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SB 909/HB 1408 Virginia Fair Housing Law; unlawful discriminatory housing practices

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SB 909/HB 1408 VIRGINIA FAIR HOUSING LAW; UNLAWFUL DISCRIMINATORY HOUSING PRACTICES

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PROJECT DESCRIPTION

SB909/HB1408 were introduced during the 2018 General Assembly Session aimed at amending and reenacting the Virginia Fair Housing Law language addressing unlawful discriminatory housing practices to include source of income discrimination. Currently, individuals who are renting out their property are required to abide by federal and state laws that prevent them from discriminating against renters on the basis of their race, color, religion, national origin, sex, elderliness, familial status, and/or handicap. There are no provisions preventing landlords from rejecting otherwise qualified renters on the source of their income. A lack of such provision has been shown to adversely affect renters using government-assisted programs. This report explores why such legislation is important to protect the rights of renters in finding affordable housing. Such legislation would positively impact those receiving government assistance, permitting them to find affordable and geographically versed housing in the state of Virginia, and reducing systemic generational poverty due to societal barriers.

LEGISLATIVE OVERVIEW

The Virginia Fair Housing Law is the policy of the Commonwealth of Virginia to provide for fair housing throughout the Commonwealth, to all its citizens, regardless of race, color, religion, national origin, sex, elderliness, familial status, or handicap; and to that end to prohibit discriminatory practices with respect to residential housing by any person or group of persons, in order that the peace, health, safety, prosperity, and general welfare of all the inhabitants of the Commonwealth may be protected and insured (Virginia General Assembly code).

In the 2018 Virginia General Assembly Session, Delegate Jeffrey M. Bourne (D-71st) introduced HB 1408 Virginia Fair Housing Law; unlawful discriminatory housing practices. SB 909 was the companion bill to HB 1408, introduced by Senator Jennifer McClellan (D-9th). Both bills add discrimination based on a person's source of income to the list of unlawful discriminatory housing practices. The bill defines source of income (SOI) as any source that lawfully provides funds to or on behalf of a renter or buyer of housing, including any assistance, benefit, or subsidy program, whether such program is administered by a governmental or nongovernmental entity. The goal of SB909 is to ensure that a person, who is otherwise eligible to rent a home in the Commonwealth of Virginia shall not be denied housing solely because a portion or all of the funds used to pay for that housing comes from their participation in a housing subsidy or financial assistance program. This provides a greater set of geographic options to voucher recipients, which will allow for improved locational outcomes for lower-income families. Currently, landlords can lawfully discriminate against people with rental assistance vouchers and other types of lawful, non-wage income. The bill was referred to the Committee on General Laws and Technology and they voted

unanimously to continue the bill to 2019.¹ Similar to bills proposed in other states², Virginia's SB 909 seeks to have “the main elements of the proposed bill forbid landlords to discriminate against prospective tenants based on their income; instigate written or oral inquiry on a tenant concerning their source of income; and publish a notice, statement or advertisement indicating a preference, limitation, or discrimination based on income.”

Establishing Context

Thirty-six percent of all US households are renter occupied. Renter households are more likely to be young, non-white, and less educated than the rest of the population, with Black and Latinx households twice as likely as white households to be renters (Pew Research Center, 2017). Low-income households, having incomes less than 80 percent of the area median income, account for approximately 64 percent of total renters (Urban Institute, 2017). It has become harder for low-income families to keep up with rent and utility costs with most poor renting families spending at least half of their income on housing costs (Eviction Lab, 2018). As a result, many renting families have to rely on alternative sources of income to supplement their basic needs, including housing. Approximately 5 million of low-income households use federal rental assistance programs including housing choice voucher, public housing, section 8 project-based, elderly and disabled assistance, or USDA (Kingsley, 2017). In Virginia, 30 percent of all low-income renters use government subsidies to rent modest housing at an affordable cost (Center on Budget and Policy Priorities, 2017).

In many areas, SOI discrimination can reinforce patterns of residential segregation because they have a disproportionately severe effect on groups already likely to face discrimination on the basis of characteristics protected by the Fair Housing Act (Poverty & Race Research Action Council). The housing choice program makes up the largest segment of government assisted income sources by which a person is likely to be discriminated. Discrimination is most acutely felt in “opportunity areas,” areas with access to jobs, good schools, and transportation (Kaufman 2018). In recent years, a number of states and localities have made source of income a protected class, largely in an effort to eliminate landlord bias and address the growing shortage of affordable housing across the nation (National MultiFamily Housing Council, 2017). Jurisdictions with anti-discrimination laws, situate source of income alongside other protected classes in the government’s fair housing law such as race, sex, color, religion, national origin, gender, familial status, disability, marital status, and age, making it illegal to refuse to rent to a potential tenant because of their source of income and providing an aggrieved tenant access to the state or local government’s administrative or legal enforcement mechanisms (Tighe, Hatch & Mead 2016). Housing concerns in Virginia have recently reemerged in the national spotlight. Virginia is home to five of the top ten localities having adsorbent eviction population rates (Eviction Lab, 2018).

