



# Memorandum

To: Zoning & Planning Committee  
From: Councilor Hess-Mahan  
Re: Fair Housing Training  
Date: April 22, 2016

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At the last Zoning & Planning meeting, the Committee discussed an item relative to requiring Fair Housing Training for the City Council as well as certain boards and Commissions. Several departments in the City had already received this training and some Committee members were interested in seeing the materials that were used in that session. They are attached for your review.

Have a great weekend.

Housing Civil Rights:  
Overview for Municipalities  
12/15



Inclusive Civil Rights Philosophy

"Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied to a single garment of destiny. Whatever affects one directly, affects all indirectly"

**Dr. Martin Luther King**



Housing Civil Rights Principles

- Equal access to housing is a civil right, protected by local, state and/or federal law
- There must be the provision of equal access to housing opportunity for all persons regardless of their protected class membership
- Groups of individuals are designated as protected classes based on a history of discriminatory practices that denied or limited equal access to housing




### Purpose of Civil Rights Housing Laws

- To identify who is protected
- To define the responsibilities of all involved parties
- To define the scope of the regulatory protection
- To authorize jurisdiction for the specifically identified government entities to do investigation & enforcement



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### Protected Classes in Massachusetts

- Race
- Religion
- National origin
- Gender
- Disability
- Familial status
- Age
- Marital status
- Sexual orientation
- Receipt of Government Assistance (including rental vouchers)
- Military status
- Genetic Information
- Gender Identity/Expression



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### Types of Discrimination:

- **Legal vs. Illegal:** Discrimination can only be enforced legally if it has been defined as a violation of the laws or regulations.
- **Attitudinal:** A perception or belief that creates barriers to equal access to housing opportunities.
- **Intentional:** A denial that was imposed purposely to prevent participation in housing
- **Action Centered:** Acting intentionally or unintentionally in a manner that denies equal access to housing opportunity to protected class members
- **Lack of Awareness:** Actions that discriminate because of lack of knowledge of one's fair housing responsibilities



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**Areas of covered housing transactions**

- Advertising
- Rentals
- Terms, conditions or privileges
- Provisions of services
- Design & construction requirements for persons with disabilities
- Reasonable accommodations & reasonable modifications
- Sales/Mortgages
- Zoning
- Planning
- Funding

  
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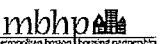
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**Prohibited Actions**

- **Advertising:** that creates barriers to or dissuades equal access & opportunity in housing
- **Steering:** Restricting access to specific geographic areas, neighborhoods or buildings because of one's protected class status.
- **Blockbusting:** A discriminatory practice used by real estate agents and developers to get property owners to sell their homes, generally below their market rate value, by giving the impression that protected class members were moving into their neighborhood. This practice is often a first step towards gentrification.
- **Refusal** to rent, sell or provide housing financing based on protected class membership.

  
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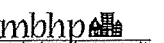
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**Prohibited Actions: 2**

- **Systemic denials and/or lack of flexible interactive process** for reasonable accommodation/reasonable modification requests.
- **Harassment:** Retaliation or other acts of aggression to prevent or punish a protected class member from exercising their rights to equal access and opportunity in housing
- **Disparate Impact:** A policy or practice that appears neutral but in the practice negatively impacts members of protected classes.
- **Disparate Affect:** A policy or practice that negatively impacts members of protected classes
- **Predatory lending:** Targeting members of a protected class with terms that lead to financial hardship for the lender

  
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		<b>Disparate Impact/Disparate Affect</b> <ul style="list-style-type: none"><li>• Zoning</li><li>• Funding Allocation</li><li>• Project designation/denials</li><li>• Community Impact</li><li>• Design</li></ul>  metropolitan housing partnership

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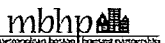
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<b>Affirmatively Furthering Fair Housing</b>  metropolitan housing partnership	
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		<b>Affirmatively Furthering Fair Housing (AFFH) Principle</b> <p>To proactively build inclusive and sustainable communities free from discrimination through planning and service delivery.</p>  metropolitan housing partnership

