



Section of
**Civil Rights and
Social Justice**
AMERICAN BAR ASSOCIATION

Your Money's No Good Here: Source of Income Discrimination in Housing

AMERICAN BAR ASSOCIATION
SECTION ON CIVIL RIGHTS & SOCIAL JUSTICE
WEBINAR

December 19, 2018

Webinar Agenda



- **Introductions**
- **Why are we here? Scope of the Problem**
 - Jill Williams, MD Advocate for Housing
- **American Bar Association Policy on Source of Income Discrimination in Housing**
 - Antonia Fasanelli, Co-Chair Economic Justice Committee, ABA CRSJ
- **National Overview**
 - Alison Bell, Center on Budget & Policy Priorities
 - Phil Tegeler, Poverty Race & Research Action Council
- **Washington State Success**
 - Melinda Woods, Washington State Housing Advocate
 - Scott Crain, Northwest Justice Project
- **Anti-Voucher Discrimination in Dallas, Texas**
 - Demetria McCain, Inclusive Communities Project

American Bar Association Policy



Resolution 119A (Aug. 2017)

- “RESOLVED, That the American Bar Association urges federal, state, local, tribal, and territorial governments to enact legislation prohibiting discrimination in housing on the basis of lawful source of income.”

https://www.americanbar.org/content/dam/aba/administrative/crsj/committee/income_discrimination_119a.authcheckdam.pdf

- ABA letter in support of Sens. Kaine & Hatch federal legislation
https://www.americanbar.org/advocacy/governmental_legislative_work/publications/washingtonletter/novdec2018/housingdiscrim/

National Overview Agenda



- Speaker introductions for this segment
 - Alison Bell, Senior Policy Analyst, Center on Budget and Policy Priorities
 - Phil Tegeler, Executive Director, Poverty & Race Research Action Council
- Housing Choice Voucher program overview
- Research on source of income protections
- Overview of source of income adoption at state and local levels
 - Where have laws been adopted?
 - Lessons learned
- Federal legislative proposals

Housing Choice Voucher Program



- Largest federal rental assistance program
 - Serves over 5 million people in over 2.2 million households
- Families rent units in the private rental market using a voucher
- Federal law does not prevent landlords from rejecting all housing vouchers
 - Some exceptions, such as Low-Income Housing Tax Credit

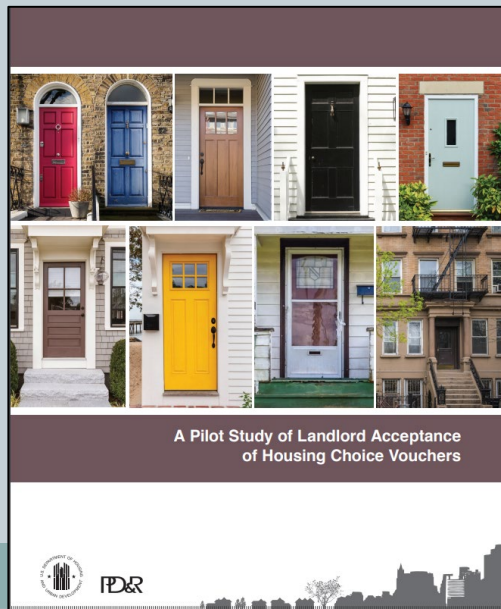
Source of Income Laws



- Some states and local jurisdictions have adopted “source of income” laws
- Often prohibit discrimination based on
 - Alimony
 - Disability benefits
 - Frequently, but not always, housing vouchers
- Variation in how laws are written

Voucher Non-discrimination Laws Improve Program's Effectiveness

- A recent large-scale, multi-site HUD study looked at landlord acceptance rates of vouchers as a way to measure differential treatment of renters who use vouchers
 - Appears to show a lower rate of voucher denial in jurisdictions with voucher non-discrimination protections



LANDLORD PARTICIPATION IN THE HCV PROGRAM

THURSDAY, SEPTEMBER 20, 2018 FROM 2:00-4:00 PM
HUD HEADQUARTERS IN BROOKE-MONDALE AUDITORIUM

[Home](#) | [Registration](#) | [Agenda](#)

Research shows that stable, decent, and affordable housing, particularly housing in a safe neighborhood with a good school, is highly beneficial for the health and safety of adults and for the economic future of their children. The Housing Choice Voucher (HCV) Program was established to provide housing assistance and to allow low-income households choice of where to live. That choice depends on landlords willing to accept housing vouchers. Recent research shows that there are elements of the program that discourage landlord participation, which can limit tenant choice and success at leasing units. Please join us for a discussion of that research and hear from landlords about what HUD can do to make the Housing Choice Voucher program more appealing to them.