A 2008 survey by the Department of Housing and Urban Development found that 62 percent of voucher holders nationally are designated as a minority, and 48 percent of voucher holder households nationally are female-headed households with children (The Equal Rights Center, 2015). Koziol highlights the creation of the housing choice voucher program (Section 8) is to promote housing choice amongst lower income persons by allowing the voucher holder to seek residence in a neighborhood of their choosing. According to Koziol, the housing choice voucher program is failing to live up to its potential in its current state citing:

¹ The Senators who voted to continue the bill were Locke, Barker, Vogel, Black, Reeves, Wexton, Surovell, DeSteph, McPike, Suetterlein, Dunnavant, and Mason who serve on the General Laws and Technology committee to analyze Senate Bill 909.

² See California’s 2016 SB 1053

- Landlords simply deny housing choice vouchers as a "proxy for other legally prohibited kinds of discrimination, such as that based on race, ethnicity, national origin, gender, family status or disability." (Beck, 1996);
- Voucher holders are relegated to remain in low-income neighborhoods due to lack of affordable, unsubsidized housing stock (Foscarinis, et al., 2004); and
- Administrative inefficiencies of the housing authorities and regulatory requirements impose a financial burden on the landlord, who then may choose not to accept the vouchers (Daniel, 2010).

As a result, voucher recipients remain unable to move into communities that would provide them with better opportunities.

In a national study on the impact of source of income laws on housing, Freeman found that such laws could make a significant impact on housing voucher use and a slight difference in locational outcomes: "[voucher] utilization rates increased in the jurisdictions with SOI laws in place compared to those without such laws". He found that concentrations of voucher use, as well as the rates of poverty, were one percentage point lower and that the number of white occupied homes in those same jurisdictions were slightly higher than areas without SOI laws in place. Freeman's study revealed that Black, Asian, and Native American voucher recipients in areas with SOI laws in place, reflected having 15 to 22 percent more white neighbors when compared to minority households using vouchers in areas without SOI laws.

SB 909 abridges discrimination against minorities, who make up the majority of housing voucher users. Segregation along race and wealth lines has a long history in the United States (Tighe et al, 2016), and there is no question that the housing circumstances of whites and minorities differ substantially (Turner, et al., 2013). A study conducted by the Urban Institute, "A Pilot Study of Landlord Acceptance of Housing Choice Vouchers", finds high denial rates of housing choice vouchers by landlords, particularly in markets where discrimination based on prospective tenants' source of income is not prohibited (Willis, 2018). "Many people of color live in racially segregated neighborhoods, in part because of a long legacy of public policies that enforced or encouraged segregation", bound by source of income (Fisher, 2018). The immediate benefits of racial integration enforced by SB 909 are strong, but this bill offers the potential for long-term, intergenerational improvement among minorities. Lack of affordable housing, discrimination, and inadequate public transportation can make suburbs inaccessible to low-income families in central cities or rural areas (Sard & Waller, 2002). While the connection between affordable housing subsidies, housing location and employment has not been adequately studied, there is a growing body of research indicating that welfare reform successes are greater among families with assisted housing than among other low-income families.

STAKEHOLDERS

Advancing The Agenda. The Virginia Poverty Law Center (VPLC) has been the biggest advocate for the bill over the years, though it has failed to pass for over a decade. The VPLC supports this bill because of the weak and outdated source of income and tenant protection laws in Virginia. During the 2018 Virginia General Assembly Session VPLC asked Senator Jennifer McClellan (D-9th) and Delegate Bourne (D-71st) to introduce this bill for the 2018 Virginia General Assembly Session.³

Nationally, states like California have adopted legislation that takes a more comprehensive approach to prohibiting discrimination based on source of income. Some examples of income

³ The Patrons for the bill were Delegates Bourne, Bagby, Convirs-Fowler, Delaney, Gooditis, Hope Krizek, Lindsey, Lopez, Plum, Rasoul, Simon, Tyler, Watts and Senator McClellan.