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**Fair Housing Implementation:  
AFFH Activities**

- Planning/Monitoring
- Community Outreach
- Resource Allocation
- Decision Making Process
- Design

  
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**Affirmatively Furthering Fair Housing  
(AFFH) Tools**

- Fair Housing Assessment
- Consolidated Plans
- Action Plans

  
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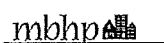
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**Fair Housing Assessment**

**Definition:** A systemic analysis of access to housing in a specific geographic area for fair housing protected classes.

- Identifies levels of access by each protected class
- Identifies barriers for each protected class
- Provides statistical demographic information regarding protected classes & opportunity areas
- Develops action steps to enhance access and eliminate barriers
- Identifies all needed parties for implementation

  
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### Consolidated Plan

**Definition:**

- Planning process for state and local government housing providers and/or administrators to describe the state of their programs including but not limited to identifying populations served, new initiatives, waitlist management, outreach, etc. Consolidated plans include how the government entity intends to utilize federal funds to administer and/or provide housing.




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### Action Plan

**Definition:**

- A detailed description of the Consolidated Plan implementation and results. The Action Plan sets out measurable goals, expected outcomes and results.




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### General Organizational Operations

- Expand and maintain diversity at all levels of the organization through targeted recruitment of protected class members
- Establish networks with organizations that specifically serve any or all of the fair housing protected classes
- Develop anti-discriminatory mission statement that is used in all agency materials
- Promote agency anti-discriminatory mission statement in general and targeted media outlets




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**General Organizational Operations: 2**

Build fair housing responsibilities into all contracts

Have intermediaries and sub-grantees identify measurable fair housing goals

Monitor their fair housing activities

  
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**Examples of Specific Action Planning Steps**

- Develop and implement internal fair housing policies & practices
- Evaluate all programs to identify where fair housing information can be provided to clients
- Determine that all forms and statistical tools collect information protected class members in a compliant fashion.
- Train all staff on fair housing principles and practices.
- Build fair housing responsibilities into staff descriptions

  
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**Housing Development**

- Locate housing in areas with low concentrations of protected class members.
- Reduce locating housing in areas of low opportunity
- Where possible connect housing to areas undergoing economic opportunity development
- Promote mixed housing development.
- Develop partnerships with community organizing groups, neighborhood associations to develop housing.
- Develop housing regionally instead of within a specific neighborhood, city or town.
- Develop housing that is compliant with local, state and federal accessibility building codes.
- Subcontract with Minority/Woman run or owned businesses.

  
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### Marketing & Outreach

- Reverse media market advertisement
- Utilize ethnic media
- Promote housing in languages other than English
- Develop outreach list that includes organizations that serve fair housing protected classes
- Hold marketing sessions in neighborhoods that are protected class concentrated
- Have all marketing material reflect diversity in images




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### FHAA Design & Construction Requirements: Scoping & Coverage

- FHAA D&C covers multi-family buildings of 4+ units first constructed after 3/13/91.
- If there is a common use elevator, all units must be accessible as defined by FHAA.
- If there is no common use elevator only those units on the ground level units must be accessible as defined by FHAA. The ground level is the first level of residential units that appear above grade. It is not always the first floor of the building.




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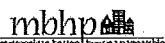
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### FHAA Design & Construction Requirements: Scoping & Coverage of Townhouses/Multi-level Units

- Townhouses/Multi-level units that do not have a common use or a private use, internal elevator are not covered.
- Townhouses/Multi-level units that have a common use elevator must have that elevator serve the primary entrance level of the unit. That primary entrance level must meet D&C requirements 3-7. There must be a full or half bath on that level.
- Townhouses/Multi-level units that have private use, internal elevators are covered and must be compliant with requirements 1-7.




