prevent the sale, purchase, rental, or letting of any housing accommodation by:

A. Implicit or explicit representations regarding the existing or potential proximity of real property owned, used, or occupied by persons of any particular race or color, sex, sexual orientation, gender identity or expression, religion, marital status, disability, age, or country of ancestral origin, or lawful source of income

Exemptions for certain property types: Buildings with 3 units or less (if one unit is occupied by the owner)

Sec 16-55

(b): Nothing contained in this section shall be construed to:

(4): prohibit an owner of a housing accommodation from refusing to rent to a person based on their lawful source of income if the housing accommodation is three (3) units or less, one of which is occupied by the owner.

Administrative complaint, private action, or both: Both.

Sec 16-55(d):

(1) “An individual aggrieved by an unlawful housing practice in violation of this chapter may bring a civil action in a court of competent jurisdiction for appropriate relief.”

(3) Any action taken by the City or Commission does not preclude any private individual from seeking a private right of action under this section.

Identifies enforcement agency: Providence Human Relations Commission

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

Sec 16-55(d)(2): “As used in subsection (1), "appropriate relief" means damages for injury or loss caused by each violation of this chapter, including, but not limited to permanent or

temporary injunction, punitive damages, costs, reasonable attorney fees, and the types of relief described in section 16-76."

Providence Human Relations Commission may provide equitable relief and award damages, including damages for pain, humiliation, and mental suffering. The Commission may also award punitive damages, payment of costs (including attorney's fees), and other forms of specific equitable relief. Additionally, the Commission can award other provisions to vindicate the public interest, including apologies; educational and training efforts; and affirmative activities to remediate past discriminatory practices, or prevent future ones.

Landlord incentives: No

Language re: minimum income or HCV program features:
Sec. 16-55(c): "If an owner, lessee, sub-lessee, assignee, managing agent, real estate agent, or other person having the right to sell, rent, lease, or manage a housing accommodation or an agent of any of those requires that a prospective or current tenant have a certain minimum level of income, the standard for assessing eligibility shall be based only on the portion of the rent to be paid by the tenant, taking into account the value of any lawful source of income."

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

24. Cities in Tennessee

a. Memphis

Citation: Memphis Code of Ordinances Title 10 Ch. 10-36 (https://library.municode.com/tn/memphis/codes/code_of_ordinances?nodeId=TIT10PUPEMOWE_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

25. Cities in Texas

Local source of income discrimination laws in Texas have been preempted by a state statute that purports to prohibit such laws, Tex. Local Gov't Code § 250.007; the law has been challenged in court, but is still in effect.

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 *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. The 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 did not appeal this decision.

a. Austin

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

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).

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.

b. Dallas

Citation: Dallas City Code Volume I Ch. 20A. This ordinance is currently preempted by state law, except to the extent that it protects veterans (see above) (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

26. Cities/Counties in Washington

a. 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

b. Bellingham

Citation: Ordinance 2018-02-004, amending Bellingham Municipal Code Title 6 (https://cob.org/wp-content/uploads/Ordinance-2018-02-004.pdf)

Date enacted: March 19, 2018

Operative language:

Sec. 6.11.010: "'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. 6.11.020: "No person shall refuse to rent a rental unit to any rental applicant on the basis that the applicant proposes to rent such unit with a source of income as defined in this chapter."

Exemptions for certain property types: Owner-occupied dwellings (Sec. 6.11 .030)

Inspections: Sec. 6.11.030: "The prohibition in BMC 6.11.020 does not apply to the use of a Section 8 housing choice voucher or certificate if the rental unit does not qualify for participation in such program according to applicable public housing authority guidelines. This may include disqualification due to monthly lease amounts or other lease terms. The prohibition in BMC 6.11.020 does not apply to the use of a Section 8 housing choice voucher or other voucher if the time between the date the unit is ready for a required inspection, as confirmed in writing by the landlord and received by the housing authority or other subsidy provider, and the date of actual inspection is greater than 10 business days.

Administrative complaint, private action, or both: Private action (Sec. 6.11.040-6.11.050)

Identifies enforcement agency: Not identified

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

Sec. 6.11.040: "A person who refuses to rent a unit to any rental applicant when the refusal is in violation of this chapter shall be liable to such tenant in a private right of action for actual damages up to $5,000, costs of suit or arbitration, and reasonable attorney's fees."

Sec. 6.11.050: "In addition to any other remedy provided by this chapter or allowed by law, any person violating any of the provisions or failing to comply with any of the requirements of this chapter shall have committed a civil infraction and shall be punished by a fine not to exceed the following amounts: A. First offense – $500.00. B. Second offense – $750.00. C. Third offense – $1,000."

Landlord incentives: No

Language re: minimum income or HCV program features:

Sec. 6.11.020: "If tenant income screening criteria are used, the amount of the rent voucher or subsidy must be subtracted from the total of the monthly rent prior to calculating whether the income criteria have been met."

Sec. 6.11.030: "refusal to allow a health and safety inspection of the property by the public housing authority shall not be permitted to serve as a basis for denying the use of a Section 8 voucher or certificate."

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

c. Kent

Citation: Ordinance No. 4233, adding Chapter 10.01 to Kent City Code Title 10 (https://www.codepublishing.com/WA/Kent2/ords/Ord4233.pdf)

Date enacted: Passed on January 17, 2017. Effective on February 16, 2017.

Operative language: Sec. 10.01.010: "'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."

Exemptions for certain property types: Owner-occupied single-family dwellings (Sec. 10.01.040)

Administrative complaint, private action, or both: Not identified

Identifies enforcement agency: Kent Economic and Community Development Director, or a designee by the Director

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

Sec. 10.01.050: "The violation of any provision of this chapter is a civil violation as provided for in Chapter 1.04 KCC, for which a monetary penalty may be assessed and abatement may be required."

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

d. 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

e. 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

f. 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

g. 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

h. 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

i. Seattle

Citation: Seattle Municipal Code Title 14 Ch. 14.08 (https://library.municode.com/wa/seattle/codes/municipal_code?nodeId=TIT14HURI_CH14.08UNHOPR)
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

j. 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

k. Tumwater

Citation: Ordinance No. O2022-010, amending Tumwater Municipal Code Chapter 5.70 (https://weblink.ci.tumwater.wa.us/public/DocView.aspx?dbid=0&id=507804&page=1&cr=1&cc=1)

Date enacted: Passed on December 6, 2022. Effective on January 5, 2023.

Operative language: "
Sec. 5.70.020(R): "'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, and wages, interest, dividends, or other remunerations. 'Source of income' does not include income derived in an illegal manner."

Sec. 5.7.040(A): "No owner, lessee, sublessee, assignee, real estate broker, real estate salesperson, managing agent, 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, creed, color, religion, ancestry, the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability, national origin, citizenship or immigration status, honorably discharged veteran or military status, gender, age, families with children status, marital status or sexual orientation of such person or persons, or the source of income by such person or persons, or discriminate against or segregate any person because of his/her race, creed, color, religion, ancestry, national origin, citizenship or immigration status, gender, the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability, honorably discharged veteran or military status, age, families with children status, marital status, sexual orientation, or source of income, 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."
Exemptions for certain property types: Religious organizations; fraternities, sororities, or school dormitories; owner-occupied single-family or multi-family dwellings (Sec. 5.70.050)

Administrative complaint, private action, or both: Administrative complaint

5.70.060: "All complaints or allegations of violations of this chapter shall first be referred for formal action to the commission for cases within the commission's jurisdiction, and in all other cases to a neutral third party mediator before formal charges are brought under this chapter."

Identifies enforcement agency: Washington State Human Rights Commission

Injunctive relief, damages, civil penalties or attorney's fees: Civil and criminal penalties

Sec. 5.70.070:

"(A): Civil Remedies. The violation or failure to comply with any of the provisions of this chapter is declared to be unlawful."

"(B): "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, or such civil penalty as defined in state or federal law."

"(C): Criminal Penalty. Any person who violates or fails to comply with the provisions of this chapter is guilty of a misdemeanor. Each day or portion thereof upon which the unlawful act or omission occurs constitutes a separate offense."

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

l. 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

27. 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 federal court ruling.

a. 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

b. Dane County

Citation: Dane County Ordinances Title 6, Chapter 31 (https://www.countyofdane.com/documents/pdf/ordinances/ord031.pdf)

Date enacted: Passed on August 6, 1987. Effective on January 1, 1988. Updated October 31, 2015.

Operative language: Sec. 31.03 (citing Wisconsin Administrative Code of the Department of Workforce Development Sec. 220.02): "'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."

Exemptions for certain property types: Sec. 31.11(2): "It is not discrimination based on family status to comply with any federal, state or local government restrictions relating to the maximum number of occupants permitted to occupy a dwelling unit."

Administrative complaint, private action, or both: Administrative with limited right to private action cases (Sec. 31.21: "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").

Identifies enforcement agency: Dane County Corporation Counsel

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

Sec. 31.90(2): "In addition to any damages ordered under sub. (1), the officer may assess a forfeiture as follows:

(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."

31.90(3): "The officer may allow a prevailing complainant, including the county, reasonable attorneys fees and costs."

31.90(5): "Notwithstanding any other provision herein, any person who violates the provisions of section 31.24 of this ordinance shall forfeit not less than $50 nor more than $200."

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

c. 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

d. Milwaukee County

Milwaukee County, Wisconsin

Citation: Milwaukee County Code of General Ordinances Volume II Chapter 107

Date enacted: Chapter 107 created June 18, 1992 (prohibiting discrimination based on lawful source of income); Amended June 21, 2018 (adding "receipt of rental or housing assistance" as a basis on which housing discrimination is prohibited)

Operative language: "It is unlawful for any person to discriminate: (1) By refusing to sell, lease, finance or contract to construct housing or by refusing to discuss the terms thereof. (2) By refusing to permit inspection or exacting different or more stringent price, terms or conditions for the sale, lease, financing or rental of housing. (3) By refusing to finance or sell an unimproved residential lot or to construct a home or residence upon such lot. (4) By publishing, circulating, issuing or displaying, or causing to be published, circulated, issued or displayed, any communication, notice, advertisement or sign in connection with the sale, financing, lease or rental of housing, which states or indicates any discrimination in connection with housing. (5) For a person in the business of insuring against hazards, by refusing to enter into, or by exacting different terms, conditions or privileges with respect to, a contract of insurance against hazards to

a dwelling. (6) By refusing to renew a lease, causing the eviction of a tenant from rental housing or engaging in the harassment of a tenant." (Ch. 107, Sec. 3)

"It is declared policy of the county that all persons shall have an equal opportunity for housing regardless of sex, race, color, disability, religion, creed, national original or ancestry, marital status of a person maintaining a household, l**awful source of income, receipt of rental or housing assistance**, age, sexual orientation…" (107.01).

""Receipt of rental or housing assistance" means the receipt of any form of financial contribution from a third party for the purposes of creating or keeping affordable housing for tenants, purchasers, or other potential housing recipients, including but not limited to, assistance provided pursuant to title 42, United States Code, section 1437f (commonly known as the "Section 8" housing program), the HOME Partnership Program, the Community Development Block Grant Program, or any other public rental assistance vouchers or programs. It shall not be considered unlawful discrimination in housing for a housing provider to (1) refuse to accept emergency assistance funds under s. 49. 128, Wis. Stats., or (2) refuse to accept any other public rental assistance or voucher is such rental assistance or voucher does not fully reimburse the housing provider for the amount of rent due at the time a rental assistance or voucher payment is made" (107.02(9)).

Exemptions for certain property types: Housing designed to meet the needs of elderly individuals (107.04(1)); housing designed specifically for persons with a handicap (107.04(3)).

Administrative complaint, private action, or both: Administrative – Written complaints alleging the facts constituting discrimination charged are received and investigated by the corporation counsel. (107.07(2)). The corporation counsel "may endeavor to eliminate such discrimination by conference, conciliation and persuasion." (107.07(3)). The corporation counsel may then "commence a forfeiture ordinance action in the circuit court of the county for the enforcement of this chapter and penalty provided." (107.07(4)).

Identifies enforcement agency: Corporation Counsel

Injunctive relief, damages, civil penalties or attorney's fees: Injunctive relief and civil penalties available: Corporation counsel may also file a complaint in the circuit court of the county seeking "appropriate temporary relief against the respondent, including an application for temporary injunction, restraining order, or other order against the person(s) responsible for the denial of rights granted by this chapter as the corporation counsel deems necessary in order to ensure the full enjoyment of these rights." (107.07(5)). "Any person who has willfully violated any provision of this chapter or any lawful order issued under this chapter shall, for the first violation, forfeit not less than one hundred dollars or more than one thousand dollars." (107.08(1)). "Any person adjudged to have violated any provision of this chapter within five years after having been adjudged to have violated subsection (1) for every violation committed within the five years, shall forfeit not less than one thousands dollars nor more than ten thousand dollars." (107.08(2)).

Landlord incentives: No

Language re: minimum income or HCV program features: No

Includes risk mitigation fund: No

Provides tax abatement for HCV participation: No

e. 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

f. 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

g. 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

E. STATE AND LOCAL INCENTIVES TO PROMOTE ACCEPTANCE OF HOUSING CHOICE VOUCHERS

1. 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

2. 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]

3. 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/

4. Washington

Citation: Section 2 of ESHBD-2578 (Laws of 2018)

Date enacted: 3/15/2018

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 2 of the Engrossed Second Substitute House Bill (ESHB) 2578 (Laws of 2018) states that the following 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 mitigation fund:

a) Up to $1000 for improvements,
b) Reimbursement for damages as reflected in a judgment obtained against the tenant through an unlawful detainer proceeding or through a civil action after a hearing,
c) Reimbursement for damages arising from repairs made after inspection, when the landlord submits a claim to the department and submits copies of the inspection report and supporting materials, and
d) Reimbursement for unpaid rent and unpaid utilities, provided the landlord can present appropriate evidence.

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 reimbursement under Section 2(1)(a) (up to $1000 for improvements), the landlord must pay the first $500 for improvements, and rent to the tenant whose housing subsidy was conditioned on the property inspection. Reimbursement under this sub-section can also include up to 14 days of lost rental income from the date of offer of housing to the applicant whose housing subsidy was conditions on inspection until move in by that applicant.

To qualify for reimbursement under Section 2(1)(b) (reimbursement for damages reflected in a judgment against the tenant), the landlord must have obtained a judgment against the tenant

through either an unlawful detainer proceeding or through a civil action in a court of competent jurisdiction after a hearing.

To qualify for reimbursement under Section 2(1)(c) (reimbursement for damages from repairs made after inspection), the landlord have ensured that the rental property was inspected at the commencement of tenancy by the tenant and landlord, or landlord's agent, and that a detailed inspection report was prepared and signed by all parties; make repairs and apply for reimbursement to the department; submit a claim to the department; and submit copies of the inspection report and supporting materials including photographs, videos, copies of receipts, and other documentation the department may request. See Section 2(2)(a)-(d).

To qualify for reimbursement under Section 2(1)(d) (unpaid rent or utilities), the landlord must provide sufficient evidence to the department proving unpaid rent and/or utilities.

