

Source of Income Discrimination in Housing



The Equal Rights Center

The Equal Rights Center

The Equal Rights Center (ERC) is a national nonprofit dedicated to advancing civil rights in housing, employment and access to public accommodations and government services.

Using civil rights testing, education, advocacy and enforcement, the ERC identifies and remedies unlawful discrimination and promotes equal opportunity.

With a national membership, including individuals in all 50 states, District of Columbia and Puerto Rico, and more than 30 years of experience, the ERC is at the forefront of advancing civil rights for all.



Equal Rights Center

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Introduction

Do you have a Housing Choice Voucher, receive veterans' benefits or Social Security Insurance (SSI) payments? Did you know that it might be illegal for a landlord to reject you as a prospective tenant because you want to use those benefits to pay rent?

Discrimination based on one's "source of income" is against the law in a number of states, cities and counties across the country. Despite these laws, some landlords and management companies still refuse to rent to individuals relying on certain forms of legal income, particularly Housing Choice Vouchers.

Assisting more than two million low income American families, the Housing Choice Voucher Program is the largest federal housing subsidy program. The program allows participants to find and pay for market-rate housing in the neighborhood of their choice, putting them closer to employers, good schools, quality stores and government services.

Voucher holders select a home that is in an approved price range, and the local public housing agency pays a portion of the rent directly to the participating landlord, with the voucher holder paying the difference. Vouchers are especially important to address the shortage of affordable housing that is available, and often Housing Choice Vouchers are all that stands between a family and homelessness.

Landlords and management companies sometimes refuse to rent to voucher holders because they lack awareness of their responsibilities under local laws, or they hold inaccurate stereotypes about the households who participate in public assistance programs. In addition, refusing to rent to a voucher holder may be nothing more than a proxy for discrimination based on other protected demographics such as race, disability or familial status.

According to a 2008 survey by the Department of Housing and Urban Development, 62 percent of voucher holders nationally are designated as a minority, and 48 percent of voucher holder households nationally are female-headed households with children.

If you believe that you have been denied access to housing, or have been offered different or unfair rental terms due to your source of income, this toolkit may help you address this form of discrimination. Even if you live in an area that does not have source of income protections in its fair housing laws, there may still be things you can do to be an effective self advocate.

Source of Income Discrimination

Source of income is not a protected class under the Federal Fair Housing Act (FHA). However, some states and local municipalities offer legal protections for housing voucher holders. For example, source of income discrimination is illegal in the District of Columbia and several counties in Maryland, including Montgomery County, Frederick County and Howard County.

Where source of income discrimination is illegal, it typically prohibits the refusal to rent to someone based on their source of income, discriminatory advertising, and the offering of different terms and conditions.

Even in jurisdictions without source of income protections, landlords participating in the federal Low-Income Housing Tax Credit Program, which provides tax incentives to investors who develop low-income housing, are prohibited from discriminating against potential tenants because they have Housing Choice Vouchers.

A person can be discriminated against based on source of income by a management company, real estate agent, landlord, or all three.

If you believe that you have been a victim of source of income discrimination consider taking the following measures:

- Know the Law
- Identify the Problem
- Document the Problem
- Get Help

What to do

Know the Law

Though the federal Fair Housing Act does not prohibit source of income discrimination, several states and counties do, such as in Washington, D.C. If you are in another region and want to know if there are protections near you, the Poverty and Race Research Council compiled a list of county and state source of income protections that you can find on their website at http://www.prrac.org/pdf/Expanding_Choice_Appendix_B_Updated.pdf. It is important to note that some states, such as California, offer source of income protections while explicitly excluding Housing Choice Vouchers from their law.

In the District, the D.C. Human Rights Act of 1977 prohibits housing discrimination based on a person's source of income, including Housing Choice Vouchers. Illegal discrimination includes:

- ▶ Refusing to rent to an otherwise qualified individual based on their source of income;
- ▶ Offering different terms of conditions to rent using a voucher or other lawful source of income;
- ▶ Limiting access to facilities, services, repairs or improvements based on someone's source of income; or
- ▶ Advertising preferences or limitations based on one's source of income.

Identify the Problem

In order to determine whether or not you may have been discriminated due to your source of income, ask yourself these questions:

- ▶ Were you denied the opportunity to rent after you mentioned that you would be using a voucher?
- ▶ Were you quoted a higher rent price, or additional or higher fees, than tenants and prospective tenants who do not have a voucher, or are not paying for their rent using SSI or veterans' benefits?

- ▶ Were you restricted to certain units in the building, when others in your price range were available, after disclosing how you would be paying your rent?
- ▶ Were you subject to different terms or conditions—such as being denied the use of the recreational facilities, being denied the ability to sign a fixed term lease, etc.—because of your source of income?
- ▶ Were you denied needed repairs or access to any service offered to other tenants because of your source of income?
- ▶ Were you told that you do not qualify for advertised incentives—such as reduced rent or fee waivers—or that you may not have access to certain amenities, such as the swimming pool or gym, because of the source of your income?

Document the Problem

Carefully documenting your interactions with landlords and agents could help uncover discriminatory conduct. Take detailed notes during your housing search, including:

- ▶ Property name, address, and phone number
- ▶ Name and title of the agent(s) you spoke with
- ▶ Date and time of the call/visit
- ▶ Were there any apartments available within your move-in date? If not, what was the earliest availability date?
- ▶ How much was the rent? What utilities were included?
- ▶ Where there any income requirements to live at the property?
- ▶ Did they accept housing vouchers?
- ▶ Do you know the rent and terms of other tenants?

