



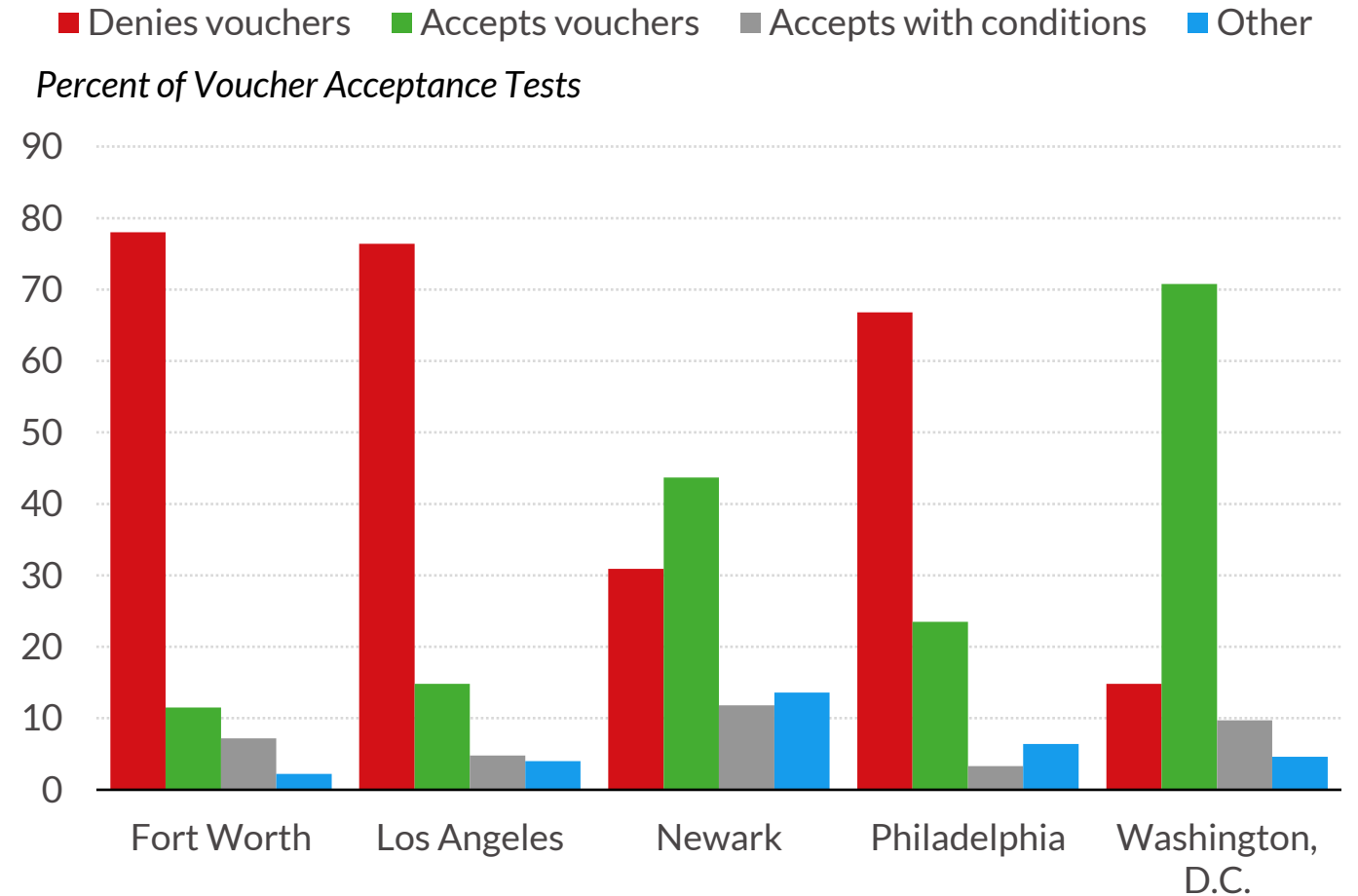
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February 28, 2023

Landscape of SOI Protections

How much source of income discrimination is there?

- Pilot Study (Cunningham et al. 2018) found:
 - Voucher acceptance tests showed clear evidence of discrimination
 - Denial rates varied widely across study sites



