



IN BRIEF

SB 222 would protect veterans and military personnel from housing discrimination and ensure that landlords cannot deny homeless veterans housing based solely on the fact that they receive a rental assistance voucher.

BACKGROUND

Under the CA Fair Employment and Housing Act (FEHA) veterans and military personnel are a protected class in employment discrimination but they are not protected with regard to housing discrimination. Without clear protections in FEHA veteran and military personnel are susceptible to housing discrimination. For example, the Department of Fair Employment and Housing recently settled a lawsuit against a landlord who refused to rent a condominium unit because one of the tenants was a Marine.ⁱ

The Department of Housing and Urban Development Veterans Affairs Supported Housing (HUD-VASH) provides rental assistance, case management, and clinical services to homeless veterans and their families. While source of income discrimination is illegal under the FEHA, the law has been interpreted to exclude vouchers like HUD-VASH. This means landlords can refuse to rent to a homeless veteran solely on the basis of their use of a HUD-VASH voucher.

According to the U.S. Department of Housing and Urban Development (HUD), California was awarded 1,882 HUD- Veterans Affairs Supportive Housing (HUD-VASH) vouchers in 2018.^{ii, iii}

Also, in 2017 HUD changed how they grant local communities HUD-VASH vouchers. Under the new policy, public housing agencies must submit an application to receive the vouchers.^{iv} HUD now assesses housing agency performance prior to issues housing vouchers. Agencies seeking housing vouchers cannot have any compliance violations or pending litigation. Under this policy, vouchers only go to public housing agencies in good standing that have a Housing Choice Voucher program and directly apply to receive the vouchers.

THE PROBLEM

Veterans and military personnel face significant housing challenges. California has the largest number of veterans experiencing homelessness at 9,612. Homeless veterans in California represented 24 percent of the national homeless veteran population.^v

Upon separation from the military, many veterans do not have stable housing. For example:

- In the Bay Area, only 54 percent of pre-9/11 veterans and 35 percent of post-9/11 veterans had lined up housing after military separation.^{vi}
- In Orange County, 10 percent of pre-9/11 veterans and 18 percent of post-9/11 veterans reported being homeless.^{vii}
- In Los Angeles County, over a quarter of military veterans reported that they lacked consistent housing during the past two months.^{viii}

1.5 million veteran households suffered from severe housing cost burden in 2011, spending more than 50% of their income on housing.^{ix} There were also significant disparities among veteran households, with veteran households headed by a racial minority, females, and those with a disability more likely to be cost burdened than their counterparts.^x

According to the Los Angeles Housing Authority, HUD-VASH housing vouchers have the lowest success rate amongst housing vouchers the Authority issues. “Success” is defined as placing the voucher recipient in a rental unit. The success rate for general (non-veteran) Section 8 voucher recipients is 60 percent. The success rate for the Authority’s other non-veteran housing vouchers is 67 percent. The success rate for HUD-VASH vouchers drops to 33 percent.^{xi}

THE SOLUTION

SB 222 will ensure veterans and military personnel are not discriminated against in housing and are not denied housing because of how they pay their rent.

Specifically, the bill would add veterans and military personnel as a protected class in FEHA and other statutes relating to housing discrimination.

Additionally, SB 222 would specify that HUD-VASH vouchers are considered a source of income. By doing so, the law would prohibit discrimination against individuals who use these vouchers to pay part or all of their rent.

Considering there are less than 1,900 vouchers statewide this year and that agencies have to apply for and actively seek HUD-VASH vouchers, local agency costs should be minimal.

FOR MORE INFORMATION

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- ⁱ “Department Of Fair Employment and Housing Settles Complaints Against Landlord for Alleged Discrimination Against Military Family.” 14 Aug. 2017, www.dfeh.ca.gov/wp-content/uploads/sites/32/2017/08/Mendez-PR20170814.pdf. California State Senate Committee on Transportation and Housing. *Fact Sheet: Homelessness in California*. January 4, 2017. http://stran.senate.ca.gov/sites/stran.senate.ca.gov/files/homelessness_in_california_-_2016-2017_pdf.pdf.
- ⁱⁱ U.S. Department of Housing and Urban Development. “HUD and VA secretaries announce housing initiatives to support homeless veterans.” 3 Oct. 2018, https://www.hud.gov/press/press_releases_media_advisories/HUD_No_18_113.
- ⁱⁱⁱ U.S. Department of Housing and Urban Development. “HUD and VA announce additional support to help homeless veterans find permanent homes.” 11 Dec. 2018, https://www.hud.gov/press/press_releases_media_advisories/HUD_No_18_143.
- ^{iv} U.S. Department of Housing and Urban Development. Notice PIH 2017-17 (HA). “Registration of Interest for HUD-VASH Vouchers.” 1 Sep, 2017. <https://www.hud.gov/sites/documents/PIH2017-17.PDF>.
- ^v “California State Senate Committee on Transportation and Housing. *Fact Sheet: Homelessness in California*. January 4, 2017. http://stran.senate.ca.gov/sites/stran.senate.ca.gov/files/homelessness_in_california_-_2016-2017_pdf.pdf.
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- ^{ix} Arnold, Althea, et al. *Housing Instability Among Our Nation's Veterans*. National Low Income Housing Coalition, 2013. <http://nlihc.org/sites/default/files/NLIHC-Veteran-Report-2013.pdf>.
- ^x Ibid.
- ^{xi} Housing Authority of the City of Los Angeles. *Success Rates CY2016*.