

# Frequently Asked Questions

## What is the update to the City of San Diego's Source of Income Municipal Code Ordinance?

The ordinance was amended to include Section 8 Housing Choice Voucher rental assistance as a protected source of income. Under this ordinance, landlords cannot decline a tenant based only on the household receiving rental assistance. This includes assistance from any federal, state, local, or nonprofit-administered benefit or subsidy program, or any financial aid from any program that provides rental assistance, homeless assistance, security deposit assistance, or a housing subsidy.

## What is Section 8 Housing Choice Voucher rental assistance?

Section 8 Housing Choice Voucher rental assistance is funded by the U.S. Department of Housing and Urban Development and administered by a local public housing agency to help households with low income pay their rent. A rental assistance participant pays a predetermined portion of their contract rent. The Section 8 Housing Choice Voucher rental assistance program pays the remainder of the contract rent, up to the applicable payment standard, directly to the landlord. The payment standard is based on the number of bedrooms approved for the family's size and the community in which the rental home is located.

## Who must comply with the new law?

The City of San Diego's (City) Source of Income Ordinance applies to all housing providers who rent property in the City. However, homeowners who live in their house, condominium or other single-family unit and rent out a room within that unit are exempt from the ordinance.

## Where can I receive training on the new law?

The Legal Aid Society of San Diego, Inc. will be providing a series of training sessions throughout the year.

Please see [www.lassd.org](http://www.lassd.org) for the training calendar. If you have questions about the Source of Income Ordinance in San Diego please call the LASSD Source of Income Information line at **(833)-801-4420** or e-mail [sourceofincome@lassd.org](mailto:sourceofincome@lassd.org).



# CITY OF SAN DIEGO SOURCE OF INCOME CODE ORDINANCE

## Frequently Asked Questions



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# What practices are not allowed?

Effective August 1, 2019, landlords with rental properties in the City of San Diego cannot take the following actions based only on a person's source of income:

1. Advertise or state a preference for certain sources of income
2. Refuse an application from a prospective tenant, charge a higher deposit, or treat them differently in any other way based on their source of income
3. Refuse to enter into or renew an agreement for tenancy
4. Interrupt or terminate any tenancy
5. Falsely represent that a rental-unit is not available for tenancy
6. Require any clause, condition or restriction in the terms of an agreement for tenancy
7. Restrict a tenant's access to facilities or services on real property associated with tenancy, or refuse repairs or improvements to real property associated with the tenancy.



## Can landlords advertise that "I do not accept Section 8 Housing Choice Voucher rental assistance"?

No. Under the ordinance, it is unlawful to "make, print, publish, advertise, or disseminate in any way," a notice, statement or advertisement that indicates that a tenant will be declined based on a person's source of income.

## How can a Section 8 Housing Choice Voucher household meet income requirements for the rent at a property?

A landlord is required to consider all sources of income for an applicant or resident. Any money that will be paid by Section 8 Housing Choice Voucher rental assistance (or any other housing assistance program) must be included as part of the applicant's or resident's annual income when determining whether their income meets the requirements for the rent amount or other financial standard.

## Are landlords required to rent to any person who receives Section 8 Housing Choice Voucher rental assistance?

No. Under the City of San Diego's Source of Income Ordinance, landlords cannot decline a tenant based only on the household receiving rental assistance. However, landlords still have the right to screen all applicants according to their lawful tenant screening criteria. All Fair Housing laws still apply, ensuring that tenant selection is never based upon race, color, national origin, religion, sex, familial status, disability, or any other discriminatory factors under state law.



## How are Section 8 Housing Choice Voucher Rental Assistance tenants screened?

Tenants who receive Section 8 Housing Choice Voucher rental assistance undergo a criminal background check and verification of the members of their household and their income. Lease violations by a rental assistance participant may lead to termination from the rental assistance program, which provides additional incentive for tenants to comply with lease provisions.

## Does the Source of Income Ordinance Restrict Rent Amounts?

No. The local public housing agency determines whether or not the rent requested by the landlord for a Section 8 Housing Choice Voucher rental assistance household is reasonable. Critical market factors that impact rent are taken into account, such as the location, quality, size, unit type and age of the contract unit, as well as any amenities. To raise the rent, the landlord must provide the tenant and the local public housing agency with a 60-day written notice of a proposed rent increase and submit a Rent Increase Application. Rents for existing Section 8 Housing Choice Voucher rental assistance tenants may not exceed the rents charged for units with tenants who do not receive rental assistance.

## What could happen if a housing provider does not follow the new law?

A lawsuit may be filed for any violation that occurs on or after August 1, 2019. Any lawsuit must be brought within one year from the discovery of the violation and may seek monetary damages as well as an injunction against the landlord. If court determines the landlord has violated the ordinance, it must award damages equal to three-times the monthly rent that the landlord advertised the rental unit for at the time of the violation. It also has the power to award punitive damages and attorney's fees and costs.