

## **KNOW YOUR RIGHTS:** **Income Discrimination in Housing**



### **What is considered “income” when I am renting?**

*Any income that you get legally and that can be verified* is considered income when renting.<sup>1</sup> This includes income from your work, pensions, child support, social security, payments from family members, etc.<sup>2</sup> This also includes **all** housing programs, vouchers, subsidies, and rental assistance.<sup>3</sup> See the list below for examples of housing programs and assistance that are considered income:

- Section 8 Housing Choice Voucher Program<sup>4</sup>
- All housing assistance from nonprofits and charities<sup>5</sup>
- Rapid re-housing programs<sup>6</sup>
- Local security deposit assistance and rental assistance programs<sup>7</sup>

### **What is it called when a landlord refuses to rent to me because of where my income comes from?**

When a landlord refuses to rent to you or treats you unfairly because of where your income comes from, that is called *source of income discrimination*.<sup>8</sup> For example, if a landlord refuses to rent to you because you have a Section 8 voucher, that is source of income discrimination. If a landlord refuses to make a repair because your income comes from child support, that is also source of income discrimination.<sup>9</sup>

### **Is it legal for my landlord to discriminate against me because of my source of income?**

No. It is not legal for your landlord to discriminate against you because of your source of income.<sup>10</sup> Landlords must treat all income that you get legally the same.<sup>11</sup>

### **Is a landlord allowed to advertise that they do not accept Section 8?**

No. If a landlord says they do not rent to Section 8 or other subsidies (assistance from the government or an agency) in their rental advertisements, that is illegal source of income discrimination.<sup>12</sup> You can report illegal advertisements that discriminate to the California Civil Rights Department here: <https://calcivilrights.my.site.com/rdaa/s/>.

### **Can a landlord refuse to rent to me because I get rental assistance from a domestic violence organization?**

No. It is illegal for a landlord to refuse to rent to you because you get rental assistance from a nonprofit or charity.<sup>13</sup> If a domestic violence organization gives you security deposit assistance, a landlord cannot discriminate against you for that either.

### **Is a landlord allowed to require that my household income be three times the cost of rent?**

Yes. Landlords can require applicants to make a minimum income based on the

rental amount.<sup>14</sup> For example, the minimum income may be 1.5, two, three, etc. times the monthly rent. If the minimum income required is three times the cost of a \$1,000 rent, the renters' household income must be at least \$3,000 a month.

**Can a landlord have a minimum income requirement even if I use a housing subsidy?**

Yes, but if you have a housing voucher or subsidy, the landlord can only look at the amount you pay for rent when calculating minimum income.<sup>15</sup> If you have a voucher and your landlord does not use your rent portion to calculate the minimum income, that is also unlawful discrimination.<sup>16</sup> See the example below for how this works:

Total Rent	\$1000
Voucher pays	\$900
Tina the tenant pays	<b>\$100</b>
Total for the voucher and Tina's payment	(\$900) + <b>(\$100)</b> = \$1000
The household income Tina must make if there is a <b>3 times*</b> minimum income requirement	<b>(\$100) x (3) = \$300</b>

*\*The 3 times minimum income requirement can only apply to Tina's rent portion of \$100 and NOT the full rent of \$1,000. Tina must show at least \$300 of income per month.*

**Do any laws protect me from being denied housing if I use a housing voucher and have bad credit?**

Yes, if you use a housing voucher and apply to rent somewhere, landlords **must** give you the option to use something *other than a credit report* to show you can pay rent. If you use a voucher and choose to give other evidence (like pay records and bank statements) to show you can pay rent, the landlord must:

1. Give you a reasonable time to provide the evidence.
2. Consider the other evidence instead of your credit history when deciding whether to offer you the rental unit.<sup>17</sup>

If a landlord doesn't give an applicant with a government subsidy the option to provide other evidence or if they do not consider the other evidence, that is source of income discrimination.<sup>18</sup>

**What can I do if a landlord discriminated against me because of my source of income?**

Explore your legal options. If your landlord did not follow the law, you can assert your legal rights to stop their illegal behavior and ask your landlord to pay you for the damage they caused you. Here are ways to assert your rights:

1. Write a letter to the landlord asking them to stop violating your rights. You can ask using FVAP's template letter "**Demand Landlord Stop Source of Income Discrimination.**"

2. File a complaint with the California Civil Rights Department (CRD).<sup>19</sup> Visit the CRD website for more complaint process details here: <https://calcivilrights.ca.gov/complaintprocess/>
3. File a lawsuit against the landlord because they discriminated against

you because of your source of income.<sup>20</sup>

Talk with your local legal aid to explore what option is best for you. Locate local legal aids at <https://www.lawhelpca.org/>.



### **How do I get more help?**

Contact FVAP at [info@fvaplaw.org](mailto:info@fvaplaw.org) or (510) 380-6243 for questions.

<sup>1</sup> Gov. Code, § 12955 subd. (p)(1).

<sup>2</sup> Cal. Admin. Code tit. 2, § 12140 subd. (b). <sup>3</sup> Gov. Code, § 12955 subd. (p)(1).

<sup>4</sup> Cal. Admin. Code tit. 2, § 12140 subd. (b)(4).

<sup>5</sup> *Id.* at § 12140 subd. (b)(6).

<sup>6</sup> *Id.* at § 12140 subd. (b)(5).

<sup>7</sup> *Ibid.*

<sup>8</sup> Cal. Admin. Code tit. 2, § 12141 subd. (a).

<sup>9</sup> *Ibid.*

<sup>10</sup> Gov. Code, § 12955 subd. (a).

<sup>11</sup> *Id.* at § 12955 subd. (p)(1).

<sup>12</sup> Cal. Admin. Code tit. 2, § 12141 subd. (a)(8).

<sup>13</sup> *Id.* at § 12140 subd. (b)(6).

<sup>14</sup> Gov. Code, § 12955 subd. (n),(o).

<sup>15</sup> Gov. Code, § 12955 subd. (o)(1)(A).

<sup>16</sup> *Ibid.*

<sup>17</sup> Gov. Code, § 12955 subd. (o)(1)(B).

<sup>18</sup> *Id.* at § 12955 subd. (o).

<sup>19</sup> Gov. Code, § 12980 subd. (a).

<sup>20</sup> *Id.* at § 12989.1.