VOUCHERS TO NOWHERE:

How Source of Income Discrimination Happens and the Policies That Can Fix It

VOCAL NEW YORK

TAKEROOT JUSTICE

About the Authors

Voices Of Community Activists & Leaders (VOCAL–NY) is a statewide grassroots membership organization that builds power among low-income people affected by HIV/AIDS, the drug war, mass incarceration, and homelessness in order to create healthy and just communities. We accomplish this through community organizing, leadership development, public education, direct services, participatory research and direct action.

TakeRoot Justice partnered with VOCAL-NY to conduct this research. TakeRoot provides legal, participatory research and policy support to strengthen the work of grassroots and community-based groups in New York City to dismantle racial, economic and social oppression. TakeRoot's Research and Policy Initiative partners with and provides strategic support to grassroots community organizations to build the power of their organizing and advocacy work. We utilize a participatory action research model in which low-income and excluded communities are central to the design and development of research and policy.

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Finally, we would like to acknowledge the people who face discrimination every day in their search for dignified, permanent housing. Your struggle has not gone unnoticed, and it is our sincere hope that by shedding light on this issue we have brought our city one step closer to ensuring housing for all.

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Introduction

Permanent, affordable housing is critically important to individuals and communities: it is central to physical and mental health, employment and education, community cohesion and more. For low-income New Yorkers, finding stable housing is fraught with challenges. From navigating housing websites to traveling to see available units to meeting a list of landlord requirements like credit scores, looking for housing in New York City is exhausting. Finding affordable housing using rental assistance is harder, takes longer and often feels impossible.

Members of VOCAL-NY are low-income individuals affected by HIV/AIDS, hepatitis C, the failed war on drugs, homelessness and mass incarceration. **New York City's rental assistance programs were developed specifically to help communities like VOCAL-NY's access stable housing by guaranteeing a portion of their rent. However, VOCAL-NY members struggle to find housing using their subsidies because landlords are unwilling to accept them, leaving at-risk families and individuals in precarious situations. This practice, source of income discrimination, is illegal in New York City and has recently been made illegal in New York State, but prospective tenants know all too well that this form of discrimination is rampant throughout the city and is often the biggest hurdle to finding stable and affordable housing.**[1] [2]

VOCAL-NY partnered with TakeRoot Justice to conduct a participatory action research project to document the experience of looking for housing with subsidies. Our findings derive primarily from matched pair testing: the representatives of 114 apartment listings advertised on Zillow and Trulia were contacted by researchers. Each representative was contacted by someone presenting as having a housing subsidy as well as by someone presenting with income from employment. The outcomes of the outreach were then compared to evaluate differences in treatment. In addition to matched pair testing, we also called the Brooklyn-based property management companies and apartment buildings listed on a resource list provided by the New York City Human Resources Administration to evaluate the usefulness of that list.

The City is failing its low-income and at-risk tenants by allowing landlords and their agents to discriminate against legal sources of income. In addition, programs do not pay enough to allow subsidy-holders to compete for housing in the current market, and other criteria used by landlords, such as credit score thresholds, create additional barriers. With this report, we documented what VOCAL-NY members already know: getting a real estate agent to engage with subsidy holders is extremely difficult and searching for housing using rental assistance can feel hopeless. Our research shows that:

- **People with housing subsidies heard back from agents less often** than those with income from employment.
- **When subsidy holders did hear back from agents, they were more likely to be told that units were not available. Several also experienced blatant source of income discrimination,** being told that subsidies were not accepted.
- **Subsidy holders were less likely to be invited to view apartments** than people with income from employment.
- **Subsidy holders waited longer to hear back from agents** than people with employment income.
- **The resource sheet provided by the Human Resources Administration to subsidy holders seeking housing in Brooklyn is outdated and ineffective as a resource.**

This research was conducted before the COVID-19 pandemic hit New York City and our communities. Stable housing has always been a public health issue, and the pandemic has brought that issue into great relief, as the City has struggled to meet basic safety standards for homeless New Yorkers. As more New Yorkers find themselves in need of support and safety nets to survive the economic fallout of the pandemic, housing must be more accessible to subsidy holders. The findings from our research are more salient than ever. As housing insecurity grows throughout the city, more protections need to be in place for tenants who rely on subsidies to pay their rent.

VOCAL-NY calls on the City Council, the Chair and Commissioner of the New York City Commission on Human Rights and the Human Resources Administration to make reforms that will lead to stable, permanent and affordable housing for low income and homeless New Yorkers. New Yorkers who use housing subsidies should be able to compete in the housing market with market-level voucher amounts and should not be subject to inequitable financial thresholds like credit scores. They should have access to information regarding their rights as subsidy holders, have up to date resources for housing opportunities, and should easily be able to report discrimination. The Source of Income Discrimination Unit should be well-resourced in ways that directly support tenants and those in search of housing. We further call on the City to increase the penalties for landlords who are found guilty of source of income discrimination and to enforce the law that bars subsidy holders from being subjected to minimum income thresholds. Our research makes the case that these reforms are needed for low income New Yorkers to be able to thrive and live in dignity, and the recommendations section of this report details the solutions that the City should pursue and prioritize.

We urge the City to implement the policy recommendations in this report as quickly as possible to ensure that our most vulnerable community members are not met with barriers to accessing housing. Ensuring access to housing must be a central component of the City's recovery plans, and subsidy holders must not be left behind.

What is Source of Income Discrimination?

