



An Ordinance of the City of Santa Rosa Prohibiting Rental Housing Discrimination Based on Source of Income

City Council Meeting
September 24, 2019

David Gouin - Director
Rebecca Lane - Program Manager
Housing and Community Services

PRESENTATION

- Purpose of proposed ordinance
- Summarize conversations with stakeholders
- Review fundamentals of the Housing Choice Voucher program
- Compare Local Ordinance and SB 329
- Recommendation

PURPOSE OF ORDINANCE

- To address the affordable housing crisis by:
 - increasing housing opportunities for families using rental assistance, and;
 - to affirmatively further fair housing by ensuring equal opportunity to rental housing for families using rental assistance

EXTENDED OUTREACH

- California Apartment Association
- North Bay Association of Realtors
- Legal Aid of Sonoma County
- Fair Housing Advocates of Northern California
- Disability Services & Legal Center
- Affordable Housing Coalition
- Los Cien Sonoma County
- North Bay Organizing Project
- Community Action Partnership Sonoma County
- Santa Rosa Together
- Hispanic Chamber of Commerce
- North Bay Black Chamber of Commerce

STAKEHOLDER FEEDBACK

Owner representatives:

- Not Necessary with Expected SB 329
- Use a Program Promotion Campaign
- Create Incentives
- Define Occupancy Limit

Tenant representatives:

- Allow 3rd Party discrimination claims

STAKEHOLDER FEEDBACK

Common Themes

- Housing Choice Voucher program marketing, education
- Enhanced customer service for owners and renters

Housing Choice Voucher Program

Review of Fundamentals of the Housing Choice Voucher
Program

HOUSING CHOICE VOUCHERS

- What is the Housing Choice Voucher program?
 - Formerly known as Section 8
 - Vouchers are funded by HUD and administered by local Public Housing Authority (PHA)
 - Tenant selects housing of their choice from the rental market
 - Tenant pays 30% of income towards rent, PHA pays balance directly to owner

