



# South Shore HOME Consortium Regional Fair Housing Plan

FFYs July 1, 2014 – June 30, 2019

Prepared for the South Shore HOME Consortium municipalities:



*City of Quincy*



*Town of Weymouth*



*Town of Braintree*



*Town of Holbrook*



*Town of Milton*

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## Acknowledgments

The South Shore HOME Consortium Regional Fair Housing Plan (FHP) was produced for the Quincy HOME Consortium d/b/a/ South Shore Home Consortium, which also includes the municipalities of Braintree, Holbrook, Milton and Weymouth. This document was produced with professional technical assistance provided by the Metropolitan Area Planning Council.

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- **Town of Milton:** William Clark, Director of Planning and Community Development
- **Town of Weymouth:** Dennis Falcione, Housing Coordinator, Department of Planning and Community Development

The FHP was also developed with the participation of fair housing advocates, residents, brokers, representatives from housing authorities, and others from the Consortium municipalities and from neighboring communities. A Fair Housing Advisory Committee appointed by the Consortium in March 2014 also participated in the development of the plan.

### **Fair Housing Advisory Committee of the SSHC**

Quincy members:

- Betty Yau, Constituent Services, Office of the Mayor, City of Quincy
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Braintree members:

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- Leanne Walt, Reverend, First Congregational Church

Holbrook members:

- Sara Stinson, Holbrook Housing Authority
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- Wayne Crandlemere – Chair – Planning Board

Milton members:

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## **MAPC Project Team**

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## **Alignment with Livability Principles and the MetroFuture Regional Plan**

The FHP advances several Livability Principles that have been identified by the Partnership for Sustainable Communities, which includes the U.S. Department of Housing and Urban Development (HUD), U.S. Department of Transportation (DOT), and the U.S. Environmental Protection Agency (EPA). These principles include:

- **Promote equitable, affordable housing.** Expand location- and energy-efficient housing choices for people of all ages, incomes, races, and ethnicities to increase mobility and lower the combined cost of housing and transportation.
- **Support existing communities.** Target federal funding toward existing communities—through strategies like transit-oriented, mixed-use development and land recycling—to increase community revitalization and the efficiency of public works investments and safeguard rural landscapes.

The FHP advances the following MetroFuture Regional Plan goals that pertain to fair access to housing opportunity:

- **Goal #15.** There will be less regional segregation as all municipalities increasingly reflect Metro Boston's growing diversity.
- **Goal# 16.** Low-income households will be able to find affordable, adequate, conveniently located housing, in suburbs as well as cities, and they will be able to avoid displacement.
- **Goal #19.** Persons with physical or mental disabilities will be able to find housing that meets their needs in terms of design, services, and affordability.

## **Funding**

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## Executive Summary

The 2014 – 2019 Regional Fair Housing Plan (FHP) was developed for the Quincy HOME Consortium d/b/a/ South Shore HOME Consortium, which includes the municipalities of Braintree, Holbrook, Milton and Weymouth. The City of Quincy, serves as the Representative Member of the Consortium. This FHP builds on the 2011-2015 AI, which was the first analysis of the five-member region that identified regional approaches to addressing impediments to fair housing choice. Prior to the 2011-2015 AI for the five municipalities, the Town of Weymouth and the City of Quincy produced fair housing plans in 1996, 2002-2005, and 2006-2010.

The South Shore HOME Consortium, which includes representatives from the member municipalities of Quincy, Braintree, Holbrook, Milton, and Weymouth worked in partnership with the Metropolitan Area Planning Council to prepare the 2014 – 2019 FHP. The FHP was also developed with the participation and input of residents, fair housing advocates, service providers, realtors, and representatives from municipal boards, committees, and commissions — many of whom also serve on the new Fair Housing Advisory Committee of the Consortium, which was appointed in March of 2014.

### **Affirmatively Furthering Fair Housing**

Under the HOME and Community Development Block Grant (CDBG) statutes, the Consolidated Plan's certification to affirmatively further fair housing requires all entitlement communities receiving federal community development and planning funds, such as those in the South Shore HOME Consortium, to undertake fair housing planning and to assess and address impediments to fair housing choice. A jurisdiction is affirmatively furthering fair housing when it 1) has a current Analysis of Impediments to Fair Housing Choice, 2) is implementing the recommendations that follow from that analysis, and 3) is documenting its efforts to improve fair housing choice. The City of Quincy and the Town of Weymouth are HUD Entitlement Communities; the remaining three SSHC municipalities – Braintree, Holbrook, and Milton – are not direct HUD entitlement communities; however, since joining the SSHC in 2009, they have received HOME funding. HUD suggests that entitlement communities conduct fair housing planning at least once every three to five years.

An Analysis of Impediments to Fair Housing Choice (AIs) is a document required by HUD for fair housing planning at the local and state level. It is designed to meet the requirements of the Housing and Community Development Act and the U.S. Department of Housing and Urban Development (HUD) regulations. On July 18, 2013, HUD also issued an Affirmatively Furthering Fair Housing (AFFH) proposed rule. The proposed rule encourages local government, states, and public housing authorities to work together on a Regional Assessment of Fair Housing, it facilitates regional analyses of impediments to fair housing that cover regions “that need not be contiguous and may even cross state boundaries” and mandates meaningful public participation in the process to develop the regional assessment. The 2014 – 2019 FHP is produced to meet the requirements of federal acts and regulations and the proposed AFFH rule.

The overall goals of the 2014 – 2019 FHP are to: provide an understanding of fair housing obligation and the needs of protected classes; to identify impediments to fair housing choice through an analysis of public and private sector policies and activities; and to provide a framework to public and private sector partners that enables them to take the lead in affirmatively furthering fair housing by initiating dialogue and institutionalizing fair housing best practices and policies. Through research and analysis of the characteristics of the region, fair housing complaints reported, and public and private sector impediments to fair housing, the FHP proposes a five-year action plan that will sustain current efforts to further fair housing in the Consortium municipalities.

## **The Structure of this Report**

- Section 1 provides an overview of fair housing laws and regulations and the concept of affirmatively furthering fair housing.
- Section 2 provides an overview of the diversity of the South Shore HOME Consortium region. It compiles information on the fair housing related characteristics and demographics of the households and people in the Consortium communities in comparison to the Greater Boston region and the state.
- Section 3 evaluates the nature of fair housing complaints filed in the South Shore HOME Consortium communities, findings of judgments related to fair housing or other civil rights laws, and presents findings from the April 2014 Fair Housing survey that was administered to individuals who live or work in the five municipalities and/or have an interest in living in the five municipalities.
- Section 4 provides an analysis of public and private sector determinants of fair housing, examining the policies, practices, and activities of public and private sector entities.
- Section 5 reviews SSHC administration, expenditures, and priorities for allocation investment. It also summarizes the current programs, policies, and activities undertaken by the Consortium.
- Section 6 identifies impediments to fair housing that emerged from the analysis of public and private determinants of fair housing.
- Section 7 provides South Shore HOME Consortium Action Plan for July 1, 2014 – June 30, 2019, which outlines Consortium-wide fair housing goals, priorities, and strategies and identifies the public and private sector parties that have a role in advancing each action. This section also identifies strategies each municipality will advance, which align with the Consortium-wide action plan.

## **Methodology**

The FHP was produced to be consistent with the HUD Fair Housing Planning Guide and guidance on the proposed rule to Affirmatively Further Fair Housing. The analysis utilizes

data from the U.S. Census, American Community Survey, the Department of Housing and Urban Development, and data collected from each member municipality. The Massachusetts Commission Against Discrimination (MCAD) and the Boston Region Fair Housing and Equal Opportunity (FHEO) office also provided fair housing data. The FHP is also references regional analysis and data from the Fair Housing and Equity Assessment (FHEA) for Metropolitan Boston, which was also produced under the Metro Boston Sustainable Communities grant.

## **Findings: Impediments to Fair Housing**

Based upon an analysis of fair housing complaints lodged against parties in the five SSHC municipalities and public and private sector impediments to fair housing, five categories of activity are needed to increase fair access to housing opportunity.

### Education and Outreach

Finding: There is a lack of knowledge about fair housing rights and responsibilities by parties in the public and private sectors. In addition, resources such as Language Assistance Plans and ADA Section 504 and Compliance and Transition Plans have only been adopted by two municipalities in the SSHC region. This lack of knowledge and insufficient resources impacts fair access to housing opportunity that is reflected in public and private sector policies, practices, and actions.

### Reporting

Finding: Surveying indicates that individuals who have experienced discrimination do not always know about the right to file a complaint. The lack of local and regional capacity for building knowledge about fair housing rights may create barriers in protected classes' access to the fair housing complaint process. Insufficient reporting impacts the ability of SSHC municipalities' ability to understand and address the breadth of fair housing issues faced by protected classes.

### Oversight and Monitoring

Finding: There is no local entity tasked with overseeing fair housing compliance in the SSHC communities and many municipalities do not have a designated receiver of fair housing complaints who understands fair housing law. This lack of capacity impacts the ability of the Consortium and individual municipalities to affirmatively further fair housing.

### Private Sector Compliance

Finding: Complaint data provided by the Fair Housing and Equal Opportunity Office in Boston and the Massachusetts Commission Against Discrimination indicates that parties in the SSHC municipalities have experienced discrimination in the financing, sale, rental, or appraisal of housing and discriminatory refusal to rent, sell, or negotiate for sale and discrimination in financing or advertising or terms and conditions related to sales.

### Local Policies and Practices

Finding: Local zoning policies and practices guide the location, density, affordability, and inclusion of housing in municipalities. Many municipalities have adopted some local policies and practices that contribute to an integrated and diverse housing stock. However, some

municipalities have disallowed – by way of omission or restriction – housing developments of a certain type or in certain parts of the community. In addition, special permit requirements and other extensive requirements can create barriers to fair access to housing. There is an opportunity to promote the adoption of policies and practices that proactively facilitate a more integrated and diverse housing stock.

## **Fair Housing Goals, Objectives, and Strategies for FFYs July 1, 2014 – June 30, 2019**

The Fair Housing Action Plan outlines Consortium-wide goals, objectives, and strategies. Municipal strategies to advance the Consortium-wide goals are also identified. Below is a summary of the major goals and objectives of the Plan. Strategies that advance each category of action are outlined in detail in Section VII.

### **Category: Public and Private Sector Education and Outreach**

Consortium Goal #1: Increase knowledge about fair housing law and coordinate the dissemination of resources

Consortium Objectives:

- A. Deliver resources and two (2) fair housing informational trainings or workshops each year to the public sector including elected and appointed officials and municipal staff in each SSHC municipality.
- B. Deliver resources and one (1) training each year to the private sector including renters, buyers, small property owners, and realtors.

### **Category: Oversight and Monitoring**

Consortium Goal #2: Increase the capacity of the Consortium to advance fair housing in the five municipalities

Consortium Objectives:

- A. Designate a Fair Housing Advisory Committee (FHAC) that meets at least four to six (4-6) times a year as the body responsible for advising the SSHC on the implementation of the Fair Housing Action Plan.
- B. Build knowledge of fair housing issues by increasing access to mechanisms for reporting and filing fair housing complaints.
- C. Advise municipalities on developing local action plans for educating municipal staff and constituents on fair housing rights and responsibilities and architectural accessibility standards.

### **Category: Private Sector Compliance**

Consortium Goal #3: Identify and address discriminatory actions in the Consortium real estate market

Consortium Objective: Decrease the frequency of fair housing complaints filed in 2014 – 2019 that cite the top bases that were also identified in cases filed with MCAD during the previous five-year period.

**Category: Reporting**

Consortium Goal #4: Ensure reporting of discrimination by individuals in protected classes

Consortium Objective: Increase access to local and regional mechanisms for reporting fair housing issues to ensure reporting of discriminatory actions.

**Category: Local Policies and Practices**

Consortium Goal #5: Advance access to opportunity by promoting safe, diverse, affordable, accessible, and integrated housing

Consortium Objective:

- A. Facilitate adoption of local zoning policies and practices that advance a safe, diverse, affordable, accessible, and integrated housing stock.
- B. Facilitate adoption of ADA/Section 504 Self Evaluation and Compliance and Transition Plans and Language Assistance Plans in each municipality.

Please review Appendix I for a full list of the terms and acronyms that are referenced throughout this Plan.

# Section 1: Fair Housing Law and Obligations to Affirmatively Furthering Fair Housing

Fair housing choice is the right to equal access to all types of housing. It exists when *all* current and prospective residents of a community have the ability to freely choose among options that will afford them access to safe, sanitary and affordable housing in neighborhoods where they can thrive. Fair housing choice is impeded by discrimination (where people are not allowed to live where they choose) and by issues of affordability (where people cannot afford housing of their choice). Fair housing choice includes the ability to access housing in locations that provide access to other opportunities, including good schools, jobs, safe neighborhoods, and amenities that improve public health.<sup>1</sup>

## 1.1 Fair Housing Law

Fair housing choice is related to civil rights principles and legal protections contained in the U.S. Constitution and the Massachusetts Constitution. A variety of federal and state rules, regulations, and executive orders inform public and private sector parties of their obligations to affirmatively further fair housing (AFFH) and of the rights of protected classes. Please see Appendix II for brief descriptions of these rules, regulations, and executive orders.

Two laws in particular prohibit housing discrimination on a variety of bases (protected classes): Title VIII of the 1968 Civil Rights Act, the Fair Housing Act, was adopted in 1968 and amended in 1988 and outlines seven protected classes; Massachusetts General Law (MGL) 151B, the Commonwealth’s fair housing law, was passed in 1946 and outlaws discrimination in housing based on all of the classes protected by federal law and eight additional protected classes. Table 1 summarizes protected classes based on federal and state laws.

**Table 1: Protected Classes under Federal and State Laws**

Federal Law (Fair Housing Act and other federal civil rights laws)	State Law (Massachusetts General Laws (MGL) Chapter 151B)
<ul style="list-style-type: none"> <li>• Race</li> <li>• Color</li> <li>• National Origin</li> <li>• Religion</li> <li>• Sex</li> <li>• Familial Status</li> <li>• Disability</li> </ul>	All federal bases plus: <ul style="list-style-type: none"> <li>• Ancestry</li> <li>• Age</li> <li>• Marital Status</li> <li>• Source of Income</li> <li>• Sexual Orientation</li> <li>• Gender Identity</li> <li>• Veteran History/ Military Status</li> <li>• Genetic Information</li> </ul>

<sup>1</sup> Massachusetts Department of Housing and Community Development, “Analysis of Impediments to Fair Housing Choice: Access to Opportunity in the Commonwealth,” (January 2014).

The federal Fair Housing Act applies to all kinds of housing – whether it is federally funded or not. It applies to both intentional acts of discrimination and policies and practices that have a disparate impact on members of a protected class. Title VIII outlines a specific obligation for agencies of the federal government that administer programs involving housing and community development to ‘act in a manner affirmatively to further the policies of “the Fair Housing Act” otherwise referred to as “affirmatively further fair housing.” The Department of Housing and Urban Development’s (HUD) Fair Housing Planning Guide and established case law also make it clear that fair housing planning also pertains to private sector actions, omissions, and decisions that restrict housing choice. MGL Chapter 151B as indicated in Table 1 provides for broader coverage of other bases.

### **Fair Housing Law Enforcement**

Fair housing law is also further defined through regulatory rulemaking. An example of this is a major case from the Greater Boston region that verified the duty of government in AFFH was the decision by the federal First Circuit Court of Appeals in *NAACP, Boston Chapter v. Secretary of Housing and Urban Development* — one of the most crucial and influential statements about the meaning of the duty to AFFH. The court in *NAACP, Boston Chapter* upheld a district court’s findings that in the use of federal CDBG funds, the City of Boston and HUD violated Title VIII and improperly failed to take into account “minority housing needs” by disregarding conditions of race discrimination in housing, residential racial segregation, a shortage of low-income housing in disproportionately affecting Black/African American households, and a shortage of low-income housing that could serve Black/African American households in White neighborhoods. The First Circuit court reached the conclusion that the duty to further fair housing means that HUD must not permit its grantees to engage in acts of discrimination including the perpetuation of residential segregation; must take into account the civil rights effect of funding decisions; and federal housing funds must be deployed in a manner than fulfills the goals of open, integrated residential housing patterns and preventing the increase of segregation of racial groups whose lack of opportunities the Fair Housing Act was designed to combat.<sup>2</sup>

### **Discriminatory Effects Final Rule**

The Discriminatory Effects Final Rule was released in February 2013 and it implements the Fair Housing Act’s Discriminatory Effects Standard. It codified HUD’s longstanding administrative and legal practice on how to measure disparate impact. The rule provides that “[a] practice has a discriminatory effect where it actually or predictably results in a disparate impact on a group of persons or creates, increases, reinforces, or perpetuates segregated housing patterns...” on a protected class basis. According to the rule, municipalities have the obligation to analyze and modify rules, policies, and practices that have potential discriminatory effects/disparate impact. In terms of state and federally funded residential development projects, both funding entities and developers are charged with ensuring that marketing and resident selection policies do not create a disparate impact by excluding, denying, or delaying participation of groups of persons protected under fair housing laws.

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<sup>2</sup> Metropolitan Area Planning Council, “Fair Housing and Equity Assessment for Metropolitan Boston,” (March 2014).

## Affirmatively Furthering Fair Housing Proposed Rule

A core principle of the Fair Housing Act is the responsibility of government-funded entities to act in ways that reverse segregation and its impacts. In July 2013, HUD released an Affirmatively Furthering Fair Housing Proposed Rule that clarified that affirmatively furthering fair housing

“means taking proactive steps beyond simply combating discrimination to foster more inclusive communities...More specifically, it means taking steps proactively to address significant disparities in access to community assets, to overcome segregated living patterns and support and promote integrated communities, to end racially and ethnically concentrated areas of poverty, and to foster and maintain compliance with civil rights and fair housing laws.”<sup>3</sup>

The rule is intended to provide direction, guidance, and procedures for HUD program participants to promote fair housing choice. It encourages regional approaches to fair housing planning, replaces the AI with an Assessment of Fair Housing (AFH), mentions the provision of a uniform national dataset that can be used to produce the assessment, and emphasizes public participation in the development of the AFH and the incorporation of fair housing planning into existing planning processes. The proposed rule also links AFFH obligations with the disparate impact analysis outlined in the Discriminatory Effects Final Rule by asking that analysis of a policy or practice before adoption include a consideration of whether there is a policy or practice that not only does not discriminate but increases opportunities for protected class members.

As noted previously, fair housing law is primarily refined through enforcement; numerous case law examples including the case of *NAACP, Boston Chapter vs. Secretary of Housing and Urban Development* have contributed towards the defining of three types of discriminatory actions addressed through fair housing law.

Table 2 summarizes the three types of discriminatory actions recognized in fair housing law. Please see Appendix II for a fuller description of other relevant rules, regulations, and executive orders that pertain to fair housing choice.

**Table 2: Types of discriminatory actions recognized under fair housing law**

Disparate treatment	Treating or behaving differently toward someone who is a member of a protected class because he/she is a member of that protected class
Disparate impact	A policy or procedure that may be neutral on its face but has a different, adverse impact on persons of a protected class
Perpetuation of segregation	A policy or procedure that maintains patterns of residential separation based on protected class is considered discriminatory

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<sup>3</sup> Department of Housing and Urban Development, “Affirmatively Furthering Fair Housing Proposed Rule,” (July 2013).

## 1.2 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>4</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>5</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>6</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>7</sup> In *Gautreaux v. Chicago Housing Authority*, the federal District 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>8</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>9</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

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<sup>4</sup> 42 U.S.C. § 3608(d).

<sup>5</sup> 24 C.F.R. part 92.

<sup>6</sup> Promoting Fair Housing. Source: <http://www.hud.gov/offices/fheo/promotingfh.cfm>.

<sup>7</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. 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>8</sup> 265 F. Supp. 582 (N.D. Ill. 1969).

<sup>9</sup> MJG-95-309 (D. Md. 2005).

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>10</sup>

Furthermore, the Massachusetts Department of Housing and Community Development (DHCD), through its regulations on affirmative action governing local housing agencies,<sup>11</sup> incorporates by reference regulations governing affirmative fair marketing and tenant selection.<sup>12</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>13</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>14</sup>

### **1.3 Public and Private Sector Roles**

The three types of discriminatory actions noted above are influenced by the policies, practices, and actions of parties in the public and private sectors. Public and private sector entities that have a role in furthering fair housing include:

- Municipal boards, committees, and commissions: planning, zoning, housing;
- Community-based organizations; civil rights groups, advocacy groups for people with disabilities, immigrants, low-income people, families; faith based networks
- Service providers: independent living centers; area shelters, community action program (CAP) agencies; housing service providers, community development corporations (CDCs)
- Private sector: chambers of commerce; realtors associations; property owners, developers

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<sup>10</sup> See *Thomas v. Butzen*, 2005 WL 2387676 (N.D. Ill.).

<sup>11</sup> 760 C.M.R. 47.08.

<sup>12</sup> 760 C.M.R. 33.06.

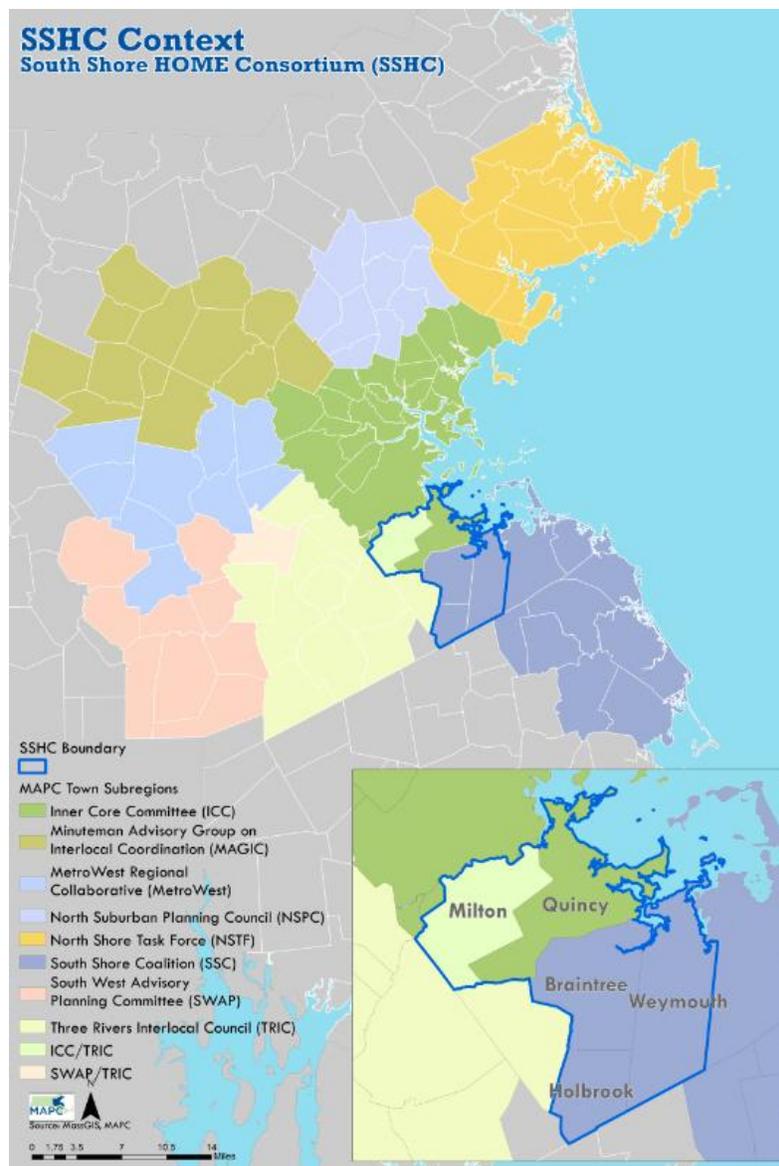
<sup>13</sup> *Id.*

<sup>14</sup> 760 C.M.R. 4.08.

## Section 2: The Diversity and Assets of the South Shore HOME Consortium Region

This section provides an overview of demographic characteristics, household characteristics, economic and housing conditions, and regional assets that are related to fair housing choice in the five Consortium municipalities. Data on communities in the SSHC region is compared with figures for the MAPC region, subregions of MAPC, and/or Massachusetts. Figures for the MAPC region refer to the 101 cities and towns in Metropolitan Boston that are in the MAPC service area. Please see Appendix III for supplemental tables and maps that visualize the data provided in this section. The following map illustrates the Consortium municipalities in the context of the MAPC region.

**Figure 1: South Shore HOME Consortium and MAPC Region**



## **2.1 Demographics**

### **Population by Age**

Age is a protected class under MGL Chapter 151B. The Consortium municipalities have a population-by-age profile similar to that of the MAPC region and Massachusetts (Census 2010). Highlights:

- The 35-64 age segment is the largest percentage of the population in Massachusetts (41 percent) and in the region (40 percent); the next largest age segment is the under 18 school age population — 22 percent of the state’s population and 21 percent of the region’s population.
- The 65+ senior population is a larger percentage of the population in all five municipalities in comparison to the percentage of 65+ in the region and the state.
- The population of school aged children under the age of 18 as a percentage of the total population in Braintree, Holbrook, and Milton is larger in comparison to the region and the state.
- The city of Quincy has the largest population of young professionals aged 25-34 as a segment of the population in comparison to the other Consortium municipalities and the region and the state.
- With the exception of Milton, the remaining Consortium municipalities have a young adult population (18-24) that is much lower percentage of the population in comparison to that of the region and the state.

### **Population by Race**

Race and color are protected classes under the Fair Housing Act and MGL Chapter 151B. In terms of population diversity by race,

- Approximately 24 percent of the population in Massachusetts and 28 percent of the region’s population identifies as Latino, Asian, Black, or another race.
- Three out of five municipalities (except for Quincy and Milton) have a white population that is 76-88 percent of the total population – a much larger percent of the population when compared to the region and the state (72-76 percent).
- Quincy has the most racial/ethnic diversity with 34.5 percent who identify as Asian, Black, Latino, or another race and has a larger percentage of non-whites when compared to the MAPC region and the state.
- The percentage of non-whites (24 percent) in Milton is lower than the percentage in the region but equal in proportion to the percentage in the state.

### **Foreign Born Population**

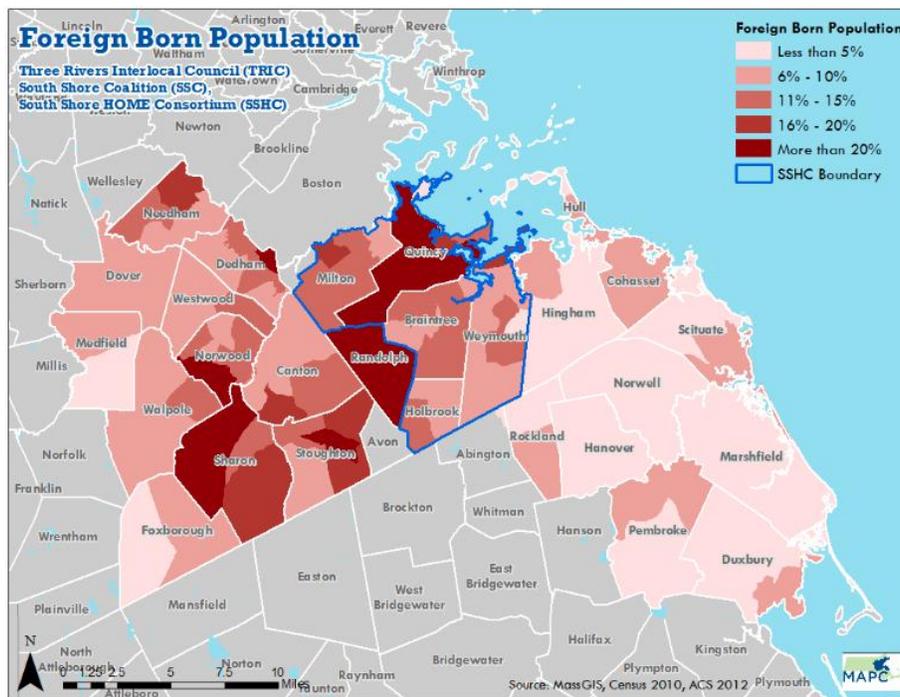
National origin is a protected class under the Fair Housing Act and MGL Chapter 151B. The American Community Survey tracked data on populations by citizenship status and whether

they are born in the U.S. or in another country. Foreign born residents account for 15 percent of the state’s population; 62 percent have arrived since 1990.<sup>15</sup> Findings:

- Approximately 14.8 percent of the population in Massachusetts and 19.4 percent of the region’s population is foreign born.
- Among the five Consortium municipalities, Quincy has the largest population of foreign born individuals in real numbers (25,860) and as a percentage of the total population (28.1 percent). Of this number, more than half are naturalized citizens.
- More than half of the foreign born population in the five Consortium municipalities is naturalized citizens.

The following map shows the distribution of foreign born populations in the Consortium in comparison to the two subregions of the MAPC region of which the majority of Consortium municipalities are a part. Foreign born populations are a significant percentage of the total population in Consortium municipalities when compared to neighboring municipalities in the South Shore Coalition and Three Rivers Interlocal Council subregions.

**Figure 2: Foreign Born Population, ACS 2008-2012 Five-Year Averages**



### Languages Spoken at Home

The Census tracks data on top languages spoken at home, which is one measure of diversity by ethnicity and national origin. Data on households that identify as primarily speaking another language at home or whose members do not speak English well (linguistically isolated households) indicates the following:

<sup>15</sup> 2013, Commonwealth of Massachusetts Analysis of Impediments to Fair Housing.

