



**EQUAL HOUSING  
OPPORTUNITY**

# SOI Discrimination and Protections: What Arlington Landlords Need to Know

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PREPARED BY: AHCVP STAFF

# What is Source of Income Discrimination?

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- Source of income discrimination, or SOI Discrimination, occurs whenever a landlord, property manager, or realtor refuses to rent to you or treats you differently (discriminates against you) based on the source of your income
- SOI discrimination primarily impacts housing choice voucher recipients and other tenants who use government and non-profit subsidies to pay their rent
- SOI discrimination is illegal in the Commonwealth of Virginia as of July 1<sup>st</sup>, 2020, with a few caveats

# What does SOI Discrimination look like?

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SOI discrimination can include:

- Refusing or denying a rental application because the applicant is a housing choice voucher recipient
- Changing advertised or agreed-upon rents or fees after learning an applicant is a voucher recipient
- Falsely claiming there is no longer unit availability after learning that an applicant is a housing choice voucher recipient
- Adding conditions to a lease based on an applicant's status as a voucher recipient
- Segregating voucher recipients and other subsidized tenants from the rest of the complex
- Denying a tenant access to community facilities based on their status as a voucher recipient
- Making derogatory comments based on a tenant's or applicant's status as a voucher recipient
- Treating a tenant or applicant differently than any other tenant or applicant based on their status as a housing choice voucher recipient

# SOI Discrimination and Race

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- Many advocates, activists, policy analysts, tenants and law makers believe SOI discrimination constitutes an adapted form of racialized housing discrimination and segregation enforcement
- Whether intentionally racist or not, blanket discrimination against voucher holders has racist impacts
  - 48% of voucher recipients nationwide are black, 18% are Hispanic, and an outsized share are migrants, religious minorities, disabled individuals, and individuals who speak a language other than English in the home
- When SOI discrimination compounds with limited unit availability, voucher expiration deadlines and inspection requirements, securing housing with a voucher can become next to impossible, making SOI discrimination a key aspect of systemic racism in housing
- SOI discrimination is found to happen much more often in high opportunity areas, low poverty areas, and non-minority areas

# SOI Protections in Virginia – An Overview

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- The Virginia State Legislature passed a bill in early 2020, which was then signed into law by Governor Northam, making SOI discrimination illegal throughout the state effective July 1<sup>st</sup>, 2020
- Two major caveats were included in the legislation, including
  - Landlords who own four units or less (small, or “mom and pop” landlords), are exempted from the regulation
  - Landlords can deny an application if the funding provider (AHCVP and other HAB programs) fails to approve tenancy within fifteen days of application submission
- Under this new legislation, all Virginia landlords that do not qualify under the first caveat listed above are now required to participate in the HCVP
- Virginia’s SOI protections shield all legal sources of income from discrimination, including social security, pensions, disability and other welfare payments, and insurance payments, in addition to housing subsidies like housing choice vouchers

# SOI Protections in Virginia – Arlington County's Approach

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- Arlington County will take an education-first approach to enforcement given the recency of the protections, seeking to educate landlords throughout the community
- Arlington County is actively educating AHCVP tenants and clients receiving other County housing subsidies on the nature of the new protections and what they mean for them
- Case workers are empowered to discuss potential discrimination with clients, seek resolution when possible, and report discrimination to the proper authorities (namely the Virginia Office of Fair Housing and the Virginia Real Estate Board) when necessary
- SOI discrimination and protections are being incorporated into the County's evolving Affordable Housing Master Plan, and will be a major focus for all County fair and affordable housing efforts going forward

# What do these protections mean for you?

- Unless you own 4 or fewer units, you cannot deny, or advertise that you deny, AHCVP applicants (or any other subsidy recipient) on the basis of source of income
- You cannot treat AHCVP tenants or applicants differently than any other tenant or applicant
- You must offer the same amenities, quality of facilities and furnishings, and rental and fee rates that you would any other tenant or applicant
- You cannot segregate or concentrate subsidized tenants – they must be integrated into the community similar to any non-subsidized tenant
- According to Virginia Real Estate Board Guidance Document 6978, you must take an applicant's subsidy into account when examining their finances – the subsidy cannot be treated as anything other than normal income:



# Resources

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- [APPENDIX B: State, Local, and Federal Laws Barring Source-of-Income Discrimination \(prrac.org\)](#)
- [DPOR : Fair Housing Office \(virginia.gov\)](#)
- [DPOR : Fair Housing Board \(virginia.gov\)](#)
- [DPOR : Real Estate \(virginia.gov\)](#)
- [Fair Housing - Arlington County \(arlingtonva.us\)](#)
- [soi-toolkit.pdf \(equalrightscenter.org\)](#)
- [Virginia's New Fair Housing Protections - Equal Rights Center](#)
- [Virginia Regulatory Town Hall View Guidance Document](#)

# Contacts

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## Arlington County Office of Human Rights

- Tel: (703) 228-3929 | Address: 2100 Clarendon Blvd, Suite 318, Arlington, VA 22201 | Web: [Human Rights Office and Complaint Information \(arlingtonva.us\)](#)

## Arlington Housing Choice Voucher Program

- Tel: (703) 228-1450 | Email: HCV@arlingtonva.us | Address: 2100 Washington Blvd, Arlington, VA 22204  
Web: [Housing Choice Voucher Program \(formerly Section 8\) - Housing \(arlingtonva.us\)](#)

## Virginia Fair Housing Office

- Tel: (804) 367-8530 | Email: FairHousing@dpor.virginia.gov | Address: 9960 Mayland Drive, Suite 102, Richmond, VA 23233 | Web: [DPOR : Fair Housing Office \(virginia.gov\)](#)