Keynote Speaker

- John Bravacos, Senior Advisor to the Secretary

Update on U.S. Housing Market Conditions

- Kevin Kane, Chief Housing Market Analyst, Economic Market Analysis Division

Discussion: Landlord Participation in the HCV Program

- Steven Durham, Director, Housing Voucher Programs, Office of Public and Indian Housing, Moderator
- Daryl J. Carter, Founder, Chairman and CEO, Avanath Capital Management, LLC
- Mary K. Cunningham, Vice President, Metropolitan Housing and Communities Policy, Urban Institute
- Ron McCoy, Director, Housing Choice Voucher Program, District of Columbia Housing Authority
- Eva Rosen, Assistant Professor, McCourt School of Public Policy, Georgetown University

Additional Information

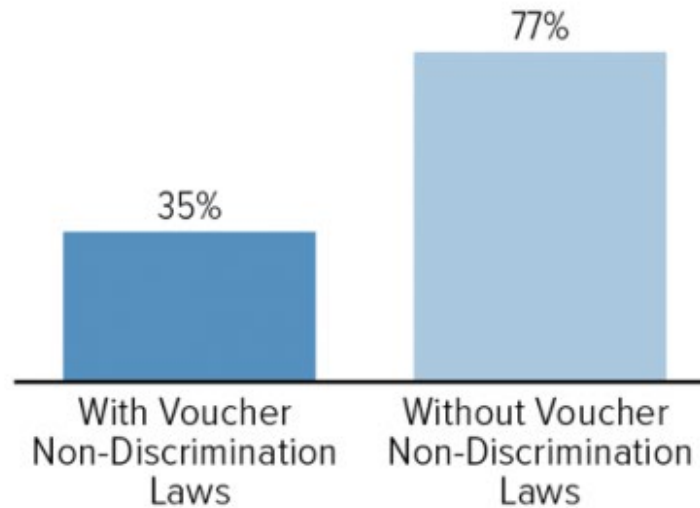
Thursday, September 20, 2018
2:00 p.m. – 4:00 p.m.
HUD Headquarters
451 7th Street SW
Washington, DC 20410

The Registration is closed.

[View the Webcast](#)
Landlord Participation in the HCV Program
09/20/2018

Fewer Landlords Reject Vouchers in Areas Blocking Voucher Discrimination

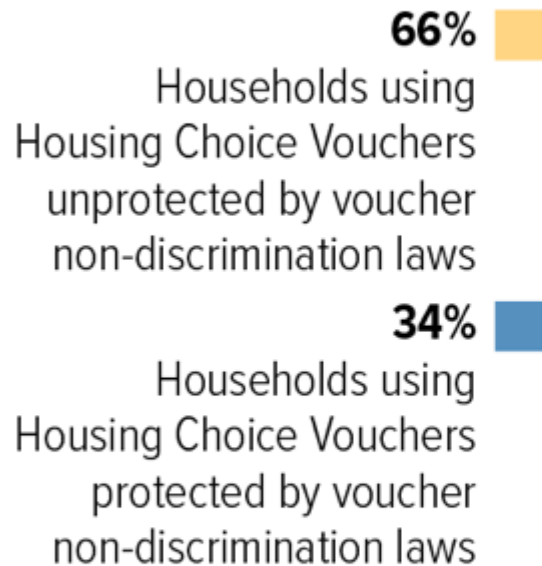
Percentage of landlord rejections



Note: The jurisdictions in the study with voucher non-discrimination laws are Washington, D.C. and Montgomery County, Maryland; Newark and four nearby counties in New Jersey; and the city of Philadelphia. The jurisdictions without voucher non-discrimination laws are Los Angeles County, California (excluding 13 small cities); Fort Worth and Arlington, Texas; and Bucks County, Pennsylvania.

Source: Mary Cunningham et al., "A Pilot Study of Landlord Acceptance of Housing Choice Vouchers," U.S. Department of Housing and Urban Development, September 2018 and additional data provided by the authors.

