



U.S. Department of Housing and Urban Development

Office of Public and Indian Housing

Special Attention of:

Secretary's Representatives;
Senior Community Builders;
Directors, Offices of Public Housing;
Public Housing Agencies Administering
Section 8 Programs.

Notice PIH 2001-2 (HA)

Issued: January 18, 2001

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Cross References:

Subject: Prohibition of Discrimination Against Families with Housing Choice Vouchers by Owners of Low-Income Housing Tax Credit and HOME Developments

Purpose: The purpose of this Notice is to remind interested parties of federal laws that prohibit discrimination against housing choice voucher-holders by owners of Low-Income Housing Tax Credit and HOME developments. This Notice only covers discrimination because of a family's participation in the Housing Choice Voucher program; it does not cover discrimination on the basis of race, ethnicity or other grounds covered by the Fair Housing Act and other civil rights laws and regulations.

Scope and Applicability: This Notice applies to the Housing Choice Voucher Program under Section 8 of the U. S. Housing Act of 1937 (42 U.S.C. 1437f(o)).

Background: Federal laws prohibit owners of Low-Income Housing Tax Credit and HOME developments from refusing to lease a rental unit to a family solely because of the family's participation in the Section 8 tenant-based program. This Notice is intended to increase awareness of these federal requirements and thereby expand the housing choices available to voucher holders. For more information, see the specific regulations and statutes cited in this Notice.

Prohibited Discrimination. The following is a summary of two of the most relevant laws prohibiting discrimination against voucher-holders. This is not a comprehensive list of laws and regulations that affect owners' obligations with respect to the acceptance of families with housing choice vouchers:

Low Income Housing Tax Credit. Owners of low-income housing tax credit projects are required to certify, at least annually, that they have in place an "extended low-income housing commitment." For tax credit developments subject to section 13142(b)(4) of the Omnibus Budget Reconciliation Act of 1993, the extended low-income housing commitment includes the requirement "that an owner cannot refuse to lease a unit in the project to an applicant because the applicant holds a voucher or certificate of eligibility

under section 8 of the United States Housing Act of 1937.”¹

HUD maintains a listing of Low Income Tax Credit properties on its Internet web site. PHAs interested in identifying LIHTC properties in their jurisdiction may access the listing at the following URL: <http://www.huduser.org/datasets/lihtc.html>

Rental Units assisted with HOME funds. Rental units subsidized in whole or part with HOME funds may not be “refused for leasing to a holder of a voucher or certificate of eligibility ... because of the status of the prospective tenant as a holder of such voucher or certificate of eligibility.”² PHAs interested in a list of HOME-assisted properties should contact the agency responsible for allocating HOME funds (often the community development agency) in the city and/or county governments in their jurisdiction. PHAs in rural areas should contact the agency of their state government that administers the State and Small Cities Community Development Block Grant and HOME programs.

Contact: If you have questions regarding the information in this Notice, please contact the Public Housing Division of your servicing HUD State or Area office, or contact the Real Estate and Housing Performance Division at (202) 708-0477.

/s/

Harold Lucas, Assistant Secretary
for Public and Indian Housing

¹ See 26 C.F.R. § 1.42-5(c)(1)(xi) and Internal Revenue Service Code, 26 U.S.C.A. § 42(h)(6)(B)(iv) and
² 42 U.S.C. § 12745(a)(1)(D).