

In late-May, NAA, NMHC and the Louisville Apartment Association, along with five other affiliates filed an amicus brief asking the U.S. Supreme Court to rule whether states and localities can force community owners to participate in the federal Section 8 program by passing laws making it illegal to deny a voucher holder based on their “source of income.” This “friend of the court” brief was filed in response to a the Glenmont Hills case out of Montgomery County, Maryland where the courts ruled that a multifamily property owner in Maryland can be forced into the voluntary-participation of the federal Section 8 Housing Program through a local ordinance.

Though the petitioners believed that the Maryland case was ripe for review by the Supreme Court, on June 9 the court denied the petition to hear the case. Since the Supreme Court did not act to clarify the law, these conflicts likely will be more numerous as more states try to alter the voluntary nature of the program by passing so-called “source of income” non-discrimination laws that make community owner participation mandatory. Affiliates, who do not have these laws, should continue to be diligent in combating attempts to implement them by local and state governments.

Currently, seventeen cities, including Los Angeles, New York, Philadelphia, Seattle, St. Louis and Washington, have “source of income” anti-discrimination. Thirteen states also have such laws: California; Connecticut; Maine; Maryland; Massachusetts; Minnesota; New Jersey; North Dakota; Oklahoma; Oregon; Utah; Vermont; and Wisconsin.

Should you have any question, feel free to contact me at 703/797-0615.

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