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

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, including but not limited to:
    - Interior wall gouges and holes
    - Damage to doors and cabinets, including hardware
    - Carpet stains or burns
    - Cracked tiles or hard surfaces
    - Broken windows

    - Damage to household fixtures such as disposal, toilet, sink, sink handle, ceiling fan, and lighting
- Unpaid rent and utilities
- Other damages caused as a result of the tenant's occupancy, at the department's discretion

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, and may inspect the property and the landlord's records related to a claim in order to assist in making its determination of eligibility. The department uses best efforts to notify the tenant of the amount and reasons for any reimbursements made.

Landlords who receive reimbursement from the mitigation fund are prohibited under Section 2(8) from: (a) taking any legal action against the tenant for damages attributable to the same tenancy; or (b) pursuing collection, or authorizing another entity to pursue collection on the landlord's behalf, or a judgment against the tenant for damages attributable to the same tenancy. Under Section 2(9), a landlord denied reimbursement under Section 2(1)(c) may seek to obtain a judgment from a court of competent jurisdiction and, if successful, can resubmit a claim for damages supported by the judgment. The department may then reimburse the landlord for that portion of the judgment based on any damages ordinarily reimbursable under the landlord mitigation program

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

F. PROPOSED LEGISLATION (and ABA RESOLUTION)

1. Ohio

Ohio House Bill 135 (2025)

Status: Introduced in the Ohio Legislature in February 2025, referred to Community Revitalization Committee in March 2025. Stalled, no further action has been taken.

Operative language: Amends anti-discrimination code to include "source of income" as a protected status. "(26) "Lawful source of income" means any lawful and verifiable source of money paid directly, indirectly, or on behalf of a person, including income derived from any lawful profession or occupation, as well as assistance through private grant or loan programs, and payments, benefits, or subsidies derived from a federal, state, or local government program such as: (a) Low-income housing assistance under the "United States Housing Act of 1937," 42 U.S.C. 1437f; (b) The Ohio works first program established by Chapter 5107. of the Revised Code; (c) Assistance through the Ohio housing finance agency under Chapter 175. of the Revised Code; (d) The medicaid program; (e) A program administered by the United States department of veterans' affairs or veterans' administration for any service-connected disability; (f) The supplemental nutrition assistance program established under the "Food and Nutrition Act of 2008," 7 U.S.C. 2011 et seq., and administered by the department of job and family services under section 5101.54 of the Revised Code; (g) The special supplemental nutrition program for women, infants, and children established under the "Child Nutrition Act of 1966," 42 U.S.C. 1786, and administered by the department of health under section 3701.132 of the Revised Code; (h) Supplemental security income under the "Social Security Act," 42 U.S.C. 1383; (i) Social security disability benefits provided under the "Social Security Act," 42 U.S.C. 401."

2. Maine

ME LD847 (2025)

Status: Carried over, in the same posture, to any special or regular session of the 132nd Legislature, pursuant to Joint Order SP 800.

Operative language:
"5. Discrimination based on source of income. Beginning January 1, 2026, for any owner, lessee, sublessee, managing agent or other person having the right to sell or rent or manage a housing accommodation, or any agent of these, to refuse to rent or negotiate for the rental of, or otherwise make unavailable or deny, a housing accommodation to any person because of the source of the person's money or other income as long as the money or other income is lawfully obtained and is

verifiable as paid to the person, to another person on the person's behalf or to a representative of the person such as a representative payee appointed by the United States Social Security Administration. Examples of lawfully obtained money or other income include, but are not limited to:

A. Money or other income from a federal, state or local public assistance program, such as rental vouchers or rental assistance, paid directly to the person, to a family member of the person or to a landlord on behalf of the person;

B. Money or other income from a nongovernmental organization paid directly to the person, to a family member of the person or to a landlord on behalf of the person; or

C. Benefits received from the United States Social Security Administration or United States Railroad Retirement Board.

This subsection does not apply to an owner of fewer than 4 residential dwelling units held for rental purposes. In addition to any civil remedies available under this chapter, a person aggrieved by a violation of this subsection may bring an action under section 213.

In addition to the relief available under section 213, a person aggrieved by a violation of this subsection is entitled to a monetary penalty of $1,000 or actual damages, whichever is greater; or"

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Maine LD 1036; HP 665 (2025)

Status: Died Between Houses, Jun 9, 2025

Operative language: 9-A-1. Status as recipient of federal, state or local public assistance. For purposes 4 of subchapter 4, "status as a recipient of federal, state or local public assistance" means an 5 individual's status as having federal, state or local public assistance as a source of income, 6 including medical assistance and housing subsidies, and includes the individual's having to 7 meet any requirements for the individual to use the income.

****

Maine LD 2158 (2024)

Status: Signed by Governor April 2, 2024.

Operative language:
"That the Maine State Housing Authority shall establish a stakeholder group to improve the system that governs the distribution and use of housing vouchers. For the purposes of this resolve, "housing voucher" means a tenant-based housing choice voucher issued under Section 8 of the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, as amended."

"Sec. 4. Report. Resolved: That, no later than January 15, 2025, the Maine State Housing Authority shall submit a report on the findings and recommendations of the stakeholder group under section 1 to the joint select or joint standing committee of the Legislature having jurisdiction over housing matters. The committee receiving the report is authorized to submit legislation based on the report to the 132nd Legislature in 2025."

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Maine LD 1710 (2024)

Status: Died in Possession of the Governor Upon Conclusion of the 131st Legislature at end of 2024. Amendments changed bill to study source of income discrimination. https://mainemorningstar.com/briefs/bill-started-as-rent-relief-but-passed-legislature-as-study-into-tenant-landlord-relationships/

Operative language:
Amended SUMMARY
This amendment replaces the bill with a resolve that establishes the Commission to Improve Tenant-Landlord Relationships and Maximize the Use of Housing Vouchers. The commission is charged with examining issues relating to housing discrimination based on the use of income-based rental assistance and incentivizing landlords to rent to tenants who rely on income-based rental assistance such as housing vouchers and municipal general assistance. The commission is directed to submit a report to the joint standing or joint select committee of the Legislature having jurisdiction over housing matters. The committee that receives the report is authorized to submit legislation to the 132nd Legislature in 2025 based on the recommendations in the report.
~~"5. Discrimination based on source of income. For any owner, lessee, sublessee, managing agent or other person having the right to sell or rent or manage a housing accommodation, or any agent of these, to:~~

~~A. Refuse to rent or negotiate for the rental of, or otherwise make unavailable or deny, a dwelling to any person because the person's source of income is a public assistance program or because of the requirements of any program providing the source of income; or~~

~~B. Refuse to participate in or comply with any federal, state or local requirements of a tenant-based rental assistance program . . . .~~

~~"A. An owner of more than 10 units of residential rental property in the State shall ensure that at least 10% of the units available for rental qualify as affordable housing. For purposes of this subsection, "affordable housing" means a rental unit in which a household with an income that does not exceed 80% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, does not spend more than 30% of the household's monthly income on housing costs."~~

3. New Mexico

Citation: New Mexico House Bill 339 (2025)

Status: Died in chamber. Postponed indefinitely. This bill will likely be introduced again as it has been introduced in different iterations the past several years.

Operative language:

Adds “source of income” as a protected status under Human Rights anti-discrimination law.

'Source of income' FF. "source of income" means any lawful and verifiable source of money, funds, payments or other monetary consideration, including: (1) income from a lawful profession, occupation or job; (2) social security benefits; (3) pension, annuity, alimony or child support income; or (4) any form of federal, state or local government or nonprofit organization assistance or housing assistance, including vouchers paid directly to a housing provider even if the assistance includes requirements for inspections, administrative processes or contracting agreements; GG. "invalid screening process" means a screening process used to determine the sufficiency of income or assets of an individual or a housing applicant that: (1) fails to include all of the individual's or the housing applicant's sources of income; or (2) fails to limit the calculation of an applicant's income requirement to the remaining ratio of income to housing payment due after income from federal, state, local or tribal housing assistance has been subtracted from the total amount of the housing payment; and HH. "housing applicant" means an individual applying to rent or own a housing accommodation."

4. 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@homlesslaw.org. The ABA Resolution and Report can be accessed here.

5. Federal Bills

Federal source of income discrimination bills have been regularly introduced in Congress, but none have yet come to a floor vote. The latest bill, introduced in both 2022 and 2023, included source of income discrimination protections along with protections for military status and veteran status:

"The Fair Housing Improvement Act of 2025"
https://www.congress.gov/119/bills/s2827/BILLS-119s2827is.pdf (Senator Kaine).

SEC. 2. PROHIBITING HOUSING DISICRMINATION BASED ON SOURCE OF INCOME, VETERAN STATUS, OR MILITARY STATUS

(a) IN GENERAL - The Fair Housing Act (42 U.S.C. 5 3601 et seq.) is amended—

(1) in section 802 (42 U.S.C. 3602), by adding at the end the following:
"(q) 'Source of income' includes—
''(1) a housing voucher under section 8 of the United States Housing Act of 1937 (42 U.S.C. 14 1437f) and any form of Federal, State, or local housing assistance provided to a person or family or provided to a housing owner on behalf of a person or family, including—
''(A) rental vouchers;
''(B) rental assistance;
''(C) rental subsidies from nongovernmental organizations; and
''(D) homeownership subsidies;
''(2) income received as a monthly benefit under title II of the Social Security Act (42 U.S.C. 25 401 et seq.), as a supplemental security income benefit under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), or as a benefit under the Railroad Retirement Act of 1974 (45 U.S.C. 231 et 3 seq.), including any such benefit to which the individual is entitled for which payment is made to a representative payee;
''(3) income received by court order, including spousal support and child support;
''(4) any payment from a trust, guardian, con9 servator, cosigner, or relative; and
''(5) any other lawful source of income or funds, including savings accounts and investments.

Earlier bills:

"The Fair Housing Improvement Act of 2023" https://www.congress.gov/bill/118th-congress/senate-bill/1267 (Senator Kaine)

"Ending Homelessness Act of 2021" https://financialservices.house.gov/uploadedfiles/bills-117pih-endinghomelessnessactof2021.pdf (Representative Waters, Cleaver, and Torres)

"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)

G. FEDERAL LAWS PROHIBITING DISCRIMINATION AGAINST HOUSING CHOICE VOUCHER FAMILIES

1. 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.

2. 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

3. 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)

4. Mark-to-Market

24 C.F.R § 401.556
"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."

5. 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: “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: “(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.”

6. 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."

7. 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.

8. 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).

9. 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).

H. ANNOTATED BIBLIOGRAPHY: LAW REVIEWS, ARTICLES, AND BOOKS

(in reverse chronological order)

1. Joanna Lucio & Seongkyung Cho, *Can I (Still) Refuse Housing Vouchers Source of Income Protections and Landlord Strategies*, J. Urb. Aff., 1 (2025), https://www.tandfonline.com/doi/full/10.1080/07352166.2025.2520244.

Abstract: Source of Income (SOI) antidiscrimination laws are a policy mechanism to protect low-income renters by making it illegal to discriminate against legal source of income, including housing vouchers. Recent studies show that the legal prohibition of SOI discrimination enhances voucher success and utilization rates and mitigates landlords' refusal of housing vouchers in some jurisdictions. An underexamined mechanism is how landlords react to and discuss the SOI laws. Considering that landlords' perspectives and decisions on housing vouchers are dependent on local contexts, understanding the reactions and behaviors of the local stakeholders may be an important step to finding ways to enhance the effectiveness of SOI protections. This study uses qualitative content analysis to examine landlords' reactions and strategies toward SOI antidiscrimination laws by looking at idiosyncratic text data scrapped from five online landlords' forums. Findings include landlords' feelings about the HCV program, strategies that landlords use to circumvent SOI antidiscrimination laws, and policy implications for increasing the success of the HCV program.

2. Seongkyung Cho & Joanna Lucio*, Vouchers Welcome Here: Source of Income Antidiscrimination Laws in American Cities*, Housing Pol'y Debate, (April 2025), https://www.tandfonline.com/doi/full/10.1080/10511482.2025.2490034.

Abstract: Source of income (SOI) discrimination, or discrimination against voucher holders, poses a significant barrier to the Housing Choice Voucher Program's policy goals, as it limits voucher holders' ability to use their vouchers or move to opportunity neighborhoods. SOI antidiscrimination laws aim to deter this discrimination by making it illegal. While SOI protection laws have been an important initiative in the broader strategy to combat housing discrimination, further discussion is needed to explore why more cities have not adopted these laws and what factors might motivate them to do so. Using an ordered logit model within a discrete-time event history analysis framework, this study analyzes data built from five sources to explore SOI ordinance adoption in U.S. cities. The study finds that horizontal policy diffusion, vertical policy coercion, election-year dynamics, and local socioeconomic factors significantly influence SOI ordinance adoption and strength.

3. Arlo B. Blaisus, *Bans Are Only Half the Battle: Enforcing Source-of-Income Discrimination Laws*, 33 J. Affordable Hous. & Cmty. Dev. L. 327 (2025),

https://www.americanbar.org/groups/affordable_housing/resources/journal/33-2/enforcing-source-of-income-discrimination-laws/.

Summary: While many jurisdictions have banned source-of-income discrimination, weak enforcement often undermines these laws. Using Philadelphia as a case study, the article highlights that despite a ban since 1980, the practice remains widespread, rarely resulting in landlord accountability and suggesting stronger enforcement mechanisms are necessary.

4. Elizabeth Elia, *Embrace the Suck: Why States and Localities Should Use Property Rights to Fix Broken Housing Voucher Programs*, 28 Lewis & Clark L. Rev. 657 (2025), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4876660.

Abstract: The largest federal affordable housing program is an income supplement program called Housing Choice Vouchers (formerly Section 8). When a low-income person has a housing voucher, they find and rent privately-owned, market-rate housing. The tenant pays a portion of the rent and the federal Department of Housing and Urban Development pays the rest of the rent directly to the landlord. Unfortunately, most voucher-holders end up renting in high-poverty neighborhoods and more than one in three tenants who receive a housing voucher are unable to use it before it expires. This is because most private landlords choose not to rent to tenants with housing vouchers. For many housing advocates, these glaring failures in the Housing Choice Voucher Program are proof that Congress's decades-old decision to turn away from publicly-owned affordable housing and towards market actors was a mistake. More than a dozen states and scores of localities have attempted to fix this broken federal program by granting tenants a human or civil right to pay rent with a housing voucher, known as source-of-income discrimination laws. Using both data and political economy theory, this article first explains why this human rights approach to fixing federal housing voucher programs hasn't been successful. The phrase "Embrace the Suck" was coined by members of the U.S. military as a mantra for persevering through hardship not of one's own making. This Article argues that states and localities can get the most out of broken federal housing voucher programs by "embracing the suck" of federal housing policy's reliance on private property owners' managerial discretion. Instead of attempting to limit this discretion by granting tenants oppositional human rights, states and localities should imbue vouchers with additional property rights and entitlements to increase voucher holders' ability to compete in the private rental market. For example, states or localities can tie preferential property tax rates, expedited permitting status, and enhanced public services to housing vouchers to create demand for voucher-holding tenants among a broader range of landlords. Drawing from Progressive Property scholars and their forebearers, this Article argues that these additional property rights and incentives should be designed to promote the self-determination and economic agency of voucher holders in choosing where to live.

5. Armen H. Merjian, *Marginalizing the Marginalized: Source of Income Discrimination and the Critical Need for Federal Protection*, ABA Human Rights (March 2025), https://www.americanbar.org/groups/crsj/resources/human-rights/2025-march/source-of-income-discrimination-critical-need-federal-protection/.