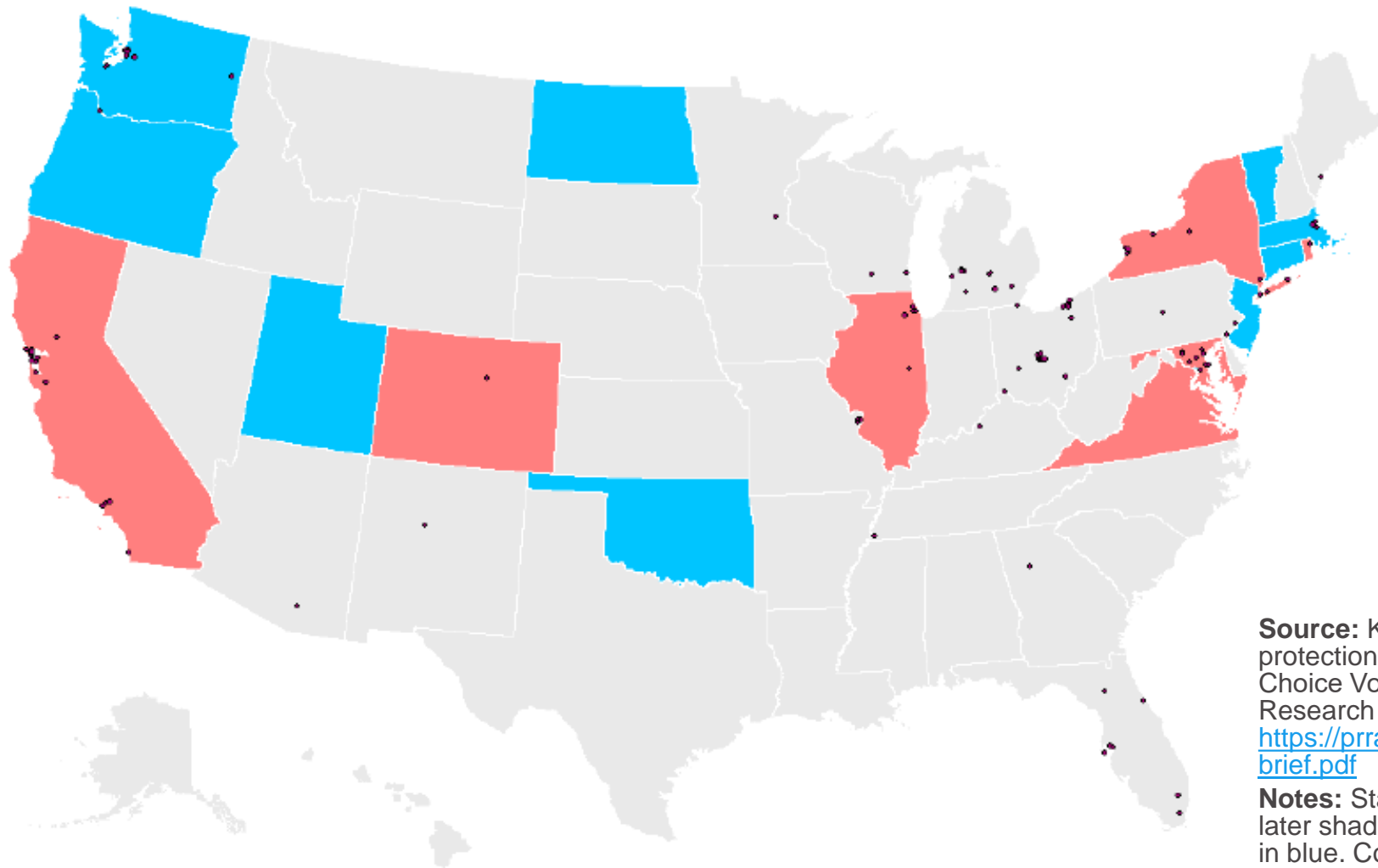
Source: Cunningham, M., Galvez, M., Aranda, C.L., Santos, R., Wissoker, D.A., Oneto, A.D., Pitingolo, R. and Crawford, J., 2018. *A Pilot Study of Landlord Acceptance of Housing Choice Vouchers*. Washington, DC: US Department of Housing and Urban Development, Office of Policy Development and Research. <https://www.huduser.gov/portal/pilot-study-landlord-acceptance-hcv.html>

Recent Research

- Matched-pair testing in apartment listing outreach (VOCAL-NY 2020) found:
 - 21% of voucher holders heard back from agents vs. 61% of prospective tenants with income from employment
 - Of prospective tenants who heard back from agents, 25% of voucher holders were told units were no longer available vs. 6% of those who only have income from employment
- Scraping over 1 million rental listings online found:
 - Landlords were more likely to discriminate against voucher holders in rental listings for units in neighborhoods with lower vacancy rates (Hangen et al. 2022)
 - Landlords were more likely to mention vouchers in their rental listings in lower opportunity zip codes than in higher opportunity zip codes (Besbris et al. 2022)

Source of Income Protections in the United States

September 2022



Source: Knusen, Brian. “Expanded protections for families with Housing Choice Vouchers”. Poverty & Race Research Action Council. <https://prrac.org/pdf/soi-voucher-data-brief.pdf>

Notes: State Laws enacted in 2019 or later shaded in red. State laws are shaded in blue. County and city laws are represented with dots.

