

FAIR HOUSING REVIEW SOURCE OF INCOME

What is Source of Income Discrimination in Housing?

Source of income discrimination is a refusal to rent to an applicant because of that person's lawful source of income or an unwillingness to consider certain types of lawful income in qualifying a person for tenancy. One common type of source of income discrimination is a refusal to rent to applicants that receive rental assistance or a Housing Choice Voucher (Section 8).

When rental housing providers refuse to accept housing vouchers and other types of public financial assistance as valid income it makes it difficult for low and moderate income individuals and families to find housing.

Is Source of Income Discrimination Prohibited in Pennsylvania?

It depends on where you live. Source of income is not a protected class under either federal or state fair housing laws. That means that unless there is a local law which has established source of income protection, landlords and property managers can choose whether or not to accept rental assistance or Housing Choice Vouchers. A few cities and other municipalities in Pennsylvania have passed ordinances protecting consumers against source of income discrimination in housing, so it is important to know your local laws.

Is Source of Income Discrimination Ever a Violation of Fair Housing Laws?

Some situations where housing providers refuse to accept certain types of non-employment income are considered illegal discrimination under state and federal fair housing laws.

What is Source of Income?

Source of income refers to any lawful income, subsidy, or benefit which an individual or family uses to support themselves and their dependents. Lawful sources of income may include, but are not limited to:

- Wages (employment income)
- Unemployment income
- Worker's Compensation
- Social Security Disability Income (SSDI)
- Supplemental Security Income (SSI)
- Investments
- Child Support
- Alimony
- Veterans Benefits
- Rental Assistance
- Housing Choice Voucher (Section 8)
- Public Benefits, including Temporary Assistance for Needy Families (TANK) or General Assistance (GA)

Landlords and property managers may not refuse to accept types of income that are directly associated with state or federal protected classes such as child support (which is directly associated with familial status) or SSDI (which is directly associated with disability).

Housing providers may not apply criteria regarding the acceptance of non-employment income differently to different applicants based on their membership in one or more protected classes. For example, a landlord that accepted housing choice vouchers from white applicants but not from Black applicants would be violating fair housing laws prohibiting different treatment based on race.

Finally, source of income discrimination may be held to be unlawful under state or local fair housing laws if the refusal to accept a certain lawful source of income has a disproportionate effect on members of protected classes as compared to the general population.

Source of Income Protection in the City of Philadelphia

The City of Philadelphia's Fair Practices Ordinance prohibits landlords and other property owners from discriminating against persons based on the source of income they would use to rent or purchase property. This law is enforced by the Philadelphia Commission on Human Relations.

Under the City of Philadelphia's Fair Practices Ordinance, remedies for source of income discrimination can include, a cease and desist order, injunctive or equitable relief, compensatory or punitive damages, and attorneys' fees and other expenses.

If you have experienced source of income discrimination in the City of Philadelphia you can file a complaint with the Philadelphia Commission on Human Relations:

www.phila.gov/humanrelations

Email: pchr@phila.gov

Phone: 215-696-3238

TTY: 215-686-3238

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The Housing Equality Center is a nonprofit organization dedicated to advancing fair and equal access to housing opportunities for all Pennsylvanians. We provide education on fair housing rights to consumers and organizations serving members of the protected classes and training and technical assistance to housing providers and local governments. The Housing Equality Center provides fair housing counseling and testing investigation services for victims of housing discrimination in the City of Philadelphia and in Bucks, Chester, Delaware, Lehigh, Montgomery, and Northampton Counties.



Visit online:
equalhousing.org

For information and assistance, contact:

info@equalhousing.org

(267) 419-8918

(866) 540-FAIR

(267) 419-8918
equalhousing.org