

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2021-2022 Regular Session

SB 1335 (Eggman)
Version: February 18, 2022
Hearing Date: April 19, 2022
Fiscal: Yes
Urgency: No
TSG

SUBJECT

Discrimination: housing: credit history of persons receiving housing subsidies

DIGEST

This bill prohibits housing-related discrimination against any person on the basis of that person's credit history if the person receives federal, state, or local housing subsidies. The bill also precludes the use of a person's credit history as part of the application process for a rental accommodation where there is a government subsidy.

EXECUTIVE SUMMARY

California confronts a well-documented homelessness crisis driven in large measure by a severe shortage of affordable housing. Government subsidized housing – in which tenants typically pay 30 percent of their income and the government covers the rest -- represents a potential pathway to stable housing for some low-income Californians, but even low-income tenants fortunate enough to make it off the wait lists frequently encounter another insurmountable barrier: having bad credit or no credit history at all. Based on the idea that credit history is a poor indicator of a person's ability to pay rent, especially when a government subsidy will be covering the majority of it, this bill would make it an unlawful housing practice for landlords to consider credit history when evaluating the rental application of a tenant when there is a government subsidy involved. More broadly, the bill would prohibit housing-related discrimination against any person on the basis of that person's credit history if the person receives a federal, state, or local housing subsidy.

The bill is author-sponsored. Support comes from a health care foundation, who contends that preventing tenants with poor credit from accessing subsidized housing aggravates homelessness by unnecessarily preventing low-income people from obtaining stable housing. Opposition comes from landlord trade associations, who maintain that credit history is an important, efficient, and relevant tenant screening tool even in the context of subsidized housing. If the bill passes out of this Committee, it will next be heard by the Senate Appropriations Committee.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Authorizes housing assistance payments, as part of the U.S. Housing Act of 1937, “[f]or the purpose of aiding low-income families in obtaining a decent place to live and of promoting economically mixed housing.” (42 U.S.C. § 1437f(a).)
- 2) Prohibits various specified forms of housing discrimination, as part of the California Fair Employment and Housing Act (FEHA), on the basis of protected categories including 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, whether actual or perceived. (Gov. Code § 12955(a)-(e), (h), (i), (k), and (l).)
- 3) Limits a landlord’s use of financial or income standards to assess the eligibility of a prospective tenant to that portion of the rent in that is to be paid by the tenant, in instances where a government subsidy is involved. (Gov. Code § 12955(o).)

This bill:

- 1) Makes it unlawful to do any of the following in relation to a person who receives federal, state, or local housing subsidies:
 - a) For the owner of any housing accommodation to discriminate against or harass the person based on their credit history.
 - b) For the owner of any housing accommodation to make or to cause to be made any written or oral inquiry concerning the credit history of the person if the person is seeking to purchase, rent, or lease a 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 credit history of the person or an intention to make that preference, limitation, or discrimination.
 - d) For any person subject to the provisions of the Unruh Act, as that law applies to housing accommodations, to discriminate against any person on the basis of that person’s credit history.
 - e) For any person, bank, mortgage company, or other financial institution that provides financial assistance for the purchase, refinancing, organization, or construction of any housing accommodation to discriminate against the person or group of persons because of their credit history in the terms, conditions, or privileges relating to the obtaining or use of that financial assistance.
 - f) For any person, for profit, to induce another person to sell or rent any dwelling using representations regarding the entry or prospective entry into the neighborhood of a person or persons with a type of credit history.

- g) For any person or other organization or entity whose business involves real estate-related transactions to discriminate against the person in making available a transaction, or in the terms and conditions of a transaction, because of the person's credit history.
 - h) For any person or other entity whose business includes performing appraisals, as defined, of residential real property to discriminate against the person in making available those services, or in the performance of those services, because of the credit history of the person.
 - i) To otherwise make unavailable or deny a dwelling because of the credit history of the person.
 - j) To discriminate through public or private land use practices, decisions, and authorizations because of the credit history of the person.
- 2) Prohibits the use of a person's credit history as part of the application process for a rental accommodation in instances where there is a government rent subsidy.

