

Source of Income General FAQs



Q When does Source of Income (SOI) become a protected class in Illinois?

ANSWER Jan. 1, 2023

Q Does the Source of Income statute apply to all housing?

ANSWER It applies to most housing with a few exemptions, such as owner-occupied housing with four or fewer units or rental of a private room within a home where the owner or family resides.

Q Does this amendment to Illinois Human Rights Act (IHRA) prohibit discrimination based on participation in a housing choice voucher program?

ANSWER Given that a housing choice voucher is a lawful source of income, the answer to this question is most likely yes. Discrimination based on participation in the housing choice voucher program would be prohibited under the IHRA.

Q If a local ordinance is stricter, for example the local ordinance contains fewer exemptions, which provision applies?

ANSWER Follow the regulation that is stricter. In other words, if the local ordinance contains fewer exemptions than the IHRA, follow the local ordinance. If the housing provider has a question, consult legal counsel.

Q Does the IHRA inclusion of Source of Income as a protected class apply to real estate brokerage activities, including leasing?

ANSWER Yes

Q How are housing choice voucher amounts set?

ANSWER The local public housing authority oversees the administration of the housing choice voucher program and should consider the market factors in the area to arrive at housing choice voucher amounts in their areas.



Q Will a 700 credit score requirement appear discriminatory to a housing choice voucher recipient?

ANSWER If a housing provider requires a threshold 700 credit score, this might cause a problem for both market tenants and housing choice voucher recipients. See the "Best Practices" resource for alternative methods of qualifying applicants consistently and fairly.

Q Will utilities and expenses be included in the amounts to determine a housing choice voucher recipient's ability to rent?

ANSWER This will depend on whether utilities are included in the amount due to the housing provider. Also, the local housing authority should be able to answer some of these questions.

Q If the tenant loses their job, will the housing choice voucher amount change?

ANSWER The housing choice voucher will likely increase if the tenant loses income. The local housing authority will likely answer that question as well.

Q How can a tenant be evicted?

ANSWER A tenant might be evicted for not paying the tenant's portion of the rent as established by the local housing authority, or for violating other provisions in the lease.

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Source of Income Housing Provider FAQs



Q Who is considered a housing provider?

ANSWER The owner/landlord, property management companies, homeowner associations, corporations, real estate brokers and others who might sell or rent housing. Financial institutions and appraisers must also refrain from discriminating based on Source of Income.

Q Will a housing provider be required to lower the rent to allow a housing choice voucher participant to rent the unit?

ANSWER No. While housing providers will not be required to lower their rent to accommodate a Source of Income, they must not inflate their rent to avoid renting to a housing choice voucher participant. They must also avoid charging a different amount for security deposit than they do for market tenants.

Q Does the IHRA inclusion of Source of Income as a protected class prohibit housing providers from saying in advertisements that they will not accept housing choice vouchers or Section 8 subsidies?

ANSWER Yes. The IHRA prohibits any advertising that will violate the Act, which now includes Source of Income.

Q Might a housing provider decline a unit to an applicant who does not have the required security deposit?

ANSWER Yes, so long as the criteria is applied uniformly to all rental housing applicants.

Q If the housing provider uses a financial ability standard that requires a household to have a certain amount of income to qualify, how can the housing choice voucher participant meet the standard?

ANSWER The housing provider must only consider the tenant's/applicant's portion of the rent. For example, a unit is advertised for \$2,000 and there is a policy that the applicant must have an income of 3 X the rent amount. Normally, the applicant's monthly income would need to be at least \$6,000. If the subsidy is \$1,500, then the applicant will owe \$500 per month in addition to the voucher amount. Therefore, if housing provider requires 3 X the rent amount, the housing provider would use 3 X \$500 (the amount provided by the applicant) for \$1,500 per month. So, if the applicant makes at least \$1,500 per month, the applicant will qualify for the \$2,000 rent, considering the \$1,500 housing choice voucher plus \$500 from the applicant. If the formula does not work, or if it disqualifies only applicants who receive housing choice vouchers, the housing provider might need to establish different but consistent and uniform criteria.

Q Must a housing provider keep a unit open for a housing choice voucher applicant if another market tenant is ready to go and the initial inspection has not been completed by the local housing authority?

ANSWER The State of Illinois has not yet given guidance on that question, so the housing provider should check with the local housing authority and their own attorney on that issue.