Summary: Discrimination against tenants who use vouchers is rampant and this article calls for federal protections codified in the Fair Housing Act. In the absence of federal protection for voucher holders, source of income discrimination has frequently served as a proxy for race, disability, and gender discrimination.

6. Wakefield, Z., *Fulfilling the Promise of the Housing Choice Voucher Program: Blind Review as an Enforcement Method for Source-of-Income Antidiscrimination Laws*, 12 Indiana Journal of Law and Social Equality 266–282 (2024), https://www.repository.law.indiana.edu/ijlse/vol12/iss2/6/.

Summary: Even in jurisdictions with laws prohibiting source of income discrimination, discrimination still occurs and prevents eligible housing choice voucher recipients from renting units they should be able to. To combat source of income discrimination in jurisdictions where it is prohibited by law, this article proposes a blind review process that restricts the information landlords receive regarding potential tenant's sources of income. This method would limit the opportunity for landlords to discriminate based on source of income and further the goals of the housing choice voucher program.

7. Armen H. Merjian, *Second-Generation Source of Income Housing Discrimination*, 2023 Utah L. Rev. 963 (2023), https://dc.law.utah.edu/ulr/vol2023/iss5/2/.

This Article aims to provide courts and practitioners with the tools they need to address second-generation SOI discrimination, examining the most prevalent tactics and marshalling the relevant materials in one place. Part I of this Article provides a brief overview of SOI discrimination, demonstrating that such discrimination is rampant throughout the country, even in states and municipalities with SOI protections. Part II examines the statutes and authorities relating to the most common manifestations of second-generation SOI discrimination, namely minimum-income and minimum-credit requirements. Part III applies those authorities to voucher holders with both full and partial vouchers, demonstrating that these requirements are illogical and discriminatory when applied to voucher holders with no rental obligation, i.e., those with 100% of the rent paid by the voucher; that income requirements not based upon the voucher holder's share of the rent are similarly discriminatory, and where voucher programs already calculate voucher holders' rent share based upon their income, there is no justification for imposing additional income requirements; 30 and that credit requirements for those with a rent share must at the very least be applied in a fair and reasonable manner so as not to frustrate the purpose of the SOI laws.

8. Gary Rhoades, *Freedom of Choice for Low-Income Renters Still Elusive as States and Cities Scramble to Confront Housing Voucher Discrimination*, 48 Hum. Rts. 16 (2023).

Summary: This article explains how cities, counties, and states around the United States are using federal rental assistance programs, such as the Housing Choice Voucher (HCV) program, and new statutes to help low-income individuals secure quality housing without facing discrimination. Despite this, landlords have still attempted to reject voucher holders' applications or deter them from applying for housing altogether, both of which have detrimental effects on these people. To prevent this, an increasing number of cities, counties, and states have begun incorporating source of income protections into their fair housing laws. The article calls upon Congress and every city, county, and state in the nation to prioritize fighting against voucher discrimination in order to aid low-income families in finding and keeping housing.

9. Ian Wilder, "20 Ways to Fight Housing Discrimination." 38 Touro L. Rev. 655 (2022).

Abstract: "When looking at the continuing size of the problem of discrimination it is easy to be paralyzed into inaction by the sweeping scope of the undertaking. A good remedy is to find actions that an individual can take to move toward justice. Though Dr. King is often quoted as stating that 'the arc of the moral universe is long, but it bends toward justice,' that bend in the arc is caused by legions of activists pulling the future toward justice. Robert Kennedy noted in his opposition to apartheid in South Africa that 'a million different centers of energy and daring… can sweep down the mightiest walls of oppression and resistance.'"

10. Norrinda Brown Hayat, *Housing the Decarcerated: Covid-19, Abolition & the Right to Housing*, 110 California L. Rev., 639 (2022).

Abstract: "The coronavirus pandemic revealed the need to advance the right to housing and abolition movements. The need for advancements in both spaces was no more painfully apparent than among the recently decarcerated population. Securing housing for the recently decarcerated is particularly difficult due to the 'culture of exclusion' that has long pervaded subsidized housing policy, enabled by a patchwork of federal laws, including the Anti-Drug Abuse Act (ADA) of 1988 and the Supreme Court's ruling in *HUD v. Rucker*. The culture of exclusion is arbitrated by local housing authorities and works on three levels: eligibility, enforcement, and set asides. As a result, formerly incarcerated persons are often rejected outright during the application process. In addition, persons living in subsidized housing can be evicted for merely associating with the recently decarcerated."

11. Andrew Chandler, *Tearing Down 'No Section 8' Signs: The Disparate Racial Impact of Source-of-Income Discrimination and the Validity of Louisville Law Against It*, 60 University of Louisville L. Rev. 127 (2021).

This article explores the potential impact of and backlash to a recently enacted Louisville ordinance prohibiting source-of-income discrimination against renters. In Part II, the author reviews the history and disparate racial impact of housing discrimination in Louisville within the larger context of source-of-income discrimination throughout the United States. In Part III, the author evaluates the Louisville ordinance in light of challenges that landlords and other real estate companies have made to similar laws elsewhere in the country. In Part IV, the author assesses the Louisville ordinance using Kentucky state law to gauge the result of any potential challenges to the law.

12. Andrea Lau, *Law Standardization Needed to Prevent Housing Voucher Discrimination*, Georgetown Public Policy Review (2021), https://gppreview.com/2021/04/02/law-standardization-voucher-discrimination/.

Excerpt: The following timeline visualizes all the laws passed from 1971 to 2019. In the nearly 50 years analyzed, 71 out of the 100 laws were enacted from 1999 to 2019. For the laws passed in the first 22 years studied, most of the laws were state-level laws. Eight out of the twelve state-level SOI laws in place today were passed within the first 22 years, and the remaining four were passed within the last 6 years. In another interesting insight, passage of county-level laws was concentrated in the second half of the time period.

13. Jamie Wood, *Opportunity Gap: A Survey of State Source of Income Protection Laws and How They Address the Challenges Facing the Federal Housing Choice Voucher Program*, 55 U. Rich. L. Rev. 691 (2021), https://scholarship.richmond.edu/lawreview/vol55/iss2/8/.

Abstract: In 1968, the United States Congress enacted the Fair Housing Act ("FHA") with the stated purpose of "prevent[ing] segregation and discrimination in housing, including in the sale or rental of housing . . . ." The FHA prohibits landlords from refusing to rent to members of certain protected classes, including race, color, national origin, sex, religion, disability, and familial status.2 Notably absent from this list is what is commonly referred to as "source-of-income" ("SOI") protection, which extends antidiscrimination statutes to recipients of federal public assistance.

The federal government's primary housing public assistance program is the Housing Choice Voucher ("HCV") Program (formerly known as Section 8). First established under the Housing and Community Development Act of 1974, the HCV Program allows voucher holders to use federal assistance to access the private housing market. The HCV Program aims "to increase access to safe, affordable housing units and to provide opportunities for low- income families to obtain rental housing outside areas of poverty or minority concentration." Unfortunately, the

goals of this pro- gram have been severely undermined by the refusal of many landlords to accept tenants who will pay their rent through a voucher.

In response to this phenomenon, fifteen state legislatures have enacted some form of SOI-protection statute. The purpose of these statutes is to prevent landlords from refusing a tenant simply because they plan to pay their rent with the aid of federal public assistance. While each state's statutory protections share a common purpose, they are not all structured in exactly the same manner. This Comment fills a gap in the current scholarship by highlighting the nuances of SOI protection across the states and analyzing which protections best align with the goals of the HCV Program and can best combat the current challenges the program faces. The Comment concludes by arguing that SOI protections accompanied by landlord incentives to participate in the HCV Program align best with the goals of the program and most specifically address the challenges the program currently faces.

14. Robert Schwemm, *Source-of-Income Discrimination and the Fair Housing Act*, 70 Case W. Res. L. Rev. 573 (2020), https://scholarlycommons.law.case.edu/caselrev/vol70/iss3/4.

This Article reviews the experience of states and localities that have banned source-of-income discrimination in housing and then contemplates how the [Fair Housing Act], if amended to add this protected class, would work. Part I provides the legal background by describing the FHA, the Section 8 program, and the state and local laws that now ban source-of-income discrimination. Part II explores cases that have challenged source-of-income discrimination, first under these local laws and then under the FHA's disparate-impact and other theories of liability. After Part III's review of the arguments for and against a source-of-income amendment to the FHA, Part IV examines the various types of claims that might arise if such an amendment were enacted. The Article concludes that a source-of-income amendment, though not a panacea, would be an important step forward in helping the FHA achieve its core missions of reducing segregation and ending arbitrary limits on housing choice.

15. Brendan Williams, *Ben Carson and U.S. Housing Policy*, 49 Sw. L. Rev. 122 (2020).

Author discusses the Department of Housing and Urban Development (HUD) under Secretary Ben Carson's leadership, and in President Donald Trump's administration. The author discusses the hope that jurisdictions will combat housing discrimination while HUD is "derelict in its duties," including discrimination against voucher holders.

16. Judith Fox, *The High Cost of Eviction: Struggling to Contain a Growing Social Problem*, 41 Mitchell Hamline L.J. Pub. Pol'y & Prac. 167 (2020).

This article focuses on the issue of eviction in the United States, and discusses Matthew Desmond's book, *Evicted: Poverty and Profit in the American City*, and the Eviction, Poverty and other Collateral Consequences symposium held at the Mitchell Hamline School of Law in the fall of 2019. The author examines some of the suggested causes of high eviction rates, and offers policy interventions that may have an impact on the crisis, including increasing the availability of housing. The author notes the lack of available housing is exacerbated by landlord discrimination against voucher holders, and the absence of federal law requiring landlords to accept vouchers. The author argues that requiring landlords to accept housing vouchers would increase the housing options currently available to low-income individuals. The author also argues that the number of vouchers should be expanded through a universal voucher system.

17. Cydnee V. Bence, *A House is Not a Home: Learning From Our Mistakes to Prevent Unequitable Gentrification on a Local Level*, 44 Vt. L. Rev. 429 (2019).

The author discusses gentrification as an economic process with the result of unequal access to housing. The author notes that progressive and equitable housing codes do not address the causes of unequal gentrification, and argues that solutions should address the economic realities that stress community members in gentrifying areas. The author recommends income discrimination laws at the state and local level, including prohibitions on a lender's ability to inquire about source of income on rental applications. This would allow federally-assisted tenants to apply for housing without fear of immediate discrimination, and provide landlords or owners with flexibility to inquire about income before renting to tenants. Importantly, this would create usable evidence in income discrimination investigations.

18. Frank Griffin, *Administering Housing Law as Health Care: Attorneys as Healthcare Providers*, 71 S.C. L. Rev. 349 (2019).

The author discusses the intersection between housing and health, and argues that housing attorneys should be recognized as important healthcare providers improving Americans' health, improving health care treatment outcomes, and reducing health care costs. For example, local attorneys can encourage state and local governments to adopt policies that encourage landlords in low-poverty areas to accept housing vouchers, and can help enact state or local laws prohibiting discrimination against voucher holders.

19. Andrea J. Boyack, *Responsible Devolution of Affordable Housing*, 46 Fordham Urb. L.J. 1183 (2019).

> "The federal government has been heavily involved in promoting housing affordability since the 1930s and continues to have a critical role to play. Over the past several decades, the federal government has financed affordability by promoting development and income subsidies, but specific allocation decisions have devolved. Housing inequities can best be addressed locally, but only if localities are held to high standards of fairness and regional coordination is facilitated. Successful and sustainable local solutions to housing affordability will also require a substantial financial investment, one that the federal government can and should reliably and adequately provide. Each year, Congress permits households with the least household need to receive billions of taxpayer dollars in unnecessary housing subsidies--Congress must correct this misallocation of funds in order to help those facing the severest housing burdens.
>
> Much of federal affordable housing policy today involves a patchwork of insufficient and ineffective measures mitigating affordability harms. These measures provide critical short-term relief for the minority of genuinely needy households who receive assistance, but the federal government has inadequately invested in long-term solutions for housing instability. The federal government's responsibility to address persistent housing inequity arises in part from decades of its own harmful, racist housing policies. Although the inherently local nature of housing markets suggests that the actual implementation of housing assistance programs should continue to devolve, responsibility for ensuring fair access to quality housing ultimately lies with the federal government. Part I of this Article describes the ubiquity and impacts of the problem of unaffordable housing. Part II examines the spectrum of approaches that a government can use to address housing unaffordability, from police power mandates to supply- and demand-side subsidies. Part III makes the normative case for significant but reimagined federal involvement in the affordable housing sphere. Part IV points out the risks inherent in relying on federal funding and oversight and suggests ways the law might mitigate such risks."

20. Rigel C. Oliveri, *Vouchers and Affordable Housing: The Limits of Choice in the Political Economy of Place*, 54 Harv. C.R.-C.L. L. Rev. 795 (2019).

> Author discusses the challenge of deconcentrating poverty and promoting integration, and the limits of the housing choice voucher program in doing so. The author presents the theory of "place competition," created by the proliferation of multiple political subdivisions and significant economic inequality in places like St. Louis. The author argues that this presents a challenge to expanding affordable housing, but improved regional planning, including coordinated and comprehensive reform would help. The author specifically discusses discrimination

against voucher holders, and the difficulty of making a successful case under the Fair Housing Act (FHA). The author notes that attempts to amend the FHA to include voucher holders as a protected class have failed, and state and local antidiscrimination laws do not always protect voucher holders, either through explicit exclusions or as determined by the courts. The author argues for source of income protections in every municipality in a region, which would also allow small-area fair market rent rules to be successful in expanding the purchasing power of vouchers.

21. Claudia DiGirolamo, *The Scarlet E: A Call to New Jersey Lawmakers to Regulate Tenant Screening Practices*, 43 Seton Hall Legs. J. 487 (2019).

Author discusses discriminatory tenant screening practices, including discrimination based on prospective tenants' income. The author argues that New Jersey lawmakers should pass a bill that would regulate tenant reporting agencies, ensure tenants are aware of their rights regarding tenant screening reports, and provide a process for overseeing and regulating landlord use of these reports. Specifically, legislation should prohibit landlords from considering anything but tenants' evictions when evaluating prospective renters to ensure that economic discrimination is not a factor in refusing to rent.

22. Brandon M. Weiss, *Progressive Property Theory and Housing Justice Campaigns*, 10 UC Irvine L. Rev. 251 (2019).

"Progressive property theory emerged a decade ago to challenge law and economics as the dominant theoretical mode of property law analysis. Offering a fresh look at the rights and obligations of ownership, progressive property theory argues, among other propositions, that property rules and institutions should further the ability of all people to obtain the basic resources necessary to engage in the social and political life of a community.

Meanwhile, housing justice campaigns being waged across the United States, promoting policies like inclusionary zoning and rent control, are frequently met by critics who make theoretical arguments about the fundamental nature of property. Housing advocates often cede the theoretical domain, and instead respond with pragmatic data-driven appeals or technical precedential arguments that, I argue here, would benefit from a more robust theoretical grounding of the sort progressive property theory could provide.

