

Source of Income Ordinance

Summary and Benefits:

Since the 2009 ruling on *Palmer v. City of Los Angeles*, which restricted local jurisdictions' ability to promote mixed-income housing, there have been few avenues available to ensure low-income households have the ability to live in to high opportunity areas. Federal rent subsidy programs like the federal Housing Choice Voucher program (Section 8) offer the ability for low income residents to pay market rate rents and more effectively compete for housing. 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.

Under California law, it is unlawful for a landlord, managing agent, real estate broker, or salesperson to discriminate against a person or harass a person because of the person's race, color, religion, sex (including pregnancy, childbirth or medical conditions related to them, as well as gender and perception of gender), sexual orientation, marital status, national origin, ancestry, familial status, or disability. Source of Income anti-discrimination laws make it illegal for landlords to discriminate against voucher recipients solely on the basis of their having a voucher.

Potential Policies:

- Consider an ordinance similar to East Palo Alto's Source of Income Ordinance EPAMC § 14.16.010.A.4 which prohibiting Income-Based Rental Housing Discrimination.
- *For further consideration* - Consider requirement for the inclusion of Section 8 Housing Choice Voucher Program tenants in new developments within the plan area where a community benefit agreement or development agreement is negotiated.

Model Ordinances/Useful Sources:

- City of East Palo Alto, link: [HERE](#)
- Poverty and Race Research Action Council, Appendix B:State, Local, and Federal Laws Barring Source-of-Income Discrimination, link: <http://www.prrac.org/pdf/AppendixB.pdf>
- Fair Housing Law Project, *Housing Discrimination Based on Income*, link: <http://www.lawfoundation.org/repository/Income.pdf>
- U.S. Department of Housing, *The Impact of Source of Income Laws on Voucher Utilization and Locational Outcomes*, http://www.huduser.org/publications/pdf/Freeman_ImpactLaws_AssistedHousingRCR06.pdf
- 21 Elements Policy Best Practices: [HERE](#)