

The Statewide Source of Income Coalition Overview

About the Coalition:

The Statewide Source of Income Coalition is coordinated by ERASE Racism and comprised of organizations and businesses from across New York State that are supporting an amendment to the New York State Human Rights Law to expand the protected classes to include lawful sources of income, such as wages and salaries and federal, state, local, corporate and nonprofit assistance payments or subsidies. This amendment would extend housing discrimination protections to individuals utilizing Housing Choice Vouchers (Section 8), Social Security, Supplemental Security Income (SSI), unemployment insurance, alimony, veteran's benefits and the like to cover housing costs.

Background:

Source of income discrimination is pervasive in New York and contributes to the perpetuation of segregation in New York State, which has some of the most segregated regions in the country.¹ In addition, source of income discrimination is often a proxy for discrimination based on existing protected classes under fair housing statutes, such as race and disability.² Studies indicate that the success rate of Housing Choice Voucher holders in finding qualifying units is significantly higher in places where there is a local or state law protecting against discrimination based on source of income.³

Under the current State Human Rights Law, landlords and real estate professionals can refuse to rent to Housing Choice Voucher holders and recipients of other legal income, assistance or subsidy solely because of how they intend to pay for housing. Currently, only a few cities and counties in New York have statutes that include expanded protections related to how housing costs are covered, but the laws are not uniform in the definition of the expanded protections or the exceptions to the application of the expanded protections. In addition, many New Yorkers live in areas without any protection from arbitrary rejection of housing based on how the housing costs will be paid for.

Housing discrimination based on the source of housing cost payments can have a profoundly adverse effect on the housing choices that are available to individuals who defray their housing costs with Housing Choice Vouchers and other legal income, assistance and subsidies, and can perpetuate patterns of racial, ethnic, and economic segregation. Further, source of income discrimination has a disproportionate and adverse impact on African

¹ John R. Logan and Brian Stults, "The Persistence of Segregation in the Metropolis: New Findings from the 2010 Census" Census Brief prepared for Project US2010 (2011), <http://www.s4.brown.edu/us2010> [last accessed 8/23/16].

² Rebecca Tracy Rotem, "Using Disparate Impact Analysis in Fair Housing Act Claims: Landlord Withdrawal from the Section 8 Voucher Program," 78 *Fordham L. Rev.* 1971, 1981 (2010); *see also* Lisa M. Krzewinski, "Section 8's Failure to Integrate: The Interaction of Class-Based and Racial Discrimination," 21 *B.C. Third World L.J.*, 315, 320-321 (2001).

³ U.S. Dept. of Housing and Urban Development Office of Policy Development and Research, "Study on Section 8 Voucher Success Rates (Nov. 2001), pg. 3-17; *see also* Lance Freeman and Yunjing Li, "Do Source of Income (SOI) Anti-Discrimination Laws Facilitate Access to Better Neighborhoods?" Paper presented at the Association of Public Policy and Management Fall Research Conference (Nov. 2012) (finding that source of income laws have a "modest impact on locational outcomes with the largest relationship observed for neighborhood poverty rates.").

Americans, Latinos, people with disabilities, and female-headed households, all of whom comprise greater shares of Housing Choice Voucher recipients than their population shares.⁴

The organizations in the Statewide Source of Income Coalition support this amendment to the Human Rights Law. Members of the coalition will engage in such activities as educating and engaging the people of New York, New York State officials, or elected officials on the benefits of source of income protection. Some members will engage in legislative advocacy to ensure passage of an amendment.

Should you wish additional information about the Coalition or wish to join the coalition, please contact Andrew Koldin, staff attorney at ERASE Racism, at andrew@eraseracismny.org or (516) 921-4863 ext. 11.

⁴ African Americans comprise 15.6% of the New York State population, but comprise 38% of the State's voucher holders. Latinos comprise 18.2% of the State's population, but comprise 32% of the State's voucher holders. Adults with disabilities comprise 13% of the New York State population, but comprise 34.5% of the voucher holders. Female-headed households comprise 20.7% of New York's renter-occupied households, but comprise 34% of households receiving vouchers in New York.