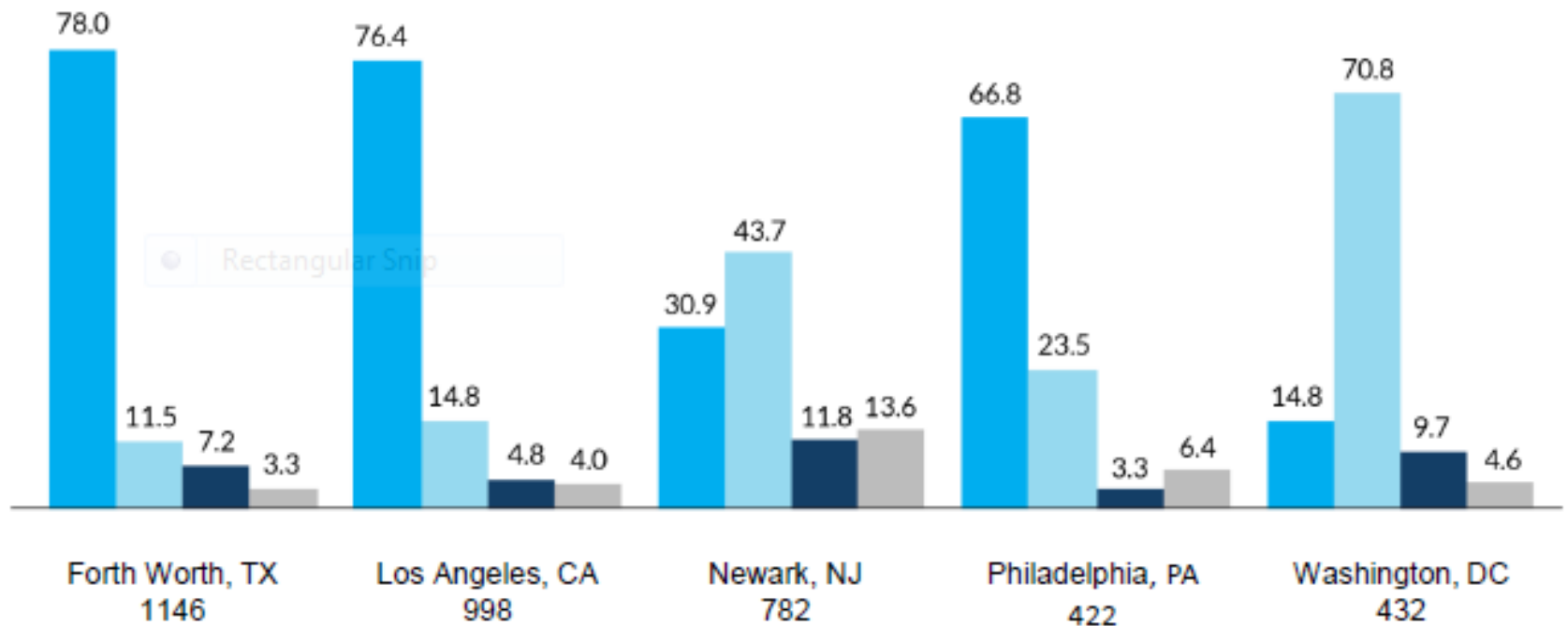
Non-Discrimination Laws Cover Only 1 in 3 Households Using Housing Vouchers



Source: CBPP analysis of anti-discrimination laws in Poverty & Race Research Action Council, "Expanding Choice: Practical Strategies for Building a Successful Housing Mobility Program, Appendix B: State, Local, and Federal Laws Barring Source-of-Income Discrimination," September 14, 2018. Data on vouchers in use from Department of Housing and Urban Development 2017 Picture of Subsidized Households.

- Denies vouchers
- Accepts vouchers
- Accepts vouchers with conditions
- Unsure of voucher policy/other

Percent



Voucher Non-discrimination Laws Improve Program's Effectiveness



- Previous studies support the patterns suggested in the new research
 - A 2001 HUD study found that voucher recipients in jurisdictions with laws that bar discrimination based on source of income were 12 percentage points more likely to succeed in using their voucher than those who lived in jurisdictions without such laws
 - Public housing agencies in jurisdictions with laws banning source of income discrimination had voucher utilization rates five to 12 percentage points higher than those without the laws, research has found.