Where to find a list of laws

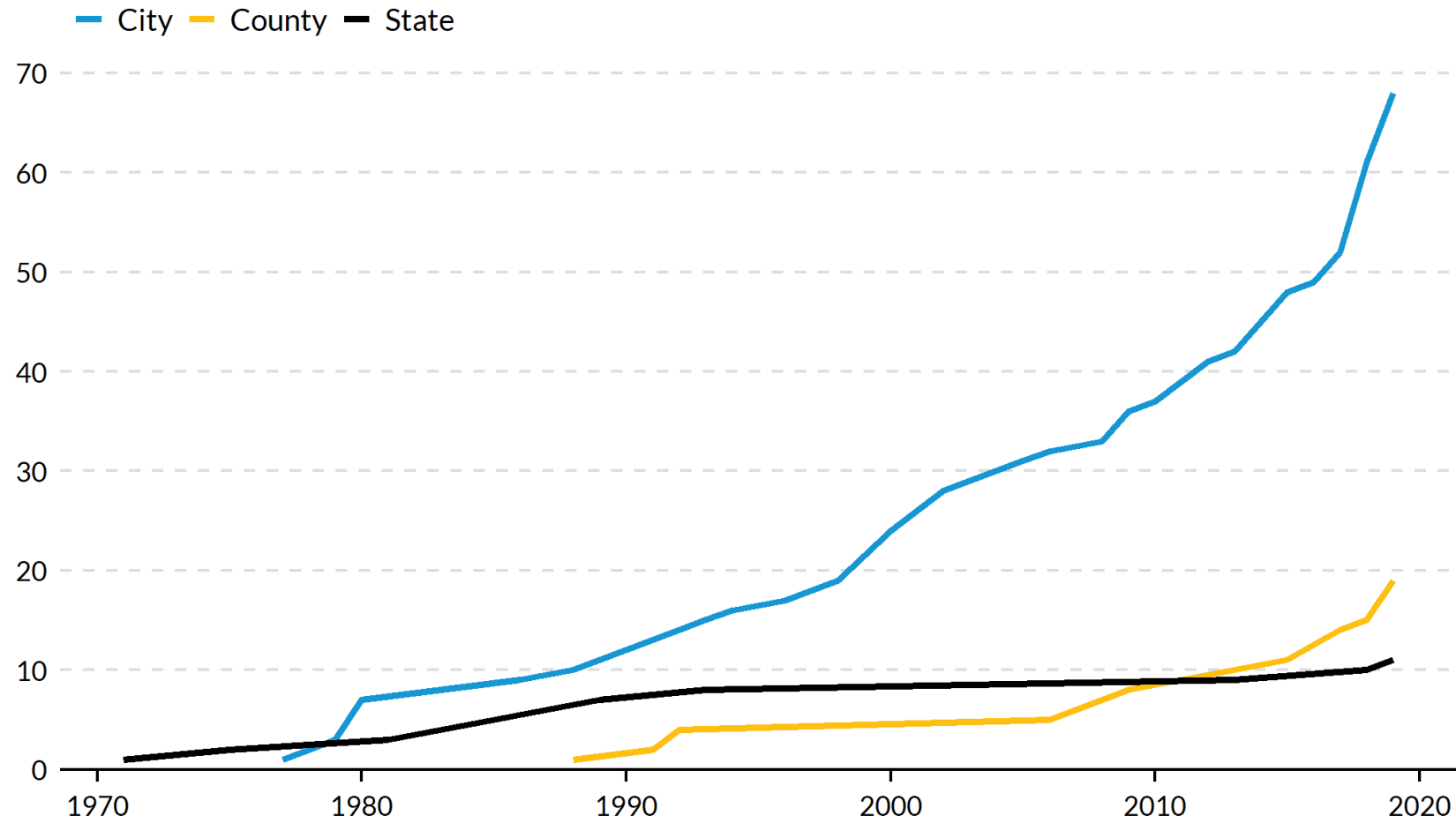
- **Full list and detail:**

- PRRAC's "APPENDIX B: State, Local, and Federal Laws Barring Source-of-Income Discrimination" (updated January 2023)
- <http://www.prrac.org/pdf/AppendixB.pdf>

- **Digitized data:**

- "State and Local Voucher Protection Laws," Urban Institute Data Catalog (updated September 2021)
- <https://datacatalog.urban.org/dataset/state-and-local-voucher-protection-laws>

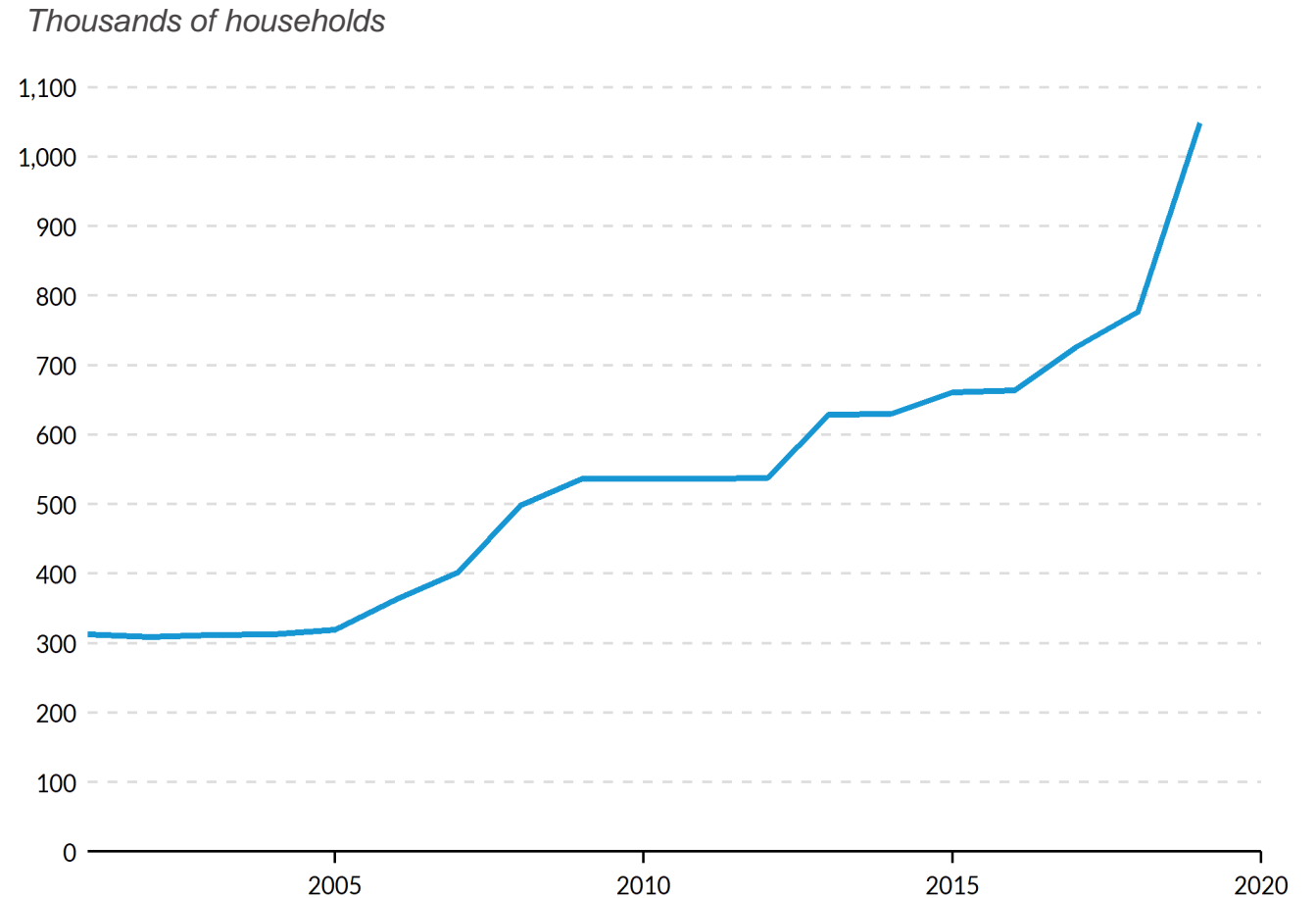
Growth in State and Local SOI Protections 1971 to 2019