Progressive property theory, however, is yet to exert any measurable influence outside of legal academia. Scholars have offered a variety of critiques of the theory that may help to explain its limited impact. I argue that exogenous factors—those external to the theory itself—also hold significant explanatory force. I conclude that

the law school clinic could serve as one "theory delivery mechanism" to infuse progressive property theory more broadly into U.S. law and legal institutions."

23. Robert G. Schwemm, *State and Local Laws Banning Source of Income Discrimination*, 28 Journal of Affordable Housing 373 (2019).

Abstract: Most states and many localities have civil rights laws that are substantially equivalent to the federal Fair Housing Act ("FHA"),' which means they at least ban discrimination based on the seven factors outlawed by the FHA (i.e., race, color, religion, national origin, sex, familial status, and disability). Many of these state and local laws also include other protected classes, such as age, marital status, sexual orientation, and source of income.

This Article reviews state and local efforts to outlaw source-of-income discrimination.4 (For its part, Congress currently has multiple bills before it that would add such a prohibition to the FHA.) Part I of the Article provides an overview of the growing number of states and localities that have banned housing discrimination against Section 8 voucher holders and others based on their source of income. Part II then considers the legal challenges that have been mounted against such laws. Finally, Part III describes some of the cases and litigation issues that these laws have generated.

24. Miriam Elnemr Rofael, *Improving the Housing Choice Voucher Program through Source of Income Discrimination Laws*, 107 Cal. L. Rev. 1635 (2019).

The Housing Choice Voucher ("HCV") program is a government program that subsidizes the rent of low-income individuals or families, allowing them to afford housing in the private market. Families pay 30 percent of their income towards rent, and the voucher covers the remainder. Congress created the program with the goal of enabling low-income families to live in high-opportunity neighborhoods, thereby improving family outcomes and eliminating the concentrations of poverty often seen with other low-income housing programs. This goal has failed, however, largely due to landlord discrimination against voucher holders. Many families are unable to find housing that will accept their voucher. For families that do find housing, they are unable to access the low-poverty neighborhoods the HCV program promised. For families of color, discrimination has an especially significant effect. To improve the success of the HCV program, this Note argues that policymakers must limit the ability of landlords to refuse to accept HCVs and that the most effective method for doing so is through Source of Income ("SOI") discrimination laws that prohibit discrimination against voucher holders.

25. Derek Waller, *Leveraging State and Local Antidiscrimination Laws to Prohibit Discrimination Against Recipients of Federal Rental Assistance*, 27 J. Affordable Housing & Community Development Law 401 (2018).

Author argues that state and local housing antidiscrimination laws should be used to prohibit landlords from categorically excluding Section 8 voucher recipients. The author lays out the relevant federal laws regarding the housing choice voucher program, and ways that states are approaching the issue of voucher-based discrimination. Using Minnesota's antidiscrimination law as an example, the author explains why these laws prohibit landlords from turning away Section 8 voucher recipients. The Minnesota Court of Appeals ruled landlords can permit landlords to refuse voucher-recipients, but the author argues that permitting such discrimination contradicts Minnesota's source of income law. Minneapolis responded by adopting its own ordinance prohibiting discrimination against voucher holders. The author argues this ordinance is permissible, and that the legal battles and history in Minnesota are applicable to other states and to housing advocates.

26. Maia Hutt, *This House Is Not Your Home: Litigating Landlord Rejections of Housing Choice Vouchers Under the Fair Housing Act*, 51 Colum. J. L. & Soc. Probs. 391 (2018).

Over 2.2 million low-income households participate in the federal Housing Choice Voucher (HCV) program. Voucher holders, who are disproportionately people of color and individuals with disabilities, are frequently discriminated against or denied housing by landlords. This Note argues that prospective tenants who are rejected by landlords for participating in the HCV program have a right of action against landlords under the Fair Housing Act's disparate impact provisions. The Supreme Court's recent decision in Inclusive Communities provides the necessary framework for evaluating these claims, and suggests that federal courts' historical rejection of disparate impact claims brought by voucher holders is no longer good law. Integrating state and local source of income protection laws into the Inclusive Communities burden-shifting resolves the tension between state and federal approaches to source of income protection, and vitiates the rights of voucher holders.

27. Matthew Desmond, Evicted: Poverty and Profit in the American City (Crown, 2016).

In *Evicted*, Princeton sociologist and MacArthur “Genius” Matthew Desmond follows eight families in Milwaukee as they each struggle to keep a roof over their heads.

28. 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.

29. Armen H. Merjian, *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.

30. 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.

31. 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. 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. 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. Low-income families and individuals who are denied housing on account of their vouchers are not left with many housing opportunities.m 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.

32. 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.

33. 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.

34. 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.

35. 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.

36. 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.

37. 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.

38. 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.

39. 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.

40. *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.

41. 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.

42. Adam Culbreath and James Wilkinson, *"No Section 8" Policies: Combating Landlords' Resistance to Renting to Section 8 Recipients*, Clearinghouse Review (Jan-Feb 2000)

Analyzes the legal and practical challenges voucher holders face when landlords refuse to accept Section 8, identifying these policies as masked discrimination. The article highlights strategies to combat this resistance through source-of-income discrimination laws and advocates for legal action to overcome barriers to housing.

43. 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.

44. 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.

45. 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.

I. RECENT STUDIES RELATED TO SOURCE-OF-INCOME DISCRIMINATION AND HCV CONCENTRATION

(reverse chronological order)

1. Eric Chyn Robert Collinson Danielle H. Sandler, "The Long-Run Effects of America's Largest Residential Racial Desegregation Program: Gautreaux" (NBER Working Paper 33427, January 2025), https://www.nber.org/papers/w33427.

> Abstract: This paper studies the effects of the largest residential racial desegregation initiative in U.S. history, the Gautreaux Assisted Housing Program. From the late 1970s to the 1990s, Gautreaux moved thousands of Black families into predominantly white neighborhoods to support racial and economic integration. We link historical program records to administrative data and use plausibly exogenous variation in neighborhood placements to study how desegregating moves impact children in the long-run. Being placed in the predominantly white neighborhoods targeted by the program significantly increases children's future lifetime earnings and wealth. These moves also increase the likelihood of marriage and particularly raise the probability of being married to a white spouse. Moreover, placements through Gautreaux impact neighborhood choices in adulthood. Those placed in predominantly white neighborhoods during childhood live in more racially diverse areas with higher rates of upward mobility nearly 40 years later.

2. Martha Galvez & Brian Knudsen, Discrimination Against Voucher Holders and the Laws to Prevent It: Reviewing the Evidence on Source of Income Discrimination, 26 Cityscape 145 (2024). https://www.huduser.gov/portal/periodicals/cityscape/vol26num2/ch7.pdf.

> Abstract: Landlord discrimination against housing choice voucher holders, commonly referred to as source of income (SOI) discrimination, can undermine the benefits that vouchers offer low-income households— many of whom wait years for vouchers. Evidence of SOI discrimination grew during the past 2 decades, as the number of states and localities that passed ordinances to prevent discrimination also grew. More than one-half of all voucher households are in jurisdictions that these laws cover. This article assesses the current evidence on SOI discrimination and the effectiveness of state and local antidiscrimination laws intended to improve landlord takeup of vouchers. The authors then provide recommendations for research to document and describe voucher discrimination, understand effective enforcement of SOI protections, and identify ways to influence landlord decisions. Future research should continue to document the extent of voucher discrimination in jurisdictions without SOI laws, and evolving discriminatory practices where SOI

protections are in place. To test and scale innovative enforcement and approaches to influencing landlord behavior, more research and experimentation reflecting different market contexts are also needed to understand why landlords reject vouchers.

3. Lindsay Augustine, Nikitra Bailey, Janelle Brevard, Scott Chang, Lisa Rice, Morgan Williams and Izzy Woodruff, 2024 Fair Housing Trends Report, National Fair Housing Alliance (July 2024), https://nationalfairhousing.org/resource/2024-fair-housing-trends-report/.

Summary: This report is separated into five sections. In Section I, we outline in detail the fair housing complaint data for 2023, providing information by type of agency, protected class, and type of transaction. Detailed information is also provided regarding government complaint data, including information about charged or caused cases, case conciliations and closures, aged cases, and more. In Section II, we provide a sample of important outcomes for several housing and lending discrimination cases that occurred in 2023. Much work is underway on the fair housing front, and we understand that this report provides only a high-level overview of the complex world of housing and lending discrimination. However, the data are instructive in reminding us that housing discrimination remains a serious problem that perpetuates racial and ethnic inequities in communities throughout the nation, and it merits considerably more attention and remedies. Section III is a new addition to the Trends report, sparked by the work of NFHA's Responsible AI Lab, which aims to prohibit or restrict the use of discriminatory automated systems such as credit and insurance scoring, underwriting, and pricing models in housing and financial services. In Section IV, the report highlights recommendations for effectively addressing the troubling increase in complaints. Finally, Section V features a discussion guide for fair 4housing advocates to use when talking with congressional leaders; regulators; national, state and local policymakers; and others.

4. Ingrid Gould Ellen, Katherine O'Regan, Sarah Strochak, "Race, Space, and Take Up: Explaining housing voucher lease-up rates," 63 Journal of Housing Economics (March 2024)

Abstract: While housing choice vouchers provide significant benefits to households who successfully lease homes with their vouchers, many recipients fail to do so. Understanding more about lease-up rates is critical, yet the latest national study was published over two decades ago and reported on the outcomes of only 2,600 voucher recipients across 48 housing authorities (Finkel and Buron, 2001). We use unique administrative data to estimate voucher lease-up rates and search times for about 85,000 new voucher recipients each year in 433 metropolitan housing authorities for 2015 to 2019, which allows us to explore variation over time, across

housing agencies, and across individuals within housing agencies. Overall, only 60 percent of recipients successfully use their vouchers, even after waiting for two and a half years on average to receive them. Consistent with theoretical expectations, we show that lease-up rates are generally lower in markets with lower vacancy rates, more spatial variation in rent levels, and older housing, which may be less able to pass HUD's quality standards. But we also find considerable variation across individuals within markets. Most notably, perhaps, we find that Black and Hispanic voucher recipients are less likely to lease homes than other recipients in their same markets. We explore mechanisms and find evidence that racial disparities are partly explained by differing conditions in the neighborhoods where voucher recipients start: voucher recipients are less likely to lease-up and take longer to successfully rent homes when they start in neighborhoods with older housing stocks and larger Black and Hispanic population shares. Observed and unobserved neighborhood factors explain about 40 percent of individual racial differences in lease-up rates. We also provide suggestive evidence showing that policy interventions, such as extended search times, neighborhood-based rent ceilings, and source of income discrimination laws, can help both to boost overall lease-up rates and to reduce these racial and spatial disparities.

5. Ortiz, Selena E., Andrew Fenelon, and Chavehpour Yousef, "Exposing Pittsburgh Landlords to Asset-Framing Narratives: An Experiment to Increase Housing Voucher Participation," 43 Health Affairs 287 (Feb. 2024) https://www.healthaffairs.org/doi/epdf/10.1377/hlthaff.2023.01051.

Abstract: Landlords are essential actors within the rental housing market, and there is much to be learned about their willingness to participate in rental assistance programs that improve access to stable housing. Because the success of these programs, such as the Mobility(Location-Based) Voucher program in Pittsburgh, Pennsylvania, can be derailed by landlord opposition, it is important to test strategies that increase landlords' participation. Using data from a unique survey of Pittsburgh landlords, we found that exposing landlords to an asset-framing narrative that highlighted the social, economic, and health benefits of receiving a mobility voucher increased landlords' reported willingness to rent to a mobility voucher recipient by 21 percentage points. Reported willingness was also higher among landlords who believed that housing affordability was connected to health. Our findings offer insight into how to increase landlords' participation in affordable housing programs that require their engagement to succeed.

6. Judge Glock, "A Solution in Search of a Problem The Costs and Benefits of Source of Income Discrimination Laws," Manhattan Institute (2024), https://manhattan.institute/article/costs-and-benefits-of-source-of-income-discrimination-laws.

Summary: (Offers a critique of source of income discrimination protection laws.) The report also shows that, although SOI laws are premised on the idea that alleged "discrimination" against voucher holders is based on prejudice, it is incorrect to treat landlord concerns about the costs of voucher programs as equivalent to other forms of discrimination, especially since the government recognizes that vouchers create costs that go above and beyond those in normal rental agreements. Surveys of landlords and the government's own sources demonstrate that while some landlords appreciate aspects of the voucher program, such as the regularity of rent payment, many are deterred by what are seen as the bureaucratic requirements of accepting vouchers, which are a more significant problem than the character of voucher holders.

7. Brent Meltzer, "Innovations in Housing Mobility Practice, Housing Protection Unit," (presented at the 9th National Conference on Housing Mobility) (Sept. 2023). https://www.prrac.org/wp-content/uploads/2023/10/9HMC_Panel-2-Slides.pdf

Summary: A presentation on the innovative approach the New York State Office of Attorney General's office has taken as part of its "Source of Income Initiative.

8. Lindsay Augustine, Nikitra Bailey, Sherrill Frost Brown, Scott Chang, Lisa Rice & Morgan Williams, *2023 Fair Housing Trends Report: Advancing a Blueprint for Equity,* National Fair Housing Alliance (Aug. 2023). https://nationalfairhousing.org/resource/2023-fair-housing-trends-report/.

Summary: NFHA's theme for 2023 and this year's Fair Housing Trends Report is "Advancing a Blueprint for Equity." While we have come a long way since the Fair Housing Act was passed 55 years ago, this report, the troubling increase in complaints, and the concerning landscape for justice — as evidenced by recent Supreme Court decisions — reminds us that the work of breathing life into the Fair Housing Act's guarantees requires vigilance, fortitude, and persistence on a national scale. In his now famous "A Proper Sense of Priorities" speech, Dr. King advised that we must tackle difficult issues, like wide-spread inequality, not because it is expedient, popular, or a safe bet, but because it is the right thing to do. Working together, we can generate solutions to move our nation boldly forward and advance a blueprint for equity.

9. "Summary Report and Recommendations from the 2023 Source Of Income Discrimination Research Convening" (PRRAC, NYU Furman Center, Urban Institute, July 2023), https://www.prrac.org/wp-content/uploads/2023/08/SOID-2023-research-convening-final-report-and-recommendations.pdf.

This memo summarizes the discussion and research questions that emerged from a spring 2023 convening to explore future directions for research related to

discrimination against Housing Choice Voucher (HCV) holders. Approximately fifty experts participated in the one-day event, representing diverse fields that intersect with housing voucher discrimination, including researchers, fair housing advocates, policymakers, and practitioners who work with voucher holders.

10. Anthony, J., Seif, P., & Schaefer, R. (2023). How pervasive is source of income discrimination faced by housing choice voucher households: Lessons from a progressive Midwestern city. Journal of Urban Affairs, 1–18. https://doi.org/10.1080/07352166.2023.2245077

Abstract: Housing Choice Voucher (HCV) recipients encounter many types of discrimination in the housing search process. Landlords could choose not to lease a home to HCV recipients merely because they are HCV recipients. While many forms of discrimination (such as discrimination because of race or gender) are proscribed by federal and state constitutions, discrimination based on source of income (such as paying rent using an HCV) is not banned by the federal constitution or by most state or local statutes. Discrimination faced for using an HCV makes the housing search process more complicated and time-consuming for HCV recipients, often restricting their housing options and resulting in sub-optimal housing choices. We report on the findings of a study exploring the relative magnitude of discrimination for using HCV compared to other types of discrimination among HCV recipients of a Midwestern public housing authority (PHA). We also report on how this source of income discrimination varies by race and other socioeconomic and demographic factors. Information for this study was collected by surveying all HCV families of this PHA using a mail-out/mail-back questionnaire. Our findings suggest that source-of-income discrimination is perhaps more pervasive than other common discriminatory factors. We conclude the paper by describing policy responses to our findings.

