

City of Albuquerque

Office of Civil Rights

Source of Income Discrimination: Guidance for Rentals

The **Albuquerque Human Rights Ordinance, §11-3-2 through §11-3-12**, prohibits discrimination in housing, including most rentals, based on a person's source of income. This means that starting in the Fall of 2022, a landlord cannot refuse to rent to an otherwise qualified tenant based on the tenant's lawful, verifiable source of income. Lawful, verifiable sources of income may include:

- Income from a job
- Social security or disability income
- Any federal, state, or local public assistance, including housing choice vouchers
- A pension
- Child support
- Alimony
- Any other lawful, recurring income or benefit

It is discriminatory for a landlord to:

- Refuse to rent to a tenant based on their source of income as described above. This includes refusing to complete required paperwork for a tenant for their housing vouchers.
- Offer different lease or rental terms to a tenant based on their source of income such as charging a tenant with a housing voucher a higher deposit.
- Impose different requirements on a tenant based on their source of income. For example, require a tenant with a housing voucher purchase rental insurance if rental insurance is not required for all tenants.
- Use different advertisements or other communications based on the tenant's source of income.

Examples of discrimination:

1. "No Section 8"
2. "Must be employed"

3. *“A person with a housing voucher must make 3 times the amount of rent, but a person with traditional employment must only make 2 times the amount of rent.”*

It is not discriminatory for a landlord to:

- Require application fees, deposits, check credit scores, verify criminal history, and have other criteria for tenants as long as these standards are used in the same manner for every applicant
- For a landlord to move on to another applicant if the housing quality inspection is not completed within 5 business days after the housing agency is notified that a tenant has selected a unit; or, for a landlord to move on to another tenant if the re-inspection is not completed within 5 business days of notifying the agency that repairs have been completed
- For a landlord to evict a tenant for any lawful reason
- For a landlord to charge any rental rate they deem fit
- For a landlord to increase rent after the lease ends

Exceptions

The protections against discrimination based on a tenant’s source of income do not apply to rooms or units occupied by no more than four families living independently if the owner of the rooms or units occupies one of the rooms or units as their residence.

Process

Any tenant who feels they have been discriminated against based on their source of income may file a complaint with the City of Albuquerque’s Office of Civil Rights. The Office of Civil Rights is a neutral, fact-finding agency tasked with enforcing the Albuquerque Human Rights Ordinance. For further guidance on compliance with the Human Rights Ordinance, please contact:

Phone: (505) 768-4595 or dial 311 (505-768-2000)

Email: civilrights@cabq.gov

Website: <https://www.cabq.gov/civilrights>

Address: One Civic Plaza NW 4th floor Suite 4012, by appointment