

City of San Diego Source of Income Ordinance

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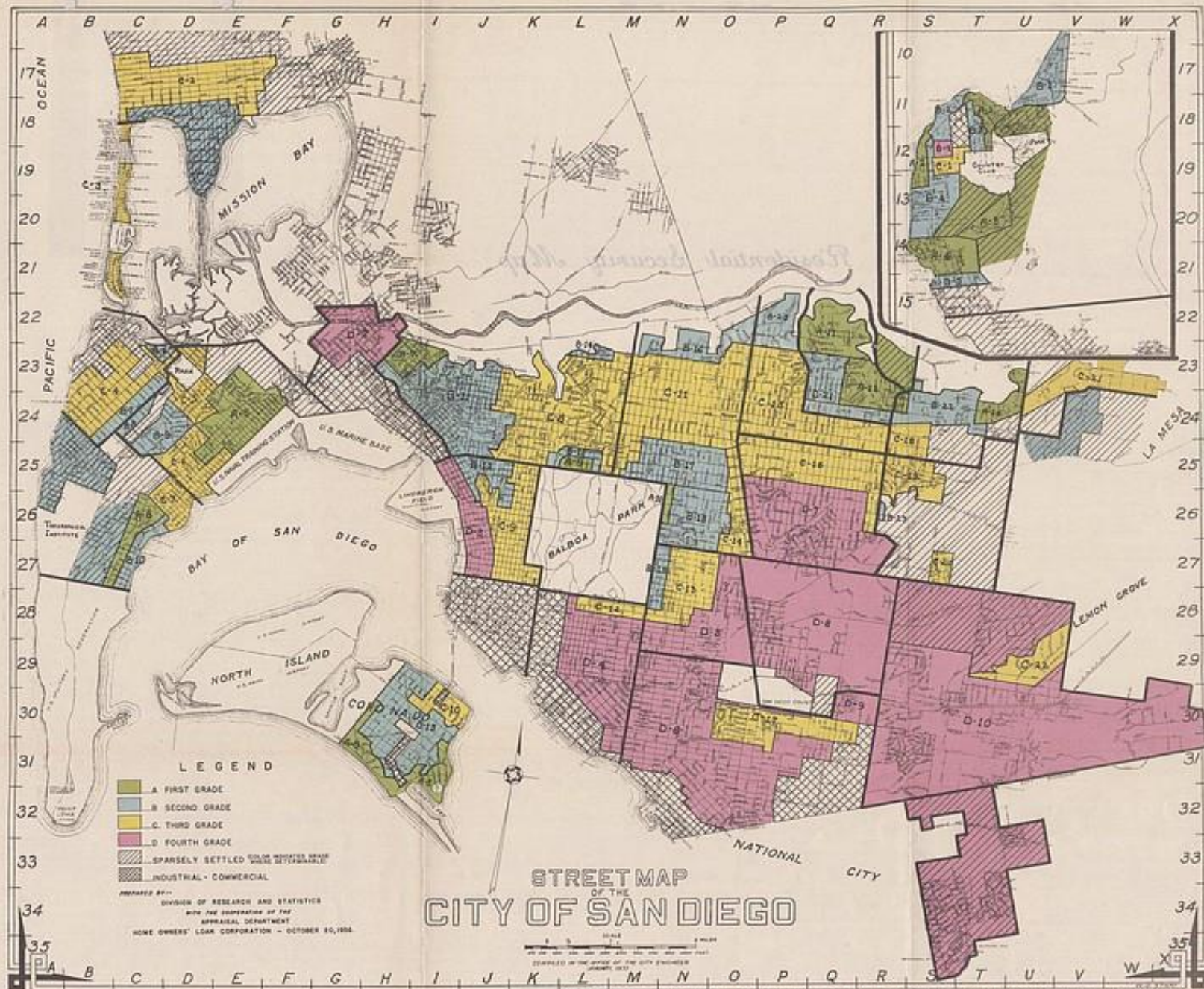
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With Market Hot, Landlords Slam the Door on Section 8 Tenants



New construction of luxury lofts in the Kensington neighborhood of Philadelphia.

Michelle Gustafson for The New York Times





A-11
(Cont)
A-12.

