



You can only consider the tenant's portion of the rent when considering income eligibility!

Under the California Fair Employment & Housing Act ("FEHA")¹, where a tenant or applicant is using a Section 8 Housing Choice Voucher, housing providers are only permitted to consider the portion of the rent to be paid by the tenant when considering whether the tenant or applicant meets financial or income eligibility standards. 2 CCR § 12143

If a housing provider uses a financial or income standard that is not solely based on the portion of the rent to be paid by the tenant, then the housing provider has committed an unlawful discriminatory housing practice in violation of FEHA.

All housing providers must comply with the FEHA's source of income protection law. This includes private landlords, property management companies, homeowner associations, corporations, and others who rent residential property in California.

Tenants and applicants can file a private lawsuit against housing providers who violate the law and may seek remedies that include recovery of out-of-pocket losses, an injunction prohibiting the unlawful practice, access to housing that the landlord denied, damages for emotional distress, civil penalties or punitive damages, and attorney's fees.

Tenants and applicants can also file a complaint with the California Civil Rights Department ("CCD"). If the complaint isn't resolved and CCD determines there has been a legal violation, CCD can file a lawsuit in court seeking the above-mentioned remedies.

¹ California has a law called the Fair Employment and Housing Act (FEHA) that protects people from housing discrimination based on categories including race, color, national origin, religion, disability, gender, gender identity, familial status, and sexual orientation and some sources of income. Beginning on January 1, 2020, housing providers, cannot refuse to rent to someone, or otherwise discriminate against them, because they have a housing subsidy, such as a Section 8 Housing Choice Voucher, that helps them to afford their rent.