In New York City and State, public assistance and housing vouchers are legal sources of income, just like income earned from employment.[3] [4]

Source of income discrimination is the illegal practice by landlords, building owners, and real estate brokers of refusing to rent to current or prospective tenants seeking to pay for their housing with housing assistance vouchers, subsidies, or other forms of public assistance.[5]

In New York City, source of income discrimination has been illegal since 2008.[6] The New York State Human Rights Law was amended in 2019 to protect people who rely on any legal source of income from housing discrimination.[7]

Source of income discrimination can sound like this:

- "Sorry, your Section 8 voucher counts as income, and you don't meet the income requirement."
- "We don't accept vouchers."
- "We accept everything but HASA." [8]

Overview of New York City's Rental Assistance Programs & Recent Consolidations

New York's rental assistance programs are designed to assist low-income New Yorkers find permanent housing, but rental assistance in the city has been weighed down with challenges and too often falls short of serving those who it is designed to help. The City's voucher system has historically been made up of many different programs, all with different eligibility requirements.[9] Over the years, the City's rental assistance programs have experienced stoppages, changes and cancellations by city and state officials.[10] [11] [12] These systematic problems made it extremely difficult for low-income New Yorkers seeking housing support, and one outcome of the stoppages and cancellations was that landlords refused to accept subsidies out of fear that rental assistance programs would become obsolete and the City would fall behind on their portion of the rent.[13] This is only one component of landlord resistance to accepting housing vouchers, which is compounded by class and race bias and other factors outlined in the following section. Despite a 2008 city law mandating that owners of buildings with at least six units are required to accept the vouchers, subsidy holders continue to experience agents and landlords refusing to take vouchers, either overtly or covertly: this is source of income discrimination.[14]

In 2018, the City consolidated several rental assistance programs into one unified program with consolidated criteria. This new subsidy, called the City Fighting Homelessness & Eviction Prevention Supplement ("CityFHEPS") used market rates outlined in a New York state-run voucher program that were adjusted in 2017 to settle a lawsuit filed by four New York single mothers, who argued that the rates were "grossly inadequate" and far below fair-market rent.[15] While this was a move in the right direction, the subsidy levels are still prohibitively low for many New Yorkers seeking housing.

As of this writing New York City's rental assistance programs are structured as follows:

- The new City Fighting Homelessness & Eviction Prevention Supplement ("CityFHEPS") program went into effect October 29, 2018, and is a consolidation of the following previously existing rental assistance programs:
    - Living in Communities 1, 2, 3, 4, and 5 (formerly "LINC")[16]
    - Special Exit and Prevention Supplement (formerly "SEPS")[17]
    - City Family Eviction Prevention Supplement[18]

- Several additional housing assistance programs remain separate and were not impacted by the recent consolidation. Those are:
    - Housing Choice Voucher ("Section 8")
    - HUD-Veterans Affairs Supportive Housing ("HUD-VASH")
    - HRA HOME Tenant-Based Rental Assistance Program ("HRA HOME TBRA")
    - HIV/AIDS Services Administration ("HASA")
    - Special One-Time Assistance Program ("SOTA")

Each of these programs has different qualifications: some require that individuals spend at least 90 days in shelter, others require full-time jobs, some programs are limited to families with children, and others are for aging adults. Families and individuals have to figure out which programs they qualify for on their own, which is time consuming and confusing. Even if the consolidation has helped streamline processes, our research shows that landlords and their agents are still making it difficult for subsidy holders to get in the door to see units.

Rental Assistance Programs Create Undue Burdens for Participants & Perpetuate Racial Discrimination

Discrimination against voucher holders is a national shame; it is not exclusive to New York City. Landlords across the country portray voucher programs to be administratively burdensome, requiring paperwork and unit inspections.[19] Costs associated with property inspections, approvals, and maintaining or upgrading units to meet housing-quality standards may also lead to landlords deciding not to rent to subsidy holders.[20] Some landlords even avoid high performing subsidy programs because they might enforce housing-quality violations more aggressively.[21]

Subsidy programs are also mired in bureaucracy that makes it difficult for subsidy holders to actually use their vouchers. Waiting for a voucher after applying for one is a lengthy process, and when a voucher will become available is unpredictable; studies in other localities have described waiting periods as long as eight years, and VOCAL-NY members can attest to similar wait times here in NYC.[22] Vouchers can become available at any time of the year, and recipients may not be able to control the timing of their move to coordinate with family obligations, work and school schedules.[23] Another constraint is the time limit that subsidy holders are given to find housing. The pressure to find housing within the specified time, combined with financial constraints and poor timing, add pressure and limits to subsidy holder's choices.

A major obstacle that subsidy holders face are the amounts of the vouchers themselves. In 2019, the maximum rent that NYC's CityFHEP's would allow was $1,265 for an individual and $1,323 for a two-person household.[24] At its current rate, CityFHEPS vouchers are not competitive in New York City's housing market, leaving recipients to compete with one another for limited units in impoverished neighborhoods, reinforcing economic and racial segregation.[25] In 2019, the Department of Housing and Urban Development's Fair Market Rent for the New York Metro Area for a studio was $1,665 and $1,714 for a one bedroom.[26] Under the subsidy system, voucher holders cannot compete in an already aggressive market.

Race and class are at the center of discrimination against voucher holders. The red tape, wait times, and inadequate voucher amounts are alone deterrents to stable housing. But the private rental market in the United States has a long and painful history of discriminating against renters because of their race or ethnicity, and some studies show differential treatment by race among people of color with housing subsidies.[27] [28] [29] [30]

In 2019, New York State amended the New York State Human Rights Law to protect all New Yorkers from discrimination based on lawful source of income.[31] In March 2020 here in New York City, the Fair Housing Justice Center announced one of the first lawsuits filed under the state's new source of income law. The suit involves a man living with HIV whose rental application was denied based on his credit score. The man, who was homeless at the time, revealed that he had a HASA rental subsidy that covered 100% of the rent.[32]

Multiple intersecting forms of oppression exist for low income people of color who need stable and permanent homes. While this report focuses solely on source of income discrimination against subsidy holders, we want to acknowledge how housing inequalities also disproportionately expose communities of color to environmental injustices, and isolate communities from essential health resources like parks, healthy food options and medical facilities.