Voucher Non-discrimination Laws: Impacts on Denial in Low-Poverty Neighborhoods



TABLE 1

Voucher Non-Discrimination Laws May Lower Voucher Denial Rate in Low-Poverty Neighborhoods

	Sites With Voucher Non-Discrimination Laws		Hybrid Site	Sites Without Voucher Non-Discrimination Laws	
	Washington, D.C.	Newark	Philadelphia	Los Angeles	Fort Worth
Overall voucher denial rate	14.8	30.9	66.8	76.4	78.0
Low-poverty denial rate	16.2	37.7	82.5	81.5	85.0

Note: The study includes five sites, each of which includes multiple jurisdictions. The sites with voucher non-discrimination laws are Washington, D.C., and Newark, New Jersey. The sites without voucher non-discrimination laws are Los Angeles, California, and Fort Worth, Texas. The "Hybrid Site" refers to Philadelphia, because the city of Philadelphia has a non-discrimination law, while Bucks County, Pennsylvania, does not. "Low poverty" is defined as census tracts with poverty rates of less than 10 percent.

Source: Mary Cunningham et al., "A Pilot Study of Landlord Acceptance of Housing Choice Vouchers," U.S. Department of Housing and Urban Development, September 2018.

State and Local Adoption of Voucher Non-discrimination Laws



- New CBPP report
- Analysis of where laws have been adopted and how many voucher families covered
- Interviews with local, state and national experts
 - Leading strategies, lessons learned, and advocacy ideas on adopting new laws and strengthening existing laws

PRRAC
Poverty & Race Research Action Council
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www.prrac.org

Expanding Choice: Practical Strategies for Building a Successful Housing Mobility Program

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

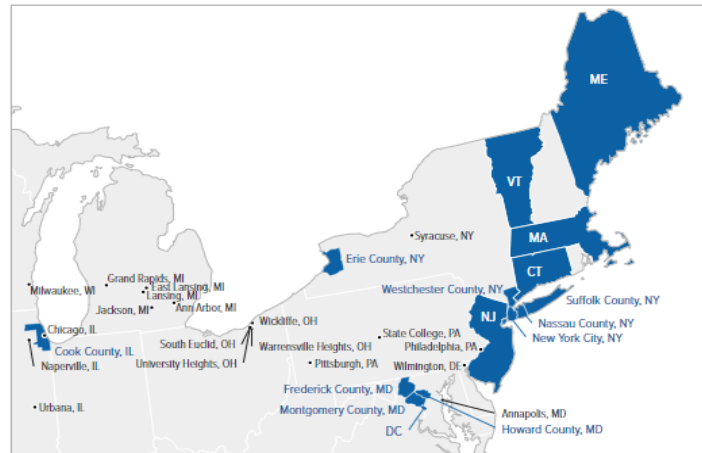
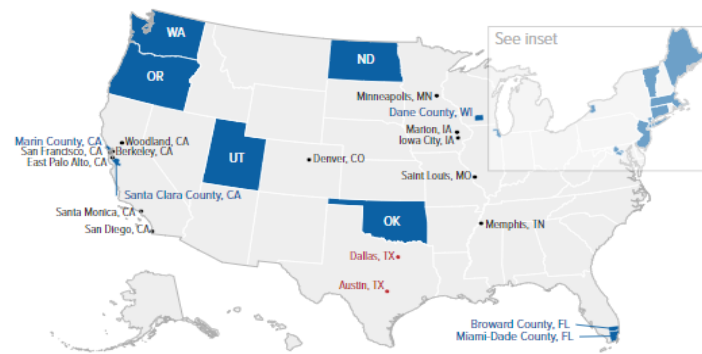
Updated September 14, 2018

Set out below is a compilation of state, local, and federal statutes prohibiting discrimination in the housing market based on source of income. Please use the hyperlinks on this page to navigate through the document. 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. The list 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* (February 2013). This guide has been updated most recently by Peter Kysie, Law & Policy Associate at PRRAC, and David Pringle, a Law & Policy Intern. We are grateful for the contributions and corrections of our 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 (new ordinances, case law developments, law review articles, etc.), please contact Phil Tegeler (ptegeler@prrac.org).

