

RESOLUTION NO. 2023-05-033R

RESOLUTION IN SUPPORT OF FAIR HOUSING FOR ALL REGARDLESS OF SOURCE OF INCOME

WHEREAS, every human being needs a habitable place to live; and,

WHEREAS, households with incomes below the federal poverty level cannot afford any housing rental rates in our community without a rent subsidy; and,

WHEREAS, households with incomes below 50% of Area Median Family Income cannot afford most local rents without being rent burdened and at-risk of becoming homeless; and,

WHEREAS, many people with disabilities whose sole source of income is Supplemental Security Income (SSI) are homeless because they cannot afford any rental housing without a rent subsidy voucher; and,

WHEREAS, the Regional Office of Education reported before the COVID pandemic that more than 500 school-age children in Champaign County were homeless during each school year; and,

WHEREAS, to address the housing needs of vulnerable populations, federal, state and local governments allocate funds for rent subsidy vouchers and rent assistance to help prevent or end homelessness for as many families with children, people with disabilities and senior citizens as funding levels allow; and,

WHEREAS, many landlords in Urbana and throughout the United States thwart these government efforts to prevent homelessness by refusing to accept Section 8, Housing Choice Vouchers or other sources of rent assistance, even though the landlord will receive the exact same rent amount as would be paid by a tenant without a voucher; and,

WHEREAS, accepting a Housing Choice Voucher from a public housing authority only requires a landlord to allow the rental unit to be inspected and if it passes, to sign a Housing Assistance Program (HAP) contract which recites the main terms of the landlord's lease with

the tenant; and

WHEREAS, courts in the United States have rejected landlords claims that they would experience a financial burden by accepting a Housing Choice Voucher because they were unable to show that signing the HAP contract and allowing a rental unit to be inspected involved any additional cost; and,

WHEREAS, discrimination against people using rent vouchers has a disparate impact on African American and Latinx people and can often be used as a veil for race discrimination; and,

WHEREAS, in response to this problem, forty-four years ago, the City of Urbana amended Chapter 12 of Urbana City Code - Human Rights - to prohibit housing discrimination, including discrimination based on "source of income;" and,

WHEREAS, more than 200 cities, counties and states in the United States now prohibit housing discrimination based on "source of income;" and,

WHEREAS, beginning January 1, 2023, the Illinois Human Rights Act (775 ILCS) prohibits housing discrimination based on "source of income;" and,

WHEREAS, the definition of "source of income" in the Illinois Human Rights Act is identical to the definition in the Chicago Human Rights Ordinance; and,

WHEREAS, in 2004, the Appellate Court decision in *Godinez v. Sullivan-Lackey* upheld the finding of the Chicago Human Relations Commission that a landlord committed unlawful source of income discrimination when he refused an applicant solely on the basis of the fact that she would use a Section 8 voucher to pay a portion of her rent; and,

WHEREAS, no court decision has reversed or modified that finding; and,

WHEREAS, the Champaign City Council showed its support for the new state law by voting on December 20, 2022 to amend the Champaign Human Rights Ordinance "source of income" definition to specify "including Section 8;" and,

WHEREAS, the City of Urbana supports the use of Housing Choice Vouchers, Tenant Based Rent Assistance (TBRA) and all other available rent assistance to prevent or end homelessness for the most vulnerable people in our community; and,

WHEREAS, the decision in Godinez v. Sullivan-Lackey is the controlling Illinois precedent, based on stare decisis,

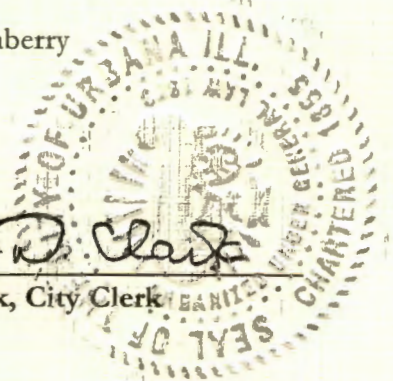
NOW, THEREFORE, BE IT RESOLVED, that the City of Urbana will prohibit discrimination in housing based on source of income, including a landlord's refusal to rent to a person solely because a Housing Choice Voucher or other rent subsidy or rent assistance program will pay a portion of the rent, and including a landlord's refusal to submit to inspection or enroll in required programs to accept such payment from a potential tenant.

PASSED BY THE CITY COUNCIL this 8th day of May, 2023.

AYES: Wu, Evans, Hursey, Kolisetty, Bishop, Wilken, Quisenberry

NAYS: None

ABSTENTIONS: None



Phyllis D. Clark

Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this 6th day of June, 2023

Aime Wolfe Mah
Mayor