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MEMORANDUM

Date: February 3, 2022, As amended July 21, 2022
To: Cook County Landlords and Rental Housing Providers
From: Cook County Commission on Human Rights Commissioners
Re: Source of Income Protections Under Cook County Human Rights Ordinance

Source of income means the lawful manner by which an individual supports themselves or their dependents. See County Code, § 42-31. It is illegal for any person to discriminate in a real estate transaction against an individual based on their participation in the **Housing Choice Voucher ("HCV")** Program (sometimes called "**Section 8**").¹ See County Code, §§ 42-30 et seq. and 42-38. Doing so will allow an injured HCV holder to file a complaint with the Cook County Commission on Human Rights. The Commission can impose significant fines for substantiated violations as well as award damages and impose injunctive relief to the injured party. *Id.* at § 42,34(c).

A landlord or property manager may not refuse to rent to a tenant because they are using an HCV. Landlords and property managers shall not:

- Advertise that they are not renting to HCV or Section 8 tenants;
- Refuse to process, or delay processing, a potential tenant's application (including but not limited to paperwork and inspections) because of use of an HCV;
- Treat HCV holders less favorably than other potential tenants by inflating rents or screening HCV holders more stringently; or
- Utilize a screening, selection, or application tool that: (a) is specifically designed to exclude an HCV holder, or (b) in practice automatically excludes an HCV holder.

HCV is a source of income. **Accordingly, a landlord or property manager must include the value of an HCV in any screening or rental application calculation of "income."** To calculate the rent-to-income ratio of a prospective HCV tenant, a landlord should only consider the portion of the rent that the HCV applicant would be directly responsible for.

For example, a two-bedroom unit is advertised at a rent of \$1,500 per month. The property manager has a policy that all households must have an income of at least three times the rent to qualify for a unit. A household with an HCV applies for the apartment. The tenant's portion of the rent is \$500, and the housing authority will pay the additional \$1000. The housing provider is permitted to require that the tenant have an income of at least \$1500 a month (the tenant portion X 3). The housing provider cannot require that the tenant make three times the total rent for the unit (\$4500) as this would include the portion that will be paid by the housing authority.²

	Without HCV	With HCV
Rent Due by Tenant:	\$1,500	\$500
Income Minimum:	\$4,500	\$1,500

The Commission would rather help landlords and property managers comply with the law than prosecute anyone. Please contact the Commission at the phone number above with questions.

¹ HCV is one example of rental assistance covered under this protection. Other examples include emergency rental assistance and homelessness prevention program funds.

² The example and chart used are based on information included here: https://www.dfeh.ca.gov/wp-content/uploads/sites/32/2020/02/SourceofIncomeFAQ_ENG.pdf. Final rent amounts are set per discussions between the government entity that issues the voucher and the housing provider. An HCV holder with no income would not be responsible for any rent per HCV program rules but can still qualify for a unit because the government entity in that instance covers all the rent. Such an HCV holder has an infinite rent-to-income ratio when compared to a market tenant.