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**FHAA Design & Construction Requirements: Seven D&C**

1. Accessible Entrance on an Accessible Route
2. Accessible Public and Common Use Areas
3. Usable Doors for Persons in Wheelchairs
4. Accessible Route Into and Throughout The Dwelling Unit
5. Accessible Light Switches, Electrical Outlets, Thermostats and Environmental Controls
6. Reinforced Walls in Bathrooms for the Later Installation of Grab Bars
7. Usable Kitchen and Bathrooms

  
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**Sec. 504 Scoping & Coverage**

**Notes**

- Each federal agency promulgates its own Sec. 504 regulations. Below is the summary of the Sec. 504 Scoping & coverage regulations of HUD for residential units.
- The Uniform Federal Accessibility Standards (UFAS) is used.

  
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**Sec. 504 Scoping & Coverage: New Units**

- Built after 7/1/88 using federal funds:
- Five percent but not less than one unit must be built to be accessible for persons with disabilities.
- An additional 2% but not less than one unit must be built to be accessible for persons with vision and/or hearing loss
- For single family detached or duplex family dwelling units where the occupancies are primarily permanent in nature and not classified as institutional.

  
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		<b>Sec. 504 Scoping &amp; Coverage: Rehab/Conversion</b> <ul style="list-style-type: none"> <li>• Substantial rehab is covered in buildings of 15 or more units when the alterations cost 75% of the replacement cost of the building</li> <li>• Non-substantial alterations to units and/or common use areas must be made accessible to the greatest extent possible. If the entire unit is rehab than the unit must be made fully accessible.</li> </ul> 

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		<b>ADA Scoping &amp; Coverage</b> <p><b>Note</b> ADA Title II &amp; III use the Americans with Disabilities Act Accessibility Guidelines (ADAAG).</p> 

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		<b>ADA Scoping &amp; Coverage: New Construction</b> <ul style="list-style-type: none"> <li>• Housing or public accommodation features constructed after 1/26/92 must be compliant.</li> </ul> 

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**ADA Scoping & Coverage:  
Rehab/Conversion/Additions**

- Each addition to an existing building or facility shall follow the minimum requirement for new construction.
- If alterations of single elements when considered together amount to an alteration of a building or facility, the entire space shall be made accessible.

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**MA Access Code Scoping & Coverage**

**Note:**

- This is a state specialty building code not a civil rights law.
- Compliance is determined by the municipal inspection departments or through the complaint process the MAAB

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**MA Access Code Scoping & Coverage:  
New Construction**

- Three or more units first built after 9/1/96.
- In buildings with an elevator all units are covered.
- In buildings without an elevator, only the ground floor units are covered.
- Group 1 units have a lower level of accessibility.
- When there are 20 or more units, than 5% of the dwelling units must meet the higher accessibility requirements of Group 2.

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**MA Access Code Scoping & Coverage: rehab**

- Work being performed in a three year period exceeds 30% of the full and cash value of the building, then accessibility requirements must be met.
- All work to common use areas must be compliant.

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**Reasonable Accommodation**

- **Definition:**  
A change or waiver to policies, practices, procedures or services to provide greater use and accessibility of the housing services.
- **Request process:**  
An internal formal process can be used but not mandated  
A verbal request is sufficient  
A written note or letter from applicant or tenant is allowable

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**Reasonable Accommodation: 2**

- **Approval/Denial:**  
A reasonable accommodation can only be denied if it causes an undue administrative/financial burden, lack of connection between disability & request or is a fundamental change to the basic nature of the program. If the request does not meet any of these conditions, it must be approved.
- **Implementation:**  
Must be done in a fair & good faith manner that meaningfully implements the reasonable accommodation request in a timely fashion. The applicant/tenant with the disability cannot be charged for any costs associated with the reasonable accommodation.

