

CITY OF THE PRESIDENTS

QUINCY  
Massachusetts



## City of Quincy, Massachusetts

# Fair Housing Plan

FY 2006 - 2010

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**PCD**

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**TABLE OF CONTENTS**

**SECTION 1.0 EXECUTIVE SUMMARY & FAIR HOUSING MISSION STATEMENT .....3**

    Methodology of Analysis of Impediments to Fair Housing..... 4

    Who Conducted the AI ..... 4

    Funding of the fair Housing Plan..... 4

    City of Quincy Fair Housing Mission Statement and Principals ..... 5

**SECTION 2.0 HISTORY OF FAIR HOUSING IN THE U.S. ....7**

    2.1 Legal Theories of Fair Housing..... 7

    2.2 The Federal Fair Housing Act..... 9

    2.3 Other Federal Civil Rights Laws ..... 12

    2.4 Massachusetts General Laws, Chapter 151B..... 15

    2.5 Other Massachusetts Anti-Discrimination Laws..... 18

    2.6 Fair Housing Rights of Disabled Persons ..... 19

    2.7 Protections for Domestic Violence Victims ..... 22

    2.8 Fair Lending Laws ..... 23

    2.9 Obligation of Housing Programs to Affirmatively Further Fair Housing ..... 25

    2.10 Conclusion..... 26

**SECTION 3.0 QUINCY FAIR HOUSING CAPACITY .....28**

    3.1 Institutional Structure ..... 28

    3.2 U.S. Department of HUD Funding..... 30

**SECTION 4.0 ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING .....35**

    4.1 Population and Socio-Economic Information..... 35

    4.2 Existing Housing Characteristics ..... 38

    4.3 Housing Affordability ..... 44

    4.4 Development Constraints or limitations: ..... 44

    4.5 Private Sector Lending Policies and Practices ..... 45

    4.6 2005-2009 Consolidated Plan Needs Assessment ..... 47

    4.7 Impediments to Fair Housing – Asian Minority ..... 51

    4.8 City of Quincy Fair Housing Committee – Tenant and Housing Industry Survey ..... 53

**SECTION 5.0 CONCLUSIONS AND STRATEGIES TO ADDRESS IMPEDIMENTS.....55**

    5.1 Impediments and Actions ..... 55

    5.2 Specific strategies the community will use to achieve housing production goals..... 58

## **SECTION 1.0 EXECUTIVE SUMMARY & FAIR HOUSING MISSION STATEMENT**

In 1968 the United States Congress passed Title VIII of the Civil Rights Act, making acts of housing discrimination based on race, sex, national origin, religion, or ethnicity illegal. In 1998, Congress amended Title VIII to include discrimination against families with children and people with mental or physical illness.

The Assistant Secretary for Fair Housing and Equal Opportunity (FHEO) administers and enforces major legislation that ensures equal access to housing, guarantees equal opportunity in all HUD programs and prohibits, to a limited extent, discrimination in employment with respect to HUD programs.

According to HUD's Fair Housing Planning guide:

*Provisions to affirmatively further fair housing (AFFH) are principal and long-standing components of HUD's housing and community development programs. These provisions flow from the mandate of Section 808(e)(5) of the Fair Housing Act which requires the Secretary of HUD to administer the Department's housing and urban development programs in a manner to affirmatively further fair housing.*

Through the programs that fall under the umbrella of HUD's Community Planning and Development division, HUD aims to "expand mobility and widen a person's freedom of choice." These programs include the Community Development Block Grant (CDBG), the HOME Investment Partnership program (HOME), Emergency Shelter Grant (ESG), and Housing Opportunities for Persons with AIDS (HOPWA).

According to the Fair Housing Planning guide, "the CDBG program contains a regulatory requirement to affirmatively further fair housing based upon HUD's obligation under Section 808 of the Fair Housing Act. The CDBG regulation also reflects the CDBG statutory requirement that the grantees certify that they will affirmatively further fair housing." Additionally, the HOME program regulation "states the statutory requirement from the Comprehensive housing Affordability Strategy (CHAS) that the jurisdictions must affirmatively further fair housing."

The CPD Department also requires community Development grantees, including entitlement communities like Quincy, to document AFFH actions in annual performance reports that are submitted to HUD. Grantees must:

- Conduct an analysis to identify impediments to fair housing choice within the jurisdiction (AI).
- Take appropriate actions to overcome the effects of any impediments identified through the analysis.
- Maintain records reflecting the analysis and actions taken to eliminate impediments to fair housing choice.

Therefore, the City of Quincy has analyzed impediments to fair housing in this report. Actions taken to eliminate these impediments will be detailed in the Consolidated Annual Performance and Evaluation Reports (CAPER) that are due to HUD in the September that follows each program year. Additional information about HUD's Fair Housing Planning requirements may be found on HUD's website at <http://www.hud.gov/groups/fairhousing.cfm>.

### **Methodology of Analysis of Impediments to Fair Housing**

An Analysis of Impediments to Fair Housing (AI) was developed to accompany the FY05-09 Consolidated Plan. The framework for the AI follows the suggested format by HUD and has been completed to meet requirements of the Housing and Community Development Act and HUD regulations governing the preparation of the Consolidated Plan.

### **Who Conducted the AI**

The City of Quincy Planning and Community Development Department (PCD) is responsible for the development of the 5-year Fair Housing Plan. PCD began updating the 2000-2005 Fair Housing Plan in conjunction with the required 5-year Consolidated Planning process associated with HUD funded entitlement communities.

PCD compiled and analyzed the latest statistical data and used interviews and public hearings to solicit input and feed back for this plan. In addition, the FY05-09 Consolidated Plan initiated a comprehensive needs analysis for public services, public facilities, housing, homelessness, and other community development needs throughout the City from government entities, non-profits, faith-based organizations, the private sector, and the general public.

The Department of Planning and Community Development also completed a comprehensive review of policies, practices, and procedures that affect the location, availability, and accessibility of housing.

The City of Quincy's fair Housing Committee oversaw the final stages of plan development and reviewed a draft of the plan prior to public comment period and final plan approval.

### **Funding of the fair Housing Plan**

Funding for this Analysis was provided by the Community Development Block Grant program (CDBG).

## City of Quincy Fair Housing Mission Statement and Principals

The mission of The City of Quincy through its programs and partnerships is to be a leader in creating housing choice and providing opportunities for inclusive patterns of housing occupancy to all residents of the City, regardless of income, race, religious creed, color, national origin, sex, sexual orientation, age, ancestry, familial status, veteran status, or physical or mental impairment.

It shall be our objective to ensure that new and ongoing programs and policies affirmatively advance fair housing, promote equity, and maximize choice. In order to achieve our objective, we shall be guided by the following principles:

- 1. Encourage Equity:** Support public and private housing and community investment proposals that promote equality and opportunity for all residents of Quincy. Increase diversity and bridge differences among residents regardless of race, disability, social, economic, educational, or cultural background, and provide integrated social, educational, and recreational experiences.
- 2. Be Affirmative:** Direct resources to promote the goals of fair housing. Educate all housing partners of their responsibilities under the law and how to meet this important state and federal mandate.
- 3. Promote Housing Choice:** Create quality affordable housing opportunities that are geographically and architecturally accessible to all residents of Quincy. Establish policies and mechanisms to ensure fair housing practices in all aspects of marketing.
- 4. Enhance Mobility:** Enable all residents to make informed choices about the range of communities in which to live. Target high-poverty areas and provide information and assistance to residents with respect to availability of affordable homeownership and rental opportunities in Quincy and how to access them.
- 5. Promote Greater Opportunity:** Utilize resources to stimulate private investment that will promote a desirable and diverse community. Foster neighborhoods that will improve the quality of life for existing residents. Make each neighborhood a place where any resident could choose to live, regardless of income.
- 6. Reduce Concentrations of Poverty:** Ensure an equitable geographic distribution of housing and community development resources. Coordinate allocation of housing resources with employment opportunities, as well as availability of public transportation and services.
- 7. Preserve and Produce Affordable Housing Choices:** Encourage and support rehabilitation of existing affordable housing while ensuring that investment in new housing promotes diversity, and economic, educational, and social opportunity. Make housing preservation and production investments that will create a path to social and economic mobility.
- 8. Balance Housing Needs:** Coordinate the allocation of resources to address local housing need, as identified by community stakeholders. Ensure that affordable housing preservation and production initiatives and investment of other housing resources promote diversity and social equity and improve neighborhoods while limiting displacement of current residents.

**9. Measure Outcomes:** Collect and analyze data on households Quincy including the number of applicants and households served. Utilize data to assess the fair housing impact of housing policies and their effect over time, and to guide future housing development policies.

**10. Rigorously Enforce All Fair Housing and Anti- Discrimination Laws and Policies:** Direct resources only to projects that adhere to the spirit, intent, and letter of applicable fair housing laws, civil rights laws, disability laws, and architectural accessibility laws. Ensure that policies allow resources to be invested only in projects that are wholly compliant with such laws.

## SECTION 2.0 HISTORY OF FAIR HOUSING IN THE U.S.

*The City of Quincy received permission from the Massachusetts Department of Housing and Community Development (DHCD) to incorporate in the City's Fair Housing Plan the following section on the History of Fair Housing. The City is grateful to DHCD for the use of this section and hopes the content will provide the public a valuable educational tool on fair housing policy and practices.*

The Fair Housing Act was enacted on April 11, 1968, on the heels of Martin Luther King Jr.'s assassination and the federally authorized Kerner Commission report, which concluded that America was "moving toward two societies, one black, one white – separate and unequal."<sup>1</sup> In an effort to eradicate both separation and inequality in housing, the Fair Housing Act and its progeny establish that the civil right to "fair housing" encompasses the right to choose and enjoy housing, regardless of personal characteristics such as race, sex, and handicap. The exercise of such a right requires freedom from the impediments of discriminatory rental, sales, and lending practices, segregative zoning and land use decisions by governments and housing programs, and other barriers to equality.

This section of the Analysis of Impediments to Fair Housing will outline a legal framework for understanding and applying fair housing principles. A working knowledge of fair housing laws is essential for policy makers; not only to ensure statutory compliance, but also to recognize the limitations of said laws and the need for an expansive policy approach to affording equal opportunity in housing. Fair Housing is a vast and complex area of statutory and case law, and it is important to note that this section is not intended to be an exhaustive explanation of all applicable fair housing laws, but rather an introductory framework.

### 2.1 Legal Theories of Fair Housing

#### 2.1.1 *Standing to sue: Proper Plaintiff*

Under fair housing laws, any "aggrieved person," or any person who suffers an injury or is about to suffer an injury because of a discriminatory housing practice has standing to file a lawsuit in federal or state court or to file an administrative complaint with the appropriate agency. An aggrieved person need not belong to a category of persons delineated under the applicable fair housing law. For example, a mother who is denied housing because of the handicap of her child would have standing to sue, as would a Caucasian person who is deprived of the opportunity to live in a racially diverse community because minorities are being steered away from that community.<sup>2</sup>

Moreover, an aggrieved person need not be a bona fide home seeker to have standing. For example, the United States Supreme Court has held that testers, or persons posing as renters or homebuyers so as to detect unlawful housing practices, may have standing to sue, as would fair housing organizations that

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<sup>1</sup> Kerner Commission. March 1, 1968. Report of the National Advisory Commission on Civil Disorders. Washington, D.C.: U.S. Government Printing Office.

<sup>2</sup> *Trafficante v. Metropolitan Life Insurance*, 409 U.S. 205 (1972) (holding that plaintiffs suffered an injury-in-fact for the loss of interracial associations resulting from living in a racially nonintegrated housing complex, thereby establishing standing to sue even though they had not themselves been the direct victims of discrimination).

divert their resources and/or frustrate their mission to detect and respond to discriminatory housing practices.<sup>3</sup>

### 2.1.2 *Liability: Proper defendants*

Persons or entities that engage in residential real estate-related transactions are prohibited from engaging in unlawful discrimination. Thus, property owners, property managers, property management companies, real estate companies, real estate brokers and agents, and leasing agents are examples of persons and entities that may be sued under fair housing laws. Moreover, proper defendants under fair housing laws include not only the person(s) performing the discriminatory act, but generally also include that person's employer if the discriminatory act is performed during the course of employment. For example, courts have held that the owner or management company of a property may be held vicariously liable for the discriminatory acts of its agents acting in the scope of their authority or employment (i.e. leasing agents, maintenance staff).<sup>4</sup>

### 2.1.3 *Legal theories for proving discrimination*

With respect to anti-discrimination laws, three methods of proof are primarily applied to attack a variety of discriminatory practices: disparate treatment, mixed motive, and disparate impact.

**Disparate treatment:** under the disparate treatment legal theory, the plaintiff has the initial burden to establish a prima facie case of discrimination, which varies according to the facts of the case. Generally, a plaintiff establishes a prima facie case by producing evidence that she belongs to a protected group, that she was qualified for housing, and that she was denied available housing or treated differently from others similarly or less qualified.<sup>5</sup> The burden then shifts to the defendant to articulate a legitimate non-discriminatory reason for its actions; however, the plaintiff has the ultimate burden to prove that the defendant's articulated non-discriminatory reason is a pretext.<sup>6</sup> The plaintiff may prove pretext by showing that the defendant's non-discriminatory reason is not credible, or that discrimination was in fact the real reason for defendant's actions.<sup>7</sup>

**Disparate treatment/Mixed motive:** proving mixed motive requires the plaintiff to prove that a discriminatory motive played a role in the defendant's decision making, after which the defendant must prove that it would have made the same decision regardless of the discriminatory motive. Courts vary in their characterization of the plaintiff's ultimate burden in mixed motive cases.<sup>8</sup>

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<sup>3</sup> See e.g., *Havens Realty Corp. v. Coleman*, 455 U.S. 363, 374-75 (1982) (holding that an African-American tester who was misinformed about the availability of an apartment for rent, as well as the fair housing organization that frustrated its mission by employing the tester and devoting significant resources to identify and counteract the defendant's racially discriminatory steering practices, had alleged sufficient injury in fact to support standing to sue under the Fair Housing Act).

<sup>4</sup> *Meyer v. Holley*, (Supreme Court held that individual owners and officers of companies may be liable on the grounds that the owner or officer controlled, or had the right to control, the actions of the employee).

<sup>5</sup> See e.g., *Pinchback v. Armistead Homes Corp.*, 907 F.2d 1447 (4th Cir.), cert denied, 498 U.S. 983 (1990); see also Title VII employment discrimination cases *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973); *Texas Dep't of Community Affairs v. Burdine*, 450 U.S. 248 (1981)).

<sup>6</sup> *Id.*

<sup>7</sup> *Reeves v. Sanderson Plumbing Products, Inc.*, 530 U.S. 133 (2000).

<sup>8</sup> See e.g., *Woods-Drake v. Lundy*, 667 F.2d 1198, 1201 (5th Cir. 1982) (finding liability under the Fair Housing Act and section 1982 of the Civil Rights Act of 1866 where race was a significant factor in the defendant's decision to evict the plaintiff); *Price Waterhouse* (Title VII case finding no liability if the defendant would have made the same decision without the discriminatory motive).

Disparate impact: dissimilar to the disparate treatment legal theory, the disparate impact theory is applied when the plaintiff is able to prove, i.e., through strong statistical evidence, that a rule or policy, albeit neutral on its face, has an adverse effect on persons protected under fair housing laws.<sup>9</sup> The defendant must then generally establish that there was a legitimate justification for the policy.<sup>10</sup> The U.S. Supreme Court has held that evidence of some discriminatory intent is necessary for a plaintiff to prevail on a disparate impact housing claim under the Equal Protection Clause of the U.S. Constitution; however the Supreme Court has held that evidence of discriminatory intent is not necessary under a federal statutory prohibition against discrimination.<sup>11</sup>

## 2.2 The Federal Fair Housing Act

The Fair Housing Act (FHA), Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act in 1988, is similar in the categories of persons protected to Title VII of the Civil Rights Act of 1964, which prohibits discrimination in employment. The Fair Housing Act prohibits discriminatory housing practices against the following protected classes (categories of persons protected under the law):

- Race;
- Color;
- National origin;
- Religion;
- Sex;
- Familial status; and
- Handicap (this term is used interchangeably with “disability” herein)

Discrimination on the basis of familial status and disability is prohibited in the Fair Housing Act as a result of the Fair Housing Amendments Act of 1988.<sup>12</sup> Additional protections are afforded to other categories of persons under Massachusetts General Laws, Chapter 151B. For further information of Chapter 151B.

### 2.2.1 Housing Covered by the Fair Housing Act

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<sup>9</sup> See e.g., *Betsey v. Turtle Creek Associates*, 736 F.2d 983 (4 Cir. 1984) (finding disparate impact based on substantial disparity in evictions between Blacks and Whites); *Langlois v. Abington Housing Authority*, 234 F. Supp. 2d 33 (D. Mass. 2002) (finding disparate impact on minorities where the community had a smaller proportion of minority residents than the larger geographical area in which Section 8 applicants were drawn, where local preferences applied to the PHA program waiting lists led to significantly fewer minorities actually participating in PHA programs than minorities waiting to participate in PHA programs, and where the justification of need for the residency preferences was not sufficient); see also *Comer v. Cisneros*, 37 F.3d 775 (2 Cir. 1994).

<sup>10</sup> See e.g., *Huntington v. Huntington Branch, NAACP*, 488 U.S. 15 (2d Cir. 1988).

<sup>11</sup> *Arlington Heights v. Metropolitan Housing Corp.*, 499 U.S. 252 (1977) (employment discrimination case holding that absent evidence of discriminatory intent, the Village of Arlington Heights could not be held in violation of the Equal Protection Clause of the Fourteenth amendment for denying the rezoning necessary for the development of low-income housing, even though the denial disproportionately affected African Americans); *Griggs v. Duke Power Co.*, 401 U.S. 424 (1971) (employment discrimination case in which the Supreme Court holding that the absence of evidence of discriminatory intent does not absolve the defendant from liability under Title VII of the Civil Rights Act of 1964).

<sup>12</sup> 42 U.S.C. § 3604 et seq.

