Source of Income

Under the Fair Housing Laws

The John Marshall Law School
Fair Housing Legal Support Center & Clinic
Fair Housing Laws and Source of Income

Under Section 5-8-030 of the Chicago Fair Housing Ordinance (FHO), it is unlawful to refuse to rent, sell, lease, or otherwise deny any person or group of persons housing based on their source of income.

The Chicago FHO specifically includes Section 8 as a source of income. However, the Chicago ordinance applies only in the city and not outside the city’s corporate limits.

The Cook County Fair Housing Ordinance also prohibits discrimination based on source of income, but it specifically excludes Section 8 from coverage.

The federal Fair Housing Act, as amended (FHA), prohibits landlords, real estate agents, home sellers, banks, and other housing providers from discriminating against people based on race, color, religion, national origin, sex, familial status, and disability. Note: The federal FHA does not include separate protections for discrimination based on source of income. If, however, the discrimination based on source of income can be linked to race or some other protected class, there may be a violation of the federal law.

Can landlords require a minimum income?

A landlord may ask renters for their income and disqualify them based on the amount of their income, but a landlord cannot disqualify a renter because of the source of that income. However, it might be argued that a minimum income requirement has a discriminatory impact on a class protected under the law.

Sources of Income

The following are examples of legitimate sources of income protected under Fair Housing Laws:
- Social Security and Supplemental Security Income
- Unemployment compensation
- Alimony
- Temporary Assistance for Needy Families (TANF) or Public Aid
- Veteran’s benefits
- Pensions
- Wages
- Child support
- Housing Choice Vouchers under Section 8 (in Chicago only)
In Chicago it is illegal for landlords, among other things, to do any of the following:

- Refuse to rent to a Section 8 recipient
- Charge Section 8 recipients higher rent because the tenant receives federal housing assistance
- Advertise that they do not rent to Section 8 recipients
- Refuse to show a property to prospective renters because they are Section 8 recipients
- Stall processing paperwork because the tenant is a Section 8 recipient
- Refuse to make repairs in a timely manner because the unit is rented to a Section 8 recipient

**Warning Signs**

The following statements are warning signs that a landlord may discriminate based on the source of your income:

- “We don’t take people with SSI.”
- “Two years of steady employment is required.”
- “Each roommate has to make three times the total rent.”
- “I’ve found that people on public aid don’t fit well here.”
- “Even if you have a Section 8 voucher, you must make three times the full rent.”
- “Don’t bother applying if you don’t have a job.”

**Important Legal Notice**

Please note that there is a 180-day statute of limitations for filing a discrimination claim under the Chicago FHO. The time is longer under the federal FHA. If a lawsuit is not filed in a timely manner, you will not be able to obtain any relief.

*If you think you may have a discrimination claim, it is important to act right away.*
The John Marshall Law School Fair Housing Legal Support Center & Clinic

The John Marshall Law School Fair Housing Legal Support Center was established in 1992. The Center educates and trains the public on fair housing law and provides legal assistance to those private and public organizations and persons seeking to eliminate discriminatory housing practices.

The Clinic is devoted exclusively to fair housing training and enforcement. Its unique nature allows it to assist persons in receiving and retaining the housing of their choice, thereby building and strengthening neighborhoods and communities.

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