

Source of income discrimination

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Learn how it is illegal for landlords in Washington State to discriminate against tenants and rental applicants based on their source of income, and what you can do if it happens to you.

A landlord cannot deny your rental application or treat you differently from other tenants because your income comes from sources other than employment. This is called source of income discrimination and is illegal under Washington State law RCW 59.18.255 (<https://app.leg.wa.gov/rcw/default.aspx?cite=59.18.255>).

What does “source of income” mean?

Your source of income may be public benefits or a subsidy. Some of the most common types of income are:

- Federal programs, such as Veterans Disability Benefits (<https://www.va.gov/disability/>), and Social Security (including Disability (<https://www.ssa.gov/disability>) and Supplemental Security Income or SSI (<https://www.ssa.gov/ssi>))
- State programs, such as Temporary Assistance for Needy Families (TANF) (<https://www.dshs.wa.gov/esa/community-services-offices/temporary-assistance-needy-families>), and Aged, Blind and Disabled (ABD) (<https://www.dshs.wa.gov/esa/community-services-offices/aged-blind-or-disabled-cash-program>)
- Housing subsidies, such as the Section 8 Voucher program (https://www.hud.gov/topics/housing_choice_voucher_program_section_8) and Housing and Essential Needs (HEN) (<https://www.dshs.wa.gov/esa/community-services-offices/housing-and-essential-needs-referral-program>)
- Short-term rental assistance, for example from the Salvation Army, Catholic Community Services, or a Community Action Program

Other common types of income include:

- Child support and spousal support
- Pensions and other retirement plans

I'm looking for a place to rent. How does this law protect me?

A landlord cannot:

- Refuse to rent to you because of the source of your income (where the money you live on comes from)
- Cannot charge you more rent than they do someone who doesn't get benefits
- Tell you the unit is not available when it is available
- Advertise a property for rent only for tenants with certain types of income
- Advertise a property with an income restriction like "no Section 8"

I'm already renting a place. I just started getting public benefits. Does the law protect me?

Yes. Your landlord cannot treat you differently than a tenant who doesn't get public benefits. For example, the landlord cannot:

- End your lease or evict you just because you now get benefits
- Raise your rent because you now get benefits
- Move you to a different unit without your agreement

Does the law apply to all landlords?

This prohibition against source of income discrimination is part of Washington's Residential Landlord Tenant Act (RLTA) (<https://app.leg.wa.gov/rcw/default.aspx?cite=59.18.257>), which covers most situations where a residential tenant regularly pays rent to a landlord for a place to live, whether they have a verbal or written rental agreement and whether the time period is a fixed time (like 1 year) or is month to month.

Some living arrangements are not covered by the RLTA. You can read about these exemptions at RCW 59.18.040.

(<https://app.leg.wa.gov/RCW/default.aspx?cite=59.18.040>) Some common examples:

The RLTA probably does **not** apply if:

- You live and rent space in a mobile home park, but own your mobile home, manufactured home, or trailer.
- You live in an RV or trailer that you own but rent the space where it is parked.

If a tenant is renting both the mobile home and the lot, this law does apply. The landlord in this situation cannot discriminate based on the tenant's source of income.

- You get housing as part of your job and live where you work (for example, a property manager you gets an apartment as part of the job)
- You are in a medical, educational, correctional, or recreational facility
- You signed a contract to buy the place where you are living (a "rent to own" contract)
- You are a temporary agricultural worker and your employer gives you housing as part of your job
- You lease commercial space for a business.

Can landlords require a potential tenant to have a certain amount of income?

Yes. For example, sometimes a landlord may require you to have income that is double the amount of rent.

But RCW 59.18.255(3) (<https://app.leg.wa.gov/RCW/default.aspx?cite=59.18.255>) requires that the landlord subtract any source of income in the form of a rent voucher or subsidy from the total monthly rent before calculating if the income requirement has been met.

Example: Maria applies for a unit that rents for \$1800 per month. Maria has a Section 8 Voucher that would cover \$1200 of the monthly rent. The landlord must subtract \$1200 from the total amount of rent to calculate the required amount of income Maria must earn. $\$1800 - \$1200 = \$600$, so the landlord could only require Maria's income to be $\$600 \times 2$, or \$1200 per month.

For this same unit, the landlord may require someone without a voucher or subsidy to have a monthly income of \$3600 ($2 \times \1800).

I think the landlord turned down (denied) my rental application because of my source of income. What can I do?

You can take the landlord to court. If the judge agrees that the landlord illegally discriminated against you because of your source of income, you could win up to 4 ½ times the amount of the monthly rent, plus court costs and attorney's fees, under RCW 59.18.255(4) (<https://app.leg.wa.gov/rcw/default.aspx?cite=59.18.255>) . Try to get legal help if you think you've been discriminated against based on your source of income.

WashingtonLawHelp.org gives general information. It is not legal advice. Find organizations that provide free legal help on our Get legal help page.