VOCAL–NY Member Profile: Ruby Dioum

Originally from North Carolina, Ruby has lived in NYC for close to 30 years. “Coming here was a life saver to me because in North Carolina…it was very hard to understand what HIV really was and who I was as a person with HIV.
So, I moved to New York because people told me my answers were here.” To date, permanent solutions to affordable housing for people living with HIV in New York remain largely unresolved. Over the years, Ruby has been in and out of scattered site supportive housings, family and independent living centers, domestic violence shelters and transitional housing. Ruby has been looking for permanent housing that will accept her HASA voucher for 7 years: “I’ve been looking, but it’s so hard. I can’t find anything.”

The burden is on Ruby to educate agents and brokers about HASA. “They ask ‘What’s that?’ And when you tell them [HASA] is a guarantor program [agents say] ‘I don’t want that.’ “I had one realtor tell me that he didn’t want to rent to us- ‘them people’. And when I asked why, he said ‘I rented to people like that before and they tore up my place.’”

HASA is a crucial city program, but, as Ruby says, “[It] doesn’t meet the market rent; [agents] want more. I was looking on HotPads, Zillow, StreetEasy,” where studios and one-bedroom apartments go for $2,000 to $3,000. Ruby knows prices like that don’t “give a choice as to where you would like to live. It mandates you to a certain borough.”

Ruby described what source of income discrimination looks and sounds like: “It looks like, because I’m black, and because I’m on a fixed income and I need to use rental assistance to help me pay my rent, that I’m not good enough to live in what they call ‘nice places’...I have to go and live in the slums, and the only people that are really taking [rental assistance], 9 times out of 10 are slum lords.” Even landlords who do accept HASA don’t do it directly, choosing to involve programs like Bailey House and Harlem United as conduits, rather than rent directly to HASA holders. Ruby shared that experiencing source of income discrimination “makes you feel like you’re worthless, like why am I here? I guess I would say I feel similar to Mexicans with Trump wanting to put them out of Texas and places like that. That’s the way I feel here. You’re telling me to go home, but go home to what? To North Carolina [which] doesn’t have rental assistance?”

She continues to organize with VOCAL-NY and spends time talking to and learning from her peers. She wants people to understand what it is like to not have a permanent home, to put themselves in others’ shoes and imagine what life is like when you have to pack up every morning and start all over again. “It’s not about just sticking people in shelters- because you give a person a bed and then in the morning, they have to pack up all their belongings and then go out and be in the cold or in the heat all day. That’s still not giving a person a home,” she says. “The other day me and my grand baby were watching the Wizard of Oz, and I said ‘I know what it is to be Dorothy. You wake up in a place that’s not your own and all you do is wish to have a home.’”

If Ruby oversaw how the city deals with rental assistance and the problem of source of income discrimination, she would focus on raising subsidy amounts to meet New York City’s rental market and on making sure people know their rights and feel empowered to exercise them.

Ruby Dioum after a long day of protesting for the rights of transgender people in Washington DC.

Methodology

VOCAL-NY, with the support of TakeRoot Justice, used the following methods for this participatory research project.

Matched pair testing:

VOCAL-NY conducted matched pair testing for this project: a research method often used to test for differential treatment and discrimination, typically in housing or employment opportunities. Matched pair testing involves the use of paired testers that are matched in all characteristics (financial, demographic, household size, etc.) except for the characteristic being tested. In matched pair testing, each tester applies for the same opportunity and documents their experience, and the results are analyzed to identify how the two testers were treated. In this case, the characteristic being tested was source of income: housing subsidies versus income from employment. Our testers contacted real estate agents presenting as someone having a housing subsidy and then contacted them again as someone presenting with income from employment.

Phone calls to agents with listings on Zillow and Trulia:

Our initial research design focused on matched pair testing over the phone. A dedicated group of trained VOCAL-NY members participated in contacting agents, with some members presenting as voucher holders and some presenting with employment income. They contacted 76 real estate agents to inquire about housing listings on real estate websites Zillow and Trulia whose rent amounts matched the amount of our members' subsidies. Members followed a script in their interaction with the agents, and ultimately revealed their subsidies or employment income, and carefully documented the agent's response.

However, only a small share of the calls we made successfully connected to an agent. Only ten agents answered the initial calls from those presenting as subsidy holders. And when those ten agents were called again to complete the paired match, only two were successfully reached.

Given that most VOCAL-NY members did not have personal cell phones with which they could make the calls, it was not possible for us to receive call-backs from the agents who did not pick up the phone initially. We ultimately decided that this method of contact was not a feasible way to conduct our testing, but we also noted that the challenges that VOCAL-NY members faced in connecting to agents by phone was itself indicative of how challenging it is for subsidy holders to pursue housing.

Texts and emails to agents with listings on Zillow and Trulia:

Given that the connection rate to agents by phone was so low, we developed an additional protocol of texting and emailing agents. This was a more streamlined process and allowed us to contact more agents quickly. We contacted 114 agents by text and email, using the following protocol:

- **Selecting housing listings:**
    - Using Zillow and Trulia, we selected one- or two-bedroom units whose rent amounts matched the amount of our members' subsidies, with no minimum rent amount and a maximum rent amount of $1,700, to match our members' highest paying subsidy.
    - We ensured that we did not select units that were exempt from source of income discrimination laws. We looked for units in buildings with at least 6 units and confirmed the apartment buildings' size by searching for Certificates of Occupancy on the Department of Building's website.

