

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

AB 282 (Pellerin)
Version: April 10, 2025
Hearing Date: July 15, 2025
Fiscal: Yes
Urgency: No
ID

SUBJECT

Discrimination: housing: source of income

DIGEST

This bill exempts from the prohibition against discrimination on the basis of source of income in the provision of housing accommodations policies or preferences that favor an applicant for housing or a tenant who qualifies for or participates in federal, state, or local housing subsidy programs.

EXECUTIVE SUMMARY

California's anti-discrimination law, the Fair Employment and Housing Act (FEHA), prohibits discrimination in housing accommodations on the basis of race, color, religion, sex, gender, gender identity or expression, sexual orientation, marital status, national origin, ancestry, familial status, disability, veteran or military status, genetic information, or source of income. In 2019, the Legislature passed SB 329 (Mitchell, Ch. 600, Stats. 2019) to clarify that source of income includes "verifiable income paid directly to a tenant or to a representative of a tenant, or paid to a housing owner or landlord on behalf of the tenant, including federal, state, or local public assistance" or housing subsidies. To allow housing providers to create preferences for those who receive housing subsidies like federal housing vouchers, AB 282 would exempt from the prohibition against housing discrimination on the basis of source of income any policies or preferences in favor of an applicant or tenant who qualifies for or receives a federal, state, or local housing subsidy program.

AB 282 is sponsored by the Housing Authority of the County of Santa Cruz, and is supported by the AARP, a number of housing organizations and agencies, and a number of cities. It is opposed by the San Diego Housing Commission.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Prohibits the owner of any housing accommodation from discriminating against, or harassing, any person because of the race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source of income, disability, veteran or military status, or genetic information of that person. (Gov. Code § 12955(a).)
- 2) Prohibits an owner of any housing accommodation to make or cause to be made any written or oral inquiry concerning the race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, disability, veteran or military status, or genetic information of any person seeking to purchase, rent, or lease any housing accommodation. (Gov. Code § 12955(b).)
- 3) Makes it unlawful to print or publish any notice, statement, or advertisement for the sale or rental of housing that indicates any preference or limitation, or an intention to make that preference, limitation, or discrimination, based on race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source of income, disability, veteran or military status, or genetic information. (Gov. Code § 12955(c).)
- 4) Prohibits the owner of housing accommodations to retaliate against any person in the sale or rental of housing accommodations by harassment, eviction, or discrimination because the person has opposed the unlawful practices described above, has informed law enforcement agencies of practices believed to be unlawful, testified or assisted in any proceeding, or has aided or encouraged a person to exercise or enjoy the rights secured by the above provisions. (Gov. Code § 12955(f).)
- 5) Prohibits making unavailable or denying a dwelling based on discrimination due to a person's race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, familial status, source of income, disability, genetic information, veteran or military status, or national origin. (Gov. Code § 12955(k).)
- 6) Makes it unlawful, in instances where there is a government rent subsidy, to do the following:
 - a) use a financial or income standard in assessing eligibility for the rental of housing that is not based on the portion of the rent to be paid by the tenant; or
 - b) use a person's credit history as part of the application process for a rental accommodation without offering the applicant the option, at the applicant's discretion, of providing lawful, verifiable alternative evidence of the applicant's reasonable ability to pay the portion of the rent to be paid by the tenant,

including, but not limited to, government benefit payments, pay records, and bank statements. (Gov. Code § 12955(o).)

- 7) Specifies that the prohibitions in (5) do not limit the ability of the owner of a housing accommodation to request information or documentation to verify employment, to request landlord references, or to verify the identity of a person. (Gov. Code § 12955(o).)
- 8) Defines “source of income,” for purposes of the above, to mean lawful, verifiable income paid directly to a tenant, or to a representative of a tenant, or paid to a housing owner or landlord on behalf of a tenant, including any local, state, or federal housing subsidies, as specified. (Gov. Code § 12955(p)(1).)
- 9) Provides, that for purposes of the above, it shall not constitute discrimination based on source of income to make a written or oral inquiry concerning the level or source of income. (Gov. Code § 12955(p)(2).)