Source: Greene, S., Spauster, P., Galvez, M.M. and Teles, D., 2020. State and local voucher protection laws: Introducing a new legal dataset.

<https://www.urban.org/research/publication/state-and-local-voucher-protection-laws-introducing-new-legal-dataset>

Number of Voucher Households Covered by Voucher Protection Laws, 2001-19



Source: Greene, S., Spauster, P., Galvez, M.M. and Teles, D., 2020. State and local voucher protection laws: Introducing a new legal dataset.

<https://www.urban.org/research/publication/state-and-local-voucher-protection-laws-introducing-new-legal-dataset>

Note: The number of voucher households covered by voucher protection laws is estimated using the locations of voucher households in 2017.

Characteristics of Voucher Holders, 2017

	US	Places with a voucher protection law	Places without a voucher protection law
Number of households with vouchers	2,042,488	1,049,260	993,228
Average household income	\$14,428	\$15,418	\$13,382
Household head is a woman	80%	78%	82%
Household includes children (up to 17 years old)	45%	42%	49%
Head of household or spouse is 62 years or older	24%	27%	21%
Any household member has a disability	49%	51%	47%
Black (non-Hispanic)	48%	42%	53%
Asian (non-Hispanic)	2%	3%	1%
White (non-Hispanic)	32%	32%	31%
Hispanic	17%	21%	13%
Other race/ethnicity	1%	1%	1%
Families with children in high-poverty tracts (≥ 30 percent poverty)	38%	37%	39%

Source: Greene, S., Spauster, P., Galvez, M.M. and Teles, D., 2020. State and local voucher protection laws: Introducing a new legal dataset. <https://www.urban.org/research/publication/state-and-local-voucher-protection-laws-introducing-new-legal-dataset>

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Key Features of Voucher Protection Laws and Their Prevalence

Number of local and state laws, out of 99, that have the given feature

Source: Greene, S., Spauster, P., Galvez, M.M. and Teles, D., 2020. State and local voucher protection laws: Introducing a new legal dataset.

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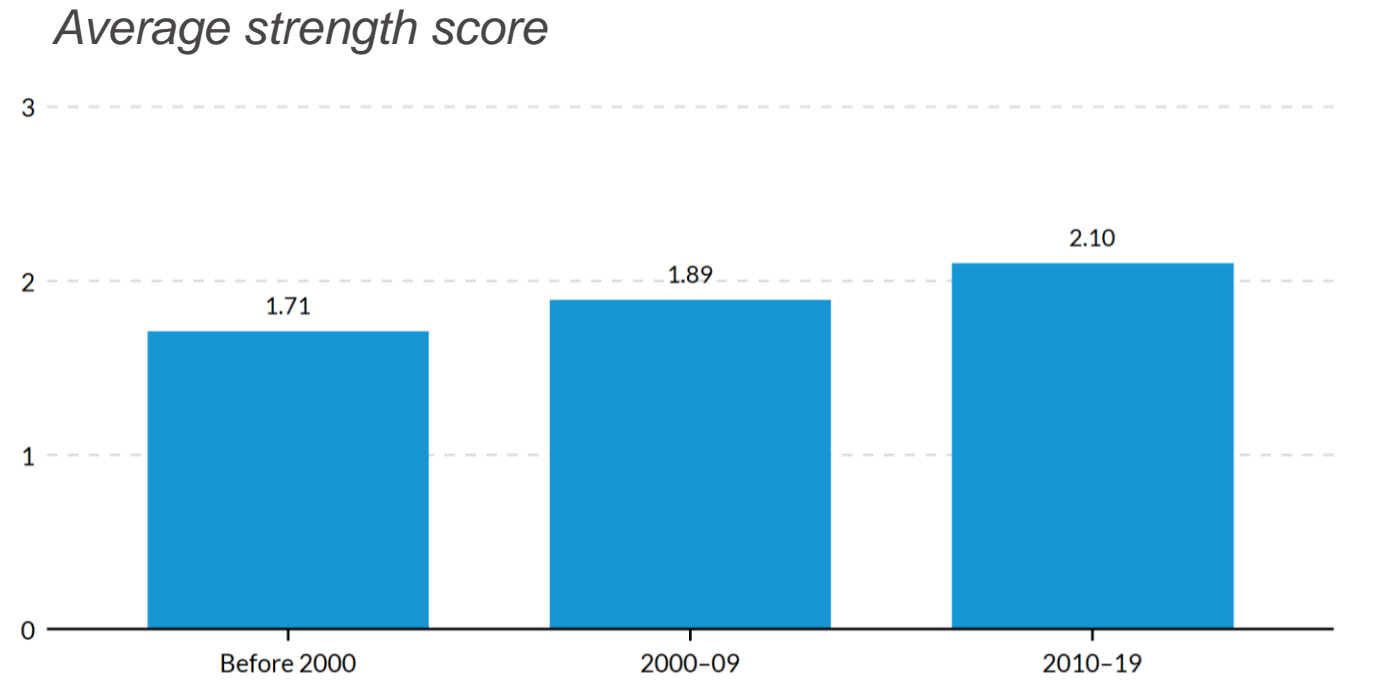
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Private right of action	55
Injunctive relief	78
Civil penalties	83
Civil damages	72
Attorney fees	66
Criminal penalties	21
Exemptions	
Applicant background	13
Good faith business decision	3
Minimum income	10
Owner-occupied	65
Property size	53
Religious or nonprofit owner	62
Incentives	
Landlord mitigation fund	5
Tax abatement	5