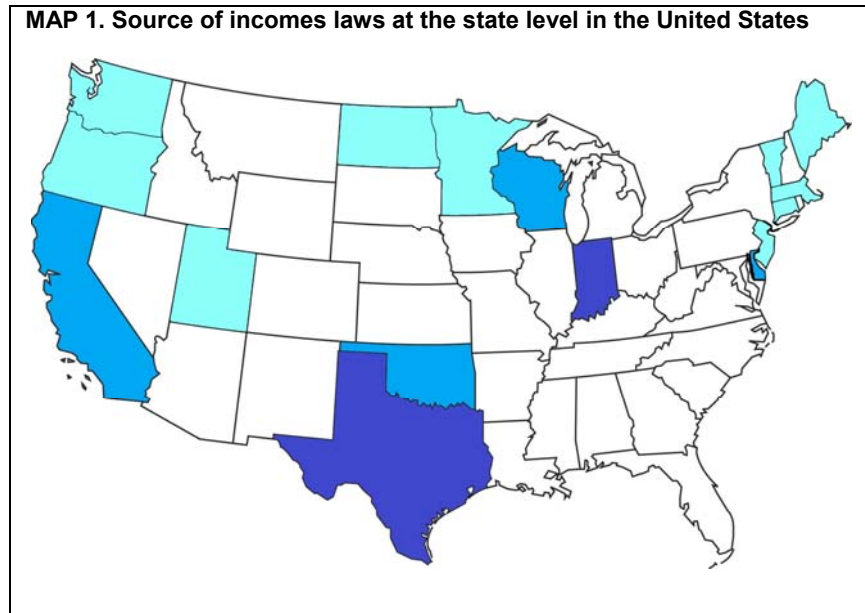
types are Social Security, Supplemental Security Income (SSI), veteran's benefits, CalWorks, General Assistance, child support, alimony, unemployment insurance, pensions, and wages" (Project Sentinel, 2018). Additional states and cities across the country are considering legislation that would ban landlords from source-of-income discrimination including: Bellingham, Washington; Olympia, Washington; and Denver, Colorado

Concerns and Opposition. Throughout the United States, laws banning source of income discrimination are receiving push back. Source of income laws are of significant concern for property owners. Landlords share significant concerns for the potential inequity promoted by source of income laws. At the forefront of their concerns are unfair mandates for participation in government-run program; increased costs, regulations, and administrative burdens; and general lack of understanding of the requirements real or perceived (National MultiFamily Housing Council, 2017). Individuals who own property in an area with better schools, great job opportunities, and lower crime rates often have the upper hand when they decide to rent out their property. They can decide what amount they want to charge, and if they can choose to deny someone the ability to rent the space for reasons such as credit score, references from previous landlords, or source of income. Source of income laws have been challenged in:

- Baltimore, MD: The Baltimore County Campaign for Liberty who waged an online campaign suggesting the federal government would soon make available enough money to give a voucher to all 35,000 families currently on the county's waiting list.
- Pittsburgh, PA: Apartment Association of Metropolitan Pittsburgh filed a complaint that the City had overreached municipal powers by placing affirmative duties on business practices, in this case, landlords in the city of Pittsburgh
- Dallas, TX: Banned jurisdictions within the state from passing their own laws at the behest of the Texas Apartment Association.
- Virginia: Opponents of the bill include The Virginia Association of Realtors and Property Management Associations who are hired by the landlords. Landlords believe that the process of selling to a voucher recipient is too cumbersome.

ANTI DISCRIMINATION LAWS ACROSS THE COUNTRY

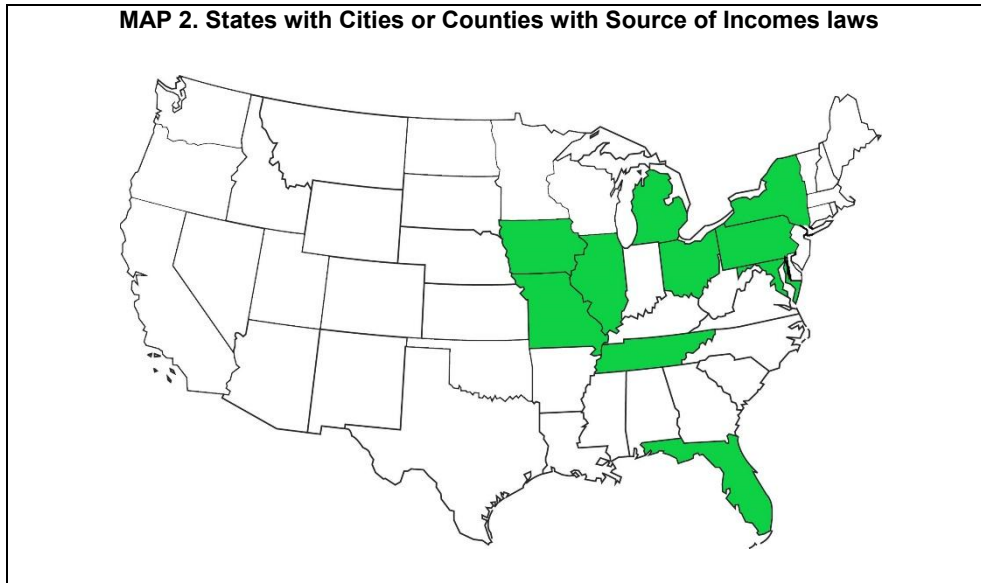
Fifteen states, the District of Columbia, 10 counties, and 28 cities have source of income laws. Map 1 shows states across the country where source of income laws currently exist at the state level.



