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President

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November 14, 2018

The Honorable Orrin G. Hatch  
United States Senate  
Washington, DC 20510

The Honorable Tim Kaine  
United States Senate  
Washington, DC 20510

Dear Senators Hatch and Kaine:

On behalf of the more than 400,000 members of the American Bar Association (ABA), I write to applaud your introduction of the Fair Housing Improvement Act of 2018, which would prohibit discrimination against persons based on their lawful source of income. Last year, the ABA House of Delegates adopted a policy urging such legislation and opposing prejudice against people who are reliant on government support to make ends meet. Such discrimination is not only objectionable as public policy, but it undermines the success of federal investments in these programs. We stand ready to work with you in advancing this vitally important legislation.

Every year, families are denied housing opportunities simply because their lawful and sufficient income is not accepted by a property owner. These denials occur often for persons who rely on support from the government for their housing. For some, such “neutral” rejections are merely pretext for skirting anti-discrimination laws that protect them. For example, a landlord might seek to exclude those with disabilities by refusing tenants whose income is comprised of Supplemental Security Income or VA service-connected disability compensation. The intent of the landlord is often immaterial; the outcome is frequently the same given the number of people who receive federal support and are also members of a protected class. For these reasons, 15 states and over 72 jurisdictions prohibit source-of-income discrimination in some form.

Most commonly, property owners engage in source-of-income discrimination by refusing to accept tenants using the Housing Choice Voucher (HCV) Program. HCVs are federal rental subsidies that enable low-income households to afford private-market housing. HCVs are primarily used by African American and female-headed households, elderly persons, and persons with disabilities, including veterans.

Each rejection represents a costly delay for HCV holders. HCV participants must undergo extensive screening by their local public housing agencies before receiving a voucher, and many voucher holders wait years before receiving the subsidy. Once received, HCV participants have a limited period in which to use or lose their vouchers, sometimes as little as two months. In some jurisdictions, almost 50% of voucher holders are unable to find suitable housing before their vouchers expire, resulting in homelessness. An August 2018 U.S. Department of Housing and Urban Development study reported that as many as 78% of landlords in large metropolitan areas without source-of-income protection reject HCVs. For veterans using the Veterans Affairs Supportive Housing vouchers, a sub-set of HCVs, the U.S. Department of Housing and Urban

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Development reports landlord unwillingness to accept vouchers is a “primary challenge” in the administration of the program. HCV participants able to find housing in jurisdictions without source-of-income laws are more likely to live in impoverished, racially-segregated areas, reducing their opportunities for success.

Your bill will change this by removing a substantial impediment to housing for these men and women with lawful sources of income. Promoting their success as independent contributing members of their communities only increases the return on federal investment in these programs. Accordingly, the ABA appreciates your leadership on behalf of low-income persons and veterans, and we urge your colleagues to enact the Fair Housing Improvement Act this Congress. Please contact Kenneth Goldsmith in our Governmental Affairs Office at (202) 662-1789 or [kenneth.goldsmith@americanbar.org](mailto:kenneth.goldsmith@americanbar.org) if you have any questions or need assistance with this bill.

Sincerely,

A handwritten signature in black ink that reads "Robert M. Carlson". The signature is written in a cursive, slightly slanted style.

Robert M. Carlson