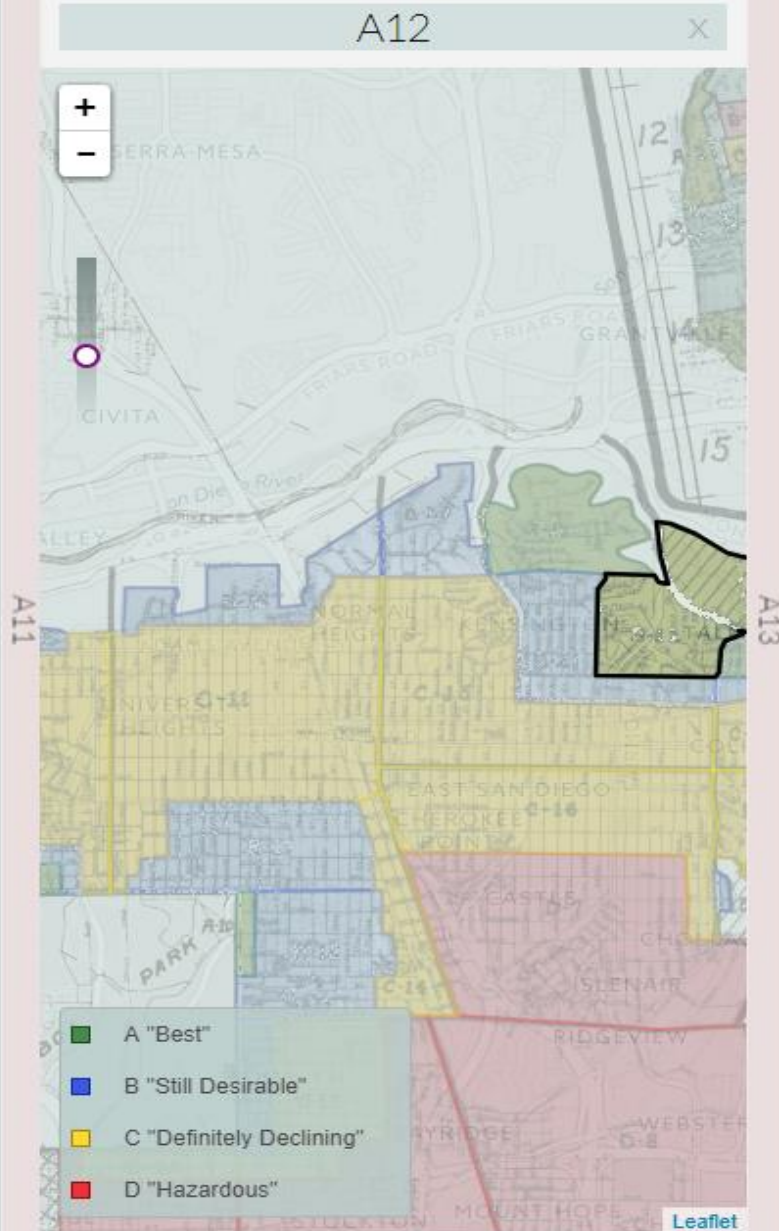
in A-12. This area has recently been annexed to the City of San Diego. Topography, gentle canyons and mesa lands, adapted to high class landscaping. Canyons considered very desirable for homesites. Residents white, with a few of the upper class Spanish families, consisting of Naval Officers, business and professional men and retired people. Income range \$3600 up. No ratio of concentration; no threat of infiltration, restricted to the Caucasian race. Type of construction - one and two story Spanish stuccos, interspersed with some English Colonial. Average age approximately five years. Cost range of construction \$4500 to \$60,000. Building restrictions by deed, \$4000 to \$10,000; architecturally controlled. This area is known as Talmadge Park, Nos. I, II and III. No. I being the older section, which, however, has an average age not to exceed nine years. No. III at present is one of the hottest buildings pots in the City; there being at the present time approximately thirty-eight new homes building in this area. This area, together with the hatched green area, which is the Northern part of this, has recently been annexed to the City of San Diego. Schools of all types, together with State College, transportation, markets, etc., easily accessible to this area. Street improvements in and paid for. Adequate lighting facilities. No flood or other hazards. Fog condition negligible. District highly regarded generally; large demand for rentals. Approximately 60% developed; 85% owner occupied; 15% rented; no vacancies.

A-13. This is similar to A-12, but not quite so desirable. This area is in Mattoon District, and at this time there is no development whatsoever. If and when Mattoon situation is settled or cleared up, this area will become very active.

A-14. This area is known as the El Cerrito area. Topography of the land

Close

Leaflet



MAPPING INEQUALITY Redlining in New Deal America

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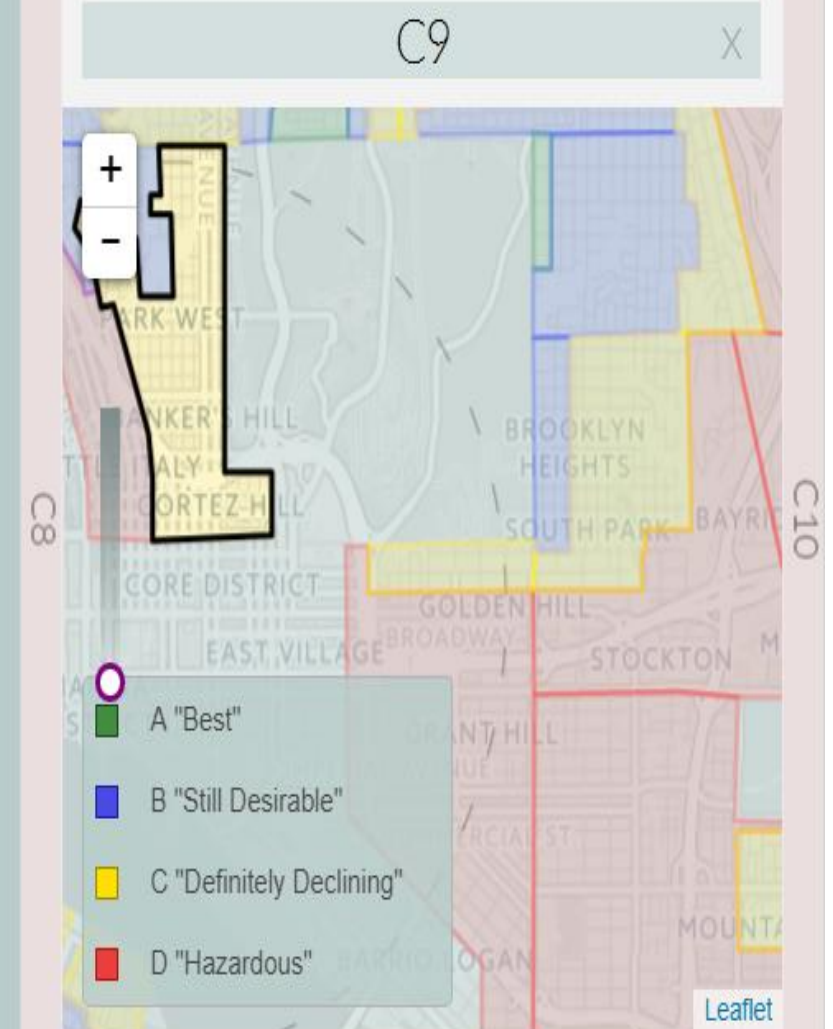
improvements and infiltration of apartments, rooming houses, etc. lowered the class of the property. Some of the best apartment houses in the city in the area but there are many of the medium or lower grade. The district definitely declining from a residential standpoint.