There is variation among state approaches to the legislation. Table 1 contains a list of states with legislation addressing source of income discrimination. Eleven states have source of income laws prohibiting discrimination. Four states have source of income laws prohibited discrimination, but exclude housing vouchers Two states banned the implementation of source of income laws within the state.

Table 1. States with legislation addressing source of income discrimination		
State laws that prohibit discrimination based on source of income, including receipt of housing choice vouchers (n=11)	State laws that prohibit discrimination based on source of income but do not include housing vouchers (n=4)	State laws that preempt local governments from protecting housing voucher recipients (n=2)
Connecticut District of Columbia Maine Massachusetts Minnesota New Jersey	North Dakota Oregon Utah Vermont Washington	California Delaware Oklahoma Wisconsin
		Indiana Texas
<i>Source: Updated from Tighe et. al., 2017</i>		

Map 2 shows that states that have cities and/or counties with anti-discrimination source of income laws.



Less variation is seen in the approaches to the legislation at the county and city level. Table 2 and Table 3, respectively, contain a list of counties and cities with legislation addressing source of income discrimination. Dane County, WI is the only county which prohibits discrimination based on source of income but does not include housing vouchers. Pittsburgh is the only city that has moved forward to actively eliminate a source of income law.

Table 2. Counties with legislation addressing source of income discrimination		
County laws that prohibit discrimination based on source of income, including receipt of housing choice vouchers (n=9)		County laws that prohibit discrimination based on source of income but do not include housing vouchers (n=1)
Marin County, CA	Nassau County, NY	Dane County, WI
Miami-Dade County, FL	Suffolk County, NY	
Cook County, IL	Westchester County, NY	
Howard County, MD	King County, WA	
Montgomery County, MD		

Table 3. Cities with legislation addressing source of income discrimination	
City laws that prohibit discrimination based on source of income, including receipt of housing choice vouchers (n=27)	Cities with laws that preempt local governments from protecting housing voucher recipients(n=1)
East Palo Alto, CA Santa Monica, CA San Francisco, CA Corte Madera, CA Urbana, IL Iowa City, IA Cambridge, MA Quincy, MA Frederick, MD St Louis, Missouri Minneapolis, MN Buffalo, NY New York City, NY Syracuse, NY	Hamburg, NY South Euclid, OH Borough of State College, PA Philadelphia, PA Memphis, TN Kirkland, WA Bellevue, WA Redmond, WA Seattle, WA Vancouver, WA Madison, WI Tumwater, WI Grand Rapids MI Pittsburgh, PA*
*policy currently suspended by judge, pending appeal, April 2018	

RACIAL IMPACT ANALYSIS

In order to understand any relationship between race and the presence of source of income laws, we examined a state's population, its racial makeup and its level of source of income laws. Nationally, the white population accounts for 60.4 percent of the population while non-white population accounts for 39.6 percent of the total US. The national poverty rate for whites is 8.7 percent and the national poverty rate for nonwhites is 5.7 percent. State, counties and cities that have passed source of income laws were assessed against the national poverty rates by race.

States: Seventeen states across the country have adopted source of income laws. Analysis of the states show interesting patterns by race. Fourteen of the 17 states (82.3%) have white populations that are higher than the national average.⁴ Three of 17 states (17.6%) have minority populations higher than the national average.⁵ When examining the total population we see that the poverty rate for white people is greater than the national average in 9 out of 17 states (52.9%).⁶ The poverty rate for non-white populations is higher than the national average in 5 out of 17 (29.4%) states.⁷

In 12 out of 17 (70.5%) states, the proportion of white population in poverty is higher than the national average (Table 4). The proportion of the non-white population in poverty is greater than the national average in 5 out of 17 states (29.4%).

⁴Indiana, Massachusetts, Minnesota, New Jersey, North Dakota, Oklahoma, Oregon, Texas, Utah, Vermont, Washington, Wisconsin

⁵ California, District of Columbia, New Jersey

⁶ Indiana, Massachusetts, Minnesota, New Jersey, Oregon, Texas, Utah, Vermont, Washington

⁷ Indiana, Maine, Minnesota, Texas, Washington

Race	Percent of National population in poverty	States with populations N (%)	States
White	60.6%	12 (71.5%)	Indiana , Maine, Massachusetts, Minnesota, North Dakota, Oklahoma, Oregon, Texas , Utah, Vermont, Washington, Wisconsin
Non-White	39.4%	5 (29.4%)	California, District of Columbia, New Jersey, Texas

**State marked in bold type preempt local governments from protecting housing voucher recipients*

States with source of income laws were least likely to have a high proportion of African American/Black populations in poverty (Table 5). Of special note, states with source of income laws were more likely to have a high white population. Seventy-one percent of all states with source of income laws had a higher share of white populations in poverty. When examining only the population in poverty by race, the white population is a larger proportion of those in poverty in every state except the District of Columbia.

