



Frequently Asked Questions: Protection from Source of Income Discrimination

WHAT IS SOURCE OF INCOME DISCRIMINATION?

While searching for rental housing, many households face discrimination by landlords who are unwilling to rent to applicants with sources of income outside of a paycheck (vouchers, veterans benefits, disability benefits, child support, alimony payments, student loans, etc.). For example, Craigslist ads for housing may explicitly state that anyone with a Section 8 voucher “need not apply.” People with income from sources other than employment are often forced into high-poverty, low-resourced areas due to limited housing options.

WHO EXPERIENCES SOURCE OF INCOME DISCRIMINATION?

Source of Income discrimination affects a broad cross-section of people: families with children, students, veterans, seniors, people living with disabilities, people of every socio-economic status, people with jobs, people who are unable to work, survivors of domestic violence, and more.

WHY IS THIS A CRITICAL ISSUE?

A family should not be turned away from renting a home they can afford because of how they plan to pay their rent. Every individual and family should have an equal shot at accessing housing.

WILL DENVER’S ORDINANCE CONFLICT WITH STATE OR FEDERAL LAW?

65 cities and counties and 14 states and the District of Columbia have enacted similar protections for source of income. It is not uncommon for a city to raise the standard of protections for its residents. Currently Colorado does not protect against source of income discrimination, so Denver must enhance protections for its vulnerable residents.

HOW CAN A LANDLORD VERIFY INCOME?

Landlords and property management companies are free to use their normal verification procedures. Prospective tenants must provide necessary documentation to prove their income level.

ARE CHILD SUPPORT AND ALIMONY PAYMENTS RELIABLE?

Yes. There are several remedies available to collect current and past due court ordered child support and alimony payments including wage garnishment, drivers’ license suspension, tax intercepts, and even prosecution.

DOES THIS MEAN A LANDLORD WILL HAVE TO LEASE MY APARTMENT TO ANYONE WHO APPLIES?

No. This protection ensures all individuals have an equal opportunity to apply for housing. Once a landlord receives an application, they may use all legal methods to screen and check tenants, however, they cannot be denied based on their source of income.

WILL VOUCHER PAYMENTS BE TIMELY?

Yes. In Denver, the housing authority electronically deposits rent payments on the first of every month. (In the case of vouchers administered by Denver Housing Authority, the Division of Housing, and some nonprofits, there may be a short delay for the initial payment for applications to be processed).

IS THERE EVIDENCE THAT THOSE RECEIVING INCOME OTHER THAN FROM WORK ARE WORSE RENTERS?

No.

CAN LANDLORDS STILL REQUIRE A SECURITY DEPOSIT?

Yes. Section 8 encourages landlords to use security deposits in their handbook.

WHAT HAPPENS IF A VOUCHER HOLDER DAMAGES A RENTAL UNIT?

Many vouchers cover damages to the unit. Some even provide a vacancy payment to a landlord after a voucher holder moves out of the unit. Section 8 vouchers do not cover damage to the unit. In this case, a landlord would pursue a remedy in the same way they would with a non-Section 8 tenant.

WILL A LANDLORD BE SUBJECT TO ADDITIONAL INSPECTIONS OR ADDITIONAL LEASE TERMS IF THEY RENT TO SOMEONE WITH A VOUCHER?

It is an industry best practice to have tenants review and document the condition of a rental unit. All units must meet basic housing quality standards (HQS) before rental assistance can be paid on behalf of a family. HQS define “standard housing” and establish the minimum criteria for the health and safety of program participants. Generally, inspections are performed annually and takes less than one hour. Landlords may use their own lease but a lease addendum is required under most voucher programs.

CAN A LANDLORD EVICT A VOUCHER HOLDER?

Yes. State law and any lease terms will govern the process without being altered by this ordinance. However, landlords cannot evict tenants for non-payment of the HAP portion of the rent. A unit must pass a HQS inspection for the landlord to receive payments.