- About 16 percent of the Metropolitan Boston region’s population was identified as linguistically isolated in 2010, living in a household where no one aged 14 or over spoke English “very well”.
- Among households speaking a language other than English at home, approximately 24 percent of Massachusetts households and 25 percent of MAPC region households are identified as linguistically isolated; Asian and Spanish languages are the most common languages spoken in households speaking a primary language other than English at home.
- The city of Quincy has the largest percentage of households that are identified as linguistically isolated—30 percent of all households identified as speaking a language other than English at home.
- Among all households that primarily speak a language other than English in the Consortium municipalities, Asian languages are the most common; Spanish is the second most common primary language.

### People with Disabilities

Disability is a protected class under the Americans with Disabilities Act and MGL Chapter 151B. About 10 percent of the region’s residents over the age of 5, and not living in institutions, reported having one or more disability in 2010. Of those working age (18-64) adults with disabilities, nearly 75,000 report a disabling condition that makes independent living difficult. Nearly 40,000 seniors (65 or over) report a similar condition. Many individuals have more than one disability, and the Census Bureau also tallies total reported disabilities. Among working age residents (18-64), those reporting a disability were about half as likely as non-disabled residents of the same age to be in the labor force and more than twice as likely to be unemployed. As of the 2010 census, about 30,000 Metropolitan Boston region people with disabilities resided in institutional or quasi-institutional settings such as community residences and halfway houses.

## **2.2 Housing Stock**

The Census collects data on total housing units in each municipality. Findings:

- Quincy and Weymouth contribute the majority of the housing stock in the Consortium; Quincy had 42,838 housing units and Weymouth had 23,480 housing units as of Census 2010.
- A majority of housing units in the five municipalities are owner-occupied. Among the five municipalities, owner-occupied housing is the majority in each community with the exception of Quincy, where 49 percent of housing units is renter-occupied.

### Subsidized Housing Inventory

MGL Chapter 40B is a state statute that enables local Zoning Boards of Appeals to approve affordable housing developments under flexible rules if at least 20-25 percent of the units have long-term affordability restrictions. The MGL Chapter 40B Subsidized Housing Inventory (SHI) is used to measure a community’s stock of low- or moderate-income housing

for the purposes of MGL Chapter 40B. Housing units on the SHI include housing units for the elderly, disabled, veterans, and families. Some units are also located in group homes.

Findings:

- There are 2,536 subsidized housing units in the five SSHC municipalities.
- According to the SHI listing as of April 1, 2014, Holbrook is the only municipality in the Consortium that has met the MGL Chapter 40B SHI minimum of 10 percent of year-round housing units, with 10.2 percent of housing units currently on the SHI.
- In terms of actual numbers of subsidized housing units, Quincy has the largest number of SHI units (4,089) among Consortium municipalities and is close to meeting the 10 percent minimum at 9.6 percent.

### **HOME Program Affordable Housing Income Limits**

The following sections on housing problems, household characteristics, and affordability reference HUD-defined income limits for affordable housing. For reference, HUD has a methodology for setting the affordable housing income limits for municipalities participating in the HOME program. HUD calculates the HOME affordable housing income limits using the same methodology used to calculate income limits for the Section 8 program. These limits are based on HUD estimates of median family income, with adjustments based on family size. HUD defines affordable housing is housing that is affordable to those meeting certain income thresholds that are a percentage of the area median income (AMI) in the metropolitan area. The HUD affordable housing income thresholds are:

- Between 81 and below 120 percent (moderate)
- between 50 and 80 percent (low income)
- below 50 percent (very low income)

### **Reported Housing Problems**

The right to decent and safe housing is an element of fair access to housing opportunity. Housing problems impact racial and ethnic groups differently.

- Among extremely low income renters and homeowners, all racial and ethnic categories experience housing problems at roughly the same high rate: 65-71 percent for renters and 78-85 percent for owners.
- Significant variation among homeowners appears at the very low income level, with Blacks/African Americans and Hispanics/Latinos experiencing a substantially higher incidence of problems than white non-Hispanics/Latinos (53 percent versus 83 and 90 percent respectively).
- Among very-low income renters, Asians experience the greatest disparity compared to Whites relative to housing problems.

All racial and ethnic groups experience proportionately fewer housing problems as they move up the economic ladder, but people of color – both renters and homeowners –

continue to report problems at a substantially higher rate than their White counterparts at all income levels.<sup>16</sup>

## **2.3 Household Characteristics**

The Census collects data on a number of household characteristics including: households by type (family and non-family) and tenure (renter- or owner-occupied), household size, household income, median household income in a geographic area, households in poverty, and cost burdened households, i.e., households spending more than 30 percent of annual income on housing, and affordability (fair market rents and average rents.) Source of income and familial status are protected classes under MGL Chapter 151B.

### **Households by Type and Tenure**

Fair access to housing opportunity includes the ability to access both rental and homeownership opportunities. The Census collects data on whether housing units are owner-occupied, renter-occupied, or vacant. Findings:

- In the MAPC region and Massachusetts, owner-occupied housing makes up the majority of housing stock (57 percent of housing units in the state and 54 percent of the region's housing).
- The city of Quincy has the most balanced mix of housing units by tenure among Consortium municipalities; 46 percent of units are owner-occupied and 49 percent is renter-occupied; 5 percent is vacant. Milton has the smallest percentage of renter-occupied units (17 percent)
- In the MAPC region and Massachusetts, there are more family households than non-family households. The percentage of households consisting of families in the SSHC region is higher (65 percent) in comparison to the region (60 percent) and the state (63 percent).
- The average size of households in SSHC communities is 2-3 people with an average of three people in owner-occupied households and two people in renter-occupied households.

## **2.4 Household Income**

The Census compiles a range of data on household income, average rents, and fair market rents for metropolitan areas. This includes data on median household income in census block groups, housing units by tenure by income, the income of households as a percent of Area Median Income (AMI), and households spending 30 percent or more of their income on housing. Together, this data provides a picture of differences in household income within and between communities in the region. Findings:

- The median household income in Massachusetts is \$66,658. The median household income of municipalities in the Consortium ranges from \$60,659 in Quincy to

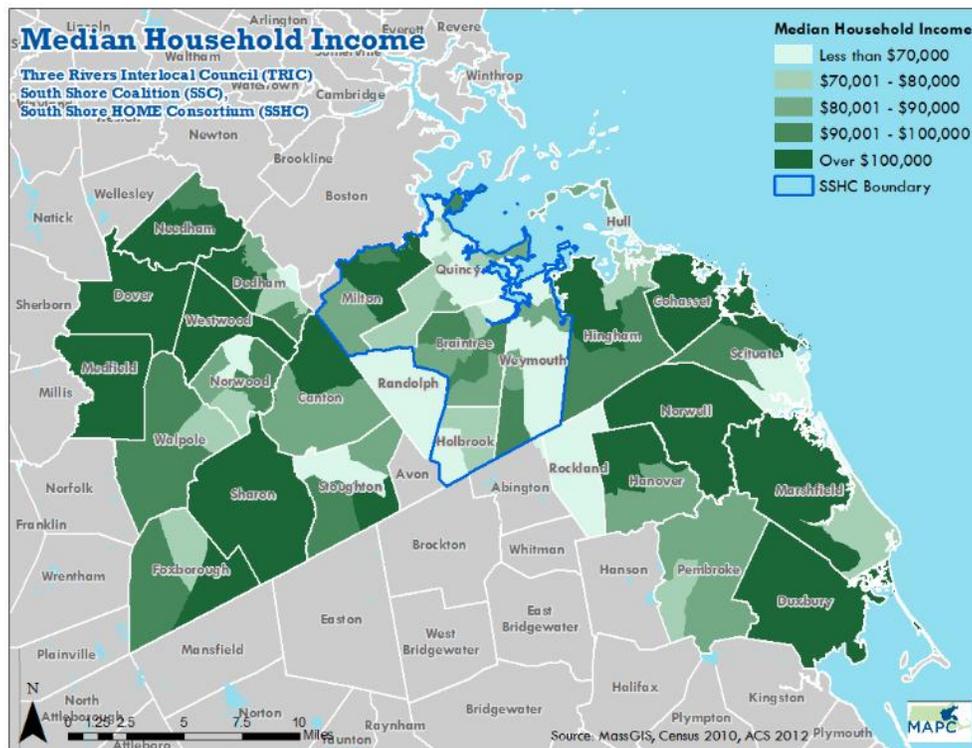
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<sup>16</sup> 2014. Fair Housing and Equity Assessment for Metropolitan Boston.

\$107,577 in Milton; the town of Weymouth’s median household income is closest to the state average.

- The median income of owner- and renter-occupied households in the SSHC region ranges from below \$50,000 to close to \$100,000. The majority of both owner- and renter-occupied households in Braintree and Milton have average household incomes close to and over \$100,000; in contrast, the majority of owner- and renter-occupied households in Holbrook, Milton, and Weymouth have median household incomes below \$50,000.
- An analysis of household incomes in comparison to the area median income (AMI) reveals stark differences in household incomes in municipalities in the SSHC region. A majority of households in Milton and Weymouth make above 100 percent of AMI (66 and 51 percent, respectively). Milton has the smallest percentage of households earning under 100 percent of AMI. When we look at low and very low income households earning below 50 percent of AMI, we see that these households are a larger percentage of all households in Holbrook and Quincy in comparison to the MAPC region and state percentages. Both Milton and Braintree have a smaller percentage of these households in comparison to region and state averages.

**Figure 3: Median Household Income, Census 2010**



## 2.5 Affordability

The affordability of housing is an element of fair access to housing opportunity. The Census, American Community Survey (ACS), and the Comprehensive Housing Affordability Strategy

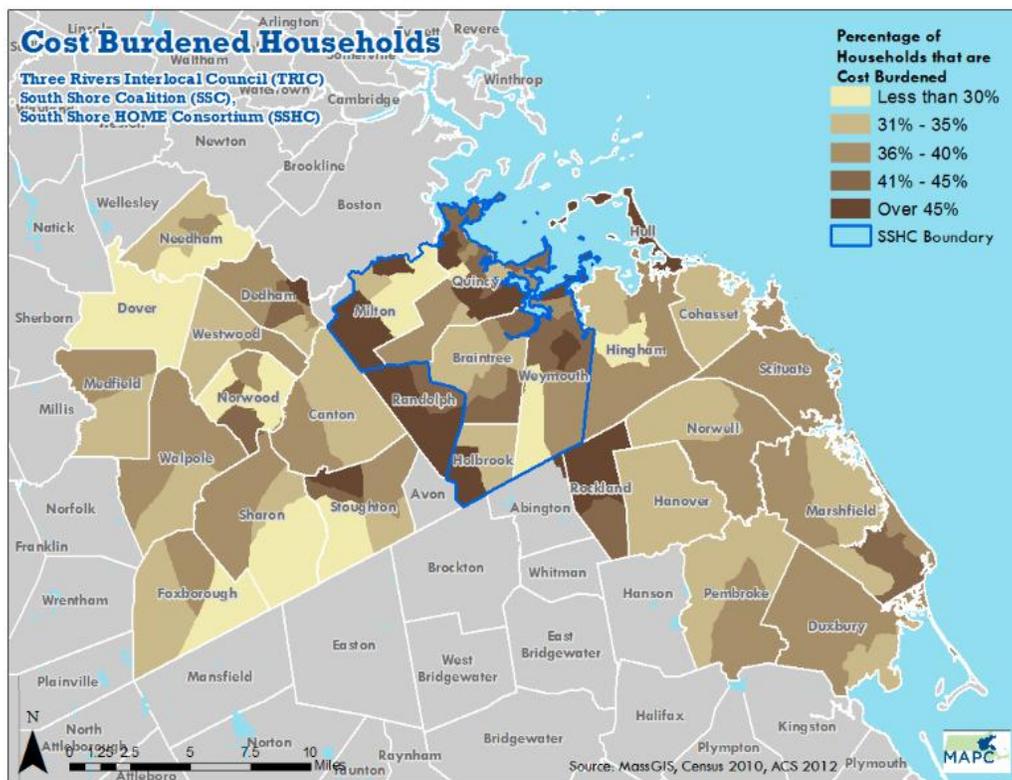
(CHAS) provide access to data sets on topics like household spending on housing costs, average rents, and Fair Market Rents (FMR), which are estimated by HUD for metropolitan and nonmetropolitan county areas on an annual basis. These data sets enable an analysis of cost-burdened households and the degree to which occupied housing is affordable to households meeting certain income thresholds identified by HUD.

### Cost Burden

The Census defines cost burdened households as households spending 30 percent or more of gross annual income on housing costs. Households spending 30 percent to under 50 percent of income are considered moderately cost burdened; and households spending more than 50 percent of income are considered severely cost burdened. Findings:

- 24-25 percent of all households in four out of five municipalities are identified as cost-burdened, with the exception of Milton (18 percent)
- Quincy has the highest percentage of severely cost-burdened households (19 percent of households) and the largest number of severely cost-burdened households in the SSHC region
- Quincy, Weymouth, Holbrook, and Milton are home to census tracts with some of the largest concentrations of severely cost-burdened households

**Figure 4: Cost Burdened Households**



## Fair Market Rents

HUD estimates fair market rents (FMRs) based on figures in the Metropolitan Statistical Area (MSA). FMRs are used to determine payment standard amounts for the Section 8 Housing Choice Voucher program, to determine initial rents or rent ceilings for other HUD-funded programs including the HOME rental assistance program. FMRs are published annually.

Findings:

- The average rent in all SSHC municipalities is below the 2-bedroom FMR of \$1,444
- Milton is the only municipality in the SSHC with an average rent that is higher than the 1-bedroom FMR; the Milton average rent of \$1,236 is also higher than the average rent in the MAPC region and in the state

The Town of Braintree is the only municipality that uses the Tenant-based Rental Assistance (TBRA) program funds of the SSHC. Braintree recently completed a survey of market rents for 1, 2 and 3 bedroom units to determine a rent standard based on local market conditions, pursuant to HOME program regulations at §92.209(h)(3)(i). Braintree uses the following local market condition rent standards – approved by HUD – in lieu of published 2012 HOME Program Rents:

- for a one-bedroom unit the rent and utilities be \$1,225 as a maximum amount;
- for a two-bedroom unit the rent and utilities be \$1,450 as a maximum amount; and
- for a three bedroom unit the rent and utilities be \$1,973 as a maximum amount.

## Affordability Gap

The affordability gap is the difference between the number of households at a given income level and the number of housing units affordable at that income level. If the supply of affordable units matches the number of households at that income level, there is no affordability gap. A positive gap indicates more households at an income level than affordable units. Findings:

Findings:

- All SSHC municipalities have a positive affordability gap among very low income households, indicating a shortage of housing for those earning below 50 percent of AMI.
- In Braintree, Holbrook, and Milton, this gap persists among low income (50-80% AMI) households.
- No community has an affordability gap for households that are over 80 percent of AMI (i.e., households that are not low income).

## Participation in Rental Assistance Programs

The Department of Housing and Community Development (DHCD) administers two rental assistance programs for low-income residents: the Massachusetts Rental Voucher Program (MRVP) and the Alternative Housing Voucher Program (AHVP). The AHVP is only for Massachusetts residents under the age of 60 who have disabilities. The MRVP offers two types of vouchers: "mobile" tenant-based vouchers that allow tenants to choose their own apartments, and project-based vouchers at specific subsidized housing developments.

In the SSHC region, two regional agencies administer these vouchers: the Metropolitan Boston Housing Partnership (MBHP) and South Shore Housing Development Corporation. As of May 9, 2014, 300 residents in the SSHC municipalities are using vouchers from the MRVP and AHVP programs. Braintree and Weymouth have the largest number of MRVP voucher holders (100 and 120, respectively) and Milton has the smallest number (5). Quincy and Holbrook are the only municipalities that have AHVP voucher holders (4 and 1, respectively).

## **2.6 Employment and Transportation Assets**

Fair access to housing opportunity includes the ability to access housing in areas that provide access to other opportunities essential to a high quality of life including good schools, jobs, and public transit. The SSHC is a part of the Metropolitan Boston region, which is home to numerous job centers including the City of Boston. The Consortium municipalities also benefit from a robust network of subway, commuter rail, bus, and ferry service provided by the Massachusetts Bay Transportation Authority. This section describes the employment and transportation assets of the region and references data that confirms the presence of continued disparities in protected classes' access to these opportunities.

### **Economic Assets in the SSHC Region**

- The City of Boston is the economic engine of Eastern Massachusetts. Many residents of each Quincy Consortium Community from all educational backgrounds, income brackets, and industries find employment in Boston.
- The Town of Braintree has a strong business base which includes one of the largest regional shopping centers in the northeast, known as the South Shore Plaza. In addition to the South Shore Plaza, there are several other retail locations located in major Town corridors, some of which are within close proximity to the Red Line Train Station. The Town is also home to an attractive Class A Office Park as well as other office areas and industrial parks, many of which have been recently rehabilitated or redeveloped for new uses. Braintree has recently completed a Public Works Economic Development grant in the Braintree-Weymouth Landing area and has subsequently adopted the Braintree Weymouth Landing Overlay District (BWLD), which allows several uses by-right, encourages mixed use development, and promotes high density multi-family residential. The BWLD is adjacent to the Greenbush Commuter Rail Station.

- The Town of Milton has several small commercial areas including Milton Village and East Milton Square. Current Town plans include making improvements to the Milton Village area. This includes streetscape improvements to Adams Street and Central Avenue, four station rehabilitation projects along the Red Line's Trolley Service and a new zoning overlay district to encourage revitalization. Milton Hospital is one of the larger employers in the town.
- Town of Holbrook is predominantly a residential community with commercial uses in Holbrook Center around the Route 139/39 Intersection. There are also small industrial/commercial parks adjacent to the Holbrook Commuter Rail Station in the western part of town.
- The City of Quincy has the largest number of commercial uses. There are two main office parks that provide several thousand jobs at the State Street South campus in North Quincy and the Crown Colony Office Park in West Quincy. Quincy Center is considered the central business district of the City and construction has begun on a \$1.6 billion redevelopment plan. There are also two other smaller business districts situated around the North Quincy and Wollaston MBTA stations. The Wollaston station was the subject of a Transit-Oriented Development study in 2013, which generated recommendations for ensuring equitable redevelopment in the areas surrounding the station to minimize displacement and maintain diversity in housing stock and affordability. Designated as a deep water port by the state, the City continues to work with the owners on a redevelopment strategy for the former Fore River Shipyard that has been closed since 1986. Recently, an underwater robotics company and the New England Aquarium Marine Animal Care Center have relocated to the Shipyard.
- The Town of Weymouth's largest employer and economic engine is the South Shore Hospital. Currently, Weymouth's office market is characterized by smaller office buildings concentrated along the major arterial streets. In large part this is due to the fact that Weymouth lacks a central business district. There are four village scale business districts that provide employment and services to the immediate area (North Weymouth, Jackson Square, Weymouth Landing, and Columbian Square. The recently completed South Weymouth Naval Air Station Reuse Plan calls for up to 1,400,000 square feet of office/research space in the next 20-30 years.

### Transportation Assets in the SSHC Region

The Massachusetts Bay Transportation Authority (MBTA) provides the following public Transportation services to Consortium communities.

- MBTA Light Rail Service – Red Line: The Red Line light rail service splits into two lines south of Boston. The Ashmont line provides rail service directly to the northern part of the Town of Milton. The Braintree Line provides service to the City of Quincy (4 stops), and the Town of Braintree (1 stop).

- MBTA Commuter Rail: Rail service was reestablished in the 1990's with the restoration of the Old Colony Rail Line and opening of the first of three lines that had been dormant since the 1950's when the Southeast Expressway was constructed. Traveling from Boston's South Station along the restored Old Colony Line (the same rail right-of-way used for the Red Line), the commuter rail splits into three separate lines in Braintree. Both the Quincy Center station and the Braintree station are stops on all three commuter lines.
  - The Middleborough/Lakeville Line is the furthest inland and connects the City of Brockton to the Boston Metropolitan Area. There is one stop in the Town of Holbrook.
  - The Kingston/Plymouth Line travels the furthest south and ends in the Town of Plymouth. There is a stop in South Weymouth.
  - The Greenbush Line travels along the coast through Braintree, Weymouth, Hingham, Cohasset, and ends in the Town of Scituate. There is a stop located on the Town line in the Braintree Weymouth Landing as well as in East Weymouth.
- MBTA Bus Service: The Quincy Center MBTA Station is the regional hub for bus service in the area. 15 bus routes emanate from this station and reach many areas throughout Quincy with several routes extending into the surrounding towns of Weymouth, Braintree, Holbrook, and Milton. The North Quincy Station, Quincy Adams Station, and Braintree MBTA stations also have bus routes emanating from their locations providing beneficial intermodal connections. In addition, there is bus service for the Town of Milton from the Central Ave and Mattapan MBTA station on the Ashmont Red Line. Finally, Route 28 through the Town of Milton has a bus route from Brockton Area Transit (BAT) that provides a link to the Central Ave MBTA station.
- Ferry service: There is one passenger ferry operating south of Boston from Hewitts Cove in the Town of Hingham, which is next to the Town of Weymouth. It provides service to Logan International Airport, Rowe's Wharf, and Long Wharf in Boston and to the several destinations of the Boston Harbor Island National Park system.
- Logan Express Service: Massport operates the Logan Express service, which provides service five days a week between Forbes Road in Braintree and Logan International Airport.

## **2.7 Patterns of Segregation in Massachusetts and in the MAPC Region**

Residential segregation in Massachusetts has persisted for decades and continues to exist. The Commonwealth of Massachusetts Department of Housing and Community Development (DHCD) Analysis of Impediments to Fair Housing identifies several data points that verify this fact:

- Recent analysis of 2010 Census data by the Brookings Institution that highlights the Boston Metropolitan region as having the fifth highest segregation score for Hispanics/Latinos among metropolitan areas in the country; Massachusetts

metropolitan areas remain among the most segregated of the nation's largest metropolitan areas.

- More than three quarters of municipalities have Black/African American and Hispanic/Latino populations that are severely below expected levels based on income.
- While homeownership by Black/African Americans, Hispanics/Latinos, and Asians has risen (35, 77, and 81 percent, respectively), race-associated bias can be seen in the racial and ethnic concentration of homeownership, the high incidence of subprime lending, and the concentration of foreclosures in communities of color.
- Housing Choice Voucher use remains concentrated in high poverty areas and it is more pronounced among Black/African-American and Latino voucher holders. In comparison, 26.8 percent of Hispanic/Latino voucher holders rented in high poverty areas compared to just 6.5 percent of white voucher holders.<sup>17</sup>

In the Metropolitan Boston region, we find that even though populations of color are growing at a faster rate (and in absolute numbers) outside of Boston, Black/African American and Hispanic/Latino growth is concentrated in only a handful of municipalities. For example, three-quarters of the region's Black/African American households resided in just nine municipalities in the region; two-thirds of the region's Latino households also lived in just nine municipalities in the region. The region's Asian households are somewhat more dispersed.<sup>18</sup>

We also find that children are more segregated than adults. If people were randomly distributed throughout our region without regard to age or race/ethnicity, about 11 percent of the people in every neighborhood would be white children (under 15) and 6 percent would be children of color. These are the regional averages. The following map shows where children of color live in the region. The deep blue color shows places where the concentration of children of color is twice what we'd expect. The deep red color means that the actual concentration of children of color is less than one quarter of the regional average. It's not just that there are high concentrations of minority kids in some areas—it's that there are particularly low concentrations of white kids in the same places. The map below shows where children of color actually live; as such, we see very few places that actually have such concentrations.<sup>19</sup>

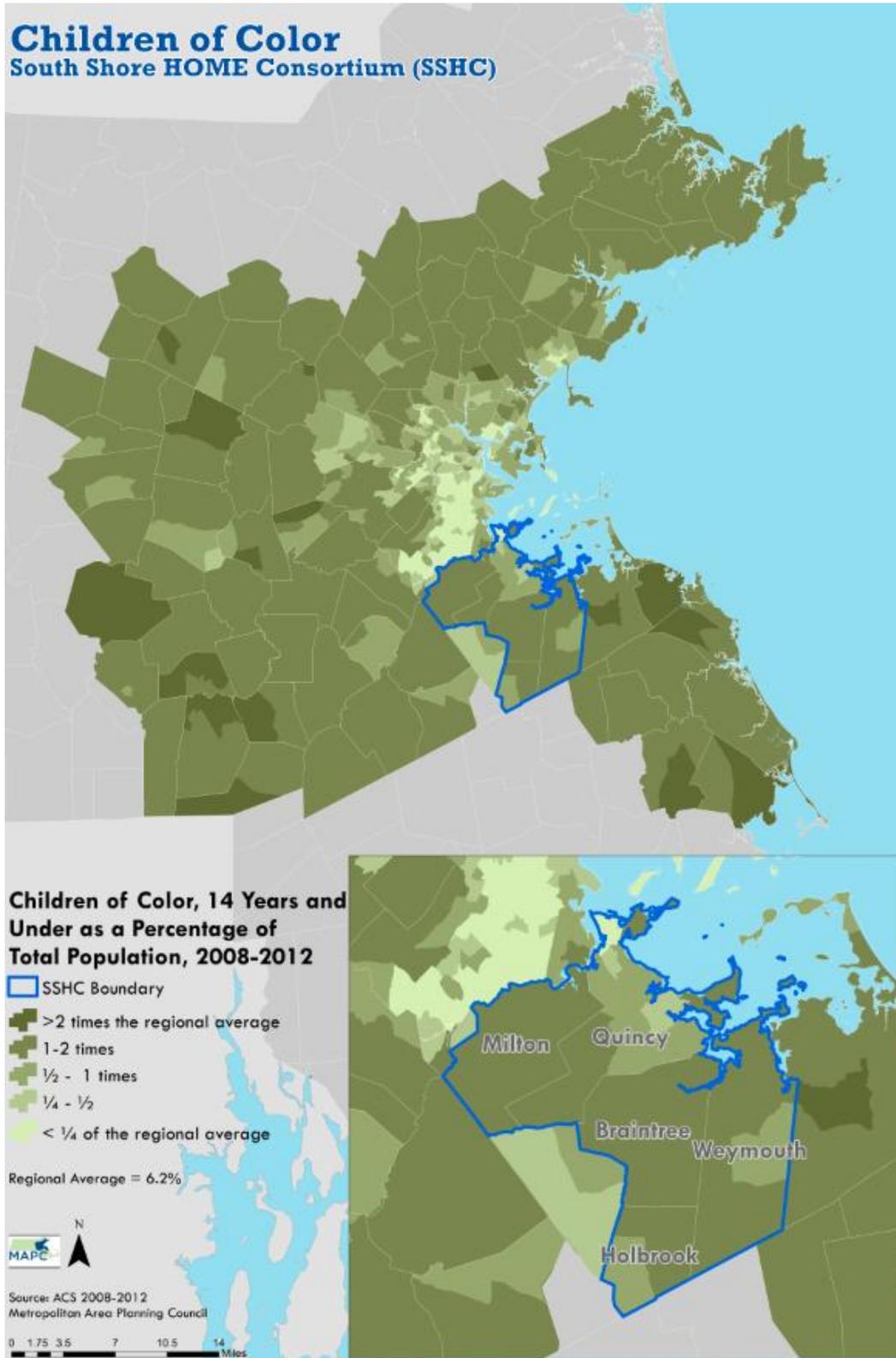
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<sup>17</sup> 2013. Commonwealth of Massachusetts Analysis of Impediments to Fair Housing.

<sup>18</sup> 2014. Fair Housing and Equity Assessment for Metropolitan Boston.

<sup>19</sup> 2013. State of Equity in Metropolitan Boston Indicators Project.

**Figure 5: Children of Color Aged 14 and Under as a Percentage of Total Population, 2010**



The dissimilarity index is a tool for measuring municipal-level segregation. The index measures the percentage of the smaller group that would have to move to a different geographic area in order to produce a distribution that mirrors that of the region. A dissimilarity index of 50 indicates high levels of segregation while indices between 40-50 are considered moderate; an index below 40 is usually viewed as representing low levels of segregation.

An analysis of the 2010 dissimilarity index indicates that if Metro Boston were completely integrated, White residents would make up an equal share of the population in every neighborhood, matching the MAPC region-wide share of about 75 percent white residents. Similarly, every neighborhood would include about 25 percent racial/ethnic minorities. However, such an equal distribution of whites and minorities does not reflect our current reality. Figures from the dissimilarity index for the MAPC region in 2000 and 2010 reveal the following:

- Whites and Non-Whites: 40 percent of minority residents in the MAPC region would need to move to a new neighborhood in order to achieve complete integration with Whites
- Whites and Blacks/African Americans: 55 percent of Blacks/African Americans would need to move to a new neighborhood in order to achieve complete integration
- Whites and Hispanics/Latinos: 49 percent of Latinos would need to move to a new neighborhood in order to achieve complete integration with Whites.

A detailed analysis of the dissimilarity indices for the Boston Metropolitan Statistical Area (MSA) over a three decade period from 1980 to 2010 indicates that there is a high degree of segregation between Whites and Blacks/African Americans (65, down from 76 in 1980), a high degree of segregation between Whites and Hispanics/Latinos (57, down from 55 in 1980), and a moderate level of segregation between Whites and Asians (43, down from 48 in 1980). See Appendix III for the table of trends in segregation dissimilarity indices in the Boston Metropolitan MSA.

