



ource
of Income

**Under the
Fair Housing
Laws**

FAIR HOUSING LAWS AND SOURCE OF INCOME

Section 5-8-030 of the Chicago Fair Housing Ordinance (FHO) and Section 42-38 of the Cook County Human Rights Ordinance make it unlawful to refuse to rent, sell, lease, or otherwise deny any person or group of persons housing based on their source of income.

Sources of Income

The following are examples of legitimate sources of income protected under Fair Housing Laws:

- Social Security and Supplemental Security Income
- Unemployment compensation
- Alimony
- Temporary Assistance for Needy Families (TANF) or Public Aid
- Veteran's benefits
- Pensions
- Wages
- Child support
- Housing Choice Vouchers

The Chicago FHO and Cook County Human Rights Ordinance specifically include Housing Choice Vouchers (also known as Section 8) as a source of income. However, the ordinances apply only within the corporate limits of Chicago and Cook County. A landlord may prevail against a source of income complaint if the landlord can show that compliance with the ordinance will impose more than a *de minimis* burden. Source of income is not explicitly protected under federal or state law.

The federal Fair Housing Act, as amended (FHA), prohibits landlords, real estate agents, home sellers, banks, and other housing providers from discriminating against people based on race, color, religion, national origin, sex, familial status, and disability. Although the federal FHA does not include separate protections for discrimination based on source of income, if discrimination based on source of income can be linked to race or some other

protected class, there may be a violation of the federal law. The Illinois Human Rights Act provides similar protections.

Can landlords require a minimum income?

A landlord may ask renters for their income and disqualify them based on the amount of their income, but a landlord cannot disqualify a renter because of the source of that income. In specific cases, a minimum income requirement has a discriminatory impact on protected classes, and thus the requirement may be unlawful if it is not supported by a neutral and legally sufficient justification.

EXAMPLES OF HOUSING CHOICE VOUCHER DISCRIMINATION

In Chicago and Cook County, it is illegal for landlords to do any of the following:

- Refuse to rent to a Housing Choice Voucher holder
- Charge Housing Choice Voucher holders higher rent because the tenant receives federal housing assistance
- Advertise that they do not rent to Housing Choice Voucher holders
- Refuse to show a property to prospective renters because they are Housing Choice Voucher holders
- Stall processing paperwork because the tenant is a Housing Choice Voucher holder
- Refuse to make repairs in a timely manner because the unit is rented to a Housing Choice Voucher holder

Warning Signs

The following statements are warning signs that a landlord may discriminate based on the source of your income:

“We don’t take people with SSI.”

“Two years of steady employment is required.”

“Each roommate has to make three times the total rent.”

“I’ve found that people on public aid don’t fit well here.”

“Even if you have a Housing Choice Voucher, you must make three times the full rent.”

“Don’t bother applying if you don’t have a job.”

Important Legal Notice

Please note that there is a 180-day statute of limitations for filing a discrimination claim under the Chicago FHO and the Cook County Human Rights Ordinance. The time is longer under the federal FHA and the Illinois Human Rights Act. If a claim is not filed in a timely manner, you will not be able to obtain any relief.

If you think you may have a discrimination claim, it is important to act right away.

UIC JOHN MARSHALL LAW SCHOOL FAIR HOUSING LEGAL SUPPORT CENTER & CLINIC

UIC John Marshall Law School Fair Housing Legal Support Center was established in 1992. The Center educates and trains the public on fair housing law and provides legal assistance to those private and public organizations and persons seeking to eliminate discriminatory housing practices.

The Clinic is devoted exclusively to fair housing training and enforcement. Its unique nature allows it to assist persons in receiving and retaining the housing of their choice, thereby building and strengthening neighborhoods and communities.

Contact Us:

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