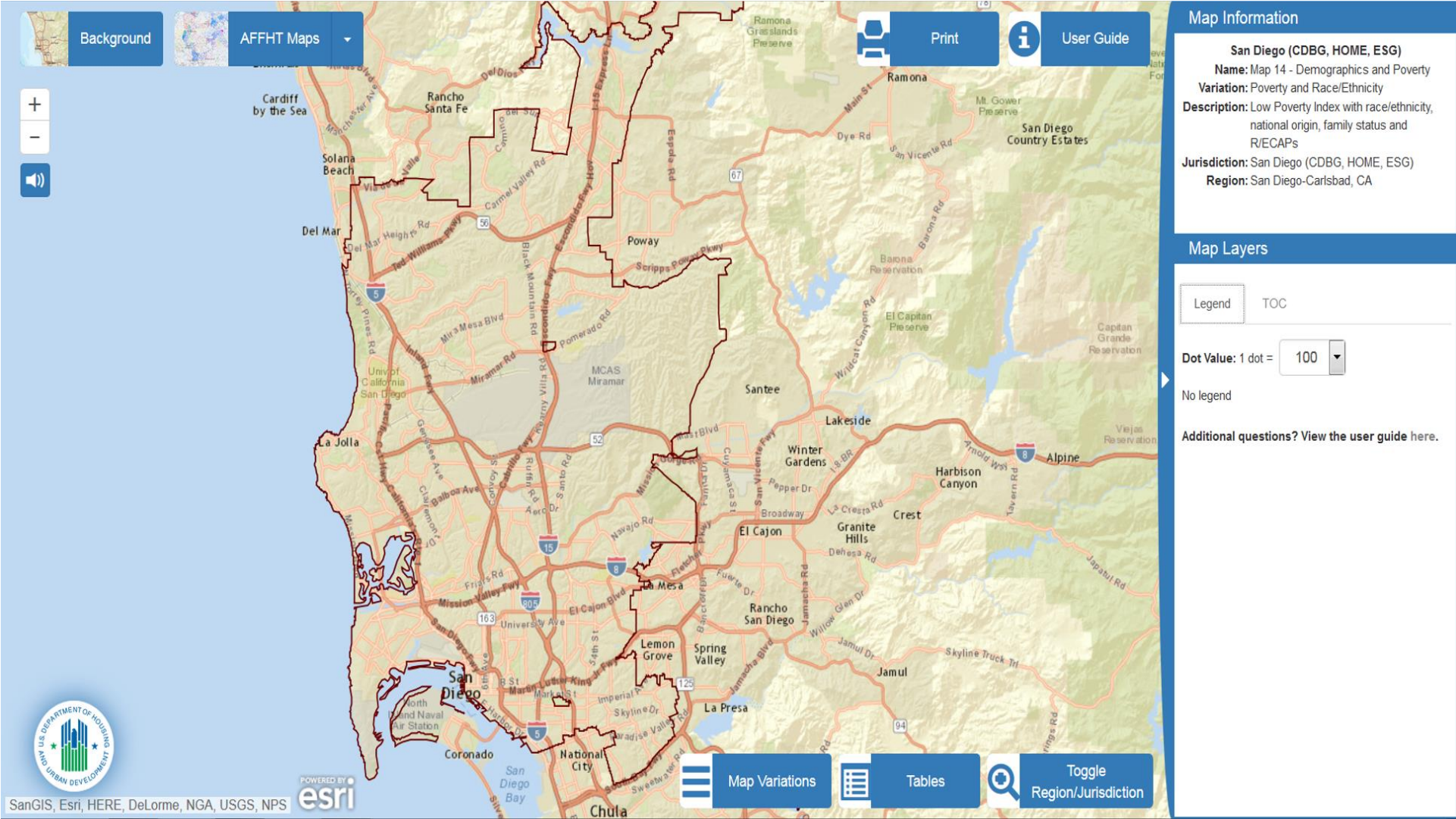
C-10. This area lies along the Bay and is a desirable district. However in this area is located the servants quarters or the colored population of Coronado. There is considerable building going on at this time and were it not for the colored population and a dump at the northeast portion of the area, same would be classified as a blue area and comparable to B-13. It is absolutely desirable with exception of the facts as set out above and it is necessary for this exclusive city to have such an area. In all other respects it compares favorably with B-13.

C-11. Topography practically level. Inhabited for the most part by lower salaried white-collar classes, mechanics, laborers, etc. Probable range of income \$1000 to \$2000 per year. Residents mostly white with some

Close

Leaflet





Map Information

San Diego (CDBG, HOME, ESG)
Name: Map 14 - Demographics and Poverty
Variation: Poverty and Race/Ethnicity
Description: Low Poverty Index with race/ethnicity, national origin, family status and R/ECAPs
Jurisdiction: San Diego (CDBG, HOME, ESG)
Region: San Diego-Carlsbad, CA