COMMENTS

1. The problem the bill is intended to address

The evidence suggests that subsidized housing is among the most effective tools for addressing homelessness. A 2015 U.S. Department of Housing and Urban Development study concluded that, of several alternative methods for addressing family homelessness, subsidized housing vouchers are the most successful.¹ The study tracked families for 18 months after the respective housing interventions. According to a synopsis of the study:

Compared to families in homeless shelters that received no extra help under the study, families given vouchers were:

- 56 percent less likely to experience another episode of homelessness;
- 55 percent less likely to report incidents of domestic violence; and
- 42 percent less likely to have their children placed in foster care or temporarily housed with other family members.

Families with vouchers also had 16 percent fewer absences from school or child care for their children.

¹ Gubits et al, *Family Options Study: Short-Term Impacts of Housing and Services Interventions for Homeless Families* (July 2015) U.S. Department of Housing and Urban Development https://www.huduser.gov/portal/sites/default/files/pdf/FamilyOptionsStudy_final.pdf (as of Apr. 4, 2019) at p. XXX.

The other forms of assistance tested, community-based rapid re-housing and project-based transitional housing, had few significant effects on homelessness and only scattered effects on other outcomes.²

These conclusions are consistent with other research that has shown housing vouchers to be an effective way to address homelessness and its consequences.³

Several factors have limited the effectiveness of subsidized housing as a tool for fighting homelessness, however. One of those factors, the fact that many landlords refused even to consider tenants if they had vouchers, was the target of SB 329 (Mitchell, Ch. 600, Stats. 2019), which expanded FEHA's definition of "source-of-income" to prohibit such discrimination. Still, other factors remain. First, demand for housing assistance vouchers far exceeds the supply. The Section 8 waiting lists in many cities are notoriously long. In 2017, for example, the Los Angeles' Public Housing Authority estimated that it would take 11 years from the time an Angeleno signed up for Section 8 until the person actually received a voucher.⁴ A second factor is the high cost of finding and applying for housing, both in terms of time and money.⁵

Finally, many landlords insist upon checking applicant's credit histories, regardless of whether most of the tenant's rent will be paid by government subsidy or not. For some of the same reasons that they qualify for the housing subsidy in the first place, low-income households also frequently have bad credit or simply no credit history at all. As a result, although the housing subsidy might very well ensure that the household would regularly pay the rent on time and in full, their credit histories prevent these households from ever getting their foot in the door in the first place. It is this last factor that this bill is designed to address.

As the author describes the impetus for the bill, "[f]eedback from social workers working with people experiencing homelessness indicated that they were not successfully finding people stable housing, even when they had vouchers, because of

² Rice, *Major Study: Housing Vouchers Most Effective Tool to End Family Homelessness* (July 14, 2015) Center on Budget and Policy Priorities <https://www.cbpp.org/blog/major-study-housing-vouchers-most-effective-tool-to-end-family-homelessness> (as of Mar. 28, 2022).

³ Fischer, *Research Shows Housing Vouchers Reduce Hardship and Provide Platform for Long-Term Gains Among Children* (Oct. 7, 2015) Center on Budget and Policy Priorities <https://www.cbpp.org/research/research-shows-housing-vouchers-reduce-hardship-and-provide-platform-for-long-term-gains> (as of Mar. 28, 2022).

⁴ Wick, *The Waiting List For Section 8 Vouchers In L.A. Is 11 Years Long* (Apr. 4, 2017) LAist https://laist.com/2017/04/04/section_8_waiting_list.php (as of Mar. 28, 2022).

⁵ Galvez, "Getting Past 'No': Housing Choice Voucher Holders Experiences with Discrimination and Search Costs (May 2010) Poverty and Race Research Action Council <http://www.prrac.org/pdf/GettingPastNo.pdf>, pp. 10-15 (as of Mar. 27, 2022). Permission to cite on file with the Committee.

poor or no credit.” Upon further investigation, the author’s office found that “this is an issue across the state and the nation.”