- **Matched pair protocol:**
    - We had a simple email and text script for our outreach for which we chose gender- neutral names, gave a standard greeting, referenced the address of the unit, inquired about its availability, mentioned that we had no kids or pets, mentioned that we had "good" credit, and asked if we could see the unit. Those presenting as subsidy holders shared a subsidy amount, and those presenting with income from employment mentioned an annual income that was 40 times the rent stated in the listing.
    - Agents were always contacted by both contacts within a short time period to protect against actual changes in the availability of the unit, usually 20 or 30 minutes between outreach.
    - We switched the order of who contacted the agent first; one day of testing the outreach from the subsidy holder went out first, followed by the outreach by the person with employment income; the next day of testing the order was reversed.
    - We chose not to engage in back and forth communication with agents, which allowed us to efficiently track the response rates to subsidy and income employment outreach without having to toggle back and forth to respond to agents.

Phone calls to Brooklyn-based brokers and buildings

Many VOCAL-NY members have been given a resource sheet by their HRA caseworkers that lists the phone numbers of Brooklyn- based brokers and the addresses of apartment buildings for subsidy holders to contact for units that accept subsidies. Trained members of VOCAL-NY called all of the numbers listed on the sheet to ask about housing availability and they recorded whether the numbers were working or non-working and whether there were voucher-eligible units available.

Interviews for member profiles

Targeted interviews were conducted with VOCAL-NY members who have experienced source of income discrimination. These interviews inform the member profiles included throughout the report.

Literature review and background research

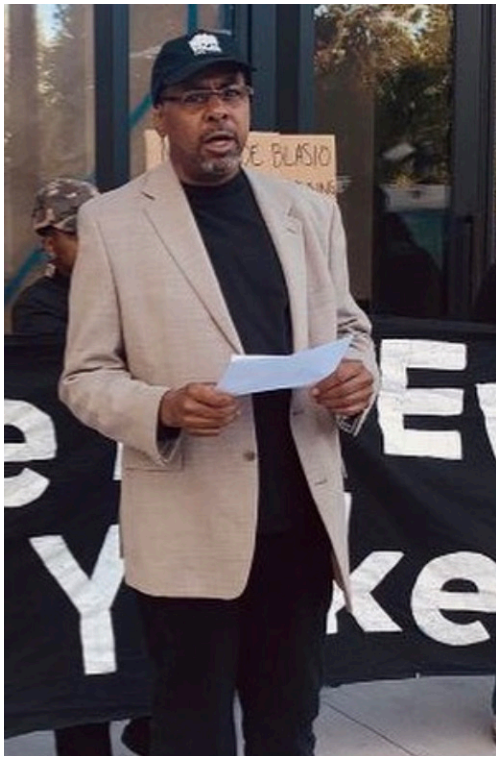
TakeRoot researchers conducted a literature review of studies, media coverage, laws and other documentation related to source of income discrimination in New York City, state and nation-wide.

Research Limitations

The discrete resources and capacity of VOCAL-NY, a grassroots organization, combined with the low rate of agent responses to our phone calls prompted our shift to texting and emailing agents. Texting and emailing, while easy to measure and track, may not directly parallel the housing search for many low-income New Yorkers. Due to our limited capacity, we decided not to follow calls through past the phone contact. While most apartment searches normally result in in-person meetings, we stopped contact with the agents once we were told that a unit was available, and we did not set up viewings. This likely results in an underestimation of the level of discrimination against voucher holders. We know from VOCAL-NY members' experiences that agents sometimes say units are available but then do not follow through with next steps.

VOCAL–NY Member Profile: Darryl Gates

Darryl is from New York and highlights the discrimination against voucher holders by asking: "Can they actually tell you they have [an available] apartment and then when they find out you have a voucher, deny you the right to the apartment? Is that the law, are they within the law by doing that?"



Darryl Gates speaking in front of 15 Bridge Park Drive, a luxury development subsidized by tax payers, about the injustice of having City funds go to apartments he can't afford with his voucher.

Darryl finally has stable housing, but despite his diligence and perseverance, it took him several years to find housing using rental assistance. "It took me four years but the [the housing specialist] told me six months to a year. I went from hotel to hotel, sharing rooms with people I don't know. Like jail." Looking for housing with his CityFHEPS voucher was a "long, tiring, draining experience. There is no reason why decent people that have these vouchers can't get housing," he says.

During his four-year search, Darryl was given the runaround time and time again by agents and brokers, once he told them he planned to use rental assistance to pay the rent. "'Okay, well, we'll get back to you,' they'd say. "And then when they do get back to you, it's 'Oh well, you didn't tell us you had a voucher.'" He also experienced agents and brokers suddenly stopping all communication after he would disclose his voucher. "They'll tell you at first 'Yeah we have something,' then when you tell them you have the voucher it's like 'Uh okay, well we'll set you up and get back to you,' but then "they'll never get back in touch with you. Once they hear the word voucher, all of the sudden the conversation goes dry."

In addition to receiving rental assistance, his disability was also treated as a barrier to finding stable housing. When asked how it made him feel to experience that kind of treatment Darryl shared "it doesn't feel good at all. It makes you feel worthless, ashamed. Discrimination is not a good feeling… everyone should have equal rights, and the same opportunities as the next one. It's not a good feeling, I felt very bad. I felt shunned." Yet he remained focused and told us he dealt with that kind of treatment by "taking a deep breath and moving on to the next real estate agent."

