

FAIR HOUSING PRACTICES ACT

Rhode Island's Source of Income Protections

The federal Fair Housing Act prohibits discrimination in housing-related transactions because of race, color, religion, national origin, sex, disability or familial status (presence of minor children or pregnancy). Additionally, HUD now administers and enforces the Fair Housing Act to prohibit discrimination on the basis of gender identity and sexual orientation.

Rhode Island's fair housing law also prohibits housing discrimination on the basis of: age, sexual orientation, gender identity or expression, marital status, veteran or military status, status as a victim of domestic violence, and now, source of income. Source of income discrimination is when a person seeking housing is discriminated against on the basis of the source of income they will be relying on to pay for their housing costs. For example, if a potential tenant reports that they have income from a federal program such as Social Security, or a housing subsidy, they cannot be excluded on that basis or treated differently than others.

This information sheet is intended to answer some frequently asked questions about source of income discrimination and what its addition to Rhode Island's Fair Housing law means for renters and landlords. This overview is for informational purposes only. Please consult an attorney for legal questions about what constitutes source of income discrimination or any violation of federal or state fair housing laws.

What is a lawful source of income?

A lawful source of income is any income or subsidy from child support, alimony, social security, supplemental security income, or any other federal, state or local public assistance program including veterans' assistance and housing vouchers.

What actions do fair housing laws prohibit?

Fair housing laws prohibit actions such as denying housing, limiting access to housing, discouraging homeseekers, making or publishing discriminatory statements, or creating different terms, conditions, rules, fees or standards because of one's membership in a protected class.

What is a housing voucher?

A housing voucher represents a direct payment from the voucher administrator to the landlord for all or a portion of the tenant's rent. The tenant then pays the landlord the difference between the actual rent and the amount paid by the voucher program. Housing vouchers are generally administered by local public housing authorities or regional housing agencies. Different rules may apply to various housing voucher programs.

Are both homeowners and renters protected from source of income discrimination?

Rhode Island's source of income discrimination protections apply to both homebuyers and renters.



Signs of Possible Source of Income Discrimination

- You see an advertisement that says "No Section 8" for an apartment.
- A housing provider refuses to accept your housing voucher because it requires them to have their unit inspected.
- You are told the unit is no longer available after you explain that your income/benefits include a lawful source of income.

Who to Contact

If you feel you may have been discriminated against, please contact the Rhode Island Commission for Human Rights:

Phone: 401-222-2661

180 Westminster Street,
3rd Floor

Providence, RI 02903

Website: <http://www.richr.ri.gov/filecharge/index.php>

Email: RICHR.housing@richr.ri.gov

For other information about your fair housing rights

SouthCoast Fair Housing

1005 Main Street, Suite 1210
(second floor)

Pawtucket, RI 02860

Phone: (401) 285-2550

<http://southcoastfairhousing.org/>

Rhode Island Legal Services Providence

56 Pine Street, Fourth Floor
Providence, RI 02903

(401) 274-2652

(800) 662-5034

Newport

50 Washington Square
Newport, RI 02840

(401) 846-2264

(800) 637-4529

RI Center for Justice

1 Empire Plaza, Suite 410
Providence, RI 02903

401-491-1101

<https://centerforjustice.org/contact/>

What kind of requirements for tenant eligibility would probably be considered discriminatory on the basis of source of income?

Any requirement that would treat a tenant with a lawful source of income differently from other tenants could be considered discriminatory. Examples might include not accepting applications from tenants with certain sources of income or putting requirements on those tenants that are different from the requirements a landlord places on other tenants. Rejecting tenants based on their housing voucher or their receipt of SSI benefits, or requiring a criminal history check only for voucher holders for example would be violations.

What kinds of statements or requirements in an advertisement for an apartment might be considered discriminatory on the basis of source of income?

Requirements that treat tenants with a lawful source of income differently from other tenants could be considered discriminatory. This includes statements such as "No Section 8" and requirements such as a larger security deposit based on type of income.

Are landlords allowed to set minimum income limits for tenants using housing vouchers?

Landlords can set minimum income limit for tenants, but they must take into consideration the value of the subsidy provided by the voucher when determining whether an applicant can afford the rent. For example, if a landlord wants a tenant to demonstrate monthly income that is twice the amount of the rent, they should compare the tenants income to only the tenant's share of monthly rent, not the total rent including the part paid by the housing voucher.

If an applicant for an apartment has a housing voucher, can a landlord avoid renting to them by refusing to follow program requirements, such as having the apartment inspected?

Rhode Island's fair housing law specifically includes the requirements associated with public assistance, rental assistance or housing subsidy programs in the definition of lawful source of income. Refusing to agree to the program requirements like inspection could be considered discriminatory.

Can a landlord refuse to rent to, or evict a tenant with a lawful source of income?

A housing provider has the right to refuse rental applications or evict tenants based on non-discriminatory criteria, such as a tenant's rental history or ability to afford the rent (when taking into account all of an applicant's income or benefits). As a best practice, a housing provider should establish qualification standards, share them with anyone who applies, and apply them equally to each household.

Does a landlord have to lower the rent on their apartment if an applicant has a housing voucher and the cost of rent exceeds what they are allowed to pay for rent?

No, as long as the same rent is consistently required for all applicants regardless of source of income.

Are all apartments covered by source of income discrimination protections?

Only properties with three or fewer units, one of which is occupied by the owner, are exempt from source of income discrimination protections.

When do source of income discrimination protections go into effect?

Source of income discrimination protections went into effect on April 15, 2021.