2. The solution proposed by this bill

To ensure that bad credit history or the lack of a credit history do not act as a barrier to prevent tenants with government subsidies from accessing stable rental housing, this bill would prohibit landlords from discriminating against anyone with a government rent subsidy based on that person’s credit history. The most obvious result would be to prohibit landlords from screening out tenants with housing vouchers based on their credit scores, but the bill in print has broader implications as well. Indeed, the bill explicitly bars such screening. By contrast, existing law allows landlords to take tenant’s credit history into account when deciding whether or not to rent to them, whether or not the tenant has a housing subsidy.

This bill sweeps further than just tenant screening, however. As discussed further in Comment 5, the bill also prohibits housing providers from discriminating against recipients of government housing subsidies based on their credit history in relation to many other aspects of housing, including things like home loans and appraisals.

3. Is credit history a meaningful indicator of rent payment reliability?

It is largely undisputed that the use of credit history as a tool for screening tenants acts as a barrier to obtaining rental housing for people who have bad credit or no credit history at all. That is the point, after all. At a time when there is a drastic shortage of affordable rental housing available, however, making it more difficult for people with bad or no credit to obtain stable housing only further marginalizes them financially.

Given this dynamic, two key policy questions presented by this bill are: do the benefits of allowing landlords to screen tenants based on credit history outweigh its costs? If so, does that conclusion still hold true in situations where much of the tenant’s rent payment will be subsidized by the government?

The author of this bill contends that, for several reasons, credit history is not indicative of the likelihood that people will pay their rent and there is some research that supports this view.

As an initial matter, credit history is exactly what it says it is: history. It is an indication of the tenant’s ability to pay in the past, which may or may not hold true in the present. Other, more current financial documentation – current pay check stubs or bank balances, for instance – may provide a better picture of current ability to pay. The relevance of former ability to pay to current ability to pay is especially tenuous if the tenant has just obtained a government housing subsidy, since that is likely to dramatically and sustainably improve the tenant’s financial situation.

Next, the author points out that credit history information, as reflected in credit scores and the credit reports available commercially from entities like Experian, Equifax, and TransUnion, can sometimes be erroneous.⁶ Identify theft, misidentification of a debtor, or typographical mistakes can call cause a person's credit report and score to reflect inaccurately on the person's actual history of payment. There is a statutorily-mandated system through which consumers can challenge erroneous information in their credit reports (Civ. Code § 1789.15), but to make such a challenge, the consumer has to know about the error in the first place and work through the necessary bureaucracy to get it fixed. For people already confronting housing instability, this may be a lot to expect.

Finally, there is at least anecdotal evidence that, in some cases at least, bad consumer credit history may actually indicate that the person prioritizes paying the rent. Unlike most other consumer financial transactions, rent payments are not usually reported as part of people's credit history. So, while complete and on time payments of other bills will boost a person's credit score, reliably paying the rent typically does not. In households where "the rent eats first," as the saying goes, tenants may deliberately choose not to pay other bills in order to ensure the rent gets paid. In such cases, the resulting bad credit history is the direct result of being careful to pay the rent.⁷

4. What kinds of financial screening would still be available to landlords?

In weighing the policy implications of this bill, it is worth bearing in mind that, while the bill would prohibit consideration of credit history when evaluating a potential tenant with a government housing subsidy, landlords would still be able to conduct an assessment of the prospective tenant's reliability and ability to pay. For example, nothing in the bill would prevent a landlord from requesting to examine the prospective tenant's tax returns, pay stubs, or bank account balances. Similarly, the landlord would still be perfectly free to seek references from employers or previous landlords. By the same token, nothing would stop a landlord from insisting that the tenant obtain a co-signor on the lease or from demanding additional security deposits, subject only to the statutory maximums. (Civ. Code § 1950.5.)