### **Disparities by Race and Income and Racially Concentrated Areas of Poverty**

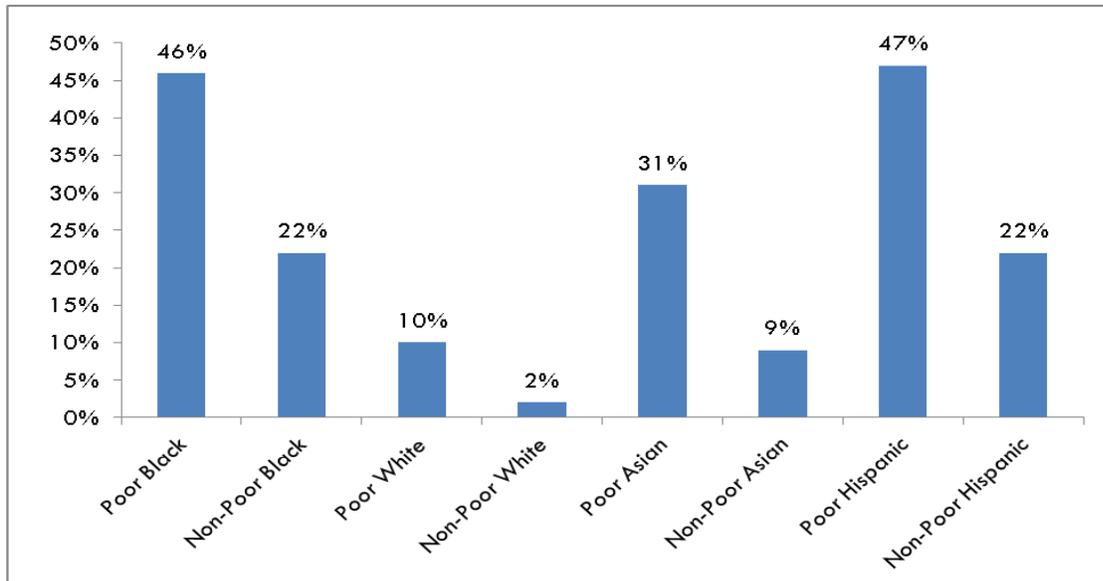
An analysis of the MAPC region's population by race and income (at or below the poverty rate and above the poverty rate) who are living in high poverty areas<sup>20</sup> confirms the prevalence of racial disparities. Among households with incomes at or below the poverty rate, 10 percent of poor Whites, but 46 percent of poor Blacks/African Americans and 47 percent of poor Hispanics/Latinos live in high poverty areas. The concentration of

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<sup>20</sup> High poverty areas in this example are Racially Concentrated Areas of Poverty (RCAPs). According to HUD, the definition of an area as an RCAP involves a racial/ethnic concentration threshold and a poverty test. "RCAP/ECAPs must have a non-white population of 50 percent or more...Regarding the poverty threshold, Wilson (1980) defines neighborhoods of extreme poverty as census tracts with 40 percent or more of individuals living at or below the poverty line. Because overall poverty levels are much lower in many parts of the country, we supplement this with an alternate criterion. Thus, a neighborhood can be an RCAP/ECAP if it has a poverty rate that exceeds 40% or is three times the average tract poverty rate for the metro/micro area, whichever threshold is lower. Census tracts with this extreme poverty that satisfy the racial/ethnic concentration threshold are deemed RCAPs/ECAPs."

Blacks/African Americans and Hispanics/Latinos in high poverty areas persists even among non-poor households: 22 percent of non-poor Blacks/African Americans and Hispanics/Latinos live in high poverty areas compared to just 2 percent of non-poor Whites.

**Table 3: MAPC Region Population Living in High Poverty Areas by Race and Income**



One of the tools available for assessing the interaction of segregation and poverty is the identification of Racially or ethnically concentrated areas of poverty (RCAPs), which HUD defines as census tracts that have a non-white population of 50 percent or more and a poverty rate that is the lower of 40 percent, or three times the mean tract poverty rate (weighted for population) for the metropolitan area. Findings:

- A total of 72 of the Metropolitan Boston region’s 973 census tracts meet the 29.1 percent poverty threshold; 51 of these census tracts are RCAPs because they have a rate of poverty that is 29.1 percent or higher and non-White populations are greater than 50 percent. A majority of RCAPs are located in Boston.
- An examination of the racial/ethnic composition of households living in high poverty areas indicates segregation by race: 28 percent of all Black/African American households and 26 percent of all Hispanic/Latino households living in the region are living in high poverty areas while just 3 percent of non-Hispanic Whites do. Among households with incomes at or below the poverty rate, 10 percent of Whites, but 46 percent of Blacks/African Americans and 47 percent of Hispanics/Latinos live in high poverty areas. The concentration of Blacks/African Americans and Latinos/Hispanics in high poverty areas persists even among non-poor households: 22 percent of non-poor Blacks/African Americans and Hispanic/Latinos live in high poverty areas compared to just 2 percent of non-poor Whites.

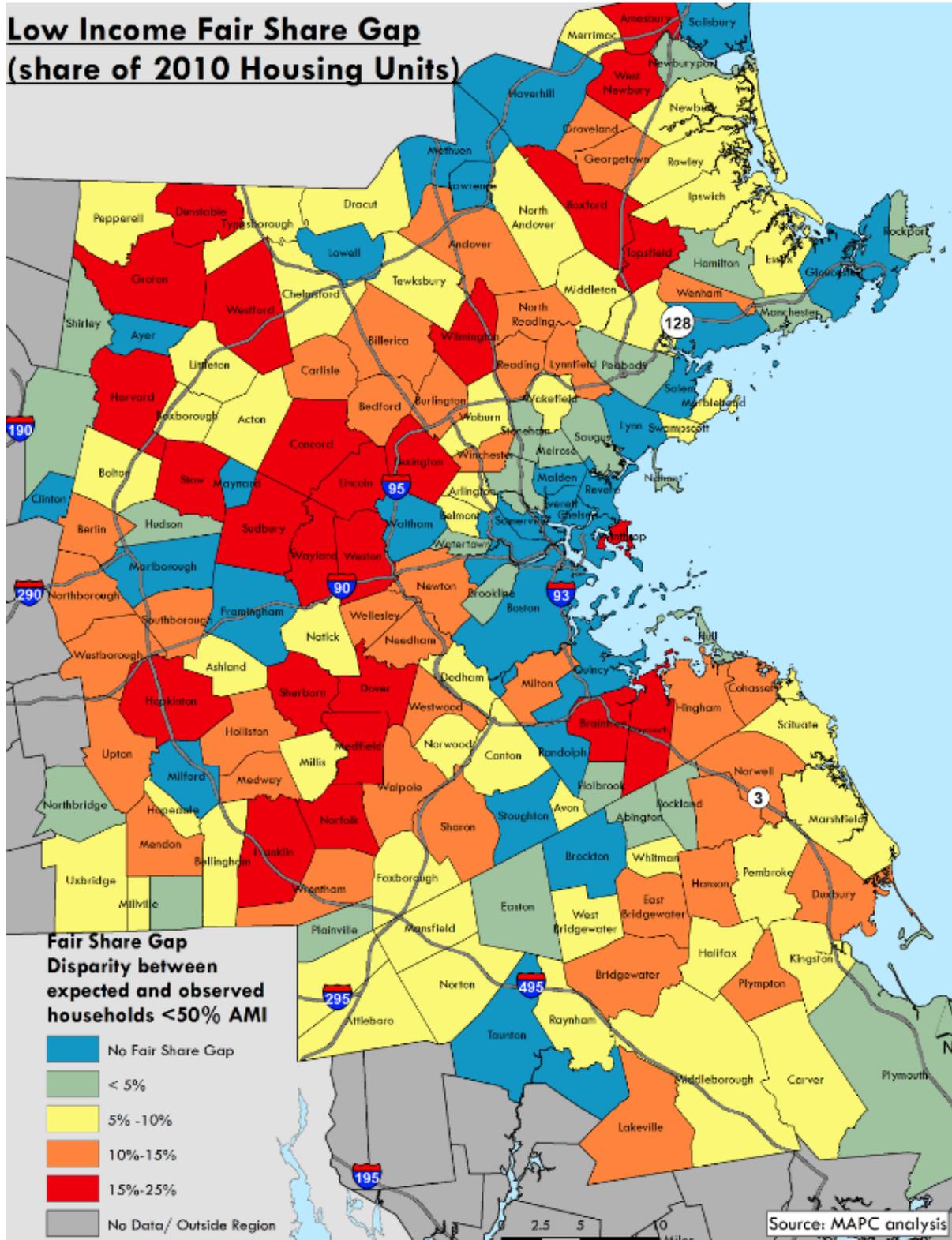
## Affordability Challenges: Low Income Households in the SSHC Region

The ability to access housing affordable to a range of incomes is an element of fair access to housing opportunity. Data on the distribution of low-income households and the availability of housing affordable to cost-burdened households underscores affordability challenges in the SSHC region.

If low income households were evenly distributed throughout the MAPC region, each municipality would have a number of low income households proportional to its total number of households – its “fair share” of low income households. Figure 6 below shows the low income fair share gap in each municipality in the MAPC region. The map shows disparity in the region in the distribution of low income households. It compares figures on even distribution of low income households throughout the region (if each community had its “fair share” of low income households) against the actual distribution of low income households. Braintree and Weymouth have some of the highest fair share gaps in the region, meaning there should be more low income households in this communities if these households were evenly distributed in the region.

Figure 7, the Cost Burden Gap map, shows the difference between the number of low-income households earning 50% or less of AMI in each municipality and the actual number of units affordable to those households at their income level. In an equitable region, there would be an adequate affordable housing stock to meet those household’s needs. We see that among SSHC, Quincy and Holbrook have some of the highest cost burden gaps, with Milton and Holbrook having a high gap as well. Unfortunately, no data was available to complete this analysis for Braintree and Weymouth.

Figure 6: Low Income Fair Share Gap





## 2.8 Disparities in Access to Opportunity

Data sets like the HUD Opportunity Index and the opportunity mapping methodology developed by Kirwan Institute for the Study of Race and Ethnicity at Ohio State University, with the participation of fair housing researcher Nancy McArdle of the Civil Rights Project of the University of California – Los Angeles, serve as tools for examining equitable access to quality of life opportunities – including schools, transportation, and jobs – by race and national origin. Both the HUD and Kirwan methodologies consider both the “stressors” and the “assets” that influence the ability of a person or family to secure amenities that affect quality of life. For example, indices in the HUD Opportunity Index examine neighborhood school proficiency, poverty, labor engagement, housing stability, job accessibility, and neighborhood health access. These methodologies were used to examine disparities in access to opportunities by race in the state and the region.

An analysis of disparities in access to opportunity found the following:

- In 2010, among the lowest income households in the state, fewer than 43 percent of non-Hispanic White households lived in low or very low opportunity communities; in contrast, 71 percent of Asians, 93 percent of Black/African American, and more than 95 percent of Hispanic/Latino households with similar incomes lived in low or very low opportunity communities.
- In 2010, among middle income households in the state, 92 percent of Black/African American and Hispanic/Latino households and 90 percent of the highest income group (earning over \$60,000) lived in one of the ten low or five very low opportunity communities in the state. For Asian households, 34 percent lived in low opportunity communities and 39 percent lived in very low opportunity communities. In contrast, only 34 percent of Whites lived in low opportunity communities and 22 percent of Whites lived in very low opportunity communities.<sup>21</sup>
- An analysis of the percentage of racial/ethnic populations’ exposure to opportunity in the MAPC region – using the HUD Opportunity Index tool – shows that fewer than 32 percent of the MAPC region’s non-Hispanic White population live in low or very low opportunity census tracts as compared to 47 percent of Asians, 78 percent of Hispanics/Latinos, and 81 percent of Blacks/African Americans.<sup>22</sup>
- While the Boston metropolitan area has a high concentration of jobs in the central city and a well-developed transit system throughout the Inner Core, its communities of color do not fully benefit from their proximity to employment opportunities, as evidenced by the extreme disparity in HUD’s labor engagement index. Data indicates that the availability of jobs and adequacy of transit in racially isolated neighborhoods affects the ability of the residents of those neighborhoods to secure and maintain employment. Similar issues of isolation from jobs affect people with disabilities, who tend to rely more heavily on public transportation. Paths to a Sustainable Region, the Long Range Transportation Plan for the Boston Region Metropolitan Planning Organization, adopted in 2011, recognizes the challenges of equitably serving households of color or people with disabilities and notes that transportation equity

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<sup>21</sup> 2013. Commonwealth of Massachusetts Analysis of Impediments to Fair Housing.

<sup>22</sup> 2014. Fair Housing and Equity Assessment for Metropolitan Boston.

requires improved transit service along the region's circumferential transportation corridors, and better access (including access by foot) to transit resources in neighborhoods with high concentrations of people of color.<sup>23</sup>

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<sup>23</sup> A 2006 settlement agreement in litigation brought by the Boston Center for Independent Living requires the Massachusetts Bay Transportation Authority to engage in a wide array of activities to improve the public transit system's compliance with the Americans with Disabilities Act and by making major improvements in equipment, facilities and services. Source: Fair Housing and Equity Assessment for Metropolitan Boston, 2014.

## Section 3: Evaluation of Jurisdiction's Current Fair Housing Laws and Legal Status

This section provides a review of the entities engaged in fair housing enforcement in the SSHC region and a review of findings of judgments related to fair housing or other civil rights laws.

### 3.1 Fair Housing Enforcement

A variety of federal, state, and local entities have a role in addressing fair housing discrimination through enforcement, outreach, and training.

- The Federal Fair Housing and Equal Opportunity Office is organized into regions. The Region I office serves Massachusetts, Connecticut, Maine, New Hampshire, Rhode Island, and Vermont and is headquartered in Boston. In each region, the FHEO enforces fair housing laws, conducts training, outreach, and compliance monitoring and works with state and local agencies to administer fair housing programs. Charges of discrimination can be filed directly with HUD via an online Housing Discrimination Complaint form. Charges can be referred to MCAD if an initial determination has been made that MCAS has jurisdiction over a particular case. If an initial determination is made that HUD has jurisdiction over a particular case (i.e., it is on any of the bases recognized under federal law: race, color, national origin, religion, sex, familial status, or disability) an investigation by the Region I office will begin. In addition to fair housing enforcement activity, the FHEO also maintains a listing of substantive and precedential fair housing-related decisions that come in the form of consent decrees and conciliation agreements issued by the Office of Administrative Law Judges and secretarial and administrative law judge orders issued by the Office of Administrative Law Judges.<sup>24</sup>
- The Massachusetts Commission Against Discrimination (MCAD) is the state's chief civil rights agency. The Commission works to eliminate discrimination on a variety of bases and strives to advance the civil rights of people of the Commonwealth through law enforcement, outreach, and training. A charge of discrimination must be filed in person at an MCAD office. Once an initial determination has been made that MCAD has jurisdiction over a particular case, an investigation will begin. At the conclusion of an investigation, MCAD will issue a Determination. If MCAD finds there was Probable Cause in its Finding, the case will proceed to Public Hearings and ultimately a Decision will be made by MCAD Commissioners that can include any one of a number of remedies.<sup>25</sup>
- The Fair Housing Center of Greater Boston (FHCGB) works to eliminate housing discrimination and promote open communities throughout the region. The FHCGB

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<sup>24</sup> Learn more – visit the HUD Fair Housing and Equal Opportunity website:

[http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/fair\\_housing\\_equal\\_opp](http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp)

<sup>25</sup> Learn more – visit the Massachusetts Commission Against Discrimination (MCAD) website:

<http://www.mass.gov/mcad/>

pursues its mission in Suffolk, Norfolk, Middlesex, Essex, and Plymouth counties throughout offering a menu of fair housing services: testing, case advocacy, training, community outreach, policy advocacy, and research. The FHCGB also works through HUD, MCAD, or the court system to bring about positive resolutions and is the region’s sole source of housing discrimination testing. Testing is a controlled method of documenting variations in the treatment of home seekers by housing providers.<sup>26</sup>

- Quincy Community Action Programs (QCAP) is a certified Community Housing Development Organization (CHDO), and an approved MassHousing and HUD Housing Counseling Agency. Based in the City of Quincy, QCAP provides fair housing outreach, counseling, and advocacy throughout the Consortium region.
- Neighborhood Housing Services (NHS) d/b/a NeighborWorks Southern Mass (NWSM) is an approved Housing Counseling Agency operating in the Quincy Consortium area. NWSM is certified by MassHousing, the Department of Housing and Community Development (DHCD), the Federal Housing Administration (FHA), Housing and Urban Development (HUD), and Citizens for Housing and Planning Association (CHAPA).

### 3.2 Evaluation of Jurisdictions Current Fair Housing Legal Status

As part of this analysis, fair housing complaints that have been lodged against private parties located in Consortium municipalities were obtained from the HUD FHEO Region I office and MCAD. The cases from each agency may overlap with each other as cases reported to each agency are sometimes referred depending on which entity is identified as having jurisdiction over the case. Cases filed by FHCGB are also included in the listings below.

#### Cases Filed with the FHEO Region 1 Office, FFYs 2009 – 2014

Cases filed with the FHEO office are cases that cite discrimination based on federally protected classes. Between FY2009-2014, 1,457 cases were filed with the FHEO office in the state of Massachusetts. Most fair housing complaints reported cited the following bases in order of prevalence: disability, familial status, race, national origin, and color. Out of this number, 48 cases were lodged against parties in the South Shore HOME Consortium region. Note: Any fair housing complaints citing discrimination based on a federally protected class that was filed with MCAD are also counted in the case totals provided above.

**Table 4: Fair Housing Complaints Filed in SSHC, FHEO data for FFYs 2009 – 2014**

Municipality	Cases	Bases Identified in Filed Cases	Was compensation provided in any of the cases filed?
Braintree	8	Race (most common); Retaliation; Religion; Sex; Disability; Familial Status	Yes

<sup>26</sup> 2014. Fair Housing Center of Greater Boston, “What We Do,” <http://www.bostonfairhousing.org/What-We-Do.html>.

<b>Municipality</b>	<b>Cases</b>	<b>Bases Identified in Filed Cases</b>	<b>Was compensation provided in any of the cases filed?</b>
Holbrook	2	Race; Disability	No
Milton	5	Race; Disability	Yes
Quincy	20	Race and Disability (most common); Familial Status; National Origin; Retaliation; Religion; Color	Yes
Weymouth	13	Disability (most common); Familial Status; Race; National Origin; Retaliation	Yes
<b>Total</b>	<b>48</b>		

The top three issues cited in cases filed with the FHEO against parties in the SSHC region are:

- Failure to make reasonable accommodation
- Discrimination in terms/conditions/privileges relating to rental
- Discriminatory advertising statements and notices

#### Cases Filed with MCAD, 2009-2014

Cases filed with MCAD are cases that cite discrimination based on state and federally protected classes. Between 2009 and 2014, 194 fair housing complaints against parties in the SSHC municipalities were filed with MCAD. Most fair housing complaints reported cited the following bases in order of prevalence: disability, race, color, public assistance (source of income), and children (familial status). The following table identifies the bases most cited in cases filed against parties in each municipality.<sup>27</sup>

**Table 5: Fair Housing Complaints Filed in SSHC, MCAD data for 2009 - 2014**

<b>Municipality</b>	<b>Bases Identified in Filed Cases</b>
Braintree	Disability, Race/Color
Holbrook	Disability, Public Assistance, Race/Color (Note: based on few reported cases)
Milton	Race/Color, Public Assistance
Quincy	Disability, Race/Color
Weymouth	Disability, Race/Color

<sup>27</sup> 2014. Fair Housing Center of Greater Boston, "What We Do," <http://www.bostonfairhousing.org/What-We-Do.html>.

## Receipt of Fair Housing Complaints by Municipalities and Organizations in the SSHC Region

Municipalities and organizations within the Consortium were also asked to provide a summary of any fair housing complaints staff have noted within the last five years. Since none of the municipalities have formal systems for tracking fair housing complaints received, this data is not available. However, Quincy Community Action Programs (QCAP) serves as the local CHDO and Mass Housing and HUD Housing Counseling Agency and actively provides fair housing counseling to residents in the region. Between 2010 and March 2014, QCAP staff recorded 14 fair housing complaints that were submitted by renters. The top two issues reported were:

- landlord refusal to make repairs (8); and
- an experience in being turned down for housing for a questionable reason (4) which included reasonable accommodation requests that were not addressed and the renter's status of no longer receiving housing assistance.

## Fair Housing Testing in the Greater Boston Region

### Testing by the FHCGB

The FHCGB is one of the sources of housing discrimination testing in the Greater Boston region. According to the FHCGB, "Testing provides a credible picture of how and if discrimination occurs using a controlled method of documenting variations in the treatment of home seekers by housing providers", including property owners and realtors.

**Table 6: Fair Housing Testing Conducted by the Fair Housing Center of Greater Boston, 2009 to May 2014**

Municipality	Testing Results
Braintree	Conducted a total of 14 tests <ul style="list-style-type: none"> <li>• (Race) 3 out of 14 or 21% showed evidence of racial discrimination</li> <li>• (Family Status) 1 out of 14 or 7% showed evidence of family status discrimination</li> </ul>
Holbrook	Conducted a total of 2 tests No Evidence of Possible Discrimination
Milton	Conducted a total of 3 tests <ul style="list-style-type: none"> <li>• (Family Status) 2 out of 3 or 66% showed evidence of family status discrimination</li> </ul>
Quincy	Conducted a total of 66 tests <ul style="list-style-type: none"> <li>• (Race) 7 out of 66 or 11% showed evidence of racial discrimination</li> <li>• (Family Status) 5 out of 66 or 7.6% showed evidence of family status discrimination</li> <li>• (Source of Income) 3 out of 66 or 4.5% showed evidence of source of income discrimination</li> </ul>

Municipality	Testing Results
Weymouth	Conducted a total of 6 tests No Evidence of Possible Discrimination

### Testing by the Suffolk University Law School Housing Discrimination Testing Program

The Suffolk University Law School Housing Testing Program (HTDP) is funded by the U.S. Department of Housing and Urban Development. HTDP is working in partnership with the Boston Fair Housing Commission towards the goal to “eliminate housing discrimination in the Boston metro area through testing, enforcement and education. Between September 2013 and September 2013, HDTP identified and tested 27 facially discriminatory housing ads in the Boston market. This testing revealed evidence of discrimination in 25 of the 27 cases, and found that it was common for families with young children to be denied housing due to lead paint. This finding is consistent with the findings from a 2001 audit conducted by the FHCG, which found that discrimination based on familial status was more prevalent than either race or income related discrimination.<sup>28</sup>

### 3.3. Findings from the 2014 Fair Housing Survey

SSHC administered a Fair Housing Survey between April and May 2014. Surveys were made available at the three public meetings and online. A total of 183 people started the survey. Responses to each question were optional; therefore, the response rate on each question varies. Each Consortium member was responsible for conducting outreach to secure participation. This section summarizes findings from the survey and the characteristics of respondents.

#### Highlights:

- Approximately 41 percent of survey takers were homeowners; 10 percent were tenants renting within one of the communities; 42 percent were municipal employees or local elected officials; the remainder included business or commercial property owners, people looking to live in one of the communities, and people representing non-profit organizations or advocacy groups.
- A majority of respondents (62%) said they were not knowledgeable about fair housing laws.
- When respondents were asked to provide their opinions of how the protected classes impacted access to housing,
  - the majority of respondents identified only one topic as having a strong effect on fair access to housing opportunity: housing affordability (54%); and
  - the majority of respondents identified the following four bases as having no effect on fair access to housing opportunity: gender (91%); ancestry (53%); veteran/military status (51%), and marital status (50%).
- Eight (8) respondents taking the survey reported having been denied access to housing in one of the SSHC communities. Of those who cited having been denied

<sup>28</sup> 2013, December. “Lingering Lead: Strategies for eliminating familial status discrimination due to lead paint,” Suffolk University Law School. Source: <http://www.suffolk.edu/documents/Law%20Documents/LingeringLead.pdf>

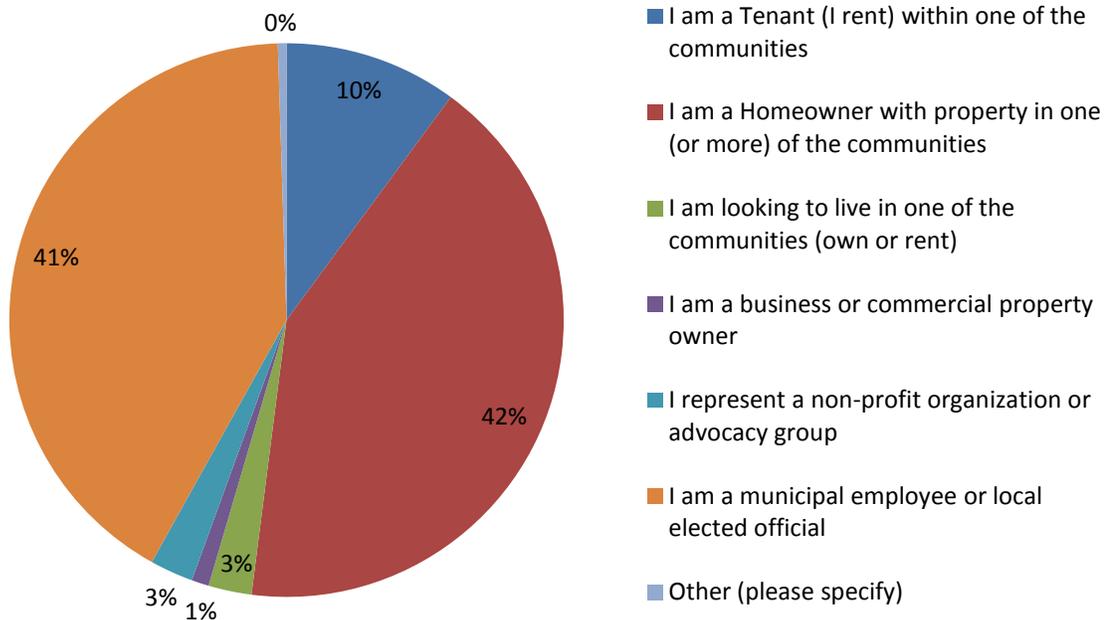
access, the bases identified were race/ethnicity, color, familial status, and age. Seven (7) stated that no action was taken; one filed a complaint with a landlord.

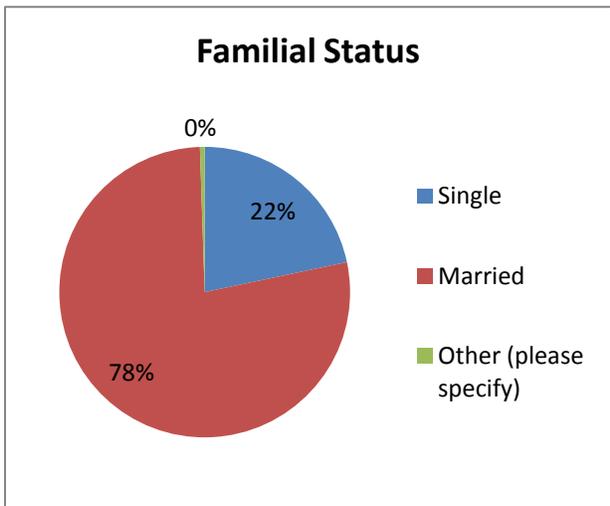
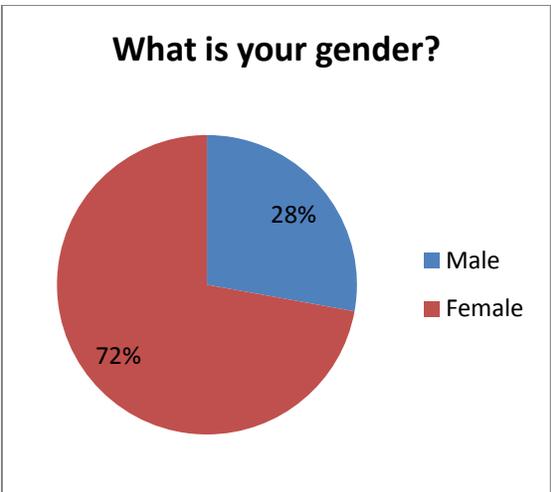
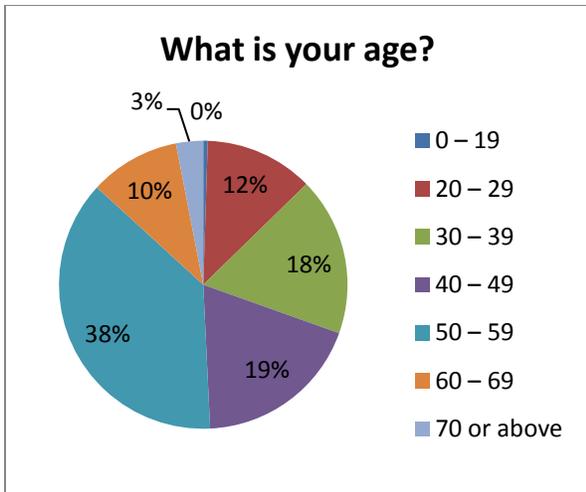
- When asked about the preferred methods for disseminating information about fair housing rights and responsibilities, the use of various media including public service announcements and newspapers was identified as the top choice and fair housing workshops and seminars was identified as the second choice.

