



Project Sentinel Fair Housing Symposium 2019

*Section 8: Limitations and Alternatives
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Section 8 Vouchers: The Promise

- **Section 8 voucher program's purpose:** to “aid [] low-income families in obtaining a decent place to live” and to “promot[e] economically mixed housing.” 42 U.S.C. §1437f(a).
- **Leading form of low-income housing assistance in the country,** paying a substantial portion of the rent for more than 5 million people in 2.1 million low-income households

Section 8

- In many housing markets, it is one of the key ways housing is provided to low-income tenants living on: Social Security disability and retirement, SSI, TANF, VA Benefits
- Vouchers may be used anywhere in the country, and provide the opportunity for housing selection in areas not segregated by race, national origin, or other protected traits.

Housing Choice Voucher

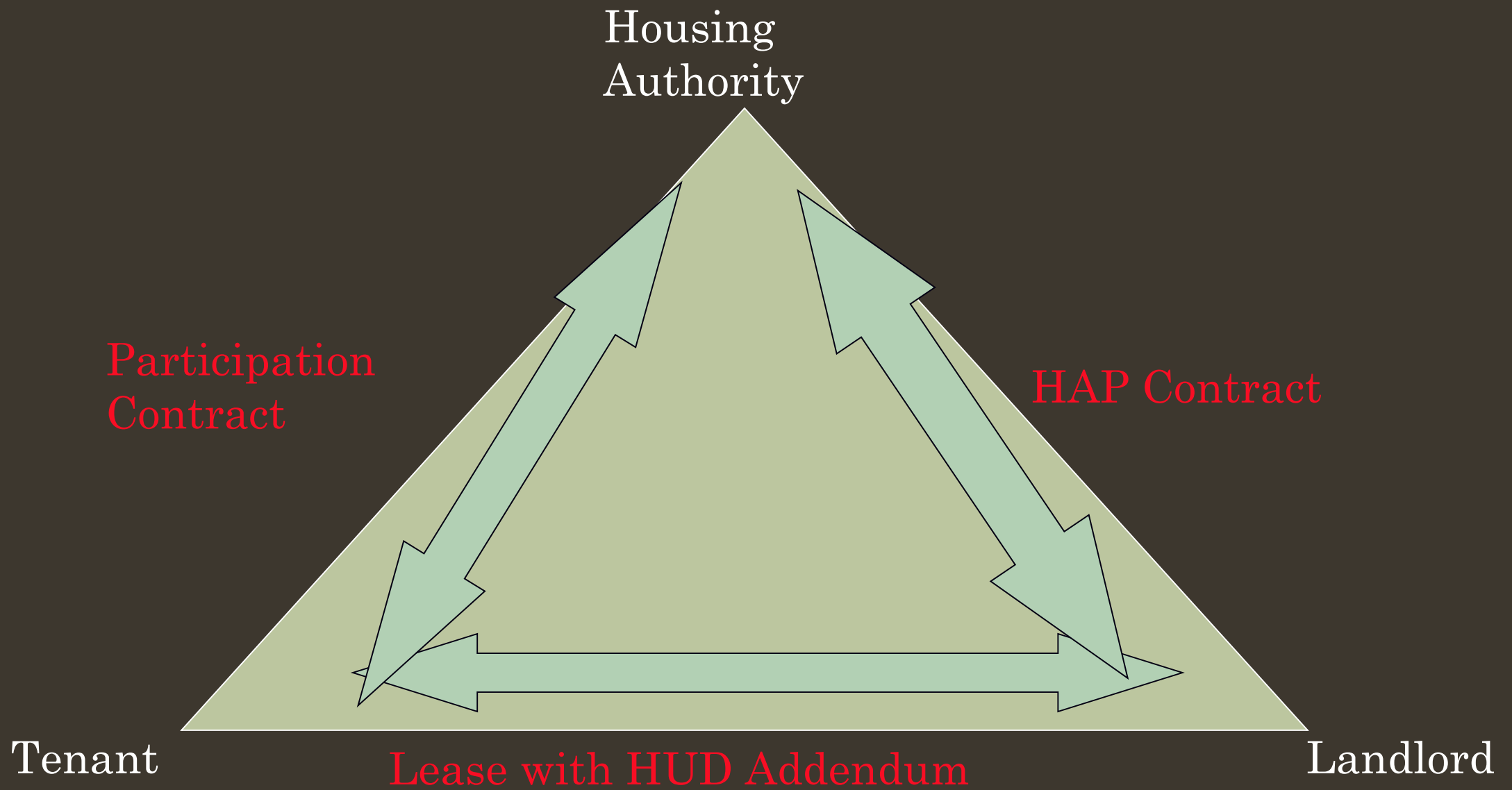
Guidance

- 42 U.S.C.A. § 1437f(o)
- 24 C.F.R. 24 C.F.R. §§ 5, 982, 983, 985
- Voucher Program Guidebook
- HUD Notices, Letters, etc.
- Annual Contributions Contract
- Housing Assistance Payments Contract
- 5 year, Annual, and Administrative Plan
- Lease & Addendums

