



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

City Council Meeting
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BACKGROUND

- Proposed ordinance 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...subsidy program”

BACKGROUND

- Proposed ordinance is a component of Santa Rosa's Comprehensive Housing Strategy
 - City Council Tier 1 Goal
 - Addresses housing crisis
- Sixteen jurisdictions in CA have passed similar ordinances
- First of its kind in Sonoma County

HOUSING STRATEGY

- City Council has allocated funds to address homelessness, including rapid rehousing
- Rapid rehousing dollars are used, in part, to fund rental assistance in the form of subsidies for qualified households through a homeless service provider

HOUSING STRATEGY

- Santa Rosa Housing Authority set aside 24 Housing Choice Vouchers (HCV) for Coordinated Entry referrals and 48 HCVs for fire survivors
- HCV program in Santa Rosa also includes 414 vouchers for Veterans
- Additional 1,400+ general HCVs in Santa Rosa

HOUSING STRATEGY

- Housing Authority and homeless service providers report challenges with utilization of rental assistance
 - High rents, low vacancy
 - Participants without acceptable rental history
 - Landlords unwilling to accept HCV or other assistance

HOUSING STRATEGY

- Proposed ordinance addresses lack of landlord participation in assistance programs
- Ensures that tenants with rental assistance have equal opportunity to apply for housing
- Increases utilization of assistance programs

PROPOSED ORDINANCE

- Adds Chapter 10-46 to the Santa Rosa City Code, Housing Anti-Discrimination Code
- Defines income to include rental assistance from any federal, state, local or non-profit-administered benefit or subsidy program

PROPOSED ORDINANCE

- Based on source of income, it will be unlawful to:
 - Refuse to rent
 - Impose restriction
 - Refuse services
 - Make statements indicating a preference or limitation (e.g., in advertising)

PROPOSED ORDINANCE

- The proposed ordinance does not:
 - Force landlords to accept tenants that do not otherwise meet conditions
 - Prohibit tenant screening for creditworthiness, rental history
- The proposed ordinance:
 - Requires that tenants using subsidy programs are treated equally in the application process and treated equally as residents in housing

FAIR HOUSING IMPLICATIONS

California and federal law requires the City of Santa Rosa to identify impediments to providing affordable and fair housing, and to develop strategies to address those impediments.

FAIR HOUSING IMPLICATIONS

- Renters using housing subsidies are often members of protected classes under fair housing law:
 - People with disabilities
 - People of color
 - Families with children
 - Other protected classes under state and federal law

FAIR HOUSING IMPLICATIONS

Source of income protection affirmatively furthers fair housing goals and supports the City of Santa Rosa's commitment to increasing affordable housing opportunities.

ORDINANCE DECISION POINTS

- Applicability:
 - As drafted, governs all rental units
 - Alternatives:
 - Exclude rentals in which kitchen or bathroom shared with owner
 - Exclude properties with less than three units

ORDINANCE DECISION POINTS

- Definition of Source of Income:
 - As drafted, includes both governmental and non-profit administered subsidy programs
 - As drafted, limited to programs intended to subsidize the full term of the lease
 - Alternative: Limit to governmental programs

ORDINANCE DECISION POINTS

- Enforcement:
 - As drafted, enforcement by:
 - Aggrieved individuals
 - City of Santa Rosa
 - “Any person or entity who will fairly and adequately represent the interests of the protected class.” (injunction only)
 - Alternatives: Limit to one or two of the above.

ORDINANCE DECISION POINTS

- Damages:
 - As drafted, recovery of special and general damages suffered by aggrieved individual, plus attorney fees and costs
 - Alternatives:
 - Limit dollar amount of recovery
 - Allow punitive damages

SB 329

- Fair Employment and Housing Act currently prohibits discrimination based on source of income
- SB 329 would expand definition of “source of income” to include federal, state and local housing subsidy programs
- Applies broadly -- excludes only single border within owner-occupied single family home
- Passed Senate, pending in Assembly

RECOMMENDATION

The Department of Housing and Community Services recommends that the City Council introduce an ordinance adding Chapter 10-46 to the Santa Rosa City Code prohibiting rental housing discrimination based on source of income, including Housing Choice Vouchers and other rent subsidies.