11. Daniel Teles, Katherine O'Regan, & Sophie House, "Landscape of SOI Protections" (presented at SOI Research Convening) (Feb. 2023). https://www.prrac.org/wp-content/uploads/2023/08/SOI-Research-Convening-Presentations.pdf

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Summary: Powerpoint slides of presenters at first ever Convening of SOI researchers, experts, and advocates at the Urban institute on February 28, 2023

12. Coty Montag et al, "Bad Housing Blues: Discrimination in the Housing Choice Voucher Program in Memphis, Tennessee" (NAACP Legal Defense Fund and National Fair Housing Alliance, January 2023), https://www.naacpldf.org/wp-content/uploads/2022-11-14-Fair-Housing-2-web-1.pdf

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Conducted over three years, [the report] looks at economic and racial discrimination in housing, investigating the local rental market, assessing attitudes, and identifying policies and practices that impede the ability of voucher holders to secure safe and affordable housing. The report finds that there is significant discrimination based on source of income in both Memphis and Shelby County. The report found barriers to securing safe and affordable housing for Housing Choice Voucher (HCV) holders included "No Section 8" policies; Housing Choice Voucher tenant quotas; steering or restricting access to housing; and employment, minimum income, and payment requirements. Source of income discrimination disproportionately affects renters of color, women, and people with disabilities. Because of this, source of income discrimination perpetuates racially segregated communities and neighborhoods with concentrated poverty.

13. Teles, Daniel and Yipeng Su, "Source of Income Protections and Access to Low Poverty Neighborhoods" (Urban Institute, October 2022). https://www.urban.org/research/publication/source-income-protections-and-access-low-poverty-neighborhoods.

Abstract: Over the past 50 years, 16 states, the District of Columbia, and 106 local governments passed laws that prohibit landlords from discriminating against tenants who receive housing choice vouchers, or HCVs. These laws generally outlaw discrimination based on the tenant's "source of income," whether that source is a job, a pension, alimony, or government assistance. Using a new Urban Institute dataset1 that includes details on these laws, we find that that source of income protections help families access low-poverty neighborhoods. But these laws take five years, on average, to make an impact.2 More research is needed to understand this delay, to better understand how source of income protections might affect some households differently than others, and to determine whether other policies or programs need to be enacted for source of income protections to be effective.

14. Goodman, Laurie, Karen Kaul, and Michael Stegman, "Leveraging Financing to Encourage Landlords to Accept Housing Choice Vouchers" (Urban Institute, September 2022). https://www.urban.org/research/publication/leveraging-financing-encourage-landlords-accept-housing-choice-vouchers

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Executive Summary: Housing Choice Vouchers (HVCs) are the single largest component of Federal rental assistance, helping 2.3 million families. With these vouchers, the government pays the difference between the approved rent on the unit and 30% of a family's income, up to the HUD fair market rent for the area. However, even when the rental costs of a unit are affordable to a housing choice voucher holder, many landlords are reluctant to rent to an HCV recipient. In this paper, we detail the reasons why and offer suggestions to improve HCV acceptance.

We recommend that landlords who rent to HCV holders and offer certain renter protections should be eligible for GSE financing if the product is currently ineligible, or if already eligible, receive GSE financing on more favorable terms. More specifically, we argue that single family rental operators who rent to HCV holders should be eligible for GSE financing (currently GSE financing for single family rental operators is unavailable with the exception of small mom and pop landlords.)We also recommend easier financing for the construction or rehabilitation of accessory dwelling units that are rented to HCV holders as well as access to favorable financing for multifamily properties that house HCV recipients.

15. Ellen, Ingrid Gould, Katherine M. O'Regan, and Katharine WH Harwood, Advancing Choice in the Housing Choice Voucher Program: Source of Income Protections and Locational Outcomes (August 1, 2022), Housing Policy Debate, https://doi.org/10.1080/10511482.2022.2089196.

Abstract: An elusive goal of HUD's Housing Choice Voucher program is to provide more – and better – locational choices for recipient households. Landlord discrimination against voucher recipients is one potential barrier, particularly in areas of greater opportunity. Using a difference-in-difference design (and confirmed with event-study results), this paper evaluates the effectiveness of source of income laws in 31 jurisdictions enacting such laws between 2007 and 2017 in improving locational outcomes for voucher households. We find consistent evidence that such laws lead to more upwardly mobile moves (or greater improvement in neighborhoods) among existing voucher holders who move. Specifically, existing voucher holders who move post enactment experience greater reductions in neighborhood poverty rates and in voucher household shares. We also find that after SOI laws pass, voucher holders move to neighborhoods with larger white population shares. Effects are modest, but hold for households whose head is Black as well as for families with children, two groups who may face greater challenges in housing markets. We do not find any change in the neighborhoods where new voucher holders lease up after the passage of SOI laws, but this may be confounded by a compositional change in the neighborhoods where successful voucher holders originate.

16. Hangen, Forrest, and Daniel T. O'Brien. "The Choice to Discriminate: How Source of Income Discrimination Constrains Opportunity for Housing Choice Voucher Holders." Urban Affairs Review, (July 2022). https://doi.org/10.1177/10780874221109591.

Abstract: The "choice" in the Housing Choice Voucher (HCV) program signals the mobility offered to voucher holders. However, some landlords use source of income (SOI) discrimination to exclude voucher holders—limiting their locational choices. We propose several factors likely to influence this landlord strategy including, market competitiveness, stereotypes, and racial discrimination. We examine the

prevalence of express SOI discrimination and the effectiveness of SOI antidiscrimination laws. We utilize a novel dataset of 1,107,110 rental listings from the Craigslist pages of 77 mid-sized US cities. We find significant amounts of express SOI discrimination, even where there are SOI antidiscrimination laws. Using multilevel models, we find that landlords are more likely to expressly discriminate in lower-opportunity neighborhoods and when they own market-competitive units. We also find that these factors are moderated by the concentration of voucher holders. These findings underscore how landlord strategies can combine to undermine the choice afforded to voucher holders.

17. Besbris, Max, John Kuk, Ann Owens, and Ariela Schachter. "Predatory Inclusion in the Market for Rental Housing: A Multicity Empirical Test." Socius: Sociological Research for a Dynamic World 8: 237802312210790 (Feb. 2022). https://journals.sagepub.com/doi/full/10.1177/23780231221079001.

Abstract: Using a unique data set of millions of advertisements for rental housing and data on the geographic distribution of housing voucher holders, we examine the limits of housing market policies that rely on private-market landlords to meet public needs. We find that although advertised affordable housing is more prevalent in some zip codes than others, voucher households are more geographically clustered than affordable housing. Moreover, voucher holders are overly concentrated in "lower opportunity" zip codes, those with fewer resources for children's well-being, despite the advertisement of affordable housing in higher opportunity neighborhoods. Using text-analysis techniques, we identify advertisements that explicitly accept or reject voucher holders and find that ads seeking voucher-holding tenants are overrepresented in lower opportunity neighborhoods. We evaluate the significance of these findings for theories of predatory inclusion.

18. Jacob William Faber and Marie-Dumesle Mercier, "Multidimensional Discrimination in the Online Rental Housing Market: Implications for Families With Young Children" (Housing Policy Debate, January 2022), https://www.tandfonline.com/doi/abs/10.1080/10511482.2021.2010118

Abstract: A half century after passage of the federal Fair Housing Act, studies continue to document racial discrimination in the housing market, which serves to reproduce racial inequality and residential segregation. Building on this work, we examine housing discrimination experienced by individuals belonging to multiple disadvantaged groups. Employing an online field experiment in 31 U.S. cities over 20 months, we investigate patterns of discrimination against female rental housing applicants at the intersections of race, ethnicity, family structure, and Section 8 housing voucher receipt. Consistent with prior work, we find discrimination against Black women and Section 8 recipients. We also find that only Black women and

Latinas are penalized for being parents and for being single mothers to young children. Finally, examining the relevant policy landscape, we find evidence that state and local laws barring discrimination against Section 8 recipients may not be sufficient to protect voucher holders and their families and may instead prompt landlords to engage in subtler forms of discrimination (i.e., increased nonresponse). These findings reveal a dynamic pattern of multidimensional discrimination and support arguments for an intersectional approach to understanding and combatting inequality.

19. Brian Knudsen, "Expanded Protections for Families with Housing Choice Vouchers," Poverty & Race Research Action Council (2022) https://www.prrac.org/pdf/soi-voucher-data-brief.pdf.

Summary: Data shows the number of tenants living in areas with protections from source of income discrimination is increasing rapidly.

20. Unlock NYC, Neighbors Together, Anti-Eviction Mapping Project, & Housing Data Coalition "An Illusion of Choice: How Source of Income Discrimination and Voucher Policies Perpetuate Housing Inequality" (2022) https://public-unlock.nyc3.digitaloceanspaces.com/pdfs/AnIllusionofChoice_FinalDigital_CORRECT.pdf

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Summary: This report builds on existing national and local research on SOI discrimination using an untapped source of knowledge: hundreds of crowdsourced discrimination reports from New Yorkers impacted by SOI discrimination. By harnessing the power of grassroots data collection, our research findings are derived from the lived experiences of New Yorkers who had the courage to document discrimination in real time. In total, we cleaned and analyzed 500 discrimination reports submitted by Neighbors Together members between January 2018 and July 2021. We also conducted interviews with members and wove their stories throughout this report to complement our data analysis with qualitative experiences.

21. Solari, C. D., Walton, D., & Khadduri, J. (2021). How Well Do Housing Vouchers Work for Black Families Experiencing Homelessness?: Evidence from the Family Options Study. The ANNALS of the American Academy of Political and Social Science, 693(1), 193-208. https://doi-org.ezproxy.princeton.edu/10.1177/0002716221996678

Abstract: We investigate whether racial disparities exist among homeless families with priority access to the Housing Choice Voucher (HCV) program. The families we studied moved from emergency shelter into subsidized housing and sometimes left the HCV program, and our results suggest that the HCV program works as well

for Black families as it does for White families. The rates at which families used the vouchers to lease a housing unit are similarly high for each group. The rate at which families exit from the HCV program does not differ between White and Black families, but the factors that predict exit do differ by race. For all families, access to a voucher reduces returns to homelessness, doubling up, and moving. These results confirm that in the United States—a country with a history of racial disparities in housing—the HCV program can help alleviate the effects of severe poverty and provide housing opportunities that advantage both White and Black families.

22. Urban Institute, "State and Local Voucher Protection Laws," (Sept. 2021) https://datacatalog.urban.org/dataset/state-and-local-voucher-protection-laws

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Summary: The federal Housing Choice Voucher program is the nation's largest rental housing assistance program, helping more than 2 million households afford housing every year. Renters with vouchers often face discrimination from landlords, which can severely limit their housing options. Recognizing the prevalence and harms of discrimination against voucher holders, some state and local governments have adopted laws that prohibit landlords from denying rental applicants based on their use of a voucher. This dataset includes 16 state laws and 104 city and county laws that prevent landlords from discriminating against voucher holders and were passed between 1971 and July 2021.

23. An Illusion of Choice: How Source of Income Discrimination and Voucher Policies Perpetuate Housing Inequality (Neighbors Together, Unlock NYC, Anti-Eviction Housing Project, Housing Data Coalition, February 2020), https://cdn.glitch.global/b185c63a-8d27-412b-b4cb-047ca0c8de79/AnIllusionofChoice_FinalDigital_CORRECT.pdf?v=1644419510693.

Executive Summary: "Today, thousands of New Yorkers are locked out of the housing market due to 'source of income (SOI) discrimination'– one of the most pervasive forms of illegal housing bias in New York City. Targeting prospective tenants with rental assistance vouchers and supplemental incomes, SOI discriminatory practices promote a form of modern-day redlining. In response, Neighbors Together and Unlock NYC partnered to expose the scale of the problem, the nuances of how SOI discrimination is practiced and how it has changed over time, and its devasting impact on New Yorkers fighting to secure stable housing. In addition to analyzing 500 untapped SOI discrimination reports with the help of the Anti-Eviction Mapping Project and the Housing Data Coalition, we have synthesized the history of rental assistance vouchers, examined the current policy and enforcement landscape, and conducted interviews with voucher holders to ground our findings in the emotional and material impacts of SOI discrimination…Ultimately, New Yorkers are locked out of housing options

through an intricate web of discriminatory practices and poorly designed public policies, compounded by a lack of resources for enforcement. Far from offering renters a 'choice,' the current voucher system keeps New York City's neighborhoods segregated and its homeless shelters full." The brief recommends that the government strengthen anti-discrimination enforcement measures on a city and state level, as well as ensuring homeless New Yorkers can quickly access housing by building more affordable housing and passing bills that increase access to housing vouchers.

24. Greene, Solomon, et al., State and Local Voucher Protection Laws: Introducing a New Legal Dataset (Urban Institute, October 2020), https://www.urban.org/research/publication/state-and-local-voucher-protection-laws-introducing-new-legal-dataset.

Abstract: The federal Housing Choice Voucher program is the nation's largest rental housing assistance program, helping more than 2 million households afford their housing every year. Renters with vouchers often face discrimination from landlords, which can severely limit their housing options. Recognizing the prevalence and harms of discrimination against voucher holders, some state and local governments have adopted laws that prohibit landlords from denying rental applicants based on their use of a voucher. In this brief, we introduce a new dataset of state and local laws that prohibit discrimination by landlords against renters with vouchers. The dataset includes 12 state laws and 87 city and county laws passed between 1971 and the end of 2019. In the dataset, we identify the key features of laws that may influence their effectiveness; in this brief, we provide a framework for assessing the relative strength of the laws.

We find that the share of voucher holders covered by voucher protection laws is growing and that in 2019, these laws collectively covered about half of all voucher holders nationally. Compared with households in places without protections for voucher holders, households that have vouchers in jurisdictions with protections are more likely to be headed by an older adult, to be headed by a Hispanic/Latino person, and to include someone with a disability. They are also less likely to include children or be headed by a Black person. We also find that voucher holder protection laws are diverse and have strengthened over time. These findings suggest that researchers interested in assessing voucher holder protection laws should consider how they vary across jurisdictions.

25. Martha M. Galvez, Solomon Greene, Alyse D. Oneto, Patrick Spauster, Protecting Housing Choice Voucher Holders from Discrimination: Lessons from Oregon and Texas (Urban Institute, October 2020), https://www.urban.org/sites/default/files/publication/103088/protecting-housing-choice-voucher-holders-from-discrimination.pdf

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Abstract: In this brief, the researchers examine the role of states in preventing discrimination against renters who participate in the federal Housing Choice Voucher program. The researchers focus on two states—Oregon and Texas—that over the past decade took differing approaches to protections for voucher holders. In 2013, Oregon passed a law that prohibits discrimination against voucher holders statewide; two years later, Texas passed a law that preempts local governments from adopting such protections. Based on a review of public documents and interviews with key stakeholders, the brief describes and compares each state's motivations in adopting the laws and the ways the laws have affected voucher program administration. The researchers find that in both states evidence of discrimination against voucher holders sparked state or local action to adopt antidiscrimination protections. Oregon's success passing a statewide law highlights the importance of dialogue among housing advocates and rental industry stakeholders, and of acknowledging some landlord concerns about the voucher program. And in both states, efforts to innovate voucher program operations in ways that address landlord concerns followed legislative action.