I. STATE STATUTES

- A. [California](#) (does not cover housing vouchers)
- B. [Connecticut](#)
- C. [Delaware](#)
- D. [District of Columbia](#)
- E. [Maine](#)
- F. [Massachusetts](#)
- G. [Minnesota](#) (weakened by court interpretation)
- H. [New Jersey](#)
- I. [North Dakota](#)
- J. [Oklahoma](#)

Laws Prohibiting Discrimination Against Voucher Households



Source: CBPP analysis of anti-discrimination laws in Poverty & Race Research Action Council, "Expanding Choice: Practical Strategies for Building a Successful Housing Mobility Program, Appendix B: State, Local, and Federal Laws Barring Source-of-Income Discrimination," September 14, 2018. Data on vouchers in use from Department of Housing and Urban Development 2017 Picture of Subsidized Households.

<https://www.cbpp.org/research/housing/prohibiting-discrimination-against-renters-using-housing-vouchers-improves-results#hous9-12-18>

Lessons Learned: Strengthening Existing Voucher Non-discrimination Laws



- Interviewees suggested wide variation in enforcement of existing laws
- **Effective administrative enforcement**
 - Inform HCV participants and all landlords of the law's requirements
 - Work closely with voucher administrators to report violations
 - Collect, investigate and remedy complaints
 - Perform regular testing to ensure compliance
 - Report publicly on compliance and effectiveness of law
 - Provide robust adjudication process
 - Civil rights attorneys fees for successful plaintiffs

Lessons Learned: Strengthening Existing Voucher Non-discrimination Laws



- Establish a broad advisory group to provide oversight of implementation
- Engage in ongoing communications with landlords, voucher holders and housing agencies
 - Reminders of the law's existence, requirements, and how to report violations



Lessons Learned: Adopting New Protections



- Ensure law language is broad and specific
- Understand the perception of the local housing agencies
- Build a broad coalition
 - Engage existing landlord organizations
- Reinforce voucher program policies
 - Landlords can use their regular screening criteria
 - Landlords can charge security deposits
 - Rent payments are reliable
 - Landlords can charge their regular rents
 - Voucher holders have incentives to maintain their unit and pay rent on time

Resources on Voucher Non-discrimination



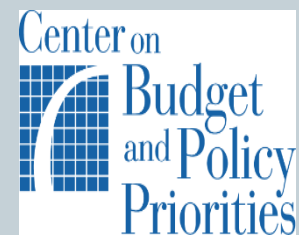
- Prohibiting Discrimination Against Renters Using Housing Vouchers Improves Results, CBPP, 2018
<https://www.cbpp.org/research/housing/low-income-housing-tax-credit-could-do-more-to-expand-opportunity-for-poor-families>.
- Poverty & Race Research Action Council Appendix B, 2018
<https://www.prrac.org/pdf/AppendixB.pdf>
- A Pilot Study of Landlord Acceptance of Housing Choice Vouchers, HUD and Urban Institute, 2018,
<https://www.huduser.gov/portal/pilot-study-landlord-acceptance-hcv.html>
- Landlord Participation in the HCV Program Webcast, 2018,
<https://www.huduser.gov/portal/event/Landlord-Participation-HCV-Program.html>



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Washington State Source of Income Discrimination Bill



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Washington State Source of Income Discrimination Bill



- Impacts of housing boom highlighted the need for the law
- Landed in our residential housing code, not human rights law
- Does not preempt local ordinance protection
- Prohibits “otherwise mak[ing] unavailable” housing because of SOI
- Broadly speaking, “No Section 8” ads disappeared, but some remain
- Resistance is in the details

Anti-Voucher Discrimination in Dallas



Demetria McCain
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Inclusive Communities Project



The Inclusive Communities Project (ICP) is a Dallas-based not-for-profit organization that works for the creation and maintenance of thriving racially and economically inclusive communities, expansion of fair and affordable housing opportunities for low-income families, and redress for policies and practices that perpetuate the harmful effects of discrimination and segregation.

ICP's work is an outgrowth of the *Walker v. HUD* public housing discrimination case.