The Fair Housing Act applies to the following types of housing:

- Multi-family dwellings with greater than four units, including boarding or rooming houses;
- Multi-family dwellings with four or fewer units if the owner does not live in one of the units;
- Single-family privately owned homes when a real estate broker, agent, salesman, or any person in the business of selling or renting dwellings, is used, and/or discriminatory advertising is used to rent or sell the home; and
- Residentially zoned land and house lots for sale or lease.

The Fair Housing Act prohibitions on age discrimination do not apply to housing for older persons if it is: 1) a state or federal elderly housing program specifically designed and operated to assist the elderly; 2) a dwelling intended for the elderly where 80% of the units are occupied by at least one person age 55 or older;<sup>13</sup> or 3) a dwelling intended for the elderly where all residents are age 62 or older.

Although some housing may appear to be exempt under the Fair Housing Act, such an exemption may be lost, for example, if the housing provider uses real estate services or if a discriminatory advertisement is made.<sup>14</sup> Furthermore, although an exempt property under the Fair Housing Act may preclude a housing discrimination claim under the Fair Housing Act, such a claim may not be precluded under other federal laws or under state or local law, including Massachusetts' civil rights statute Chapter 151B.

### 2.2.2 Unlawful housing practices under the Fair Housing Act

The Fair Housing Act prohibits the following conduct against protected classes:

- Refusing to rent, sell, or negotiate for the sale or rental of a dwelling, or to otherwise make unavailable or deny a dwelling;
- Steering persons seeking to rent or buy housing away from or toward a particular area because of their membership in a protected class;
- Discriminating in the terms, conditions, or privileges, services, or facilities in the sale or rental of a dwelling;
- Making, printing, or publishing, or causing to make, print, or publish, any notice, statement, or advertisement that indicates any preference, limitation, or discrimination, or an intention to make such a preference, limitation, or discrimination, with respect to the sale or rental of a dwelling; and
- Representing that a dwelling is unavailable for inspection, rental, or sale when it is in fact available;
- Inducing or attempting to induce for profit any person to sell or rent a dwelling by representations regarding the prospective entry of a protected class into the neighborhood (referred to as "blockbusting");

<sup>13</sup> 42 U.S.C. § 3607(b)(2); see also Housing for Older Persons Act of 1995 (HOPA).

<sup>14</sup> "After December 31, 1969, the sale or rental of any such single-family house shall be excepted from the application of this subchapter only if such house is sold or rented (A) without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person and (B) without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of section 804(c) of this title; but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title." 42 U.S.C. § 3603(b)(1).

- Refusing to make reasonable accommodations in rules, policies, practices, or services necessary to afford a disabled person the equal opportunity to use and enjoy the dwelling;
- Refusing to permit reasonable modifications to the premises necessary to afford a disabled person full enjoyment of that premises;
- Failing to comply with handicap accessibility design and construction requirements;
- Discriminating in residential real-estate related transactions and brokerage services; and
- Interfering, coercing, intimidating, or threatening any person in the exercise or enjoyment of rights under the Fair Housing Act, or on account of aiding or encouraging any other person in the exercise or enjoyment of rights under the Fair Housing Act.

### 2.2.3 *Familial status discrimination and occupancy standards*

Familial status is defined under the Fair Housing Act as one or more individuals (under the age of 18 years) that is domiciled either with either a parent or another person having legal custody of such individual or individuals, or the designee of such parent or other person having such custody, with the written permission of such parent or other person. Under the Fair Housing Act, it is unlawful to limit the number of individuals allowed in a dwelling and/or in a bedroom if such a limit has the affect of discriminating against families with children. In 1998, HUD adopted the “Keating Memorandum” to provide guidance as to whether a housing provider’s occupancy restrictions are discriminatory.<sup>15</sup>

The Keating Memorandum recognizes the “two heartbeats per bedroom” occupancy standard as a general guideline for fair housing compliance; however, it also provides that such a guideline is rebuttable in view of other factors, such as the number and size of bedrooms, the availability of living space that could be used as a bedroom, and the age of the occupants. For example, a requirement that a couple with a young child live in a two-bedroom instead of a one-bedroom apartment would likely be found discriminatory.

### 2.2.4 *Government Discrimination in housing: zoning, land use, and public housing*

Courts have interpreted the Fair Housing Act to prohibit state and local governments from exercising their land use and zoning authority, as well as their authority to provide residential services and benefits, in a discriminatory fashion. For example, local zoning laws that treat groups of unrelated persons with disabilities less favorably than similar groups of unrelated persons without disabilities has been held to violate the Fair Housing Act.<sup>16</sup> Persons with disabilities are entitled to request reasonable accommodations in rules, policies, practices, or services under the Fair Housing Act; as such, group homes for the disabled must be given the opportunity to seek a waiver to zoning restrictions.<sup>17</sup>

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<sup>15</sup> Memorandum from Frank Keating to All Regional Counsel, HUD, Re Fair Housing Enforcement Policy: Occupancy Cases (Mar. 20, 1991); Department of Housing and Urban Development, “Fair Housing Enforcement—Occupancy Standards Notice of Statement of Policy,” 63 Fed. Reg. 243 (December 18, 1998) (stating HUD will consider the factors in the Keating Memorandum when evaluating housing discrimination complaints alleging a housing provider’s occupancy policies violate the Fair Housing Act on the basis of familial status).

<sup>16</sup> Massachusetts General Laws Chapter 40A (The Zoning Act) also prohibits health and safety laws or land-use requirements that constitute such discrimination against congregate living arrangements of nonrelated disabled persons.

<sup>17</sup> See e.g., *Groome Resources Ltd., LLC v. Parish of Jefferson*, 234 F.3d 192, 199 (5th Cir.2000) (holding that Jefferson Parish’s failure to entertain a waiver of its zoning policy as a reasonable accommodation for Groome Resources’ proposed group home for persons with Alzheimer’s disease violated the Fair Housing Act).

Government discrimination held to be unconstitutional includes enforcement of discriminatory restrictive covenants.<sup>18</sup>

Courts have also held that government policies that have a disparate or segregative effect on minorities are in violation of the Fair Housing Act.<sup>19</sup> Even absent direct evidence of intentional discrimination by local government, the provision of financial support for segregated housing despite knowledge of segregation may engender Fair Housing Act liability.<sup>20</sup> Moreover, claims of ignorance of segregation patterns are likely to be unsuccessful, as government entities have duties to investigate how their funds are being used.

### 2.2.5 Enforcement of the Fair Housing Act

With respect to Fair Housing Act violations, HUD's Office of Fair Housing and Equal Opportunity (FHEO) investigates and enforces discriminatory housing practices occurring or continuing to occur within one year of the filed complaint. If after the investigative process HUD determines that there is probable cause to conclude that unlawful housing discrimination occurred, the complainant may elect to have their case heard before an Administrative Law Judge ("ALJ"), or litigated in U.S. Court with representation by the U.S. Attorney General. The Department of Justice may bring discrimination lawsuits based upon a "pattern or practice" or an issue of general public importance. An aggrieved person may directly file a lawsuit in federal court within two years of the occurrence or continued occurrence of the alleged discriminatory practice, without filing an administrative complaint with HUD.

HUD will refer complaints alleging discrimination under the Fair Housing Act to state or local public agencies for investigation and enforcement if it has certified that said agencies enforce a law that provides substantive rights, procedures, remedies and judicial review provisions that are substantially equivalent to the Fair Housing Act. Thus, in Massachusetts, many complaints alleging discriminatory housing practices that are prohibited under the Fair Housing Act are referred to the Massachusetts Commission Against Discrimination, the Boston Human Rights Commission, and the Cambridge Human Rights Commission.

## 2.3 Other Federal Civil Rights Laws

### 2.3.1 Section 1981 and 1982 of the Civil Rights Act of 1866

Sections 1981 and 1982 of the Civil Rights Act of 1866 provide that all citizens shall have the same right to make and enforce contracts<sup>21</sup> and to inherit, purchase, lease, sell, and convey real property as White

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<sup>18</sup> See *Shelley v. Kraemer*, 334 U.S. 1 (1948) (state enforcement of racial restrictive covenants is unconstitutional).

<sup>19</sup> See e.g., *United States v. Yonkers Bd. of Educ.*, 801 F.2d 593, 596 (2d Cir. 1986) (holding that there was sufficient evidence to infer racial animus by city officials, who were acting on behalf of constituents seeking to exclude minorities from their neighborhoods, to concentrate public housing in an area predominantly inhabited by minorities).

<sup>20</sup> *Young v. Pierce*, 685 F. Supp. 975, 978 (ED Tex. 1988) (holding HUD liable for knowingly maintaining and perpetuating racially segregated public housing by failing to take desegregation action).

<sup>21</sup> 42 U.S.C. §1981 (stating "All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishments, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.").

citizens.<sup>22</sup> Enforcement may be sought by filing a lawsuit in court. Legal principles applied under the Fair Housing Act are similarly applied to Sections 1801 and 1802 of the Civil Rights Act of 1866. For example, establishing a prima facie case under the Fair Housing Act in a racial discrimination case also establishes a prima facie case under sections 1981 and 1982.<sup>23</sup> Section 1982 significantly enhances fair housing protections on the basis of race and color by providing for equal rights with respect to inheriting and conveying real property.<sup>24</sup> However, Section 1982 only provides for equal protection of U.S. Citizens.

### 2.3.2 Title VI of the Civil Rights Act of 1964

Title VI states that no person "in the United States" shall be discriminated against on the basis of race, color, or national origin by an entity receiving federal financial assistance."<sup>25</sup> The entity must perform governmental functions, or be principally engaged in the business of providing education, health care, housing, social services, or parks and recreation. The Department of Justice and HUD have also issued guidance on national origin discrimination against individuals with limited English proficiency.<sup>26</sup> Enforcement of Title VI is primarily conferred on those federal agencies extending financial assistance to the program or activity. The primary means of enforcing compliance is through voluntary agreements with the recipients, with fund suspension or termination as a means of last resort.<sup>27</sup> Enforcement may also be sought through private lawsuits.

### 2.3.3 Section 109 of the Housing and Community Development Act of 1974

Section 109 states that no person in the United States shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with federal financial assistance, on the grounds of race, color, national origin, religion, or sex. Section 109 applies to programs or activities funded by HUD's Community Development Block Grant Program (CDBG), as well as by Urban Development Action Grants, Economic Development Initiative Grants, and Special Purpose Grants.<sup>28</sup> Enforcement of Section 109 may be sought by filing a complaint with HUD or by filing a private lawsuit.

### 2.3.4 Age Discrimination Act of 1975

<sup>22</sup> 42 U.S.C. §1982 (stating "All citizens of the United States shall have the same right in every State and Territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold, and convey real and personal property.").

<sup>23</sup> See e.g., *Steptoe v. Savings of America*, 800 F. Supp. 1542 (N.D. Ohio 1992).

<sup>24</sup> See e.g., *Scott v. Eversole Mortuary*, 522 F.2d 1110 (1975) (holding that under § 1982 all citizens have the same rights as White citizens to inherit, purchase, lease, sell, hold, and convey real or personal property, and that § 1982 prohibits private and public discrimination in the sale of property).

<sup>25</sup> 42 U.S.C § 2000d et seq.

<sup>26</sup> Enforcement of Title VI of the Civil Rights Act of 1964-National Origin Discrimination Against persons with Limited English Proficiency, Fed. Reg. Vol. 65, No. 159, Wed., August 16, 2000, p. 50123; Notice of Guidance to Federal Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, Fed. Reg., December 19, 2003.

<sup>27</sup> Title VI also provides that the Attorney General shall issue guidelines for establishing reasonable time limits on efforts to secure voluntary compliance, on the initiation of sanctions, and for referral to the Department of Justice for enforcement where there is noncompliance. See supra note 24.

<sup>28</sup> 42 U.S.C. § 5309; 24 C.F.R. 6.

The Age Discrimination Act prohibits discrimination on the basis of age in programs or activities receiving federal financial assistance. The Act applies to all ages, but permits federal programs or activities to provide benefits or assistance to persons, such as the elderly, based upon their age.<sup>29</sup>

The Act authorizes the head of any federal department or agency who prescribes regulations under the Act to terminate or to refuse to grant assistance under the program or activity involved to any recipient found to have violated the applicable regulation after reasonable notice and opportunity for hearing.

### *2.3.5 Section 504 of the Rehabilitation Act of 1973*

Section 504 of the Rehabilitation Act of 1973 prohibits the exclusion of disabled persons from participating in, being denied the benefits of, or being subjected to discrimination under any program or activity receiving federal financial assistance (excluding vouchers or tax-credits) or under any program or activity conducted by any Executive agency or by the United States Postal Service.<sup>30</sup> HUD enforces Section 504 against housing programs funded by HUD through its administrative complaint process. The U.S. Department of Justice also has authority to enforce Section 504, and enforcement may be sought through private lawsuits as well.

### *2.3.6 Title II of the Americans with Disabilities Act (ADA)*

Title II of the Americans with Disabilities Act of 1990 (ADA) prohibits discrimination in housing that is owned, operated, or substantially financed by a state or local government entity.<sup>31</sup> HUD enforces Title II when it relates to state and local public housing, housing assistance, and housing referrals. The U.S. Department of Justice also has authority to enforce Title II of the ADA, and enforcement may be sought through private lawsuits as well.

### *2.3.7 Title III of the Americans with Disabilities Act ADA)*

Title III of the ADA is far less reaching than Title II with respect to housing because it prohibits discrimination in privately owned public accommodations; however, housing providers are obligated to comply with Title III in public areas such as a rental office in an apartment complex.<sup>32</sup> The U.S. Department of Justice has authority to enforce Title III of the ADA, and enforcement may also be sought through private lawsuits.

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<sup>29</sup> 42 U.S.C. §§ 6101-6107. (The act does not apply to a program or activity that takes action “that reasonably takes into account age as a factor necessary to the normal operation or the achievement of any statutory objective of such program or activity or the differentiation made by such action is based upon reasonable factors other than age,” and states “The provisions of this chapter shall not apply to any program or activity established under authority of any law which provides any benefits or assistance to persons based upon the age of such persons; or establishes criteria for participation in age-related terms or describes intended beneficiaries or target groups in such terms.”).

<sup>30</sup> 29 U.S.C. § 794.

<sup>31</sup> 42 U.S.C. §§ 12131 et seq.

<sup>32</sup> 42 U.S.C §12181 et seq.

### 2.3.8 United States Constitution

The Thirteenth Amendment (1865) abolishes slavery and involuntary servitude within the United States, and has also been interpreted to prohibit the “badges and incidents” of slavery, such as segregation.<sup>33</sup>

The Equal Protection clause of the Fourteenth Amendment (1868) prohibits state action, and federal action by application to the Fifth Amendment (1791), that deprives any person of the equal protection of the laws. The Equal Protection Clause applies to public housing authorities and some privately owned publicly subsidized housing units.<sup>34</sup> Similarly, the due process clause of the Fifth Amendment prohibits federal action that deprives any person of the equal protection of the laws.<sup>35</sup>

Government action that denies equal protection to suspect classes such as race has been subject to strict judicial scrutiny, whereby the government has the burden of establishing that it has a compelling interest and no less restrictive alternative for creating or engaging in a discriminatory policy or practice. Alleged equal protection violations towards other categories of people, such as women and the disabled, have been subjected to less stringent judicial scrutiny.<sup>36</sup>

## 2.4 Massachusetts General Laws, Chapter 151B

With respect to prohibited discriminatory housing practices, Chapter 151B closely mirrors the Fair Housing Act. However, Chapter 151B has significantly expanded the classes of individuals protected under the Fair Housing Act.<sup>37</sup> The additional protected classes are:

- Age;
- Marital status;
- Sexual orientation;
- Ancestry;
- Recipients of public or rental assistance<sup>38</sup>; and
- Military history

Chapter 151B also specifically states that it is unlawful “to cause to be made any written or oral inquiry or record concerning the race, color, religious creed, national origin, sex, sexual orientation, which shall not

<sup>33</sup> See e.g., *Baker v. McDonald’s Corp.*, 680 F. Supp. 1474 (S.D. Fla. 1987), *aff’d*, 865 F.2d 1272 (11<sup>th</sup> Cir. 1988), cert denied, 110 S. Ct. 57 (1989).

<sup>34</sup> See e.g., *Jeffries v. Georgia Residential Finance Authority*, 678 F.2d 919 (11<sup>th</sup> Cir.), cert. denied, 459 U.S. 971 (1982).

<sup>35</sup> See e.g., *Bolling v. Sharpe*, 347 U.S. 497 (1954) (holding that the Fifth Amendment’s due process clause provides for equal protection).

<sup>36</sup> Strict scrutiny has been applied to “suspect classifications” such as race, national origin, religion, and alienage in some cases, as well as classifications burdening fundamental rights; the U.S. Supreme Court has also articulated two additional levels of scrutiny. “Intermediate scrutiny,” which has been applied to classifications based on gender and children of illegal aliens, requires that a law be “substantially related” to an “important” government interest; “rational basis” scrutiny requires that laws that categorize on some other basis, such as mental disability or sexual orientation, be “reasonably related” to a “legitimate” government interest.

<sup>37</sup> M.G.L. c. 151B.

<sup>38</sup> M.G.L. c. 151B(10) states it is unlawful “For any person furnishing credit, services or rental accommodations to discriminate against any individual who is a recipient of federal, state, or local public assistance, including medical assistance, or who is a tenant receiving federal, state, or local housing subsidies, including rental assistance or rental supplements, because the individual is such a recipient, or because of any requirement of such public assistance, rental assistance, or housing subsidy program.”

include persons whose sexual orientation involves minor children as the sex object, age, genetic information, ancestry, handicap or marital status of a person seeking to rent or lease or buy any such commercial space.”<sup>39</sup> However, to ensure compliance with civil rights requirements, records on race, color, ethnicity, religion, age, gender, and disability are collected by federal programs.<sup>40</sup> Furthermore, local-housing agencies must collect information on minority households in order to satisfy the affirmative fair marketing and tenant selection requirements under 760 C.M.R. 47.08. Housing providers or administrators for subsidized programs also request information from households on family size and the existence of a disability in order to allocate an appropriately sized and/or accessible unit.<sup>41</sup>

Chapter 151B does not apply to dwellings containing three apartments or less, if one of the apartments is occupied by an elderly or infirm (disabled or suffering from a chronic illness) person “for whom the presence of children would constitute a hardship.” Familial status is also protected under the Massachusetts Lead Paint Law, which prohibits the refusal to rent to families with children under six, or the eviction or refusal to renew the lease of families with children under six, because of lead paint.<sup>42</sup>

#### *2.4.1 Housing Covered by Chapter 151B*

Chapter 151B of the Massachusetts Anti-Discrimination Act is broader than the Fair Housing Act in that it applies to all multi-family housing, except owner occupied two-family housing and single-family dwellings that are temporarily leased or subleased for one year or less. Chapter 151B also applies to any organization of unit owners in a condominium or housing cooperative.

