



Refusal to rent to someone receiving rental assistance is against the law!

Under the California Fair Employment & Housing Act (“FEHA”) housing providers, such as landlords, 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 afford their rent.

Effective, January 1, 2020, FEHA, Gov’t Code §12955(p)(1) now defines “source of income” as:

lawful, verifiable income paid directly to a tenant, or to a representative of a tenant, or paid to a housing owner or landlord on behalf of a tenant, including federal, state, or local public assistance, and federal, state, or local housing subsidies, including, but not limited to, federal housing assistance vouchers issued under Section 8 of the United States Housing Act of 1937 (42 U.S.C. § 1437f).

Refusal to accept a Section 8 Housing Choice voucher constitutes a violation of FEHA, specifically California Government Code §§ 12955 (a) and (c). Subsection 12955(a) makes it unlawful for the owner of any housing accommodation to discriminate against any person because of that person’s source of income. Subsection 12955(c) prohibits any person from making, printing, or publishing a statement with respect to the rental of a housing accommodation that indicates any preference, limitation, or discrimination based on source of income.

The term “discrimination” as used in FEHA in connection with housing accommodations is broadly defined and includes a refusal to rent or lease, negotiate for the rental of, denying or withholding of housing accommodations or harassment in connection with housing accommodations. Gov’t Code §12927 (c)(1).

All housing providers must comply with the FEHA’s new 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.