**Please select the city or town in which you live and/or work**

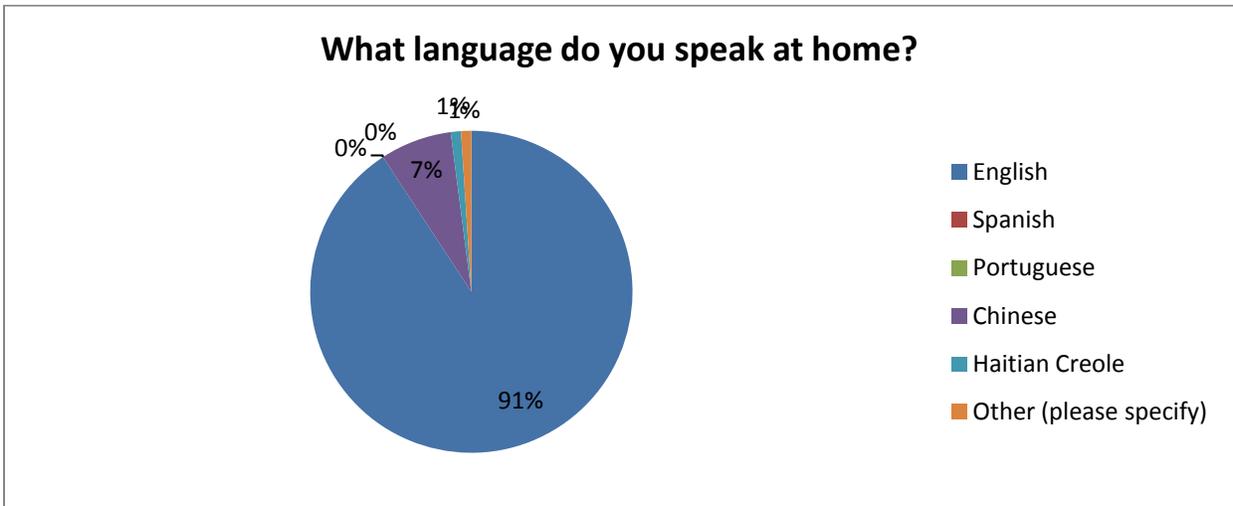
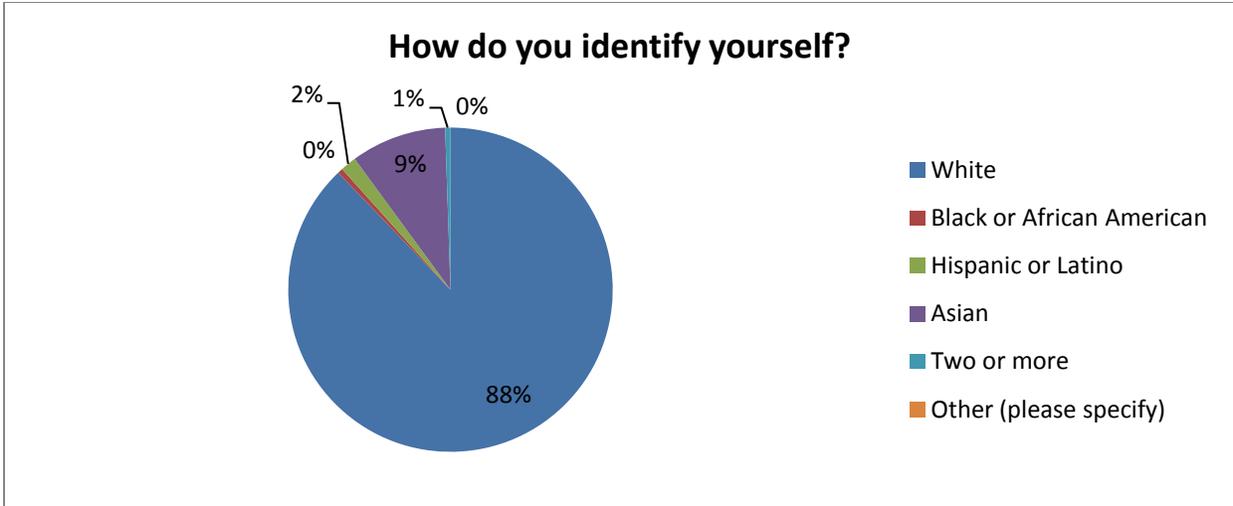


**What is your affiliation with the communities of Braintree, Holbrook, Milton, Quincy, or Weymouth?**





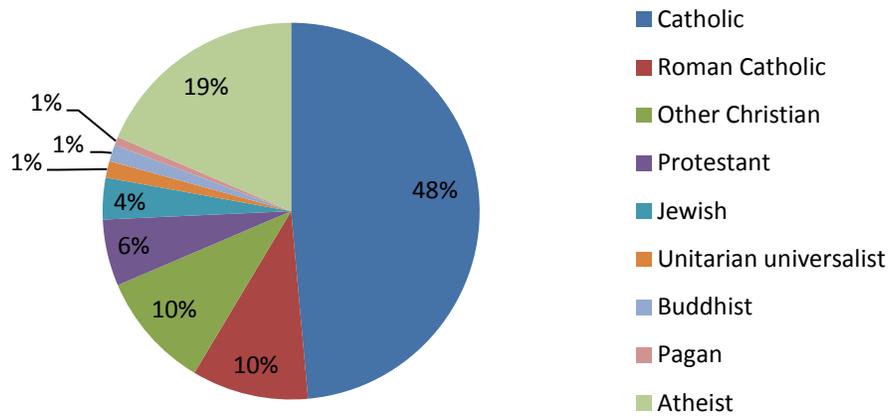
What is your nationality?*	
* Respondents answering this question frequently listed ancestry or race/ethnicity	
American	68
Armenian	2
Asian	1
Chinese	11
English	1
French Canadian	2
German	3
Greek	2
Hispanic	1
Indian	2
Irish or Irish American	10
Italian	5
Jewish	1
Lebanese	1
Lithuanian	1
Mixed Ancestry	16
Puerto Rican	1
Scotch	2
Swedish	1
Taiwan Republic of China	1
Vietnamese	1
No Response	65



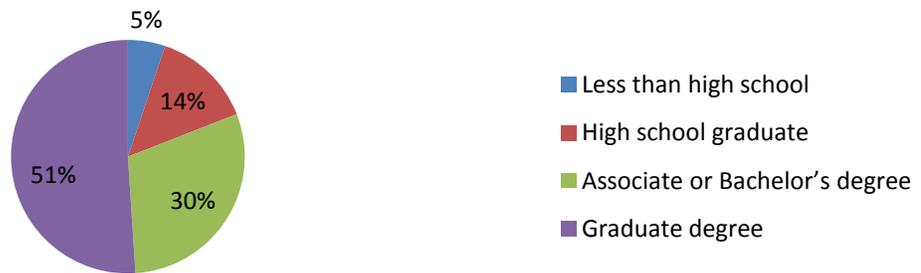
Do you have a disability?	
Yes	<b>8</b>
No	<b>183</b>

Do you have a religion? If yes, what is it?	
Catholic	68
Roman Catholic	14
Other Christian	14
Protestant	8
Jewish	5
Unitarian universalist	2
Buddhist	2
Pagan	1
Atheist	26

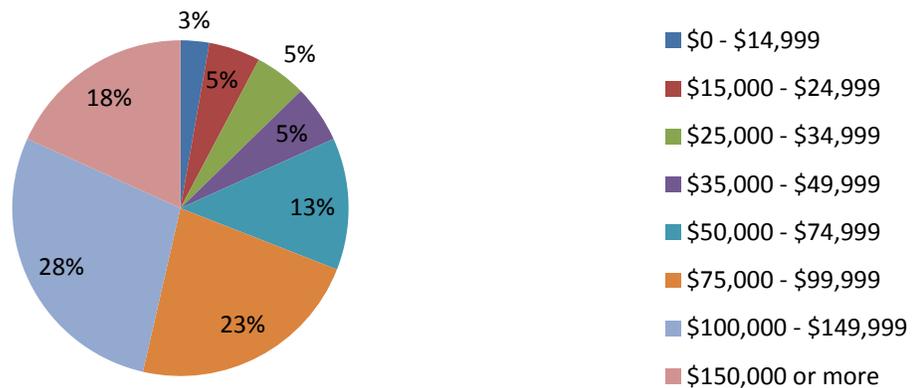
### Do you have a religion? If yes, what is it?

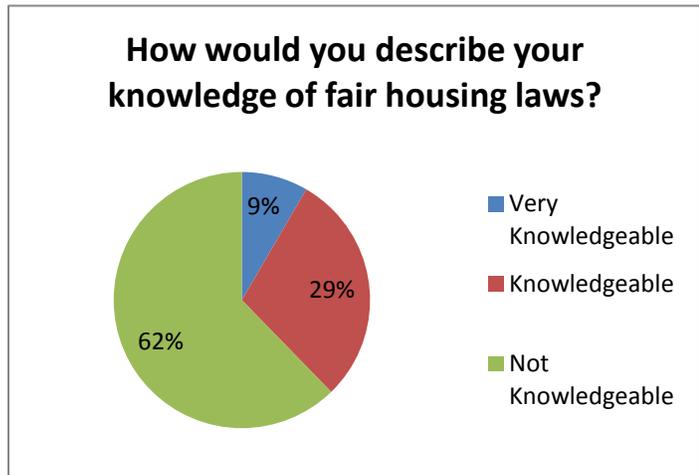
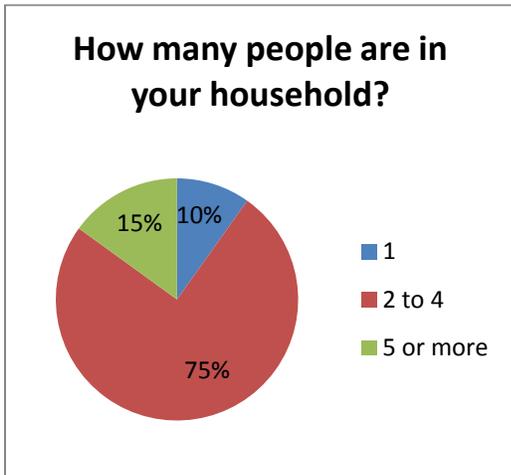
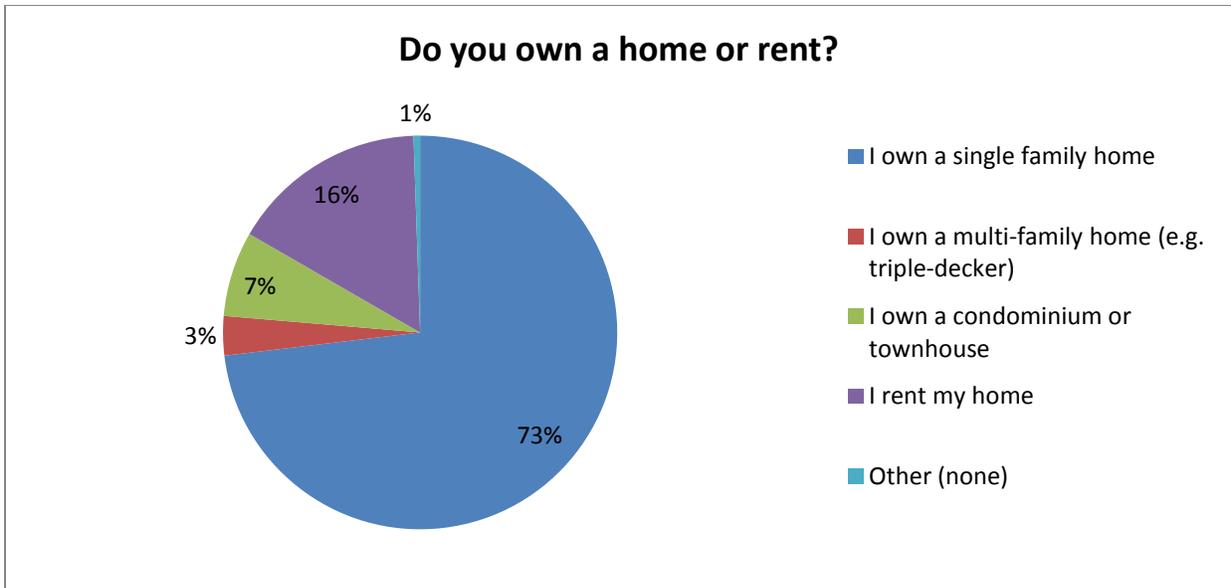


### What is your highest level of education?



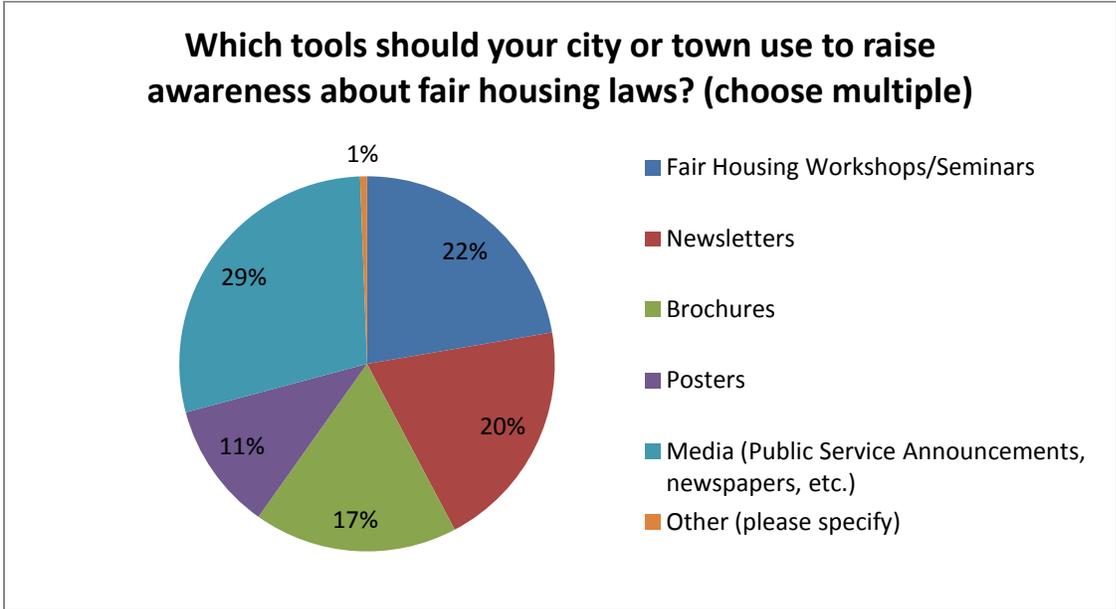
### What is your household income?





Have you ever been denied access to housing in one of these communities (Braintree, Holbrook, Milton, Quincy, or Weymouth) for any of the following reasons? (Choose all that apply)	
Gender	0
Race/ Ethnicity	1
Color	1
Familial Status	2
Disability	0
National Origin	0
Religion	0
Ancestry	0
Age	1
Marital status	0

Source of income	0
Sexual orientation	0
Veteran history/military status	0
Genetic information	0
<b>If you have ever been denied access to housing, please briefly describe the situation:</b>	
Open-Ended Response	0
<b>If you have ever been denied access to housing, what action, if any, was taken?</b>	
No Action	7
Filed Complaint with Landlord	1
Filed Complaint with Government Agency	0
Filed Complaint with Advocacy Group	0
Other (please specify)	0
<b>How satisfied were you with the results?</b>	
Very Satisfied	2
Satisfied	0
Not Satisfied	3
Not Applicable (no complaint filed)	12
Please explain the reason for your satisfaction or dissatisfaction: Open-Ended Response	0



<b>How would you describe your knowledge of fair housing laws?</b>		
Very Knowledgeable	8%	14
Knowledgeable	29%	49
Not Knowledgeable	62%	104

<b>Indicate your opinion of how the following might negatively affect access to housing in your City/ Town.</b>	
Gender - No effect	91
Gender - Little effect	28
Gender - Moderate effect	4
Gender - Strong effect	3
Race/ Ethnicity - No effect	63
Race/ Ethnicity - Little effect	29
Race/ Ethnicity - Moderate effect	24
Race/ Ethnicity - Strong effect	14
Color - No effect	63
Color - Little effect	27
Color - Moderate effect	23
Color - Strong effect	15
Household with Children - No effect	59
Household with Children - Little effect	37
Household with Children - Moderate effect	27
Household with Children - Strong effect	6
Disability - No effect	57
Disability - Little effect	37
Disability - Moderate effect	23
Disability - Strong effect	13
National Origin - No effect	64
National Origin - Little effect	31
National Origin - Moderate effect	24
National Origin - Strong effect	7
Religion - No effect	77
Religion - Little effect	32
Religion - Moderate effect	10
Religion - Strong effect	5
Ancestry - No effect	86
Ancestry - Little effect	28
Ancestry - Moderate effect	6
Ancestry - Strong effect	4
Age - No effect	70
Age - Little effect	39
Age - Moderate effect	10
Age - Strong effect	8
Marital status - No effect	80
Marital status - Little effect	37
Marital status - Moderate effect	7
Marital status - Strong effect	3
Source of income - No effect	49
Source of income - Little effect	35
Source of income - Moderate effect	27
Source of income - Strong effect	16

<b>Indicate your opinion of how the following might negatively affect access to housing in your City/Town.</b>	
Sexual orientation - No effect	72
Sexual orientation - Little effect	32
Sexual orientation - Moderate effect	13
Sexual orientation - Strong effect	8
Veteran history/military status - No effect	82
Veteran history/military status - Little effect	28
Veteran history/military status - Moderate effect	7
Veteran history/military status - Strong effect	8
Genetic information - No effect	95
Genetic information - Little effect	22
Genetic information - Moderate effect	2
Genetic information - Strong effect	3
Loan Practices - No effect	54
Loan Practices - Little effect	28
Loan Practices - Moderate effect	31
Loan Practices - Strong effect	16
Real Estate Practices - No effect	52
Real Estate Practices - Little effect	34
Real Estate Practices - Moderate effect	29
Real Estate Practices - Strong effect	13
Availability of Fair Housing Info - No effect	58
Availability of Fair Housing Info - Little effect	30
Availability of Fair Housing Info - Moderate effect	24
Availability of Fair Housing Info - Strong effect	11
Speaking/Understanding English - No effect	49
Speaking/Understanding English - Little effect	31
Speaking/Understanding English - Moderate effect	24
Speaking/Understanding English - Strong effect	24
Housing Affordability - No effect	26
Housing Affordability - Little effect	17
Housing Affordability - Moderate effect	41
Housing Affordability - Strong effect	46

## Section 4: Analysis of Public and Private Sector Determinants of Fair Housing

This section reviews the public and private sector conditions, policies, and actions that impact fair access to housing opportunity and provides an analysis of public and private sector policies and practices in SSHC municipalities and in the region that affect protected classes' access to housing and other opportunities.

### 4.1 Public Sector Determinants of Fair Housing

#### Municipal Departments, Boards, Committees, and Commissions Relevant to Fair Housing

These municipal departments, boards, committees, and commissions are key municipal partners in affirmatively furthering fair housing. They play a role in implementing local policies and practices and/or undertake work that involves direct engagement with protected classes. The capacity of municipal entities to affirmatively further fair housing varies based on funding, staffing, and access to related professional development/training opportunities and resources. Consortium members identified the following successes, challenges, and opportunities:

- Collaboration between municipal boards and departments: Quincy and Weymouth have been CDBG and HOME fund recipients for years. As a result, they have had the capacity to maintain staffing for local fair housing committees. These committees have worked to support other municipal groups by overlapping membership among boards, i.e., having a fair housing committee member or staff person represented on other boards. These communities also engage other boards and housing authorities in the development of Consolidated Plan and the Consolidated Annual Performance Evaluation Report (CAPER). In contrast, several other communities have established Fair Housing Committees including Milton and Braintree; however these committees have not been convened in recent years. Some municipalities also note that there is sometimes little coordination between municipal departments with roles in furthering fair housing. One community noted that while some coordination on matters pertaining to housing exists between some departments, some key departments and commissions are currently left out.
- Access to education and training: Some municipalities note that their housing staff regularly participates in housing-related trainings offered through HUD, NCD, and through the CHDO – Quincy Community Action Programs. Some staff are beginning to build relationships with the region's realtor® associations and the Fair Housing Center of Greater Boston. However, many agreed that there is a need for dynamic educational workshops on fair housing issues, including printed educational resources on fair housing and a centralized resource that summarizes local and regional fair housing contacts including municipal contacts for all matters pertaining to housing.

**Table 7: Municipal Departments, Boards, Committees, and Commissions Relevant to Fair Housing**

Quincy	Weymouth	Braintree	Holbrook	Milton
<b><i>Municipal Departments and Divisions</i></b>				
Department of Planning and Community Development	Planning Department	Department of Planning and Community Development	Town Administrator	Town Administrator Planning Department
Mayors Office	Mayors Office	Mayor's Office Department of Municipal Inspections (Building and Health)	Board of Health	Department
Health Department	Health Department	Veteran's Agent	Council on Aging	Health Department
<b><i>Housing Authorities</i></b>				
Quincy Housing Authority	Weymouth Housing Authority	Braintree Housing Authority	Holbrook Housing Authority	Milton Housing Authority
<b><i>Local Boards, Committees, Commissions, and Trusts</i></b>				
Affordable Housing Trust	Elder Services Division	Commission on Disabilities	Planning Board	Commission on Disability
Asian American Advisory	Disabilities Commission	Community Preservation Committee		Planning Board
Commission on Disabilities	Youth & Family Service Division	Planning Board		
Commission on Women	Community Preservation Committee	Board of Health		
Community Preservation Committee	Board on Homelessness			
Council on Aging	Planning Board			
Board on Homelessness				
Human Rights				

Quincy	Weymouth	Braintree	Holbrook	Milton
Commission				
Planning Board				

Finding: Increasing municipal knowledge about fair housing law, rights, and responsibilities and increasing the capacity of the Consortium to support collaboration between municipal staff, local boards, committees, and commissions in meeting their obligations to affirmatively further fair housing are priority actions for the Consortium.

**Process for Filing Fair Housing Complaints**

The ability to address barriers to fair access to housing opportunity relies strongly on the reporting of discriminatory actions experienced by people in protected classes. The capacity of Consortium municipalities to receive and log fair housing-related complaints also impacts the ability of protected classes to realize their fair housing rights. Consortium members identified the following successes, challenges, and opportunities:

- Receivers of fair housing complaints in each municipality: Quincy and Milton are the only municipalities in SSHC that have a designated staff person who has been serving in the role of Fair Housing Officer – the receiver of complaint calls regarding fair housing. The individuals filling these roles include a Director of a Housing Authority and a Veteran’s Agent. Those municipalities that did not have a designated receiver of fair housing complaints when this FHP commenced noted that fair housing complaints have been received by divisions and departments including the Housing Authority, the Health Department, the Council on Aging, and the Planning Department. In one municipality, it was noted that any calls received were referred to the Massachusetts Commission Against Discrimination (MCAD).
- All municipalities noted that they did not have a uniform system for keeping a record of fair housing complaints received and whether they were resolved through mediation or referred to MCAD for filing as a formal complaint. Quincy CAP is the only organization in the SSHC region that has a system for recording the number and nature of fair housing complaints.

Finding: Creating systems that clarify municipal fair housing contacts and a procedure for logging and referring fair housing complaints to ensure reporting of discrimination by individuals in protected classes is a priority action for the Consortium.

**ADA Section 504 Self-Evaluation and Compliance and Transition Plans**

Title II of the Americans with Disabilities Act (ADA) of 1990 requires that state and local governments give people with disabilities an equal opportunity to benefit from all programs, services, and activities; this includes transportation, employment, public education, social services, recreation, and public meetings. Governments are required to follow specific architectural standards in new construction and alteration; to ensure programs are offered

in accessible locations; to communicate effectively with people with hearing, vision, or speech disabilities; and to make reasonable accommodations to ensure that policies, practices, and procedures do not limit the right of persons with disabilities to access programs, services, and activities. Section 504 of the ADA also states that "no qualified individual with a disability in the United States shall be excluded from, denied the benefits of, or be subjected to discrimination under" any program or activity that either receives federal financial assistance or is conducted by any executive agency or the United States Postal Service. Requirements commonly included in federal agencies' section 504 regulations include: reasonable accommodation for employees with disabilities; effective communication with people who have hearing or vision disabilities; accessible new construction and alterations; and program accessibility. Section 504 is also enforced through private lawsuits. Weymouth is the only municipality in the SSHC region with an ADA Compliance and Transition Plan. Municipal adoption of Section 504 Self-Evaluation Plans and ADA Compliance and Transition Plans is recommended to reduce barriers to fair access to housing opportunity and to move municipalities towards full compliance with obligations under Title II.<sup>29</sup>

### **Language Assistance Plans**

A Language Assistance Plan (LAP) is commonly required of federally funded organizations, states, and local governments. An LAP details language assistance services and how staff and individuals with Limited English Proficiency (LEP) can access those services. Adopting an LAP furthers Section 601 of Title VI of the Civil Rights Act of 1963 and Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency," which was created to "... improve access to federally conducted and federally assisted programs and activities for persons who, as a result of national origin, are limited in their English proficiency (LEP)..." As of May 2014, Quincy is the only municipality in the Consortium with an LAP. Adopting an LAP can reduce barriers to fair housing access by ensuring that individuals have fair access to municipal programs and activities that will increase fair access to housing opportunities and other related opportunities including transportation, employment, and education.

### **Building Codes, Architectural Accessibility, and Visitability in Housing**

Most of the region's residents with mobility and sensory disabilities are served in the private market, and many do not require accessible housing. Still, the number of accessible units that is available in the metropolitan area is insufficient to serve even a fraction of those who do need, or would desire such a unit. As of 2013, nearly one-third of the metropolitan area's accessible units – those registered with MassAccess – were permitted under MGL Chapter 40B. In communities rated "very-high opportunity" based on the Kirwan/McArdle methodology, 48 percent were permitted under 40B; in "high opportunity" communities, the 40B share was 42 percent.

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<sup>29</sup> The U.S. Department of Justice Civil Rights Division Disability Rights Section has produced a resource on the ADA and City Governments that outlines common problems in meeting Title II requirements that are shared by governments of all sizes. Source: <http://www.ada.gov/comprob.htm>

All consortium communities follow the Massachusetts State Building Code which mirrors the national building code, the International Code Council, and incorporates the provisions of the American National Standards Institute. State code requires new and rehabilitated commercial and multi-family residential developments to meet accessibility standards. Highlights:

- The City of Quincy, Town of Braintree, and the Town of Weymouth have their building/inspectional departments act in the capacity of ADA Coordinator. For example, the Braintree Commission on Disabilities is staffed by the Building Inspector; the Commission makes frequent requests to town staff to advocate for the inclusion of accommodations in town projects and private developments.
- The Town of Weymouth completed an ADA Compliance and Transition Plan in January 2011. The plan includes model policies and procedures for adoption by the Town, a summary of architectural barriers, and barrier removal solutions that are designed to move Weymouth towards full compliance with its obligations under Title II of the Americans with Disability Act of 1990.

Visitability refers to the design of housing in such a way that it can be lived in or visited by individuals who have trouble with steps or who use wheelchairs, walkers, or strollers. A visitable home serves persons with and without disabilities (for example, a mother pushing a stroller, a person delivering large appliances, a person using a walker, etc.). One difference between —visitability and —accessibility is that accessibility requires that all features of a dwelling unit be accessible for mobility impaired persons, whereas a visitable home does not.

Three architectural conditions usually distinguish a visitable home: (1) at least one entrance is at grade (no step), approached by an accessible route, such as a sidewalk; (2) that entrance door and all interior doors on the first floor are at least 34 inches wide, offering 32 inches of clear passage space; and (3) at least one half-bath is on the main floor.

Consortium communities do not have visitability policies at the municipal level and follow the Massachusetts State Building Code regarding accessibility requirements, many of which relate to visitability. Although HUD does not establish visitability requirements, it strongly encourages that accessible design and construction features, in addition to those that are required, be incorporated into all housing developed with HOME funds. Nothing found in this analysis explicitly points toward housing visitability issues, although data on visitable units is scarce. However, visibility should be a component of the analysis and development of a comprehensive system for reviewing, approving and monitoring residential developments for compliance with state and federal access requirements.

Findings: Promoting the adoption and implementation of ADA Compliance and Transition Plans in each SSHC municipality is a priority action for the Consortium. Exploring the feasibility of adopting local visitability standards at the municipal level that are within local legal jurisdiction and which are consistent with the State Building Code is a recommended action.

## Public Housing Authority Waitlist Demographics and Tenant Selection Procedures

Housing maintained by public housing authorities is available to individuals meeting low income thresholds set by the federal government. Housing authority waiting lists provide a picture of the demand for affordable housing in an area. All municipalities maintain waiting lists for HA properties; Quincy, Weymouth, Braintree, and Holbrook also utilize the Section 8 Housing Choice Voucher Centralized Waiting List, which is administered by the Massachusetts Chapter of the National Association of Housing & Redevelopment Officials (MassNAHRO).<sup>30</sup> Housing authority waiting lists were requested from each SSHC municipality. Please see Appendix V for housing authority waiting lists as of April 2014.