Housing for older persons is also exempt from the age discrimination provisions of Chapter 151B where the housing is: state-aided or federally-aided housing developments for the elderly; assisted under the federal low income housing tax credit and intended for use as housing for persons 55 years of age or over or 62 years of age or over; consisting of either a structure or structures constructed expressly for use as housing for persons 55 years of age or over or 62 years of age or over, on 1 parcel or on contiguous parcels of land, totaling at least 5 acres in size.<sup>43</sup> Chapter 151 B was recently amended by Chapter 291 of the Acts of 2006, which strikes out the land area requirement and instead requires that the housing owner of manager of age-restricted housing constructed on or after January 1, 2007, register biennially with the department of housing and community development. Chapter 151B also states that housing intended for occupancy by persons fifty-five or over and sixty-two or over shall comply with the provisions set forth in the Fair Housing Act.<sup>44</sup>

Although some housing may not be exempt under Chapter 151B, it may be exempt under the Fair Housing Act. In such cases, a complaint alleging a discriminatory housing practice may be brought under Chapter 151B and not under the Fair Housing Act. A further discussion on Chapter 151B and its exemptions is included herein, *infra* section III(A).

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<sup>39</sup> *Id.*

<sup>40</sup> Meeting Local Housing Needs: A Practice Guide for Implementing Selection Preferences and Civil Rights Requirements in Affordable Housing Programs. Citizens’ Housing and Planning Association. September 2004.

<sup>41</sup> *Id.*

<sup>42</sup> M.G.L. Chapter 151B § 4(6).

<sup>43</sup> For the purpose of this subsection, housing intended for occupancy by persons fifty-five or over and sixty-two or over shall comply with the provisions set forth in 42 USC 3601 et seq.” M.G.L. c. 151B §6, 7.

<sup>44</sup> M.G.L. c. 151B § 4(11).

#### 2.4.2 *Familial Status Discrimination and Occupancy Standards*

Chapter 151B states that it is unlawful to discriminate against persons intending to occupy the premises with a child or children, but it does not negate or limit the applicability of any local, state, or federal restrictions regarding the maximum number of persons permitted to occupy a dwelling.<sup>45</sup>

#### 2.4.3 *Government Discrimination in housing*

Exemptions from zoning regulations provided in Section 3 of Chapter 40A of the Massachusetts General Laws includes land use for religious purposes if the land is owned or leased by the Commonwealth or any of its agencies, or by a nonprofit educational corporation (otherwise known as the “Dover Amendment”).<sup>46</sup>

Chapter 40A Section 3 also explicitly states that local land use and health and safety laws and practices shall not discriminate against disabled persons, including land use requirements on congregate living arrangements among non-related disabled persons that are not imposed on families and groups of similar size or other non-related persons.<sup>47</sup>

#### 2.4.4 *Enforcement of Massachusetts Anti-Discrimination Laws*

With respect to Chapter 151B violations, the Massachusetts Commission Against Discrimination (MCAD) in turn investigates and enforces discriminatory housing practices occurring or continuing to occur within 300 days the filed complaint.

Complaints generally must be filed in person at the MCAD offices in Boston or Springfield, unless the complainant is represented by an attorney. MCAD does not generally accept complaints by phone unless the complainant is deaf, hard of hearing.

Complaints may be filed with MCAD regardless of immigration status, and MCAD will not question your citizenship or request a copy of your documentation. Further information on filing a complaint with MCAD may be found at <http://www.mass.gov/mcad/filing.pdf>.

If after the investigative process MCAD determines that there is probable cause, or sufficient evidence to support a conclusion that unlawful discrimination may have occurred, the complainant may elect to have their case resolved by MCAD through a hearing, or litigated in state court. If a complainant elects a hearing and does not have an attorney, an MCAD attorney will prosecute the case on behalf of the Commission. If a complainant elects litigation in state court, the Massachusetts Attorney General will prosecute the case on behalf of the complainant in superior court. Aggrieved persons may directly file a

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<sup>45</sup> “No zoning ordinance or by-law shall . . . prohibit, regulate or restrict the use of land or structures for religious purposes or for educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation; provided, however, that such land or structures may be subject to reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements.” M.G.L. 40 § 3 (the Dover Amendment was enacted in response to a zoning by-law passed by the town of Dover, Massachusetts, prohibiting religious schools within Dover’s residential neighborhoods. See Attorney General v. Dover, 327 Mass. 601, 603-04 (1951)).

<sup>46</sup> M.G.L. 40 § 3.

<sup>47</sup> Boston Fair Housing Ordinance, C.B.C., Ordinance 10, § 152(1)

lawsuit in superior court within three years of the occurrence or continued occurrence of the alleged discriminatory practice, without filing an administrative complaint with MCAD, or 90 days after filing a complaint with MCAD.

Complaints alleging discrimination occurring in Boston or Cambridge may also be filed with the Boston Fair Housing Commission (BFHC)<sup>48</sup> and the Cambridge Human Rights Commission<sup>49</sup> respectively. Said complaints may be filed on the basis of race, color, sex, age, ancestry, disability, children, national origin, source of income,<sup>50</sup> military status, marital status, religion, and sexual preference, and must be filed within 180 days of the last discrimination incident.

## 2.5 Other Massachusetts Anti-Discrimination Laws

### 2.5.1 Massachusetts General Laws Chapter 184 § 23B

Chapter 23B renders any provision in an instrument relating to real property void, with some exceptions, if it directly or indirectly limits the conveyance, encumbrance, occupancy, or lease of that property to individuals to a specified race, color, religion, national origin, or sex.<sup>51</sup>

### 2.5.2 Massachusetts General Laws Chapter 12 § 11H and 11I

Chapter 12 § 11H provides that the Massachusetts attorney general may bring a civil action in the name of the Commonwealth for an injunction or other appropriate equitable relief against any person(s) interfering with a person(s) rights under the U.S. Constitution or Massachusetts Constitution through actual or attempted threats, intimidation, or coercion. Chapter 12 § 11I provides for a private cause of action for such violations.

### 2.5.3 Massachusetts Equal Rights Law

The Massachusetts Equal Rights Law was adopted in 1990 and was inspired by the federal Civil Rights Act of 1866, which designated the right to contract as an enforceable civil right. Section 102 of the Equal Rights Law provides that any person, regardless of sex, race, color, creed or national origin, except as otherwise provided by law, shall have equal rights to contract, as well as the right to inherit, to purchase, to lease, to sell, to participate in law suits and to receive the full benefit of the law.<sup>52</sup>

<sup>48</sup> Cambridge Fair Housing Ordinance, chapter 14.04.

<sup>49</sup> BFHC defines "source of income" as "income from all lawful sources, including but not limited to, public benefits, public subsidies, insurance or investment of any sort, alimony or child support, businesses, and employment or professional services of any sort," C.B.C. 10, § 1.02(0); CHRC defines to "source of income" as "receipt of public reciprocity...(which) shall not include income derived from criminal activity," 14.04.030(T).

<sup>50</sup> M.G.L.A. c. 184 § 23B (stating "A provision in an instrument relating to real property which purports to forbid or restrict the conveyance, encumbrance, occupancy, or lease thereof to individuals of a specified race, color, religion, national origin or sex shall be void. Any condition, restriction or prohibition, including a right of entry or a possibility of reverter, which directly or indirectly limits the use for occupancy of real property on the basis of race, color, religion, national origin or sex shall be void, excepting a limitation on the basis of religion on the use of real property held by a religious or denominational institution or organization or by an organization operated for charitable or educational purposes which is operated, supervised or controlled by or in connection with a religious organization.").

<sup>51</sup> Mass. Const. Amend., Art. CXIV.

<sup>52</sup> M.G.L. c.93 § 102 (stating All persons within the commonwealth, regardless of sex, race, color, creed or national origin, shall have, except as is otherwise provided or permitted by law, the same rights enjoyed by white male citizens, to make and enforce contracts, to inherit, purchase, to lease, sell, hold and convey real and personal property, to sue, be parties, give

Section 103 provides similar rights to any person regardless of disability or age, as defined under Chapter 151B, with reasonable accommodation.<sup>53</sup> Enforcement of the Massachusetts Equal Rights Law takes place through the courts.

#### 2.5.4 Article CXIV of the Massachusetts Constitution

The Massachusetts Constitution was amended in 1980 to preclude discrimination against handicapped individuals under any program or activity within the Commonwealth.<sup>54</sup> Article CXIV parallels Section 504 of the Rehabilitation Act, excepting the federal financial assistance requirement. Article CXIV is generally only applied when public policy has been violated and there is no alternative viable statutory means for addressing the discrimination.<sup>55</sup> Enforcement of Article CXIV is through the courts.

## 2.6 Fair Housing Rights of Disabled Persons

In addition to the fair housing rights discussed thus far, disabled persons also enjoy numerous protections under various civil rights laws,<sup>56</sup> including the following:

### 2.6.1 Fair Housing Act

Pursuant to the Fair Housing Act, discrimination against disabled persons includes the refusal to make a reasonable accommodation and/or modification for disabled persons. Determinations as to whether an accommodation or modification request is reasonable is made on a case-by-case basis. Under the Fair Housing Act, a disabled person (now used interchangeably with the term handicap) is defined as:

having a physical or mental impairment which substantially limits one or more of such person's major life activities;  
 having a record of such an impairment; or  
 regarded as having such impairment, but such term does not include current, illegal use of or addiction to a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

A “reasonable accommodation” is a change in rules, policies, practices, or services that is necessary to afford such person equal opportunity to use and enjoy a dwelling, without posing an undue financial or administrative burden to the housing provider, or fundamentally altering the nature of the housing provider’s operations. Examples of a reasonable accommodation include waiving a “no animals” rule for

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evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other).

<sup>53</sup> M.G.L. c.93 § 103 (stating “any person within the commonwealth, regardless of handicap or age as defined in chapter one hundred and fifty-one B, shall, with reasonable accommodation, have the same rights as other persons to make and enforce contracts, inherit, purchase, lease, sell, hold and convey real and personal property, sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property, including, but not limited to, the rights secured under Article CXIV of the Amendments to the Constitution.”).

<sup>54</sup> M.G.L. c. 22, § 13A.

<sup>55</sup> See e.g., *Layne v. Superintendent*, 406 Mass. 156 (1989).

<sup>56</sup> For further information, see *Meeting Local Housing Needs: A Practice Guide for Implementing Selection Preferences and Civil Rights Requirements in Affordable Housing Programs*. Citizens’ Housing and Planning Association. September 2004.

a disabled individual in need of a service animal, or permitting a disabled individual to have a reserved parking space closer to his/her unit.

A “reasonable modification” is a change to the existing premises occupied or to be occupied by a disabled person that is necessary to afford such person full enjoyment of the premises. Examples of reasonable modifications include constructing ramps into units and widening doorways for wheelchair access. The Fair Housing Act does not obligate the housing provider to cover the cost of the modification, although it must permit the modification to be made. In a rental situation, the housing provider may reasonably condition permission for a modification on the tenant’s agreement to restore the interior of the premises to the condition that existed before the modification (excepting reasonable wear and tear).

The Fair Housing Act also requires compliance with design and construction accessibility requirements in multifamily dwellings with first occupancy after March 13, 1991. A multifamily dwelling with four or more units and an elevator is required to have all units handicap accessible. A multifamily dwelling with four or more units without an elevator is required only to have the ground floor unit’s handicap accessible.

Covered multifamily dwellings must comply with the following requirements:<sup>57</sup>

- the public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons;
- all the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and
- all premises within such dwellings contain the following features of adaptive design.

Accessibility requirements under the Fair Housing Act are provided by the Fair Housing Accessibility Guidelines (FHAG). The Fair Housing Act also accepts compliance with the standards of the American National Standard Institute (“ANSI A117.1”) with respect to the features of adaptive design. For further information about accessibility requirements under federal law, see the Fair Housing Accessibility First website at <http://www.fairhousingfirst.org/index.asp> .

### 2.6.2 Section 504 of the Rehabilitation Act of 1973

Section 504 of the Rehabilitation Act of 1973 (discussed further herein, supra IV) requires housing programs to be readily and accessible and usable to persons with disabilities if the dwelling was constructed after July 11, 1988. Section 504 requires accessibility compliance with the Uniform Federal Accessibility Standards (UFAS). Five percent of public housing units must be accessible to tenants with mobility disabilities and two percent must be accessible to tenants with hearing or vision disabilities. For further information on UFAS, see [www.access-board.gov/ufas/ufas-html/ufas.htm](http://www.access-board.gov/ufas/ufas-html/ufas.htm) .

### 2.6.3 The Americans with Disabilities Act (ADA)

Title II of the Americans with Disabilities Act of 1990 (ADA) (discussed further herein, supra IV) requires that applicable housing be readily accessible to disabled persons if the dwelling was constructed

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<sup>57</sup> Features of adaptive design under the federal Fair Housing Act require: 1) that there is an accessible route into and through the dwelling; 2) light switches, electrical outlets, thermostats, and other environmental controls are in accessible locations; 3) reinforcements are in bathroom walls to allow later installation of grab bars; and 4) usable kitchens and bathrooms are such that an individual in a wheelchair can maneuver about the space.

after January 26, 1992. Accessibility requirements under Title II of the ADA are met through compliance with the ADA Accessibility Guidelines (ADAAG) or UFAS. Title III of the ADA<sup>58</sup> obligates accessibility in public areas such as a rental office in an apartment complex, and accessibility requirements are met through compliance with ADAAG. For further information on ADAAG see <http://www.accessboard.gov/adaag/html/adaag.htm> ; see also the Title II Technical Assistance Manual at <http://www.ada.gov/taman2.html#II-6.2000>.

#### 2.6.4 Architectural Barriers Act of 1968

The Architectural Barriers Act requires that buildings and facilities designed, constructed, altered, or leased with federal funds after September 1969 are accessible to and usable by disabled persons in accordance with federal residential accessibility standards.<sup>59</sup> The Access Board investigates and enforces complaints of non-compliance with the Architectural Barriers Act.

#### 2.6.5 Massachusetts General Laws Chapter 151B

An important distinction between Chapter 151B and the Fair Housing Act is that under Chapter 151B, reasonable modifications must be made at the expense of the owner or other person having the right of ownership in the case of publicly assisted housing, multiple dwelling housing consisting of ten or more units, or contiguously located housing consisting of ten or more units. Pursuant to Chapter 151B, an owner or other person having the right of ownership is only required to pay for modifications to make units fully accessible to persons using a wheelchair in ten percent of the units.<sup>60 61</sup>

Chapter 151B also includes specific provisions that have been implied from the Fair Housing Act through judicial decisions. Notably, Chapter 151B specifically states that it is unlawful to discriminate against any person “because such person possesses a trained dog guide as a consequence of blindness or hearing impairment.”<sup>62</sup>

Massachusetts imposes additional requirements with respect to handicap accessibility than federal civil rights laws. Along with Chapter 151B, which parallels the accessibility provisions of the Fair Housing Act, Massachusetts accessibility requirements are governed by the Massachusetts Architectural Access Law.<sup>63</sup> The Massachusetts Architectural Access Law established the Architectural Access Board (AAB) to develop standards for handicap accessibility.<sup>64</sup>

<sup>58</sup> 42 U.S.C §12181 et seq.

<sup>59</sup> 42 U.S.C §4151 et seq.

<sup>60</sup> “ Reasonable modification shall include, but not be limited to, making the housing accessible to mobility-impaired, hearing-impaired and sight-impaired persons including installing raised numbers which may be read by a sight-impaired person, installing a door bell which flashes a light for a hearing-impaired person, lowering a cabinet, ramping a front entrance of five or fewer vertical steps, widening a doorway, and installing a grab bar; provided, however, that for purposes of this subsection, the owner or other person having the right of ownership shall not be required to pay for ramping a front entrance of more than five steps or for installing a wheelchair lift.” M.G.L. c. 151B § 7A (3).

<sup>61</sup> Id.

<sup>62</sup> M.G.L. c. 151B

<sup>63</sup> The Architectural Access Board defines “adaptability” as follows: “The ability of certain building spaces and elements, such as kitchen counters, sinks, and grab bars, to be added or altered so as to accommodate the needs of persons with or without disabilities or with different types or degrees of disability.” M.G.L. c. 22 § 13A.

<sup>64</sup> Massachusetts Commission Against Discrimination regulations state that owner occupied two-family housing is not exempt if: (1) the homeseeker or renter is a recipient of public assistance or housing subsidy; (2) the leasing or rental process utilized the services of a person or organization whose business includes engaging in residential real estate related transactions; or, (3)

The AAB's Rules and Regulations establish adaptability and accessibility requirements for both individual units and public and common use spaces in multiple dwellings. The AAB accessibility requirements apply to multiple dwellings consisting of three or more units with building permits for new construction issued on or after September 1, 1996, as well as to public and common use spaces in multiple dwellings of 12 or more units with building permits issued before September 1, 1996.<sup>65</sup> In multiple dwellings with 20 or more units for rent, hire, or lease: at least 5% of the units must be wheelchair accessible, exempting townhouses,<sup>66</sup> and proportionally distributed by size, quality price, and location; at least 2% of units must be audible accessible. With respect to renovations for residential use, if costs within a three-year period exceed 30% of the building's value, new construction accessibility requirements apply. AAB adaptability requirements (not involving structural change) for newly constructed units after September 1, 1996 are similar to those of the Fair Housing Act: in buildings with elevators, all units must be adaptable, and in buildings without elevators, all ground floor units must be adaptable.