Save copies of the listings, rental applications, correspondences such as emails and letters, and business cards that you compile during your housing search. Even after you have moved into your unit:

- ▶ Take detailed notes of your conversations with your landlord, including the date the conversations took place.
- ▶ Save copies of all correspondence, documents and receipts.

Know When to Get Help

Should you believe that you have been discriminated against the next step is to seek help.

Contact the landlord or real estate company—Contact the management company or office and ask to speak with a supervisor, explaining what happened and what you would like for the resolution to be. If possible, follow up any verbal conversation in writing, and ask for any decision on your request to be sent to you in writing. Please refer to pg. 10 for a sample letter that you could use.

Contact your caseworker (if applicable) — If you have a caseworker, or housing counselor, they may be able to help. In addition to knowing the requirements and process for accepting vouchers in your region, your caseworker may be able to advocate on your behalf.

Be persistent — In your initial written contact, be sure to include a date by which you expect a response. If you do not hear back from the person whom you originally contacted by this date, you may need to take further action.

Contact an Attorney — If you are interested in pursuing legal action, and are in a jurisdiction with source of income protections, you can try to enlist the assistance of an attorney. The local bar association can help identify lawyers with experience in housing or civil rights.

File a complaint — Should you live in a jurisdiction that affords source of income protections, you may want to consider filing a complaint with your local governmental civil rights or human rights agency.

Get Help

The Equal Rights Center can help you start this process, or connect you with a fair housing organization near you. Be prepared to provide the information listed above under “document the problem.” Please send copies of relevant documents. **Keep original documents, do not send them.**

Equal Rights Center
11 Dupont Circle N.W., Suite 450
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(202) 234-3062 (Voice)
(866) 719-4372 (Toll Free)
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www.equalrightscenter.org
complaints@equalrightscenter.org

To file a complaint on your own, contact the local fair housing enforcement agency in your area:

Local Government Agencies

Frederick County Human Relations Commission

If the discrimination occurred in the Frederick County, you may file a complaint with the Frederick County Human Relations Commission after speaking with an investigator. You can reach the investigator's office at (301) 600-1110.

5370 Public Safety Place
Frederick, MD 21701
Phone: (301) 600-1109
<https://frederickcountymd.gov/index.aspx?NID=1512>

Howard County Office of Human Rights

If the discrimination occurred in Howard County, you may file a complaint with the Howard County Office of Human Rights by completing an intake questionnaire found at: <http://www.howardcountymd.gov/displayprimary.aspx?id=250>.

6751 Columbia Gateway Drive, Suite 239
Columbia, MD 21046
Phone: (410) 313-6430
Fax: (410) 313-6468
ohr@howardcountymd.gov
<http://www.howardcountymd.gov/displayprimary.aspx?id=249>

Montgomery County Office of Human Rights

If the discrimination occurred in Montgomery County, you may file a complaint with the Montgomery County Office of Human Rights by completing an intake questionnaire found at: http://www.montgomerycountymd.gov/humanrights/Resources/Files/COMPLAINT-INTAKE-FORM_arc.pdf

21 Maryland Avenue, Suite 330
Rockville, Maryland 20850
Phone: (240) 777-8450
Fax: (240) 777-8460
TTY: (240) 777-8480
<http://www.montgomerycountymd.gov/humanrights/divisions/fairhousing.html>

D.C. Office of Human Rights:

The D.C. Office of Human Rights (DCOHR) requires that an intake questionnaire be completed and submitted to begin the filing process. This questionnaire can be found at: www.ohr.dc.gov/ohr/cwp/view,a,3,q,638025.asp.

441 4th Street N.W., Suite 570 North
Washington, D.C. 20001
(202) 727 – 4559 (Voice)
(202) 724-2050 (TTY)
www.ohr.dc.gov

Sample Letter

The following template can help you articulate to the housing provider the issue you faced when trying to access housing at one of their properties. This letter template is only a guide. In addition to including the relevant information, you should modify it to fit your situation and needs.

Always be sure to include the following information when contacting a housing provider:

- Your name
- Your address
- Your city, state, zip code
- Date
- Name of contact person
- Title, if available
- Company name
- Street address
- City, state, zip code

Sample Letter

Dear (Contact Person):

On (date), I spoke with (name of agent or representative of agency) at (location including address) [or] on the phone. I referenced (specific ad for property) that advertised a unit for (eligible amount). When I informed (name of agent or representative of agency) that I would be paying rent with (identify the source of income – e.g., a voucher, SSI, veteran's benefits), he/she told me [detail that was discriminatory and how it was discriminatory].

I believe that these problems need to be addressed in the following way:

(Explain exactly what you are seeking.)

Thank you for your attention to this matter. I look forward to your prompt response.

Sincerely,

(Your Name)

Additional Resources

Housing Choice Vouchers Fact Sheet

http://portal.hud.gov/hudportal/HUD?src=/topics/housing_choice_voucher_program_section_8

State, Local, and Federal Laws Barring Source-of-Income Discrimination (updated July 2013)

<http://www.prrac.org/pdf/AppendixB.pdf>

Will you Take my Voucher?: An Update on Housing Choice Voucher Discrimination in the District of Columbia (2013)

http://www.equalrightscenter.org/site/DocServer/Will_You_Take_My_Voucher.pdf?docID=1921

Still In Search of Decent Housing in the D.C. Metropolitan Area: The Affordable Housing Crisis for Section 8 Voucher Holders (2011)

http://www.equalrightscenter.org/site/DocServer/Still_In_Search_of_Decent_Housing.pdf?docID=361

A Step Away From Homelessness: Housing Choice Voucher Holders Denied Housing in Montgomery County, MD (2008)

http://www.equalrightscenter.org/site/DocServer/Montgomery_County_Section_8.pdf?docID=150