SOI Laws have been getting stronger

- **Voucher Protection Law Feature Strength Scores, by Time Period**

Source: Greene, S., Spauster, P., Galvez, M.M. and Teles, D., 2020. State and local voucher protection laws: Introducing a new legal dataset.

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Politics and Preemption

- 2 states, Texas and Indiana, ban local SOI protections
- Case studies of Oregon and Texas (Galvez, Greene, Oneto, and Spauster, 2020)
 - Evidence and media coverage sparked action
 - Coalitions and political champions played central roles

What do we know?

- The share of voucher holders in places with laws is increasing.
- Voucher households in jurisdictions with protections differ in some key ways from other voucher holders without protections.
 - Households in places with protection laws are more likely to be headed by an older adult, less likely to contain children, more likely to contain someone with a disability, more likely to be headed by a Hispanic/Latino person, and less likely to be headed by a Black person than households in areas without protections.
- Voucher protection laws are diverse in both their features and their overall strength based on our scoring framework.
- Laws have become “stronger” over time.

What don't we know?

- Enforcement
- Outreach/education
 - Do local landlords (and especially small landlords) know?
- Constraints to Effectiveness

What Does Research Tell Us About the Effectiveness of SOI Protections?

Katherine O'Regan

Professor of Public Policy and Planning,
NYU Wagner
Faculty Director, NYU Furman Center

February 28, 2023

Evidence on the Impacts of SOI Protections

- Impacts on voucher use: **How many** households can use their vouchers?
- Impacts on composition of voucher users: **Who** can use vouchers?
- Impacts on access to low-poverty neighborhoods: **Where** can households use vouchers?

Impacts on Voucher Use:

How many households can use vouchers?

- Freeman (2011): voucher utilization rates increased in jurisdictions after SOI laws were adopted compared to nearby jurisdictions without SOI laws.
- However, utilization and lease-up rates are not the same
 - **Utilization rate**: the share of an agency's authorized vouchers in use on average over a calendar year.
 - **Lease-up rate**: the share of new voucher recipients who successfully lease up

Impacts on Voucher Use:

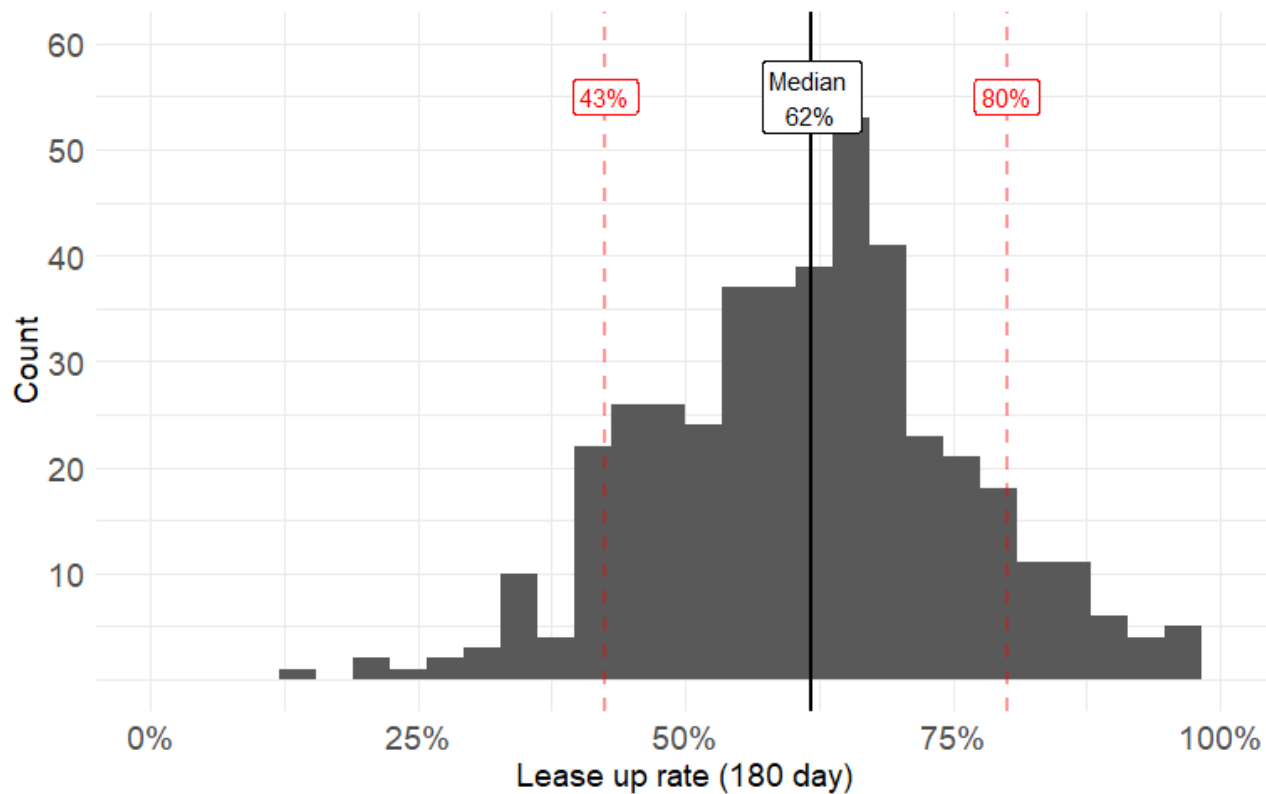
How many households can use vouchers?