5. Scope of the bill extends beyond just rental housing

This is one of two bills introduced this session that attempt to prohibit housing discrimination on the basis of credit history in the context of subsidized housing. The other bill is AB 2203 (Rivas, 2022).

⁶ See, eg., Gill. *More Than a Third of Volunteers in a Consumer Reports Study Found Errors in Their Credit Reports* (Jun. 11, 2021) Consumer Reports <https://www.consumerreports.org/credit-scores-reports/consumers-found-errors-in-their-credit-reports-a6996937910/> (as of Mar. 28, 2022).

⁷ Galvez, "Getting Past 'No': Housing Choice Voucher Holders Experiences with Discrimination and Search Costs" (May 2010) Poverty and Race Research Action Council <http://www.prrac.org/pdf/GettingPastNo.pdf>, p. 2 (as of Mar. 27, 2022). Permission to cite on file with the Committee.

At this stage in the legislative process, the main difference between the two bills is how expansively they are drafted. AB 2203 hones in on the heart of the issue: preventing landlords from screening out tenants based on their credit scores in instances where there is a government rent subsidy involved. AB 2203 does this by focusing its attention quite narrowly on subdivision (o) of Civil Code Section, which addresses “instances where there is a government rent subsidy.”

This bill, by contrast, takes nearly all of the prohibited actions set forth in Civil Code Section 12955’s subdivisions and extends each so that it also prevents the same action in relation to someone’s credit history, if that person is the recipient of a government housing subsidy. This approach has the virtue of being more comprehensive than AB 2203. For example, this bill addresses advertising for housing, which is the point at which many prospective tenants might simply give up on a housing opportunity before even reaching the landlord’s screening process.

On the other hand, the extent of the bill’s scope could be questioned when contrasted against the problem that the author seeks to address. There is a solid policy argument that landlords should not consider the credit history of a prospective tenant when the government will be subsidizing the rental payments, but should a bank be prohibited from considering the credit history of that same tenant when that tenant comes in to apply for a home loan to purchase a house? If the subsidy applies to rent, not mortgage payments, presumably the answer is no.

Given the author’s primary aim to address situations in which credit check requirements prevent subsidized tenants from obtaining rental housing, the author proposes to offer amendments in Committee that slim down the bill to modify just those provisions that most directly relate to that goal.

6. Seeking a way to give subsidized tenants with poor credit history a chance to access housing

The thrust of the author’s intent is to ensure that tenants who have a government rent subsidy are not prevented from accessing rental housing based on their credit history alone. To minimize the burden on landlords, while still giving tenants with a rent subsidy the opportunity to be evaluated in light of more than just their credit history, the author proposes to revise the bill’s structure. Rather than prohibit landlords from requesting credit history from applicants with a subsidy, the revised bill allows landlords to request credit history from any applicant, but requires the landlord to accept alternative evidence of the applicant’s financial responsibility and ability to pay if an applicant with a government subsidy elects to provide such evidence in lieu of credit history.

Under this approach, the tenant with the housing subsidy is empowered to choose whether to submit alternative evidence of financial responsibility and ability to pay to

the landlord. The tenant with the housing subsidy also gets to decide what alternative evidence to present, eliminating concerns that the process could lead to a fishing expedition through the applicant's financial records. The landlord's obligation would be to accept this evidence in lieu of credit history. In other words, so long as the applicant offers some alternative evidence of financial responsibility and ability to pay, the landlord could not reject that applicant for failure to provide a credit history. How the landlord chooses to evaluate this alternative evidence and what weight the landlord chooses to give that evidence would remain in the landlord's discretion, however. The idea is to give tenants with a housing subsidy the opportunity to have their applications to rent evaluated on the basis of something other than credit history.

7. Proposed amendments

As discussed further in the Comments, above, the author proposes to incorporate amendments into the bill that would:

- narrow the scope of the bill so that it extends only to applications for rental housing; and
- authorize landlords to continue to ask for credit history information from all rental applicants but specify that a tenant with a government rent subsidy must be allowed to submit alternative evidence of financial responsibility and ability to pay.