26. TakeRoot Justice, VOCAL-NY, "Vouchers to Nowhere: How Source of Income Discrimination Happens and the Policies That Can Fix It," Participatory Action Research Report (September 14, 2020), https://takerootjustice.org/wp-content/uploads/2020/09/Vouchers-To-Nowhere.pdf.

Introduction: With this report, we documented what VOCAL-NY members already know: getting a real estate agent to engage with subsidy holders is extremely difficult and searching for housing using rental assistance can feel hopeless. Our research shows that: (1) People with housing subsidies heard back from agents less often than those with income from employment; (2) When subsidy holders did hear back from agents, they were more likely to be told that units were not available. Several also experienced blatant source of income discrimination, being told that subsidies were not accepted; (3) Subsidy holders were less likely to be invited to view apartments than people with income from employment; (4) Subsidy holders waited longe to hear back from agents than people with employment income; (5) The resource sheet provided by the Human Resources Administration to subsidy holders seeking housing in Brooklyn is outdated and ineffective as a resource.

27. Poverty & Race Research Action Council, "Crafting a Strong and Effective Source of Income Discrimination Law" (Poverty & Race Research Action Council, March 2020)

Summary: This advocacy brief details how to create a strong law prohibiting source of income (SOI) discrimination, including explicit protections for families with vouchers, as well as limited exceptions for properties that are not small and owner-occupied. SOI laws should also have strong enforcement mechanisms that include a private right of action, damages, and attorney's fees. Organizers should anticipate

landlord defenses by including language that outlines the voucher program's administrative requirements and narrows the reach of any minimum income requirement that may be used by a landlord. After the law has been adopted, states and localities should create a strong enforcement climate that includes a public education campaign and funding for enforcement.

28. Ingrid Gould Ellen, What Do we Know about Housing Choice Vouchers? Regional Science and Urban Economics Vol 80 (2020)

Abstract: The Housing Choice Voucher Program provides assistance to approximately 2.2 million households each year, making it the largest low-income housing subsidy program managed by the U.S. Department of Housing and Urban Development (HUD). This paper reviews what we know about the program. In brief, experimental research shows that vouchers help to reduce the rent burdens of low-income households, allow them to live in less crowded homes, and minimize the risk of homelessness. Research also shows, however, that the program has been far less successful in getting recipients to better neighborhoods and schools. And perhaps the greatest disappointment of the program is its limited reach. Families typically wait for years to receive a voucher, and only one in four households eligible for a voucher nationally receives any federal rental housing assistance. Another issue is that a significant share of households who receive vouchers never use them, in part because of the difficulty of finding willing landlords with acceptable units. Thus, as effective as the program is, there is still room for improvement.

29. Langowski, Jamie, William Berman, Grace Brittan, Catherine LaRaia, Jee-Yeon Lehmann, and Judson Woods, Qualified Renters Need Not Apply: Race and Voucher Discrimination in the Metro Boston Rental Housing Market, The Boston Foundation (2020)

Summary: This study measures the levels of discrimination in the Greater Boston rental housing market based on race and income level. Data from this study show that high levels of discrimination exist throughout the pre-rental application process against both Black people and individuals using housing vouchers, beginning with the very first interaction between a prospective tenant and the person advertising housing (referred to throughout as "housing provider"). In the vast majority of cases, real estate professionals perpetuated the discrimination. Policy makers should heed the findings from this study and work to enact measures that can curb housing discrimination.

30. Eva Rosen, The Voucher Promise: "Section 8" Housing and the Fate of an American Neighborhood (Princeton University Press, 2020)

The Voucher Promise examines the Housing Choice Voucher Program, colloquially known as "Section 8," and how it shapes the lives of families living in

a Baltimore neighborhood called Park Heights. Eva Rosen tells stories about the daily lives of homeowners, voucher holders, renters who receive no housing assistance, and the landlords who provide housing. While vouchers are a powerful tool with great promise, she demonstrates how the housing policy can replicate the very inequalities it has the power to solve.

31. Curley, Alexandra M., Erin Michelle Graves, and Gretchen Weismann, "Barriers and Opportunities in The Housing Voucher Program: The Importance of Race in the Housing Search Process," Federal Reserve Bank of Boston (August 8, 2019), https://www.bostonfed.org/publications/community-development-issue-briefs/2019/barriers-opportunities-housing-voucher-program.aspx.

Abstract: Even though the federal Housing Choice Voucher Program's overarching policy goal is to enable households to access a diverse set of neighborhoods, voucher households are concentrated in high-poverty and racially segregated neighborhoods, with nonwhite voucher holders disproportionately residing in such places. Across the country and in the Greater Boston metropolitan area, voucher recipients have limited access to higher opportunity areas—neighborhoods that positively influence residents' health and social and economic well-being. We analyze survey data of voucher-assisted families residing in both higher- and lower-opportunity neighborhoods across Greater Boston to explore how housing search factors such as information, preferences, and discrimination impact voucher holders' search process and experiences while searching and, ultimately, where they use their vouchers. We find that while most voucher holders express a preference for similar types of neighborhoods—safe and economically mixed communities— household race, information and strategies used during the housing search, and discrimination by property owners and managers impact housing location outcomes. These outcomes vary significantly by race, with black families experiencing the greatest access barriers to higher-opportunity communities, regardless of the strategies they use. Finally, we discuss changes in housing policy and practice that can lead to greater access to opportunity for voucher-assisted families.

32. Peter Bergman, Raj Chetty, Stefanie DeLuca, Nathaniel Hendren, Lawrence Katz, Christopher Palmer, Creating Moves to Opportunity: Experimental Evidence on Barriers to Neighborhood Choice (NBER Working Paper NO. 26164, August 2019), https://opportunityinsights.org/wp-content/uploads/2019/08/cmto_paper.pdf.

Abstract: Low-income families in the United States tend to live in neighborhoods that offer limited opportunities for upward income mobility. One potential explanation for this pattern is that low-income families prefer such neighborhoods for other reasons, such as affordability or proximity to family and jobs. An alternative explanation is that families do not move to high-opportunity areas

because of barriers that prevent them from making such moves. We test between these two explanations using a randomized controlled trial with housing voucher recipients in Seattle and King County. We provided services to reduce barriers to moving to high-upward-mobility neighborhoods: customized search assistance, landlord engagement, and short-term financial assistance. The intervention increased the fraction of families who moved to high-upward-mobility areas from 14% in the control group to 54% in the treatment group. Families induced to move to higher opportunity areas by the treatment do not make sacrifices on other dimensions of neighborhood quality and report much higher levels of neighborhood satisfaction. These findings imply that most low-income families do not have a strong preference to stay in low-opportunity areas; instead, barriers in the housing search process are a central driver of residential segregation by income. Interviews with families reveal that the capacity to address each family's needs in a specific manner from emotional support to brokering with landlords to financial assistance was critical to the program's success. Using quasi-experimental analyses and comparisons to other studies, we show that more standardized policies increasing voucher payment standards in high-opportunity areas or informational interventions have much smaller impacts. We conclude that redesigning affordable housing policies to provide customized assistance in housing search could reduce residential segregation and increase upward mobility substantially.

33. Ingrid Gould Ellen, Gerrard Torrats-Espinosa, Do Vouchers Protect Low-Income Households from Rising Rents? Eastern Economic Journal Vol 46 (2019).

Summary: Using restricted administrative data on the voucher program, we examine the experience of voucher holders in metropolitan areas with rising rents. While some of our models suggest that rising rents in metropolitan areas are associated with a slight increase in rent-to-income ratios among voucher holders, poor renters in general see significantly larger increases in rent-to-income ratios. We see little evidence that rising rents push voucher holders to worse neighborhoods, with voucher holders in central cities ending up in *lower* poverty neighborhoods as rents rise. It appears that vouchers may help low-income households remain in neighborhoods as they gentrify. In brief, we find that vouchers appear to protect low-income households from rising rents. While some of our models suggest that rising rents in metropolitan areas are associated with a slight increase in rent-to-income ratios among voucher holders in that metropolitan area, poor renters in general see significantly larger increases in rent-to-income ratios. Further, we see little evidence that rising rents push voucher holders to worse neighborhoods. Indeed, perhaps surprisingly, we find that voucher holders end up, if anything, in *lower* poverty neighborhoods as median rents rise in their metropolitan area. The magnitudes are small, however, and similar to those experienced by other poor families. The reduction in poverty exposure is experienced only by voucher holders living in central cities, and those who stay in their neighborhoods, suggesting it may be driven by gentrification of urban

neighborhoods in metropolitan areas with rising rents. Vouchers, in other words, may help low-income households remain in neighborhoods as they gentrify.

34. Aliprantis, Dionissi, Hal Martin, and David Phillips, "Can Landlords Be Paid to Stop Avoiding Voucher Tenants?." Federal Reserve Bank of Cleveland Working Papers WP 19-02 (2019).

Abstract: Despite being eligible for use in any neighborhood, housing choice vouchers tend to be redeemed in low opportunity neighborhoods. This paper investigates whether landlord behavior contributes to this outcome by studying the recent expansion of neighborhood-based voucher limits in Washington, DC. We conduct two waves of a correspondence experiment, one before and one after the expansion. Landlords heavily penalize tenants who indicate a desire to pay by voucher. The voucher penalty is larger in high rent neighborhoods, pushing voucher tenants to low rent neighborhoods. We find no evidence that indexing rents to small areas affects landlord acceptance of voucher tenants. The data can reject the claim that increasing rent limits by less than $3,000 per month can eliminate the voucher penalty. Neighborhood rent limits do shift lease-up locations toward high-rent neighborhoods in the year after the policy change, an effect which is large relative to the number of voucher households that move but small relative to all voucher tenants.

35. Amy Ellen Schwartz, Kerens Mertens Horn, Ingrid Gould Ellen, Sarah A. Cordes, Do Housing Vouchers Improve Academic Performance? Evidence from New York City, Journal of Policy Analysis and Management Vol 39:1 (2019).

Abstract: The Housing Choice Voucher program is currently the largest federally funded housing assistance program. Although the program aims to provide housing assistance, it also could affect children's educational outcomes by stabilizing their families, enabling them to move to better homes, neighborhoods, and schools, and increasing their disposable incomes. Using data from New York City, the nation's largest school district, we examine whether—and to what extent—housing vouchers improve educational outcomes for students whose families receive them. We match over 88,000 school-age voucher recipients to longitudinal public school records and estimate the impact of vouchers on academic performance through a comparison of students' performance on standardized tests after voucher receipt to their pre-voucher performance. We exploit the conditionally random timing of voucher receipt to estimate a causal model. Results indicate that students in voucher households perform 0.05 standard deviations better in both English Language Arts and Mathematics in the years after they receive a voucher. We see significant racial differences in impacts, with small or no gains for black students but significant gains for Hispanic, Asian, and white students. Impacts appear to be driven largely

by reduced rent burdens, increased disposable income, or a greater sense of residential security.

36. Stefanie DeLuca, Holly Wood, Peter Rosenblatt, Why Poor Families Move (And Where They Go): Reactive Mobility and Residential Decisions, City & Community Vol 18:2 (2019)

Abstract: Despite frequent moves, low-income black families are more likely than any other group to churn among disadvantaged neighborhoods, and the least likely to escape them. Traditional explanations for neighborhood inequality invoke racial preferences and barriers to living in high-income neighborhoods, but recent work suggests that it is also involuntary mobility—such as eviction—which predicts the neighborhood destinations of poor African American families in urban areas. However, we know little about how individuals actually make residential decisions under such unplanned and constrained conditions. Using longitudinal interviews with low-income African-American families residing in Mobile, AL, and Baltimore, MD, we describe the array of factors that lead poor black families to move, and describe how families secure housing in the wake of unplanned mobility. We observe that moving among the poor is more reactive than it is voluntary: Approximately 70 percent of most recent moves are catalyzed by landlords, housing quality failures, and violence. We show how this reactive mobility both accelerates and hampers residential selection in ways that may reproduce neighborhood context and inequality. Where mobility is characterized by a greater degree of agency, we show that the strategies families use to make decisions often prohibit them from investigating a wider range of residential options.

37. Gregg Colburn, The Effect of Market Conditions on the Housing Outcomes of Subsidized Households: the Case of the US Voucher Programme, Housing Studies Vol 34:9 (2019)

Abstract: Since being created in the 1970s, housing vouchers have become the primary mode of federal housing support for low-income households in the US. The voucher programme was designed to provide recipients with the mobility needed to secure higher quality housing in neighbourhoods of their choice. Decades of analysis suggest that the programme has failed to produce the favourable outcomes envisioned by policymakers. To add to our understanding of the outcomes of this important federal programme, this paper seeks to underscore the importance of context-dependent policy analysis. In particular, this study analyses the impact of housing market conditions on the outcomes achieved by voucher recipients. Using neighbourhood and housing outcome data from the American Housing Survey, and median rent and rental market vacancy data, this paper demonstrates the important role that market conditions play in programme outcomes. The results from this study suggest that voucher recipients are successful at improving housing unit quality outcomes regardless of market conditions, but the ability to move to a better neighbourhood is a function of vacancy rates.

38. Anne Ray, Ruoniu Wang, Diep Nguyen, Jim Martinez, Nicholas Taylor, Jennison Kip Searchy, Household Energy Costs and the Housing Choice Voucher Program: Do Utility Allowances Pay the Bills? Housing Policy Debate Vol 29:4 (2019)

Abstract: Utility bills present a hidden threat to the affordability of a family's housing—unknown before a household moves into a unit, and unpredictable from one month to the next. In theory, tenants receiving Housing Choice Vouchers are shielded from energy cost burdens through utility allowances built into rent subsidies. However, tenants may face actual energy costs that far outstrip allowances, effectively rendering their housing unaffordable. This study compares utility allowances with electric bills for over 19,000 Housing Choice Voucher households in four Florida cities and identifies household and unit characteristics associated with excessive costs. Nearly half of tenants in the sample faced bills in excess of posted allowances, with households renting single-family homes particularly at risk. On the other hand, state-sponsored affordable housing developments, such as those subsidized by the Low Income Housing Tax Credit, offered voucher tenants the chance to live in modern units with lower energy use and a better fit between costs and the utility allowance. The findings have implications for housing authorities and tenants seeking to reduce energy cost burdens.

39. Atticus Jaramillo, William M. Rohe, Michael D. Webb, Neighborhood Opportunity and Satisfaction Among Housing Choice Voucher Recipients: A Subjective Well-Being Perspective, Housing Policy Debate (2019)

Abstract: This study analyzes how different neighborhood opportunity characteristics are associated with Housing Choice Voucher recipients' subjective well-being, as measured by neighborhood satisfaction. We focus on this topic because subjective well-being is linked to a variety of important outcomes, such as health, productivity, and social relationships. Thus, a complete understanding of how opportunity neighborhoods impact low-income households' lives requires consideration of subjective well-being. Relying on a sample of Housing Choice Voucher recipients living in Charlotte, North Carolina, we find that neighborhood opportunity indicators are not strong predictors of neighborhood satisfaction after controlling for perceptions of neighborhood conditions and household composition. This result suggests that mobility to opportunity neighborhoods may not result in corresponding increases in neighborhood satisfaction and, thus, subjective well-being.