Furthermore, buildings subjected to AAB accessibility requirements must provide at least one means of accessible egress; at least two means of accessible egress must be provided when more than one means of standard egress is required by the Massachusetts State Building Code.<sup>67</sup> For further information about accessibility requirements under the AAB regulations, see the Architectural Access Board website at <http://www.mass.gov/aab>.

The Massachusetts Commission Against Discrimination has also issued regulations in connection with Chapter 151B, which state that newly constructed multi-family dwellings (constructed as of March, 1991) must provide "basic access" for individual units and for public common spaces, and must make five percent of all units wheelchair accessible and two percent communication accessible.<sup>68</sup>

## 2.7 Protections for Domestic Violence Victims

As domestic violence victims are disproportionately women, the treatment of such victims by housing providers may be a fair housing issue. In the case *Bouley v. Sabourin*, the United States District Court of Vermont ruled in 2005 against the defendant's motion for summary judgment, finding that the Fair Housing Act prohibits discrimination against domestic violence victims. In said case, the landlord evicted a domestic violence victim after writing a letter indicating a perception that the tenant did not react appropriately to the domestic abuse in accordance with gender stereotypes. The court found that the plaintiff had established a prima facie case of discrimination, and cited *Cf. Smith v. City of Elyria*, which

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the availability of the unit is made known by making, printing, publishing, or causing to be made printed or published any notice, statement, or advertisement with respect to the rental of such a unit that indicates any preference limitation, exclusion or discrimination based upon any of the protected classes under Chapter 151B. See 804 C.M.R. 02.00.

<sup>65</sup> 521 C.M.R. 1.00-47.00.

<sup>66</sup> When 5% of the total number of units required to be accessible includes townhouses, they shall comply by any of the following means:

- a. substitute a fully accessible flat of comparable size, amenities, etc.;
- b. provide space for the future installation of a wheelchair lift to access either upper or lower level of townhouse.
- c. provide space for the future installation of a residential elevator to access either the upper or lower level of the townhouse.

<sup>67</sup> 521 C.M.R. 20.11 ("All spaces or elements required to be accessible by 521 CMR shall be provided with no less than one accessible means of egress. Where more than one means of egress is required under 780 CMR (The Massachusetts State Building Code) from any accessible space or element, each space or element shall be served by not less than two accessible means of egress. Exception: For the purpose of 521 CMR 20.11, fire escapes shall be exempt.").

<sup>68</sup> 804 C.M.R. 02.00.

found there was “evidence on the record from which a jury could find defendant’s domestic disputes policy had a discriminatory impact and was motivated by intent to discriminate against women.”<sup>69</sup>

The Domestic Violence Against Women Act (VAWA) of 2005 is another federal law that provides protections for domestic violence victims in housing. In addition to creating program funding for long-term affordable and transitional housing for domestic violence victims, the Act provides that public housing and Section 8 providers shall not find domestic abuse as good cause for terminating a lease held by the victim, and that the abuser’s criminal activity beyond the victim’s control shall not be grounds for termination or eviction.

Pursuant to regulations governing local housing authorities in Massachusetts, a local housing authority may find domestic abuse as mitigating circumstances to a finding of housing disqualification due to damage or disturbance during the tenancy.<sup>70</sup> Said regulations also provide that local housing authorities provide “reasonable and appropriate assistance” to a tenant who is a victim of domestic violence, including granting a transfer.<sup>71</sup>

## 2.8 Fair Lending Laws

Discriminatory lending practices violate the Fair Housing Act, as well statutes such as those indicated below, because of the effect they have on housing opportunities. The Fair Housing Act and the Massachusetts Anti-Discrimination Statute, Chapter 151B The Fair Housing Act and Chapter 151B prohibit any person or entity whose business includes engaging in residential real estate-related transactions from discriminating in making available such a transaction, or in the terms or conditions of such a transaction, because of a person’s membership in a protected class.

“Residential real-estate transactions” is broadly defined as:

- Making or purchasing loans or providing other financial assistance for purchasing, constructing, improving, repairing, or maintaining a dwelling;
- Making or purchasing loans or providing other financial assistance (such as homeowner’s insurance) secured by residential real estate; or
- Selling, brokering, or appraising residential real property.

Examples of unlawful lending practices include:

- Requiring more or different information or conducting more extensive credit checks;
- Excessively burdensome qualification standards;
- Refusing to grant a loan;
- Applying differing terms and conditions of loans, including more onerous interest rates and co-signer requirements;
- Denying insurance, or applying differing terms of insurance, in connection with loans;

<sup>69</sup> Cf. *Smith v. City of Elyria*, 857 F. Supp. 1203, 1212 (N.D. Ohio 1994).

<sup>70</sup> 760 C.M.R. 5.08(2).

<sup>71</sup> 760 C.M.R. 5.03. Additionally, 760 C.M.R. 6.04(3)(b) provides that there may be good cause to waive late fees and interest when rent is re-calculated because of the removal of the domestic abuser.

- “Redlining” neighborhoods (denying mortgages and other credit, or granting unfavorable loan terms, in geographic areas characterized by residents of a protected class);
- Steering individuals to buy and finance homes in a particular geographical area based on their membership in a protected class;
- Making excessively low appraisals

Chapter 151B provides that age may be considered as a factor if the applicant has not reached the age of majority or if age is a pertinent factor in determining creditworthiness; however, a negative score is not to be assigned to a person on the basis of attaining the age of 62 or older.

The Fair Housing Act and Chapter 151B also make it unlawful to discriminate in the provision of brokerage services by denying access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate in the terms or conditions of such access, membership, or participation, on account of membership in a protected class.

### *2.8.1 The Massachusetts Predatory Home Loan Practices Act*

The Massachusetts Predatory Home Loan Practices Act<sup>72</sup> requires that lenders with 50 or more home mortgage loans in the last calendar year be examined for their compliance with fair lending laws including the Home Mortgage Disclosure Act (HMDA), the federal Equal Credit and Opportunity Act (see below), and the Predatory Home Loan Practices Act. Examples of predatory lending practices include loan flipping (refinancing of loans repeatedly in a short time, sometimes with prepayment penalties, that strips home equity), excessive fees, concealed fees (i.e., “packing” fees into the loan amount without the understanding of the borrower, or concealing yield-spread premiums in which mortgage brokers are compensated for placing the borrow into a higher than par interest rate), and other types of lending practices that are made regardless of the borrower’s ability to repay that increase the danger of default and foreclosure.

### *2.8.2 Equal Credit and Opportunity Act of 1974 (ECOA)*

The Equal Credit and Opportunity Act (ECOA) prohibits discrimination in any aspect of a credit transaction on the basis of race, color, religion, national origin, sex, marital status, age, receipt of assistance from public assistance programs, and the good faith exercise of any right under the Consumer Credit Protection Act.<sup>73</sup> If the credit transaction involves residential property, individuals may file a complaint with the HUD or may file a lawsuit in court. Moreover, federal agencies have regulatory authority over certain types of lenders and they monitor creditors for their compliance with ECOA. If it appears that a creditor is engaged in an unlawful pattern or practice, ECOA requires these agencies to refer the matter to the Justice Department.

### *2.8.3 Federal and State Community Reinvestment Acts (CRA)*

The Federal Community Reinvestment Act (CRA) requires federally insured depository institutions to meet the credit needs of the entire communities in which they are chartered to do business, including low-

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<sup>72</sup> M.G.L. Chapter 183C, Section 8.

<sup>73</sup> Title VII of the Consumer Protection Act of 1974 (as amended), Section 701 of the Equal Credit Opportunity Act of 1974, Pub. L. 93-49, tit. V, 88 Stat. 1500, 15 USC §§ 1691-1691f.

and moderate-income urban neighborhoods.<sup>74</sup> The CRA is enforced by requiring regulatory agencies to consider an institution's record of meeting community credit needs when evaluating that institution's application for a deposit facility. The regulatory agencies periodically evaluate banks for CRA compliance, and rate them appropriately. Although the federal CRA does not apply to credit unions and independent mortgage companies, Massachusetts' CRA statute, M.G.L. c. 167, § 14 (1982), applies additionally to state chartered credit unions.<sup>75</sup> Pursuant to the Massachusetts CRA, the Commissioner of Banks has enforcement authority as well as the authority to evaluate the records of supervised institutions in meeting community credit needs in accordance with the statute.

An allegation that minorities are being unfairly served with respect to lending in their communities may draw evidentiary support from data required by the Federal Home Mortgage Disclosure Act of 1975 (HMDA). HMDA mandates that lending institutions whose assets exceed \$28 million and have home or branch offices within a primary metropolitan area annually report the race, sex, and income of mortgage of home loan applicants and borrowers to a variety of federal agencies.<sup>76</sup> State-chartered institutions do not have to comply with HMDA if their state has substantially similar disclosure laws.

## 2.9 Obligation of Housing Programs to Affirmatively Further Fair Housing

The Fair Housing Act requires that HUD and all executive departments and agencies “affirmatively further the Fair Housing Act.”<sup>77</sup> HUD requires states and localities to certify that they will affirmatively further fair housing as a condition of their receipt of housing and community development funds. Additionally, HUD regulations indicate that pursuant to the Civil Rights Act of 1964, public housing agencies in receipt of federal funds must act affirmatively to overcome limited participation by members of the race, color, and national origin protected classes. Regulations regarding the HOME program (funded by HUD) also make funding conditional on recipients affirmatively furthering fair housing.<sup>78</sup> Grantees of HUD's Community Development Block Grant (CDBG) are required by the Housing and Community Development Act of 1974 to affirmatively further fair housing by promoting housing opportunity and accessibility for the classes of persons protected under the Fair Housing Act.

HUD provides examples of potential methods for affirmatively furthering fair housing, such as: establishing fair housing enforcement organizations in needed areas; developing counseling programs promoting housing choice voucher use outside minority and low-income concentrated areas; providing outreach to housing providers outside minority and low-income concentrated areas; marketing available housing to persons less likely to apply for housing in a particular area; encouraging banks and other lending institutions to operate in underserved areas and for underserved populations, and to make credit and loan amount determinations that take are inclusive to protected classes.<sup>79</sup>

Liability may arise when there is a failure to affirmatively further fair housing as required. Such a failure may include perpetuating racial segregation patterns and adopting other policies and activities that have a disparate impact on a protected class.<sup>80</sup> In *Gautreaux v. Chicago Housing Authority*, the federal District

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<sup>74</sup> 12 U.S.C. § 2901(b) (2000).

<sup>75</sup> See also 804 C.M.R. 7.00.

<sup>76</sup> 12 U.S.C § 2801 et seq.

<sup>77</sup> 42 U.S.C. § 3608(d).

<sup>78</sup> 24 C.F.R. part 92.

<sup>79</sup> Promoting Fair Housing. <http://www.hud.gov/offices/fheo/promotingfh.cfm>.

<sup>80</sup> See *NAACP v. HUD*, 817 F.2d 149 (1st Cir. 1987) (finding that HUD failed to take affirmative steps to address segregated housing in Boston as required by the Fair Housing Act); see *Langlois v. Abington Housing Authority*, 234 F. Supp. 2d 33 (D.

Court of the Northern District of Illinois held that the Chicago Housing Authority and HUD violated the equal protection clause and Title VI of the 1964 Civil Rights Act by locating most of its public housing in African American neighborhoods, and by steering African American applicants away from public housing in Caucasian neighborhoods.<sup>81</sup> More recently, in *Thompson v. HUD*, a federal judge in Baltimore ruled that HUD had failed to regionalize public housing outside poor urban areas and to assist individuals with vouchers in finding residences outside the city that were near employment opportunities and public transportation.<sup>82</sup>

In Massachusetts, the duty to affirmatively further fair housing has also been enforced. In *NAACP v. Secretary of Housing and Urban Development*, a class action against HUD, the First Circuit Court found in 1987 that HUD failed to ensure that federal funds for the city of Boston were used in a non-discriminatory manner. In *Langlois v. Abington Housing Authority*, the court found that the local housing authority's failure to consider the discriminatory effect of its application procedures and local selection preferences on minorities violated its duty to affirmatively further fair housing.<sup>83</sup>

Furthermore, the Massachusetts Department of Housing and Community Development (DHCD), through its regulations on affirmative action governing local housing agencies,<sup>84</sup> incorporates by reference regulations governing affirmative fair marketing and tenant selection.<sup>85</sup> Such marketing and tenant selection regulations require local housing agencies to “engage in and promote fair housing and tenant selection practices so as to prevent discrimination and segregation and to remedy the effects of past discrimination.”<sup>86</sup> DHCD also requires local housing agencies to develop and implement a written fair marketing plan. In the event the fair marketing plan is not followed, local housing agencies are required to take corrective measures.<sup>87</sup>

## 2.10 Conclusion

A recent survey by the Civil Rights Project at Harvard University indicated that over half of African Americans and over 40 percent of Latinos said that people of their respective groups believe they “miss out on good housing very often” because they cannot afford it, and 85% of African Americans and 69% of Latinos said their respective groups “miss out on good housing at least some of the time” because of “fear that they will not be welcome in a particular community.”<sup>88</sup> Moreover, while over a third of Latinos and African Americans would be willing to move to all White neighborhoods, the majority were dissuaded because of perceived discrimination by White homeowners.<sup>89</sup>

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Mass. 2002) (adopting Section 8 selection preferences for local residents that yield a discriminatory effect may violate the “affirmatively further fair housing” provision of the Fair Housing Act).

<sup>81</sup> 265 F. Supp. 582 (N.D. Ill. 1969).

<sup>82</sup> MJG-95-309 (D. Md. 2005).

<sup>83</sup> But see *Thomsas v. Butzen*, 2005 WL 2387676 (N.D. Ill.).

<sup>84</sup> 760 C.M.R. 47.08.

<sup>85</sup> 760 C.M.R. 33.06.

<sup>86</sup> *Id.*

<sup>87</sup> 760 C.M.R. 4.08.

<sup>88</sup> Louie, Josephine. *We Don't Feel Welcome Here: African Americans and Hispanics in Metro Boston*. The Civil Rights Project at Harvard University. April 2005,

<sup>89</sup> Jackson, Tara D. *The Imprint of Preferences and Racial Attitudes in the 1990s: A Window into Contemporary Residential Segregation Patterns in the Greater Boston Area*. The Civil Rights Project at Harvard University. January 2004.

Fair Housing choice is vital to Massachusetts residents because it is often linked to employment, transportation, and education choice, as well as to public health and safety. Federal, state, and local enforcement agencies are essential to preventing discriminatory housing practices that impede housing choice in violation of fair housing laws. However, many individuals do not file complaints with enforcement agencies for a variety of reasons discussed in the data analysis section of this report. Moreover, impeded fair housing choice does not only result from discriminatory housing practices directly committed by housing providers, as economic, social, and regulatory forces impede fair housing access as well.

As such, in addition to enforcement efforts, achieving fair housing access in the Commonwealth requires reducing community mechanisms that effectuate exclusivity, augmenting affordable housing stock in a regionally equitable manner, and promoting awareness of diverse housing opportunities. A further discussion of methods for furthering fair housing access is found later in this report.

## SECTION 3.0 QUINCY FAIR HOUSING CAPACITY

### 3.1 Institutional Structure

#### 3.1.1 Quincy Fair Housing Committee

The Quincy Fair Housing Committee was established in 1984 and is made up of members from a broad spectrum of public and private groups that include persons with a strong interest and desire to promulgate fair housing policy. The purpose of the Committee is to aid the City in its effort to foster a climate in which the individual human dignity and civil rights of all people are respected and where every potential homeowner has access to all housing regardless of race, color, religious creed, national origin, ancestry, age, children, marital status, disability, sexual orientation, public assistance recipient, or gender.

The function of the Committee is to act in a monitoring and advisory capacity toward the implementation and evaluation of the City's fair housing policies. The Committee in conjunction with the Equal Opportunity Administrator, and the Department of Planning and Community Development will function as a public voice advocating for the goals of Fair Housing.

The Fair Housing Committee will oversee the development and implementation of the Fair Housing Plan. The Committee also takes a lead role in fair housing education throughout the City in the form of annual fair housing workshops, creating and distributing fair housing brochures (including translation into different languages), and as a referral service for residents, landlords, and housing industry representatives.

#### 3.1.2 Quincy Human Rights Commission

Created in 1993 by the Quincy City Council, the Quincy Human Rights Commission mission is to work toward mutual respect and understanding among the individuals and groups throughout the City by improving the quality of public discourse and eliminating unlawful discrimination.

Made up of 15 members appointed by the Mayor, the Commission should include Police Department Civil Rights Officer, the chairperson or their designee of the Commission on Disabilities, Fair Housing Committee, Mayors Commission on the Status of Women, and members of any agency or organization that delivers programs or services that are beneficial to residents.

- To uphold and secure the mandates, rights and privilege of its policy, Quincy Human Rights Commission shall be guided by the following functions, duties, and powers:
- To enlist the cooperation of racial, religious, ethnic, civic, fraternal, benevolent, private, and public agencies in eliminating unlawful discrimination by cultivating an atmosphere of mutual understanding and harmonious intergroup relationships.
- To initiate investigations into the existence of unlawful discrimination or harassment which may deny or tend to deny equal access to or opportunities in housing, employment, education, public accommodations, services and facilities to any person or group.

- To offer a hearing to any person or group with a human rights grievance and to investigate any such grievance that has merit.
- To resolve matters of unlawful discrimination whenever possible through mediation, but when this is not possible, and after investigation of any such matters, to forward a written report of its findings and recommendations to the City Council, the Mayor, the District Attorney's Office, the Massachusetts Commission Against Discrimination, or to any court of government agency having remedial jurisdiction.
- To issue such publications and such results of investigations and research as in the Commissions judgement will tend to promote good will and to minimize or eliminate discrimination.