HOUSING CHOICE VOUCHERS

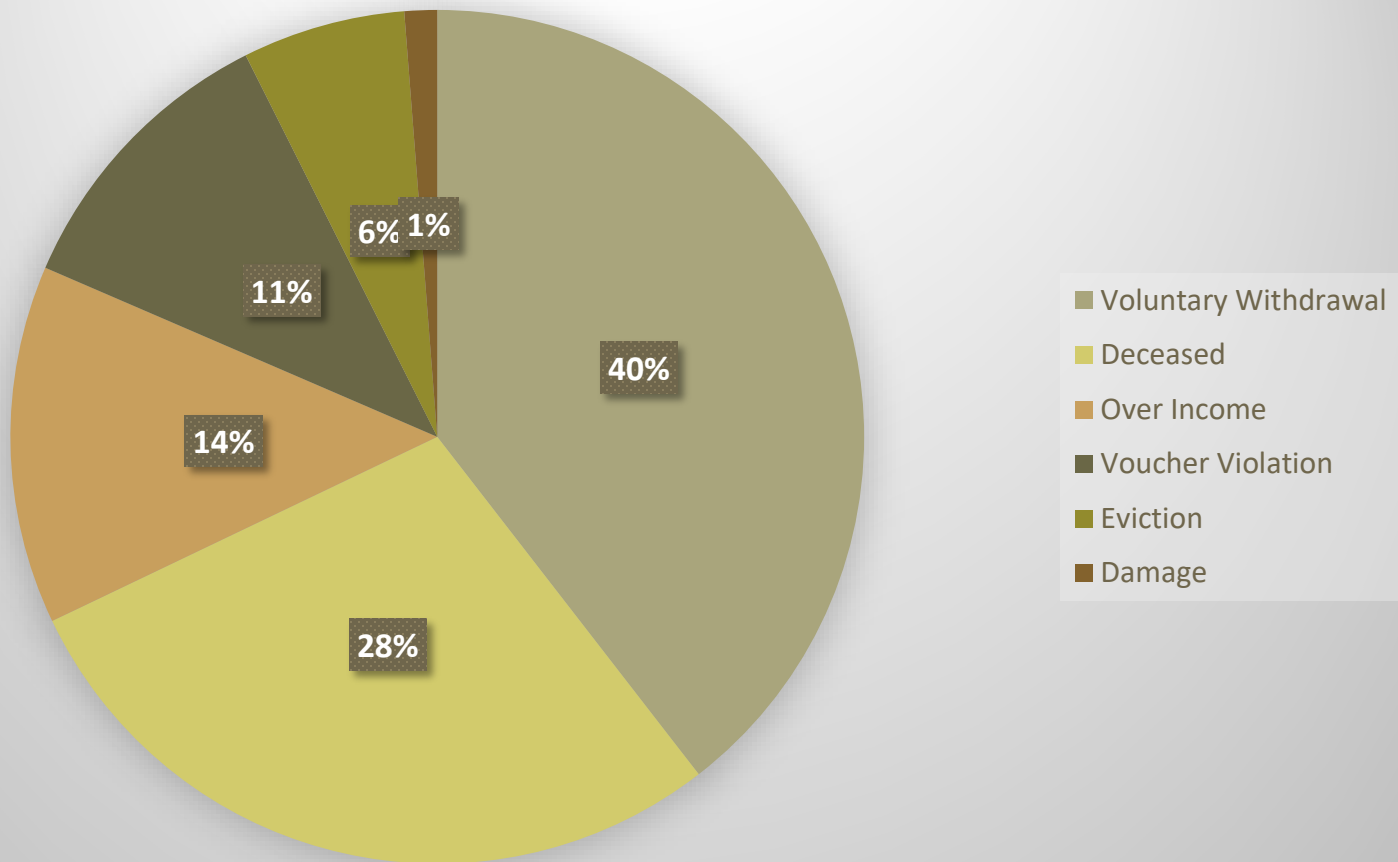
- Rent must be reasonable and approvals are tied to HUD Fair Market Rents (FMR)
- Unit must pass Housing Quality Standards (HQS) inspection
- Landlord must sign Housing Assistance Payments (HAP) contract
 - Extends length of notice for rent increases and certain lease terminations
 - Rent increases must be approved by PHA; local restrictions prevail

HOUSING CHOICE VOUCHERS

- Who does the program serve?
 - Incomes at or below 50% of AMI, from Waiting List, pass background screening
 - Ninety-three percent of households are elderly, disabled, and/or have children
 - Twenty-nine percent of households have wage income, 18% welfare, 73% SSI/SS/Pension
 - Average monthly household income is \$1,544; average tenant rent \$441