Findings:

- The Quincy Housing Authority gives preference to “local applicants,” who are defined as applicants who live or work in Quincy, Boston, Braintree, Milton, Randolph or Weymouth. As of April 2014, 2,075 people were on the waiting list for family housing; 1,987 people were on the waiting list for elderly housing. A majority of applicants on both lists are people of color: Black, Asian, Hispanic, Indian, or another race. The waiting list exceeds the current supply of affordable units in Quincy, which totaled 1,546 SHI units as of April 1, 2014.
- The Braintree Housing Authority reported the following numbers as of April 2014: 857 individuals on the Section 8 waiting list are local applicants from Braintree. Of this number, more than half are families with children; more than of those families are families with an individual or individuals who have a disability. In addition, 871 people are on the Housing Authority’s family and elderly housing waiting lists; 544 seek elderly housing; 59 seek family housing; 40 are on the MRVP waiting list for elderly housing, and 231 are on the MRVP waiting list for 1, 2, and 3 BR apartments. The waiting list far exceeds the current supply of affordable units in Braintree, which totaled 179 units as of April 1, 2014.
- The Holbrook Housing Authority gives preference to residents of Holbrook. As of April 2014, 63 people were on the Authority’s waiting list for family housing; 108 people were on the waiting list for elderly, one-bedroom housing; 214 were under 60 and disabled; and 171 were on the MRVP waiting list, which closed on February 2013. A majority of all applicants were non-residents. A majority of applicants for multifamily housing and the MRVP are people of color: Black, Asian, Hispanic, Indian, or another race. The waiting list far exceeds the current supply of affordable units in Holbrook, which totaled 84 units as of April 1, 2014.
- The Weymouth and Milton Housing Authorities also maintain family and elderly housing waiting lists. The current stock of affordable units is 475 in Weymouth and 52 in Milton as of April 1, 2014.

Some municipalities note also note a need for additional financial assistance to households not meeting the low and moderate incomes thresholds set by the government. Weymouth notes a need expressed by households earning over 80% of AMI participating in the First

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<sup>30</sup> To learn more about the Section 8 Database, please visit [http://massnahro.org/S8\\_Home.php](http://massnahro.org/S8_Home.php).

Time Homebuyers Program – assistance with down payments. These households have had difficulty with securing funds for down payments but have been able to access attractive end loans such as Soft Second or MassHousing.

### Zoning Policies and Practices in SSHC Municipalities

Land use regulation in Massachusetts is governed through state law but local zoning and permitting practices can determine where housing can be located, the density and amount of housing that can be built, and the ages of the people permitted to reside in the housing. Local land use policies can present barriers to the development of housing in terms of size, location, and affordability and can be impediments to fair housing choice – resulting in disparate impacts on protected classes.

The February 2013 Discriminatory Effects (a.k.a. Disparate Impact) Final Rule that was released by HUD codified a three-part burden shifting test that requires recipients of federal funds to consider the following prior to the adoption of any policy or practice:

- Is it likely that policy or practice will negatively impact on members of a protected class compared to the general population?
- Is the policy or practice necessary to achieve substantial, legitimate, non-discriminatory interests?
- Is there a less discriminatory alternative that would meet the same interest?

HUD defines equitable land use planning as “zoning, land use regulation, master planning, and other land use planning that, at a minimum, furthers the purposes of Title VI of the Civil Rights Act, Section 504 of the Rehabilitation Act of 1973, and the Fair Housing Act and are intended to achieve additional objectives for expanding housing choice.” Towards this goal, this Plan reviews zoning rules, regulations, and site selection practices that may limit fair access to housing opportunity and result in a disparate impact on protected classes. These Rules, regulations, and practices include but are not limited to those that:

- do not allow multifamily housing;
- impose high minimum lot area requirements in residential areas;
- do not allow accessory dwelling units;
- require special permit review of all multifamily housing and accessory dwelling units;
- prohibit housing in existing commercial or business districts, or housing near other amenities such as public transit stations or along public transportation routes; and
- restrict affordable rental housing solely to age-restricted development.

Below is a review of select zoning policies and practices that can advance the inclusion of diverse types of housing within municipalities and whether they have been adopted by SSHC municipalities as of April 2014. The identified policies and practices can advance fair access to housing both within existing residential areas and within parts of a municipality that are in close proximity to other opportunities important to quality life – including schools, jobs, and public transit.

**Multifamily housing in single-family residential areas.** Braintree, Quincy, and Weymouth allow multifamily housing in single-family residential areas; Holbrook and Milton do not.

- Braintree regulates the conversion of existing single-family dwellings into two-family dwellings by special permit in the Residence B zoning district. However, there are stringent criteria and pre-requisites.
- Quincy allows multifamily use as of right or by special permit in all zones except Residential A and Industrial A and B. In Residential A, about 13 percent of housing is classified as multifamily, which were “grandfathered” units.
- In Weymouth, the Residential District R-1 allows alteration of single family housing to two-family housing by special permit. The Residential District R-2 allows low-density 2- and 3-family multifamily housing. It also allows for alteration (but not expansion) of existing housing to accommodate up to four dwelling units. The Residential District R-3 allows two-family housing and accessory dwelling units by right; 200+ unit multifamily housing is allowed by special permit.

**Minimum lot area requirements.** Minimum lot area requirements in residential districts in the SSHC region range from 7,500 to 80,000.

- In Braintree, minimum lot area requirements are among the highest in the SSHC region; requirements in all residential districts range from 25,000 to 43,560 square feet.
- In Quincy, minimum lot area requirements in all residential districts are the lowest in the SSHC region; requirements in all residential districts range from 6,750 to 14,000 square feet.
- In Milton, minimum lot area requirements in all residential districts range from 7,500 to 80,000 square feet.
- In Holbrook, minimum lot area requirements in all residential districts range from 15,000 to 30,000 square feet.
- In Weymouth, a minimum lot area requirement is only defined in one of the four residential district; R-1 has a 25,000 square feet minimum lot area requirement.

A review of minimum lot area requirements and residential zoning indicates that Quincy and Weymouth have more regulations in place that enable a diverse housing stock that includes multifamily housing. In contrast, Milton, Holbrook, and Weymouth lack policies and/or impose requirements that do not facilitate a diverse housing stock that includes more multifamily housing.

**Accessory dwelling units.** All municipalities in the consortium allow accessory dwelling units (also referred to as in-law apartments).

- Braintree allows by-right construction of an in-law accommodation in single family residence for qualified family members. The property owner must record an affidavit against the deed stating that the unit is an in-law within a single family dwelling.

- Weymouth allows in-law apartments in one of the three residential districts; in Residential District R-3 it is allowed by right.
- In Quincy, accessory dwelling units are sometimes allowed by right and sometimes require a special permit. Holbrook and Milton require a special permit. In addition to requiring a special permit, Milton also requires that several requirements be met.

**Reuse or conversion of existing non-residential structures to residential.** Braintree, Quincy, and Weymouth allow conversion of existing non-residential structures to residential; Holbrook and Milton do not.

- In Quincy, Residential uses in Business A, B and C districts are subject to Site Plan Review. Planned Unit Development zoning has been utilized effectively to convert former industrial sites to mixed use. Quincy Center Zoning Districts and the Urban Redevelopment Plan allows higher density and very flexible land uses.
- In Weymouth, conversion from single to multi-family housing is allowed by special permit. Alteration of an existing dwelling for a two-family dwelling is allowed.
- Braintree adopted a nursing home conversion bylaw in 2006 that enables a conversion by special permit of existing buildings into multi-family residential.

**Housing in commercial or business districts and near public transit.** Four out of five municipalities permit housing in existing commercial or business districts, including in areas near public transit.

- In Braintree, multifamily housing may be erected in Residence C, Cluster I, II, and II, General Business, Highway Business, and Commercial Districts. The Braintree-Weymouth Landing District promotes high density mixed use projects that include housing near the Greenbush Commuter Rail Station.
- In Milton, multifamily residences and mixed use are permitted within the Business A and B District but by special permit only. In Quincy, age-restricted housing is allowed in planned unit developments. Also, the downtown has been re-zoned to a mixed-use area in order to allow housing in that district. The downtown redevelopment, for example, will bring over 1,000 new housing units online (within walking distance to bus, Red Line, and commuter rail access).
- In Quincy, age-restricted housing is allowed in planned unit developments. Also, the downtown has been re-zoned to a mixed-use area in order to allow housing in that district. The downtown redevelopment, for example, will bring over 1,000 new housing units online (within walking distance to bus, Red Line, and commuter rail access).
- In Weymouth, the Neighborhood Center District provides regulations for this area that includes residential, commercial, governmental, and religious uses.

**Inclusionary zoning.** Quincy is the only municipality in the SSHC region that has adopted inclusionary zoning and established an Affordable Housing Trust Fund.

**40R Smart Growth Overlay District.** None of the municipalities in the SSHC region have adopted a 40R Smart Growth Overlay District.

Findings: Many municipalities have adopted some local policies and practices that contribute to an integrated and diverse housing stock. However, some municipalities have disallowed – by way of omission or restriction – housing developments of a certain type or in certain parts of the community. In addition, special permit requirements and other extensive requirements can create barriers to fair access to housing. There is an opportunity to promote the adoption of policies and practices that proactively facilitate a more integrated and diverse housing stock.

## **4.2 Private Sector Determinants of Fair Housing**

Private sector determinants of fair housing include matters such as the nature and prevalence of discriminatory advertising; discriminatory refusal to rent; discrimination in terms, conditions, and privileges relating to rental or sale; discriminatory refusal to sell and negotiate a home for sale; discriminatory financing, including access to home mortgages; foreclosures; access to programs on topics like asset building; and the sale or retention of subsidized housing stock. This section reviews lending and real estate policies and practices.

### **Sale of Subsidized Housing – Expiring Use**

Much of the affordable housing in Massachusetts was built in the 1960s, 1970s, and 1980s and produced using state and/or federal housing resources from HUD, Massachusetts state financing, and other programs and incentives like the Low Income Housing Tax Credit (LIHTC). Most funding programs require owners to commit to maintaining the affordability of the units per a timeframe of typically 20 to 40 years. As a result, many properties will soon become eligible to lose their affordability and they are referred to as “expiring use” or “at risk”.<sup>31</sup> In response to the risk of a significant number of units losing affordability, in 2009, the Patrick Administration passed legislation to preserve privately-owned affordable housing by establishing notification provisions for tenants and giving DHCD or its designee a right of first refusal to purchase expiring properties. The Community Economic Development Assistance Corporation (CEDAC), a quasi-public state agency, also created a \$150 million loan fund to enable the purchase of these properties so they could remain affordable. However, more resources are needed to retain the stock of affordable units in the Commonwealth.

Data obtained from HUD in May 2014 on vouchers administered through federal housing assistance programs (not including the MVRP and AVHP voucher figures provided in the first section of this plan) indicates that of all housing units occupied by voucher holders, 51 percent are owned by non-profits and 40 percent are privately owned. In terms of how these public and privately owned properties are financed, 33 percent of these properties are financed under Section 202/811 (supportive housing for the elderly and for persons with disabilities); 24 percent of the properties are identified having federally insured loans.

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<sup>31</sup> 2013, Community Economic Development Assistance Corporation (CEDAC) Expiring Use Database. Source: <http://cedacatlas.mapc.org>

HUD has also released a Multifamily Assistance and Section 8 Contracts Database that identifies section 8 units by bedroom size and expiration date. Findings:

- Approximately 26,556 units in the Commonwealth have expiring affordability between now and 2030; of this total, 1,298 are located in the SSHC municipalities.
- The majority of these units are set to expire by 2020.
- The majority of expiring units are 1-bedroom apartments.
- Quincy and Weymouth have the greatest number of units with expiring affordability (684 and 220, respectively)

### Mortgage Lending Practices and Subprime Lending

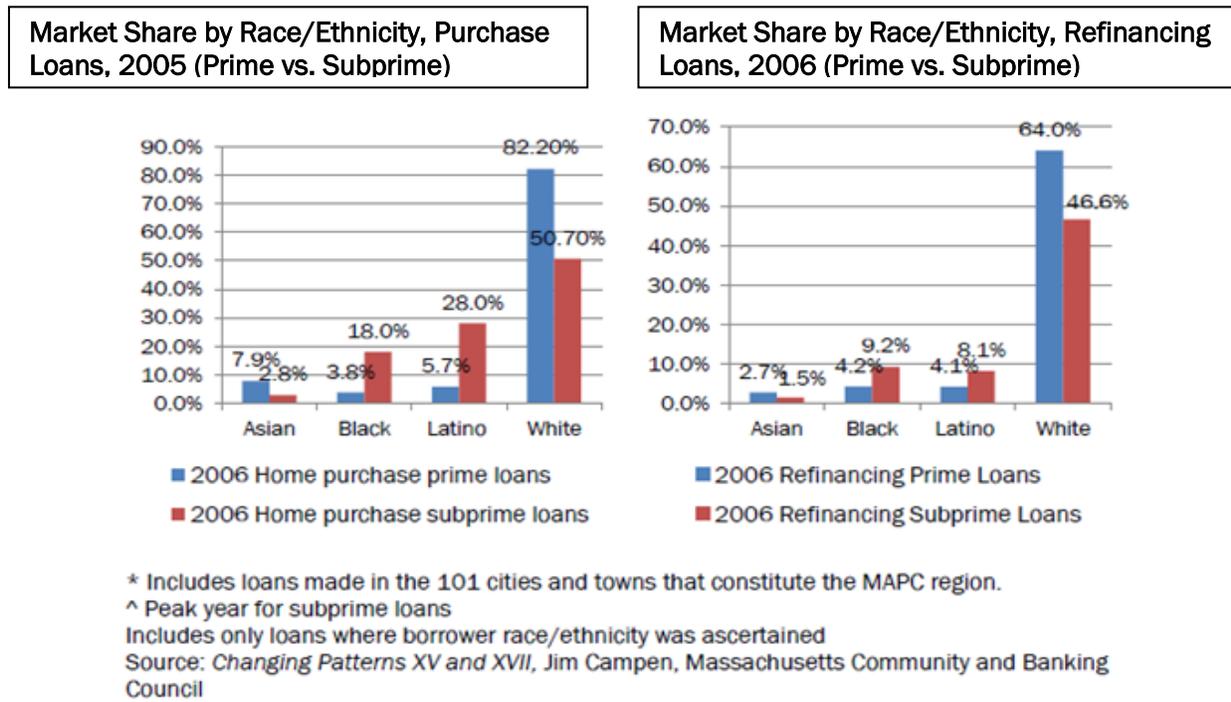
The following content is from the Regional Fair Housing and Equity Assessment for the Metropolitan Boston Region.

Home Mortgage Disclosure Act data continues to depict persistent and unexplained differences in home mortgage denial rates in the Metropolitan Boston area based on race. Data reported by the Federal Financial Institutions Examination Council as of June 2012 indicates that the denial rate for Black/African American applicants seeking loans for home purchases was 9.3 percent in 2011 compared to an 8 percent denial rate for White applicants. The denial rate for Latinos/Hispanics during the same period was 20.4 percent, and for Asians it was 11.4 percent.

Until the collapse of the financial markets in 2008, much of the conventional lending that might otherwise be available to borrowers of color was replaced by subprime debt. The financial collapse resulted in a near complete withdrawal of subprime lending from the market. Nevertheless, the rise and subsequent fall of subprime lending continues to have a racial and ethnic impact on the region. The rise in subprime lending tracked the rise in home prices in Greater Boston. The number of home purchase subprime loans peaked in 2005 at 7,202 loans, representing nearly 16 percent of all home purchase loans. The number of subprime refinancing loans peaked the following year at 9,061, or more than 20 percent of total refinancing loans. Findings:

- Black and Latino borrowers were much more likely to receive subprime loans during this period than were Whites. For home purchase loans in the 101 MAPC region cities and towns in 2005, for example, 57 percent of Black borrowers and 58 percent of Latino borrowers received subprime loans. Only 15 percent of White borrowers did.
- Nearly 71 percent of Black homebuyers in Brockton received subprime loans that year, as did 76 percent of Latino home-buyers in Lawrence. Subprime loan shares were much greater in neighborhoods with lower income levels and higher percentages of residents of color.
- Research has since shown that many who received such high cost loans could have qualified for a prime loan. Figures 3.4 and 3.5 show the major racial/ethnic groups' market shares for subprime loans compared to prime loans during the peak years for subprime lending.

**Table 8: Market Share by Race/Ethnicity – Prime vs. Subprime Loans, 2005 and 2006**



## Real Estate Policies and Practices

Information on real estate policies and practices as they relate to affirmatively furthering fair housing is intermittently difficult to compile. Most information is anecdotal at best and it can be very difficult to discern trends, particularly on a regional basis. The Regional Fair Housing and Equity Assessment for the Metropolitan Boston and the State of Equity in Metro Boston Indicators Report are two recent reports that have used available data to identify patterns of segregation that may be perpetuated in part by private sector policies and practices that have a blatant or disparate impact on protected classes. However, one of the best methods for identifying real estate policies and practices that violate fair housing laws is to conduct testing audits.

### **Fair Housing Testing Audits**

Testing is a controlled method of measuring and documenting discrimination. Testing covers information and services offered or given to home seekers by housing providers. According to the Fair Housing Center, a test is designed to reveal difference in treatment and to isolate the cause of that difference. While the tests conducted for the Newton were for research and recommendation purposes, testing is commonly used for self-compliance by the real estate industry, lending institutions and public entities. Additionally, case law has upheld the legitimacy of testing evidence in enforcement proceedings involving housing discrimination. A testing audit is a “systematic investigation of discrimination in the housing market for the purpose of gauging the prevalence and types of discrimination at play in the market at a given point in time.”

The Fair Housing Center of Greater Boston is one agency that performs regional testing on fair housing in the Greater Boston region. From 2001 to 2005, the Center completed regional testing show that discrimination – not just affordability – accounts for the residential segregation patterns that exist in the Greater Boston area. These regional audits found that Black/African American and Latino/Hispanic home seekers experience discrimination in half of their attempts to rent, purchase, or finance homes in the region. The audits also found that families with children and households with Section 8 vouchers are discriminated against two thirds of the time.

The City of Newton was the first municipality in the region to contract with the Center to test for discrimination in the private rental- and for-sale real estate market in the city. The audit was conducted in late 2005 and early 2006. The Center published a report titled Housing Discrimination Audit Report to the City of Newton on March 31, 2006. The shared characteristics makes it possible to assume the findings from the City of Newton's 2005-2006 Fair Housing Testing Audit can be applied to the real estate industry operating in the SSHC region. The following content is from the City of Newton's FY11-15 Analysis of Impediments to Fair Housing Choice.

## Case Example: City of Newton Testing Audits

Newton is a city of 83,000 9 miles north-west of the Quincy Home Consortium. Newton Borders the City of Boston to the west while Quincy and Milton border the City of Boston to the south. In 2005, the City of Newton contracted with the Fair Housing Center of Greater Boston to conduct a Fair Housing Audit in both the rental and for-sale markets. Newton also contracted with the Disability Law Center to conduct a testing audit in 2006. The goal of the disability discrimination audit was to study Newton's housing market for discrimination against people with disabilities and provide the Newton Fair Housing Task Force and the Mayor's Committee for People with Disabilities with a summary of the audit's findings and recommendations. Both the FHCGB and DLC audits concluded that discrimination based on race, national origin, source of income, familial status, and disability is present in Newton's rental and for sale markets.

### The Fair Housing Center of Greater Boston Audit

The Center conducted the testing with matched pairs of testers. Often, the tester who was a member of a protected class had better financial standing than their non-protected class counterparts (i.e. better credit score, higher income). The testers were volunteers and were trained to record interactions with a housing provider. Testers were not told what form of discrimination they were testing and a Fair Housing Center test coordinator supervised the work.

Summary of the Rental Market Audit: During the months of September and October 2005, the Fair Housing Center conducted 24 paired rental tests at real estate agencies and management companies with units in the City of Newton. The tests were designed to reveal whether their rental practices show any signs of discrimination against discrimination against four protected classes: familial status, source of income involving Section 8 vouchers, race involving African Americans, and national origin with different national origin backgrounds. Overall, rental testing showed discrimination in 11 of the 24 paired tests conducted, or 45.8%. Specifically, the testing found that:

- Three out of six real estate agencies demonstrated evidence of discrimination based on race (50 percent)
- Four out of six real estate agencies demonstrated evidence of discrimination based on national origin. Two cases involved Latino Americans and two cases involved Caribbean Americans (66 percent)
- Two out of six real estate agencies demonstrated evidence of discrimination based on familial status (33 percent)
- Two out of six real estate agencies demonstrated evidence of discrimination based on source of income involving Section 8 housing vouchers (33 percent)

Summary of the For-sale Market Audit: In January and February 2006, the Fair Housing Center conducted 10 paired sales tests with real estate agencies listing properties for sale in Newton. The Fair Housing Center conducted testing for discrimination against African Americans and Latinos (race/national origin). Testers were assigned to contact real estate agents about specific properties on the market. Six pairs inquired about houses priced from

\$700,000 to \$800,000 and four pairs inquired about condos for \$450,000 to \$500,000. Overall, the Fair Housing Center found evidence of discrimination in 4 of the 10 tests conducted, or 40%. Furthermore:

- Three tests revealed evidence of discrimination based on race or national origin. A fourth test showed evidence of familial status discrimination in the form of a discriminatory statement made to one tester
- Both tests that paired Latino and White homebuyers showed evidence of discrimination based on national origin (100%)
- One out of eight tests that paired African American and white homebuyers showed evidence of discrimination based on race (13%)
- In four out of these eight tests, the realtor offered more information to the White homebuyer compared to their Black/African American counterpart (50%)

### Summary of the Disability Law Center Audit

The DLC testing audits matched pairs of testers (one tester with a disability, the other tester without) to test for differential treatment. In addition, the DLC utilized non-matched testers to investigate whether housing discrimination existed in the form of failure to permit reasonable modifications “to ensure accessibility of housing units, or failure to make reasonable accommodations to ensure both full and equal participation in the housing search process and an equal ability to use and enjoy a dwelling.” The testers were volunteers and were trained to record interactions with a housing provider. A test coordinator supervised the work.

The Disability Law Center’s *Disability Discrimination Audit of the Housing Market of Newton, Massachusetts* also revealed significant barriers to equal housing opportunities for individuals with disabilities across all disability categories. The testing concluded that compared to home seekers without disabilities, individuals with disabilities encountered “significant barriers to entry into the Newton housing market, especially in the private, non-subsidized rental market.”

The audit found that the two most significant forms of discrimination faced by individuals with disabilities were in “differential treatment (being treated less favorably and/or being provided inferior information or services than nondisabled individuals) and real estate offices which offer services that are not fully accessible.”

Overall, evidence of discrimination was found in 25 of the 52 paired and unpaired tests conducted, or 48 percent. Specifically, the testing found that:

- Of seven tests involving subsidized rental housing, no evidence of discrimination was found
- Of 37 tests conducted involving private, non-subsidized rental housing, evidence of discrimination found in 54%
- Within private, non-subsidized rental housing, evidence of discrimination in the form of differential treatment was found in 67%

- Within private, non-subsidized rental housing, evidence of discrimination in the form of a failure to provide reasonable accommodation was found in 36%
- Within private, non-subsidized rental housing, evidence of discrimination in the form of a failure to allow reasonable modification of a unit was found in 40%
- Of eight tests involving properties for sale in Newton, evidence of discrimination was found in 62.5%
- 80% of sales tests for differential treatment revealed evidence of discrimination
- 33% of sales tests for reasonable accommodation revealed evidence of discrimination

Unfortunately, documented evidence of discrimination against many of the protected classes exists in Newton as it does in the Greater Boston area and throughout the nation. Comparative analysis between local, regional, and national scales is fruitless, as any discrimination should not be tolerated. The intention here should not be to dwell on the results of these audits. Rather, these audits show the need to create and implement best practices in affirmatively furthering fair housing in both the private and public sectors.

## Section 5: Review of Current SSHC Programs, Policies, and Activities

This section provides an overview of the how the Consortium is administered and defines the priorities for allocation investment. It also summarizes the current programs, policies, and other activities undertaken by the Consortium.

### 5.1 SSHC Administration and Expenditures

The City of Quincy and the Town of Weymouth are both Entitlement Communities under the U.S. Department of Housing and Urban Development (HUD). Each community operates under separate 5-year Consolidated Plan and 1-year Action Plans pursuant to federal enacting legislation establishing the CDBG program, and HUD's implementing regulations at 24 CFR Part 91, Subpart C (Local Governments; Contents of Consolidated Plan). In addition, the City of Quincy, alone, receives an Emergency Solutions Grant (ESG) from the U.S. Department of HUD.

HUD created the HOME Investment Partnership Program and the McKinney Vento Homeless Assistance Program in the 1990's. In response to the two new grant programs, Quincy and Weymouth joined forces in the creation of the HOME Consortium and the Quincy/Weymouth Continuum of Care (CoC)/Board on Homelessness (BoH). Quincy and Weymouth work together in the development of housing and homeless needs and the strategies to address those needs in its communities. That information is assimilated in Consolidated Plans. Starting on July 1, 2009, the Quincy/Weymouth HOME Consortium expanded to include the Towns of Braintree, Holbrook, and Milton.

The City of Quincy Department of Planning and Community Development is the lead agency that disburses and administers HOME funds to all communities in the consortium, and also administers McKinney-Vento funds in the Quincy/Weymouth Continuum of Care. Quincy and Weymouth administer their own CDBG funds as entitlement communities. Quincy administers its own Emergency Solutions Grant. The consortium communities – along with subrecipients and subgrantees – utilize these resources to address the priority needs identified within the 5-Year Consolidated Plans and One Year Action Plans. The Town of Weymouth administers its own CDBG funds as an entitlement community. CDBG subrecipients include neighborhood improvement associations such as Pond Plain, non-profits providing job training for the disabled such as South Shore Arc and Meals on Wheels, and municipal departments and agencies such as Public Works and the Health Department.

### SSHC Allocation Investment Priorities and Expenditures, FFYs 2009 – FY2013

The priorities for allocation investment geographically are based on the locations of low and moderate income households or persons being targeted. The service (or geographic) areas of many of the housing and homeless projects are city- or town-wide because they are targeted to meet the needs of low and moderate income households and persons throughout the City/Town. However, where there is concentration of low and moderate-income households or persons with specific community development needs in certain

neighborhoods, the 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, CDBG funds are 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. CDBG funds are also used 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.

The SSHC is also obligated by HUD to allocate and expend at least 15 percent of HOME funds to the Community Housing Development Organizations (CHDOs) in the region – Quincy Community Action Programs (QCAP) and NeighborWorks of Southern Mass (NWSM). The CHDOs can use HOME funds for all eligible HOME activities with the SSHC’s approval. In order to count towards the 15 percent set-aside, the CHODO must act as the owner, developer, or sponsor of a project that is an eligible set-aside activity/ Eligible activities include: the acquisition and/or rehabilitation of rental housing; new construction of rental housing; acquisition and/or rehabilitation of homebuyer properties; new construction of homebuyer properties; and direct financial assistance to purchasers of HOME-assisted housing that has been developed with HOME funds by the CHDO.

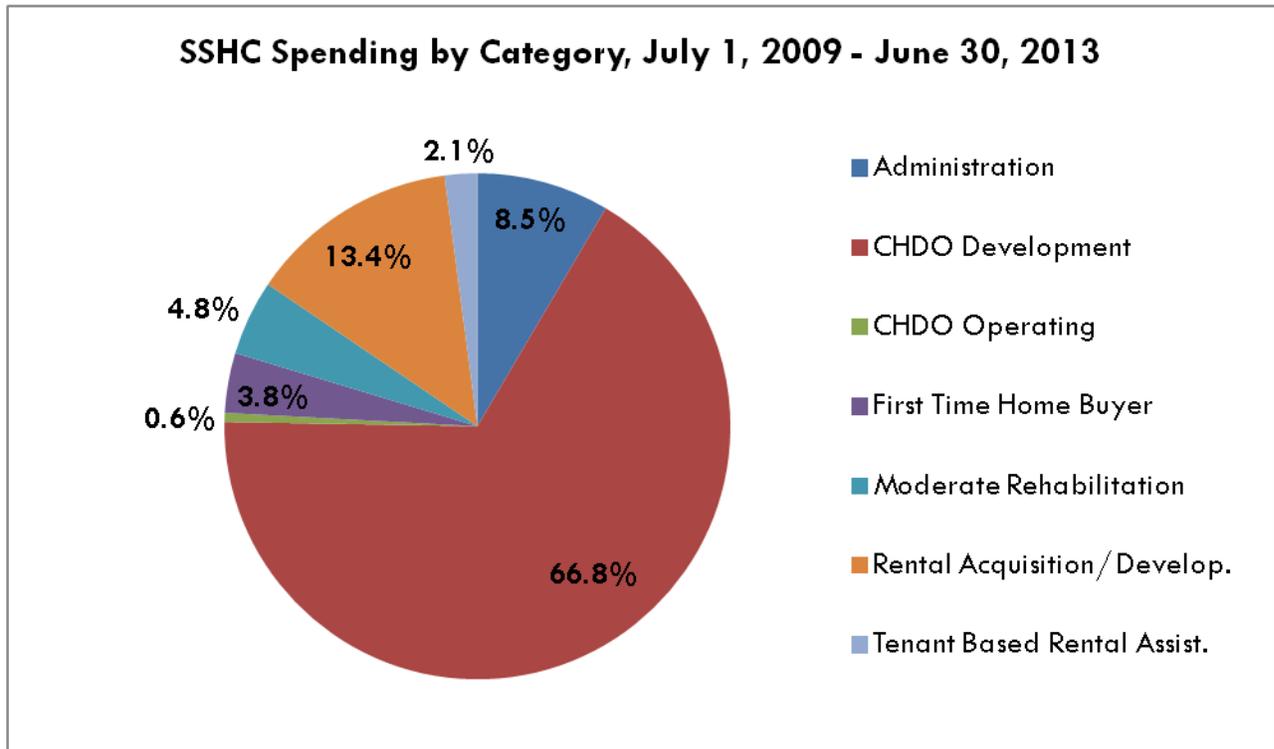
The following table summarizes SSHC expenditures between July 1, 2009 and June 30, 2013 across all municipalities. For detail on expenditures in each municipality, please see Appendix VI.

