Fair Housing Ordinance

FREQUENTLY ASKED QUESTIONS

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What are the implications of this ordinance?

This Fair Housing Ordinance requires housing providers to consider applicants with third party rental subsidies on equal footing with others. It bans the advertisement or statement of preference for an applicant or tenant based on their source of income. In addition, landlords may not require higher deposits or different lease terms, or treat a person differently based on their source of income.

This ordinance does not force landlords to rent to any applicant that does not meet their typical requirements, so long as those requirements are permissible under fair housing laws.

What are third party subsidies?

Rental housing subsidies are paid directly to a landlord on behalf of the tenant. Common subsidies include “Section 8”, Housing Opportunities for Peoples With Aides and Veterans Affairs Supportive Housing (VASH) vouchers, which are used in the private rental market and pay a portion of a family’s rent. The vouchers are intended to assist families, veterans, the elderly, and people with disabilities to move to areas of opportunity with access to better housing, schools and jobs.

Can a housing provider still screen applicants?

If a housing provider has a screening protocol, this ordinance requires that housing providers screen applicants and tenants on equal terms, regardless of an applicant or tenant’s source of income. Landlords may still screen tenants for criterion such as references, rental history, or even credit history, so long as selection criteria is applied equally to all applicants. Landlords may impose income requirements on applicants so long as those requirements are only applied to the portion of the rent that the tenant is responsible for.

What incentives are available to participating landlords?

Marin Housing Authority (MHA), in partnership with the County, worked closely with the landlord community to develop an incentive toolkit to address perceived or real concerns associated with participation in third party rental subsidy programs administered by MHA. In July 2016, the Board of Supervisors approved the allocation of $450,000 toward the landlord incentives listed below:

- Vacancy loss coverage;
- Loss mitigation pool;
- Landlord liaison to assist participating landlords and staff a 24-hour hotline to address any immediate or urgent concerns;
- Deferrable, low-interest loans of up to $25,000/unit for rehabilitation and/ or $35,000 to finance development of a junior unit; and
- Reduction or waiver of building and planning permit fees for qualifying landlords (to qualify, 50% of homes on a given site must be rented affordably; fee waivers or reductions would be prorated based on the percentage of homes rented affordably).