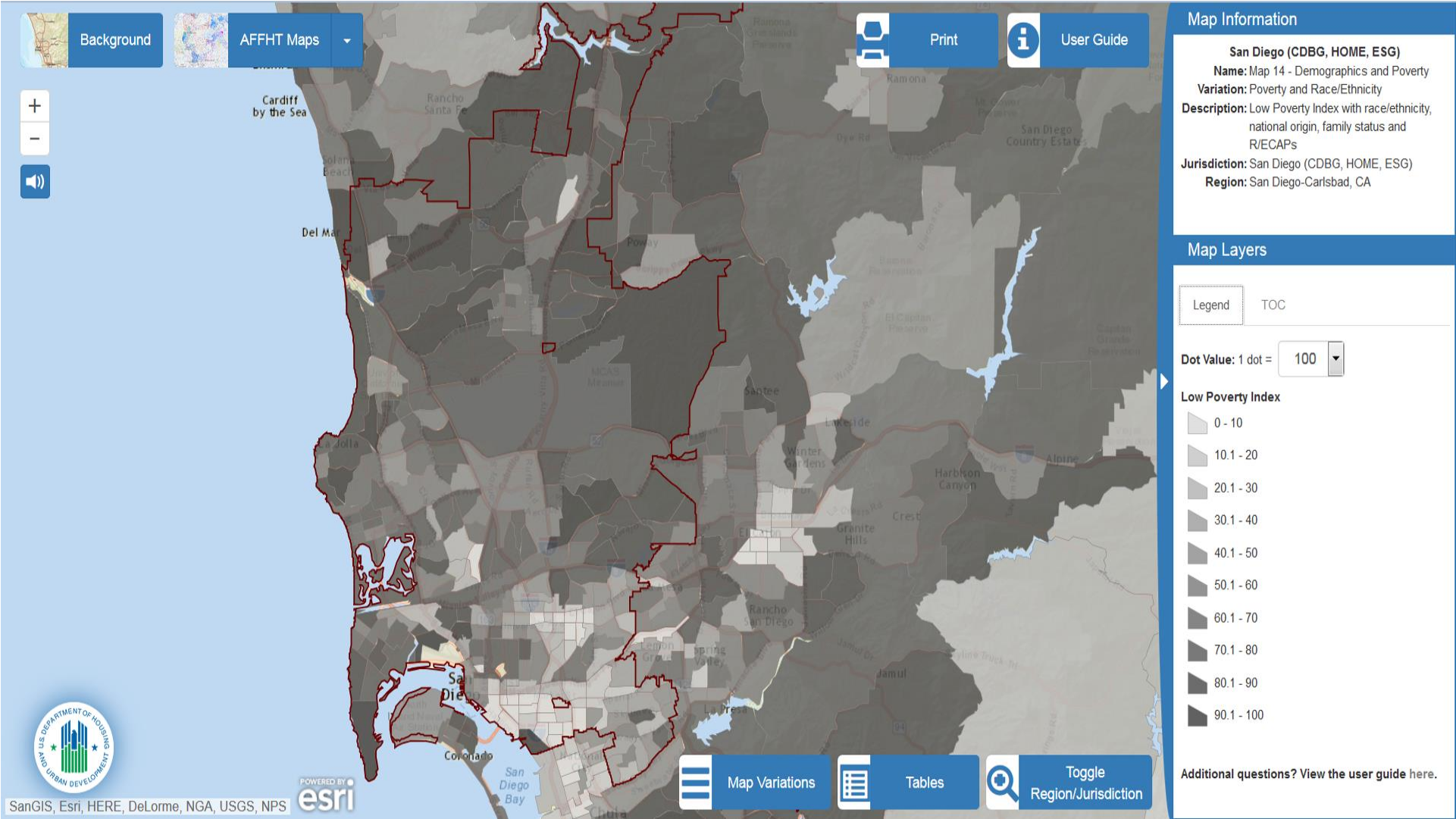
Map Layers

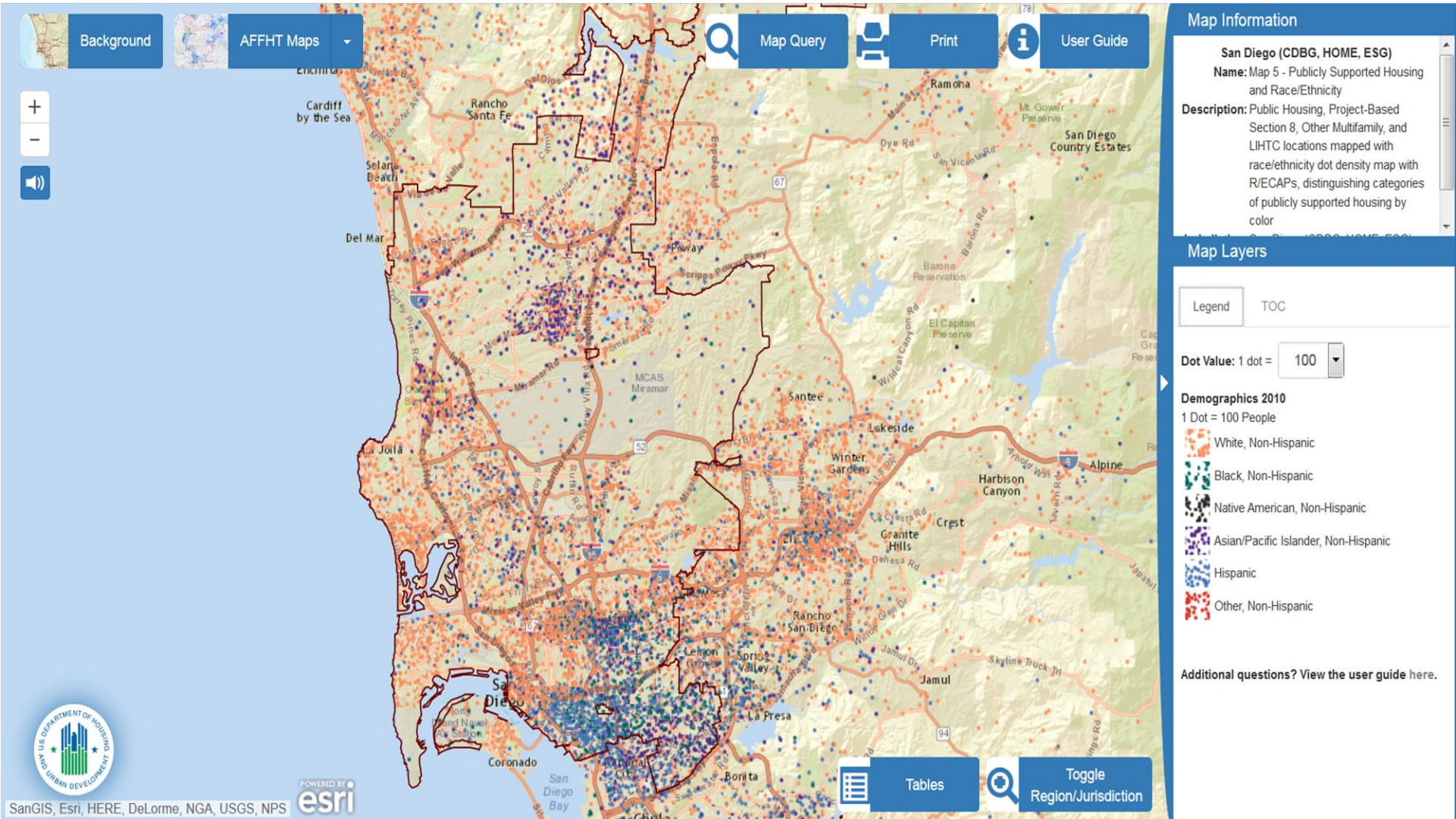
Legend TOC

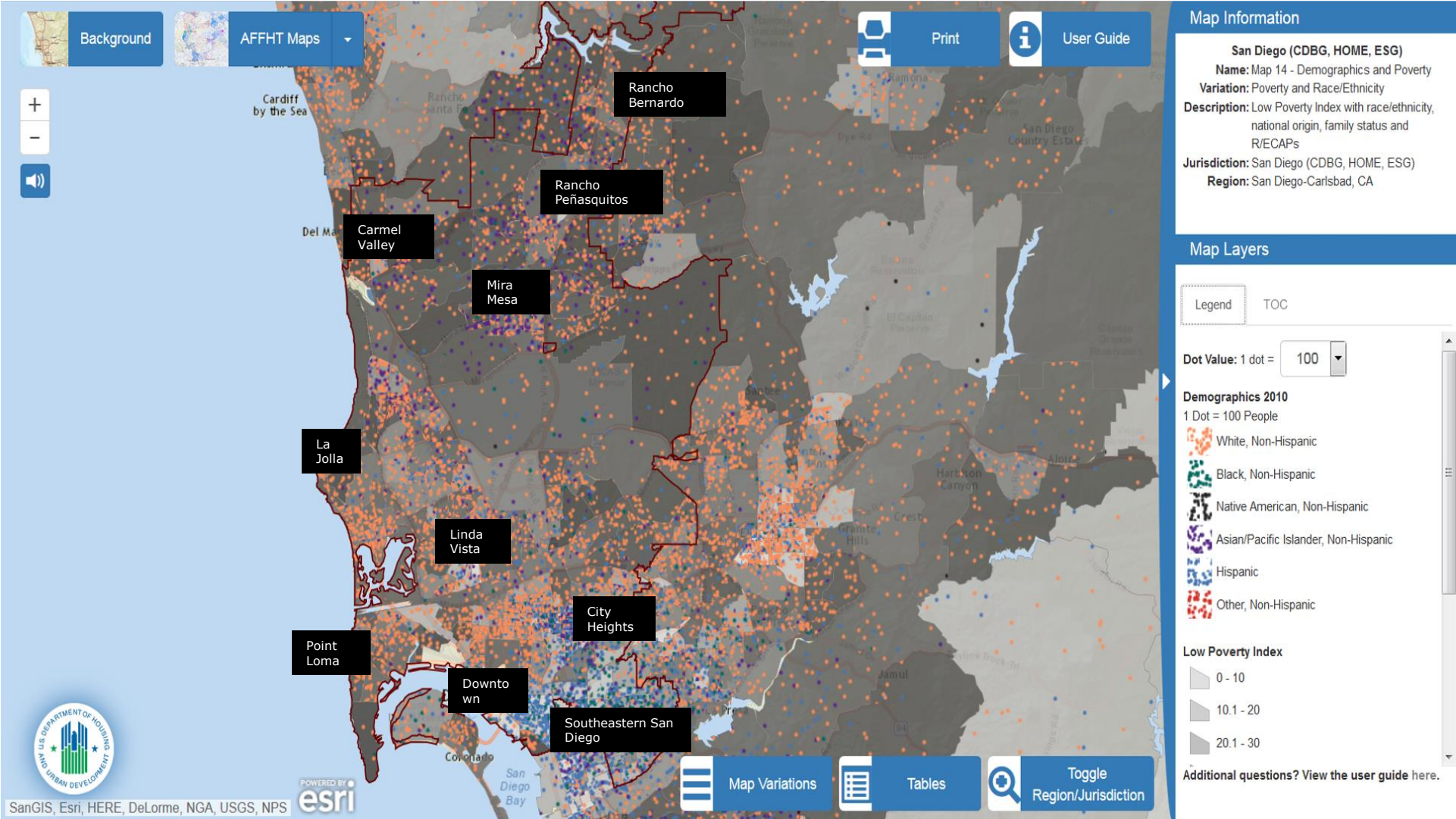
Dot Value: 1 dot = 100

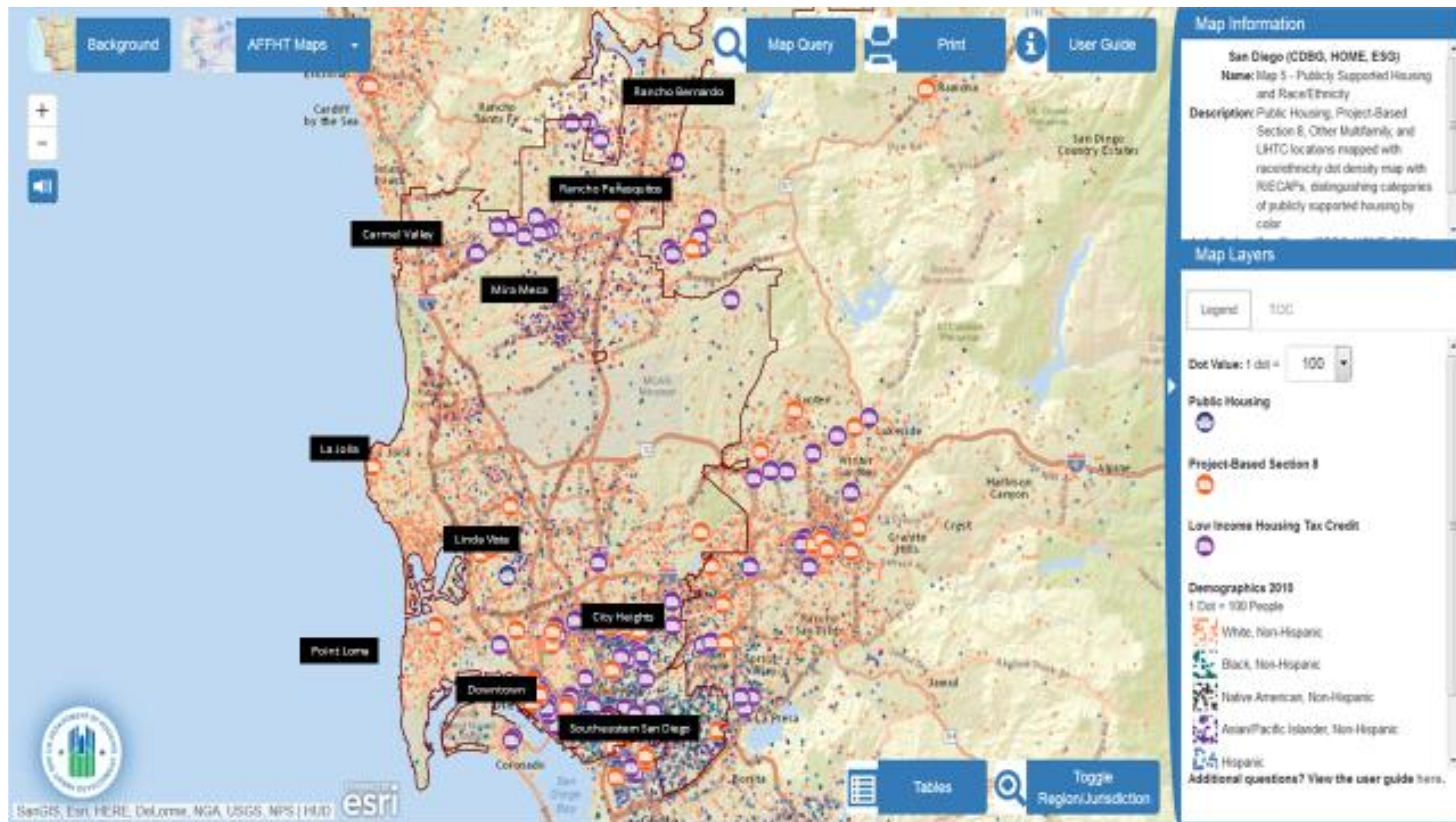
No legend

Additional questions? [View the user guide here.](#)









Ordinance Updates

The San Diego City Council adopted an ordinance to amend City of San Diego law in July 2018.

Effective August 1, 2019, landlords cannot decline a tenant based only on the household receiving rental assistance.

Rental assistance is a protected source of income.

Landlords retain the right to screen all applicants according to lawful criteria, subject to fair housing laws.

Ordinance Updates

- Legal Aid Society of San Diego received a grant from the San Diego Housing Commission to provide education and outreach on the new source of income protections:
 - Housing providers
 - Community based organizations
 - Tenants

Prohibited Activity

Landlords with rental properties in the City of San Diego cannot take the following actions based only on a person's source of income:

- Refuse to enter into or renew an agreement for tenancy
- Interrupt or terminate any tenancy
- Falsely represent that a rental-unit is not available for tenancy
- Require any clause, condition or restriction in the terms of an agreement for tenancy
- Restrict a tenant's access to facilities or services on real property associated with tenancy, or refuse repairs or improvements to real property associated with the tenancy

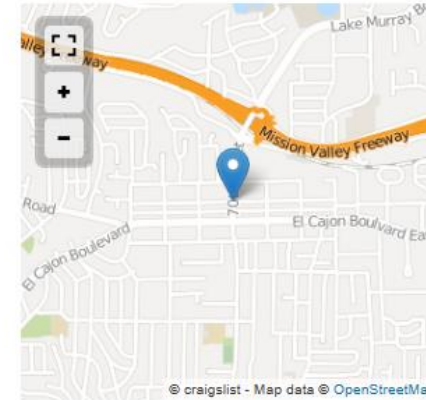
Prohibited Activity

It is also unlawful to “make, print, publish, advertise, or disseminate in any way” a notice, statement or advertisement that indicates that a tenant will be declined based on a person’s source of income.

Prohibited Activity

★ \$2000 / 3br - 1050ft² - 3 Bedroom, 2 Bath House, Stove, Fridge, Washer, Dryer, Patio - SDSU (San Diego College Area) ☒

image 1 of 12



Mohawk St. at 70th

([google map](#))

3BR / 2Ba 1050ft² available jun 25

house

w/d in unit

street parking

This is a 3 bedroom, 2 bath house with a covered patio and a small fenced yard. It is located in central San Diego in the eastern San Diego State University College Area, near La Mesa. Close, easy access to Freeway 8 off 70th Street. This house includes a new refrigerator, stove, and washer and dryer appliances. New carpet thru-out. The renters pay for the water, gas and electric, cable, etc. The trash and recycling pickup is free. This is a Month-to-Month rental. Tenant background screening will be performed.