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### Reasonable Accommodation Examples

- Transfers
- Assistive animals
- Change of rent payment date
- Live-in aide
- Early termination of lease
- Hoarding clean-up
- Surrogacy
- Relocation of residents meetings
- Large print
- Sign language
- Treatment plans
- Accessible and/or designated parking spaces



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### Reasonable Modification

- **Definition:**  
A physical alteration to provide greater accessibility and use of the premises by a person with a disability. A reasonable modification is not an acceptable strategy to remedy design & construction violations.
- **Request process:**  
An internal formal process can be used but not mandated. A written note or letter from applicant or tenant is allowable. An verbal request is sufficient.
- **Examples of Allowable Conditions of Approval:**  
Reasonable modification will be done in a professional and code compliant manner. Person(s) doing the reasonable modification is licensed and insured



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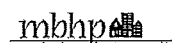
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### Reasonable Modification: 2

- **Allowable conditions of restoration:**  
Alteration can be restored when resident vacates the premises. If it is internal to the unit and would affect the marketability of such unit. If the alteration was to a common use area or external to the unit, resident is not responsible for restoration.
- **Implementation:**  
Must be done in a fair and good faith manner that meaningfully implements the reasonable modification request in a timely fashion.

\*Under MA CH 151B, under very specific circumstances, the housing provider assumes all costs of the reasonable modification



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**Reasonable Modification Examples**

- Air filtration systems
- Air conditioners
- Ramp
- Installation of a grab bar
- Lowering of cabinets
- Lowering of shelves
- Flashing doorbells
- Strobe smoke detectors
- Curb cuts
- Door hardware
- Sink hardware
- Hand rails

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**Sec. 504 of the Rehabilitation Act**

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**Sec. 504 of the Rehabilitation Act of 1973**

- Mandates that all entities that receive partial or full direct/indirect federal funding must have their services and physical facilities accessible to serve persons with disabilities. The Sec. 504 accessibility standard is the Uniform Federal Accessibility Standard (UFAS)
- Mandates that all entities that receive partial or full direct/indirect federal funding must be accessible so persons with disabilities can be hired. The Sec. 504 accessibility standard is the Uniform Federal Accessibility Standard (UFAS)

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**Sec. 504 of the Rehabilitation Act of 1973**

- Mandates that covered housing providers have a Sec. 504 Transition Plan and a Sec. 504 Officer
- Has a reasonable accommodation provision that covers both changes or waivers of policies, practices, procedures or services as well as physical alterations. Housing provider assumes all costs of the reasonable accommodation.

  
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**Sec. 504 of the Rehabilitation Act of 1973:  
Covered Housing**

- Covers housing providers who receive direct federal subsidies:
  - a. Public Housing Authorities
  - b. Project-based Sec. 8 units
  - c. Housing built with Community Development Block Grant (CDBG) funds
  - d. HOME
  - e. Sec. 811
  - f. HOPE I-VI
  - g. Sec. 202

  
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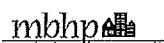
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**HUD Programs Not Covered by Sec. 504**

- Sec. 8 tenant based vouchers
- Low Income Housing Tax Credits

  
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**Other Sec. 504 Requirements**

- **Sec. 504 Transition Plan**
  1. Identifies areas of compliance in physical plant and service delivery
  2. Identifies areas of non-compliance in physical plant and service delivery
  3. Designates steps and timeline to address non-compliance
- **Sec. 504 Compliance Officer:**
  1. Monitors compliance with Sec. 504 regulations in the areas of employment, service delivery and physical accessibility
  2. Conducts hearings when complaints have been issued.
  3. Keeps the Sec. 504 transition plan updated.

  
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**Sec. 504 Governing Authority**

- Dept. of Housing and Urban Development (HUD)
- Department of Agriculture
- Department of Education

  
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**Americans with Disabilities Act  
Titles I, II & III**

  
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**Americans with Disabilities:  
Title I**

- Employment provision that prohibits discriminatory employment practices against persons with disabilities.
- Has a reasonable accommodation provision that covers both changes or waivers of policies, practices, procedures or services as well as physical alterations for employees with disabilities. Employer assumes all costs of the reasonable accommodation.