A mock-up of the amendments in context is attached to this analysis.

8. Arguments in support of the bill

According to the author:

Housing continues to be one of the top issues that Californians face. Shelter is fundamental, and when it becomes unstable or undependable, receiving a housing voucher after waiting four to five years on a wait list can seem like a panacea. However, with a 60 day time limit, those with poor credit are unlikely to find housing – creating a cycle of instability that can keep families in at-risk situations. Currently, credit scores are used by property owners to determine if someone might be a good tenant. However, research shows that credit scores can be sensitive, imperfect algorithms that make mistakes. In fact, studies have shown that credit scores are often low because families have prioritized paying their rent over other bills. When families receive housing vouchers, risk of nonpayment is greatly diminished. Still, poor credit scores, which are meant to be a measure of financial risk, are one of the top reasons individuals with housing vouchers are denied housing over other applicants. This bill will prohibit property owners from using credit scores as a way to determine suitability for a rental

when the potential tenant will be using federal or state vouchers to pay their rent.

In support, the AIDS Healthcare Foundation writes:

Low-income Californians are already in a precarious situation when it comes to finding and affording a rental housing unit. [...] At the same time, tenants face greater financial scrutiny from some landlords who do what they can to discriminate against lower income Californians. This includes requiring an applicant to submit a consumer credit report, allowing the landlord to use that information against the tenant even if the tenant is the beneficiary of government rental subsidy. [...] The state and federal governments have a number of tools at their disposal to reduce the housing challenges that low-income Californians face. Those tools can be circumvented when landlords find other ways to disadvantage those who are in greatest need of housing. SB 1335 effectively seeks to curtail those practices.

9. Arguments in opposition to the bill

For example, in opposition to the bill, a coalition of ten landlord, realtor, and property management organizations writes:

Analyzing a credit report is not about determining whether a person is high-income or low-income. It demonstrates how an individual has managed debt in the past. It demonstrates the level of risk the individual poses to a borrower or to a rental property owner. If an individual has a history of making on-time payments and managing debt responsibly, they will likely have good credit. Unfortunately, SB 1335 will not only hurt rental property owners and their ability to determine a tenant's ability to pay, but it will also make the application process much more challenging for tenant applicants who receive a government subsidy. If an owner cannot access a credit report, the owner will, no doubt, require the tenant to provide other extensive documentation: bank records, tax records, copies of employment records, credit card bills, and other documentation that demonstrate the tenant is not overextended and can pay their portion of the rent. The owner will have no other way to understand the tenant's ability to pay.

SUPPORT

AIDS Healthcare Foundation

OPPOSITION

Building Owners and Managers Association of California
California Apartment Association
California Association of Realtors
California Building Industry Association
California Building Properties Association
California Chamber of Commerce
California Council for Affordable Housing
Institute of Real Estate Management
NAIOP of California
Western Manufactured Housing Communities Association

RELATED LEGISLATION

Pending Legislation:

AB 2203 (Rivas, 2022) prohibits requiring a consumer credit report, as defined, as part of the application process for a rental housing accommodation in instances where there is a government rent subsidy. AB 2203 is currently pending consideration before the Assembly Appropriations Committee.

AB 2527 (Quirk-Silva, 2022) prohibits landlords from using consumer credit reports or asking the tenant about the contents of a consumer credit report or the information contained therein during the rental application process. AB 2527 is currently pending consideration before the Assembly Housing and Community Development Committee.

Prior Legislation:

SB 222 (Hill, Ch. 601, Stats 2019) defined a Veterans Affairs Supportive Housing (VASH) voucher as a source of income for purposes of FEHA, thereby prohibiting landlords from discriminating against a tenant on the basis that the tenant pays part or all of the rent using a VASH voucher.

