

Enforcing Source of Income Discrimination in Housing

Minneapolis Department of Civil Rights

Complaint Investigation Division

Overview

- Department of Civil Rights- Complaint Investigations Division
- Source of Income Discrimination
 - History and Context
 - Ordinance
 - Enforcement
- Hypothetical Scenarios

City of Minneapolis: Structure



Discrimination Cases

- What does CID do?
 - Complaint Investigations Division receives and investigates alleged discrimination occurring within the City and within the last year
 - Neutral body, free public city service, no attorney required
 - Person filing the complaint has the burden to prove discrimination, the alleged discriminator has a right to respond
 - Department facilitates mediation and/or makes a decision on the merits



<https://youtu.be/vs4Ohrq1wck>



Protected Classes under MCRO

- Age
- Ancestry
- Color
- Creed
- Disability
- Emancipated minor status
- Familial status
- Gender identity
- Marital status
- National origin
- Race
- Religion
- Retaliation*
- Sex
- Sexual orientation
- Status with regard to public assistance



Discrimination Areas under MCRO

Employment

Housing

Public Services

Public
Accommodation

Educational
Institutions

Other*

* Business; Real Estate; Labor Organization; Employment Agency; Professional Organization, Employment Advertising; Lending



How to Submit a Discrimination Complaint

- There are several ways to submit a complaint:
 - Complete the [online form](#).
 - Available in English, Spanish, Oromo, Somali, Hmong and Lao
 - Go to Minneapolis City Hall (350 Fifth St. S., Room 239).
 - Go to the City's Public Service Building, where there is a kiosk to complete the form (505 Fourth Ave. S., Second Floor)
 - Or call 311. Outside Minneapolis, call 612-673-3000
- Language interpreters are always available.



Investigative process

1. Complaint and Charge
2. Early mediation
3. Position statement and rebuttal
4. Investigation
5. Determination
 1. No probable cause: Appeal to Commission on Civil Rights
 2. Probable cause: Conciliation, if not resolved, public hearing

More information on our website here: [Charge of Discrimination Process](#)

History and Context: Source of Income Discrimination in Housing

- Created by Congress in 1974. Housing Choice Voucher program (aka Section 8) intent was to assist families in moving out of broken neighborhoods to places where they could live without the threat of violence and children could attend safe schools.
- No clear legislative protections for SOI holders.
- As of 2016, of the households served by the MPHA:
 - 76% black
 - 77% women
 - 39% are persons with disabilities
 - 52% of SOI holders have children

History and Context cont'd

- 2018 Amendment to Civil Rights Ordinance to specify Section 8/Housing Choice Voucher as included in definition of public assistance program protected class
- Lawsuit against City
 - Injunction preventing enforcement
 - Dissolved, now enforceable

What Did The Ordinance Change?

- Specified Section 8/ HCV is included in receipt of public assistance
- Added “requirement of a public assistance program” as well
 - LL cannot refuse to work with MPHA to process applications for tenants.
- Landlords cannot refuse to rent or provide different terms or conditions to tenants because of the voucher
 - Higher rent
 - Worst units
 - Additional fees
- Advertisements discouraging or excluding vouchers are prohibited
 - “vouchers not accepted”
 - “No Section 8”



Key things renters need to know

Right to rent and fair assessment

- Your public assistance or voucher income does not disqualify you when applying for an apartment
- Property owners must assess all applicants in a fair way

Same terms and conditions

- If you use a rent subsidy, property owners cannot offer different terms or conditions for the rental such as higher rent, extra or different fees, lower priority for repairs

Illegal ads

- Rental ads that say "No section 8" or use similar language are illegal



Key things property owners need to know

Right to rent and fair assessment

- Property owners cannot:
- Refuse to rent to those with rent subsidies or vouchers
- Express a preference for non-subsidy or voucher holders
- Property owners must assess all applicants in a fair way

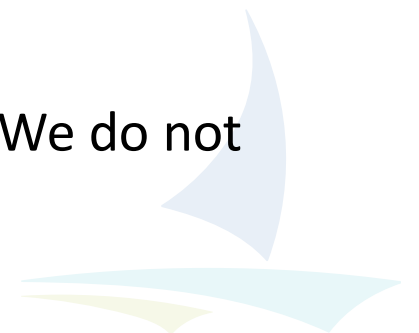
Same terms and conditions

Property owners must offer people who use a rent subsidy the same terms and conditions for renting

- Examples: higher rent or security deposit, extra or different fees, lower priority for repairs

Illegal ads

- Property owners cannot use phrases like the following in the rental ads: "We do not accept vouchers" or "No section 8"



Enforcement

- Accepting complaints and drafting charges (starting Dec. 6, 2022)
 - Have issued charges on this basis and resolved cases in early mediation
- Outreach and Education (May 2023 -October 2023)
 - Learning Sessions
 - Internal to the enterprise
 - External—service providers and advocates, members of the public and voucher holders
 - Warning letters to property owners
- Director Charges (Starting November 1, 2023)

What You Can Do

- Report incidents of source of income discrimination to the Civil Rights Department
- Talk to community members about their experiences in housing using rental subsidies or other government assistance
- Connect community members to the Civil Rights Department
- Educate renters and property owners about the newly enforceable provision of the ordinance
- Connect the Civil Rights Department to groups or organizations who would like to learn more
- Tabling at Logan Park Neighborhood Association (come say hiiiiiiiieee)

Hypothetical #1

- Abby sees a posting online about an available unit that is within the payment standard for her Housing Choice Voucher.
- Abby calls the number from the posting and asks if vouchers are accepted.
- The property manager says no, and to not waste her money on the application fee.
- Can Abby succeed on a discrimination claim?



Hypothetical #2

- Jerry is renting a unit from ABC Properties
- Jerry has been on the Housing Choice Voucher waitlist with the MPHA for 8 years, and has finally made it to the top of the list to receive a voucher.
- Jerry approaches ABC Properties about using his voucher to pay for rent and the process is completed.
- The next month Jerry notices a \$50.00 administrative fee charged along side his rent.
- When asked, ABC Properties explains it was because of all of the extra administrative work need for the voucher.
- Can Jerry succeed on discrimination claim?



Hypothetical #3

- A gay couple is on a month-to month lease for a one-bedroom unit in a tri-plex for \$1,100/month.
- Another tenant has put up an anti-gay agenda poster in their front window facing the street.
- The couple complains to landlord about the poster, and the landlord does nothing.
- The couple then files a Charge of Discrimination with the Department against landlord for failing to address the issue.
- Six weeks later, the landlord sends a 60-day notice for a rent increase to \$1,600/month to the couple.
- Is there a violation of the MCRO?



Questions?

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