



Lawful Source of Income

What is source of income discrimination?

Many families and individuals face discrimination when they attempt to use some form of government assistance or non-wage income to pay their rent. This discrimination constrains their housing choice and limits their opportunities. Source of income discrimination is pervasive in New York State and is often a proxy for illegal discrimination against protected classes already covered under existing fair housing laws, such as race and disability. Without uniform statewide source of income protection, we inevitably concentrate poverty and reinforce residential segregation among our most vulnerable communities. Source of income discrimination is a civil rights issue throughout the State of New York.

Who does source of income discrimination impact?

According to the Center for Budget and Policy Priorities, over 576,000 low-income New York families rely on federal rental assistance to pay for their housing with over 227,000 families using Housing Choice Vouchers (HCVs) alone. Because of this, the lack of Source of Income (SOI) protection has an adverse impact on some of our most marginalized populations, including our elderly, persons living with disabilities, domestic violence survivors, persons who are experiencing homelessness, families with children, ethnic and racial minorities, and veterans. New Yorkers should not have to endure further hardship and discrimination simply because they are using a lawful subsidy or non-wage income to help cover their housing costs.

With the lack of SOI coverage in the New York State's Human Rights Law, SOI discrimination restricts housing choice, concentrates poverty, stifles mobility, and drives inequities in other areas of our lives. Housing providers in less affluent communities typically accept HCV and other rental subsidies more often than providers in more affluent communities. This confines low-income families to communities with underperforming schools, limited public transit, higher crime, and food deserts. Source of income isolates many New York families from the social mobility that they access from high-quality schools, hospitals, employment opportunities, and resources, spurring generational poverty.

What subsidy programs are included within Source of Income protections?

Lawful source of income extends legal protections to those who use funds from sources other than employment to partially or wholly pay for their housing. Those funds can come from federal, state, or local governmental entities, as well as lottery winnings, trust funds, and other non-wage income. Under lawful source of income protections, it is illegal for housing providers to discriminate against individuals who receive any of the following income sources or housing subsidies including, but not limited to:

- Child Support
- Family Eviction Prevention Subsidy (FEPS)
- Emergency Shelter Allowances

- HIV/AIDS Services Administration (HASA)
- HOME Tenant-Based Rental Assistance Program
- HUD-Veterans Affairs Supportive Housing (HUD-VASH)
- Living in Communities (LINC) Rent Program
- Nursing Home Transition and Diversion Waiver
- Olmstead Housing Subsidy Program
- Section 8: Housing Choice Vouchers (HCV)
- Social Security/Disability
- Special Exit and Prevention Supplement (SEPS) Program
- Spousal Support

What cities/counties have existing lawful source of income protections?

Some cities and counties in New York State have passed laws to confront source of income discrimination. In these communities, it is now illegal for housing providers to refuse to accept any lawful source of income. It is illegal to discriminate against persons based on their lawful sources of income which includes:

- Advertising in a way that indicates a limitation, discrimination, or preference
- Refusing to rent or negotiate for the rental of housing or making housing unavailable
- Exacting different terms and conditions
- Providing unequal services and facilities
- Harassment, intimidation, and/or retaliation.

Lawful source of income coverage varies across the cities and counties which offer them. For instance:

- Buffalo – Source of Income protections cover all dwellings except buildings with less than 4 units or shared spaces
- Hamburg – Source of Income protections cover all dwellings except buildings with less than 3 units
- Nassau County – Source of Income protections cover all dwellings except buildings with less than 3 units
- New York City – Source of Income protections cover to all dwellings except buildings with less than 6 units
- Suffolk County – Source of Income protections cover all dwellings except buildings with less than 3 units and landlords who own 3 or more properties within Suffolk County
- Syracuse- Source of Income protections cover all dwellings except buildings with less than 3 units in buildings where the landlord occupies
- Westchester – Source of Income cover all dwellings except co-ops, condos, buildings with less than 6 units
- West Seneca – Source of Income protections cover all dwellings

We support the individual efforts to create SOI protection at the county and municipality level. However, we need uniform statewide source of income protection to extend coverage to all New Yorkers regardless of their geographic location.

For direct assistance with a source of income complaint, please contact the Fair Housing Justice Center at (212) 400-8201 or fhjc@fairhousingjustice.org with a brief note about your complaint and they will follow-up with you with the appropriate resources.

About the Statewide Source of Income Coalition

The *Statewide Source of Income Coalition*, originally organized in 2016 by ERASE Racism, is a vast network of advocates that supports amending the New York State Human Rights Law and expanding the protected classes to include "Lawful Source of Income". Currently led by Enterprise Community Partners, the Coalition continues to ensure the housing choice of all New Yorkers. If you are interested in joining the Statewide Source of Income Coalition, please email banincomebiasyny@gmail.com. For any additional questions or concerns, please contact Aliya Brown at 212.284.7214.