Darryl is concerned with the use of city funds for private housing developers who refuse to rent to tenants using housing vouchers. "I'm seeing all this housing going up in the city, built with City funds, but the vouchers [holders] are being discriminated against…we should be able to move straight into to these houses that are being built by the developers that take City funds. Without question." When asked what he wants people to know about the challenges of looking for housing with rental assistance, he shared:

"It's not easy, it's not overnight. But don't give up. You just can't give up, but it is a challenge."

Research Findings

These findings are based primarily on data from matched pair testing via email and text for 114 apartment listings on Zillow and Trulia. The agent for each listing was contacted twice: once by someone presenting with a housing subsidy and once by someone presenting with income from employment. The final finding in this section derives from data generated when VOCAL-NY members called the numbers on a Brooklyn housing resource list from HRA. These findings do not include data from the initial round of phone-based matched pair testing conducted by dedicated VOCAL-NY members, because so few agents picked up the phone. However, we note that this in itself telling: calling agents as a subsidy holder is time consuming and calls often yield no connection. Particularly for people without cellphones or with limited phone minutes, relying on return calls from agents may not be a viable option.

FINDING 1: People with housing subsidies heard back from agents nearly three times less often than those with income from employment.

Our research shows that real estate agents were less likely to respond to inquiries made by prospective renters with housing subsidies than those with income from employment.

- **Fewer than a quarter of those presenting as subsidy holders received any response from agents (21%), while well over half of those presenting with employment income received a response (61%).**

FINDING 2: When subsidy holders did hear back from agents, they were more likely to be told that units were not available. Several subsidy holders also experienced blatant source of income discrimination.

- Of those that heard back from real estate agents, **a quarter of those presenting as voucher holders were told that the units they inquired about were no longer available (25%), compared to only 6% of those presenting with employment income.**
- Included in those that were told that units were not available, **3 agents told subsidy holders that vouchers were not accepted:** blatantly discriminating. Agents told subsidy holders the following:
    - "Sorry, the owner won't take any vouchers" (Agent #87)
    - "Sorry, no vouchers" (Agent #88)

FINDING 3: Subsidy holders were less likely to be invited to view apartments than people with income from employment.

- Of our total outreach conducted, **only 7% of those presenting as subsidy holders were ultimately invited to view a unit, while 26% of those presenting with employment income were invited for a viewing.**

FINDING 4: Subsidy holders waited to hear back from agents longer than people with employment income did, on average.

- The average time it took agents to respond to inquiries from those presenting as subsidy holders was 30 hours, compared to an average response time of 12.5 hours to those presenting with employment income.

FINDING 5: Criteria and requirements presented by agents create additional barriers to obtaining housing.

Both those presenting as subsidy holders and those with employment income were asked follow-up questions or presented with specific requirements that pose barriers to obtaining housing. **Low-income people, people who are currently or formerly homeless, and formerly incarcerated people are particularly impacted by such requirements.**

- **Credit score requirements** were presented, with minimum credit requirements ranging from 650 to 700, and additional callers being told "good credit" was required. Subsidy holders are often previously homeless or living in shelters and have not been able to establish a standard of credit that landlords require.
- **Minimum income requirements** were posed to both those presenting with subsidies and those presenting with employment income. A requirement of 40 times the rent was cited. Many subsidy holders receive additional forms of public assistance and cannot collect wages from employment while receiving public benefits.
- **Employment status questions** were posed, including asking whether people were employed full time, part time, unemployed and if they were students.
- **Questions about delinquencies** such as records of late payments or collections were also asked.

FINDING 6: The resource sheet provided by the HRA to subsidy holders seeking housing in Brooklyn is outdated and ineffective as a resource.

We contacted Brooklyn-based real estate agents and buildings listed on a resource sheet given to several VOCAL-NY members, but the list is outdated and rarely has successful results for subsidy holders.

- **Nearly one in three of the numbers on the list were non-working (28%).**
- At the time the calls were made, an additional 11% of agents didn't answer the phone, and 30% of the calls went to voicemail.

VOCAL–NY Member Profile: Nathylin Flowers

Nathylin Flowers after addressing the West Side Tenants Conference, discussing how homelessness and source of income discrimination should be a concern of tenants everywhere.

"I was evicted from my apartment of thirty-four-and-a-half years, when my preferential rent went from $475 to $1391." Without a lease, Flowers was unable to prove in court that her landlord let her pay $475, and the judge ruled that she had to leave her home of over three decades. She applied to SCRIE but did not receive a significant rent freeze and had to vacate her home. She ended up in multiple shelters including one that local residents protested.

Flowers now has the CityFHEPS voucher, and collects Social Security benefits. "I paid in [to the system] and now they're paying me back. I hate people who think of [public benefits] as getting a handout. It is not a handout! I've been working since I was ten years old." She echoes what other VOCAL members have experienced; obtaining the voucher does not mean obtaining housing right away. "From the time I got it, I was excited because it was really hard to get everything all together. And they act like once you get [the voucher] you'll get to apply to your own apartments and get the heck out of there…we're thinking like three months, six months, by Christmas I'll be out of here". This is often not the case. Finding a landlord who accepts rental assistance feels like a fruitless effort, made even more difficult by paperwork and bureaucracy.

When asked what kinds of questions she has been asked during her housing searches, she lists: "What's your credit score like? Are you working?" They want you to pay for your credit check and score. I'm [thinking] what kind of credit score could I have living in the shelter for 3 years? What are you talking about? They also ask- 'do you have a program?' Immediately."