  
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**Americans with Disabilities Act of 1990: Title II Scoping & Coverage**

- Covers housing that is funded by state, county, municipal, or any other form of local government.
- Has a reasonable accommodation provision that covers both changes or waivers of policies, practices, procedures or services as well as physical alterations. Housing provider assumes all costs of the reasonable accommodation.

  
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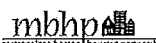
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**Americans with Disabilities Act of 1990: Title III Scoping & Coverage**

- Any and all public accommodation portions of a housing development or building such as leasing office, meeting rooms available for local community groups, manager's office.
- Has a reasonable accommodation provision that covers both changes or waivers of policies, practices, procedures or services as well as physical alterations. Housing provider assumes all costs of the reasonable accommodation.

  
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**ADA of 1990: Title I, II & III Design Requirements**

- As defined by the Americans with Disabilities Act Advisory Guidelines (ADAAG)
- As defined by the Uniform Federal Accessibility Standard (UFAS)

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**ADA of 1990: Other Requirements**

**An ADA Compliance Plan:**

1. Identifies areas of compliance in physical plant and service delivery
2. Identifies areas of non-compliance in physical plant and service delivery
3. Designates steps and timeline to address non-compliance

**An ADA Compliance Officer:**

1. Monitors compliance with ADA regulations in the areas of employment, service delivery and physical accessibility
2. Conducts hearings when complaints have been issued.
3. Keeps ADA plan updated.

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**ADA Governing Authority**

- Department of Justice (DOJ): Titles I, II & III
- Department of Housing & Urban Development: Titles II & III
- Equal Employment Opportunity Commission (EEOC): Title I

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## Limited English Proficiency (LEP) Civil Rights Act Title VI




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### Language Assistance Plan (LAP): Overview

- HUD LEP requires that programmatic funding recipients develop and implement a Language Assistance Plan (LAP).
- Organizations covered by this mandate would need to determine which languages other than English are most frequently used by the populations served and eligible to be served by the agency.
- Lack of finances alone is not an acceptable reason to not have a LAP or provide language assistance




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### Language Assistance Plan (LAP): Recommendations

- Using U.S. Census data and your housing development statistics identify the most prevalent languages other than English in your service area.
- Determine whether your current staff are skilled in interpreting in these languages. It is preferable but not mandatory that your bilingual staff be those individuals who most frequently interact with applicants and residents.
- If there is a lack of proficiency in an identified language either prioritize hiring a bilingual staff or make arrangements with either a private interpreter or community service agency that can address that need. Use of a telephonic translation service is an acceptable strategy.




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**Language Assistance Plan (LAP): Document Translation Recommendations**

- Identify all documents that are vital to an applicant or resident to fully understand and use the services of your development. Vital documents could be your antidiscrimination forms, hearing requests, hearing decisions, reasonable accommodation requests, lease templates, etc.
- Have professionally trained translators prepare these documents in the languages that you identified. It is advisable to have 2 translators of each identified language review the documents for accuracy of translation.

  
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**Anti-Discrimination Recommendations:  
Best Practices**

  
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**Anti-Discrimination Policies:  
Applicants & Residents**

- Policies and practices should be in writing.
- Written in common use/easily understood language. Avoid legalistic or regulatory language
- Also translated in common languages other than English
- Posted in heavy traffic areas of common use areas including but not limited to manager's office, community rooms, and corridors.
- Posted on your web site

  
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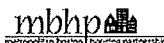
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**Anti-Discrimination Policies:  
Applicants & Residents 2**