Mobility Assistance Program (MAP)



- Works with families using housing choice vouchers who want to move out of segregated neighborhoods and to low poverty, safer, well-resourced areas near job centers and higher performing schools within the 7-county region
 - Fair housing counseling
 - Housing search assistance
 - Move-related financial assistance (security deposits, application fees)
 - Landlord recruitment, incentive bonuses and negotiations
 - Liaison with Dallas Housing Authority for residents and landlords
 - Post-move support

Sublease Initiative Demonstration Program



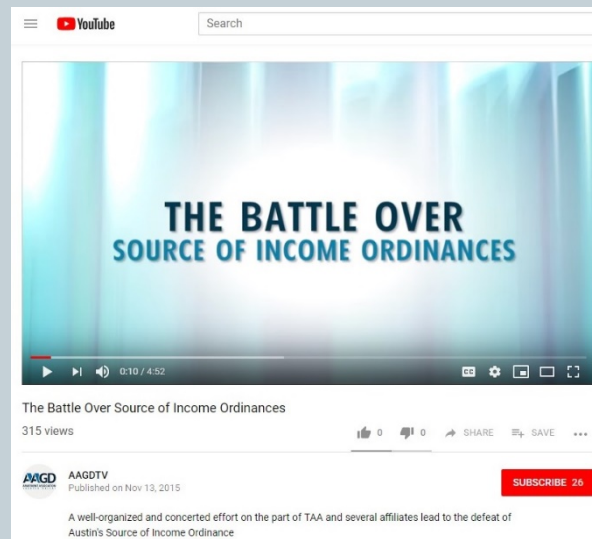
- Objective: to address business concerns about the housing choice voucher program that have been noted by landlords as reasons for not participating
- ICP corresponded with hundreds of owners with complexes in low poverty, non-segregated neighborhoods of the Dallas region
 - ICP requested 5 units per complex be subleased
 - Targeted owners where market rental costs met by voucher payment standards (Dallas area is a “small area fair market rent” jurisdiction)
- ICP enters into lease and subleases to voucher holder
- Owner has no contact with the public housing authority
- Began 2 years ago with approximately 26 units under lease today

State Legislature Pre-empted Anti-Voucher Discrimination Ordinances (2015)



- **By 2015**
 - Austin's ordinance had passed and had litigation ensued
 - Dallas was contemplating passage of an ordinance
- **Apartment Association's PAC**
 - Lobbied state to ban anti-voucher discrimination ordinances
- **The anti-SOI ban was one of several local preemptive statutes passed in 2015 and was part of a wave of preemptive measure being passed in Texas**

Apt. Assoc. of Greater Dallas YouTube Features SOI Ban Efforts



<https://www.youtube.com/watch?v=nHAIID3aqZb4>

City of Dallas



- City was party to HUD Voluntary Compliance Agreement after fair housing violation findings
 - HUD suggested consideration of an anti-voucher discrimination ordinance
- City passed SOI in October 2016
 - Uses conditional language, “to the extent allowed by state law”
 - Does not protect housing choice voucher holders (except state’s exception for veterans)

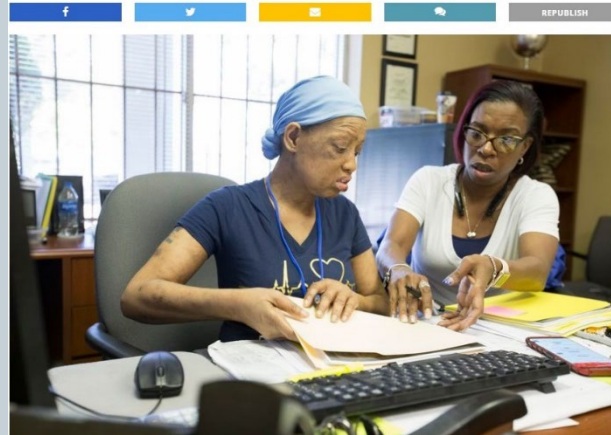
Issue Featured in Texas Tribune



Section 8 vouchers are supposed to help the poor reach better neighborhoods. Texas law gets in the way.

Under Texas law, landlords cannot be punished for discriminating against families with federal housing vouchers. The impact is clear in Houston, where one in four families who receive housing assistance never gets to use it.

BY EDGAR WALTERS, THE TEXAS TRIBUNE AND NEENA SATIJA, THE TEXAS TRIBUNE AND REVEAL NOV. 19, 2018 12 AM



<https://www.texastribune.org/2018/11/19/texas-affordable-housing-vouchers-assistance-blocked/>

Questions? Contact



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