"It feels highly discriminatory," she stated. "I feel highly put upon because for one apartment, I went all the way out to Brighton Beach. I could pay the rent. It fell within the category. I got there, and they said "Well, we need to get your credit score, and you have to pay for that. And you if you don't have a score of 650, we can't let you have this apartment." She was understandably upset and frustrated because she "went all the way out there [to be told] something that is already settled."

If she oversaw addressing source of income discrimination, Flowers would ensure that a year's worth of rent would be put in the bank, for landlords to access on rent day. "I would make an oversight committee to make sure the rent is getting paid on time."

Policy Recommendations

VOCAL-NY calls on the City Council, Chair and Commissioner of the New York City Commission on Human Rights, the Human Resources Administration and the Department of Housing Preservation and Development to take the following steps to protect renters from source of income discrimination:

1. Increase financial penalties for source of income discrimination so that they serve as meaningful deterrents. Despite local and state laws prohibiting source of income discrimination, our research shows that subsidy holders are treated differently than people with employment income, and some subsidy holders were blatantly discriminated against by agents.

- **The New York City Commission on Human Rights should increase the financial penalties for source of income discrimination** so that landlords are strongly discouraged from discriminating against subsidy holders.
- **Ensure that landlords who have been found guilty of source of income discrimination are ineligible for receiving public subsidies, including tax abatements and exemptions, and City Council project funds.**

2. Expand the triggering criteria for the City's Certificate of No Harassment Program (CONH) to include cases in which landlords discriminated against applicants or tenants based on source of income and compel the New York City Commission on Human Rights (NYCCHR) to share records of discrimination against tenants with the HPD.

- Though source of income discrimination against tenants is a form of illegal tenant harassment[33] most source of income discrimination occurs before subsidy holders have the opportunity to move into a unit, when they are not yet tenants and cannot bring claims under the tenant harassment law. Thus, source of income discrimination against applicants does not lead to a finding of tenant harassment and produces no record currently visible to HPD when it reviews a landlord under the CONH program. If the NYCCHR and HPD shared findings of discrimination against tenants, NYCCHR's findings of discrimination would become part of the CONH process and landlords would have to apply for and obtain certificates attesting that tenant harassment did not take place during a prescribed time period, in order to obtain certain permits. Sharing agency records and limiting the types of DOB permits that offending landlords can obtain will ensure that necessary repairs and building maintenance can take place while discouraging landlords' discrimination against applicants and tenants based on source of income.
- A finding of source of income discrimination by a court with relevant jurisdiction, or a probable cause finding by the law enforcement bureau of the NYCCHR against a landlord on the basis of source of income discrimination should automatically trigger a rejection of the landlord's CONH application.

3. Increase voucher amounts and payment standards to fair market rent.

- **Pass Int. 146, which calls for increasing the CityFHEPS voucher to market rate.** Our research shows that voucher amounts are too low to compete for market-level rents. Low voucher amounts force renters to compete with each other for limited housing that is often substandard and located in isolated neighborhoods, reinforcing economic and racial segregation. Voucher amounts should be tied to fair market rent or median apartment rent amounts.
- **Raise the payment standards of all voucher and subsidy programs in New York City.** Low payment standards are a barrier to obtaining housing and they are often the first form of discrimination that subsidy holders face by the city and by the agencies that set them. Our outreach to landlords was limited by low payment standards and offers a glimpse of the limited housing available to subsidy holders.

4. Pass legislation to eliminate credit checks for subsidy holders. Landlords and their agents should be barred from posing inequitable credit check requirements.

- Many low-income, homeless and formerly incarcerated individuals who use subsidies to pay their rent have not been able to establish robust credit histories and evaluating their credit scores can be a proxy for other forms of discrimination. An individual's credit score is unrelated to their ability to pay their rent on time and is too often used to punish prospective renters.

5. Subsidy holders should not be held to minimum income requirements set by landlords.

- **Guidance from the NYCCHR states that voucher holders cannot be rejected based on insufficient income if their voucher program would approve the monthly rent for an apartment and if the voucher calculates the voucher holder's portion of the rent based on their income.**[34] The NYCCHR should amplify this guidance in their materials for voucher holders, landlords and agents.
- **The HRA should adopt the same interpretation as NYCCHR and recognize that when landlords and agents set minimum income requirements for voucher holders, this is a form of source-of-income discrimination.** The HRA should also amplify this guidance in their materials for voucher holders, landlords and agents.
- **The HRA should provide a mechanism for subsidy holders to report instances of being asked for a minimum income** and share those instances with the NYCCHR.
- **New York City Council should pass legislation that bars landlords and their agents from holding any subsidy holders to minimum income requirements.** Many people who pay their rent with subsidies often do not collect income from employment, and often receive other forms of public benefits like SSI, which limits the amount of income they can collect from employment. Minimum income requirements are often used to discriminate against subsidy holders.

6. Ensure that subsidy holders know their rights and know how to report source of income discrimination.

- **Pass Int. 1339, which calls for improved "know your rights" materials for subsidy holders when they receive their housing subsidies.** Immediately after their acceptance into a rental assistance program, subsidy holders must receive up-to-date "know your rights" information about the source of income discrimination law, including methods to identify and report source of income discrimination, and the appropriate contact information for both source of income units at NYCCHR and HRA.
- **Develop a public awareness campaign** and prominently publicize the City's source of income discrimination laws and penalties.

7. Provide up to date and relevant resources to assist subsidy holders in their housing search. Our research shows that subsidy holders are continuously given an outdated real estate list that often yields no results.

- **Recruit and incentivize landlords to participate in subsidy programs and develop mechanisms for connecting renters with landlords who have vacant and available units.**
    - Prospective tenants should be connected with landlords who have units to rent.
- **Develop and maintain a list of active, eligible housing prospects for subsidy holders.** The Commissioner of Human Rights and the HRA must take accountability and maintain a current list of active housing prospects for people subsidy holders.