This bill specifies that it shall not constitute discrimination on the basis of source of income to establish policies or preferences in favor of an applicant or tenant who qualifies for or participates in federal, state, or local housing subsidy programs, including, but not limited to, federal housing assistance vouchers issued under Section 8 of the federal Housing Act of 1937.

COMMENTS

1. Author’s statement

According to the author:

The Housing Choice Voucher (HCV) Program is a vital tool for low-income families seeking stable housing, yet many continue to face barriers in the private rental market. This includes blatant refusal from some landlords to rent units to tenants with a voucher. While landmark legislation in 2019 sought to eliminate discrimination based on source of income, it unintentionally prohibited preferences that could benefit voucher holders. AB 282 seeks to clarify the law by allowing housing providers to prioritize tenants with rental assistance, expanding housing opportunities for low-income families.

2. The Fair Employment and Housing Act and anti-discrimination law in housing

California’s anti-discrimination law, the Fair Employment and Housing Act (FEHA), prohibits discrimination in housing accommodations on the basis of race, color, religion, sex, gender, gender identity or expression, sexual orientation, marital status, national origin, ancestry, familial status, disability, veteran or military status, genetic

information, or source of income. (Gov. Code § 12955.) Under FEHA, a provider of housing may not deny housing to someone based on discrimination under these protected characteristics. (Gov. Code § 12955(k).) This prohibition against discrimination also includes prohibitions on making any written or oral inquiry concerning a potential homebuyer or renter's identity with regards to the protected characteristics, and prohibitions on making or publishing a notice, statement, or advertisement regarding the sale or rental of housing that indicates a preference on any of the protected characteristics. (Gov. Code § 12955(b)-(c).) Additionally, an owner of housing may not harass, evict, or otherwise discriminate against a person in the renting of housing as retaliation against the person for asserting these anti-discrimination protections. (Gov. Code § 12955(f).)

As mentioned, this prohibition against discrimination in housing includes discrimination on the basis of "source of income." Inquiring about a person's level or source of income is not considered discrimination on the basis of source of income. (Gov. Code § 12955(p)(2).) Prior to 2020, source of income was defined as income "paid directly to the tenant or paid to a representative of a tenant." (Gov. Code § 12955(p)(pre-2020).) In 2019, the Legislature passed SB 329 (Mitchell, Ch. 600, Stats. 2019) to clarify that source of income includes "verifiable income paid directly to a tenant or to a representative of a tenant, or paid to a housing owner or landlord on behalf of the tenant, including federal, state, or local public assistance" or housing subsidies. (Gov. Code § 12955(p)(1).) This change was meant to ensure that landlords could not discriminate against tenants or potential tenants on the basis that the tenants were receiving federal housing assistance (housing vouchers), or any other type of assistance. Prior to the passage of SB 329, the definition of source of income had been interpreted by the courts to exclude housing assistance, as that assistance was often not paid to the tenant, but rather directly to the landlord. Historically, recipients of housing vouchers and rental assistance have experienced considerable discrimination and difficulty finding housing.

3. AB 282 would exclude from housing discrimination any preferences for recipients of housing assistance

AB 282 amends FEHA to specify that it does not constitute discrimination on the basis of source of income to establish policies or preferences in favor of an applicant who qualifies for, or participates in federal, state, or local housing subsidy programs, including, but not limited to, federal housing assistance vouchers issued under Section 8 of the federal Housing Act of 1937.