- Obstacle: lack of data on lease-up rates
 - Furman Center estimated lease-up rates for 1,379 PHAs for 2019. [HUD report and data](#).
 - Estimated annual lease-up rates back to 2015 for 435 PHAs. Suggestive evidence so far that lease-up rates are higher in states with SOI protections (*not really causal*)
- Future work will examine impacts of SOI protections on voucher lease-up rates across PHAs

Impacts on Voucher Use:

How many households can use vouchers?

Distribution of 180 day lease up rates across 435 PHAs, 2019



Source: NYU Furman Center

Impacts on Composition of Voucher Holders:

Who can use vouchers?

- SOID laws could disproportionately help households of color, people with disabilities and other disadvantaged households to use their vouchers.
- In this way, SOID laws could lead to compositional changes in who successfully leases up.

Impacts on Composition of Voucher Holders: *Who* can use vouchers?

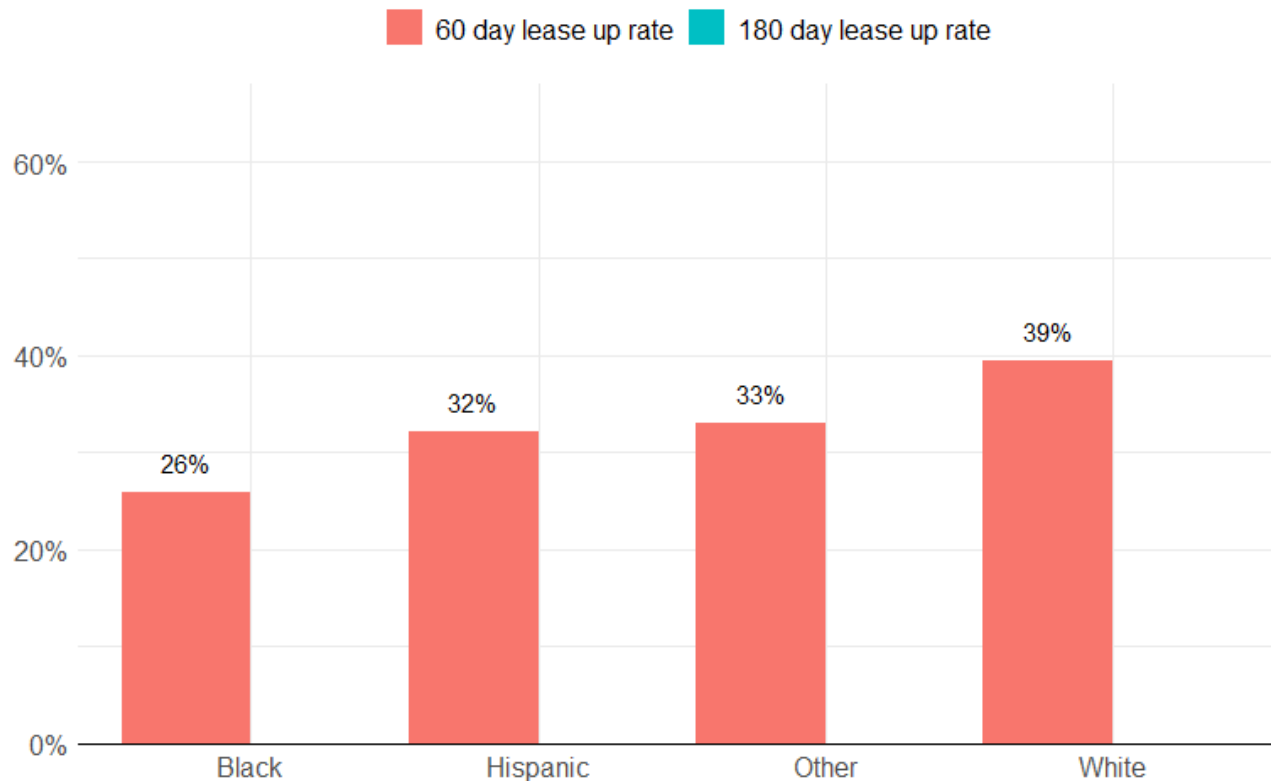
Table 9. Origin census tract poverty rates for census tract movers, pre and post SOI enactment.

Origin location poverty rate	Pre SOI enactment	Post SOI enactment
Average	23.1	26.0
10% or less	17.53	11.00
10–20%	29.41	24.22
20–30%	24.17	28.23
30–40%	16.72	21.31
More than 40%	12.17	15.24
Total	100	100

Note. This sample includes 31 SOI jurisdictions that enacted SOI laws between 2007 and 2017.

Impacts on Composition of Voucher Holders: *Who* can use vouchers?