40. Chyn, Eric, Joshua Hyman, and Max Kapustin. "Housing Voucher Take-Up and Labor Market Impacts." Journal of Policy Analysis and Management 38(1): 65–98 (2019). https://onlinelibrary.wiley.com/doi/full/10.1002/pam.22104.

Abstract: Low participation rates in government assistance programs are a major policy concern in the United States. This paper studies take-up of Section 8 housing vouchers, a program in which take-up rates are quite low among interested and eligible households. We link 18,109 households in Chicago that were offered vouchers through a lottery to administrative data and study how baseline employment, earnings, public assistance, arrests, residential location, and children's academic performance predict take-up. Our analysis finds mixed evidence of whether the most disadvantaged or distressed households face the largest barriers to program participation. We also study the causal impact of peer behavior on take-up by exploiting idiosyncratic variation in the timing of voucher offers. We find that the probability of lease-up increases with the number of neighbors who recently received voucher offers. Finally, we explore the policy implications of increasing housing voucher take-up by applying reweighting methods to existing causal impact estimates of voucher receipt. This analysis suggests that greater utilization of vouchers may lead to larger reductions in labor market activity. Differences in take-up rates across settings may be important to consider when assessing the external validity of studies identifying the effects of public assistance programs.

41. Craig Evan Pollack, Amanda L. Blackford, Shawn Du, Stefanie Deluca, Rachel L. J. Thornton, Bradley Herring, Association of Receipt of a Housing Voucher With Subsequent Hospital Utilization and Spending, the Journal of the American Medical Association (2019)

Summary: Authors sought to examine whether housing policies that reduce exposure to high-poverty neighborhoods were associated with differences in long-term hospital use among adults and children. Authors designed an exploratory analysis of the Moving to Opportunity for Fair Housing Demonstration Program, a randomized social experiment conducted in 5 US cities. From 1994 to 1998, 4604 families in public housing were randomized to 1 of 3 groups: a control condition, a traditional Section 8 voucher toward rental costs in the private market, or a voucher that could only be used in low-poverty neighborhoods. Participants were linked to all-payer hospital discharge data (1995 through 2014 or 2015) and Medicaid data (1999 through 2009). The authors concluded that in this exploratory analysis of a randomized housing voucher intervention, adults who received a housing voucher did not experience significant differences in hospital use or spending. Receipt of a voucher during childhood was significantly associated with lower rates of hospitalization and less inpatient spending during long-term follow-up.

42. Anita Zuberi, "The Other Side of the Story: Exploring the Experiences of Landlords in order to Improve Housing Opportunity for Low-Income Households," NYU Furman Center (Apr. 2019) https://www.law.nyu.edu/sites/default/files/Furman%20Center%20Colloquium%20Paper%202019_Zuberi.pdf

Abstract: As housing policy for low-income households has shifted away from large-scale public housing developments into subsidized housing vouchers that individuals use to find housing in the private market, landlords play a vital role in the lives of low-income renters. Relatively few studies, however, have incorporated the perspective of landlords. The present study adds to a growing body of research by exploring the experiences of landlords of low income households and with the subsidized Housing Choice Voucher program. Data for this study were collected through qualitative in-depth interviews with landlords from a mid-sized urban area in Pennsylvania (N=29), with the goal of understanding how they experience renting to low-income households, including those who have subsidies through the HCV program, and how issues associated with poverty – such as economic and households instability – may play out for landlords. The data reveal that landlords experience challenges with the bureaucracy of the HCV program as well as with issues related to the poverty of the tenants. Programmatic issues included communication with caseworkers, availability of program information, and rules related to inspection. With respect to low-income tenants, many landlords reported having good experiences with HCV tenants, but several also reported issues with late rent, tenants not on the lease, and "housekeeping". I discuss the implications of these findings for the HCV program. Changing the system to improve the experiences of smaller-scale landlords may encourage others to participate, thereby improving the supply of housing for low-income households.

43. Alicia Mazzara and Brian Knudsen, Where Families With Children Use Housing Vouchers: A Comparative Look at the 50 Largest Metropolitan Areas (CBPP and PRRAC, January 2019), https://prrac.org/pdf/where_families_use_vouchers_2019.pdf

This analysis examines the location of families with children using vouchers in all U.S. metropolitan areas and in the 50 largest metro areas across multiple neighborhood characteristics. Using Department of Housing and Urban Development (HUD) administrative data and Census Bureau survey data, we compare the location of these families to the location of voucher-affordable units using three measures: neighborhood poverty, an opportunity index, and the share of residents who are people of color.

44. Alison Bell, Barbara Sard, and Becky Koepnick, Prohibiting Discrimination Against Renters Using Housing Vouchers Improves Results (Center on Budget & Policy Priorities, December 2018)

Summary: This article provides a chronology and overview of jurisdictions which are covered by source-of-income discrimination laws, along with recommendations on implementing source-of-income discrimination laws.

45. Aastha Uprety & Kate Scott, "In the District, Source of Income Discrimination Is Race Discrimination Too," Equal Rights Center (Oct. 2018) https://equalrightscenter.org/source-of-income-and-racediscrimination-dc/

Summary: In many places, including D.C., it is critical to understand that source of income discrimination is tantamount to race discrimination and is a key factor contributing to ongoing racial segregation in our communities.

46. Reina, V. J., & Winter, B. (2018). Safety net? The use of vouchers when a place-based rental subsidy ends. Urban Studies, 56(10), 2092–2111. https://doi.org/10.1177/0042098018782407

Abstract: The US government moved to a private ownership model for providing affordable housing in the 1960s, which resulted in millions of housing units being developed and governed by affordability restrictions that expire at some later point. By 2010, thousands of tenants lived in properties where a private owner, or US Department of Housing and Urban Development, terminated the rental subsidy, and many more will face this reality going forward. Households in the project-based Section 8 programme are offered a voucher when the subsidy contract ends. This as of right voucher represents the only federal rental safety net programme in the USA. Despite this reality, little is known about what happens to tenants when a subsidy contract ends, including whether or how they use their vouchers. This paper creates a national census of every tenant who lived in a property in the USA where the project-based Section 8 subsidy ended through 2010 to analyse this event. The analysis includes a series of models that analyse what factors are associated with voucher use, moves, and opportunity moves. This paper finds that the voucher is not used by the majority of households, despite high levels of household demand for the subsidy. Those who use the voucher and move tend to move to lower poverty tracts. However, the subsidy offers the weakest safety net for households where the head is older than 62 or Black.

47. 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.

48. 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.

49. Maria Krysan, Kyle Crowder, Molly M. Scott, Carl Hedman, Sade Adeeyo, Somala Diby, and Sierra Latham, Racial and Ethnic Differences in Housing Search: Final Report, U.S. Department of Housing and Urban Development Office of Policy Development and Research (May 2018), https://www.huduser.gov/portal/publications/HousingSearch.html

Summary: This research adds new insights about the housing search process that renters undertake, and how this process differs by race and ethnicity. By combining robust survey data from the Panel Study of Income Dynamics (PSID), the American Housing Survey (AHS), and the Chicago Area Study (CAS), and original data collection from a convenience sample of 135 recent movers and 351 current searchers from the Washington, D.C., metropolitan area, the study provides the most comprehensive picture to date about the rental housing search process.

50. 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.

51. Miles, D. R. B., Samuels, B., & Pollack, C. E. (2017). Leveraging housing vouchers to address health disparities. American Journal of Public Health, 107(2), 238–240. https://doi.org/10.2105/ajph.2016.303565

Summary: Housing choice vouchers have the potential to improve health outcomes when they are used to move to low-poverty neighborhoods. However, several barriers exist that prevent voucher recipients from renting in "opportunity" neighborhoods such as lack of available rentals, unaffordable prices in more advantaged neighborhoods, and source of income discrimination. Although research shows that segregation is a key cause of health disparities, advocacy by the public health community can help push necessary policy by spotlighting the potential health benefits of increasing access to housing in advantaged neighborhoods.

52. 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.

53. 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)l and McKiney-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.

54. 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.

55. Phillips, David C. "Landlords Avoid Tenants Who Pay with Vouchers." Economics Letters, 151: 48-52 (2017).

Abstract: This paper uses a correspondence experiment with fictional housing applicants to test how landlords respond to tenants paying with a subsidized voucher. Landlords respond positively to those wishing to pay by voucher only half as often as to those indicating no such desire. Within the set of apartments eligible for voucher rent limits, the voucher penalty increases with monthly rent. Landlord behavior places quantitatively important restrictions on the quantity and type of apartments available to voucher recipients.

56. Matthew Desmond and Kristen L. Perkins, "Are Landlords Overcharging Housing Voucher Holders?" City and Community 15 (2): 137-162 (2016).

Abstract: The structure of rental markets coupled with the design of the Housing Choice Voucher Program (HCVP), the largest federal housing subsidy for low-income families in the United States, provides the opportunity to overcharge voucher holders. Applying hedonic regression models to a unique data set of Milwaukee renters combined with administrative records, we find that vouchered households are charged between $51 and $68 more in monthly rent than unassisted renters in comparable units and neighborhoods. Overcharging voucher holders costs taxpayers an estimated $3.8 million each year in Milwaukee alone, the equivalent of supplying 620additional families in that city with housing assistance. These findings suggest that the HCVP could be made more cost-effective—and therefore more expansive—if overcharging were prevented.

57. Moore, M. K. (2016). Lists and lotteries: Rationing in the Housing Choice Voucher Program. Housing Policy Debate, 26(3), 474–487. https://doi.org/10.1080/10511482.2015.1129984

Abstract: This article investigates how the Housing Choice Voucher (HCV) program rations subsidies. HCV is the largest low-income housing assistance program in the United States. Despite the program's size, millions of HCV-eligible households go without subsidy each year. Because the demand for support exceeds the supply of subsidies, HCV assistance is rationed through several mechanisms. These mechanisms and their relationship with the HCV system from both the client and administrator perspectives will be discussed. Implications of HCV rationing will also be discussed.

58. 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.

59. Ruoniu 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.

60. Alex F. Schwartz, Kirk McClure, and Lydia B. Taghavi, Vouchers and Neighborhood Distress: The Unrealized Potential for Families with Housing Choice Vouchers to Reside in Neighborhoods with Low Levels of Distress, Cityscape Vol 18:3 (2016)

Abstract: The Housing Choice Voucher (HCV) program seeks to help poor households locate in high-opportunity neighborhoods, but experts have reached little agreement on how to define high opportunity. Using low poverty as the sole criterion has proven ineffective. We offer an alternative metric to assess the level of distress in neighborhoods using multiple measures of neighborhood condition. With this new metric, we examine the extent to which female-headed families with children who have housing choice vouchers reside in census tracts with varying levels of distress by comparison with the availability of affordable rental housing. We find that HCV families are underrepresented in the least-distressed neighborhoods. The problem is especially acute among Black and Hispanic households.

61. "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.

62. Margery Austin Turner & Judson James, Discrimination as an Object of Measurement, 17 Cityscape 3 (2015). https://www.huduser.gov/portal/periodicals/cityscpe/vol17num3/guest.pdf

Summary: For nearly four decades, the Office of Policy Development and Research (PD&R) in the U.S. Department of Housing and Urban Development (HUD) has sponsored large-scale, paired-testing studies to rigorously measure the incidence and forms of housing discrimination in metropolitan areas nationwide. As we approach the 50th anniversary of passage of federal fair housing protections, this issue of Cityscape offers a comprehensive review of HUD's paired-testing research, which first focused exclusively on discrimination against African-American homeseekers, and, most recently, expanded to measure discrimination based on disability, sexual preference and gender identity, family composition, and housing voucher recipiency.

63. Chetty, Raj, Nathaniel Hendren, and Lawrence F. Katz, The Effects of Exposure to Better Neighborhoods on Children: New Evidence from the Moving to Opportunity Experiment, American Economic Review Vol 106:4 (2015)

Abstract: The Moving to Opportunity (MTO) experiment offered randomly selected families living in high- poverty housing projects housing vouchers to move to lower-poverty neighborhoods. We present new evidence on the impacts of MTO on children's long-term outcomes using administrative data from tax returns. We find that moving to a lower-poverty neighborhood significantly improves college attendance rates and earnings for children who were young (below age 13) when their families moved. These children also live in better neighborhoods themselves as adults and are less likely to become single parents. The treatment effects are substantial: children whose families take up an experimental voucher to move to a lower-poverty area when they are less than 13 years old have an annual income that is $3,477 (31%) higher on average relative to a mean of $11,270 in the control group in their mid-twenties. In contrast, the same moves have, if anything, negative long-term impacts on children who are more than 13 years old when their families move, perhaps because of the disruption effects of moving to a very different environment. The gains from moving fall with the age when children move, consistent with recent evidence that the duration of exposure to a better environment during childhood is a key determinant of an individual's long-term outcomes. The findings imply that offering vouchers to move to lower-poverty

neighborhoods to families with young children who are living in high- poverty housing projects may reduce the intergenerational persistence of poverty and ultimately generate positive returns for taxpayers.

64. Kirk McClure, Alex F. Schwartz, and Lydia B. Taghavi, Housing Choice Voucher Location Patterns a Decade Later, Housing Policy Debate Vol 25:2 (2015)

Abstract: In 2003, the U.S. Department of Housing and Urban Development (HUD) prepared a study of the location patterns of the Housing Choice Voucher (HCV) program. This study became an important baseline for the evaluation of the HCV program and its ability to serve the goal of poverty deconcentration. The study examined the ability of HCV households in the 50 largest metropolitan areas to make entry to a broad array of neighborhoods and to locate in high-opportunity neighborhoods with low levels of poverty.

New data from HUD and the American Community Survey permit the study to be replicated. We find that vouchers continue to consume only a small portion of the housing stock, with relatively small amounts of spatial concentration. Unfortunately, only about one in five voucher households locate in low-poverty neighborhoods, and this share is rising only very slowly. If the nation wants to pursue poverty deconcentration through the HCV program, we cannot rely on the program, as it is now structured, to accomplish this goal. Additional incentives and constraints will be needed, similar to those that were part of the Gautreaux and Moving to Opportunity programs.

65. DeLuca, Stefanie. "Why Don't More Voucher Holders Escape Poor Neighborhoods?" NYU Furman Center (Oct. 2014). https://furmancenter.org/research/iri/essay/why-dont-more-voucher-holders-escape-poor-neighborhoods

Summary: Lessons learned from a decade of Housing Choice Voucher research and the realities of how and why voucher assisted families move.

66. Rosen, Eva. "Rigging the Rules of the Game: How Landlords Geographically Sort Low Income Renters." City and Community 13(4): 310-340 (2014).

