



Source of Income Non-Discrimination

Thursday, June 28 2018

Councilwoman Robin Kniech
Denver City Council, At-Large

What this Policy Seeks to do

We want to ensure that people are not turned away from any apartment that they can afford simply because of their source of income.

Other Participants

65 cities and counties & 14 states have ordinances protecting renters from SOI discrimination dating back to the 1970s.

Renters Report Source of Income Discrimination in Fair Housing Survey

- Residents recently responded to a survey about their experiences with housing choice and access to opportunity in the region (Denver, Aurora, Boulder, Longmont, Broomfield and Boulder County). *
- Outreach efforts focused on securing participation from low-income residents and members of protected classes.
- More than 6,000 residents of the region participated, including more than 2,000 Denver residents.

* Source: BBC Research & Consulting from the 2017 Denver-Aurora-Boulder Regional AFH Resident Survey.

SECTION 8



39% of Section 8 voucher holders report experiencing discrimination for any reason, compared to 15% of all renters.



37% of Section 8 voucher holders in the region experience displacement, nearly double the rate of the region's renters overall.



DISCRIMINATION

 **22%** of residents identify race or ethnicity as the basis of their discrimination.

 **10%** identify having a housing voucher as the reason for discrimination.

EXCLUDED



Having a housing voucher was among the top 5 reasons why large families, African American and Hispanic residents, and those earning less than \$25,000 were turned away from housing.



Having social security or disability income was among the top 5 reasons why Native Americans, those with a disability and those earning less than \$25,000 were turned away from housing.



Renter Experience Survey Results

Colorado Coalition for the Homeless surveys renters across Colorado about their experiences.*

Of the respondents that said they had been rejected from rental housing, **47 percent said that they were rejected because of source of income discrimination** (housing voucher, SSI/SSDI, child support, spousal support, veterans benefits, student loans, etc.).

*262 total respondents

Source of Income Definition

Source of income: Any lawful, **verifiable** source of income or rental assistance paid to or for the benefit of a renter including, but not limited to, money from any occupation or activity; contract; agreement; loan; settlement; court-ordered payments such as child support; payments received as gifts, bequests, annuities, or life insurance policies; federal, state, or local payments, including disability benefits and Section 8; or any other rent subsidy or rent assistance program and related program requirements.

Exemptions

This section shall not apply to multiple-unit dwellings of not more than two (2) 4 dwelling units where at least one (1) of the units is owner-occupied.

Summary of Remedies

- Complaints filed with Human Rights and Community Partnerships. Within 30 days of the occurrence or discovery (to allow for quicker remedies)
- HRCP will give notice to the respondent and investigate
- Respondent has 30 days from the date of notice to respond and/or request an administrative hearing
- After receiving the response, or at the end of the response period, HRCP has 60 days to investigate, conducted any requested hearing, and issue a decision
- HRCP or hearing officer may order actions to remedy the discrimination, including:
 - Ordering respondent to cease his/her discriminatory advertising, behavior, or practices
 - Ordering the respondent to make the unit or similar unit available
 - May fine up to \$5,000 for some circumstances
 - May order respondent to pay actual, verifiable damages
- No court filing without exhausting all proceedings and remedies available

Implementation

The prohibition on source-of-income discrimination contained in this section is effective on *[proposed: three months from date of passage]*, 2018, applies exclusively to transactions involving the rental of dwellings in the City and County of Denver, and does not apply if the use of a particular type of assistance is prohibited by federal, state, or city law or regulation or pre-existing program requirement.

Implementation

- Delayed effective date
- Training for staff and administration
- Public education to landlords and community members
- Partner with voucher administrators to support systemic improvement or efficiencies where possible



Appendix





Background on Source of Income Non-Discrimination Protections in Housing

Thursday, March 22 2018

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The Problem

- Some landlords require certain income to rent home – ex. 3X the rent
- Some tenants report non-traditional income isn't always “counted” (Housing assistance/vouchers, welfare, Social Security, child support, or alimony, etc.)
- In Denver, voucher holders do report difficulty finding landlords willing to count the value of a voucher as income as a barrier

The Policy

- In 14 states and cities in over a dozen other states, discrimination based on “source of income” is prohibited
- A 2001 study by the U.S. Department of Housing and Urban Development found that local prohibitions on source of income discrimination increase the rate at which voucher holders can find suitable housing



Defining Source of Income

- There are several ways “source of income” can be defined
 - Some jurisdictions specifically list Section 8 vouchers
 - Others leave it up to interpretation

City	Source of Income Description
Philadelphia	Any lawful source of income including earned income, child support, alimony, insurance, and pension proceeds; all forms of public assistance; housing assistance programs.
Ann Arbor	Any legal source from which a person obtains money.
Seattle	Lawful, verifiable income derived from sources other than wages, salaries including Social Security benefits, supplemental security income, unemployment benefits, other retirement programs, child support, The Aged, Blind or Disabled Cash Assistance Program, Refugee Cash Assistance, and any federal state, local government, private, or nonprofit-administered benefit program.

Exemptions

- Under some local laws, specific owners are exempt from the prohibition

City	Exemptions
Seattle	Single family home where owner is permanent resident
New York City	Owners with fewer than six units
Cook County	Rental of room(s) in a private home by an owner if the owner or a member of the owner's family resides there



Enforcement

- In many jurisdictions, enforcement falls on victims to bring complaints to an administrative agency
- In other cities & states, there is a combo of both administrative and court enforcement
- Some require an agency to enforce in court on behalf of a complaintant, while others require a suit to be filed directly

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What Coloradans Had to Say:

“Had issues when I was a full-time college student renting in Colorado-- even though I worked full-time throughout college, I was told that because I was a student my income would not be considered as regular/consistent income because ‘students can't be trusted.’”

(80224)

“I lost my housing voucher because I couldn't find a landlord willing to take it.”

(80907)

“I relied on student loans for income for several years and was told by many management companies that was an unacceptable form of income they would not consider.”

(80218)

“This is one of the reasons I have been homeless.”

(81050)





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