

Housing Voucher Programs and What You Need to Know About Them

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In previous newsletters, I have discussed inflation and the rising costs of housing statewide and the effects it has had on individuals, as well as the call for legislation concerning rent control and other renter protections. Keeping on trend, in this blog post, I will be discussing what has been termed “income source discrimination.” Income source discrimination is loosely defined as discriminating against an individual or group of people based on their source of income and is most commonly seen in the housing market and affects housing choice voucher recipients. Housing choice voucher programs are federally regulated and designed to provide housing assistance to low-income families, the elderly and disabled so they may obtain affordable and safe housing in the private market. Whether private landlords have to accept or participate in the programs varies from state to state.

Most recently, in New York, a law providing that income source discrimination was found to be unconstitutional. In relevant part, the law stated: *“It shall be an unlawful discriminatory practice for the owner, lessee, sub-lessee, assignee, or managing agent of, or other person having the right to sell or lease a housing accommodation, constructed or to be constructed, or any agent or employee thereof: (1) To refuse to sell, rent, lease or otherwise to deny or withhold from any person or group of persons such a housing accommodation because of race, creed color...lawful source of income...or to represent that any housing accommodation or land is not available for inspection, sale, rental or lease when in fact it is so available.”*

In North Carolina, landlords are not required to accept Section 8 vouchers and may not find the process difficult and cumbersome. Some believe that it is simple, just not worth the hassle and are unwilling to comply with the requirements laid out by HUD (U.S. Housing and Urban Development) for those participating in the program.

In 2022, the Charlotte City Council voted (9-2) to enact a policy that bans income source discrimination, making it the first city in North Carolina to do so. The policy ban imposes fines on those landlords who do not comply and only applies to complexes that receive city funding or subsidies.

So, what do I do? As a private landlord in North Carolina, as previously stated, you are not required to accept Section 8 vouchers. However, please familiarize yourself with local city ordinances and policies, as they may provide something different depending on whether you receive funding from the city. As housing prices continue to rise, I believe that we will see more of a push for statewide legislation to be enacted to protect renters and ensure affordable housing is available for all citizens of this state.

Is a private landlord’s refusal to accept a Section 8 voucher a violation of the Fair Housing Act? Could the argument be made that those who receive Section 8 vouchers are a part of a protected class and, in turn, should be afforded protections under the Fair Housing Act? Or does requiring private landlord to accept Section 8 vouchers violate their constitutional rights?