Governance

- Oversight: HUD
- Administrator: PHA
- Owner: Private or LIHTC landlord.
- Board of Commissioners

Sub-programs: Project-Based Vouchers, Homeownership Option, Family Unification, Veterans, People with Disabilities Transitioning out of Institutions, etc.



Section 8 Vouchers: The Reality

Agency Name	2017			2010		
	Authorized Vouchers	Number of families using vouchers	Percent of authorized vouchers in use	Authorized Vouchers	Number of families using vouchers	Percent of authorized vouchers in use
San Jose City Housing Authority	6,445	5,582	87%	6,436	6,423	100%
Santa Clara	11,400	9,720	85%	10,387	10,309	99%
California	333,360	303,776	91%	306,761	292,931	95%
National	2,499,910	2,244,992	90%	2,265,542	2,084,103	92%


Source: Center on Budget and Policy Priorities Voucher Utilization Data:
<https://www.cbpp.org/research/housing/housing-voucher-success-and-utilization-indicators-and-understanding-utilization>

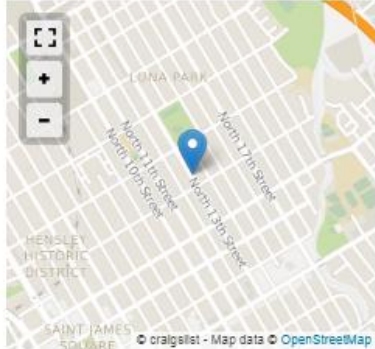
Section 8: The Reality

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★ **\$1350 / 1br - 315ft² - Room for Rent! All Utilities Included! (san jose downtown)**

image 1 of 8






421 N. 13th Street
[\(google map\)](#)

1BR / 1Ba **315ft²** **available now**

apartment

laundry on site

no smoking



Private bedroom available in a recently updated 7 bedroom house. Microwave and mini fridge in bedroom. Hardwood floors throughout. New paint. New Dual Pane Windows. Private bathroom. Onsite parking available for an extra fee. Fully furnished kitchen and living room. Just outside of downtown San Jose! Restaurants, Bars and Shopping all closeby!

TENANT QUALIFICATIONS:

GROSS INCOME MUST EQUATE \$4,050 OR MORE

MINIMUM FICO SCORE OF 700

NO SECTION 8

LEASE TERMS ARE:

RENT: \$1,350

SECURITY DEPOSIT: \$500

NO PETS

NO SMOKING

Section 8 Stereotypes

Research indicates:

- The literature on social policy preferences has long recognized that misconceptions, stereotypes, and ideology regarding the poor contribute to public support for or opposition to public policies, including refusal to accept or insure vouchers.
- Attitudes people have about subsidized housing (and those living in such housing) are not based on reliable evidence or the realities of subsidized housing,
- SOURCE: J. Rosie Tighe, *et al.*, Source of Income Discrimination and Fair Housing Policy, Journal of Planning Literature (October 7, 2016).

Section 8 Voucher Discrimination

Discrimination against voucher holders has a profound effect on the available housing choices and it perpetuates:

- **the concentration of poverty, and**
- **racially and economically impacted neighborhoods**
- **Increases homelessness**