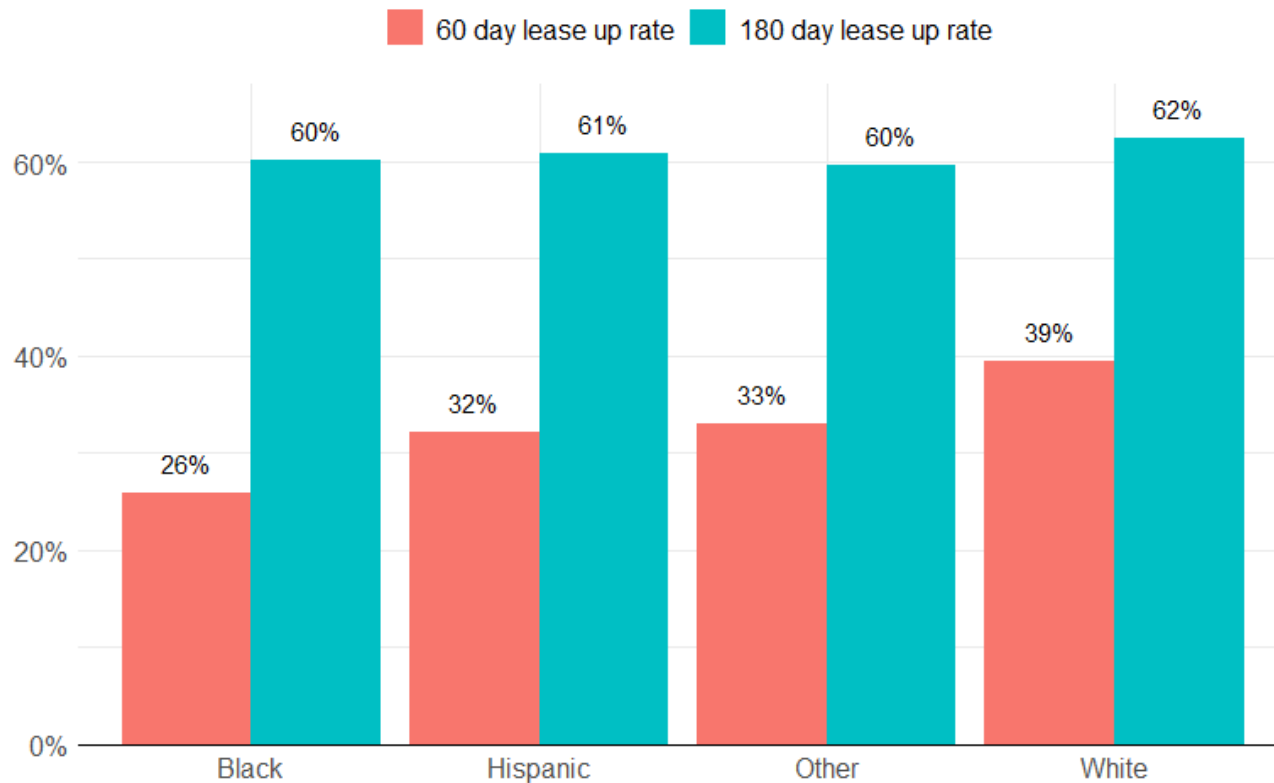
Lease up rates by race, 435 PHAs, 2015-2019



Source: NYU Furman Center

Impacts on Composition of Voucher Holders: *Who* can use vouchers?

Lease up rates by race, 435 PHAs, 2015-2019



Source: NYU Furman Center

Impacts on Access to Neighborhoods:

Where can households use vouchers?

- Freeman (2011): Neighborhoods of voucher holders after SOI laws showed modest changes → lower poverty rates, lower voucher concentration, higher share of white residents

Impacts on Access to Neighborhoods:

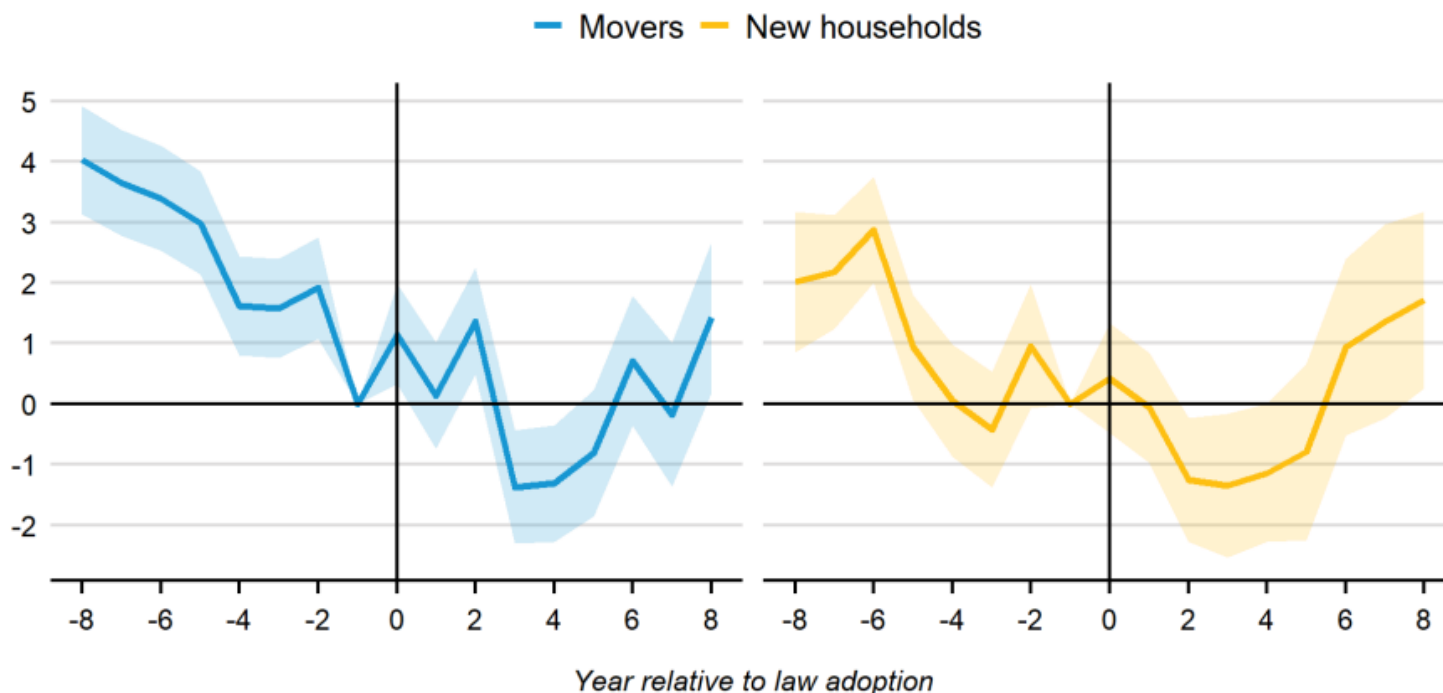
Where can households use vouchers?