8. Make it easier to report source of income discrimination.

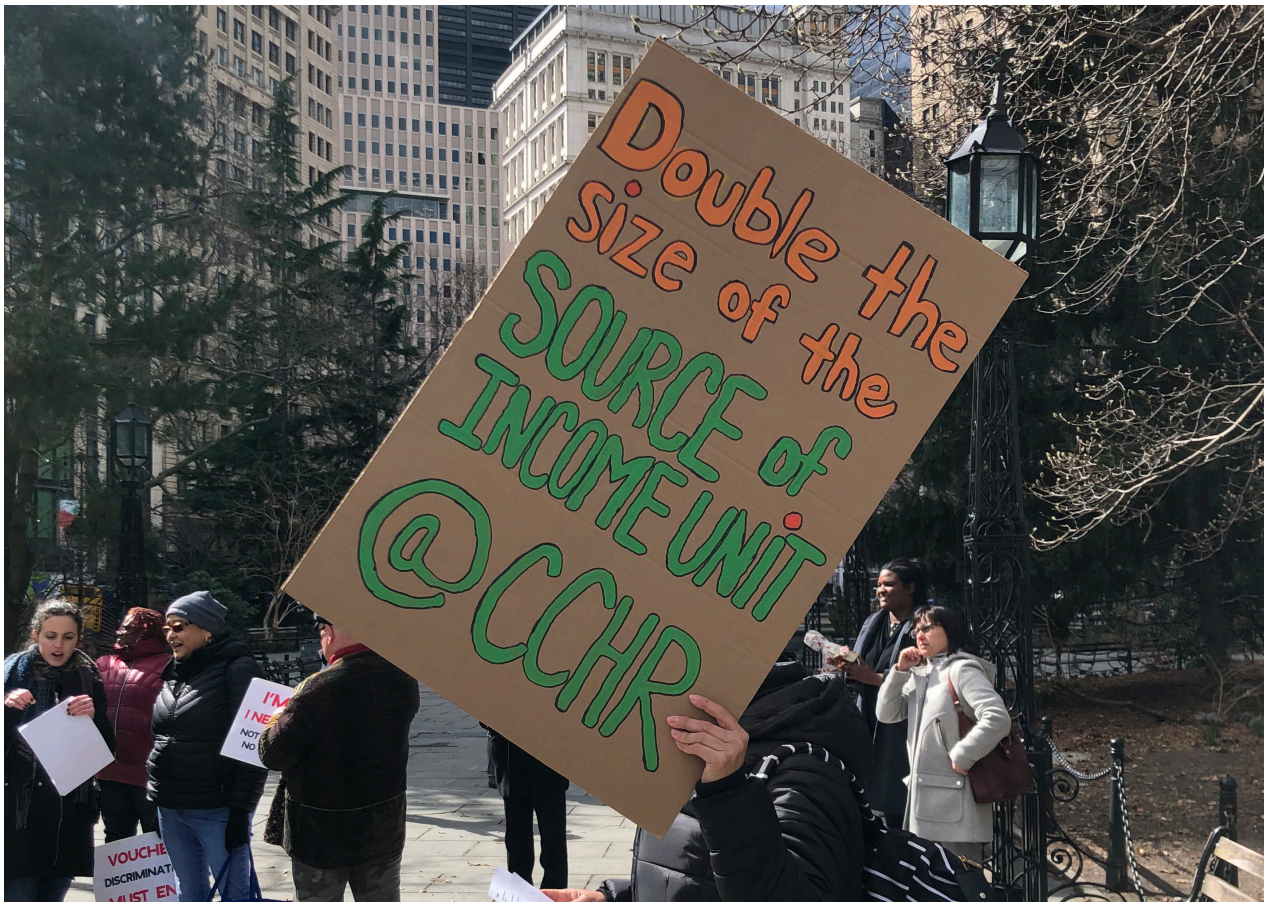
- **Simplify existing mechanisms for reporting source of income discrimination and create new ones.** Current options for reporting SID include calling 311, using an online reporting form or calling the source of income discrimination unit.
    - The City should partner with advocacy groups who are streamlining the process of reporting source of income discrimination to make it easier for subsidy holders to report discrimination. For example, Landlord Watch, a group made up of housing advocates, has created a chat bot that helps subsidy holders fight back against discrimination by collecting information from subsidy holders using step-by-step instructions and prompts that guide the tenant to share the relevant details of their discrimination. Landlord Watch also records phone calls between subsidy holders and landlords and brokers, which can be used to fight source of income discrimination. Any digital app or bot that tenants use to report source of income discrimination should be data-protected to ensure tenant privacy and confidentiality.

9. Pass legislation that would require the City to guarantee subsidies for current subsidy holders in the event the City terminates any rental assistance program.

- **If the City cancels or terminates a program, the City should continue to pay its portion of the rent for any current subsidy holder for the remainder of their tenancies.** This would ensure housing stability for the tenant and could alleviate the fear some landlords have in participating in programs that are later canceled.

10. Dedicate additional resources to the Source of Income Discrimination Unit at the New York City Commission on Human Rights, and make public the staffing composition of the Unit.

- **Increase capacity and resources at the agency that investigates and enforces source of income discrimination.** The SID Unit at the Commission of Human Rights is an invaluable resource for combating discrimination against subsidy holders, but their capacity must be expanded. The unit currently employs between five and eight staff members, not all of whom are attorneys, and since January 2018, the Unit has received 830 inquiries involving source of income discrimination.[35] Additional resources should be used in ways that help individual subsidy holders, to pursue cases against individual landlords, and to continue the Unit's source of income discrimination testing.
- **The staffing composition of the Source of Income Discrimination Unit should be publicly available.** Tenants and their advocates deserve to know how this office, which is intended to protect them, is structured and staffed.