Race	Percent of National population in poverty	States with populations N (%)	States
White	60.6%	12 (71.5%)	Indiana , Maine, Massachusetts, Minnesota, North Dakota, Oklahoma, Oregon, Texas , Utah, Vermont, Washington, Wisconsin
African American/ Black	21.5	3 (17.6%)	Delaware, District of Columbia, Virginia
Asian	4.3	5 (29.4%)	California, Massachusetts, Minnesota, New Jersey, Washington
Native Hawaiian/ Pacific Islander	0.2	4 (23.5%)	California, Oregon, Utah, Washington
American Indian/ Alaskan Native	1.5	8 (47.1%)	Maine, Minnesota, North Dakota, Oklahoma, Oregon, Utah, Washington, Wisconsin
Hispanic/Latinx	27.0	5 (29.4%)	California, Connecticut, Massachusetts, New Jersey, Texas

**State marked in bold type preempt local governments from protecting housing voucher recipients*

Counties: Ten counties nationwide have adopted source of income laws. Fifty percent of the counties have high white populations.⁸ Fifty percent have high non-white populations.⁹ Dane County, Wisconsin was the only county for which the poverty rate for whites (8.7%) was as high as the national poverty rate for whites. Dane County also restricts housing vouchers from consideration as an acceptable source of income. Cook County, Illinois was the only county for which the poverty rate for non-whites (10.1%) was higher than the national poverty rate for non-whites.

In 3 out of 10 states (30%), white populations made up a larger share of persons in poverty as compared to 7 out of 10 (70%) counties with high non-white populations in poverty (Table 6).

⁸ Marin County, CA, Nassau County, NY, Suffolk County, NY, King County, WA, Dane County, WI

⁹ Marin County, CA, Miami-Dade County, FL, Cook County, IL, Howard County, MD, Montgomery County, MD, Westchester County, NY, Nassau County, NY, Suffolk County, NY, King County, WA, Dane County, WI

Table 6. Counties with source of income laws by race and poverty			
Race	Percent of National population in poverty	States with populations N (%)	Counties
White	60.6%	3 (30.0%)	Miami-Dade County, FL; Dane County, WI ; Suffolk County, NY;
Non-White	39.4	7(10%)	Marin County, CA; Cook County, IL; Howard County, MD; Montgomery County, MD; Westchester County, NY; Nassau County, NY; King County, WA

**Counties marked in bold type prohibit discrimination based on source of income but do not include housing vouchers (n=1)*

Eighty percent of all counties with source of income laws had high proportions of Asian people in poverty (Table 7). Counties with source of income laws were least likely to have high proportions of Native Hawaiian/ Pacific Islanders and American Indian and Alaskan native in poverty. Of special note, a closer examination of each of the counties shows that white population accounted for at least one-third of all persons in poverty in all 10 counties and more than half the persons in poverty in five out of 10 counties.

Table 7. Counties with source of income laws by race and poverty			
Race	Percent of National population in poverty	States with populations N (%)	Counties
White	60.6%	3 (30.0%)	Miami-Dade County, FL; Dane County, WI ; Suffolk County, NY;
African American/ Black	21.5	6 (60.0%)	Miami-Dade County, FL; Cook County, IL; Montgomery County, MD; Howard County, MD; Suffolk County, NY; Westchester County, NY
Asian	4.3	8 (80.0%)	Marin County, CA; Miami-Dade County, FL; Cook County, IL; Montgomery County, MD; Howard County, MD; Nassau County, NY; King County, WA; Dane County, WI
Native Hawaiian/ Pacific Islander	0.2	2 (20.0%)	Marin County, CA; King County, WA
American Indian/ Alaskan Native	1.5	2 (20.0%)	Suffolk County, NY; King County, WA
Hispanic/ Latinx	27.0	7 (70.0%)	Marin County, CA; Miami-Dade County, FL; Cook County, IL; Montgomery County, MD; Nassau County, NY; Suffolk County, NY; Westchester County, NY

**Counties marked in bold type prohibit discrimination based on source of income but do not include housing vouchers (n=1)*

Cities: To date, 28 cities have passed source of income laws. Of these 28 cities, 14 (50.0%) have white populations higher than the national average.¹⁰ Eight out of 28 cities (44.4%) have white populations with poverty rates higher than the national poverty rate.¹¹ Seventeen out of 28 cities (60.7%) have non-minority poverty rates higher than the national poverty rate.¹²

Nine of 28 cities (32%) were likely to have a higher proportion of white people in poverty (Table 8). Nineteen of 28 cities (67.8%) have a higher proportion of non-white people in poverty.

