

What is Source of Income Discrimination?

Source of income is a protected characteristic under New York State and New York City fair housing laws. That means New York housing providers such as landlords, real estate agents, and brokers cannot refuse to rent to you because of your lawful source of income. New York landlords must accept payments from all government housing voucher and subsidy programs. When determining your eligibility as a tenant, housing providers must consider your income from all lawful sources. This includes Social Security and disability benefits you might receive, as well as other forms of government assistance, child support and alimony, and disability-related trusts.

What are some examples of source of income discrimination?

- Publishing advertisements with language that rejects or discourages applicants with vouchers, such as “No section 8/SSI/SSDI,” “No payment programs,” or “Not approved for any voucher subsidies”
- Telling a prospective renter using a voucher to pay their full rent that they don’t meet credit score or income requirements, such as an annual salary that is 40 times the monthly rent
- Excluding a voucher holder from viewing units or misrepresenting unit availability
- Ignoring or "ghosting" a prospective renter after learning about their voucher
- Insisting that a prospective tenant provide proof of employment to apply for or view available units
- Having separate application tracks with different terms and conditions for renters with and without vouchers
- Using different application forms for renters with and without vouchers
- Steering or showing different units to renters with subsidies

Lawful occupation discrimination

Even when a person’s income is earned through employment, a housing provider might still discriminate against them because of the type of work they do. Some landlords refuse to rent to attorneys for fear of being sued. Others assume that artists’ or musicians’ schedules would be disruptive, or are uncomfortable renting to someone who legally sells cannabis. Under New York City fair housing laws, this type of discrimination is illegal.

Where can I learn more?

If you think you are experiencing any form of housing discrimination, contact the FHJC. We will help sort out the facts and provide you with information about your rights and options under fair housing laws. You can also contact us – anonymously if you prefer – if you know about housing discrimination that is happening to others. Our counseling and investigative services are provided for free, regardless of income.