### *3.1.3 City of Quincy Department of Constituent Services*

The Mayor's Office of Constituent Services (OCS) encourages, facilitates and maximizes citizen input and participation in all aspects of government through services requests, neighborhood meetings, mailings and emergency responses. The office is dedicated to public awareness, information and input and the efficient delivering of City services.

The Office of Constituent Services works collectively with the Mayor Office, City Council, Department Heads and community groups to assist residents with City services and programs. The Director of the Department of Constituent Services serves as the City's Equal Opportunity Administrator.

The following are services the Constituent Services provides to Quincy residents:

- Addresses concerns or problems identified by residents
- Provides information about city services
- Welcomes resident suggestions to improve city services
- Provides assistance with tenant or landlord issues
- Answers questions and issue concerning accessibility for people with disability
- Addresses concerns about human rights issues in Quincy
- Provides translation services in Chinese and Vietnamese
- Provides information about activities for children and families
- Provides speakers for your community group on city and constituent services
- Provides services to help your family

### *3.1.4 City of Quincy Commission on Disability*

The Quincy Commission on Disability bears the following duties:

- Researches local problems of people with disabilities, advise and assist municipal officials and employees in ensuring compliance with state and federal laws and regulations that affect people with disabilities
- Coordinate or carry out programs designed to meet the problems of people with disabilities in coordination with programs of the Massachusetts Office on Disability
- Review and make recommendations about policies, procedures, services, activities and facilities of departments, boards and agencies of the city as they affect people with disabilities

- Provide information, referrals, guidance and technical assistance to individuals, public agencies, businesses and organizations in all matters pertaining to disability
- Coordinate activities of other local groups organized for similar purposes.

### **3.2 U.S. Department of HUD Funding**

#### *3.2.1 City of Quincy Planning and Community Development Department*

The Quincy Department of Planning and Community Development is the lead agency that oversees the disbursement and administration of CDBG, HOME and ESG funds in relation to programs operated by subrecipients and subgrantees, who utilize these resources to address the priority needs identified within the 5-Year Consolidated Plan and One Year Action Plan.

City departments and agencies, such as Public Works and the Health Department, also serve as subrecipients for relevant housing, economic development, and community development projects.

The priorities for allocation investment geographically were based on the locations of low and moderate income households or persons being targeted. The Service (or geographic) areas of many of the City's housing and homeless projects are *City-wide* because they are targeted to meet the needs of low and moderate income households and persons *throughout the City*. The same is true for certain public services, such as the Asian Liaison program that assist low and moderate income and Asian-American residents across Quincy who do not speak or understand English well.

However, where there is concentration of low and moderate-income households or persons with specific community development needs in certain neighborhoods, the City's Projects, programs or activities are designed to address such a need in those specific areas. Area Benefit and Limited Clientele funding is used to support public service programs that will be implemented in neighborhood centers that benefit particular low and moderate-income neighborhoods or Census tracts. In addition, part of the City's CDBG funds will be used for several public services programs for many groups that are presumed to have low to moderate income. They include programs for seniors and homeless individuals.

Furthermore, the City set aside CDBG funds for public works that will benefit specific low moderate income areas and public facilities that address the needs of low and moderate income persons or neighborhoods (e.g. Germantown).

The largest minority group in Quincy are Asian-Americans and for that reason, the City is providing CDBG funds to Asian programs that will be undertaken by the Asian American Association and the Atlantic Neighborhood Association. The minorities in Germantown are more diverse and for that reason, the City is providing CDBG funds for the various public services programs and the physical expansion of the Germantown Neighborhood Center. Other CDBG Projects that will assist the minorities are City-wide in scope, such as the Asian Liaison and Asian American Service Association.

Programs, projects and activities that will be funded with CDBG, HOME and ESG funds are intended to meet the underserved needs of housing, the homeless and community development. Where site-specific activities have not been identified within specific Projects, priority will be given to those that meet the more urgent underserved needs.

The following is a list of the major public, private, and non-profit agencies participating in the City of Quincy Consolidated Plan addressing the community development, housing, and homeless needs of the community:

*CODES:*        *CITY (City Department or Agency)*  
                   *NP (Private Non-Profit Organization)*  
                   *FB (Faith-Based Organization)*  
                   *CHDO (Community Housing Development Organization)*  
                   *FP (Private Sector, Contractor, For Profit Organization)*

### Public Services

- Senior Programs – Council on Aging (CITY); Squantum Neighborhood Association (NP); Asian-American Service Association (NP); Beechwood Community Life Center (NP);
- Neighborhood Center Public Services Programs – Germantown Neighborhood Council (NP) and the South Shore YMCA (NP); Houghs Neck Community Council (NP); Atlantic Neighborhood Association (NP); Ward IV Neighborhood Association (NP); Montclair-Wollaston Neighborhood Association (NP); Jana Bagen (FP for Quincy Point Community Center);
- Food Pantry – Quincy Community Action Program’s South West Community Center Emergency Food Pantry (NP); Germantown Food Pantry
- Psychiatric Services – Good Shepherd Maria Droste (FB);
- Family Programs – Mayor’s Commission on the Family (CITY); neighborhood centers (see above)
- Handicapped Program (Meals on Wheels)– South Shore Elder Services, Inc. (NP), QUILL (NP)
- Asian Programs – Asian Liaison Office (CITY); neighborhood centers (see above); Asian-American Service Association (NP);
- Youth Programs – neighborhood centers (see above);
- Child Care – Quincy After School Child Care (NP);
- Employment and Training Programs – Interfaith Social Services (FB)
- Homeless Program – Quincy Interfaith Sheltering Coalition (NP), Commission on the Family

### Public Facilities

- For most renovation projects, Office of Housing Rehabilitation (Department of Planning and Community Development) (CITY); Ad Hoc Project Development Committees (for Germantown Neighborhood Center and the Atlantic Neighborhood Center Projects); Work, Inc. (NP)

### Public Works

- Departments of Planning and Community Development and Public Works (CITY)

### Economic Development Programs

- Quincy 2000 Collaborative (NP)
- Department of Planning & Community Development (City)

### Housing Rehabilitation Programs

- Office of Housing Rehabilitation (Department of Planning and Community Development) (CITY)
- Neighborhood Housing Services of the South Shore (NP)
- Weymouth Office of Planning and Community Development (CITY)

#### First Time Homebuyer's Programs

- Department of Planning and Community Development (CITY)
- Quincy Community Action Program (NP)
- Neighborhood Housing Services of the South Shore (NP)
- Weymouth Office of Planning and Community Development (CITY)

#### Affordable Housing Development

- Neighborhood Housing Services of the South Shore (CHDO)
- Quincy Community Action Program (CHDO)
- Work, Inc. (NP)
- Elder Housing Corporation, Inc. (NP)

#### Other HOME funded programs

- Department of Planning and Community Development (CITY)
- Quincy Community Action Program (NP)
- Weymouth Office of Planning and Community Development (CITY)

#### Planning Initiatives

- Mayor's Office/Department of Planning and Community Development (CITY)

#### Code Enforcement

- Department of Public Health (CITY)

#### Emergency Shelter Grant / McKinney-Vento Homeless Assistance

- Quincy Interfaith Sheltering Coalition (NP)
- Quincy Housing Authority
- DOVE (NP)
- Commission on the Family (CITY)

#### 3.2.2 *Quincy Housing Authority*

The Quincy Housing Authority, located at 80 Clay St., manages public housing units and Section 8 housing vouchers to benefit low to moderate income families, seniors and special needs individuals. The director is appointed by the Quincy Housing Board, a 5 member authority that oversees QHA, which consists of 4 members appointed by the Mayor, including a labor representative and 1 by the Governor. The facilities of the QHA consist of the following:

Name	Address	Type of Unit	Units	Condition
Riverview	Yardarm Ln, Quarterdeck Rd.	Family	180	Fair
Riverview (Cont. )	Doane St. Sextant Circle	Family		Fair
Costanzo Pagano Towers	109 Curtis Ave.	Elderly	156	Good
Clement A. O'Brien Towers	73 Bicknell St.	Elderly	275	Good
Arthur V. Drohan Apts.	170 Copeland St.	Elderly, Handicapped	40	Good
Snug Harbor	Scattered Sites	Family	400	Inadequate
David J. Crowley Ct.	Shed St.	Elderly	45	Good
Louis George Village	Martensen St.	Elderly	75	Good
Victor Sawyer Towers	95 Martensen St.	Elderly	150	Good
Sen. Arthur H. Tobin Towers	80 Clay St.	Elderly, Handicapped	200	Good
South Street	73- 75 South St.	Family, Handicapped	5	Good
Westacres	Sullivan Rd., West St.	Family	36	Fair
373 Franklin St.	373 Franklin St.	Family	1	Fair
215 Safford St.	215 Safford St.	Handicapped	10	Good
269 Water St.	269 Water St.	Handicapped	4	Good

Assistance to the most vulnerable households is the primary mission of the Quincy Housing Authority. Currently, 1661 of the 2434 households served by the Authority fall into the Very Low Income range, including 831 Elderly households. In addition, 459 households with Special Needs reside in properties owned or leased by the Authority. Units managed by the Authority in this inventory include: 471 Federal Elderly; 180 Federal Family; 470 State Elderly; 439 State Family; and 46 State Special Needs.

Units leased by the Authority include: 881 Federal Section 8 Tenant-Based, Project-Based, Moderate Rehabilitation, and Shelter + Care; and 94 State Tenant- and Project-Based. The attached Income and Household Type Breakdown shows targeting for these units.

The Authority has made a strong commitment in recent years toward improving relations with tenants. Residents of each of the Elderly housing developments are represented by individual Tenant Councils, while tenants of the two Family housing developments in Germantown elect members of a joint Harborview Residents Committee. In addition, a Senior Residents Council addresses matters of concern to Elderly residents of all Authority properties. All of these bodies have direct impact on agency operations, including modernization, hiring of maintenance and other service personnel. The Resident Advisory Board is providing guidance to the Authority in preparation of its five-year Public Housing Authority Plan for HUD.

Quincy Housing Authority tenants have also benefited from expanded services. Approximately 40% of the estimated cost to meet the needs identified under the Authority's Management Needs Assessment of its Comprehensive Grant Program (CGP) is related to Resident Training Programs. In addition, the Authority has received funding from HUD's Family Self-Sufficiency (FSS) Program to encourage higher resident earnings. Even though the amount of rent increase tenants would face with increased income is

escrowed for home ownership or education, further outreach is needed to educate residents that they will not lose their homes and therefore, maximize participation in the program.

The Authority also recently received a \$143,181 Public Housing Drug Elimination Program (PHDEP) award. These funds will be used to continue neighborhood policing, and to hire a PHDEP Coordinator and two Resident Youth Leaders. These staff will work to connect residents to community support resources that will enable them to deal with problems without resorting to drug abuse. A new resource for Authority residents is a training center, designed to improve residents' computer skills and marketability for related jobs. The Authority has partnered with the Germantown Neighborhood Center to create a large response to this opportunity, operated under contract to the Massachusetts School of Information Technology.

The Authority is also in the process of enacting an ambitious set of improvements to its internal management and operations systems. The remaining 60% of the estimated cost to meet management needs, as described above, relate to these enhancements. It has hired a management consultant to direct these efforts, which will enable the Authority to run in an efficient fashion. Computer and communications systems are being upgraded, which will enable staff to access data more quickly and accurately than is currently possible. These employees are being trained in these systems and in overall agency policies and procedures, which are being updated.

The Authority has identified a range of Community and Supportive Services provided by local non-profit and state agencies in the fields of Education, Job Training, Family Well-Being, and Recreation. A full listing is attached to this report. Many of these programs are already available to residents, with the exceptions of YouthBuild and Family Services of Greater Boston/ South Shore Elder Services.

The establishment of a common knowledge base will enable the Authority to develop a staff evaluation system. The Authority is also taking steps to better manage the condition and occupancy of its units, through preventive maintenance and faster processing of vacancies. When combined with physical and resident service improvements, these management initiatives will allow the Authority to be designated a High performer under the newly-enacted Public Housing Assessment System (PHAS), as it was under the Public Housing Management Assessment Program (PHMAP).

The vacancy rate across all 1,540 Authority owned and leased units is approximately 5.70%. Most programs and properties have rates far less than this, making waits for available units lengthy. Currently, the Public Housing waiting list consists of 930 households for Elderly-designated units, and 2,838 households for Family-designated units. The Section 8 waiting list was limited to 2,000 households, though approximately 7,000 applied to be included. One program and one property have the highest vacancy rates. Approximately 5% of Section 8 and related program vouchers and certificates are not currently being used due to high turnover within the programs and the difficulty new clients have in finding appropriate units that do not force them to pay more than 30% of their incomes toward housing costs. The Snug Harbor property in the Germantown neighborhood is a State assisted Family development. About 18% of its 400 units are currently vacant. The previously mentioned Income and Household Type Breakdown attachment contains information on vacancies by development.

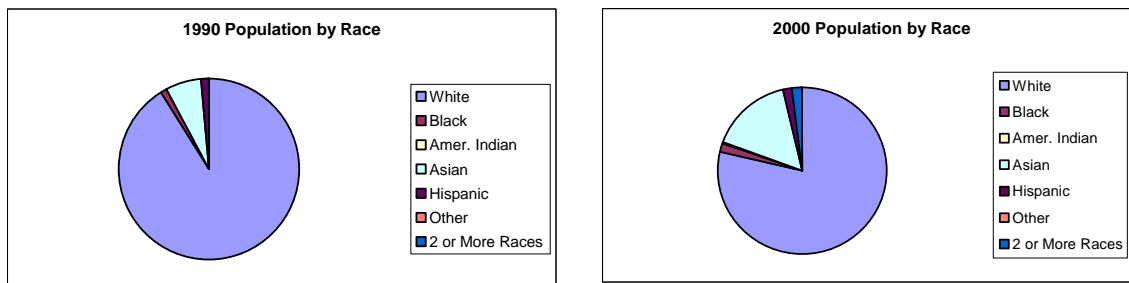
## SECTION 4.0 ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING

### 4.1 Population and Socio-Economic Information

#### Population by Race

Year	White	Black	American Indian	Asian	Hispanic	Other Race	Two or more Races	Total
1990	77,508	812	87	5,432	1,115	31	NA	84,985
2000	69,098	1,572	189	13,997	1,396	98	1,675	88,025
% Change	-10.8%	93.5%	117.2%	157.6%	25.2%	216.1%	NA	3.5%

#### 1990 to 2000 Population by Race Comparison



Source: 1990 & 2000 U.S. Census

The 2000 Census statistics indicate that Quincy’s total population was 88,025, a 3.5% increase from the previous count from the 1990 Census. Historically, the Census 2000 surpassed the previous peak for total population of 87,966 from the 1970 Census.

Comparing the 1990 and 2000 Census population by race category highlights the trend of new immigrants moving to the city. The largest ethnic class that has established itself in the City is the Asian population. The total number of residents more than doubled from 5,432 to 13,997, a 157% increase. Other minority populations did record population increases over the decade but not to the extent of the Asian community. The White population recorded a loss of 8,410 persons for the decade, a -10.8% decrease.

Today Quincy continues to attract professionals from Metro Boston and immigrants from around the world, in particular Asians, thereby adding to the cultural diversity of the community. They come for Quincy's numerous economic opportunities in a multitude of trades and industries, as well as a superior quality of life in close proximity to Boston. Quincy also continues to attract urban professionals and corporate offices from Boston, who continue to relish the City's lower housing costs relative to Boston and more affluent communities, convenient location, excellent transportation facilities and numerous amenities. Quincy expects to account for a significant proportion of the South Shore's future commercial, residential, and retail growth.

Population by Age

Age Cohort	1990	2000	Percent Change
Under 5	5,726	4,432	-22.5%
Age 5-17	8,490	10,960	29.0%
Age 18-24	10,350	7,113	-31.2%
Age 25-34	18,491	17,216	-6.8%
Age 35-44	11,305	14,499	28.3%
Age 45-54	8,479	11,512	35.8%
Age 55-64	7,938	7,987	0.6%
Age 65-74	7,743	6,977	-9.9%
Over 75	6,463	7,329	13.4%
Total	84,985	88,025	
<b>% Population &lt;18</b>			
Quincy	16.7%	17.5%	
Massachusetts	22.5%	23.6%	
<b>% Population &gt;65</b>			
Quincy	16.7%	16.3%	
Massachusetts	13.6%	13.5%	

Source: 1990 & 2000 U.S. Census

Educational Attainment

Educational Attainment	1990	2000	Percent Change
Total population 18 and over	70,769	72,633	2.6%
Less than 9th grade	3,452	3,564	3.2%
9th to 12th grade (no diploma)	8,273	7,143	-13.6%
High School Grad (incl. Equivalency)	25,142	20,672	-17.8%
Some college (no degree)	13,026	13,364	2.6%
Associates degree	5,230	5,362	2.5%
Bachelors degree	11,443	15,841	38.4%
Graduate or Professional degree	4,203	6,687	59.1%

Source: 1990 & 2000 U.S. Census

The increase in the number of citizens with college degrees is a key factor in the increase in household income and changes the work force demographics of Quincy from blue collar to white collar professional.

Labor Force

Labor Force Status	2000	Percent Rate
Persons 16 yrs or older	74,258	100%
In Labor Force	49,590	66.8%
Civilian Labor Force	49,585	66.8%
Employed	47,911	64.5%
Unemployed	1,674	2.3%
Unemployment Rate	3.4%	3.4%
Armed Forces	5	0.0%
Not in Labor Force	24,668	33.2%

Source: 2000 U.S. Census

The City of Quincy’s 66.8% of its population participating in the labor force is approximately the same as the State average (66.2%). This can be attributed to Quincy’s solid commercial, professional, and industrial base in conjunction with its close geographic location to Boston, the major job market in the region.

