I. CA Statute governing Source of Income (SOI) Discrimination Ban
      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.


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


      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.


   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.


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