Table 8. Cities with source of income laws by race and poverty			
Race	Percent of National population in poverty	States with populations N (%)	Cities
White	60.6%	9 (32.1%)	Corte Madera, CA; Santa Monica, CA; Iowa City, IO; Hamburg, NY; Borough of State College, PA; Kirkland, WA; Vancouver, WA; Tumwater, WA; Madison, WI
Non-White	39.4	19 (67.8%)	East Palo Alto, CA; San Francisco, CA; Urbana, IL; Frederick, MD; Grand Rapids, MI; Cambridge, MA; Quincy, MA; Minneapolis, MI; Saint Louis, MO; Buffalo, NY; New York, NY; Syracuse, NY; South Euclid, OH; Philadelphia, PA; Pittsburgh, PA ; Memphis, TN; Bellevue, WA; Redmond, WA; Seattle, WA

**Cities marked in bold type preempt local governments from protecting housing voucher recipients*

Table 9 shows that cities with a high percent of Asian American populations in poverty were most likely to enact a source of income law. States with a high percent of Hispanic/Latinx populations in poverty were least likely to enact such laws. Pittsburg, PA where source of income law was recently banned has a high proportion of African Americans and Asians Americans in poverty.

¹⁰ East Palo Alto, CA, Santa Monica, CA, Urbana, IL, Iowa City, IO, Frederick, MD, Cambridge, MA, Grand Rapids, MI, Minneapolis, MN, Saint Louis, MO, New York City, NY, Borough of State College, PA, Philadelphia, PA, Pittsburgh, PA, Kirkland, WA, Seattle, WA, Tumwater, WA, Vancouver, WA, Madison, WI

¹¹ Urbana, IL; Iowa City, IO; Grand Rapids, Michigan; Minneapolis, MN; Borough of State College, PA; Pittsburgh, PA; Vancouver, WA; Madison, WI

¹² San Francisco, CA; East Palo Alto, CA; Urbana, IL; Iowa City, IO; Cambridge, MA; Grand Rapids, MI; Minneapolis, MN; Saint Louis, MO; Buffalo, NY; New York City, NY; Syracuse, NY; Borough of State College, PA; Pittsburgh, PA; Philadelphia, PA; Memphis, TN; Seattle, WA; Madison, WI

Table 9. Cities with source of income laws by race and poverty			
Race	Percent of National population in poverty	States with populations N (%)	Cities
White	60.6%	9 (32.1%)	Corte Madera, CA; Santa Monica, CA; Iowa City, IO; Hamburg, NY; Borough of State College, PA; Kirkland, WA; Vancouver, WA; Tumwater, WA; Madison, WI
African American/ Black	21.5	13 (46.4%)	Urbana, IL; Frederick, MD; Cambridge, MA; Grand Rapids, MI; Minneapolis, MN; Saint Louis, MO; South Euclid, OH; New York, NY; Buffalo, NY; Syracuse, NY; Philadelphia, PA; Pittsburgh, PA ; Memphis, TN
Asian	4.3	21 (75.0%)	Corte Madera, CA; San Francisco, CA; Santa Monica, CA; Urbana, IL; Iowa City, IO; Frederick, MD; Quincy, MA; Minneapolis, MN; Buffalo, NY; Hamburg, NY; Syracuse, NY; Borough of State College, PA; Pittsburgh, PA ; New York City, NY; Cambridge, MA; Redmond, WA; Bellevue, WA; Seattle, WA; Tumwater, WA; Madison, WI
Native Hawaiian/ Pacific Islander	0.2	7 (25.0%)	East Palo Alto, CA; San Francisco, CA; Iowa City, IO; Frederick, MD; Seattle, WA; Redmond, WA; Vancouver, WA
American Indian/ Alaskan Native	1.5	4 (14.3%)	Santa Monica, CA; Minneapolis, MN; Kirkland, WA; Seattle, WA
Hispanic/ Latinx	27.0	3 (10.7%)	East Palo Alto, CA; Frederick, MD; New York, NY

**Cities marked in bold type preempt local governments from protecting housing voucher recipients*

RECOMMENDATIONS

SB909 offers the potential for long-term, intergenerational improvement among minorities. Research shows that living in low-poverty neighborhoods improves adults' mental and physical health is linked to higher employment and earnings and an increase in future earnings and chances of attending college (Fischer, 2018). There is need to review and update housing policy to "ensure all residents have true housing choice by adopting policies that enable working families, including those who have portable rental subsidies" (Koziol, 2012). Based on the assessment of the racial impact analysis, below are the following recommendations:

- A. *Encourage Landlord Buy-In.* Even with the presence of anti-discrimination laws at the state and local levels, evidence demonstrates that landlords are likely to discriminate against certain sources (Yousef, 2015).
- B. *Advancing the Infrastructure.* Overcoming a legacy of residential segregation will take a variety of affirmative efforts to include management policies for operational changes in source of income distribution award. Program collaboration and partnerships improve efficiencies, strengthen programs, and save cost by sharing infrastructures and administrative expenses (Bell, Sard, Koepnick, 2018).
- C. *Support Legislation at the Federal Level.* The absence of protection in most states, as well as the variation in language across statutes, has led scholars to call for a federal policy,

either as a HUD regulation or an amendment to the Fair Housing Act (Bacon 2005; Beck 1996; Johnson-Spratt 1998; Tighe et.al, 2017).