Occupation

Occupation	2000	Percent Rate
Total persons 16 yrs or older	47,911	100%
Management, Professional, and related occupations	19,236	40.1%
Service occupations	7,197	15.0%
Sales and Office occupations	14,249	29.7%
Farming, Fishing, and Forestry occupations	38	0.1%
Construction, Extraction, and Maintenance occupations	3,428	7.2%
Production, Transportation, and Material Moving occupations	3,763	7.9%

Source: 2000 U.S. Census

Household Income

Household Income	1990	1990 %	2000	2000 %	Percent Change
Total households	35,569	100%	38,893	100%	9.3%
Less than \$10,000	4,699	13.2%	2,888	7.4%	-38.5%
\$10,000 to \$14,999	2,211	6.3%	1,989	5.2%	-10.0%
\$15,000 to \$24,999	4,749	13.4%	4,233	10.8%	-10.8%
\$25,000 to \$34,999	5,625	15.8%	4,535	11.6%	-19.3%
\$35,000 to \$49,999	7,198	20.2%	6,829	17.6%	-5.1%
\$50,000 to \$74,999	6,840	19.2%	8,167	21.0%	19.4%
\$75,000 to \$99,999	2,636	7.4%	4,933	12.7%	87.1%
\$100,000 to \$149,999	1,350	3.8%	3,783	9.8%	180.2%
\$150,000 or more	261	.7%	1,536	3.9%	488.5%
Median household income	\$35,858		\$47,121		31.4%

Source: 1990 & 2000 U.S. Census

As the unemployment rate fell during the 90’s in Quincy, the household income rose dramatically. While household income rose in general, a larger percentage of households continue to have low and moderate income

However, the rise in income also meant a rise in housing costs during the same time period resulting in greater difficulty for the low and moderate-income population to find and/or keep affordable housing.

**4.2 Existing Housing Characteristics**

The 2000 Census reported Quincy’s population to be 88,025 persons. Quincy had a total of 40,093 year round housing units in 2000. Of that total 38,883 (97.0%) were occupied while 1,120 (3.0%) were vacant. Of the occupied units in the city, 19,070 (49.0%) were owner occupied with a median value of \$185,700 while 19,813 (51%) were renter occupied with a median gross rent of \$808.

Several neighborhoods in Quincy qualify as low and moderate-income areas under the HUD definition that is based on the top 25% of all census tracts with the highest concentration of people with incomes below 80% of the median income in the Boston Primary Metropolitan Statistical Area (PMSA). Quincy had a median family income of \$47,121 in 2000.

Reviewing the 2000 Census housing data demonstrates the housing challenge the City of Quincy faces. Low/moderate income households encounter a housing market that is not affordable to them. There is no choice for these low/moderate income households but to move to a community where housing is more affordable. Many people who grew up in the community cannot afford to remain here because of the escalating housing prices and high rents. These people include middle-income young families and the elderly on fixed incomes who own their homes but cannot afford to pay the costs of maintaining their home and often have to choose between food or paying a bill.

Regionally, Quincy is part of the high priced real estate market of Eastern Massachusetts, one of the highest in the country. Real Estate costs have outdistanced itself from the ability of the low/moderate income households to achieve a stable housing situation. In addition, new construction in Eastern Massachusetts tends to cater to market and above market rate housing units.

A housing and community profile was created with data collected from the 2000 U.S. Census. An analysis was conducted of types of housing, size, value, gross rent, along with other categories which was then compared to the 1990 U.S. Census information gathered in the previous plan to determine housing trends.

**Housing Units in Quincy**

	<b>1990</b>	<b>Rate</b>	<b>2000</b>	<b>Rate</b>	<b>% Change</b>
Total Housing Units	37,732	100%	40,093	100%	6.2%
Occupied	35,678	94.5%	38,883	96.9%	8.9%
Vacant	2,054	5.5%	1,210	3.1%	-41.0%
Owner Occupied	17,404	48.8%	19,081	49.0%	9.6%
Renter Occupied	18,274	51.2%	19,802	51.0%	8.3%

Source: 1990 & 2000 U.S. Census

Between 1990 to 2000, housing units increased by 2,361 (6.2%) while vacancy rates fell from 5.5% in 1990 to 3.1% in 2000. This is an indication of greater demand for the limited supply of housing.

A close look at the developed and undeveloped land of Quincy in 2004, provided by the Metropolitan Area Planning Council GIS Department (MAPC), revealed that 99% of Quincy’s residentially zoned land is developed, almost fully buildout. With the lack of undeveloped land for new residential development, the City needs to implement strategies that promote compact mixed use redevelopment in the City’s existing urban centers adopting the “Smart Growth” principals.

**Year Structures were built**

<b>Year Built</b>	<b>Total Units</b>	<b>%</b>	<b>Owner Occupied</b>	<b>%</b>	<b>Renter Occupied</b>	<b>%</b>
1990-2000	2,033	5%	726	4%	1,168	6%
1980-1989	4,067	10%	1,959	10%	1,861	9%
1970-1979	5,208	13%	839	5%	4,213	22%
1960-1969	3,246	8%	747	4%	2,460	12%
1950-1959	4,349	11%	1,988	10%	2,250	11%
1940-1949	4,539	11%	2,277	12%	2,058	10%
1939 or earlier	16,651	42%	10,545	55%	5,792	30%
<b>Total</b>	<b>40,093</b>	<b>100%</b>	<b>19,081</b>	<b>100%</b>	<b>19,802</b>	<b>100%</b>

Source: 2000 U.S. Census

Quincy has an aging housing stock. Nearly three quarters of existing units were built prior to 1970 while slightly over half (52%) of Quincy’s units were built before 1950. Similarly, 51% of the total units in Boston were built before 1950. As more land was developed, fewer new housing units were being created culminating in the lowest number of new units created in a 10-year span with 2,033 between 1990-2000.

Quincy had 10,545 owner-occupied units built prior to 1940, and 77% of the total owner-occupied units were built before 1960. The largest growth period for renter-occupied units occurred between 1970 and 1979, when 22% of the units were built. The number of renter units built continued to grow throughout the 1980s. The majority of these rental units were originally built as condominiums but became rental units as a result of real estate market conditions of the time.

**4.2.1 Household Data**

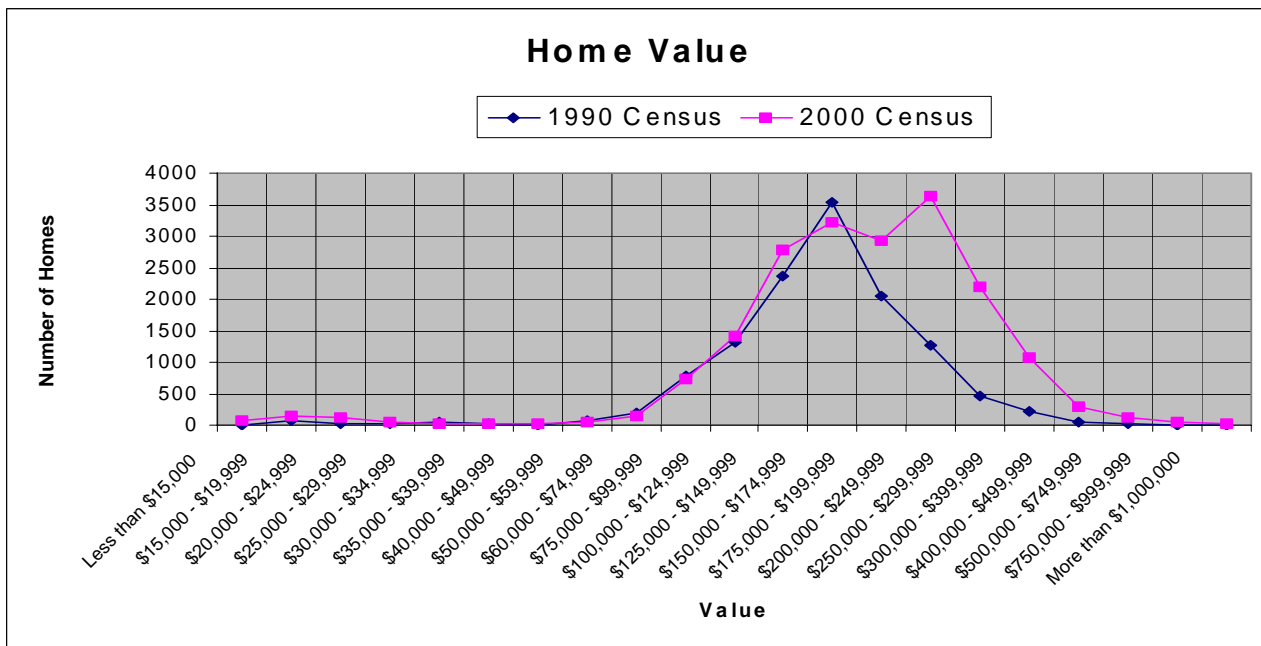
The 2000 census statistics indicate that there were 38,893 total households in Quincy. These households consisted of 20,688 (53.2%) family households and 18,205 (46.8%) non-family households. Quincy has an average of 2.22 persons per household in 2000. The average family household was 3.03.

In 2000 over 80% of Quincy’s households were 1-3 person households. The largest household consisted of one person households, which numbered 14,596 (37.5%) while 2 and 3 persons households numbered 17,484 (45%). There are 3,893 (10%) 4 person households, 1,818 (4.7) 5-person households, 767 (2.0%) 6-person households, and 335 (0.9%) 7-person households.

The population and the number of households is up in Quincy with the household size down from 2.4 in 1990 to 2.2 in 2000 creating a demand for more housing units.

### 4.2.2 Home Value

#### Home Value



Source: 1990 & 2000 U.S. Census

With an average single-family home price of \$333,000 in Quincy during 2006, home-ownership was often far beyond the means of many families of all incomes.

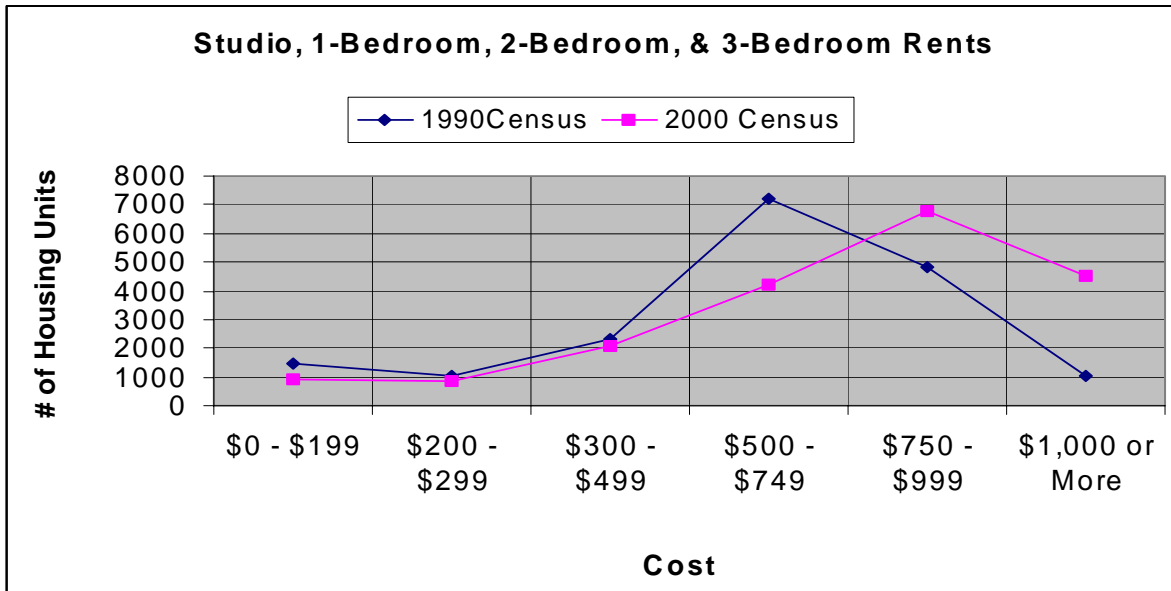
According to the Office of Federal Housing Enterprise Oversight, between 1980 and 2003, the nation’s largest overall percentage increase in housing prices occurred in Massachusetts. The cost of rental housing has grown similarly. A recent study by the National Low Income Housing Coalition rated Massachusetts as being the least affordable state in which to rent an apartment in 2003. Lack of sites available for development contribute to affordable housing shortages and increased costs for housing, as demand greatly exceeded supply for both owner occupied and rental housing.

A close look at the developed and undeveloped land of Quincy in 2004, provided by the Metropolitan Area Planning Council GIS Department (MAPC), revealed that 99% of Quincy’s residentially zoned land is developed, almost fully buildout. With the lack of undeveloped land for new residential development, the City needs to implement strategies that promote compact mixed use redevelopment in the City’s existing urban centers adopting the “Smart Growth” principals.

The lack of affordable housing has resulted in increasing numbers of Quincy families doubling up with family members, as a solution to their housing needs. The Census Bureau refers to these families as “subfamilies” and, from 1980 to 2000, their number increased from 1,376 to 2,231. In that period, the number of children living in subfamilies in Massachusetts rose 68%. Many people living in subfamilies could be thought of as the “hidden homeless,” people who, without family support, could be living on the street. The growing numbers of people and families sharing living quarters represent huge adjustments that more and more Quincy residents and their children have been forced to make to find a place to live in the city.

4.2.3 Rent Structure

Cost of Rent



Source: 1990 & 2000 U.S. Census

Cost of Rent

Rent Totals	1990 Census	2000 Census	% Change
\$0 - \$199	1,486	889	-40%
\$200 - \$299	1,058	866	-18%
\$300 - \$499	2,337	2,091	-10%
\$500 - \$749	7,210	4,191	-42%
\$750 - \$999	4,802	6,749	40%
\$1,000 or More	1,032	4,523	338%

Source: 1990 & 2000 U.S. Census

The rental market has not avoided the price jump with home values in recent years. Vacancy rates are low due to healthy Real estate market thus affordable housing units for low-income tenants are in short supply. A look at the 1990 Census information for cost of rent shows that 32% of renters paid over \$749 per month. Now, more than half (58%) of renters are paying more than \$749 per month. In addition, compare the 1990 and 2000 numbers for persons paying \$1,000 and it shows a 338% increase. The reality of a healthy real estate market is that source income has become an issue for low and moderate income citizens. Rental property owners have larger pools of applicants for their rental units, causing landlords to rent to those with the higher incomes.

## 4.2.4 Tenure by Persons

## Tenure by persons in unit

Persons in unit	1990	%	2000	%
1	12,028	34%	14,635	37%
2	11,429	32%	12,211	31%
3	5,299	15%	5,387	14%
4	3,843	10%	3,840	10%
5	2,012	6%	1,776	5%
6	755	2%	699	2%
7+	312	1%	335	1%
Mean Household Size	2.35		2.22	
Totals	35,678	100%	38,883	100%

## Tenure by Persons in unit - Owner Occupied

Persons in unit	1990	%	2000	%
1	4,124	24%	5,241	27%
2	5,440	31%	5,881	31%
3	2,980	17%	3,332	18%
4	2,526	15%	2,513	13%
5	1,507	9%	1,324	7%
6	597	3%	499	3%
7+	230	1%	291	1%
Mean Household Size	2.73		2.67	
Totals	17,404	100%	19,081	100%

## Tenure by Persons in unit - Renter Occupied

Persons in unit	1990	%	2000	%
1	7,904	43%	9,394	47%
2	5,989	33%	6,330	32%
3	2,319	12%	2,055	10%
4	1,317	7%	1,327	7%
5	505	3.5%	452	3%
6	158	1%	200	1%
7+	82	0.5%	44	0%
Mean Household Size	1.97		1.79	
Totals	18,274	100%	19,802	100%

Source: 1990 &amp; 2000 U.S. Census

Overall, the size of families in both owner-occupied and renter-occupied continued to decrease in Quincy. The size of owner-occupied households is larger than (2.67) the size of renter-occupied households (1.79).

#### 4.2.5 *Subsidized & Special Needs Housing*

In addition to the rental housing in Quincy, there is also subsidized housing that serves a variety of the community's needs. The Quincy Housing Authority (QHA) manages the Section 8 Program for low-income individuals and families and the HUD's McKinney-Vento Shelter Plus Care Program for homeless individuals and families. QHA also owns and manages 29 housing units for the special needs.

#### 4.2.6 *Senior Housing*

The Quincy Housing Authority (QHA) is the primary agency providing housing assistance to the elderly. The QHA manages 1,795 housing units for the elderly.

#### 4.2.7 *Housing for the Homeless*

The City of Quincy receives Emergency Shelter Grant (ESG) funds from HUD each year specifically for emergency sheltering homeless individuals. This fund helps enable Father Bills Place, the local homeless shelter, to help over 100 unsheltered homeless individuals each night.

The City of Quincy has been actively involved with the McKinney-Vento Homeless Assistance Act since 1996. This HUD homeless program requires a community to create a Continuum of Care for homeless assistance, which brings together the social service agencies, for-profit, and non-profits organizations, State agencies, and local government. Through the 8 years the City has been awarded McKinney-Vento funds, 192 units of housing has been created for homeless individuals and homeless families.

#### 4.2.8 *Housing Trends*

A recent trend in Quincy that will affect the rental market for years to come is the jump in new construction of multi unit condo/apartment complexes in the few spaces of developable land large enough to support it. The period between January 2000 and June 2003 saw 8 building permits issued for structures containing between 78 and 130 housing units for a total addition of 981 units. These units will be market rate. The Inclusionary Zoning Ordinance was not activated at the time of permitting process. How this affects Quincy's existing rental unit vacancy and cost remains to be seen.

### 4.3 Housing Affordability

The following are basic examples for calculating the affordability of housing units in Quincy made with the following assumptions: that a three- person household will occupy a two- bedroom House/Condo. This household will have a maximum income of \$59,550 (this is the US Department of Housing and Urban Development FY 2006 income limit for this for this area for a household of three.)

#### FOR SALE EXAMPLE

A two- bedroom House/Condo is to be sold to a three-person household.

\$59,550 x 30% of income/12 months = \$1,487.50 available to cover total housing costs  
 \$ 175.00 for property tax  
\$ 150.00 for CONDO fee and Insurance  
 \$1,162.50 available for principal and interest.

\$1,162.50 could support a 30 year mortgage at 6% loan of \$193,895.25  
*(The average sale price for a home in Quincy in 2003, \$352,824)*

#### FOR RENT EXAMPLE

Again, we will use a two- bedroom Apartment/CONDO is to be rented to a three-person household.