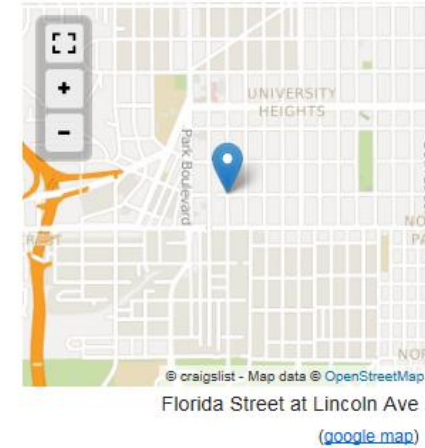
Please reply by e-mail and indicate how many people, when you want to move-in, and if you have any pets. Please include your name and phone number in the email. You can also text me with this info at ([show contact info](#)).

This house is located on Mohawk Street by 71st Street. Move-in cost is first month's rent plus deposit for a total of \$4000, \$35 application screening fee per person. No smoking and **No Section 8**. Available near the end of June or 1st of July.

Prohibited Activity

★ \$2695 / 3br - 1000ft² - Remodeled 3 Bedroom/ 2 Bathroom Townhome (North Park) ⓧ

image 1 of 9



3BR / 2Ba 1000ft² available jun 13

cats are OK - purrr

apartment



Upstairs Town home in Gated Building. Air Conditioning and Heat. Hardwood Flooring. Remodeled Kitchen, Newly Tiled Bathroom. Detached Single Garage and 1 parking spot. Onsite Laundry. Water, Trash and Gardener included. Property is near many shops/grocery stores. 5 minutes from Balboa Park.

1 Year Lease/ \$2695 Deposit/ Cat Ok

3967 Florida Street #5
San Diego, CA 92104

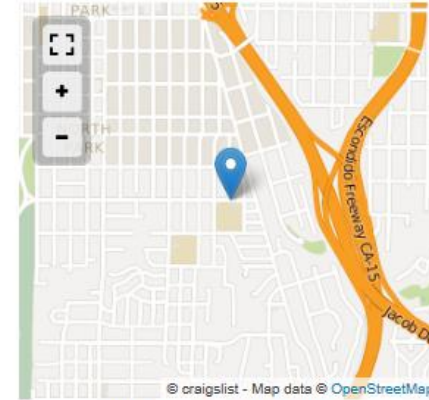
PLEASE DRIVE BY THE PROPERTY BEFORE SCHEDULING A VIEWING. APPLICATIONS ARE GIVEN AT THE SHOWINGS.

NO SECTION 8! NO CO-SIGNERS! NO SMOKING!

Prohibited Activity

☆ \$2495 / 2br - 950ft² - 2 Bedroom/ 1 Bath Home in Historic Altadena Neighborhood (North Park) ☒

image 1 of 16



Gregory Street at Redwood Street

[\(google map\)](#)

2BR / 1Ba 950ft² available jun 13

cottage/cabin

w/d hookups

no smoking



Charming 2 Bedroom/ 1 Bathroom Garden House in Historic Altadena. Includes Breakfast Bar, Granite Counter-Tops and New Stainless Steel Appliances. Spacious Living Room. Mirrored Closets. Private Deck and a Garden Box. Washer/ Dryer Hook-ups.

1 Year Lease/ \$2495 Deposit/ No Pets

3100 Block of Gregory Street

APPLICATIONS ARE GIVEN AT THE SHOWINGS **NO SECTION 8!** NO CO-SIGNERS! NO SMOKING!

Please call or email to set up an appointment.

Prohibited Activity

Landlords also may not use a financial or income standard for entering into or renewing a tenancy that either:

- Fails to account for any tenant's or prospective tenant's entire source of income; or
- Fails to account for the aggregate source of income of tenants residing together or proposing to reside together, or for tenants and their co-signers.

Exceptions for Owner-Occupied Rental Units

Homeowners who live in their house, condominium or other single-family unit and rent out a room within that unit are exempt from the City of San Diego's Source of Income ordinance.

Failure to Follow the Law

A lawsuit may be filed for any violation that occurs on or after August 1, 2019.

Any lawsuit must be brought within one year from the discovery of the violation and may seek monetary damages as well as an injunction against the landlord.

If a court determines the landlord has violated the ordinance, it must award damages equal to three-times the monthly rent that the landlord advertised the rental unit for at the time of the violation. It also has the power to award punitive damages and attorney's fees and costs.

Source of Income Municipal Code Ordinance:

The ordinance was amended to include Section 8 Housing Choice Voucher rental assistance as a protected source of income. Under this ordinance, landlords cannot decline a tenant based only on the household receiving rental assistance. This includes assistance from any federal, state, local, or nonprofit-administered benefit or subsidy program, or any financial aid from any program that provides rental assistance, homeless assistance, security deposit assistance, or a housing subsidy.

What is Section 8 Housing Choice Voucher rental assistance?

Section 8 Housing Choice Voucher rental assistance is funded by the U.S. Department of Housing and Urban Development and administered by a local public housing agency to help households with low income pay their rent. A rental assistance participant pays a predetermined portion of their contract rent. The Section 8 Housing Choice Voucher rental assistance program pays the remainder of the contract rent, up to the applicable payment standard, directly to the landlord. The payment standard is based on the number of bedrooms approved for the family's size and the community in which the rental home is located.

Who must comply with the new law?

The City of San Diego's (City) Source of Income Ordinance applies to all housing providers who rent property in the City. However, homeowners who live in their house, condominium or other single-family unit and rent out a room within that unit are exempt from the ordinance.