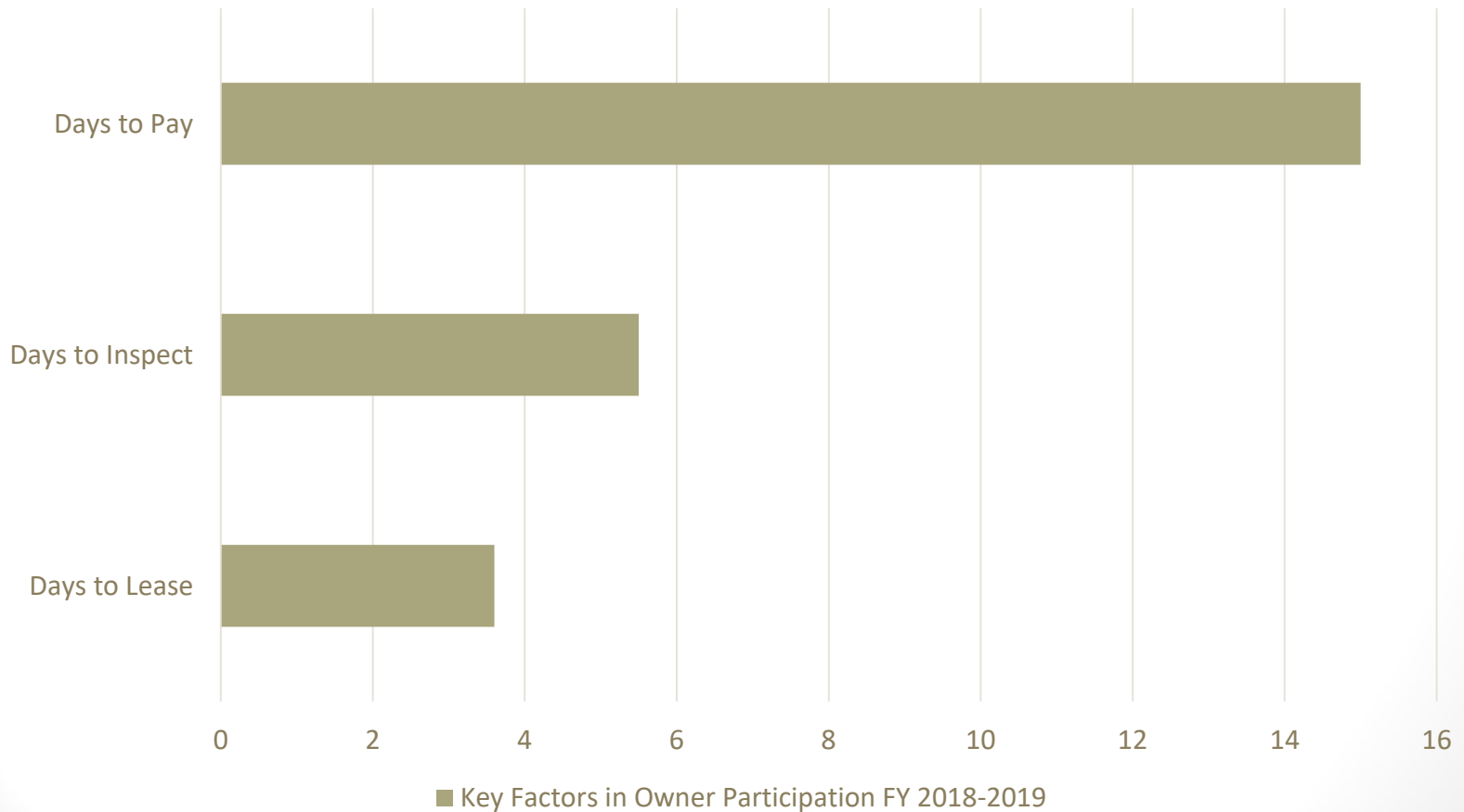
HOUSING CHOICE VOUCHERS

Reasons for Termination of Assistance FY2018-2019



HOUSING CHOICE VOUCHERS

Key Factors in Owner Participation FY 2018-2019



Local Ordinance and CA Senate Bill 329

Summary and comparative analysis

Local Ordinance and SB 329

- Would make it unlawful to discriminate based on source of income in rental housing
- Defines “source of income” as “any lawful source of income or rental assistance from any Federal, State, or Local Public Assistance”

Local Ordinance and SB 329

Proposed local ordinance similar to SB 329 in all areas with the following exceptions:

- **Scope** - The Santa Rosa ordinance defines “aggrieved person” as “the individual directly subjected to the alleged discrimination; SB 329 defines “aggrieved person” to include, “any person who claims to have been injured by a discriminatory housing practice or believes that the person will be injured by a discriminatory housing practice that is about to occur.”

Local Ordinance and SB 329

Exceptions, continued:

- **Occupancy** - The Santa Rosa ordinance defines a reasonable occupancy limit as two people per bedroom plus one person. SB 329 does not have any limits regarding occupancy.
- **Enforcement** - If the City adopts an ordinance, the City may bring an action on behalf of the aggrieved person. If the City does not adopt an ordinance, the State may bring an action. Under either the City ordinance or SB 329, the aggrieved person has a private right of action.

RECOMMENDATION

It is recommended by the Department of Housing and Community Services that the City Council consider introducing an ordinance adding Chapter 10-46 to the Santa Rosa City Code prohibiting rental housing discrimination based on source of income, including Section 8 Housing Choice Vouchers and other rent subsidies. Alternatively, the City Council could allow newly proposed State legislation (Senate Bill 329) to apply, which provides similar source of income protections for tenants.