

# Voucher Discrimination is Illegal!

## What to Know and Do

Did you know that landlords cannot discriminate against you for paying rent with a voucher? This means they can't keep you from renting their unit or treat you differently *because* you will be paying with a housing subsidy. In other words, they cannot: advertise their non-voucher preference, deny or prevent an application, treat a tenant differently (higher rent, deny repairs, etc.), terminate or not renew a lease, or require additional lease terms.

### What should I disclose and what can a landlord legally consider?

#### When should I disclose that I have a voucher to a potential landlord?

There is no requirement about when you disclose a voucher, but many people find it helpful to inform a landlord early on for two main reasons.

1. Landlords may see a voucher as a benefit – it is a consistent source of funds (that is often paid by direct deposit) and it may offer an additional contact person, which landlords appreciate.
2. Most vouchers require coordination between the tenant, voucher provider, and landlord. This could include an inspection (which you can assure the landlord is quick) and additional paperwork (a landlord's W-9, proof of ownership, and an "intent to rent" letter). Figure out the requirements of your voucher, and clearly communicate these requirements to the landlord up-front.

#### What *can* a landlord legally consider?



Landlords are entitled to consider your income, credit history, prior evictions, and other factors *so long as they don't make a decision for a discriminatory reason*. This includes use of a voucher and also includes numerous other areas of protection including race, color, national origin, religion, sex, and [many others](#).

**If I'm denied because of my credit or an eviction on my record, what should I do?** Request a copy of the report the decision was based on and [see next steps here](#).

#### A landlord can consider income, but what are the rules?

If you have a voucher, a landlord can only assess your financial eligibility as it relates to your ability to pay *your portion* of the rent (not the full rent). It is unlawful discrimination to consider the full rent amount (See [DFEH FAQ](#), top of page 3). You will need to explain that you have a voucher *before* a landlord can properly assess your income.

## A landlord can consider occupancy, but what are the rules?

There are multiple and complicated calculations for occupancy, but a good rule of thumb when you are *seeking to rent* is that the number of people in a unit has to be “reasonable,” which is usually interpreted as two people per bedroom and one extra per unit (for ex: 2 BR = 5 people, 3 BR = 7 people, etc.). Children under 6 don’t count toward occupancy limits.



**2 people  
per bedroom  
+ 1 extra person  
per unit**

## What should I do if I suspect discrimination because I have a voucher?

### Document everything

Written statements from landlords (email, text, advertisements) are the most compelling. However, an oral statement can still be grounds for holding the landlord accountable. Keep copies of everything and write down what you were told orally. Use [this log](#) if helpful.

### Look for any clues that the action is discriminatory

If a landlord states a “credible” reason for not renting to you (your income isn’t high enough, your credit isn’t good enough, you have too many people for the unit), try to figure out if that reason is credible or unfounded using the information in this FAQ and by speaking with housing and/or credit counselors in your area.

### Educate the landlord

**Some landlords may not know the law, so you can tell the landlord this:**

- It is illegal in California, under the Fair Employment and Housing Act, for housing providers to deny housing based on a person’s “source of income,” which includes whether someone pays with a federal, state, or local housing subsidy.
- Because of this law, you cannot deny my application or prevent me from applying because I have a voucher.
- If you do, I will file a complaint with the Human Rights Commission or the Department of Fair Employment and Housing.
- If the landlord wants to see something official, show them [this FAQ](#) from the Department of Fair Employment and Housing (“DFEH”).

### File a complaint

File a complaint with the Department of Fair Employment and Housing (DFEH) or, if in SF, the Human Rights Commission (HRC).

- **DFEH** is the state agency that works on these issues - you can [file a complaint](#) by paper / mail, or by calling **800.884.1684**.
- **HRC** (for SF tenants) is at **415.252.5255** or [sf-hrc.org](#) - HRC will consult with both tenants and their advocates. They will investigate the issue, and possibly mediate a settlement, refer you to counsel who can file a case, or suggest you file with DFEH.

Remind me  
where to find  
support?

**Department of Fair Employment and Housing (DFEH):** Phone: 800.884.1684 | Website: [dfeh.ca.gov](#)

**Human Rights Commission (HRC):** Phone: 415.252.5255 | Website: [sf-hrc.org](#)

**Legal Link:** Find referrals to housing counselors and attorneys using the [referral search tool](#) on [legallink.org](#)