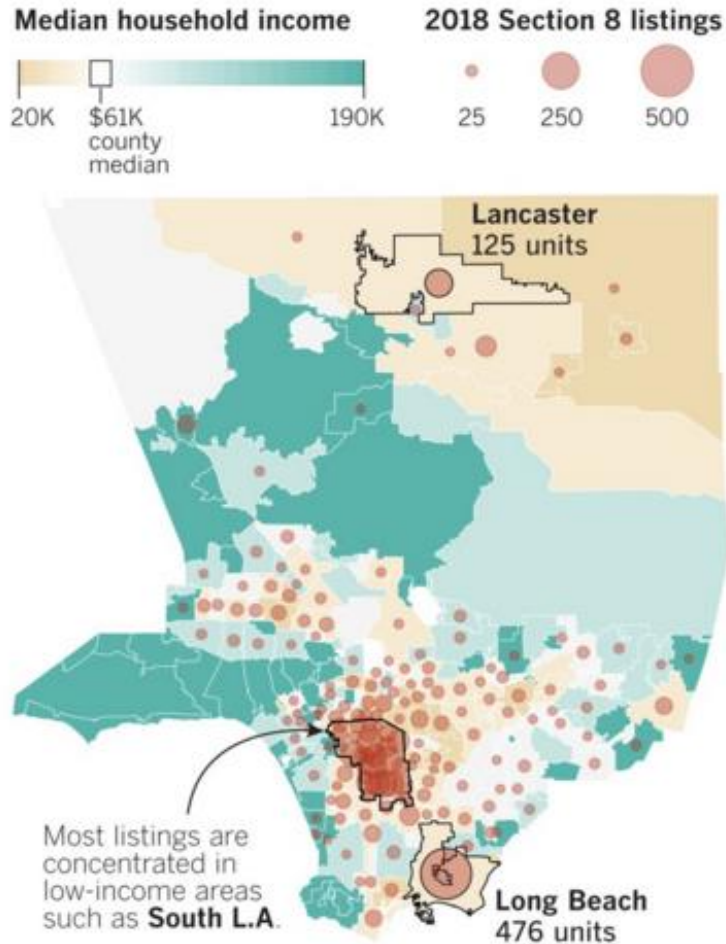
Voucher Discrimination

- 77% of families were rejected by landlords and unable to use their housing assistance; in jurisdictions with an anti-discrimination policy in place, this rejection rate plummeted to 35%.
- SOURCE: Allison Bell, et al., Prohibiting Discrimination Against Renters Using Housing Vouchers Improves Results: Lessons From Cities and States That Have Enacted Source of Income Laws, Center on Budget and Policy Priorities (December 2018).
- Los Angeles:
 - Overall Denial Rate: 76.4%
 - Low Poverty Tracts: 81.5%
 - High Poverty Tracts: 66%

SOURCE: Mary Cunningham, et al., A Pilot Study of Landlord Acceptance of Housing Choice Vouchers, Department of Housing and Urban Development (September 2018)

Section 8 listings in L.A. County

Many housing authorities direct tenants to GoSection8.com. Listings there are mostly in low-income areas.



Source: GoSection8.com, 2017 ACS Ellis Simani / Los Angeles Times

Note: According to GoSection8.com, the majority of landlords who advertise on its site accept Section 8, however some may not. (Los Angeles Times Graphics)

Source: Andrew Khouri, “Housing Vouchers Can Save People from Homelessness. But Landlords May Not Accept Them.”, Los Angeles Times, March 29, 2019.

STATE OF CALIFORNIA RECOGNIZES THE SECTION 8 PROBLEM

2012 California Analysis of Impediments to Fair Housing:

- “Inadequate access for minority households to housing outside of areas of minority concentration”
- Minorities are more likely to live in poverty, have very low-incomes, and reside in Census tracts where they are over-represented.
- Discrimination against Section 8 voucher-holders is a contributing factor to this problem.
- 67% percent of Section 8 voucher-holders live in areas where minorities were overrepresented as compared to 57% of all minority households.

Local Anti-Discrimination Ordinances

- Local Ordinances are NOT preempted by state law:
- *Apartment Association of Greater Los Angeles v. City of Santa Monica*, SC124308 (2016).
- *City & Cty. of San Francisco v. Post*, 22 Cal. App. 5th 121, 231 Cal. Rptr. 3d 235 (Ct. App. 2018)

SB 329 (Mitchell) (Housing Opportunities Act)

- Government Code 12927(i): “Source of income” means lawful, verifiable income paid directly to a tenant or paid to a representative of a tenant. For the purposes of this definition, a landlord is not considered a representative of a tenant. *tenant, or paid to a housing owner or landlord on behalf of a tenant, including federal, state, or local public assistance, and federal, state, or local housing subsidies, including, but not limited to, federal housing assistance vouchers issued under Section 8 of the United States Housing Act of 1937 line 9 (42 U.S.C. Sec. 1437f).*
- Government Code 12955(p) (1) For the purposes of this section, “source of income” means lawful, verifiable income paid directly to a tenant or paid to a representative of a tenant. For the purposes of this section, a landlord is not considered a representative of a tenant. *tenant, or paid to a housing owner or landlord on behalf of a tenant, including federal, state, or local public assistance, and federal, state, or local housing subsidies, including, but not limited to, federal housing assistance vouchers issued under Section 8 of the United States Housing Act of 1937 (42 U.S.C. Sec. 1437f).*

End

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