**Table 9: SSHC Expenditures, July 1, 2009 - June 30, 2013**

Category	Amount
First Time Homebuyer Assistance	\$ 119,709.00
Rental Acquisition/Development	\$ 420,613.94
Tenant Based Rental Assistance	\$ 65,116.00
Moderate Rehabilitation	\$ 150,299.82
CHDO Development and Operating (Quincy and Weymouth)	\$ 2,108,649.50
Administration	\$ 265,065.94
<b>Total</b>	<b>\$ 3,129,454.20</b>

The following chart depicts expenditures by category.

**Figure 8: SSHC Expenditures Chart, July 1, 2009 – June 30, 2013**



## 5.2 Recent SSHC Fair Housing Activities: Programs, Education, and Outreach

This section highlights recent fair housing activities of the SSHC and member municipalities that are funded through a variety of sources – including HOME funds and municipal sources of revenue.

### Subsidy Layering Guidelines

The SSHC is using the subsidy layering guidelines outlined in HUD Notice 98-01: Layering Guidance for HOME Participating Jurisdictions. Specifically the Consortium uses the HOME Multifamily Underwriting Template available on the HUD website to evaluate projects. This spreadsheet contains most information needed to perform this evaluation including sources and uses of funds (including other federal funds), cost analysis, and gap analysis. The overall project is then examined to check if rates of return to owners and project costs are reasonable and consistent with such returns on other projects. The last step is to once again check that the project is funded with not more than the necessary amount of HOME program funds to provide affordable housing.

## Activities of CHDOs and other Allied Housing Organizations

SSHC continued to provide funding to QCAP and NWSM. Both entities continue to offer First Time Home Buyer (FTHB) educational workshops, which educate low and moderate-income households about tenants' rights and responsibilities and opportunities. FTHB brochures are also translated into Chinese to reach the largest minority group in the City of Quincy. QCAP and NWSM have also offered mortgage counseling services in the past (2007). HOME funds have also been used to fund CHDO rental acquisition projects that have created affordable housing units for households below 80 percent of median income. The CHDOs also maintain communication with Father Bill's and MainSpring, which continue to provide housing referral and support services to homeless families and individuals.

## Housing Development

In addition to funding CHDO housing rental acquisition projects, SSHC municipalities are also using HOME funds to develop new housing. For example, In Milton a portion of HOME funds was used to construct a group home for five individuals with severe physical disabilities.

## First Time Homebuyer Program

The SSHC offers its First Time Homebuyer Program to residents of Quincy, Weymouth, Braintree, Milton, and Holbrook with a goal of creating a more regional approach to affordable housing. This program utilizes HOME Program funding to provide deferred loans for first time buyers to put towards down-payment and closing costs in conjunction with private lender mortgage financing through Mass Housing Partnerships (MHP) ONE Mortgage loan program. Resale and recapture provisions state that payment in full of all principal shall be due and payable when the borrower chooses to sell, refinance, or secure a home equity loan on the house.

## Rental Assistance Programs

Braintree funds (with HOME money) and operates a Tenant Based Rental Assistance (TBRA) program to assist individuals and families that are Braintree residents with a disabled household member, with rental payments. The Braintree HOME Coordinator and Father Bills and Mainspring jointly administer the program.

## Foreclosure Assistance Programs

In 2011, the SSHC funded Neighborhood Housing Services to conduct Foreclosure Assistance Workshops for Residents of the Region. Three (3) workshops were held, one in Braintree, Quincy and Weymouth.

## Housing Rehabilitation Programs

The City of Quincy's housing rehabilitation programs continued to implement handicapped accessibility, lead paint abatement, flood elevation and retrofitting, and regular homeowner and tenant occupied housing rehabilitation.

## Community Preservation Act Activities

Quincy, Braintree, and Weymouth have adopted the Community Preservation Act (CPA). CPA "is a smart growth tool that helps communities preserve open space and historic sites, create affordable housing, and develop outdoor recreational facilities".<sup>32</sup> Acceptance of the Community Preservation Act dedicates 1 percent of property taxes to fund open space, historic, affordable housing and some limited recreational initiatives. Updates:

- The Town of Braintree passed the Community Preservation Act (CPA) in 2002. The Braintree Community Preservation Committee (CPC) has allocated approximately \$500,000.00 since 2010 to the preservation, rehabilitation and structural improvement of existing Braintree Housing Authority-owned affordable housing units. Most recently this include the purchase and rehabilitation of a single family dwelling, that was sold as a deed restricted affordable unit – 165 Pond Street.

## Community Engagement

The Quincy and Weymouth Fair Housing Committees have offered workshops to educate the public about the housing needs identified in the Impediments to Fair Housing Choice, and to garner support for addressing the housing needs in each of the communities as part of the public engagement processes for the 2005-2010 and 2011-2015 Fair Housing Plans.

Outreach efforts specifically targeting minority and disadvantaged populations are conducted through the implementation of programs directed at these groups and the use of advertisements in local printed media and cable television. A fair housing video Public Service Announcement (PSA) was created and a 30-minute program was aired on Quincy Access TV in 2010; both run from time to time. Most recently, in Quincy each community center in the city was given a fair housing poster to display in April 2013 during Fair Housing week, and they were asked to display the poster in perpetuity. Radio PSAs were also aired on local cable access radio-on-TV programs during Fair Housing Week.

Three activities the City of Quincy continues to fund annually with CDBG funds that aim to expand access to opportunity and services in the City include: a contract with the Asian American Services Association in Quincy to provide public services to Asian seniors; a full-time Asian liaison in the city, who travels all around the city to meet with Asian residents who

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<sup>32</sup> 2014, May. Community Preservation Coalition. "About CPA: An Overview." Source: <http://communitypreservation.org/content/cpa-overview>

require general translation assistance and/or applying for local/state/federal assistance; and an annual fair housing counseling program administered by QCAP.

## Section 6: Summary of Impediments to Fair Housing

The findings emerging from the analysis of public and private sector determinants of fair housing can be addressed through five broad categories of action. Section 6 outlines a series of goals, objectives, and strategies for addressing each category of action.

### Category: Public and Private Sector Education and Outreach

- Finding: There is a lack of knowledge about fair housing rights and responsibilities by parties in the public and private sectors. In addition, resources such as Language Assistance Plans and ADA Section 504 and Compliance and Transition Plans have only been adopted by two municipalities in the SSHC region. This lack of knowledge and insufficient resources impacts fair access to housing opportunity that is reflected in public and private sector policies, practices, and actions.

### Category: Oversight and Monitoring

- Finding: There is no local entity tasked with overseeing fair housing compliance in the SSHC communities and many municipalities do not have a designated receiver of fair housing complaints who understands fair housing law. This lack of capacity impacts the ability of the Consortium and individual municipalities to affirmatively further fair housing.

### Category: Private Sector Compliance

- Finding: Complaint data provided by the Fair Housing and Equal Opportunity Office in Boston and the Massachusetts Commission Against Discrimination indicates that parties in the SSHC municipalities have experienced discrimination in the financing, sale, rental, or appraisal of housing and discriminatory refusal to rent, sell, or negotiate for sale and discrimination in financing or advertising or terms and conditions related to sales.

### Category: Reporting

- Finding: Surveying indicates that individuals who have experienced discrimination do not always know about the right to file a complaint. The lack of local and regional capacity for building knowledge about fair housing rights may create barriers in protected classes' access to the fair housing complaint process. Insufficient reporting impacts the ability of SSHC municipalities' ability to understand and address the breadth of fair housing issues faced by protected classes.

### Category: Local Policies and Practices

- Finding: Local zoning policies and practices guide the location, density, affordability, and inclusion of housing in municipalities. Many municipalities have adopted some local policies and practices that contribute to an integrated and diverse housing stock. However, some municipalities have disallowed – by way of omission or restriction – housing developments of a certain type or in certain parts of the community. In addition, special permit requirements and other extensive requirements can create barriers to fair access to housing. There is an opportunity to

promote the adoption of policies and practices that proactively facilitate a more integrated and diverse housing stock.

## Section 7: South Shore HOME Consortium Fair Housing Action Plan, FFYs July 1, 2014 – June 30, 2019

The South Shore HOME Consortium Fair Housing Action Plan intends to address impediments to fair housing in the public and private sectors in the five SSHC municipalities. The Action Plan matrix identifies Consortium-wide goals, objectives, and strategies. Municipal strategies that complement the Consortium-wide Action Plan are also identified.

The Action Plan provides the following:

- **Five categories of action** under which goals, objectives, and strategies are grouped;
- **goals** that provide direction for achieving the long-term mission of ensuring fair access to housing opportunity;
- **objectives** that outline specific levels of achievement toward the goals and provide a way to measure progress;
- **strategies** that include specific actions and activities; and
- a listing of **involved partners**, who will help establish accountability.

### **Fair Housing Action Plan Implementation Partners**

Involved partners include the SSHC members, members of a newly appointed Fair Housing Advisory Committee, and local and regional partners.

### **South Shore HOME Consortium Fair Housing Advisory Committee**

The purpose of the Committee is to:

- assist the SSHC with the implementation of the 2014 – 2019 Fair Housing Action Plan through leadership on select activities that require regional collaboration;
- assist municipal officials on how to address related fair housing issues that arise in the communities of Quincy, Weymouth, Braintree, Holbrook, and Milton, which require local or regional action; and
- advise municipal officials on the identification and implementation of related local policies and practices that will make sure all citizens have equal access to the housing of their choice.

The Committee will be led by two co-chairs and will meet a minimum of four to six (4-6) times a year. Meeting locations may rotate and may be hosted at the municipal offices of any South Shore HOME Consortium municipality. Each Advisory Committee meeting will be attended by a member of the SSHC.

### **Local and Regional Partners**

The following is a list of local and regional partners and acronyms referenced in the Action Plan matrix.

- Boston Center for Independent Living (BCIL)
- Commonwealth Executive Office of Housing and Community Development (EOHED)
- Fair Housing Center of Greater Boston (FHCGB)
- HUD Fair Housing Accessibility FIRST (HUD FIRST)
- Institute for Human Centered Design (IHCD)
- Metropolitan Boston Housing Partnership (MBHP)
- Massachusetts Architectural Access Board (AAB)
- Massachusetts Association of Realtors (MAR)
- Metropolitan Area Planning Council (MAPC)
- NeighborWorks Southern Mass (NWSM)
- Plymouth and South Shore Realtors® Association (PASS)
- Quincy Community Action Programs (QCAP)

### **SSHC Spending Priorities**

The following budget allocation changes are recommended in order to sufficiently fund action plan implementation:

- Increase funding to the QCAP and NWSM to boost their capacity for increased outreach and engagement activity.
- Increase funding to SSHC administration to fund staff assistance with training, education, outreach, and the implementation of the SSHC system for intake, referral, and resolution of fair housing complaints.
- Increase funding to NWSM to enable provision of moderate rehabilitation services, thereby expanding this service to all municipalities.
- Extend funding for tenant based rental assistance to all SSHC municipalities, thereby expanding the availability of this resource to all municipalities.
- Consider allocating additional resources from the Quincy and Weymouth CDBG budgets to support the implementation of this Plan.

### **SSHC Fair Housing Action Plan, FFYs July 1, 2014 – June 30, 2019**

Consortium-wide fair housing goals, objectives, and strategies are organized under five categories of action:

- Public and Private Sector Education and Outreach
- Oversight and Monitoring
- Private Sector Compliance
- Reporting
- Local Policies and Practices

The SSHC Fair Housing Advisory Committee and SSHC member municipalities are primary partners in implementing each goal listed. Other local, regional, and public and private partners are also identified.

The goals, objectives, and strategies outlined in this Action Plan draw upon feedback obtained from the following sources:

- public meetings held on April 2, April 16, and May 14, 2014;
- input from the South Shore HOME Consortium members and the Fair Housing Advisory Committee of the Consortium; and
- recommendations identified in previous fair housing plans that were produced by the Consortium in 1996, 2000-2005, 2006-2010, and 2011-2015 – please see Appendix VII for a summary of impediments and actions outlined in previous plans.

### Public and Private Sector Education and Outreach

**Goal #1: Increase knowledge about fair housing law and coordinate the dissemination of resources.**

Objectives:

- A. *Deliver resources and two (2) fair housing trainings or workshops each year to the public sector including elected and appointed officials and municipal staff in each SSHC municipality*
  1. Work with municipalities to administer public forums in each municipality to educate tenants and property owners on fair housing rights and responsibilities.
  2. Work with municipalities to engage and train elected and appointed officials, municipal staff, housing authorities, and staff in mayor or town administrator offices on fair housing laws, rights, and responsibilities including advanced training on topics including disparate impact and accessibility requirements.
  3. Provide information on fair housing responsibilities to first-time landlords, small property owners, and public and private housing developers by disseminating materials in collaboration with local and regional media including community access television. Make resources visible and readily available in municipal offices and other public spaces.
  
- B. *Deliver resources and one (1) training each year to the private sector including renters, buyers, small property owners, and realtors*
  1. Create materials to educate renters, buyers, and property owners and commit resources to ensuring that materials are accessible to protected classes. Collaborate with local and regional nonprofits and realtor® associations to prepare educational materials.
  2. Disseminate materials in collaboration with local and regional media including community access television.
  3. Work with realtor® associations to strengthen the content and delivery of fair housing workshop curricula.
  4. Work with landlord and tenant associations to deliver curricula on fair housing rights and responsibilities.

## Oversight and Monitoring

### **Goal #2: Increase the capacity of the Consortium to advance fair housing in the five municipalities**

#### Objectives:

- A. *Designate a Fair Housing Advisory Committee (FHAC) that meets at least four to six (4-6) times a year as the body responsible for advising the SSHC on the implementation of the Fair Housing Action Plan*
- B. *Build knowledge of fair housing issues by increasing access to mechanisms for reporting and filing fair housing complaints*
  - 1. Develop an SSHC system for intake, referral, and resolution of fair housing complaints and with the analysis of collected data on an annual basis to guide continued implementation of the Fair Housing. The system will define a complaint, intake, referral, and resolution process and will involve designated parties in each municipality. Annual analysis of fair housing complaints will be used to build municipal knowledge of ongoing and emerging fair housing issues and needs.
- C. *Advise municipalities on developing local action plans for educating municipal staff and constituents on fair housing rights and responsibilities and architectural accessibility standards*
  - 1. Work with local, regional, and state organizations working in the area of architectural accessibility to assist municipalities in adopting systems for reviewing, approving, and monitoring residential developments for compliance with local, state, and federal architectural access requirements.
  - 2. Check in with each SSHC municipality annually on how systems are working and how they can be fine-tuned to operate more effectively.

## Private Sector Compliance

### **Goal #3: Identify and address discriminatory actions in the Consortium real estate market**

#### Objective:

- A. *Decrease the frequency of fair housing complaints filed in 2014 – 2019 that cite the top bases that were also identified in cases filed with MCAD during the previous five-year period*

1. Develop a fair housing responsibilities disclosure form that can be provided to landlords and small property owners working with realtors; advocate for consistent delivery of this form to landlords in the region through realtors.
2. Work with the Fair Housing Center of Greater Boston to administer fair housing testing in SSHC communities annually.
3. Offer an annual training in collaboration with realtor® and property associations that specifically addresses top issues reported in fair housing complaints filed with MCAD and FHEO offices over the last 5-10 years (disability, race/color, source of income, familial status).

## Reporting

### **Goal #4: Ensure reporting of discrimination by individuals in protected classes**

#### Objective:

- A. *Increase access to local and regional mechanisms for reporting fair housing issues to ensure reporting of discriminatory actions*
  1. Identify and publicize a list of Fair Housing Officers in each municipality and organizational contacts who can be contacted about issues related to fair housing. Work with service providers to disseminate information about fair housing contacts in each municipality and the process for filing fair housing complaints.
  2. Increase access to mechanisms for reporting and filing fair housing complaints by advocating that the Executive Office of Housing and Economic Development (EOHED), which oversees the Section 8 program, survey tenants using vouchers on issues encountered with property owners or property managers.

## Local Policies and Practices

### **Goal #5: Advance access to opportunity by promoting safe, diverse, affordable, accessible, and integrated housing**

#### Objectives:

- A. *Facilitate adoption of local zoning policies and practices that advance a safe, diverse, affordable, accessible, and integrated housing stock*
  1. Reduce concentrations of poverty and facilitate the construction and inclusion of more affordable and accessible housing through the adoption of zoning tools like inclusionary zoning and 40R Smart Growth Overlay Districts. These tools will facilitate the by-right development of diverse housing including supportive housing and accessory units in transit-accessible commercial and business districts and multifamily housing that allows three or more housing units.

2. Identify technical assistance and resources that can assist property owners with the rehabilitation of units to become fully accessible units and with lead paint abatement.
3. Partner with organizations to deliver specialized trainings on accessibility standards and lead laws.

*B. Facilitate adoption of ADA/Section 504 Self Evaluation and Compliance and Transition Plans and Language Assistance Plans in each municipality*

1. Allocate outreach and engagement resources to assist each municipality in the creation and adoption of Section 504 Self-Evaluation Plans, ADA Compliance and Transition Plans, and Language Assistance Plans.
2. Advocate for protected classes' access to housing in high opportunity communities by advocating for Section 8 Housing Choice Vouchers that keep pace with rents in the region.

**Table 10: SSHC Fair Housing Action Plan Matrix – Strategies by Timeframe, FFYs July 1, 2014 – June 30, 2019**

Strategies (Consortium)	Involved Partners: Local/Regional Public/Private	Year 1	Year 2	Year 3	Year 4	Year 5
<b>Public and Private Sector Education and Outreach</b>						
Goal #1: Increase knowledge about fair housing law and coordinate the dissemination of resources						
Objective:						
A. Deliver resources and two (2) fair housing trainings or workshops each year to the public sector including elected and appointed officials and municipal staff in each SSHC municipality						
B. Deliver resources and two (2) trainings each year to the private sector including renters, buyers, small property owners, and realtors						
Strategy 1.A.1	<ul style="list-style-type: none"> <li>• QCAP</li> <li>• NWSM</li> <li>• FHCGB</li> <li>• MAR</li> <li>• MBHP</li> <li>• PASS</li> <li>• BCIL</li> <li>• EOHEd</li> <li>• Property owners</li> <li>• Churches</li> </ul>	x	x	x	x	x
Strategy 1.A.2		x	x	x	x	x
Strategy 1.A.3		x		x		x
Strategy 1.B.1		x		x		x
Strategy 1.B.2		x		x		x
Strategy 1.B.3		x		x		x
Strategy 1.B.4		x		x		x
<b>Oversight and Monitoring</b>						
Goal #2: Increase the capacity of the Consortium to advance fair housing in the five municipalities						
Objectives:						
A. Designate a Fair Housing Advisory Committee (FHAC) that meets at least four (4) times a year as the body responsible for advising the SSHC on the implementation of the Fair Housing Action Plan						
B. Build knowledge of fair housing issues by increasing access to mechanisms for reporting and filing fair housing complaints						
C. Advise municipalities on developing local action plans for educating municipal staff and constituents on fair housing rights and responsibilities and architectural accessibility standards						
Strategy 2.B.1	<ul style="list-style-type: none"> <li>• QCAP</li> <li>• NWSM</li> <li>• FHCGB</li> <li>• AAB</li> <li>• IHCD</li> <li>• HUD FIRST</li> <li>• MBHP</li> </ul>	x	x	x	x	x
Strategy 2.C.1		x	x	x	x	x
Strategy 2.C.2		x	x	x	x	x
<b>Private Sector Compliance</b>						
Goal #3: Identify and address discriminatory actions in the Consortium real estate market						
Objective:						
A. Decrease the frequency of fair housing complaints filed in 2014 – 2019 that cite the top bases that were also identified in cases filed with MCAD during the previous five-year period						
Strategy 3.A.1	<ul style="list-style-type: none"> <li>• QCAP</li> <li>• FHCGB</li> <li>• PASS</li> </ul>	x				

Strategies (Consortium)	Involved Partners: Local/Regional Public/Private	Year 1	Year 2	Year 3	Year 4	Year 5
Strategy 3.A.2	<ul style="list-style-type: none"> <li>• BCIL</li> <li>• Realtors</li> <li>• Property owners</li> <li>• Property management companies</li> </ul>	x	x	x	x	x
Strategy 3.A.3	<ul style="list-style-type: none"> <li>• Housing developers</li> <li>• Chambers of Commerce</li> </ul>	x	x	x	x	x
<b>Reporting</b> Goal #4: Ensure reporting of discrimination by individuals in protected classes Objective: A. Increase access to local and regional mechanisms for reporting fair housing issues to ensure reporting of discriminatory actions						
Strategy 4.A.1	<ul style="list-style-type: none"> <li>• EOHEd</li> <li>• Housing authorities</li> </ul>	x				
Strategy 4.A.2	<ul style="list-style-type: none"> <li>• Boards of Health</li> </ul>		x	x		
<b>Local Policies and Practices</b> Goal #5: Advance access to opportunity by promoting safe, diverse, affordable, accessible, and integrated housing A. Facilitate adoption of local zoning policies and practices that advance a safe, diverse, affordable, accessible, and integrated housing stock B. Facilitate adoption of ADA/Section 504 Self Evaluation and Compliance and Transition Plans and Language Assistance Plans in each municipality						
Strategy 5.A.1	<ul style="list-style-type: none"> <li>• Local boards, committee, and commissions including Planning Boards, Boards of Appeals, Housing Committees/Partnerships, and Commissions on Disabilities</li> </ul>	x				
Strategy 5.A.2			x	x		
Strategy 5.A.3				x		
Strategy 5.B.1	<ul style="list-style-type: none"> <li>• BCIL</li> <li>• EOHEd</li> <li>• Massachusetts AAB</li> </ul>	x				
Strategy 5.B.2	<ul style="list-style-type: none"> <li>• MAPC</li> </ul>	x				

SSHC Municipal Strategies, FFYs July 1, 2014 – June 30, 2019

Each municipality will advance the following strategies, which align with the Consortium-wide goals, objectives, and strategies outlined in Table 9.

Strategies that will involve the lead input of the Fair Housing Advisory Committee are noted with an asterisk (\*).

**Table 11: SSHC Municipal Strategies Matrix, FFYs July 1, 2014 – June 30, 2019**

Strategies (Municipal)	Year 1	Year 2	Year 3	Year 4	Year 5
<b>Public and Private Sector Education and Outreach</b>					
Braintree, Weymouth, Holbrook, and Milton will develop and adopt Language Assistance Plans.*	x	x			
Quincy, Braintree, Holbrook, and Milton will develop and adopt ADA 504 Self-Evaluation Plans and ADA Compliance and Transition Plans.*	x	x			
Quincy, Braintree, Weymouth, Holbrook, and Milton will work with partners to schedule at least two regional fair housing trainings or workshops each year – one for staff and members of relevant board, committee, commissions, and one for the general public. Trainings will be promoted with a robust outreach strategy tailored for each municipality.*	x	x	x	x	x
Quincy, Braintree, Weymouth, Holbrook, and Milton will work with local realtor® associations to ensure that realtors in the SSHC municipalities are familiar with the Plan and to encourage their participation in fair housing workshops offered by Consortium partners.	x	x	x	x	x
<b>Oversight and Monitoring</b>					
Quincy, Braintree, Weymouth, Holbrook, and Milton will develop local systems for fine-tuning the local intake, referral, and resolution of fair housing complaints and collect annual data on reported fair housing complaints in a systematic manner.*	x	x	x	x	x
Quincy, Braintree, Holbrook, and Milton will develop systems for reviewing, approving, and monitoring residential developments for compliance with local, state, and federal architectural access requirements and visitability standards.*	x	x	x	x	x
<b>Private Sector Compliance</b>					

Strategies (Municipal)	Year 1	Year 2	Year 3	Year 4	Year 5
Quincy, Braintree, Weymouth, Holbrook, and Milton will maintain regular communication with realtors and lending institutions in their community to ensure that available resources fair housing laws and responsibilities are disseminated on a regular basis to property owners and at realtor trainings and workshops.*	X	X	X	X	X
<b>Reporting</b>					
Weymouth, Braintree, and Holbrook will initiate local processes to formally appoint a Fair Housing Officer in each municipality and will provide those individuals with the necessary training to serve in these roles.	X				
Each municipality's designated receiver of fair housing complaints will work with service providers who regularly engage individuals in protected classes to ensure that individuals are aware of their role. This receiver will also work with local housing authorities to ensure that tenants and recipients of public assistance are aware of their fair housing rights.	X	X	X	X	X
<b>Local Policies and Practices</b>					
<i>SSHC municipalities will pursue zoning policies and practices including:</i>					
Explore adoption of inclusionary zoning as part of current efforts to revise sections of the zoning bylaw (Braintree, Milton).	X	X	X	X	X
Explore adoption of a 40R Smart Growth Overlay District as part of current rezoning efforts (e.g., Holbrook Town Center rezoning).	X	X	X	X	X
Explore adoption of a 40R Smart Growth Overlay District in TOD areas (e.g., Quincy, Weymouth).	X	X	X	X	X
Allowing accessory dwelling units in residential areas by-right and revise minimum requirements to reduce barriers (all municipalities).	X	X	X	X	X
Allowing multifamily housing in single-family residential areas (Holbrook, Milton).	X	X	X	X	X
Revise zoning to allow minimum density requirements for housing that align with minimum allowable as-of-right densities identified in 40R Smart Growth Zoning: a minimum of eight units per acre for developable land zoned for single-family residential use; at least 12 units per acre for developable land zoned for two- and three-family residential use; and at least 20 units per acre for developable land zoned for multi-family residential use (all municipalities).	X	X	X	X	X

# Appendices

## Appendix I: Glossary of Fair Housing Terms

The following terms and acronyms are frequently referenced in this Plan. A longer list of fair housing terms can be found in the Metropolitan Area Planning Council (MAPC) Fair Housing Toolkit: [www.mapc.org/fairhousingtoolkit](http://www.mapc.org/fairhousingtoolkit) and on the U.S. Department of Housing and Urban Development Glossary of Terms: [http://www.huduser.org/portal/glossary/glossary\\_all.html](http://www.huduser.org/portal/glossary/glossary_all.html).

A review of federal and state civil rights laws pertain to fair housing is provided in Appendix II.

**Affordability:** The extent to which enough rental housing units of different costs can provide each renter household with a unit it can afford (based on the 30-percent-of-income standard).

**Affordable Housing:** In general, housing for which the occupant(s) is/are paying no more than 30 percent of his or her income for gross housing costs, including utilities. Please note that some jurisdictions may define affordable housing based on other, locally determined criteria, and that this definition is intended solely as an approximate guideline or general rule of thumb.

**Analysis of Impediments (AI):** A review of impediments or barriers that affect the rights of fair housing choice. It covers public and private policies, practices, and procedures affecting housing choice. The AI serves as the basis for fair housing planning, provides essential information to policymakers, administrative staff, housing providers, lenders, and fair housing advocates, and assists in building public support for fair housing efforts.

**Community Development Block Grant (CDBG) program:** The Federal CDBG program was established by the Housing and Community Development Act of 1974 with the goal of developing viable urban communities by providing decent housing and a suitable living environment, and by expanding economic opportunities, principally for low- and moderate-income persons. As part of the CDBG program, HUD provides annual grants on a formula basis to local governments and states. HUD's [CDBG regulations](#) address specific information on program implementation. All recipients of CDBG Funds are required by HUD to conduct an Assessment of Fair Housing (replacing the Analysis of Impediments to Fair Housing Choice) to show how funds will be used in accordance with the Fair Housing Act.

**Community Housing Development Organization (CHDO):** At least 15 percent of HOME Investment Partnerships Program (HOME) funds must be set aside for specific activities to be undertaken by a CHDO. A CHDO is a private nonprofit, community-based organization that has staff with the capacity to develop affordable housing for the community it serves. In order to qualify for designation as a CHDO, the organization must meet certain requirements pertaining to their legal status, organizational structure, and capacity and experience.

**Disability:** A physical or mental impairment that substantially limits one or more of the major life activities of such for an individual. According to the FFA (42 U.S.C. § 3602(h)), Section 504, the ADA and MGL Chapter 151B<sup>[1]</sup>, a person with a disability includes (1) individuals with a physical or mental impairment which substantially limits one or more of such person's major life activities, (2) individuals with a record of having such an impairment, and (3) individuals who are regarded as having such an impairment. Persons with a disability are provided protection against housing discrimination under the Fair Housing Act, Section 504, the ADA and MGL Chapter 151B.

**Disparate Impact:** Policies, practices or services that appear neutral on the surface but in practice are discriminatory are considered to have a disparate impact. In [Village of Arlington Heights vs. Metro Housing Development Corporation](#) (429 U.S. 252 (1977)) the court system developed a series of tests to determine if an action is proven to have a disparate impact. These tests were formalized in HUD's [Final Rule of Implementation of the Fair Housing Act's Discriminatory Effects Standard](#) released February, 2013.