- Ellen et al. (2022): Voucher movers experience greater reductions in neighborhood poverty rates after SOI laws are enacted than movers in similar jurisdictions that did not adopt SOI laws
 - Also greater reductions in neighborhood voucher holder shares and greater increases in white population shares after SOI laws are passed
 - Effects only become statistically significant 3 years after enactment
 - Effects hold for Black households and households with children

Impacts on Access to Neighborhoods: *Where* can households use vouchers?

Access to Low-Poverty Neighborhoods before and after the Enactment of Source of Income Laws
Change in percentage of households with children in the voucher program that moved to low-poverty tracts in the decade before or after a new source of income law

Percentage point difference



Source: Teles and Su (2022)

Impacts on Access to Neighborhoods:

Where can households use vouchers?

- Some evidence that more disadvantaged households see larger change in neighborhood outcomes
- Voucher movers who start in the highest poverty neighborhoods experience a larger reduction in neighborhood poverty rate after the passage of SOI laws (Ellen et al., 2022)

What Do We Still Need to Know?

- The extent to which SOI laws boost lease-up rates
- If SOI laws change WHO can successfully use vouchers
- How enforcement of SOI protections changes impact
- If adjacent policies make SOI laws more effective, such as loss mitigation funds

Sources

- Ellen, I. G., O'Regan, K. M., & Harwood, K. W. H. (2022). Advancing Choice in the Housing Choice Voucher Program: Source of Income Protections and Locational Outcomes. *Housing Policy Debate*, 0(0), 1–22. <https://doi.org/10.1080/10511482.2022.2089196>
- Ellen, I. G., O'Regan, K. M., & Strochak, S. (2023). *Race, Space and Take-Up: Explaining Housing Voucher Holder Lease-Up Rates*. Working Paper.
- Freeman, L. (2011). *The Impact of Source of Income Laws on Voucher Utilization and Locational Outcomes*. U.S. Department of Housing and Urban Development | Office of Policy Development and Research. https://www.huduser.gov/publications/pdf/freeman_impactlaws_assistedhousingrcr06.pdf
- Teles, D., & Su, Y. (2022). *Source of Income Protections and Access to Low-Poverty Neighborhoods*. Urban Institute. <https://www.urban.org/sites/default/files/2022-10/Source%20of%20Income%20Protections%20and%20Access%20to%20Low-Poverty%20Neighborhoods.pdf>

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This research has been prepared by a Center affiliated with New York University School of Law and Wagner Graduate School of Public Service, but does not purport to present the schools' institutional views, if any.



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and urban policy

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Housing Solutions Lab

Building and sharing knowledge to
advance equitable local housing policy.

Enforcing Source of Income Discrimination Protections

Sophie House

Law and Policy Director, Housing Solutions Lab

February 28, 2023

Enforcement Overview

Key Features of Voucher Protection Laws and Their Prevalence

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Who enforces S.O.I.D. protections?

State and local government actors

- State and local agencies
 - Fair Housing Assistance Program agencies (FHAPs) (ex: DC Office of Human Rights, Indiana Civil Rights Commission, North Dakota Department of Labor)
 - Non-FHAP agencies
- State attorneys general
- City attorneys
- PHAs?

Tenants and their advocates

- HUD- and state-funded organizations
 - Fair Housing Initiatives Program organizations (FHIPs)
 - Non-FHIP advocacy / Legal Aid organizations
- Private litigants



Enforcement Research: Data and Gaps

Major Sources of Publicly Available Enforcement Data

<i>TYPE</i>	<i>SOURCE</i>	<i>REPORTED BY</i>
Complaints	NFHA member organizations	NFHA
Complaints	FHAP agencies	HUD
Timeliness of investigations	FHAP agencies	HUD



Moving Enforcement Research Forward

Questions to Consider

- Better research could help us compare effectiveness of enforcement mechanisms, understand weak links in process, and find geographic gaps in enforcement. What else? What's most urgent or important?
- How can we better connect experts across research and practice?
- Specific needs for supporting expert testimony? For showing disparate racial impact?





Housing Solutions Lab

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Thank You



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www.housingsolutionslab.org