Housing vouchers under Section 8 of the Housing Act of 1937 have specific requirements, and there is a limited availability of such vouchers. To be eligible, housing applicants must meet certain requirements: they must meet certain family income requirements for their household size and their area; the head of the household must have a valid social security number; applicants must be a U.S. citizen or hold a

certain immigration status; and applicants must not have committed certain crimes. While income level and thus level of need is one eligibility requirement, it is not the only one. Thus, any law that provides preferences to those who receive housing vouchers may risk disadvantaging or making housing harder for those who do not meet the eligibility requirements for housing vouchers, even if they are sufficiently low-income and have a need for affordable housing. The general concept of anti-discrimination laws is that two groups of individuals differentiated by an important or immutable characteristic should be treated the same. When the state decides to prioritize one group over another, the concept of anti-discrimination is frustrated. By permitting discrimination on the basis of whether someone has a housing voucher, AB 282 would be permitting the prioritization of a low-income individual who qualifies for a voucher over a low-income individual who does not qualify for one reason or another. While ensuring that housing voucher recipients can obtain housing and combating the historic discrimination that housing voucher recipients face are both important goals, any laws that change or lessen the state's anti-discrimination laws should be carefully considered for their potential unintended consequences.

4. Amendments

The author and opposition have agreed to amendments that will address opposition concerns to the bill. A mock-up of the amendments is attached at the end of this analysis.

5. Arguments in support

According to the California Housing Partnership, which supports AB 282:

The enactment of source of income discrimination protections was intended to ensure that all property owners accept Housing Choice Vouchers and similar subsidies. It was not intended to prevent owners from marketing to and prioritizing voucher and subsidy holders. Prioritizing Housing Choice Vouchers and other rental subsidies can help owners finance critical affordable housing and should be explicitly allowed. AB 282 provides that helpful clarification.

6. Arguments in opposition

According to the San Diego Housing Commission, which is opposed to AB 282:

The San Diego Housing Commission (SDHC) is concerned about potential unintended consequences of new language introduced in Assembly Bill 282 (AB 282), which proposes amendments to California's Fair Employment and Housing Act (FEHA) that allows landlords to establish preference policies for recipients of rental assistance. Instead of expanding housing opportunities, this language opens the door for landlords to further discriminate against low-income

households that are not participants in the very limited federal, state, or local rental assistance programs and would reduce the number of deed-restricted units made available exclusively for unassisted low-income households.

While we fully support the goal of ensuring housing equity for all Californians, we also have concerns that certain elements of AB 282 raise legal and operational concerns due to their potential misalignment with the federal Fair Housing Act (FHA), and federal regulatory frameworks administered by the U.S. Department of Housing and Urban Development (HUD), creating a substantial risk of legal challenges under the Supremacy Clause of the U.S. Constitution (U.S. Const., art. VI, cl. 2).

In California, housing discrimination based on source of income has been prohibited for many years. Until recently, this definition excluded rental assistance and other housing subsidy payments, such as Housing Choice Vouchers, which meant that housing providers were legally permitted to refuse to rent to participants of the programs.

In 2019, Senate Bill 329 (SB 329) was passed, revising the definition of “source of income” to include housing subsidies and thereby prohibiting discrimination based on participation in such a program. SDHC was proud to support SB 329, which passed with the explicit intent to create more housing opportunities and make it easier for participants of rental assistance programs to secure a place to call home.

While well-intentioned, we are concerned the bill’s approach may create tension with the FHA’s goal of ensuring neutral treatment of all lawful sources of income. By formally permitting preferential treatment for subsidized tenants, AB 282 arguably disadvantages other low-income individuals without such assistance, raising questions about whether the law creates unequal access to housing opportunities based on subsidy status. SDHC provides nearly 17,000 households with ongoing monthly rental subsidy; however, more than 71,000 households are on our rental assistance waiting list, which continues to grow.

With the lack of certainty regarding appropriations for federal voucher programs, we are also concerned that any changes to federal voucher policies could potentially add further risk or uncertainty to an already unclear fiscal and regulatory environment.

In conclusion, while AB 282 seeks to address critical housing inequities, we urge the Legislature to carefully consider its potential to create legal uncertainty for landlords and public agencies due to its divergence from federal standards. We respectfully recommend that the bill be revised to avoid potential preemption

conflicts, clarify enforcement mechanisms, and ensure that tenant protections are both equitable and consistent with existing legal frameworks.