\$59,550 x 30% of income/12 months = \$1,487.50 available to cover total housing costs  
 - \$ 154.00 estimated utilities  
 \$1,333.50 available for monthly rent payment\*

\* (\$1188 is the Maximum rent allowed by HOME Program for a 2-bedroom unit)  
*(\$1,992 is an average rent for a new 2-bedroom unit in Quincy)*

### 4.4 Development Constraints or limitations:

*Evaluation of municipal infrastructure, such as school capacity, water/sewer capacity*

According to the Superintendent of the Quincy School Department, there are no school capacity issues anticipated for the foreseeable future. Most of the new residential development in the city is condominium/apartment style that typically caters to families with children under five, professionals without kids and the elderly. The city has been working on building a new high school but no plans have been set. A new high school is seen as a facility upgrade versus a need to dramatically increase capacity.

The City Quincy is part of the Massachusetts Water Resource Authority (MWRA) and receives water and sewer service for the entire City. The MWRA regularly provides updates on Water Supply Status, Harbor and Bay Science, Monitoring & NPDES Reporting, and Drinking Water Quality Update. In addition the MWRA annually updates the Combined Sewer Overflow Control Plan, Expense Budget, Capital Improvement Program, State of Boston Harbor Report, and Industrial Waste Report.

According to the Superintendent of the Quincy Department of Public Works, there are no water/sewer capacity issues with new residential development in the city. Quincy belongs to the MWRA for both water and sewer service.

### *Zoning and Site Selection*

The FY05-09 Consolidated Plan and discussions in Quincy have identified four general physical and regulatory barriers to the construction of affordable housing in the City of Quincy.

The first regulatory barrier to affordable housing in Quincy is the lack of a sufficient amount of developable land. A close look at the developed and undeveloped land of Quincy in 2004, provided by the Metropolitan Area Planning Council GIS Department (MAPC), revealed that 99% of Quincy's residentially zoned land is developed, almost fully buildout. With the lack of undeveloped land for new residential development, the City needs to implement strategies that promote compact mixed use redevelopment in the City's existing urban centers adopting the "Smart Growth" principals.

The second major barrier to affordable housing in Newton is that dimensional and parking standards are often unreasonably and unmanageably prohibitive to development, even within land that is zoned for residential use. For instance, in village center areas, historic lot sizes are often much smaller than the minimum lot size required for new residential development either by-right or by special permit. When an existing lot is smaller than the minimum lot size required for a special permit, the application may not be filed, and no negotiations for any development may be initiated.

Street and utility requirements present a third regulatory barrier that hinders affordable residential development. Standards within the City for required street widths, curbing types, and sidewalk surfaces are intended to meet public safety needs. However, some of these standards are unnecessary or irrelevant for the safety needs of certain developments and only add unnecessary costs that inhibit residential development.

The fourth regulatory barrier to affordable housing development is the project approval process, which includes procedures and fees that add to project costs and delays. Very limited by-right development possibilities in the City make special permitting a necessary step for any type of development. The permitting process can be cumbersome and developers may not have a single point of contact in the departments they work with. This makes it difficult to obtain consistent information about permitting requirements. The project review process is regarded by some developers as inefficient and time consuming.

## **4.5 Private Sector Lending Policies and Practices**

Continuing racial and ethnic disparities in mortgage lending in the Boston area have been documented in two recent reports from the Fair Housing Center of Greater Boston and the Harvard Civil Rights Project: *The Color of Money in Greater Boston: Patterns of Mortgage Lending and Residential Segregation at the Beginning of the New Century* and *Changing Patterns XI: Mortgage Lending to Traditionally Underserved Borrowers & Neighborhoods in Greater Boston, 1990-2003*, by Jim Campen. Each of the papers' findings confirm that recent mortgage lending in the Boston area appears to continue a pattern of disparity between white and non-white mortgagees. The papers also note that the disparity is significantly less for Asians than it is for blacks and Latinos.

This fall, the Fair Housing Center once again worked closely with the Harvard Civil Rights Project to release a groundbreaking series of studies: “Toward Real Residential Choice in Segregated Metro Boston.” One of these studies, “More than Money,” debunks the common explanation that people of color simply cannot afford to buy homes in our suburbs. The findings clearly demonstrate that people of color can afford to purchase homes in many more communities than they do. The implications of this analysis should have significant impact on state policy for housing development.

These documents are particularly useful in measuring the region’s lending patterns. The Color of Money in Greater Boston, which was prepared for the Metro Boston Equity Initiative of the Harvard Civil Rights Project, addresses the issue on a regional basis, while Changing Patterns XI details specific loan denial rates that provide a clearer picture of the Quincy market.

While loan denial ratios among blacks, latinos and whites are slightly to significantly lower in Quincy when compared to surrounding communities, it is important to note that any disparity between the ratios that can not be explained by hard data such as household income and loan risk assessment is an issue that Quincy deems objectionable and will attempt to mitigate in order to affirmatively further fair housing as part of the City’s FY05-09 Consolidated Plan.

The 1996 Fair Housing Plan, the Analysis of Impediments to Fair Housing and data contained in *Changing Patterns XI: Mortgage Lending to Traditionally Underserved Borrowers & Neighborhoods in Greater Boston, 1990-2003* each indicate that discrimination based on race, religion or sexual orientation plays significantly less of a role in Quincy, compared to surrounding communities, and is quite minimal. However, the fact that any discrimination based on race, religion, or sexual orientation on any level exists in the City of Quincy directly conflicts with the City’s commitment to providing safe affordable housing for all residents, regardless of race, religion, or sexual orientation.

*Changing Patterns XI: Mortgage Lending to Traditionally Underserved Borrowers & Neighborhoods in Greater Boston, 1990-2003* is a study completed by the Massachusetts Community and Banking Council (MCBC). The study analyzes the MCBC’s commitment to substantially increasing the provision of credit and banking services to low-income and minority communities within the City of Boston. The study contains data that examines loan applicants and loan denial ratios among minorities in communities that are part of the Metropolitan Area Planning Commission (MAPC), including Quincy.

The study indicates that in many communities, the number of black and Latino mortgage applications is very small, and when the number of applicants is low, small changes in the number of denials can result in large changes in denial rates, specifically in black versus white and Latino versus white denial rate ratios.

That withstanding, of the 101 MAPC communities that had black versus white denial ratios, sixty one communities had a higher average ratio than Quincy during the years of the study’s most recent update, 2000-2003. The City of Quincy’s black versus white average denial ratio of 1.42 was lower than several surrounding communities, including Boston (2.47), Braintree (3.70), Milton (2.51), and Weymouth (3.21).

However, different results were indicated in the analysis of the Latino versus white mortgage denial ratios. During 2000-2003, the City of Quincy’s Latino versus white mortgage average denial ratio of 2.41

was higher than many surrounding communities, Boston (2.30), Braintree (0.0), Milton (2.3), and Weymouth (0.64).

The study also identified the percent of home-purchase loans to low/moderate income borrowers in the 101 cities and towns in the MAPC region. Close to a third (30.4%) of all loans in Quincy were given to low and moderate income borrowers. This reflects Quincy's urban character with smaller homes in denser neighborhoods and higher numbers of multi-family developments that combine to create a higher percentage of available housing units that are affordable to minorities and young people. During 2000-2003, The City of Quincy's percentage of low and moderate income borrowers was higher than 80 communities in the MAPC region including Boston (23.5%), Braintree (26.0%), Milton (9.0%) with the exception of Weymouth (37.8%).

#### 4.6 2005-2009 Consolidated Plan Needs Assessment

The U.S. Department of Housing and Urban Development requires all communities receiving Community Development Block Grant (CBDG), HOME, and Emergency Shelter Grant (ESG) funding to complete a 5-year Strategic Plan with 1-year Action Plan supplements. The City of Quincy and the Quincy-Weymouth Consortium most recent 5-year plan was started in 2004 with extensive research and an aggressive needs analysis that reached out to citizens, public service providers, non-profits, and other city departments. The following are excerpts from the Housing Needs Analysis from the Consolidated Plan.

##### 4.6.1 Housing Needs Analysis

The Consortium has identified extremely low and low-income renters paying in excess of 30% of income for housing costs as a high risk population in terms of housing availability and need for support services. With waiting lists common for assisted and public housing, limited supply of decent affordable housing, and reduced funding of State rental assistance the majority of these households have limited options for housing. In addition, due to their limited resources many households in this category would benefit from support services such as day care, education and job training, and fuel assistance.

Homeowners in all income categories and demographic groups (described below) face significant challenges in terms of maintaining their property and making lead-paint and/or energy-efficiency improvements. The ability to keep up with even minimal maintenance decreases as homeowner ages. For those elderly displaced by code violations, there is a need for temporary housing. Support services are also generally required once an elderly homeowner returns to a unit.

##### U.S. HUD Income Limits – February 2005

	<b>1 Person</b>	<b>2 Person</b>	<b>3 Person</b>	<b>4 Person</b>	<b>5 Person</b>	<b>6 Person</b>	<b>7 Person</b>	<b>8 Person</b>
<b>&lt; 30%</b>	\$17,350	\$19,850	\$22,350	\$24,800	\$26,800	\$28,800	\$30,750	\$32,750
<b>31% to 50%</b>	\$28,950	\$33,100	\$37,200	\$41,350	\$44,650	\$47,950	\$51,250	\$54,600
<b>51% to 80%</b>	\$46,300	\$52,950	\$59,550	\$66,150	\$71,450	\$76,750	\$82,050	\$87,350

#### 4.6.2 Cost Burden

##### a. *Extremely Low Income (ELI)*

Extremely low-income families are defined as those with income from 0-30% of median family income in the Boston PMA. According to the 2000 Census data, a total of 5,337 households with ELI incomes reside in Quincy.

*Renters* represent almost three-quarters (73%) of all such families residing in Quincy, and they face an immediate challenge in terms of paying the monthly rent. With over 64% of this group paying housing costs greater than 30% of their income, families in this group are perhaps at the greatest risk of becoming homeless. The greatest needs of this group are the limited availability of low-cost rental housing. This income group has to rely mainly on the Quincy Housing Authority through its public housing units, which has not increased, and Section 8/MRVP programs where funding has been limited.

*Elderly* renters make up a large percentage of this group 46% ELI-renter total. For elderly renters in Quincy, more than one-half (53%) have a housing cost burden in excess of 30% of total income, and 31% have severe cost burdens in excess of 50% of income. Severe cost burden rates are also very high among unrelated or other types of families (58%) and for small related (67%).

*Owners* represent one-quarter (27%) of Quincy's ELI households, and they have similar characteristics, housing issues, and cost burden to renters. The elderly dominate this group making up 70% of Quincy's ELI owner population. Over 83% of elderly households face a cost burden of greater than 30%, with substantial percentage (48%) facing cost burdens of greater than 50%.

The majority of homeowners in this category, both elderly and non-elderly, face cost burdens in excess of 30% of their total income. The high cost burden for owners does not leave much in the way of a contingency for any needed or unexpected household repairs (I.e. roof, furnace, plumbing, etc.). Housing maintenance is a general concern for this category of residents. There is a particular need to help elderly female head-of-households who have limited experience dealing with housing rehabilitation.

##### b. *Low Income (LI)*

Low-income families are defined as those with incomes from 31% to 50% of median family income in the Boston PMSA. Overall, there are a total of 5,337 low-income households residing in Quincy, of which 63% are renters and 37% are owners.

LI renters face substantial housing problems. 63% of total renters have housing costs greater than 30% of income, with 22% having severe cost burdens. LI renters are largely made up of elderly households (43%).

LI owners face similar problems to those of extremely low-income owners (i.e. little maintenance contingency). The elderly constitute 59% of the owners in this income category, and 37% of them face housing costs greater than 30% of monthly income.

c. *Moderate Income (MOD)*

The moderate-income family is defined as one with an income of between 51% and 80% of median family income in the Boston PMSA. Quincy contained a total of 6,183 moderate-income households in 2000, of which 55% are renters and the remaining 45% were homeowners.

Moderate-income renters, despite their higher income levels relative to the two previous groups, continue to face a significant cost burden with 41% paying more than 30% of their income for housing costs.

About 40% of moderate-income homeowners have cost burdens of more than 30% of their incomes.

d. *Middle Income (mid)*

Middle-Income households are defined as those with incomes above 80% of HUD Area Median Income. 58% of this group of 22,268 households are homeowners while 42 % are renters. The elderly and large related renter and owner households experience the highest cost burdens. However, at this income level, housing problems cannot be addressed with the use of CDBG or HOME funds. Never the less, some income groups close to 80% may be eligible for assistance under Mass Housing rehabilitation program, get the lead out programs, and first time homebuyer programs. They are also eligible to receive FEMA Flood Mitigation Grants.

e. *Overcrowded Households*

The most significant incidence of overcrowding occurs among Quincy's large-related households. As might be expected, overcrowding among extremely low-income renters is most severe. It also remains prevalent among the low-income (31% to 50% of median) renter population. Quincy has noted a particular incidence of overcrowding among recent Asian immigrant groups, whose cultural background embraces extended families residing within the same dwelling unit. The 2000 census illustrates a 158% increase in the Asian population in Quincy from 1990 (5,432) to 2000 (13,997). Overall, there is a need for more large rental units.

f. *Substandard Housing*

Another housing-related need is for the City to assist renters and owners of substandard housing units. HUD regulations require that participating jurisdictions define the term "substandard condition but suitable for rehabilitation." The City defines this term in accordance with that of the Comprehensive Housing Affordability Strategy (or CHAS) to include units with:

- No complete plumbing or kitchen facilities;
- More than 1.01 persons per room ("overcrowding");
- Selected monthly owner costs > 30% of household income (1999); or
- Gross rent > 30% of household income.

Data derived from the CHAS identifies the numbers of residents (elderly, small related households, large related, etc.) living in substandard conditions due to such cost-related housing

burdens.” Information below describes households where selected monthly owner costs or gross rent exceeds 30% of household income.

*g. Mobility and Self-Care Limitations*

Mobility and self care limitations is encountered by the frail elderly (those 75+) in the community. This population with housing special needs has grown from 6,463 in 1990 to 7,329 in 2000, an increase of 13.4%. This target group may have difficulty living independently, but are not in need of a nursing home. The community views this group as in need of either specialized services designed to maintain independence, or housing facilities that can provide the assistance that individuals may find necessary.

There are ten nursing homes in Quincy, 5 of which are intermediate care facilities. The others are residential homes with minimum services, or skilled nursing facilities which offer advanced care levels. In addition, several other agencies in Quincy provide home health care services.

The City of Quincy plans to use federal funds received through its CDBG and HOME entitlement programs to leverage additional funds that will be used for the following housing needs:

*Rehabilitation Needs:* The City of Quincy will continue to provide CDBG/HOME and other funds to assist low-moderate income households with rehabilitation of existing housing stock to meet at least the minimum housing quality standard for the community. Funding will be provided as low interest loans designed to accommodate a variety of households.

*Rental Development:* Rental housing development will continue to be the main component of the HOME program. The City will work with non-profits and for-profit developers to increase the number of affordable housing units available for low and moderate-income households. The City will concentrate it’s efforts and funding on projects that are capable of leveraging private and state funding to increase the housing stock available for those most in need. Projects that serve the highest priority need identified will be given the highest assessment priority.

Also, any funds generated by the Affordable Housing Trust Committee will be used to increase affordable housing in accordance with the Quincy Inclusionary Zoning Ordinance. Funds can be used to leverage additional private and state funds in addition to purchasing housing for those below 80% of median income.

*Homeownership Assistance:* Homeownership is an American dream for most households, but due to the high property costs in this area, homeownership is becoming harder and harder for most low moderate-income households. Quincy will continue to assist first time homebuyers through cooperative efforts with local lenders, Massachusetts Housing Partnership’s Soft-Second Program and the HUD funded American Dream Down-payment Initiative (ADDI) and HOME Programs. Quincy will offer down payment and closing costs assistance along with subsidized mortgages through this partnership between local, state and federal agencies.

*h. Obstacles to Meeting Underserved Needs*

With an average single-family home price of \$332,824 (Quincy-\$352,824, Weymouth-\$312,867) within the Quincy/Weymouth Consortium in FY 2002-2003, home-ownership was often far beyond the means of many families of all incomes.

According to the Office of Federal Housing Enterprise Oversight, between 1980 and 2003, the nation’s largest overall percentage increase in housing prices occurred in Massachusetts. The cost of rental housing has grown similarly. A recent study by the National Low Income Housing Coalition rated Massachusetts as being the least affordable state in which to rent an apartment in 2003. Lack of sites available for development contribute to affordable housing shortages and increased costs for housing, as demand greatly exceeded supply for both owner occupied and rental housing.

A close look at the developed and undeveloped land of Quincy in 2004, provided by the Metropolitan Area Planning Council GIS Department (MAPC), revealed that 99% of Quincy’s residentially zoned land is developed, almost fully buildout. With the lack of undeveloped land for new residential development, the City needs to implement strategies that promote compact mixed use redevelopment in the City’s existing urban centers adopting “Smart Growth” principals to guide future development.

The lack of affordable housing has resulted in increasing numbers of Quincy families doubling up with family members, as a solution to their housing needs. The Census Bureau refers to these families as “subfamilies” and, from 1980 to 2000, their number increased from 1,376 to 2,231. In that period, the number of children living in subfamilies in Massachusetts rose 68%. Many people living in subfamilies could be thought of as the “hidden homeless,” people who, without family support, could be living on the street. The growing numbers of people and families sharing living quarters represent huge adjustments that more and more Quincy residents and their children have been forced to make to find a place to live in the city.

**4.7 Impediments to Fair Housing – Asian Minority**

**Population Change**

<b>Year</b>	<b>White</b>	<b>Black</b>	<b>American Indian</b>	<b>Asian</b>	<b>Hispanic</b>	<b>Other Race</b>	<b>Two or more Races</b>	<b>Total</b>
1990	77,508	812	87	5,432	1,115	31	NA	84,985
2000	69,098	1,572	189	13,997	1,396	98	1,675	88,025
% Change	-10.8%	93.5%	117.2%	157.6%	25.2%	216.1%	NA	3.5%

The 2000 Census indicated a 158% increase in the Asian population in Quincy from 1990 to 2000, bringing its total to about 14,000 persons or 16% of the total population. Unofficial City Clerk’s estimates put the total number of Asian residents closer to 20,000 or between 20 and 30% of the total population in 2005.

