

JUSTICE IN AGING

FIGHTING SENIOR POVERTY THROUGH LAW

California's Prohibition on Source of Income Discrimination in Housing: Legal Authority and Resources

- I. **CA Statute governing Source of Income (SOI) Discrimination Ban**
 - a. [Cal Gov. Code §12955](#) *et seq.* – These amendments added specific Source of Income (SOI) protections against housing discrimination. Went into effect 1/1/2020
 1. Explicitly added “SOI includes vouchers,” overruling prior caselaw: *Sabi v. Sterling*, [183 Cal.App.4th 916](#), (2010) which had held that a landlord does not violate the Unruh Act or the state housing statute (FEHA) when refused to accept Section 8).
 2. Source of Income defined: Govt. Code § 12955(p)(1) – federal, state, or local rental assistance used to pay for all or part of the rent; see also implementing regulations, Tit.2, Ch. 5, Subchapter 7, Article 13, [§§12140\(a\) – \(c\)](#).
 3. What housing providers are covered under the law? Applies to all housing providers who rent residential properties in CA: rental agents, management companies, HOA's, corporations, housing authorities... Except homeowners who live in their own home, condo or single-family unit and rent out only one room within that unit.
 - b. Enforcement and Hearing Procedures in Housing Discrimination Cases: [Cal. Gov. Code §12980-12989.3](#)
 1. Complaint must be filed with CRD within one year from date of occurrence or termination of alleged violation. Two-year statute of limitations for privately filed complaints. § 12989.1.
 2. Can pursue both a private complaint, and/or verified complaint with Civil Rights Division. Specific time frames for CRD to respond to complaint, commence proceedings. See, [CRD Complaint Flowchart](#).

3. Circumstances where CRD may also initiate civil cases on its own, or bring affirmative action. Cal. Govt. Code §§12981, 12988.
4. Scope of relief; attorney's fees and costs. Cal. Govt. Code § 12989.2.

II. Fair Housing Regulations Implementing Source of Income Discrimination Law in Rental Housing: Tit.2, Ch. 5, Subchapter 7, Article 13, §§12140-12143. Available at: [Source of Income Discrimination in Rental Housing](#)

- a. 2 CCR Section 12141 describes landlord activity (or inaction) that constitutes an “adverse action.”
- b. Section 12143 clarifies that a housing provider may only use the portion of the rent being paid by the tenant in determining whether tenant meets the income standards. See also, Cal. Govt. Code § 12955(o).

III. CA Civil Rights Division

- a. [Source of Income FAQ](#)
- b. How to [file a discrimination complaint with CRD](#).
- c. [Intake form](#) (English) for housing discrimination (can also create an online account).

IV. CA cases and settlements

- a. Civil Rights Division
 - i. [CRD finds widespread housing discrimination against Section 8 voucher holders](#). Oct. 2022
 - ii. [Settlement in Marin apartment complex case](#) (2022).
 - iii. [CRD files lawsuit to Enforce Protections for Housing Choice Voucher Holders](#): Complaint alleges Sacramento landlords discriminated against tenant based on source of income and race, and for retaliating when tenant attempted to assert her rights.

b. Cases/Decisions:

- i. *Gardner v. Serrano, et al.*, (LA Superior Court, Case No. 23STCV01872). LA case involving 22 apartment owners and agents refusing to rent to someone because they were using a Section 8 voucher to help pay their rent.
 - a. *Gardner v. Serrano* [Complaint](#)
 - b. *Gardner v. Serrano*: Settlements with most defendants who have agreed to adopt fair housing policies prohibiting SOI discrimination; require staff to undergo fair housing training, advertise that they accept Section 8 for 3 years; and report data to plaintiff's counsel.

- ii. *St. James v. WIB & Bills* (LA Superior Court, Case No. 20SMCV00339, related case, *City of Santa Monica v. WIB & Bills*, no. 19SMCV00390. Landlord refused to accept voucher from 71 year-old disabled, longstanding tenant. In late-filed opposition, landlord claimed was being coerced, didn't want to be burdened by Sec. 8 rules. Court ruled that LL's refusal was discrimination in violation of the Santa Monica SOI law, state SOI law, and an unfair business practice.
 - 1. *St. James* [Complaint](#)
 - 2. *St. James*: [Plaintiff's Motion and Memo ISO Summary Adjudication](#); [Order GRANTING Plaintiff's MSA](#); [Order Granting Permanent Injunction](#).

- iii. *Tejada & Housing Rts. Center v. Vision Property Investments, et al.*, (LA Superior Ct., Case No. 21STCV44191). Landlord refused to accept Section 8 from senior tenant of 22 years. Claims under LA Municipal Code, Fair Employment & Housing Act, Cal. Business & Professions Code Sec. 17200.
 - 1. *Tejada* [Complaint](#)

V. **Sample Letters to Landlord:** [Sample letter](#) introducing landlords to SOI discrimination law and advising that tenant's use of a voucher to pay for all/part of rent is not a permitted reason for denial of housing. [Sample](#)

[letter](#) from lawyer providing additional legal support for various SOI provisions.

- VI. Tighe, J. Rosie et al., "[Source of Income Discrimination and Fair Housing Policy](#)," Journal of Planning Literature 2017, Vol 32(1) 3-15.

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