



FAIR HOUSING 101

NOT LEGAL ADVICE

Nothing communicated during this fair housing training should be considered legal advice. If you have legal questions, you should consult with your own attorney.





FAIR HOUSING OVERVIEW



FAIR HOUSING ACT

- Federal Fair Housing Law is covered under the 1968 Fair Housing Act.
- The Fair Housing Act prohibits discrimination by housing providers due to a person's membership in a protected class.

PROTECTED CLASSES

Federal	State (Massachusetts)
Race	Marital Status
Color	Age
National Origin	Sexual Orientation
Religion	Gender Identity & Expression
Sex	Military or Veteran Status
Familial Status (Families with Minor Children)	Ancestry
Disability	Genetic Information
	Public Assistance

PROHIBITED CONDUCT

- Refuse to rent, sell, or otherwise make unavailable
 - Falsely deny that housing is available for inspection, sale or rental
- Set different terms, conditions or privileges for sale or rental
- “Steer” the individual by only showing them certain apartments/neighborhoods.
- Refuse to grant a reasonable accommodation or modification to someone with a disability
- Make inquiries into a protected category.
 - What country are you from? What is your disability?
- To make, print, or publish any notice, statement, or advertisement that indicates a preference or limitation based on a protected class
- Coerce, intimidate, threaten, or interfere with anyone exercising a fair housing right or assisting others who exercise those rights.



ADDITIONAL PROTECTIONS



SURVIVORS OF DOMESTIC VIOLENCE

- **Violence Against Women Act & Massachusetts Law MGL c 186 s 23-29:**
 - Right to break a lease
 - Right to have locks changed with proper documentation
 - Right not to be evicted because of use of these rights or calling the police
- Landlords cannot:
 - Force housing applicants to waive their rights when signing a new lease.
 - Retaliate against tenants for enacting these rights.
- [Additional Resources](#)

CRIMINAL OFFENDER RECORD INFORMATION (CORI)

- Blanket prohibition against individuals with a CORI are in violation of the Fair Housing Act
 - “Disparate impact” on People of Color
- If landlords are using a CORI, they must give applicants a chance to explain the circumstances of the arrest or conviction.
- Landlord cannot request that an applicant provide a copy of their own CORI.



FAMILIES WITH CHILDREN



FAMILIES WITH CHILDREN

- Applies to being pregnant or having a child under the age of 18
- Landlord cannot evict, refuse to rent, charge higher fees, or say you must live in a certain area
- Certain policies in the lease against playing may be illegal because they have a “disparate impact” on families with children



LEAD PAINT

- It is illegal to refuse to rent to a family with a child under the age of 6, even if there is lead paint present in the rental unit.
- Massachusetts Lead Paint Law
 - Requires removal/covering of lead paint hazards in homes built before 1978 where children under the age of six live.
 - At change of ownership, if a child under 6 resides or will reside therein, new owner shall have 90 days to abate or contain lead paint.
 - Landlord bears the cost – financial help is available through tax credits, grants and loans
 - No exceptions!



PUBLIC ASSISTANCE DISCRIMINATION



PUBLIC ASSISTANCE

- Refusal to rent to someone because they receive Section 8 housing assistance.
 - Ex: “Sorry, this isn’t a Section 8 unit”
- Refusal to rent to someone because a person receives some form of public assistance, including welfare, medical assistance, or rental assistance.
 - Ex: Landlord refuses to take RAFT to pay for the first month’s rent.
 - Ex: Landlord refuses to consider SSDI as "income."
- Discriminating against a person because of the requirements of subsidy programs.
 - Ex: Landlord says, “Section 8 takes too long; I’ll lose rent if I leave the unit vacant for the time it takes to get inspected.”
- Using policies to exclude voucher holders
 - Ex. Requiring that income is 3x rent or first and last month's rent upfront



REASONABLE ACCOMMODATIONS & MODIFICATIONS





DISABILITY

Who is covered under this protected class?

- Persons who have a physical or mental impairment that substantially limits one or more major life activities
 - For example: caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working
- Persons who have a history of such an impairment; or
- Persons who are regarded as having such an impairment.

REASONABLE MODIFICATIONS

- **Reasonable modifications** are structural changes made to existing premises, occupied or to be occupied by a person with a disability, in order to afford such person full enjoyment of the premises.
 - i.e. install a ramp into a building, lower entry threshold of a unit, install grab bars in bathroom
- **Federal Funding:** Housing providers receiving federal funding must pay for reasonable modifications unless it would cause an undue financial hardship.
- **No Federal Funding:** Tenant pays unless landlord did not comply with required accessibility features.
 - In MA, if unit is part of 10+ unit property/planned development or is publicly assisted, Landlord must pay unless it would cause an undue financial hardship

REASONABLE ACCOMMODATIONS

- **Reasonable accommodations** are changes in rules, policies, practices, or services to afford equal opportunity to use and enjoy dwelling.
- Housing providers (LHAs, RAAs, real estate agents, landlords) **must** engage in an interactive process when an individual with a disability makes a request
 - Ex (from landlord): designated parking spots, permission to have an assistance animal, or permission to transfer to a larger unit
 - Ex (from LHAs/RAAs): increase in voucher size, increased payment standard, extension of housing search time
- Reasonable accommodations are made at the expense of the housing provider.

MAKING AN RA/RM REQUEST

How is a request made?

- It must be made by the tenant or someone on their behalf

The tenant does not need to:

- Fill out a specific form - BUT best practice is in writing
- Say “reasonable accommodation” or otherwise use specific words (no “magic words”)
- Reference the Fair Housing Act

The tenant DOES often need to provide medical verification.



MEDICAL VERIFICATION

A medical verification letter **should**:

- Be on letterhead and signed by the provider
- Contain a brief statement of who the provider is to the client
- State the client is impacted by their disabilities & in what ways
- State the needed accommodation
- Explain how accommodation will enable client full use & enjoyment of dwelling

A medical verification letter **should not**:

- State a medical diagnosis
- Invite housing providers to contact medical provider for more information
- Simply state that the client would be harmed by being made homeless

Sample RA with Medical Verification

Dear [Housing Provider]:

I am a tenant at [ADDRESS]. Because of my disabilities, I need an assistance animal (a dog).

Please make an exception to your “no pets” policy to allow me to have a dog.

Please contact me to let me know your response to this request, including if you need anything further from me.

Sincerely,

Tenant

To Whom It May Concern:

I am [Tenant’s] therapist. Ms. [Tenant] has an anxiety condition that makes it difficult for her to sleep and be around many people. Ms. [Tenant] needs a dog as a companion to enable her to feel safe in her home and in the common areas. Please make an exception to your “no pets” policy to allow Ms. [Tenant] to have a dog.

Sincerely,

Doctor Jones



MASSACHUSETTS
FAIR HOUSING CENTER

CONTACT US

- Online: massfairhousing.org
- Intake line: 413-539-9796
- Email:
 - info@massfairhousing.org
 - anguyen@massfairhousing.org