- Printed as a separate handout given at all levels of transactions with applicants and residents
- Have your reasonable accommodation policies and forms as separate handouts. This must be given to everyone regardless of appearance or lack of appearance of disability at time of application, screening, when a reasonable accommodation request is made, when a decision is rendered and where applicable at all levels of the hearing process.
- A staff person(s) should be designated as the contact person for applicants and residents. If the property receives federal, state or local government funding, this could be your Sec. 504/ADA Coordinator

  
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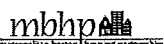
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**Anti-Discrimination Policies: Staff**

- The anti-discriminatory policies should be incorporated into your human resources policies and practices.
- The anti-discriminatory policies should be incorporated into your employee manuals.
- Staff should be evaluated for their adherence to the anti-discriminatory practices.
- A staff person(s) should be designated as the point person for technical assistance.
- It is advisable to hire bilingual staff to meet LEP obligations.

  
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**Anti-Discrimination Policies:  
Staff training**

- Staff should be trained on housing discrimination.
- Staff should receive regularly scheduled training on your policies and their implementation.
- Anti-discriminatory practices will be different depending on one's position. Such training should be done in a manner that directly relates to their specific position.

  
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**Fair Housing Information Websites**

- HUD Fair Housing & Equal Opportunity: [www.hud.gov](http://www.hud.gov)
- DOJ: [www.usdoj.gov/crt/housing/fairhousing](http://www.usdoj.gov/crt/housing/fairhousing)
- Fair Housing Accessibility FIRST: [www.fairhousingfirst.org](http://www.fairhousingfirst.org)
- MBHP Fair Housing:  
[http://www.mbhp.org/?post\\_type=content&p=106&a=127&cl=c1d1e6](http://www.mbhp.org/?post_type=content&p=106&a=127&cl=c1d1e6)

  
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**Other Information Resources**

HUD-DOJ Joint Statement on Reasonable Accommodations  
<http://www.hud.gov/offices/fheo/library/huddojstatement.pdf>

HUD-DOJ Joint Statement Accessibility (Design And Construction) Requirements For Covered Multifamily Dwellings Under The Fair Housing Act  
<http://portal.hud.gov/hudportal/documents/huddoc?id=JOINTSTATEMENT.PDF>

Notice on Service Animals and Assistance Animals for People with Disabilities In Housing and HUD-Funded Programs  
[https://portal.hud.gov/hudportal/documents/huddoc?id=sevanimals\\_ntcfheo2013-01.pdf](https://portal.hud.gov/hudportal/documents/huddoc?id=sevanimals_ntcfheo2013-01.pdf)

  
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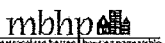
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**Conclusion**

"It is not enough just to open the gates of opportunity. All our citizens must have the ability to walk through those gates. This is the next and the more profound stage of the a battle for civil rights. We seek not just freedom but opportunity. We seek not just legal equity but human ability, not just equality as a right and a theory but equality as a fact and equality as a result."

**President Lyndon B. Johnson**

  
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		<b>Contact Information</b> <ul style="list-style-type: none"><li>• Barbara Chandler, MBHP Senior Advisor on Civil Rights and Fair Housing <a href="mailto:barbara.chandler@mbhp.org">barbara.chandler@mbhp.org</a> 617-425-6681</li></ul> <p>New Staff Training  March 2015</p> 

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## Homebuyer's Fair Housing Fact Sheet

### 1. What is Fair Housing?

Fair housing is a set of principles and laws which mandate equal access and opportunity in housing. Fair housing covers all housing-related activities, from search and application to amenities, management policies, terms and conditions plus termination of tenancy. Fair housing covers persons who are members of a protected class, which are designated as groups of persons and their families who historically have experienced discrimination. In Massachusetts, those classes are race, religion, national origin, gender, disability, familial status, marital status, sexual orientation, public assistance (including rental vouchers), genetic information, and military status.

### 2. What types of housing is covered by fair housing?

To some degree, fair housing laws apply to all types of housing. The private real estate market and all types of government-funded housing must be compliant. Fair housing laws are not restricted to rentals. Condos, co-ops, "rent-to-own" and single-family ownership units are covered as well.