**Equitable Land Use Planning:** zoning, land use regulation, master planning, and other land use planning that, at a minimum, furthers the purposes of Title VI of the Civil Rights Act, Section 504 of the Rehabilitation Act of 1973, and the Fair Housing Act and are intended to achieve additional objectives for expanding housing choice.

**Exclusionary Zoning:** Exclusionary zoning applies to land use measures that have a disparate impact on one or more of the protected classes under the Fair Housing Act. The Fair Housing Center of Greater Boston offers additional information on [exclusionary zoning](#).

**Fair Market Rent (FMR):** Primarily used to determine payment standard amounts for the Housing Choice Voucher program, to determine initial renewal rents for some expiring project-based Section 8 contracts, to determine initial rents for housing assistance payment contracts in the Moderate Rehabilitation Single Room Occupancy program, and to serve as a rent ceiling in the [HOME](#) rental assistance program.

**Familial Status:** According to the Fair Housing Act (42 U.S.C. § 3602(k)) and Massachusetts General Law 151B, housing discrimination on the basis of familial status is illegal. Both laws protect an individual (either a parent or legal custodian) with one or more children (under the age of 18 years) and any person who is pregnant or in the process of securing legal custody of a child.

**HOME Investment Partnerships Program (HOME):** The HOME program was established under Title II of the Cranston-Gonzalez Affordable Housing Act of 1990 with the goal of creating affordable homeownership and rental housing. As part of the HOME program, HUD provides annual grants on a formula basis to local governments and states. HUD's [HOME regulations](#) address specific information on program implementation. All recipients of CDBG funds are required by HUD complete an Analysis of Impediments to Fair Housing Choice to show how funds will be used in accordance with the Fair Housing Act.

**HOME Income Limits:** HOME Income Limits are calculated using the same methodology that HUD uses for calculating the income limits for the Section 8 program, in accordance with Section 3(b)(2) of the U.S. Housing Act of 1937, as amended. These limits are based on HUD estimates of median family income, with adjustments based on family size. Individual income and individual median family income limits are shown on the HUD USER website and are broken down by year and by county.

**Inclusionary Zoning:** Inclusionary zoning is a policy tool used to expand and disperse the supply of affordable housing through incentives and/or requirements passed on to developers by states, counties and localities. Inclusionary zoning commonly requires developers to set aside a percentage of housing units in new residential developments for low- and moderate- income housing, or to issue a payment in lieu of construction of this housing to the local government to be used to develop low and mod housing elsewhere in the municipality. Some inclusionary zoning regulations work on an incentive basis by providing density bonuses, zoning variances, and/or expedited permits in exchange for the construction of affordable housing. [The Center for Housing Policy](#) offers additional information and resources on inclusionary zoning.

**Income Limit (IL):** Determines the eligibility of applicants for HUD's assisted housing programs. The major active assisted housing programs are the Public Housing program, the [Section 8](#) Housing Assistance Payments program, [Section 202](#) housing for the elderly, and Section 811 housing for persons with disabilities. HUD definitions of income levels:

**Language Assistance Plan (LAP):** A LAP is a written document, commonly developed by federally funded organizations, state and local governments, that details language assistance services, and how staff and Limited English Proficiency (LEP) persons can access those services. The building blocks of the LAP include a four factor analysis or the consideration of the following items: (1) the number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee; (2) the frequency with which LEP persons come in contact with the program; (3) the nature and importance of the program, activity, or service provided by the program to people's lives; and (4) the resources available to the grantee/ recipient and costs. Additional information on LAPs can be found on the website of the [Federal Interagency Working Group on Limited English Proficiency](#).

**Low-Income Housing Tax Credit (LIHTC) Program:** The LIHTC Program was established by the Tax Reform Act of 1986 to offer financial incentives for the development of low-income rental housing by providing significant reductions in federal income tax to investors who provide equity for affordable housing projects. The Internal Revenue Service regulates the LIHTC program. LIHTCs can be used for rehabilitation, new construction, or the acquisition of existing rental properties targeted to lower income households ( $\leq 60\%$  of the Average Median Income).<sup>[2]</sup> State and local agencies receive annual allocations of tax credits from the U.S. Treasury. These agencies distribute the LIHTCs, guided by a statewide Qualification Allocation Plan and an application process, to developers of low- and moderate-income rental housing. HUD maintains the [LIHTC database](#), which is the only complete national source of information on the size, unit mix, and location of individual LIHTC projects. The database has been geocoded by HUD, which enables researchers to look at the geographical distribution and neighborhood characteristics of tax credit projects.

**Massachusetts Rental Voucher Program (MRVP):** Formerly known as the Chapter 707 Program, the MRVP provides tenant based and project based vouchers, in a rough parallel to the Section 8 Program. The tenant-based voucher, which is known as Mobile, is assigned to the Participant and is valid for any housing unit that meets the standards of the state sanitary code. Project based vouchers are assigned to a specific housing unit or development. In both cases, a regional non-profit housing agency or a local housing authority administers the program locally.

**Public Housing Agency (PHA):** Any state, county, municipality, or other governmental entity or public body, or agency or instrumentality of these entities that is authorized to engage or assist in the development or operation of low-income housing under the U.S. Housing Act of 1937.

**Predatory Lending:** Predatory lending is an abusive lending practice that imposes unfair loan terms on a borrower, increasing the likelihood that the borrower will default on the loan.<sup>[3]</sup> Often, lenders use these loans to target members of fair housing protected classes such as elders and women, as well as racial and ethnic minorities. The [National Fair Housing Alliance](#), the [National Community Reinvestment Coalition](#) and the [Massachusetts Community and Banking Council](#) offer additional resources on predatory lending.

**Protected Classes:** The [Fair Housing Act](#) makes it illegal to discriminate on the basis of race, color, national origin, religion, sex, familial status or disability. These classifications are often referred to as protected classes. In addition, [Massachusetts General Law Chapter 151B](#) adds the bases of ancestry, age, marital status, source of income, sexual orientation, veteran history/military status, and genetic information.

**Qualified Census Tracts:** HUD maintains a listing of [Qualified Census Tracts and Difficult Development Areas](#) that have a high percentage of lower income households. Developers utilizing the LIHTC Program are incentivized to site projects in Qualified Census Tracts through bonuses, or higher tax credits. HUD's emphasis on applying LIHTCs in Qualified Census Tracts has resulted in the segregation of LIHTC projects in low-income and minority segregated areas. Developers, owners and managers of LIHTC developments are required to affirmatively further fair housing through their outreach to potential tenants throughout the application process, and in their treatment of existing tenants.

**Reasonable Accommodation:** A reasonable accommodation is a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces. A request for a reasonable accommodation must establish a nexus between the person's disability and the reasonable accommodation request. For example, a housing provider makes an exception to the "no pets" policy for a tenant who is hearing impaired and requires an assistance animal. The Fair Housing Act, Section 504 of the Rehabilitation Act, the Americans with Disabilities Act and Massachusetts General Law Chapter 151B, all have provisions for reasonable accommodations.

**Reasonable Modification:** A reasonable modification is a structural change made to existing premises, occupied or to be occupied by a person with a disability, in order to afford such person full enjoyment of the premises. A request for a reasonable modification must establish a nexus between the person's disability and the reasonable modification request. For example, a private landlord must allow a tenant with a vision impairment to install a flashing doorbell, at the tenant's expense. The Fair Housing Act, Section 504 of the Rehabilitation Act, the Americans with Disabilities Act and Massachusetts General Law Chapter 151B, all have provisions for reasonable modifications.

**Redlining:** Redlining refers to the practice introduced by the Federal Housing Administration in the 1930s of delineating areas that were high risk for lenders to issue mortgage loans. These boundaries were determined by the racial and ethnic composition of neighborhoods, instead of criteria related to each household's ability to repay the loan(s). Redlining was institutionalized in "residential security maps," which were color-coded maps reflecting levels of risk for mortgage lending. These maps were incorporated into the FHA's underwriting standards. When the FHA was passed in 1968, it prohibited redlining on the basis of protected classes; however, the long term impact of the urban disinvestment and segregation caused by redlining can still be seen in current settlement patterns, particularly for those of minorities. Additional information on the FHA and the history of redlining can be found [here](#).

**SECTION 202:** Provides capital advances to finance the construction, rehabilitation or acquisition (with or without rehabilitation) of structures that will serve as supportive housing for very-low-income elderly persons, including the frail elderly, and provides rent subsidies for the projects to help make them affordable.

**SECTION 8 Existing Rental Assistance:** Provides rental assistance to low-income families who are unable to afford market rents. Assistance may be in the form of vouchers or certificates.

**SECTION 8 Homeownership Program:** Allows low-income families who qualify for Section 8 rental assistance to use their certificates or vouchers to pay for homeownership costs under a mortgage.

**Section 8 Housing Choice Voucher Program (Section 8):** The Section 8 program was established through the Housing and Community Development Act of 1974 to increase the supply of housing for low-income families, elderly and people with disabilities. The Section 8 program operates both through tenant based and project based rental assistance. Tenant based rental assistance, currently called the Housing Choice Voucher Program, is provided to program participants in the form of housing vouchers. Project Based Voucher Program funds are used to subsidize housing development projects, where specific housing units will be set aside to be rented by qualified low-income tenants.

**South Shore HOME Consortium (SSHC):** The City of Quincy is the lead community of the South Shore HOME Consortium, a decision-making body comprised of the following communities: the City of Quincy, Town of Weymouth, the Town of Braintree, the Town of Holbrook, and the Town of Milton. Eligible HOME funded activities include the construction

of new affordable housing units, First Time Homebuyer, Downpayment Assistance, Housing Rehabilitation, and rental assistance.

**Supportive Housing for the Elderly:** Housing that is designed to meet the special physical needs of elderly persons and to accommodate the provision of supportive services that are expected to be needed, either initially or over the useful life of the housing, by the category or categories of elderly persons that the housing is intended to serve.

**Sustainable Communities:** Urban, suburban, and rural places that successfully integrate housing, land use, economic and workforce development, transportation, and infrastructure investments in a manner that empowers jurisdictions to consider the interdependent challenges of: 1) economic competitiveness and revitalization; 2) social equity, inclusion, and access to opportunity; 3) energy use and climate change; and 4) public health and environmental impact.

**Tenant-Based Rental Assistance (TBRA):** HUD assists low- and very low-income families in obtaining decent, safe, and sanitary housing in private accommodations by making up the difference between what they can afford and the approved rent for an adequate housing unit.

**Transit-Oriented Development (TOD):** Development of commercial space, housing services, and job opportunities close to public transportation, thereby reducing dependence on automobiles. TODs are typically designed to include a mix of land uses within a quarter-mile walking distance of transit stops or core commercial areas.

**Universal Design:** Universal Design is the design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. It was coined in the 1980s by the internationally recognized architect, Ron Mace.

**U.S. Department of Housing and Urban Development (HUD):** Established in 1965, HUD's mission is to increase homeownership, support community development, and increase access to affordable housing free from discrimination. To fulfill this mission, HUD will embrace high standards of ethics, management and accountability and forge new partnerships – particularly with faith-based and community organizations – that leverage resources and improve HUD's ability to be effective on the community level.

**Visitability:** Visitability is an affordable, sustainable and inclusive design approach for integrating basic accessibility features into all newly built homes and housing. The term was introduced by [Concrete Change](#) in 1987, a disability advocacy group in Atlanta, Georgia. A visitable residence is a home built to include: a zero-step entrance, wide interior doors, and a half bathroom on the first floor.

**Zoning:** The classification of land by types of uses permitted and prohibited in a given district, and by densities and intensities permitted and prohibited, including regulations regarding building location on lots.

## Appendix II: History and Legal Theories of Fair Housing

### Legal Theories of Fair Housing

#### 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>33</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 divert their resources and/or frustrate their mission to detect and respond to discriminatory housing practices.<sup>34</sup>

#### 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>35</sup>

#### 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.

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<sup>33</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).

<sup>34</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>35</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).

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>36</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>37</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>38</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>39</sup>

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>40</sup> The defendant must then generally establish that there was a legitimate justification for the policy.<sup>41</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>42</sup>

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<sup>36</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>37</sup> *Id.*

<sup>38</sup> *Reeves v. Sanderson Plumbing Products, Inc.*, 530 U.S. 133 (2000).

<sup>39</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).

<sup>40</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>41</sup> See e.g., *Huntington v. Huntington Branch, NAACP*, 488 U.S. 15 (2d Cir. 1988).

<sup>42</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

## **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>43</sup> Additional protections are afforded to other categories of persons under Massachusetts General Laws (MGL) Chapter 151B. For further information of MGL Chapter 151B.

### **Housing Covered by the Fair Housing Act**

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 percent of the units are occupied by at least one person age 55 or older; <sup>44</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

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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>43</sup> 42 U.S.C. § 3604 et seq.

<sup>44</sup> 42 U.S.C. § 3607(b)(2); see also Housing for Older Persons Act of 1995 (HOPA).

discriminatory advertisement is made.<sup>45</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 MGL Chapter 151B.

### **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”);
- 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.

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

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<sup>45</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).

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>46</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.

### **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>47</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>48</sup> Government discrimination held to be unconstitutional includes enforcement of discriminatory restrictive covenants.<sup>49</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>50</sup> Even absent direct evidence of intentional discrimination by local government, the provision of financial support for

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<sup>46</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>47</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>48</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).

<sup>49</sup> See *Shelly v. Kraemer*, 334 U.S. 1 (1948) (state enforcement of racial restrictive covenants is unconstitutional).

<sup>50</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).

segregated housing despite knowledge of segregation may engender Fair Housing Act liability.<sup>51</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.

### **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.

### **Other Federal Civil Rights Laws**

#### **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>52</sup> and to inherit, purchase, lease, sell, and convey real property as White citizens.<sup>53</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

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<sup>51</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>52</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.").

<sup>53</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.").

case under sections 1981 and 1982.<sup>54</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>55</sup> However, Section 1982 only provides for equal protection of U.S. Citizens.

### **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>56</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>57</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>58</sup> Enforcement may also be sought through private lawsuits.

### **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>59</sup> Enforcement of Section 109 may be sought by filing a complaint with HUD or by filing a private lawsuit.

### **Age Discrimination Act of 1975**

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

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<sup>54</sup> See e.g., *Steptoe v. Savings of America*, 800 F. Supp. 1542 (N.D. Ohio 1992).

<sup>55</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>56</sup> 42 U.S.C § 2000d et seq.

<sup>57</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>58</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>59</sup> 42 U.S.C. § 5309; 24 C.F.R. 6.

federal programs or activities to provide benefits or assistance to persons, such as the elderly, based upon their age.<sup>60</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.

### **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>61</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.

### **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>62</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.

### **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>63</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.

### **United States Constitution**

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<sup>60</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>61</sup> 29 U.S.C. § 794.

<sup>62</sup> 42 U.S.C. §§ 12131 et seq.

<sup>63</sup> 42 U.S.C §§12181 et seq.

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>64</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>65</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>66</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>67</sup>

### **Massachusetts General Laws (MGL) Chapter 151B**

With respect to prohibited discriminatory housing practices, MGL Chapter 151B closely mirrors the Fair Housing Act. However, MGL Chapter 151B has significantly expanded the classes of individuals protected under the Fair Housing Act.<sup>68</sup> The additional protected classes are:

- Age;
- Marital status;
- Sexual orientation;
- Ancestry;
- Recipients of public or rental assistance<sup>69</sup>; and

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<sup>64</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>65</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>66</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>67</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>68</sup> M.G.L. c. 151B.

<sup>69</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.”

- Military history

MGL 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 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>70</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>71</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>72</sup>

MGL 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>73</sup>

### Housing Covered by MGL Chapter 151B

MGL 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. MGL 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 MGL 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>74</sup> MGL Chapter 151 B was recently amended by MGL Chapter 291 of the Acts of 2006, which strikes out the land area requirement and instead requires that the housing owner or manager of age-restricted housing constructed on or after January 1, 2007, register biennially with the department of housing and community development. MGL

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<sup>70</sup> Id.

<sup>71</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>72</sup> Id.

<sup>73</sup> M.G.L. Chapter 151B § 4(6).

<sup>74</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.

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>75</sup>

Although some housing may not be exempt under MGL 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 MGL Chapter 151B and not under the Fair Housing Act. A further discussion on MGL Chapter 151B and its exemptions is included herein, infra section III (A).

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

MGL Chapter 151B states that 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>76</sup>

### **Government Discrimination in Housing**

Exemptions from zoning regulations provided in Section 3 of MGL 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>77</sup>

MGL 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>78</sup>

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

With respect to MGL 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.

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<sup>75</sup> M.G.L. c. 151B § 4(11).

<sup>76</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>77</sup> M.G.L. 40 § 3.

<sup>78</sup> Boston Fair Housing Ordinance, C.B.C., Ordinance 10, § 152(1)

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 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>79</sup> and the Cambridge Human Rights Commission<sup>80</sup> respectively. Said complaints may be filed on the basis of race, color, sex, age, ancestry, disability, children, national origin, source of income,<sup>81</sup> military status, marital status, religion, and sexual preference, and must be filed within 180 days of the last discrimination incident.

## **Other Massachusetts Anti-Discrimination Laws**

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

MGL 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>82</sup>

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

MGL 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

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<sup>79</sup> Cambridge Fair Housing Ordinance, chapter 14.04.

<sup>80</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>81</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>82</sup> Mass. Const. Amend., Art. CXIV.

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. MGL Chapter 12 § 11I provides for a private cause of action for such violations.

### 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>83</sup>

Section 103 provides similar rights to any person regardless of disability or age, as defined under MGL Chapter 151B, with reasonable accommodation.<sup>84</sup> Enforcement of the Massachusetts Equal Rights Law takes place through the courts.

### 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>85</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>86</sup> Enforcement of Article CXIV is through the courts.

## **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>87</sup> including the following:

### Fair Housing Act

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<sup>83</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 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>84</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>85</sup> M.G.L. c. 22, § 13A.

<sup>86</sup> See e.g., Layne v. Superintendent, 406 Mass. 156 (1989).

<sup>87</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.

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 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>88</sup>

- the public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons;

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<sup>88</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.

- 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> .

### **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) .

### **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 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>89</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>.

### **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>90</sup> The Access Board investigates and enforces complaints of non-compliance with the Architectural Barriers Act.

### **Massachusetts General Laws Chapter 151B**

An important distinction between MGL Chapter 151B and the Fair Housing Act is that under MGL Chapter 151B, reasonable modifications must be made at the expense of the owner or

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<sup>89</sup> 42 U.S.C §12181 et seq.

<sup>90</sup> 42 U.S.C §4151 et seq.

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 MGL 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>91 92</sup>

MGL Chapter 151B also includes specific provisions that have been implied from the Fair Housing Act through judicial decisions. Notably, MGL 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>93</sup>

Massachusetts imposes additional requirements with respect to handicap accessibility than federal civil rights laws. Along with MGL Chapter 151B, which parallels the accessibility provisions of the Fair Housing Act, Massachusetts accessibility requirements are governed by the Massachusetts Architectural Access Law.<sup>94</sup> The Massachusetts Architectural Access Law established the Architectural Access Board (AAB) to develop standards for handicap accessibility.<sup>95</sup>

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>96</sup> In multiple dwellings with 20 or more units for rent, hire, or lease: at least 5 percent of the units must be wheelchair accessible, exempting townhouses,<sup>97</sup> and proportionally distributed by size, quality price, and location; at least 2

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<sup>91</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>92</sup> Id.

<sup>93</sup> M.G.L. c. 151B

<sup>94</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>95</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 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>96</sup> 521 C.M.R 1.00-47.00.

<sup>97</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.;

percent of units must be audible accessible. With respect to renovations for residential use, if costs within a three-year period exceed 30 percent 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>98</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 MGL 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>99</sup>

## **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 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>100</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

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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>98</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>99</sup> 804 C.M.R 02.00.

<sup>100</sup> *Cf. Smith v. City of Elyria*, 857 F. Supp. 1203, 1212 (N.D. Ohio 1994).

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>101</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>102</sup>

## **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, MGL Chapter 151B The Fair Housing Act and MGL 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;
- "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

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<sup>101</sup> 760 C.M.R. 5.08(2).

<sup>102</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.

MGL 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 MGL 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.

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

The Massachusetts Predatory Home Loan Practices Act<sup>103</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.

### **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>104</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.

### **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- and moderate-income urban neighborhoods.<sup>105</sup> The CRA is enforced by requiring regulatory agencies to consider an institution's record of meeting

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<sup>103</sup> M.G.L. Chapter 183C, Section 8.

<sup>104</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.

<sup>105</sup> 12 U.S.C. § 2901(b) (2000).

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>106</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>107</sup> State-chartered institutions do not have to comply with HMDA if their state has substantially similar disclosure laws.

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<sup>106</sup> See also 804 C.M.R. 7.00.

<sup>107</sup> 12 U.S.C § 2801 et seq.

# Appendix III: Community Demographics and Household Characteristics Charts, Tables, and Maps

## Demographics

Chart: Population by Age, Census 2010

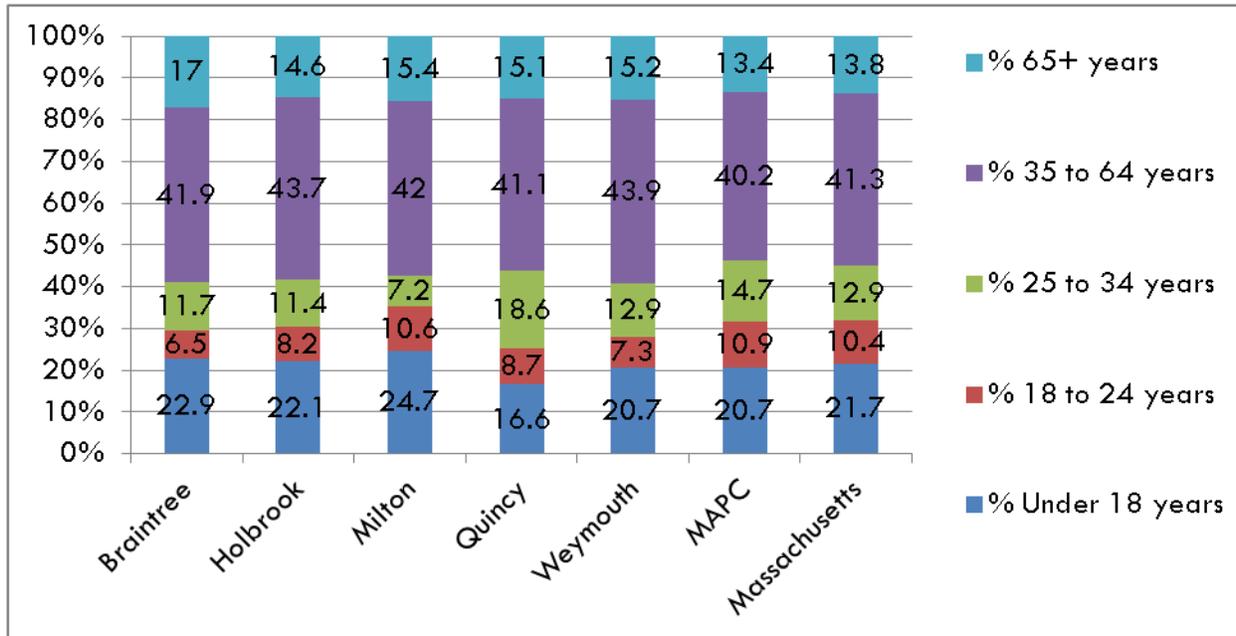


Chart: Population by Race/Ethnicity, Census 2010

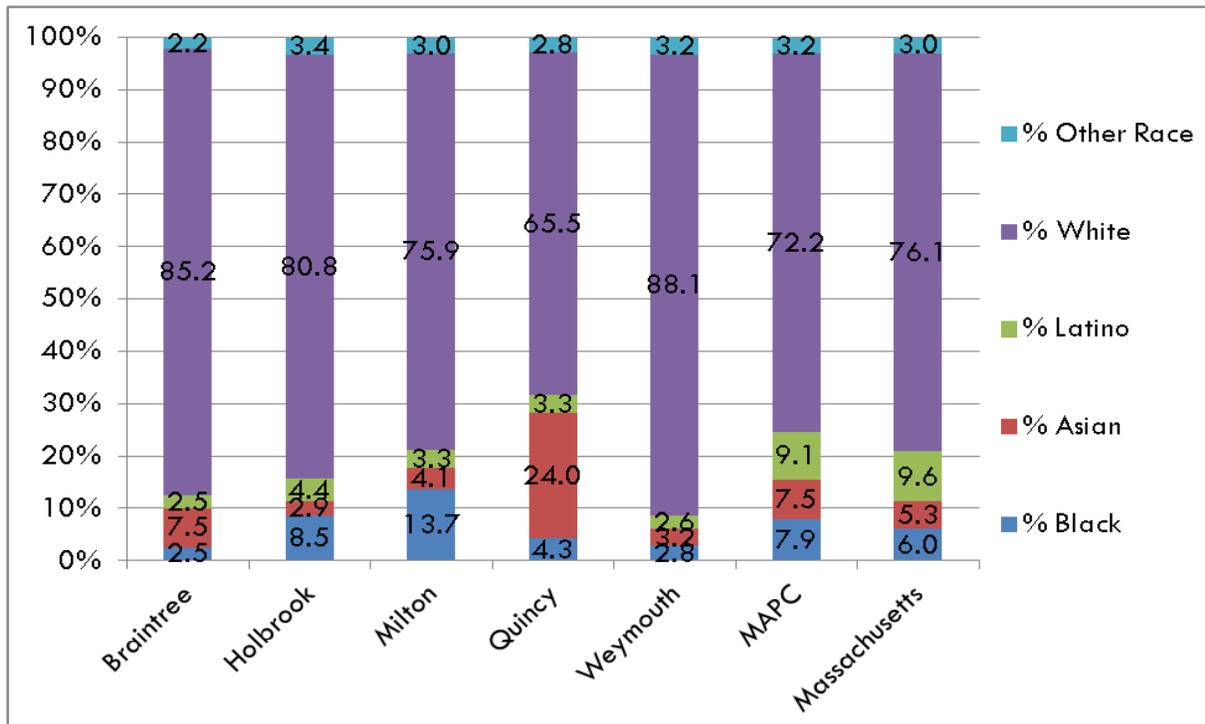


Chart: Foreign Born, ACS 2008-2012 Five-Year Average

	U.S. Born Citizen	% U.S. Born Citizen	Foreign Born	% Foreign Born	Naturalized Citizens	% Naturalized Citizens	Not a U.S. Citizen	% Not a U.S. Citizen
<b>Braintree</b>	31,760	88.9	3,971	11.1	2,734	7.7	1,237	3.5
<b>Holbrook</b>	9,662	89.6	1,127	10.4	791	7.3	336	3.1
<b>Milton</b>	23,683	87.9	3,271	12.1	2,309	8.6	962	3.6
<b>Quincy</b>	66,218	71.9	25,860	28.1	13,792	15.0	12,068	13.1
<b>Weymouth</b>	48,722	90.3	5,211	9.7	2,837	5.3	2,374	4.4
<b>MAPC</b>	2,554,709	80.6	615,288	19.4	293,597	9.3	321,691	10.1
<b>MA</b>	5,589,130	85.2	971,465	14.8	484,422	7.4	487,043	7.4

Table: Households Primarily Speaking a Language Other Than English, Census 2010

	% Other languages	% Asian languages	% Spanish	% European languages	% Linguistically Isolated households
<b>Braintree</b>	5.3	19.1	7.4	7.2	13.4
<b>Holbrook</b>	0.0	11.9	17.8	9.0	9.4
<b>Milton</b>	2.9	9.3	7.9	5.3	4.6
<b>Quincy</b>	15.9	23.1	5.5	9.8	30.3
<b>Weymouth</b>	1.8	16.4	9.4	8.3	17.8
<b>MAPC</b>	7.9	17.4	16.3	11.5	24.7
<b>Massachusetts</b>	8.3	17.8	15.8	11.8	24.4