Encourage Landlord Buy-In: Landlords pose significant obstacles to encouraging the adoption of source of income laws. “The inspection process is a central moment at which the interests of landlords intersect with those of the tenants, and is a battleground where length of residence may be negotiated” (Rosen, 2014). By incentivizing landlords and reducing the rental guidelines, landlords are more likely to see to voucher recipients. When landlords are better informed about the process of source of income they are more likely to be open about accepting all kinds of incomes. Education and public awareness ads on the benefits of leasing to low-income families and humanizing the tenant are means to encourage landlords to support the initiative. Housing mobility programs have utilized messaging campaigns carefully tailored to landlords in opportunity neighborhoods and can be implemented on any platform including local cable television, radio, newspapers, or magazines. Local Public Housing Authorities can offer these trainings to homeowners and associations in town hall meetings and community board meetings. Landlords’ broad understanding of the intricate process and the rules that govern the voucher program. More incentives and making the process of renting a house to a vouchers recipient should be explored, though it is a short-term fix to a long-term problem.

Unraveling the Infrastructure: The Voucher Program, a federally funded and state housing initiative enforces time restrictions to rental assistance recipients, making housing searches in unfamiliar geographical areas a cumbersome and unrealistic process. The aggressive enactment of procedural policy that supports the usage of Request for Tenancy Approval, coupled with post-housing search policy prior to the allocation of vouchers would equip low-income families with housing opportunities. State operated public housing authorities are mandated to meet a 98 percent utilization rate and when voucher endorsements fall below 95 percent localities may lose the ability to add new vouchers, with those falling below 90 percent facing fee increases (Tighe, et al., 2016). The state public housing authority also has the power and authority to regulate the cost through the fair housing market calculator. Rental cost structures are configured based on property values within the geographical area, limiting the scope of the rental market to areas germane to the voucher holder. However, the use of higher payment standards of 110 percent of the fair market rent in areas of lower poverty and higher rents, and lower payment standards of 90 percent of the fair market rent in low-opportunity, high-poverty neighborhoods can strategically produce savings for the PHA that could help fund the higher payment standards in opportunity neighborhoods (Scott, Cunningham, Biess, 2012). The adoption of meaningful source of income referendums in support of low-income families, securing friendly policy driven practices would increase the usage of vouchers.

Support Legislation at the Federal Level: Discrimination against tenants with housing vouchers is a clear violation of the law, but there is no protection in the federal housing law that stipulates clear protection for voucher recipients. The absence of protection in most states, and the variation in language across statutes, has led scholars to call for a federal policy, either as a HUD regulation or an amendment to the Fair Housing Act (Bacon 2005; Beck 1996; Johnson-Spratt,1998; Tighe, et al., 2017) This issue must be addressed at the federal level for quicker implementation of equal protection under the fair housing law for voucher recipients. The Civil Rights Act of 1964 sets the precedent for the federal government, leading the way on the issue of discrimination facing vulnerable citizens, when states are not willing to act quickly enough.

CONCLUSION

According to Housing Opportunities Made Equal (HOME) of Virginia, the quality of opportunities that a neighborhood offers has larger implications for the level of education residents will attain, the jobs they will be able to have, and the access their kids will have to different experiences in

their lifetime (Kozioł, 2012). SB909 allows for the long-term improvement of lower-income minority families' lives. This legislation offers avenues for improvement across multiple facets of life by allowing people to move to better neighborhoods. SB909 will open up access to housing and prevent housing discrimination, and aide those in poverty, regardless of race, access affordable housing. There are immense social benefits to be gained including increased equity for those who want to move into neighborhoods with greater opportunities for themselves and their families.

LIST OF TERMS

Fair Market Rent (FMR) – Yearly, HUD publishes the fair market rent rate the for every housing market area in the United States. FMRs are based on the number of bedrooms in the rental unit and are intended to align with modestly priced rental housing costs in each area.

Housing Choice Vouchers (HCV) – A federal program that provides decent, affordable housing to very low- to low-income individuals and families, including people with disabilities and senior citizens. Vouchers are distributed through VHDA in partnership with local housing agency partners. Most vouchers are “tenant-based,” meaning that families can use them in units of their choice in the private market.