### 3. Who must follow fair housing laws?

Property owners, developers, condo associations, and homeowner associations are covered parties under fair housing laws. Their employees, such as property managers, clerical staff, maintenance workers and all others, are responsible for performing their duties in a manner consistent with fair housing. Attorneys and real estate agents must act and advise their clients in a compliant manner. Other residents in the building, development or neighborhood can be held responsible under fair housing laws and regulations if their behavior is considered to be discriminatory. Developers, architects and contractors can be held liable under the accessible design and construction fair housing mandates for units built for persons with disabilities and their families

### 4. What types of home buying activities are covered under fair housing?

Many home buying-related activities are covered to some extent by fair housing laws and regulations. Below are some of the more typical activities but this is not an all-inclusive list.

- Advertising
- Listings
- Screening
- Mortgages
- Policies and their implementation such as "no children," "no unmarried couples," or "terms and conditions of sales"
- Relations between neighbors
- Provision of reasonable accommodations and reasonable modifications for persons with disabilities and individuals associated with persons with disabilities

### 5. What home purchase actions if based on protected class membership are not allowed under fair housing?

- Refusal to grant a mortgage loan
- Refusal to provide information regarding loans
- Appraising property in a manner that would discriminate against a protected class member

- Refusal to purchase a loan or set different terms or conditions for purchasing a loan
- Applying different terms or conditions on a loan, such as different interest rates, points, or fees

**6. Are all loans and mortgages covered under fair housing?**

The terms and conditions of both prime and subprime loans/mortgages must be compliant with fair housing. Persons should not be steered to subprime loans or less favorable mortgage products solely because they are members of a fair housing protected class.

**7. How can I tell if I am being steered to a less favorable mortgage or other loan product because of my protected class membership?**

Before applying for any mortgage or loan or providing any personal information ask what the specific qualifying terms are such as credit scores, amount of personal funds available for a down payment, years of employment, etc. If you meet those terms but are being directed away from a prime loan and instructed to apply for a subprime loan, there is the possibility that you are being discriminated against due to your protected class membership.

**8. Are there other types of fair housing discrimination that I should be aware of?**

Yes, often members of protected classes are being limited to specific geographic areas or neighborhoods because of their race, ethnicity, familial status or sexual orientation. If you are routinely being told that there are no listings in the areas that you were prefer to live in and are being directed to areas that you have not identified as a preference, there is the possibility that you are being discriminated against due to your protected class membership.

**9. Does MBHP provide information on fair housing to persons trying to purchase a home?**

Yes, you can contact the MBHP Fair Housing Manager at (617) 425-6681 for technical assistance.

**10. What can I do if I think that I have been discriminated against?**

You can file a fair housing complaint with the federal or state authorities listed below or file a civil action law suit. You also can contact the Fair Housing Center of Greater Boston for advocacy assistance. If you file with the federal or state fair housing authorities, you do not need an attorney and there are no filing fees.

**MA Commission Against Discrimination**

One Ashburton Place, Rm. 601  
Boston, MA 02108  
Phone: (617) 994-6000  
TTY: (617) 994-6196

**Fair Housing Center of Greater Boston**

59 Temple Place #1105  
Boston, MA 02111  
Phone: (617) 399-0491  
[www.bostonfairhousing.org](http://www.bostonfairhousing.org)

**Cambridge Human Rights Commission**

51 Inman Street, 2nd Floor  
Cambridge, MA 02139  
Phone: (617) 349-4396  
TTY: (617) 492-0235  
[www.cambridgema.gov/HRC](http://www.cambridgema.gov/HRC)

**Boston Fair Housing Commission**

1 City Hall Plaza  
Boston, MA 0220  
Phone: (617) 635.4408  
[www.cityofboston.gov/civilrights](http://www.cityofboston.gov/civilrights)

