

Source of Income – Fair Housing Protections

Whereas, the Section 8 Housing Choice Voucher Program (Section 8 Voucher Program) is a critical component of the nation’s strategy to ensure access to housing for low- and moderate-income families, and

Whereas, apartment housing owners across the country actively participate in the Section 8 Voucher Program, and

Whereas, the apartment housing industry is a strong supporter of the Section 8 Voucher Program, and

Whereas, in recent years, policymakers have markedly increased their interest in prohibiting discrimination on the basis of an individual’s “source of income” in state and local fair housing laws; and

Whereas, “source of income” is generally defined to include housing assistance funds, effectively mandating rental housing providers’ participation in the Section 8 Voucher Program; and

Whereas, the Section 8 Voucher Program and local Public Housing Authorities (PHAs) who administer it require property owners and operators to adhere to additional regulatory requirements, which are otherwise not imposed in a standard apartment leasing transaction; and

Whereas, these requirements may include, but are not limited to, the following:

- Prescribed tenancy approval process, including additional paperwork and mandatory approval timeline; and
- Use of the local PHA’s model lease or review and approval of the owner’s preferred lease by the PHA; and
- Execution of a “tenancy addendum” to be attached to every voucher holder’s lease; and
- In addition to the owner and resident’s agreement, owners must agree to enter into a Housing Assistance Payments (HAP) contract with the PHA and to comply with added lease terms and administrative responsibilities contained therein; and
- Potential change in the amount of housing assistance without warning and at any point during the term of the lease; and
- Rents subject to “reasonableness” requirements and limits on rent increases which are subject to approval by the PHA; and

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- Inspections of the housing prior to move in and annually to determine whether the housing meets HUD's Housing Quality Standards (HQS) and/or equivalent state or local standards approved by HUD; and
- Possible delay in rental payments at any point during the lease term without recourse due to federal budget appropriations delays, lengthy administrative processes and even arbitrary withholding of payment by PHAs; and
- Mandated termination policies and procedures including strict limits on when an owner may evict a resident and for what reason; and
- Additional time to coordinate with the PHA and ensure compliance with the program's stringent requirements; and

Whereas, given the breadth of program demands, property owners should be free to choose whether they want to participate in the Program; and

Whereas, Congress explicitly made participation in the Section 8 Housing Choice Voucher program voluntary;¹ and

Whereas, there are better options for improving the availability of rental housing for voucher holders than mandating participation in the Section 8 Program such as increasing funding for the Program and reducing the bureaucratic requirements associated with it; and

Whereas, the demand for affordable housing cannot be met by government programs alone. Eliminating onerous permitting and zoning requirements and other barriers to construction would increase the supply of rental housing and bring down rents for cost-burdened Americans.

Therefore, be it resolved that the National Apartment Association supports voluntary participation in the Section 8 Housing Choice Voucher Program and opposes any effort to mandate participation.

Therefore, be it further resolved that the National Apartment Association strongly supports improvements to the Section 8 program which reduce regulatory burdens, increase funding and encourage increased participation.

¹ See 42 U.S.C. § 1437f (d)(1)(A) and 24 CFR 982.302.