Payment Standards - The HCV program provides a tenant-based voucher to a family. The payment standard is the maximum subsidy a Public Housing Authority (PHA) can pay on behalf of a family, and a PHA establishes payment standards based on the HUD-established Fair Market Rents (FMR) for the area.

Source of Income (SOI) - is defined as legal, verifiable income paid directly to the tenant or his or her representative (such as a payee).

The US Department of Housing and Urban Development (HUD) - A federal government agency in the executive branch established in 1965 to develop and execute policies on housing and metropolises.

Utilization Rate - The measure of how successful a PHA has been in using the resources provided by HUD. HUD defines utilization as the higher of unit utilization and budget utilization.

REFERENCES

- Bell, A., Sard, B. & Koepnick, B. (2018, October 19). Prohibiting Discrimination Against Renters Using Housing Vouchers Improves Results. Retrieved from <https://www.cbpp.org/research/housing/prohibiting-discrimination-against-renters-using-housing-vouchers-improves-results>
- Cooper, E., & Sloane, L. (2016). Using the Housing Choice Voucher Program to End Chronic Housing Homelessness: Chapter 8 - Getting a Housing Voucher and Obtaining a Voucher. Retrieved from <http://www.tacinc.org/media/58886/S8MS%20Full%20Book.pdf>
- Eviction Lab (2018). Top Evicting Large Cities in the United States. Retrieved from <https://evictionlab.org/rankings/#/evictions?r=United%20States&a=0&d=evictionRate&lang=en>
- Fischer, W. (2018). Low-Income Housing Tax Credit Could Do More to Expand Opportunity for Poor Families: Center on Budget and Policy Priorities. Retrieved from <https://www.cbpp.org/sites/default/files/atoms/files/8-28-18hou.pdf>
- Kaufman, R. (2018, July 2). Denver Weighs Ban on Source-of-Income Discrimination. Next City. Retrieved from <https://nextcity.org/daily/entry/denver-weighs-ban-on-source-of-income-discrimination>
- Kingsley, G. T. (2017, October). Trends in Housing Problems and Federal Housing Assistance. Retrieved from <https://www.urban.org/sites/default/files/publication/94146/trends-in-housing-problems-and-federal-housing-assistance.pdf>
- Kozioł, B. (2012). Where You Live Makes All The Difference: An Opportunity Map of the Richmond Region. Retrieved from <http://homeofva.org/Portals/0/Images/PDF/whereyoulivemakesalldifferenceoppmapreport.pdf>
- Project Sentinel: A HUD Approved Housing Counseling Agency (2018). Retrieved from <http://housing.org/fair-housing/source-of-income-discrimination/>
- Rosen, E. (2014, June). Selection, Matching, and the Rules of the Game: Landlords and the Geographic Sorting of Low-Income Renters. Retrieved from http://www.jchs.harvard.edu/sites/default/files/w14-11_rosen_0.pdf
- Sand, B., & Thorpe, D. (2016, April 11). Consolidating Rental Assistance Administration Would Increase Efficiency and Expand Opportunity. Retrieved from <https://www.cbpp.org/sites/default/files/atoms/files/4-11-16hou.pdf>
- Scott, M., Cunningham M., & Biess, J. (2012, June 11-12). Expanding Choice: Practical Strategies for Building Successful Housing Mobility Program. Retrieved from <https://www.urban.org/sites/default/files/publication/23301/412745-Expanding-Choice-Practical-Strategies-for-Building-a-Successful-Housing-Mobility-Program.PDF>
- Tighe, J., Hatch, M., & Mead, J. (2017, October 2). Source of Income Discrimination and Fair Housing Policy. *Journal of Planning Literature*, 32(1). Retrieved from <http://journals.sagepub.com/doi/full/10.1177/0885412216670603>.

Turner, M., Santos, R., Levy, D., Wissoker, D., Aranda, C., Pitinigolo, R. (2013, June) Housing Discrimination Against Racial and Ethnic Minorities 2012. Retrieved from https://www.huduser.gov/portal/Publications/pdf/HUD-514_HDS2012.pdf

Virginia General Assembly: Code of Virginia: Virginia Fair Housing Law (2018) Retrieved from <https://law.lis.virginia.gov/vacodepopularnames/virginia-fair-housing-law/>

Willis, R. (2018, August 27). Researchers Find High Denial Rates of Housing Vouchers by Landlords. Retrieved from <https://nlihc.org/article/researchers-find-high-denial-rates-housing-vouchers-landlords>

Yousef, O. (2015, October 14). Section 8 voucher holders face blatant discrimination on Craigslist. WBEZ News. Retrieved from <https://www.wbez.org/shows/wbez-news/section-8-voucher-holders-face-blatant-discrimination-on-craigslist/60a2494c-b3b4-4173-b229-ed5d6c517c71>