**HUD FHEO Region I**

10 Causeway Street  
Boston, MA 02222-1092  
Phone: (617) 994-8300 or  
(800) 827-5005  
TTY: (617) 565-5453

Revised 4-22-09



125 LINCOLN STREET, 5TH FLOOR, BOSTON, MA 02111-2503

Phone: (617) 859-0400 | Toll Free: (800) 272-0990 (MA Only)

[www.mbhp.org](http://www.mbhp.org)

## **Tenant Fair Housing Fact Sheet**

### **1. What is Fair Housing?**

Fair housing is a set of principles and laws that mandate equal access and opportunity in housing. Fair housing covers all housing-related activities, from search and application to amenities, management policies, terms and conditions plus termination of tenancy. Fair housing covers persons who are members of a protected class which are designated as groups of persons and their families that historically have experienced discrimination. In Massachusetts, those classes are race, religion, national origin, gender, disability, familial status, marital status, sexual orientation, public assistance (including rental vouchers), genetic information, and military status.

### **2. What does fair housing cover familial status?**

It is a fair housing violation to deny equal access and opportunity in housing to families with children under the age of 18. This provision is not restricted to refusal to rent to families with children. Segregating such families or refusing to make services and property amenities available would not be allowable. A property owner can not deny a family with children under the age of 6 an apartment because it has not been dealed. It is the responsibility of the property owner to delead the unit for these families and comply with fair housing.

### **3. What is included under the protection from discrimination based on public assistance?**

You can not be denied housing if you are receiving public assistance such as rental vouchers (for example Section 8 or MRVP), food stamps, transitional assistance, Social Security, or veterans benefits, as long as you can demonstrate that you are able to pay the rent. However, this protection does not prohibit the property owner from doing a credit check.

### **4. What does fair housing cover military status?**

Housing can not be denied to a person because he/she currently serves in the military, is in the National Guard, or is a veteran.

### **5. Who must follow fair housing laws?**

Property owners, developers, condo associations, and homeowner associations are covered parties under fair housing laws. Their employees, such as property managers, clerical staff, maintenance workers and all others are responsible for performing their duties in a manner consistent with fair housing. Attorneys and real estate agents must act and advise their clients in a compliant manner. Other residents in the building or development can be held responsible under fair housing laws and regulations if their behavior is considered to be discriminatory. Developers, architects and contractors can be held liable under the accessible design and construction fair housing mandates for units built for persons with disabilities and their families

### **6. What types of housing is covered by fair housing?**

Fair housing laws apply to most types of housing. The private real estate market and all types of government-funded housing must be compliant. Fair housing laws are not

restricted to rentals. Condos, co-ops “rent-to-own” and single-family ownership units are covered as well.

**7. What types of housing activities are covered under fair housing?**

Most housing-related activities are covered to some extent by fair housing laws and regulations. Below are some of the more typical activities but this is not an all-inclusive list.

- Advertising
- Tenant screening
- Determination of eligibility
- Leasing
- Policies and their implementation such as “no pets”, “deposits” or “terms and conditions of tenancy”, “housekeeping standards”
- Relations between residents
- Provision of amenities
- Provision of reasonable accommodations and reasonable modifications for persons with disabilities and individuals associated with persons with disabilities
- Eviction and other termination of residency actions

**8. Where can I get more information on my fair housing rights?**

You can contact the fair housing manager through the MBHP Discrimination Line at (617) 425-6681. He/she will discuss with you your protections under both the state and federal fair housing laws. He/she also can refer you to agencies for advocacy assistance or to file a complaint

**9. What can I do if I think that I have been discriminated against?**

You can file a fair housing complaint with the federal or state authorities listed below or file a civil action law suit. You also can contact the Fair Housing Center of Greater Boston for advocacy assistance. If you file with the federal or state fair housing authorities, you do not need an attorney and there are no filing fees.

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