11. Publicize the names of landlords and agents who discriminate against subsidy holders, and require that these landlords submit documentation to the Commission on Human Rights.

- **Make public the names of discriminatory landlords and agents and the penalties imposed on them.** The publicization of bad actors is not intended to be used as a list of landlords that subsidy holders should avoid; that would inadvertently let discriminatory landlords off the hook. Rather, a public list of discriminatory landlords would serve as notice for subsidy holders to be prepared to assert their rights and document their interactions when they approach such landlords about housing opportunities.
    - If a landlord on the public list subsequently rejects another subsidy-holder's rental application, the landlord must then provide a written statement to the Commission on Human Rights outlining the reason for the rejection.
    - Landlords on the public list must report periodically to the Commission on Human Rights how many rental applications they have received from subsidy holders and how many of those applications were accepted.

12. Establish and enforce accountability measures for the HRA, HPD and HUD.

- Our research, and the experiences of VOCAL-NY membership, show that historical and systemic administrative issues with the Human Resources Administration, the Department of Housing Preservation and Development and the Department of Housing and Urban Development compound the difficulties associated with rental assistance programs. Delays in the allocation of subsides and unit inspections, and high caseworker loads, are just some of the systemic issues that delay access to stable housing for subsidy holders. The City should establish and enforce measures that hold these agencies accountable so that subsidy holders and landlords can make efficient progress.

VOCAL–NY Member Profile: Charisma White

Charisma was born in Bed-Stuy and has lived in New York City her whole life. She is an active member of VOCAL-NY, a voting board member of the New York City Continuum of Consumer Care and has done advocacy work with Urban Pathways. She is a firm believer that "the people's voice is very important in the things that go on in this city."

Charisma searched for housing for three years with her Section 8 voucher while she was homeless. She was discriminated against because of her rental subsidy. "I got answers like 'We don't take Section 8' or 'The landlord is not going to want to take that.' Or if they do take it, you have to be making $58,000 or $63,000 to even get your application noticed."

Charisma recalls past interactions with real estate agents and brokers while looking for housing using her subsidy: "The worst thing I ever heard was 'Oh we don't have anything in that price range, maybe you should go somewhere you can afford.'" She has also been asked questions about her credit, criminal background and rental history despite the subsidy program's extensive background and credit checks that qualified her for the program to begin with. "I've had my voucher over 10 years …they could have easily checked my rental history with Section 8, because [Section 8] dots their t's and everything when it comes to tenants. I feel it's just a money business- it's not about housing the people of New York City," she says. "It's like '[Let's] house the tourists for a couple of months or a couple of weeks,' more than '[Let's] house someone who will be a permanent resident.'"

"It took 3 years of arguing with HPD about how I was being discriminated against" before Charisma found housing. "They kind of shrugged it off," she says. "I was directed to the Commission on Human Rights because Section 8 tried to take my voucher from me because they said I wasn't finding a place in time. It took 3 years for them to actually get me a lawyer. Eventually I did get a lawyer that was interested in my case and she did solve the issue. She solved the case by showing that I really was being discriminated against."

Years of dealing with source of income discrimination and unstable housing has physical and emotional impacts. "It was starting to feel like depression," Charisma said. "Sometimes I felt aggravated and would lash out. I felt that the people that were supposed to be in place to help weren't helping at all… For a long time, I thought I wasn't going to get housed. I don't have a bad rental record, all my rent is always paid on time, anytime the system [messes] with me, I make sure I'm on top of it, just like I was on top of finding housing, that's how I live my life." But "I felt bad because I didn't find [housing] but it wasn't my fault. I was trying to express that to them- 'I am out here looking, I'm trying.' All while trying to take care of my health. There were months where I had to stop going to my treatments just to try to keep [looking for] somewhere to live, or to be able to shower. I'm not the type of person that gives up, so I just had to focus."

If she oversaw how the city deals with housing subsidies, Charisma would ensure that mixed-income developments genuinely house low-income people, and she would build more affordable housing. "These buildings that are going up are supposed to have 10-15% of space for low-income people, but that's not really happening. Somebody needs to stay on top of that, and if it's not done, you have to penalize the people that are gaining off this, and it looks like nobody is doing that. City agencies like NYCHA and HPD need to put up more housing…and not slack on keeping up the maintenance. They gave me numbers that didn't work. And they kept telling me "there's lists out here- and I'm like "those are invisible lists because I went over every list." I even went to the commissioner's office and got a list and it was no good."

Charisma White on the steps of City Hall, fighting for Intro. 1927, which guarantees that 15% of units in buildings that receive City funds will be accessible to folks with vouchers. The bill passed a few months later!

Call to Action

Although our research was conducted prior to the COVID-19 pandemic, our findings and policy recommendations are more important than ever as New York City navigates the path to reopening and recovery. No New Yorker should be left behind as the City moves forward.

Subsidy holders need and deserve safe, stable and permanent housing. The barriers that subsidy holders face in obtaining housing should be removed, and the process for finding housing should be less burdensome and more informed. Landlords should not reap benefits while others struggle to survive and find a place to call home.

We call on the City Council, the Chair and Commissioner of the New York City Commission on Human Rights, the Human Resources Administration and the Department of Housing Preservation and Development to take action to make our recommendations a reality so that housing vulnerable New Yorkers can find relief in the comfort of their homes during this unprecedented time.

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