SUPPORT

Housing Authority of the County of Santa Cruz (sponsor)

AARP

Aids Healthcare Foundation

Association of Regional Center Agencies

California Alliance for Retired Americans

California Housing Partnership

City of Alameda

County of Santa Clara

East Bay Housing Organizations

Housing California

LeadingAge California

Linc Housing

Orange; County of

Resources for Community Development

Southern California Association of Nonprofit Housing

OPPOSITION

San Diego Housing Commission

RELATED LEGISLATION

Pending Legislation: AB 474 (Ward, 2025) among other things, expands an exception to the prohibition on discrimination in refusing to rent or lease a portion of an owner-occupied single-family house to include when up to two tenants are living within the household. AB 474 is currently pending before the Senate Appropriations Committee.

Prior Legislation:

SB 329 (Mitchell, Ch. 600, Stats. 2019) defined “source of income” for the purposes of anti-discrimination law in housing accommodations as “verifiable income paid directly to a tenant or to a representative of a tenant, or paid to a housing owner or landlord on behalf of a tenant, including federal, state, or local public assistance and housing subsidies, and specified that, for the purposes of those provisions, a housing owner or landlord is not considered a representative of the tenant.

AB 1660 (Alejo, Ch. 452, Stats. 2014) specified that discrimination on the basis of national origin includes discrimination on the basis of a specified California driver’s license that may indicate the individual’s immigration status.

PRIOR VOTES:

Assembly Floor (Ayes 53, Noes 13)

Assembly Appropriations Committee (Ayes 11, Noes 4)

Assembly Judiciary Committee (Ayes 9, Noes 3)

Assembly Housing and Community Development Committee (Ayes 8, Noes 2)

Mock-up of Amendments for AB-282 (Pellerin (A))

(Amendments may be subject to technical corrections by Legislative Counsel)

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 12955 of the Government Code is amended to read:

12955. It shall be unlawful:

(a) For the owner of any housing accommodation to discriminate against or harass any person because of the race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source of income, disability, veteran or military status, or genetic information of that person.

(b) For the owner of any housing accommodation to make or to cause to be made any written or oral inquiry concerning the race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, disability, veteran or military status, or genetic information of any person seeking to purchase, rent, or lease any housing accommodation.

(c) For any person to make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a housing accommodation that indicates any preference, limitation, or discrimination based on race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source of income, disability, veteran or military status, or genetic information or an intention to make that preference, limitation, or discrimination.

(d) For any person subject to the provisions of Section 51 of the Civil Code, as that section applies to housing accommodations, to discriminate against any person on the basis of sex, gender, gender identity, gender expression, sexual orientation, color, race, religion, ancestry, national origin, familial status, marital status, disability, genetic information, source of income, veteran or military status, or on any other basis prohibited by that section. Selection preferences based on age, imposed in connection with a federally approved housing program, do not constitute age discrimination in housing.

(e) For any person, bank, mortgage company, or other financial institution that provides financial assistance for the purchase, refinance, organization, or construction of any housing accommodation to discriminate against any person or group of persons

because of the race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source of income, disability, veteran or military status, or genetic information in the terms, conditions, or privileges relating to the obtaining or use of that financial assistance.

(f) For any owner of housing accommodations to harass, evict, or otherwise discriminate against any person in the sale or rental of housing accommodations when the owner's dominant purpose is retaliation against a person who has opposed practices unlawful under this section, informed law enforcement agencies of practices believed unlawful under this section, has testified or assisted in any proceeding under this part, or has aided or encouraged a person to exercise or enjoy the rights secured by this part. Nothing herein is intended to cause or permit the delay of an unlawful detainer action.

(g) For any person to aid, abet, incite, compel, or coerce the doing of any of the acts or practices declared unlawful in this section, or to attempt to do so.

(h) For any person, for profit, to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, ancestry, disability, genetic information, source of income, familial status, veteran or military status, or national origin.