Notwithstanding the increasing number of Asian residents in Quincy, there is no disproportional greater housing need for the Asian population compared to the general population. There are three main reasons for this view. One, many low to moderate Asian households who are looking for affordable housing rental units prefer to live in public housing or Section 8 units where rent is highly subsidized. Two, many Asian households live in overcrowded living conditions, by choice, as explained below. Third, Asian households who are ready to become homeowners, either through their own savings or through gifts and loans from their relatives and friends, have access to market as well as City-sponsored first time homebuyer services. These points are explained in detail below.

On the first point, some low to moderate income Asians (mostly extended) families prefer to live in rental units owned by the Quincy Housing Authority or subsidized through Section 8 or MRVP. Many of them would rather stay in overcrowding living conditions than pay market rent, or even what may be typically considered affordable rent. To some extent, Asians have been able to access a significant share of available subsidized units. As of June, 2005, Asian families and elderly households constitute about 26% of total residents in public housing units and 5.9% of Section 8 units. About 9% of units in Fenno House, an elderly housing complex, are occupied by Asian senior persons.

According to the QHA Five-Year Plan (FY 05-09), 372 Asian families are in the public housing waiting list representing 20.9% of the total. Another 271 Asian families representing 20.9% of the total are on the QHA waiting list for disabled and elderly units, while 91 families, or 28.1% of the total are on the Section 8 waiting list. Clearly the limited number of affordable rental units, especially highly subsidized public housing or Section 8/MRVP units is a challenge for Asians. However, based on the estimated percentage share in total population of 20-30%, their need is no greater than the rest of the other racial groups.

On the second point, Quincy has noted, through its Community Center outreach, the Health Department, and anecdotal statements provided by realtors and members of the Asian community, that there is a considerable incidence of overcrowding among recent Asian immigrant groups. However, owing to several socio-economic-cultural factors, many of these Asians do not consider overcrowding as an issue for them. One factor is their culture that embraces extended families. Many Asian families in Quincy *by choice* live with their own parents and grandparents and/or other relatives and friends from their country of origin. Another factor is that the income of many Asians, especially new comers, is not sufficient for them to afford to rent, let alone buy, their own housing unit. In fact, even for homeowners, it is a common practice to sublet some of their bedrooms to relatives and friends because the rent helps pay the owner's mortgage, not to mention the cultural need to help them. Many Asian households consider sharing their homes with other people as a tolerable inconvenience, in part because they were accustomed to smaller living spaces and congested housing conditions in their country of origin. Many lower income households actually appreciate being able to rent a place at rents they could afford or were willing to pay. Given an option of renting a unit on their own at a much higher rent, even at levels that would be considered affordable by American standards, many Asian renters would rather share a house or an apartment so they can save funds to hopefully be able to buy a home of their own or start a business in the future. In effect, the overcrowding housing arrangement has become a housing strategy among Asians in Quincy.

This situation, understandably, creates a dilemma for City agencies. Public Health officials in the City as in other communities with large Asian populations do consider overcrowding a health and safety issue, but are hesitant to enforce regulations for potential political and cultural ramifications. There is also the fear that taking any regulatory action could result in some Asians moving out of their homes, thereby actually exacerbating the affordable housing issue that already exists.

On the third point, many Asian families or households are known to have a higher savings rate and have strong familial networks that enable many of them to become first time homeowners not long after they have moved to Quincy. It is not uncommon for Asians to be able to save a high percentage of their incomes as they are careful with their expenditures. At the same time, it is often told that families help each other through loans so that they could become homeowners. Hence, Asians, even those whose incomes are lower, seem to be able to put down a higher percentage of the downpayment than typical buyers from other races. For that reason, Asian households who are ready to become homebuyers are successful in owning their home. Nevertheless, some of them could and do benefit from the City's First Time Homebuyer Program.

From the standpoint of the City's housing and community development programs, the housing situation and the culture among Asians have sometimes been problematic to the City's efforts to address the substandard housing conditions. Many Asian households do not participate in Quincy's housing rehabilitation programs because they fear that their overcrowding situation or the presence of illegal aliens in their homes might cause problems for them or their tenants. For those who apply for housing rehabilitation assistance, some withdraw their requests once they learn that they cannot hire Asian contractors who offer cheaper services but are not properly licensed or insured. Information on the City's Asian population from community centers and from the Health Department have indicated that there is an above average incidence of home improvements being performed without the proper permits by the homeowner and in some cases without the proper license by the contractor. This is a common issue with new and expanding immigrant groups that come from places where building codes are non-existent or not enforced and that are skeptical of the layers of building codes and regulations found in America. For others, it is a matter of education and outreach as they might not be aware that such assistance programs exist.

As noted in the Fair Housing Survey conducted in the Fall/winter of 2004 by the Quincy Fair Housing Committee, speaking and understanding the English language was identified as having a "very strong" negative effect on access to housing in Quincy. Through the efforts of the Fair Housing Committee, brochures and First Time Homebuyer Materials have been translated into different Asian languages and the City has a translator on staff to assist City Departments.

With respect to the Town of Weymouth, there are two areas with at least a 10% minority population. These areas are Census Tract 422200 Block Group 9 and Census Tract 422302 Block Group 2. The two areas are ranked 4<sup>th</sup> and 8<sup>th</sup> in terms of low/moderate income populations but have the greatest concentration of minority persons. This is to say that, for example with respect to Census Tract 422200 Block Group 9, there are three other low and moderate income target areas that have a greater concentration of low and moderate income residents.

The Town does not plan to address one low or moderate income target area over another in terms of importance and will utilize local discretion to direct funds to these areas provided that the funding is directed towards a priority need (for example: water and sewer improvements or drainage improvements).

#### **4.8 City of Quincy Fair Housing Committee – Tenant and Housing Industry Survey**

During the winter of 2004-2005, the Quincy Fair Housing created and distributed a Housing Survey for tenants/residents and for housing industry professionals (bankers, real estate agents). Over 5,000 surveys

were distributed with close to one hundred returns. The following highlights were incorporated into the City's Consolidated Plan.

- Most respondents indicated no knowledge of Fair Housing Laws.
- Safety concerns in public housing; better screening of people and avoid mixing families with children in with seniors.
- Majority of the respondents indicated an income of less than \$15,000 a year.
- Income, household with children, speaking and understanding English, and housing affordability were the main barriers to affordable housing.
- Newsletters, workshops and media announcements were identified as the tools to raise awareness of fair housing laws.

## **SECTION 5.0 CONCLUSIONS AND STRATEGIES TO ADDRESS IMPEDIMENTS**

### **5.1 Impediments and Actions**

The following is a summary of impediments to fair housing choice that have been identified in the analysis, and the City's efforts to address them, as well as to generally assure that the environment in Quincy is conducive to fair housing choice for all. With the exception of the monitoring and educational actions, further detail on the initiatives listed below can found in Quincy's FY05-09 Consolidated Plan.

**Impediments: Quincy is a built out community with little developable land that limits the availability of land to develop affordable housing.**

- Zoning and land use policies traditionally do not encourage infill residential redevelopment
- The housing market demands that entities act quickly in a highly competitive real-estate market.
- Residential uses in business/industrial zones have more restrictive requirements.

**Actions: Change land use and zoning policies**

- Identify "opportunity areas" most appropriate for and conducive to residential development.
- Consider appropriate compact development in traditional "village centers" throughout the City (North Quincy, Wollaston, Brewers Corner, Atlantic, Houghs Neck, Germantown, Squantum, and Quincy Center).
- Consider implementing Chapter 40R Smart Growth Zoning Districts.
- Implement Transit Orientated Development (TOD) techniques for new development around each mass transit station and along bus routes.
- Develop a community visioning effort that can lead to the development of design guidelines for the whole City.
- Encourage the creation of mixed-income housing in Quincy Center and other business districts throughout Quincy that are close to public transportation, and other amenities.
- Implement "sustainable development principles" for the City's urban centers and mass transit stations that encourage both affordable and market rate housing development.
- Review zoning regulations and explore changes that would encourage redevelopment and in-fill as a result of the lack of undeveloped residentially zoned land.
- Explore any new State or Federal housing initiatives or programs.

**Impediments: High cost of housing and lack of available land for new development limits opportunities and choices.**

- The high costs of housing in the City of Quincy and the metro Boston area restrict the availability of low and moderate income housing.
- The shortage of developable land contributes to the high cost of land acquisition and development costs.
- The age of existing housing stock increases the likelihood of substandard conditions (electrical systems, plumbing systems, and structural systems) as well as the presence of lead paint and other environmental hazards.

- The age of the housing stock increases the likelihood that the housing units are not handicapped accessible.
- Due to the high cost of housing low and moderate income individuals and families are restricted to areas of the City where transportation to employment opportunities may be scarce.

**Actions:                    Encourage the development and preservation of all types of housing throughout Quincy**

- Continue using the City's U.S. Department of Housing and Urban Development (HUD) grants (CDBG, HOME, ESG, and McKinney Homeless Assistance) to create, develop, and preserve affordable housing units for low and moderate-income individuals and families.
- Continue to use HUD funding to address substandard conditions in the City's housing units.
- Supplement HUD funding used to address housing issues in the City with other Federal and State grant programs along with private funds.
- Continue to support and fund the housing rehabilitation programs through the Office of Housing Rehab and Neighborhood Housing Services of the South Shore. Current Programs include single-family, multi-family, and non-profit housing rehab, handicapped accessibility, lead Paint Abatement, and FEMA Pre-Disaster Flood Mitigation.
- Apply for Federal Brownfield Remediation Grants to address environmental issues throughout the City and pave the way for redevelopment of identified sites.
- Continue to fund and support the First Time Homebuyer Program.
- Continue to provide financial assistance to support Community Housing Development Organizations (CHDO) operating in the City.
- Encourage partnerships between government, non-profit, and for-profit entities that result in the creation of affordable housing.
- Continue to support the Inclusionary Zoning Ordinance (IZO) and the Affordable Housing Trust Fund.
- Leverage money acquired in lieu of unit creation from the IZO with other funding sources for the creation of affordable housing.
- Educate City officials and housing developers on the need for additional housing units with support services made available to physically and mentally disabled individuals.
- Coordinate City housing policies with the housing policies of the Quincy Housing Authority.
- Encourage the development of housing projects with the funds of the newly enacted Community Preservation Act (2006).
- Provide financial and technical support to nonprofit housing developers and providers.

**Impediments:            Lack of Education and Outreach**

- There is need for more awareness by the public, government sector, and housing industry personnel regarding fair housing issues.
- There is a need for more education and outreach to the community specifically addressing fair housing rights and responsibilities.
- There is a need for improved outreach to let the general public know where they can file a fair housing complaint seek housing counseling services.
- There is a general lack of understanding by community and the housing industry on the increasing need for subsidized, special needs, and senior housing.

- There is a growing need to translate fair housing literature into a variety of foreign languages.

**Actions: Support education and outreach activities**

- Update existing fair housing brochure, posters, and other materials for distribution throughout the City. Materials should be translated into appropriate languages for the City's growing foreign born population.
- Continue to support the Mayor's Office of Constituent Services to serve as the primary liaison between City government and the general public. The office provides information about city services, takes suggestions to improve city services, provides assistance with tenant or landlord issues, answers questions and issues concerning accessibility for people with disability, listens to concerns about human rights issues in Quincy, provides translation services in Chinese and Vietnamese, provides information about activities for children and families, and provides speakers for community groups.
- Continue the dissemination of "The Purple Pages" community information booklet through the Office of Constituent Services.
- Continue educational workshops through the Department of Planning and Community Development Consolidated Planning process targeting community based organizations.
- Hold a yearly fair housing workshop targeting real estate representative, financial institutions, landlords, and the public.
- Implement a "Limited English Proficiency" program providing outreach to provide training for government employees and recipients of government money on addressing language barriers. The program will also provide translation services for various languages.
- Provide support to agency's that offer First Time Homebuyer Workshops and housing counseling services.
- Provide resources and training opportunities to City board and committee members so that they can stay informed on issues such as affordable housing, discrimination, and land use policies.
- Participate in regional fair housing initiatives and programs by attending housing workshops and seminars and staying on top of new federal and state programs.
- Continue to support the Mayors "Neighborhood First" Initiative.

**Impediments: Monitoring of fair housing practices**

- Verify fair housing practices are being adhered to throughout the City.
- Significant monitoring burden on the City to ensure all federally, state, and locally assisted housing units are in compliance with fair housing laws and other applicable regulations.

**Actions: Conduct monitoring and investigative activities**

- Continue to monitor compliance with fair housing laws of Commonwealth's Subsidized Housing Inventory, Inclusionary Zoning Ordinance and HUD funded affordable housing units.
- Conduct regular monitoring of affordable units that are part of the Subsidized Housing Inventory, Inclusionary Zoning units, and HUD funded affordable units.
- Continue to monitor fair housing practices throughout the City.

## **5.2 Specific strategies the community will use to achieve housing production goals**

### *5.2.1 Inclusionary Zoning*

The City of Quincy passed the Inclusionary Zoning Order in 2001 that established an Affordable Housing Trust Fund and an Affordable Housing Trust Fund Committee. The order required that any development of 10 or more units that necessitates a variance or a special permit must provide 10% of the units as affordable units to low-moderate income households. The affordable units may be developed either on the site of the original development or at another location, or developers may provide 50% of 10% of the construction cost of all units developed, in lieu of on-site units. The Affordable Housing Trust Committee was created to oversee all disbursement of funds and the Department of Planning and Community Development will monitor properties for compliance of this ordinance.

### *5.2.2 CHDO/ Rental Acquisition Projects*

As stated in the Quincy/Weymouth Consolidated Plan, the Quincy/Weymouth Consortium intends to use CDBG and HOME funds to create affordable housing for households below 80% of median income each year.

### *5.2.3 Homeowner/Rental/Non-profit Housing Rehabilitation Programs*

The City of Quincy, through its Office of Housing Rehabilitation and Neighborhood Housing Services of the South Shore (The NHS, a sub-recipient) will implement housing rehabilitation programs to eliminate code violations and substandard living conditions, and promote energy conservation. In addition, by offering low interest loans and grants it is the hope of the City that low and moderate income people will be able to remain in their homes and not have to leave because they can't afford the maintenance.

### *5.2.4 Fair Housing Counseling*

The City of Quincy has a contract with Quincy Community Action Programs, (QCAP) to provide fair housing counseling along with educational First Time Home Buyer Seminars. Each year over 200 households receive some type of housing counseling to educate them about affordable housing opportunities in Quincy.

### *5.2.5 First Time Home Buyer*

Quincy offers a First Time Homebuyer Program for households earning less than 80% of median income. The City's Program dove-tails with the Massachusetts Housing Partnership (MHP) "Soft-Second" program for First Time Homebuyers.

### *5.2.6 McKinney-Vento Homeless Assistance Program*

Since 1996, the City of Quincy through the Quincy/Weymouth Continuum of Care applied and was awarded funding from HUD's McKinney-Vento Homeless Assistance Program for transitional and permanent housing.

Quincy endorses the “Housing First” model for the assistance given to the homeless. As a result, many of the Supportive Housing Program and Shelter Plus Care program funding goes into permanent housing for individuals and families with the local service providers bringing some of the support services to the home. The City’s 10-year commitment to the McKinney program has secured over \$12.6 million that helped create a total of 198 housing units for the homeless individuals and families.

### *5.2.7 Planned Production*

In accordance with the Code of Massachusetts Regulations 760 CMR 31.07(1)(I) that requires a community to have a goal to add affordable units totaling 0.75% of 1% of housing stock every year. With the existence of Inclusionary Zoning Ordinance and the use of federal funds, the City to achieved compliance with regulations.

### *5.2.8 Efforts to Increase Homeownership Among PHA Residents*

Currently, no Very Low-income household can afford to purchase a residence priced at the 2006 Quincy median of \$333,000 for a single family home. Only low-income households of six or more members, and Moderate-income households of two or more members can afford to buy a condominium. For large households, a condominium is not likely to be an appropriate housing choice, since they often have no more than three bedrooms, and many only have one bedroom. Single family homes priced at the median, however, are out of reach for households with Moderate incomes or lower, since these earnings do not support high mortgage amounts.

The designations of affordability discussed above assume participation in the City’s First Time Home Buyers Program and the State’s Soft Second Loan Program. For households with moderate or lower incomes, the City provides up to 9% of the purchase price of the home toward the down payment. The buyer must furnish an additional 3% for this purpose. The city also provides up to 1% of the purchase price toward closing costs. The Soft Second Loan Program provides “...loans to low- and moderate-income first-time homebuyers to reduce their first mortgage and to lower their initial monthly costs so that they can qualify to purchase a home. The participating lender underwrites a first mortgage for [up to] 75% of the purchase price and a second mortgage generally for 20% of the purchase price. The borrower pays the entire principal and interest on the first mortgage. The principal payments on the second mortgage are deferred for 10 years and a portion of the interest costs for eligible borrowers is paid by public funds. Since the borrower does not pay mortgage insurance, public funds provide a loan loss reserve for participating lenders.”

Through its cooperating non-profit agencies, the City conducts extensive outreach and education to prepare potential clients for the responsibilities of home ownership. Special efforts are made to inform public housing residents of home ownership opportunities. Cooperating non-profits conduct a First Time Home Buyers Workshop for all public housing residents in the city once a year. The City’s Office of Asian Affairs sponsors two First Time Home Buyer Workshops per year for Asian residents of public housing. Family Self -Sufficiency: The Quincy Housing Authority maintains 100 slots for programs that allow educational and home ownership expenditures in lieu of public housing rent increases. All participants in the City’s program and the Soft Second Program must participate in a State-certified Home Buyer Education program. These classes are offered regularly during the year, both in Quincy and neighboring towns by local cooperating organizations, and throughout the state.