

Frequently Asked Questions

Source of Income (Fair Housing) Chapter 5.53

1. What are the implications of this ordinance?

This Fair Housing Ordinance requires housing providers to *consider* applicants with third party rental subsidies in the same way they consider all other applicants. The ordinance bans advertisement or statements of preference for an applicant or tenant based on their source of income. In addition, landlords may not require higher deposits or different lease terms, or treat a person differently based on their source of income.

This ordinance does not force landlords to rent to any applicant that does not meet their typical requirements, so long as those requirements are permissible under fair housing laws.

2. What does “third party subsidies” and “source of income” mean?

A third-party subsidy is a rental housing subsidy paid directly to a landlord on behalf of the tenant. Common subsidies include “Section 8”, Housing Choice voucher, Housing Opportunities for Peoples with Aides, and Veterans Affairs Supportive Housing (VASH) vouchers, which are used in the private rental market and pay a portion of an individual or family’s rent. The vouchers are intended to assist families, veterans, the elderly, and people with disabilities to move to areas of opportunity with access to better housing, schools, and jobs. These subsidies are considered a source of income.

3. Can a housing provider still screen applicants?

If a housing provider has a screening protocol, this ordinance requires that housing providers screen applicants and tenants on equal terms, regardless of an applicant or tenant’s source of income. Landlords may still screen tenants using criteria such as references, rental history, or even credit history, so long as the same selection criteria is applied equally to all applicants. Landlords may impose income requirements on applicants so long as those requirements are only applied to the portion of the rent that the tenant is responsible for.

4. Are there incentives available to landlords providing rental units for subsidy recipients?

Marin Housing Authority (MHA), in partnership with the County, worked closely with the landlord community to develop an incentive toolkit to address perceived or real concerns associated with participation in third party rental subsidy programs administered by MHA. The Board of Supervisors has approved funding to provide the landlord incentives listed below:

- Vacancy loss coverage;
- Loss mitigation pool;
- Security deposits;
- Landlord liaison to assist participating landlords and staff a 24-hour hotline to address any immediate or urgent concerns;
- Deferrable, low-interest loans for the creation of Junior Accessory Dwelling Units and Accessory Dwelling Units; and
- Reduction or waiver of building and planning permit fees for qualifying landlords (to qualify, 50% of homes on a given site must be rented affordably; fee waivers or reductions would be prorated based on the percentage of homes rented affordably;).

5. What do I do if I see illegal advertisements or experience discrimination based on source of income?

If you see illegal advertisements or experience discrimination based on your source of income contact [Fair Housing Advocates of Northern California](#) (FHANC). FHANC is the leading organization in Marin County around Fair Housing issues. They conduct investigations, provide trainings to landlords, and provide counseling & legal/support services to tenants facing discrimination.