SB 329 (Mitchell, Ch. 600, Stats. 2019) expanded the definition of "source of income," a category that California's Fair Employment and Housing Act (FEHA) protects against discrimination, thus prohibiting landlords from discriminating against tenants who rely upon housing assistance paid directly to landlords, such as a Section 8 voucher, to help them pay the rent.

SB 1098 (Burton, Ch. 590, Stats. 1999) prohibited discrimination under FEHA on the basis of the failure to exclude a government rent subsidy from that portion of the rent to be paid by the tenant in assessing the tenant's eligibility for rental housing.

Amended Mock-up for 2021-2022 SB-1335 (Eggman (S))

Mock-up based on Version Number 99 - Introduced 2/18/22

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) ~~(1)~~ 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.

~~(2) For the owner of any housing accommodation to discriminate against or harass a person because of the person's credit history if the person receives 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) and United States Department of Housing and Urban Development Veterans Affairs Supportive Housing vouchers.~~

(b) ~~(1)~~ 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.

~~(2) For the owner of any housing accommodation to make or to cause to be made any written or oral inquiry concerning the credit history of a person seeking to purchase, rent, or lease a housing accommodation if the person receives 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) and United States Department of Housing and Urban Development Veterans Affairs Supportive Housing vouchers.~~

(c) ~~(1)~~ 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.

~~(2) 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 credit history of a person who receives 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) and United States Department of Housing and Urban Development Veterans Affairs Supportive Housing vouchers or an intention to make that preference, limitation, or discrimination.~~

(d) ~~(1)~~ 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.

~~(2) 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 that person's credit history if the person receives 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) and United States Department of Housing and Urban Development Veterans Affairs Supportive Housing vouchers.~~

(e) ~~(1)~~ For any person, bank, mortgage company, or other financial institution that provides financial assistance for the purchase, refinancing, 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.

~~(2) For any person, bank, mortgage company, or other financial institution that provides financial assistance for the purchase, refinancing, organization, or construction of any housing accommodation to discriminate against any person or group of persons because of their credit history in the terms, conditions, or privileges relating to the obtaining or use of that financial assistance if that person or group of persons receives 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) and United States Department of Housing and Urban Development Veterans Affairs Supportive Housing vouchers.~~

(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) ~~(1)~~ 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.

~~(2) 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 with a type of credit history if the person or persons receive 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) and United States Department of Housing and Urban Development Veterans Affairs Supportive Housing vouchers.~~

(i) (1) ~~(A)~~ 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.

~~(B) For any person or other organization or entity whose business involves real estate-related transactions to discriminate against a person who receives 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) and United States Department of Housing and Urban Development Veterans Affairs Supportive Housing vouchers, in making available a transaction, or in the terms and conditions of a transaction, because of the credit history of the housing subsidy recipient.~~

(2) ~~(A)~~ 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.

~~(B) 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 who receives 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) and United States Department of Housing and Urban Development Veterans Affairs Supportive Housing vouchers, in making available those services, or in the performance of those services, because of the credit history of the housing subsidy recipient.~~

(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) (1) 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.~~

~~(2) To otherwise make unavailable or deny a dwelling based on discrimination because of the credit history of a person who receives 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) and United States Department of Housing and Urban Development Veterans Affairs Supportive Housing vouchers.~~

(l) (1) ~~(A)~~ 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.

~~(B) To discriminate through public or private land use practices, decisions, and authorizations because of the credit history of a person who receives 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) and United States Department of Housing and Urban Development Veterans Affairs Supportive Housing vouchers.~~

(2) (A) Discrimination under this subdivision 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.

(B) 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) In instances where there is a government rent subsidy, to do either of the following:

(1) 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.

(2) 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 such alternative evidence of financial responsibility and ability to pay as the applicant may choose to submit. If the applicant elects to provide such alternative evidence of financial responsibility and ability to pay, the housing provider shall consider this alternative evidence in lieu of the person’s credit history when determining whether to offer the rental accommodation to the applicant.-

(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 make a written or oral inquiry concerning the level or source of income.