Abstract: This paper considers an unexamined mechanism in the selection processes that sort the urban poor into different neighborhood environments: the landlord. Scholars of poverty and residential mobility have long been interested in how the choices of low-income families interact with structural barriers to create high-poverty neighborhoods that reproduce social and economic isolation as well as racial segregation. However, they have not examined the ways in which these choices are shaped by the intermediary force of the landlord. This paper draws on ethnographic observation and in-depth interviews with 20 landlords and 82 residents in Baltimore, examining their engagement with the Housing Choice

Voucher (HCV) program. Findings show that landlords' strategic implementations of voucher rules contribute to residential sorting patterns through a three-step process: first, selection, in which targeted recruitment tactics favor voucher tenants; second, a sorting process in which landlords cherry-pick the lower-end voucher tenants, matching them to hard-to-rent units; and third, landlords' selective retention of tenants who do not have the means to leave. This results in rigging the game, where a process of "reverse selection" operates: Rather than tenants selecting homes and neighborhoods, landlords are selecting tenants. Taken together, these tactics result in a strategic balkanization of the rental housing market that retains voucher holders where they can be most profitable—in the very neighborhoods policymakers would like to provide them with the opportunity to leave. Landlord tactics serve as a powerful mechanism in the concentration of poverty.

67. 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.

68. Greenlee, Andrew J . 2014. "More Than Meets the Market? Landlord Agency in the Illinois Housing Choice Voucher Program." Housing Policy Debate 24 (3): 500–24 (2014). https://www.tandfonline.com/doi/abs/10.1080/10511482.2014.913649

Abstract: The federal Housing Choice Voucher Program currently serves as one of the nation's predominant strategies for providing affordable rental housing for low-income households. The program is designed around two goals: first, to uphold the U.S. Department of Housing and Urban Development's mission to provide safe, decent, and affordable housing; and second, to facilitate household residential location choices, with the idea that such choices can leverage other types of nonhousing opportunities for assisted households. While scholarly research has described a range of positive and negative household outcomes associated with the voucher subsidy, less is known about how those outcomes are produced on the ground. This research describes findings from 72 in-depth interviews with Illinois

landlords and other voucher program stakeholders regarding their experiences with the program, with the goal of linking landlord practices to tenant outcomes. Findings of this research underscore the substantial influence that landlords have on assisted-household residential location choice and tenure, and show the potential for voucher program design to more actively engage with landlords as providers of supports that extend beyond the housing unit.

69. Ludwig, Jens, et al., "Long-term neighborhood effects on low-income families: Evidence from Moving to Opportunity." American Economic Review 103.3 (2013): 226-31.

Abstract: We examine long-term neighborhood effects on low-income families using data from the Moving to Opportunity (MTO) randomized housing-mobility experiment, which offered some public-housing families but not others the chance to move to less-disadvantaged neighborhoods. We show that 10-15 years after baseline MTO improves adult physical and mental health; has no detectable effect on economic outcomes, youth schooling and youth physical health; and mixed results by gender on other youth outcomes, with girls doing better on some measures and boys doing worse. Despite the somewhat mixed pattern of impacts on traditional behavioral outcomes, MTO moves substantially improve adult subjective well-being.

70. 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.

71. 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.

72. "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.

73. 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.

74. Kelly L. Patterson & Eun-Hye Enki Yoo, "Trapped in Poor Places? An Assessment of the Residential Spatial Patterns of Housing Choice Voucher Holders in 2004 and 2008." Journal of Social Service Research, 38:5, 637-655. https://doi.org/10.1080/01488376.2012.706698 (August 2012)

Abstract: This study examines the residential spatial patterns of Housing Choice Voucher holders in Western New York in 2004 and 2008 (n = 4,600 and n = 4,759,

respectively). It seeks to answer two questions: Has the concentration of voucher holders in impoverished and same race neighborhoods diminished overtime; and are voucher holders, particularly African Americans, relocating in patterns that would lead to reghettoization or the reconcentration of race and poverty? This type of residential pattern puts voucher holders at risk for resettling in neighborhoods that limit economic and social mobility. Data from the public housing agency contracted to distribute Housing Choice Vouchers were examined. Exploratory spatial analysis techniques were used to identify spatial outliers and to form a hypothesis on spatial patterns of relocation. Spatial clustering analyses were conducted to test the hypothesis on the reghettoization of African American voucher holders in recently relocated neighborhoods. Analyses indicate that African American voucher holders are moving out of impoverished, hypersegregated areas into historically White neighborhoods. A limited number of voucher holders are moving in clustered patterns, which lead to reghettoization. Future research is needed that highlights the role that housing assistance providers play in the residential location choices of low-income clients.

75. 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.

Abstract: 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.

76. Austin Tenants' Council, Voucher Holders Need Not Apply: An Audit Report on the Refusal of Housing Choice Vouchers by Landlords in the Austin MSA (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.

77. Equal Rights Center, Still in Search of Decent Housing: A Five-Year Reflection on Discrimination Against Housing Choice Voucher Holders in the District of Columbia, (2011).

A market testing survey looking at source of income discrimination against voucher holders in the District of Columbia.

78. Lens, Michael C., Ingrid Gould Ellen, and Katherine O'Regan. "Do Vouchers Help Low-Income Households Live in Safer Neighborhoods? Evidence on the Housing Choice Voucher Program." Cityscape (Washington, D.C.), 13(3): 135–59 (2011). https://furmancenter.org/research/publication/do-vouchers-help-low-income-households-live-in-safer-neighborhoods-evidence.

Abstract: This article examines an important potential justification for the Housing Choice Voucher Program, namely, whether participants are able to access safer neighborhoods. Using neighborhood crime and subsidized housing data for 91 large cities, we examined whether voucher holders are able to reach communities with lower levels of crime. We found that, in 2000, voucher households occupied neighborhoods that were about as safe as those housing the average poor renter household and were significantly safer than those in which households assisted through place-based programs lived. Notably, Black voucher holders lived in significantly lower crime neighborhoods than poor households of the same race, but Hispanic and White voucher holders did not. In a separate analysis of seven cities, we found that voucher holders lived in considerably safer neighborhoods in 2008 than they did in 1998, largely because crime rates fell more in the neighborhoods where voucher holders live than in other neighborhoods.

79. 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.

Abstract: 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."

80. Martha M. Galvez, Getting Past 'No': Housing Choice Voucher Holders' Experiences With Discrimination and Search Costs, Poverty & Race Research Action Council (2010).

Abstract: The federal Section 8/Housing Choice Voucher Program subsidizes the market-rate rents of close to 2 million low-income households nationwide. In many urban areas, voucher-assisted households tend to be concentrated in subsets of higher-poverty, distressed urban neighborhoods. This project explores two factors commonly believed to contribute to these trends in the City of Seattle: landlord discrimination against voucher holders, and high search costs. Interviews and focus groups with 31 successful voucher participants suggest that housing searches can be arduous, and that both discrimination and search costs can be significant obstacles to finding housing. The combination of poor credit and inability to pay search costs can be particularly challenging for voucher holders to overcome. Despite local source of income protections in the City of Seattle, half of the study participants experienced or perceived landlord discrimination because of their voucher status. Voucher holders reported similar strategies to minimize search costs and find landlords willing to accept a voucher.

81. 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 (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.

82. 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.

83. Greater New Orleans Fair Housing Action Center, Housing Choice in Crisis: An Audit Report on Discrimination against Housing Choice Voucher Holders in the Greater New Orleans Rental Housing Market (2009)

This publication is a market testing survey on source of income discrimination of tenants with Housing Choice Vouchers in the Great New Orleans rental market.

84. 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 (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.

85. Wood, Michelle, Jennifer Turnham, and Gregory Mills, "Housing affordability and family well-being: Results from the housing voucher evaluation." Housing Policy Debate 19.2 (2008): 367-412. https://www.tandfonline.com/doi/abs/10.1080/10511482.2008.9521639.

The Effects of Housing Vouchers on Welfare Families was an experimental evaluation that examined the effects of housing assistance on low-income families eligible for or receiving Temporary Assistance for Needy Families. Household-based rental vouchers were provided to participants under the Welfare to Work Voucher program sponsored by the U.S. Department of Housing and Urban Development from 2000 through 2004. Vouchers were randomly assigned to eligible program participants in six sites across the country, sample members were tracked over about five years, and the effects of vouchers on homelessness and crowding, household composition, housing mobility, neighborhood quality, employment and earnings, and other aspects of family well-being were measured.

Vouchers significantly reduced homelessness, crowding, household size, and the incidence of living with relatives or friends, but had no effect on marriage or cohabitation. Vouchers increased housing mobility, while reducing the number of subsequent moves, and resulted in small improvements in neighborhood quality.

86. Kirk McClure, Deconcentrating Poverty With Housing Programs, Journal of the American Planning Association, 74:1, 90-99, DOI: 10.1080/01944360701730165 (2008) https://doi.org/10.1080/01944360701730165.

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 home-buyers and rents 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.

87. 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.

88. New York ACORN, Housing for Everyone: New York City, Section 8, and Source of Income Discrimination (2007) (market testing survey)

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 than in place in a number of other states and cities.

89. 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.

90. Zielenbach, S. (2006). Moving Beyond the Rhetoric: Section 8 Housing Choice Voucher Program and Lower-Income Urban Neighborhoods. Journal of Affordable Housing & Community Development Law, 16(1), 9–39. http://www.jstor.org/stable/25781086

Summary: Are there particular characteristics that make opposition to the Section 8 voucher program more likely in certain communities than others? This study quantifies the extent to which Section 8 voucher holders are concentrated in particular neighborhoods in each of the three cities. It examines economic and social conditions in the neighborhoods in which political opposition has been the greatest and analyzes the underlying Section 8 related dynamics in those areas. It looks at similar neighborhoods where the Section 8 voucher program has not generated such strong opposition. The findings indicate that the communities that have vocalized the strongest opposition to the program frequently do not have large concentrations of voucher holders. Case studies of the high opposition communities suggest that the Section 8 voucher program often serves as a scapegoat for other social and economic factors affecting lower-income urban communities.

91. Equal Rights Center, In Search of Decent Housing in the DC Metropolitan Area: The Affordable Housing Crisis for Section 8 Voucher Holders, (2005).

This publication is a market testing survey of source of income discrimination against voucher tenants in the DC metropolitan area.

92. 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 (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 non-minorities, 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.

93. 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.

94. Lawyers Committee for Better Housing, Inc., Locked Out: Barriers to Choice for Housing Voucher Holders, Report on Section 8 Housing Choice Voucher Discrimination (2002).

Summary: 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.

95. 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 polices and procedures play in success rates. These policies and 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.

96. Rolf Pendall, "Why Voucher and Certificate Users Live in Distressed Neighborhoods," Housing Policy Debate 11 (4): 881-909, (2000).

Abstract: The Section 8 voucher and certificate program potentially allows recipients to choose better neighborhoods than they might otherwise be able to afford. This article compares the location of households using Section 8 vouchers and certificates with the location of other renter households, both low-income renters and all renters. In 1998, Section 8 users were 75 percent as likely as other poor tenants to live in distressed neighborhoods but 150 percent more likely than all renters to live in such tracts. These national averages obscure substantial variation among metropolitan areas. Section 8 users concentrate in distressed neighborhoods when rental housing concentrates there, but they avoid distressed neighborhoods with very low rents. Concentration also hinges on race; when assisted households are mostly black and other residents are mostly white, assisted households are much more likely to live in distressed neighborhoods.

97. Susan J. Popkin & Mary K. Cunningham, The Urban Institute, Searching for Rental Housing with Section 8 in Chicago Region (2000).

Summary: 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.

98. Susan J. Popkin & Mary K. Cunningham, The Urban Institute, CHAC Section 8 Program: Barriers to Successful Leasing Up (1999).

Summary: 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.

99. 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.

100. David P. Varady, Carole C. Walker, Vouchering out Distressed Subsidized Developments – Does Moving Lead to Enhanced Feelings of Safety?, DOI: 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.

101. Stephen D. Kennedy and Meryl Finkel. Section 8 Rental Voucher and Rental Certificate Utilization Study: Final Report. Cambridge, MA: Abt Associates (1994).

This publication was commissioned by HUD to assess and evaluate rental voucher utilization rates. This report marked issues with utilization and lease up of voucher tenants.

102. 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.

Acknowledgments

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. PRRAC staff and interns who have helped to compile this directory include Thomas Silverstein, Audrey Lynn Martin, John Square III, Peter Baron, Mattie Isaac, Caleb Hersh, Sam Reece, Annie Akbar, Robert Lindsay, Peter Kye, Oluwatoyin Edogun, Abi Hollinger, Natali Collazos, Lauren Mittman, Michael Swistara, Nikhil De, Heidi Kurniawan, Lily Mitwit, Emily Walton, David Pringle, Jenn Pollan, LaKeeshia Fox, Etienne Toussaint, Lawrence Laws, Jessica Smiley, Pooja Patel, Ebony Gayles, Jason Small, Katherine DeFord, and Philip Tegeler (general editor).

We are especially grateful for the contributions and corrections of many of our legal services colleagues in the Housing Justice Network, including: Christie Marra and Helen O'Beirne Hardiman of the Virginia Poverty Law Center; Leanna Ware, Wisconsin Equal Rights Division; Ed Johnson, Oregon Law Center; Mary Hahn, Washington Lawyers' Committee; Ralph Menendez, New Jersey Division of Civil Rights; Rachel Batterson, Vermont Legal Aid; Connie Pascale, Legal Services of New Jersey; Marty Blaustein, Utah Legal Services; Ken Shiotani, NDRN; Michael Miller, Legal Aid Oklahoma; Jeffrey Dillman, Housing Research and Advocacy Center, Cleveland; Jay Wilkinson and Lael Robinson, Legal Aid of Minnesota, the Tenant Resource Center, WI; Michele Thomas, Washington Low Income Housing Alliance; Fred Fuchs, Texas Rio Grande Legal Aid; Frank Avellone; Tenants In Foreclosure Intervention Project; Antonia Fasanelli, Homeless Persons Representation Project; John VanLandingham, Lane County Legal Aid & Advocacy Center; Denise McGranahan, Legal Aid Foundation of Los Angeles; Jeanne Nishimoto, Legal Aid Foundation of Los Angeles; Eric Dunn and Scott Crain, Northwest Justice Project; Kori Schneider Peragine, Metropolitan Milwaukee Fair Housing Council; Michael Lepley, The Housing Research & Advocacy Center; Christopher Hull, Town of Hamburg, New York Department of Community Development; Debbi La Rue, Marin County Community Development; Zachariah Oquenda, UC Berkeley Law School; Ed Gramlich, National Low Income Housing Coalition; Mary Cunningham, Solomon Greene, Martha Galvez, and Daniel Teles, Urban Institute; Todd Pierce-Ryan and Kellie Maki Foster, Lakeshore Legal Aid; Tiffany Hickey, Bay Area Legal Aid; Deborah Thrope, National Housing Law Project; Stacy Wasserman and Amy Rainone, Rhode Island Housing; Bob Palmer, Housing Action Illinois; John VanLandingham, Oregon Law Center; Alison Bell, Center on Budget & Policy Priorities; Lisel Blash, Marin Environmental Housing Collaborative; Denise Brautigam, Portland ME; Judith Brachman and Amy Klaben, Columbus, OH; Rachel Biggs, Albuquerque Health Care for the Homeless; Alex West, South Coast Fair Housing; Cathy Alderman, Colorado Coalition for the Homeless; Adam Golden and Sam Wolter, Duke Law School, and Chris Benjamin.