(i) (1) For any person or other organization or entity whose business involves real estate-related transactions to discriminate against any person in making available a transaction, or in the terms and conditions of a transaction, because of race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, source of income, familial status, disability, veteran or military status, or genetic information.

(2) For any person or other entity whose business includes performing appraisals, as defined in subdivision (b) of Section 11302 of the Business and Professions Code, of residential real property to discriminate against any person in making available those services, or in the performance of those services, because of race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, familial status, source of income, disability, genetic information, veteran or military status, or national origin.

(j) To deny a person access to, or membership or participation in, a multiple listing service, real estate brokerage organization, or other service because of race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, ancestry, disability, genetic information, familial status, source of income, veteran or military status, or national origin.

(k) To otherwise make unavailable or deny a dwelling based on discrimination because of race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, familial status, source of income, disability, genetic information, veteran or military status, or national origin.

(l) To discriminate through public or private land use practices, decisions, and authorizations because of race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, familial status, marital status, disability, genetic information, national origin, source of income, veteran or military status, or ancestry. Discrimination includes, but is not limited to, restrictive covenants, zoning laws, denials of use permits, and other actions authorized under the Planning and Zoning Law (Title 7 (commencing with Section 65000)), that make housing opportunities unavailable.

Discrimination under this subdivision also includes the existence of a restrictive covenant, regardless of whether accompanied by a statement that the restrictive covenant is repealed or void.

(m) As used in this section, “race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source of income, disability, veteran or military status, or genetic information,” includes a perception that the person has any of those characteristics or that the person is associated with a person who has, or is perceived to have, any of those characteristics.

(n) To use a financial or income standard in the rental of housing that fails to account for the aggregate income of persons residing together or proposing to reside together on the same basis as the aggregate income of married persons residing together or proposing to reside together.

(o) (1) In instances in which there is a government rent subsidy, to do either of the following:

(A) Use a financial or income standard in assessing eligibility for the rental of housing that is not based on the portion of the rent to be paid by the tenant.

(B) (i) Use a person’s credit history as part of the application process for a rental accommodation without offering the applicant the option, at the applicant’s discretion, of providing lawful, verifiable alternative evidence of the applicant’s reasonable ability to pay the portion of the rent to be paid by the tenant, including, but not limited to, government benefit payments, pay records, and bank statements.

(ii) If the applicant elects to provide lawful, verifiable alternative evidence of the applicant’s reasonable ability to pay pursuant to clause (i), the housing provider shall do both of the following:

(I) Provide the applicant reasonable time to respond with that alternative evidence.

(II) Reasonably consider that alternative evidence in lieu of the person's credit history in determining whether to offer the rental accommodation to the applicant.

(2) This subdivision does not limit the ability of the owner of a housing accommodation to request information or documentation to verify employment, to request landlord references, or to verify the identity of a person.

(p) (1) For the purposes of this section, "source of income" means lawful, verifiable income paid directly to a tenant, or to a representative of a tenant, or paid to a housing owner or landlord on behalf of a tenant, including federal, state, or local public assistance, and federal, state, or local housing subsidies, including, but not limited to, federal housing assistance vouchers issued under Section 8 of the United States Housing Act of 1937 (42 U.S.C. Sec. 1437f). "Source of income" includes a federal Department of Housing and Urban Development Veterans Affairs Supportive Housing voucher. For the purposes of this section, a housing owner or landlord is not considered a representative of a tenant unless the source of income is a federal Department of Housing and Urban Development Veterans Affairs Supportive Housing voucher.

(2) For the purposes of this section, it shall not constitute discrimination based on source of income to do either of the following:

(A) Make a written or oral inquiry concerning the level or source of income.

(B) For a local jurisdiction, public housing authority or affiliate, public agency or limited or general partnership in which a public housing authority is a partner, to establish ~~Establish~~ policies or preferences in favor of an applicant or tenant who qualifies for or participates in federal, state, or local housing subsidy programs, including, but not limited to, federal housing assistance vouchers issued under Section 8 of the United States Housing Act of 1937 (42 U.S.C. Sec. 1437f).