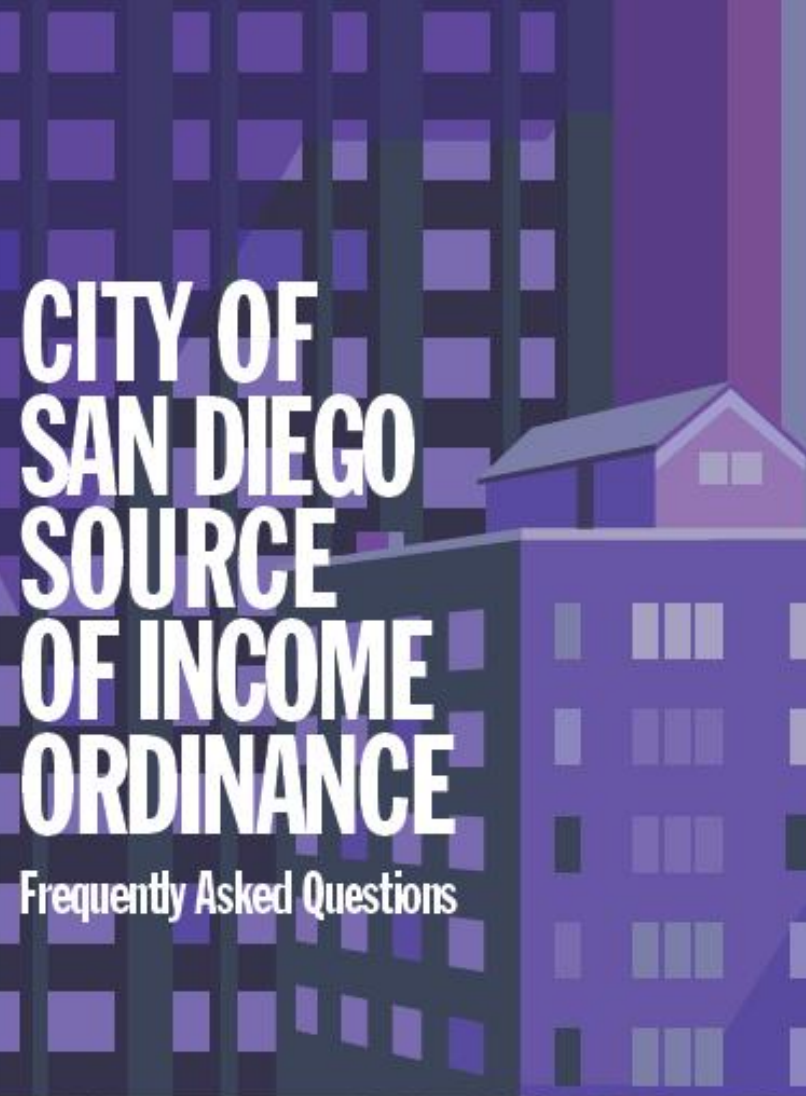
The Legal Aid Society of San Diego, Inc. will be providing a series of training sessions throughout the year.

Please see www.lassd.org for the training calendar. If you have questions about the Source of Income Ordinance in San Diego please call the LASSD Source of Income Information line at **(833)-801-4420** or e-mail sourceofincome@lassd.org.



**LEGAL AID SOCIETY
OF SAN DIEGO, INC.**

110 South Euclid Avenue



them differently in any other way based on their source of income

3. Refuse to enter into or renew an agreement for tenancy
4. Interrupt or terminate any tenancy
5. Falsely represent that a rental unit is not available for tenancy
6. Require any clause, condition or restriction in the terms of an agreement for tenancy
7. Restrict a tenant's access to facilities or services on real property associated with tenancy, or refuse repairs or improvements to real property associated with the tenancy.



How can a Section 8 Housing Choice Voucher household meet income requirements for the rent at a property?

A landlord is required to consider all sources of income for an applicant or resident. Any money that will be paid by Section 8 Housing Choice Voucher rental assistance (or any other housing assistance program) must be included as part of the applicant's or resident's annual income when determining whether their income meets the requirements for the rent amount or other financial standard.

Are landlords required to rent to any person who receives Section 8 Housing Choice Voucher rental assistance?

No. Under the City of San Diego's Source of Income Ordinance, landlords cannot decline a tenant based only on the household receiving rental assistance. However, landlords still have the right to screen all applicants according to their lawful tenant screening criteria. All Fair Housing laws still apply, ensuring that tenant selection is never based upon race, color, national origin, religion, sex, familial status, disability, or any other discriminatory factors under state law.

incentive for tenants to comply with lease provisions.

Does the Source of Income Ordinance Restrict Rent Amounts?

No. The local public housing agency determines whether or not the rent requested by the landlord for a Section 8 Housing Choice Voucher rental assistance household is reasonable. Critical market factors that impact rent are taken into account, such as the location, quality, size, unit type and age of the contract unit, as well as any amenities. To raise the rent, the landlord must provide the tenant and the local public housing agency with a 60-day written notice of a proposed rent increase and submit a Rent Increase Application. Rents for existing Section 8 Housing Choice Voucher rental assistance tenants may not exceed the rents charged for units with tenants who do not receive rental assistance.

What could happen if a housing provider does not follow the new law?

A lawsuit may be filed for any violation that occurs on or after August 1, 2019. Any lawsuit must be brought within one year from the discovery of the violation and may seek monetary damages as well as an injunction against the landlord. If court determines the landlord has violated the ordinance, it must award damages equal to three-times the monthly rent that the landlord advertised the rental unit for at the time of the violation. It also has the power to award punitive damages.

Lessons Learned

1. How to engage housing providers?
2. Will housing providers show up for trainings?
3. Providers have very particular questions relating to the leasing up process?
4. Screening section 8 tenants for tenancy without knowledge of rent portion?