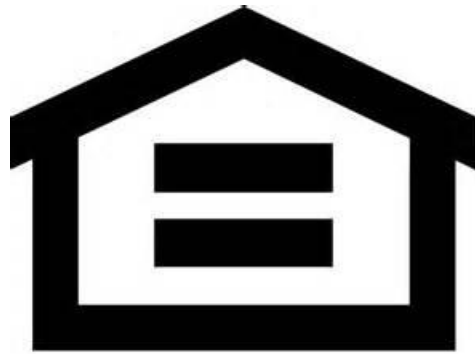


Fair Housing Framework



**EQUAL HOUSING
OPPORTUNITY**



**Laura Shufelt,
Assistant Director of Community Assistance**

Clickers

- Are you:
 - Lottery Agent
 - Monitoring Agent
 - Rental Mgmt staff
 - Municipal staff
 - Others?

Clickers

- Are you familiar with Fair Housing laws?
 - Yes
 - No

Goals of This Session:

- **Provide a framework of the applicable laws for Affordable Fair Housing Marketing & Resident Selection Plan (AFHM&RSP)**
- **Provide practical applications of Affirmatively Furthering Fair Housing and disparate impact**

Affirmative Fair Housing Framework

- Key Fair Housing Laws
- Affirmative Fair Housing Marketing Plan Guidelines



Key Fair Housing Laws

Key Federal statutes:

- ✓ Fair Housing Act (Title VIII of the Civil Rights Act of 1968, as amended)
- ✓ Title VI of the Civil Rights Act of 1964, as amended
- ✓ Section 504 of the Rehabilitation Act of 1973, as amended
- ✓ Americans with Disabilities Act of 1990, as amended

Key State statutes:

- ✓ Massachusetts fair housing law (M.G.L. Chapter 151B)
- ✓ Massachusetts public accommodation law (M.G.L. Chapter 272, section 98)
- ✓ Massachusetts lead paint law (Chapter 111, section 199A)

Protected Classes of Persons

Federal Fair Housing Act

Race

Color

National Origin

Religion

Sex

Disability/Handicap

Familial Status; Children

M.G.L. 151B

Marital Status

Age

Sexual Orientation

Gender Identity

Military Status

**Public Assistance/
Housing Subsidy**

Genetic Information

Ancestry

Obligation to Affirmatively Further Fair Housing

The duty to affirmatively further fair housing extends to all of a program participant's activities and programs relating to housing and urban development.



Obligation to Affirmatively Further Fair Housing

The concept of furthering fair housing includes:

- The Fair Housing Act's purposes of ending residential segregation, promoting housing choice and eradicating discrimination.
- Addressing disparities in housing needs and access to opportunity

Obligation to Affirmatively Further Fair Housing

Affirmative fair marketing and resident selection is necessary and integral to affirmatively furthering fair housing efforts.



Clickers

- A private apartment complex can refuse to rent to a household with a Section 8 voucher.
 - True
 - False

Clickers

- A town would like to use town-owned land to build homes for teachers. Allowable under Fair Housing laws?
 - True
 - False

Clickers

- An advertisement for a housing development describes the development as “perfect for young, professionals and active seniors”. Does this violate fair housing laws?
- Yes
- No

Clickers

- Anytown has funded a down payment and closing costs grant program for first-time homebuyers buying a home in the town. Does this violate fair housing laws?
 - Yes
 - No

Disparate Impact / Discriminatory Effect

Supreme Court Ruling – What does it mean?

A policy, action, or practice can have a discriminatory effect *even if* there is no discriminatory intent.

Disparate Impact / Discriminatory Effect

1. Is it likely that policy or practice will negatively impact members of a protected class?
2. Does the policy or practice have a necessary relationship to legitimate, non-discriminatory interests, **and**
3. Is there a less discriminatory alternative that would meet the same interests?

Disparate Impact

Examples:

- Municipal plans or zoning bylaws that prioritize 1-bedroom units or strictly limit number of bedrooms by unit rather than by development or lot
- Single-family or large lot size requirements
- Requirements for unlimited local residency preferences in communities with limited racial/ethnic diversity
- Plans to fund senior affordable housing only
- Planning or zoning that mandates or prioritizes townhouses

Clickers

A community releases a RFP for town-owned land for a developer to build affordable housing...

1. ...for veterans.

Disparate Impact?

Yes

No

Maybe

Clickers

- A community releases a RFP for town-owned land for a developer to build affordable housing...
- Households with at least one member over 55 years of age.
- Disparate impact?
 - Yes
 - No
- & that excludes children. Disparate Impact?
 - Yes
 - No

Clickers

- A developer proposes to build a 40B development with public subsidy for his son and others with the same disability as his son

Disparate impact?

Yes

No

Maybe

Concluding Thoughts

- ☑ Remember the AFH framework and the goal of inclusive housing
- ☑ Read the AFHMP guidelines carefully *prior to* drafting a plan and appropriately tailor the AFHMP to the project
- ☑ Review for consistency with all applicable program requirements *prior to* submitting an AFHMP
- ☑ Make the AFHMP consistent and clear so that it can be actively used by staff/agents and interpreted correctly by potential applicants or other interested parties