**Chart: Households Primarily Speaking a Language Other Than English, Census 2010**

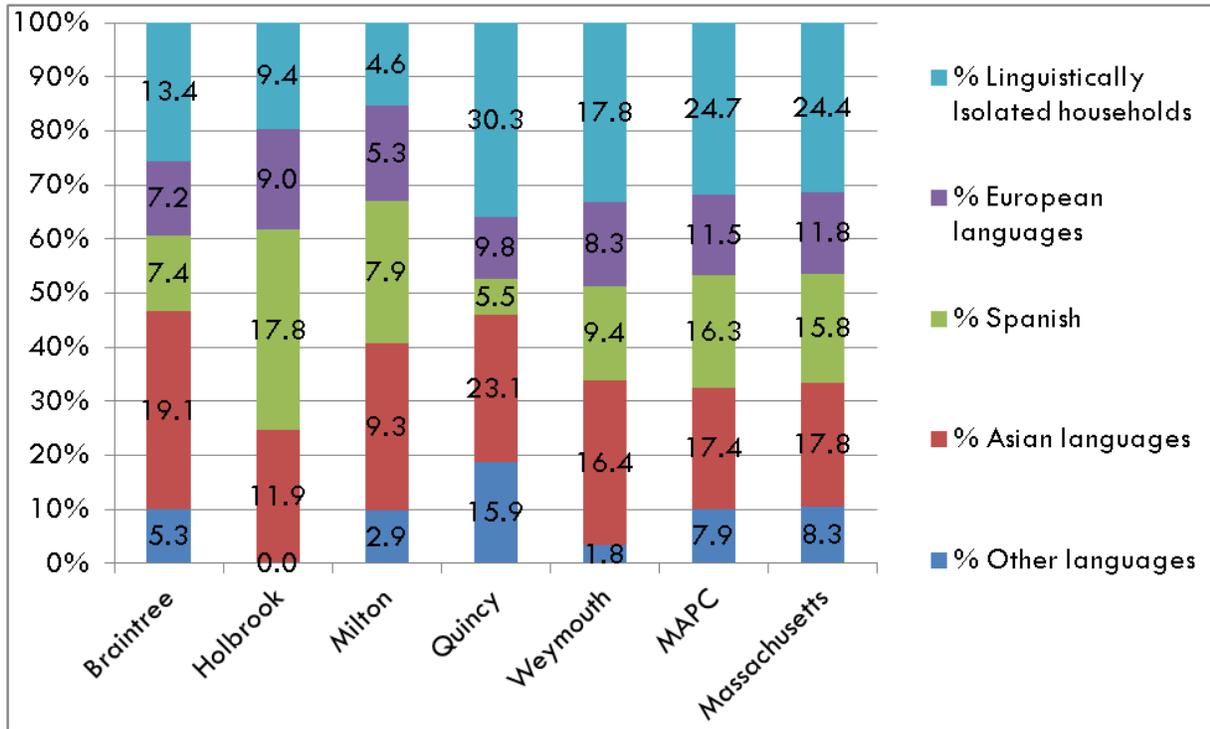


Chart: Municipal-Level Segregation (Dissimilarity Index), MAPC Region, Census 2000 and 2010

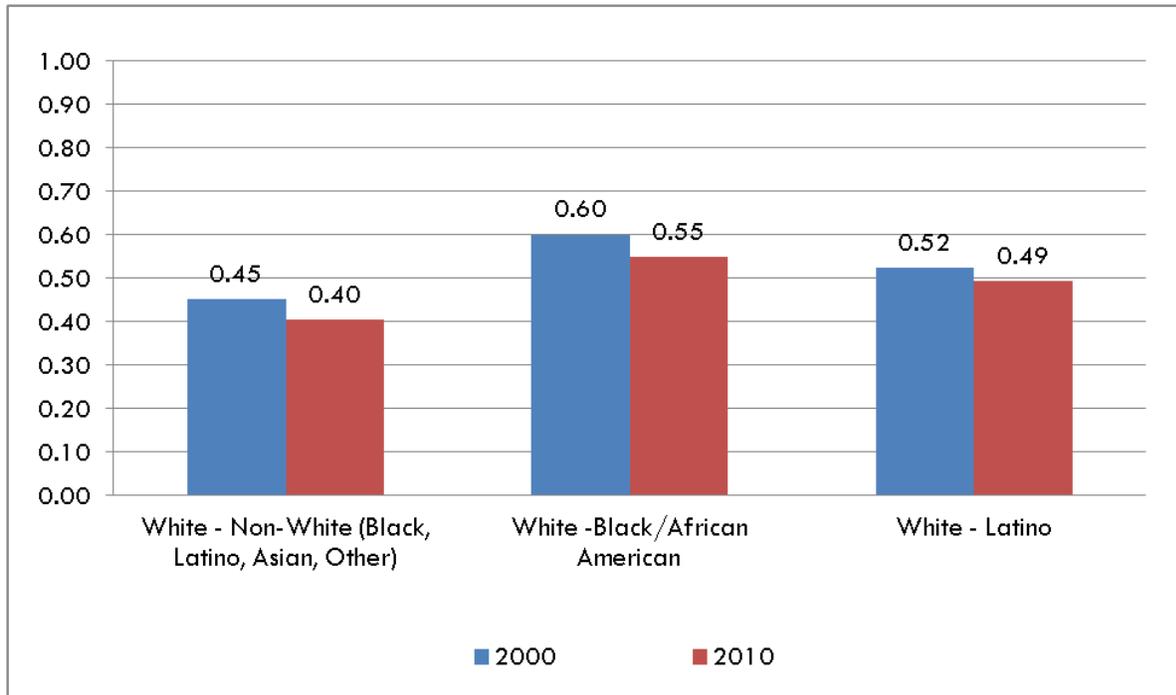


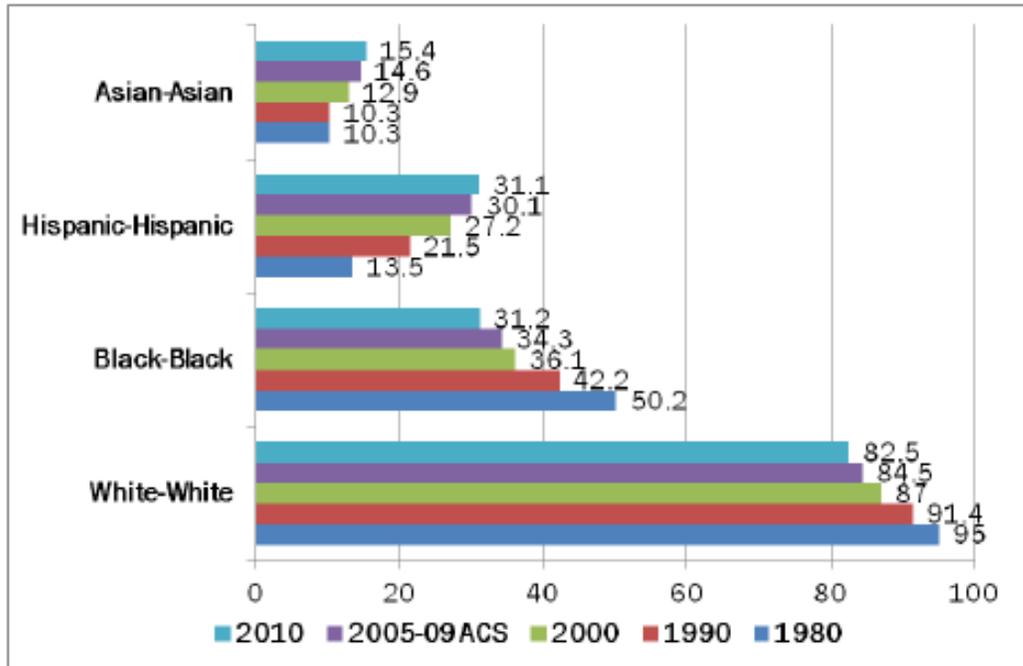
Table: Trends in Segregation Dissimilarity Indices, Boston Metropolitan Statistical Area (MSA), 1980-2010

**Table 2.5 Trends in Segregation Dissimilarity Indices, Boston MSA, 1980 to 2010**

	1980	1990	2000	2010	HUD (2010)
<b>Black-White</b>	0.76	0.69	0.66	0.64	0.65
<b>Latino-White</b>	0.55	0.55	0.59	0.6	0.57
<b>Asian-White</b>	0.48	0.44	0.45	0.45	0.43

Chart: Isolation Index for Major Racial/Ethnic Groups in Metropolitan Boston, 1980-2010

**Figure 2.5 Isolation Index for Major Racial/Ethnic Groups in Metropolitan Boston, 1980-2010**



“The isolation index is the percentage of same-group population in the census tract where the average member of racial/ ethnic group lives. It has a lower bound of zero (for a very small group is quite dispersed) to 100 (meaning that group members are entirely isolated from other groups). It should be kept in mind that this index is affected by the size of the group -- it is almost inevitably smaller for smaller groups, and it is likely to rise over time if the group becomes larger.”

Source: USA 2010, <http://www.s4.brown.edu/us2010/index.htm>

## Housing Inventory

Chart: Housing Inventory by Tenure, Census 2010

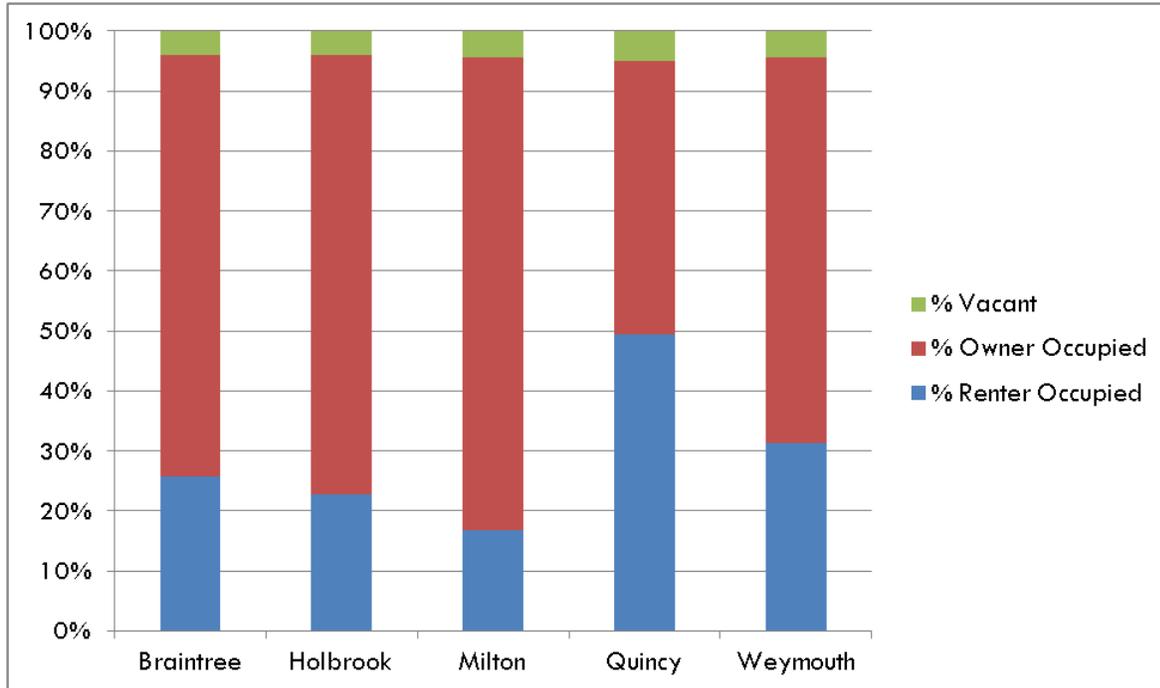


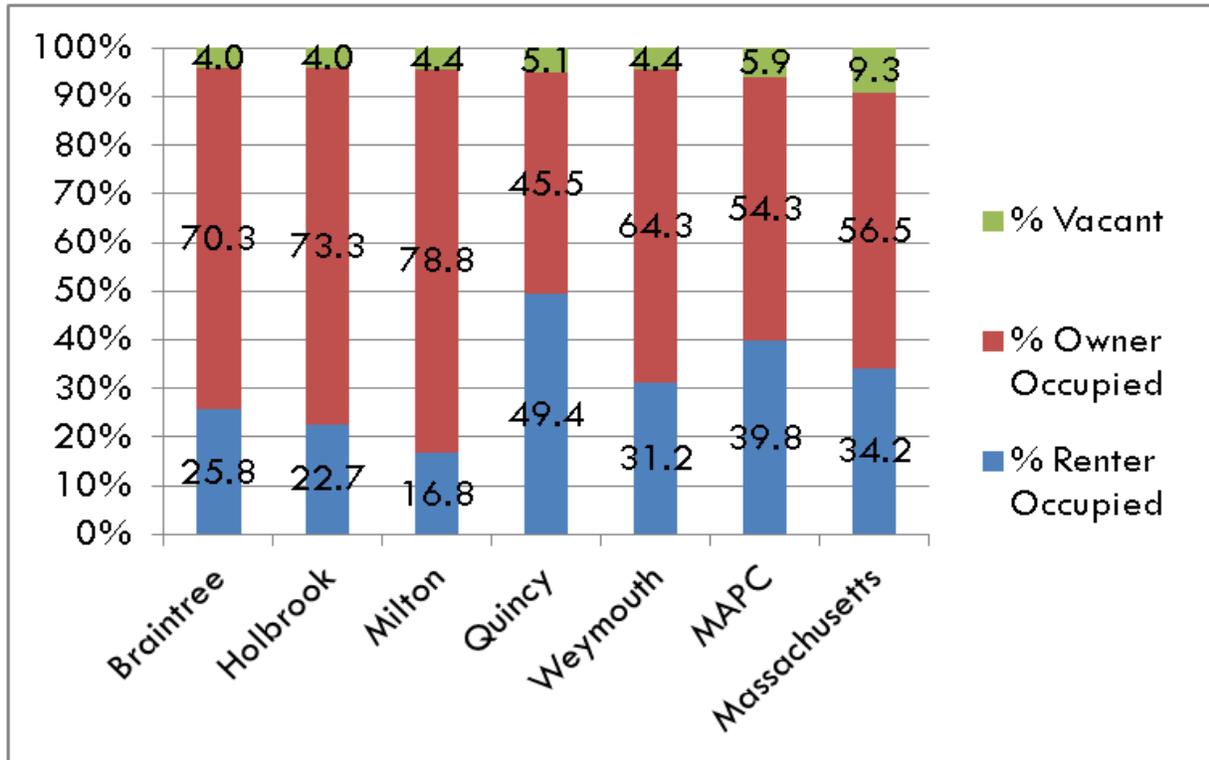
Table: Housing Inventory by Tenure, Census 2010

	Owner occupied	Renter Occupied	Vacant Units	Housing Units, 2010
Braintree	10,050	3,686	566	14,302
Holbrook	3,131	971	172	4,274
Milton	7,644	1,630	426	9,700
Quincy	19,497	21,161	2,180	42,838
Weymouth	15,105	7,330	1,045	23,480
MAPC Region	717,073	526,116	78,595	1,321,784

Table: Subsidized Housing Inventory, April 2013

	2010 Census Year Round Housing Units	Total Development Units	SHI Units	%
Braintree	14,260	1,640	1,102	7.70%
Holbrook	4,262	434	434	10.20%
Milton	9,641	558	426	4.40%
Quincy	42,547	4,089	4,089	9.60%
Weymouth	23,337	1,925	1,901	8.10%
Massachusetts	2,692,186	276,010	247,059	9.20%

Chart: Housing Inventory by Tenure, Census 2010



Map: Housing Units, Census 2010, ACS 2012

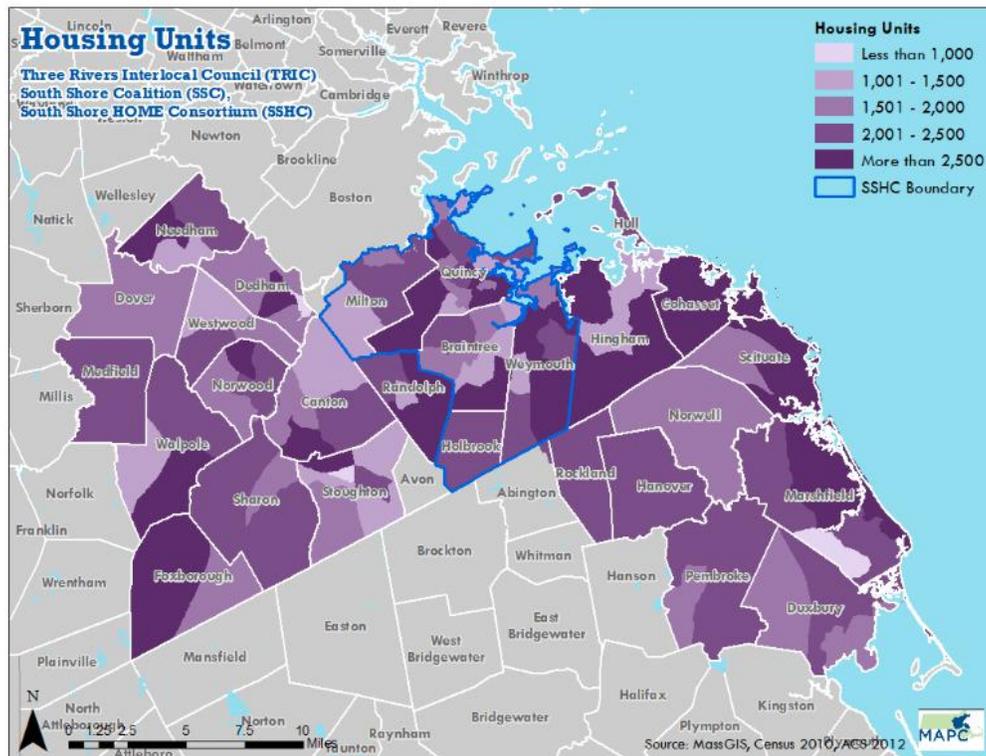


Table: Subsidized Housing Inventory as of April 1, 2014

Municipality	Subsidized Housing Inventory as of April 1, 2014	Subsidized Housing Units as % of Year-Round Housing Units, Census 2010
Quincy	1,546	9.6%
Weymouth	475	8.2%
Braintree	179	7.7%
Holbrook	84	10.3%
Milton	52	4.4%
<b>Total</b>	<b>2,336</b>	

### Household Characteristics

Households by Type and Tenure, Census 2010

	% Renter Occupied	% Owner Occupied	% Vacant
Braintree	25.8	70.3	4.0
Holbrook	22.7	73.3	4.0
Milton	16.8	78.8	4.4
Quincy	49.4	45.5	5.1
Weymouth	31.2	64.3	4.4
MAPC	39.8	54.3	5.9
Massachusetts	34.2	56.5	9.3

### Household Income and Affordability

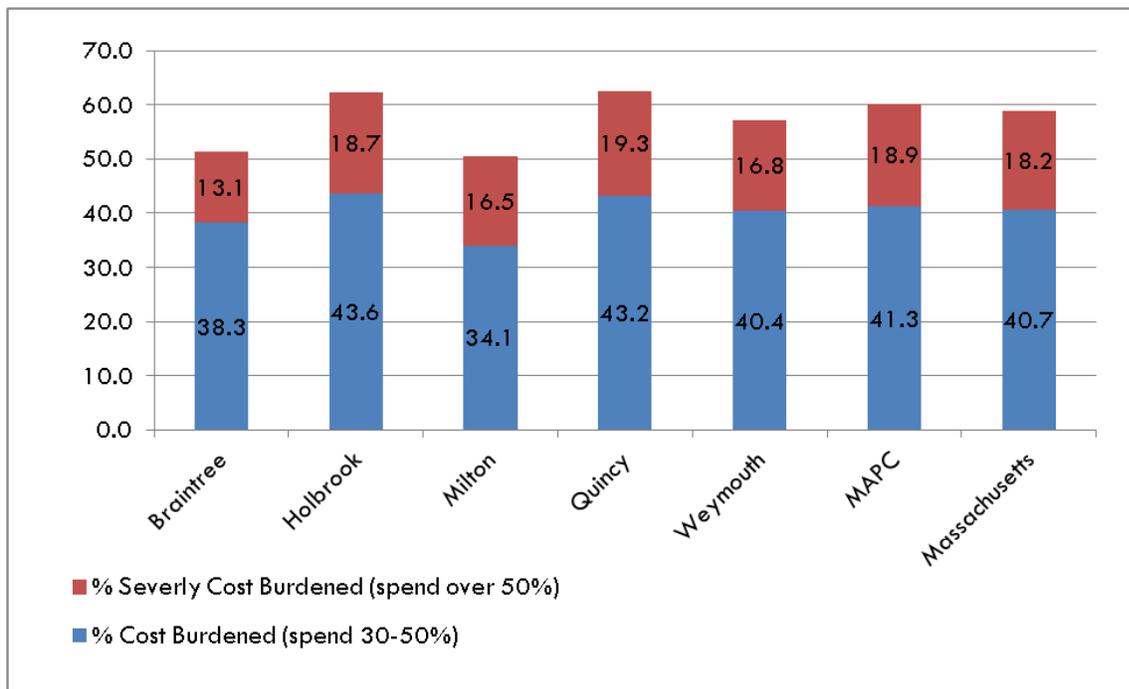
Table: Household Income as a Percentage of Area Median Income (AMI), CHAS 2006-2010

	< 30% AMI	30-50% AMI	50-80% AMI	80-100% AMI	> 100% AMI
Braintree	9%	10%	11%	10%	59%
Holbrook	10%	14%	17%	14%	45%
Milton	9%	9%	8%	8%	66%
Quincy	16%	13%	12%	12%	47%
Weymouth	13%	12%	13%	12%	51%
MAPC	15%	11%	11%	9%	54%
Massachusetts	15%	12%	13%	10%	51%

**Table: Cost-Burdened Households, ACS 2011**

	Housing Cost Burden Between 30-50% of Income	Housing Cost Burden 50% or More of Income
Braintree	25.1%	13.1%
Holbrook	24.9%	18.7%
Milton	17.5%	16.5%
Quincy	23.9%	19.3%
Weymouth	23.6%	16.8%

**Chart: Cost Burdened Households Spend More than 30% of Income on Housing**



**Chart: Fair Market Rents in SSHC Municipalities, HUD FMR, 2013**

Average (2011) and Fair Market Rents (2013)			
	Average Rent	FMR, 1 Bedroom	FMR, 2 Bedrooms
Braintree	\$ 1,180	\$ 1,156	\$ 1,444
Holbrook	\$ 1,090	\$ 1,156	\$ 1,444
Milton	\$ 1,236	\$ 1,156	\$ 1,444
Quincy	\$ 1,128	\$ 1,156	\$ 1,444
Weymouth	\$ 1,071	\$ 1,156	\$ 1,444
MAPC	\$ 1,210		
Massachusetts	\$ 1,055		

Chart: Housing Affordability Gap, CHAS 2006-2010

	< 50% AMI	50-80% AMI	> 80% AMI
Braintree	1,305	180	-1,630
Holbrook	275	90	-390
Milton	685	325	-1,240
Quincy	5,285	-3,985	-1,630
Weymouth	2,880	-1,655	-1,720
<b>Total</b>	<b>10,430</b>	<b>-5,045</b>	<b>-6,610</b>

AHVP and MRVP Voucher Holders by SSHC Municipality as of May 9, 2014

Note: This table does not include data on vouchers administered by local Housing Authorities; it is generally assumed that they administer the vouchers within their own municipalities.

City/Town	AHVP	MRVP
Quincy	4	54
Braintree	0	100
Milton	0	5
Holbrook	1	16
Weymouth	0	120
<b>Total</b>	<b>5</b>	<b>295</b>

Source: Department of Housing and Community Development (DHCD), State Rental Assistance Program

Table: Section 8 Units by Bedroom Size and Expiration Date, HUD, 2013

Municipality	Expire by 2020					Expire by 2030					Totals
	0-1 BR	2 BR	3 BR	4 BR	5 BR	0-1 BR	2 BR	3 BR	4 BR	5 BR	
Braintree	16	0	0	0	0	50	0	0	0	0	66
Holbrook	0	0	0	0	0	113	43	13	0	0	169
Milton	155	4	0	0	0	0	0	0	0	0	159
Quincy	606	78	0	0	0	0	0	0	0	0	684
Weymouth	156	40	0	0	0	0	15	9	0	0	220
<b>SSHC</b>	<b>933</b>	<b>122</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>163</b>	<b>58</b>	<b>22</b>	<b>0</b>	<b>0</b>	<b>1,298</b>
<b>MAPC</b>	<b>9,098</b>	<b>3,544</b>	<b>1,856</b>	<b>470</b>	<b>15</b>	<b>6,980</b>	<b>2,949</b>	<b>1,186</b>	<b>396</b>	<b>62</b>	<b>26,556</b>

## Appendix IV: 2011 Fair Housing Survey Tabulations

### **2011 Fair Housing Survey Methodology and Survey Results Summary**

*(Excerpted from the SSHC 2011-2015 Fair Housing Plan)*

#### **Consortium Fair Housing Survey**

##### **9.1 Methodology**

During January-February 2011, the Consortium issued a Fair Housing Tenant/Homeowner and a Housing Agency Survey to test the state of Fair Housing in the Consortium. The surveys were based on ones used by Quincy in for the 2006-2010 AI/Fair Housing Plan.

Surveys were completed online with an option to receive and submit paper copies if one did not have internet access. The Tenant/Homeowner Survey was translated into Mandarin Chinese due to it being the largest minority group in the region. Translation services were offered through the City of Quincy's Language Assistance Program.

Each Consortium Member was responsible for outreach in its own community. Notices were issued on municipal websites and email blasts targeting public housing authority representatives and their tenants, non-profit and for-profit housing development agencies operating in the area.

Direct contact was made to area banks and real estate agencies asking their representatives take time to fill out the survey.

#### **Tenant/Homeowner Survey**

The Tenant/Homeowner Survey consisted of several questions asking the applicant to describe themselves followed by nine questions relating to fair housing issues from ethnicity to ones knowledge on fair housing laws. A copy of the survey can be found in Appendix B.

117 people completed the Tenant Homeowner Survey. The Tenant/Homeowner Survey revealed:

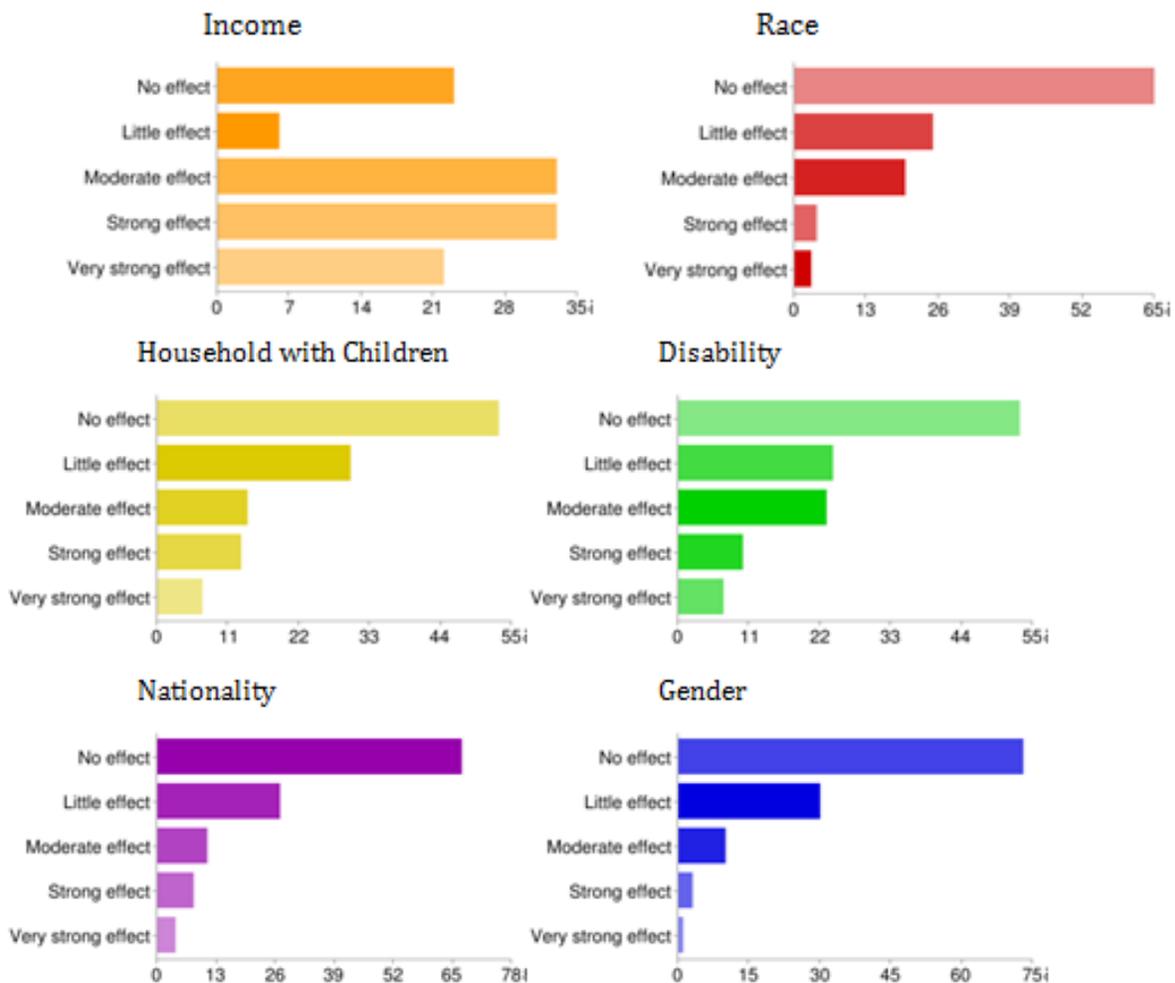
- 66% of the respondents identified themselves as homeowners while 47% said they were tenants.
- 66% of the respondents were female
- White was the largest Race identified at 62% followed by the largest minority Race of Asian at 28%. All other Races were below 6%.
- 64% of respondents were married.
- Two-person households were the most common at 33% followed by 4-person-22%, 3-person-18%, and 1-person-15%.
- 8% of respondents indicated they had a disability.
- 39% of respondents indicated they had a household income greater that \$65,000 while 23% indicated it was below \$19,300 with the remaining 38% of respondents falling within one of four categories in between.
- 9% of respondents indicated they had been denied access to housing.
- Of the respondents that filed a complaint, 45% indicated that they were Not Satisfied with the results. In fact, one respondent typed in the comment section that the act of complaining

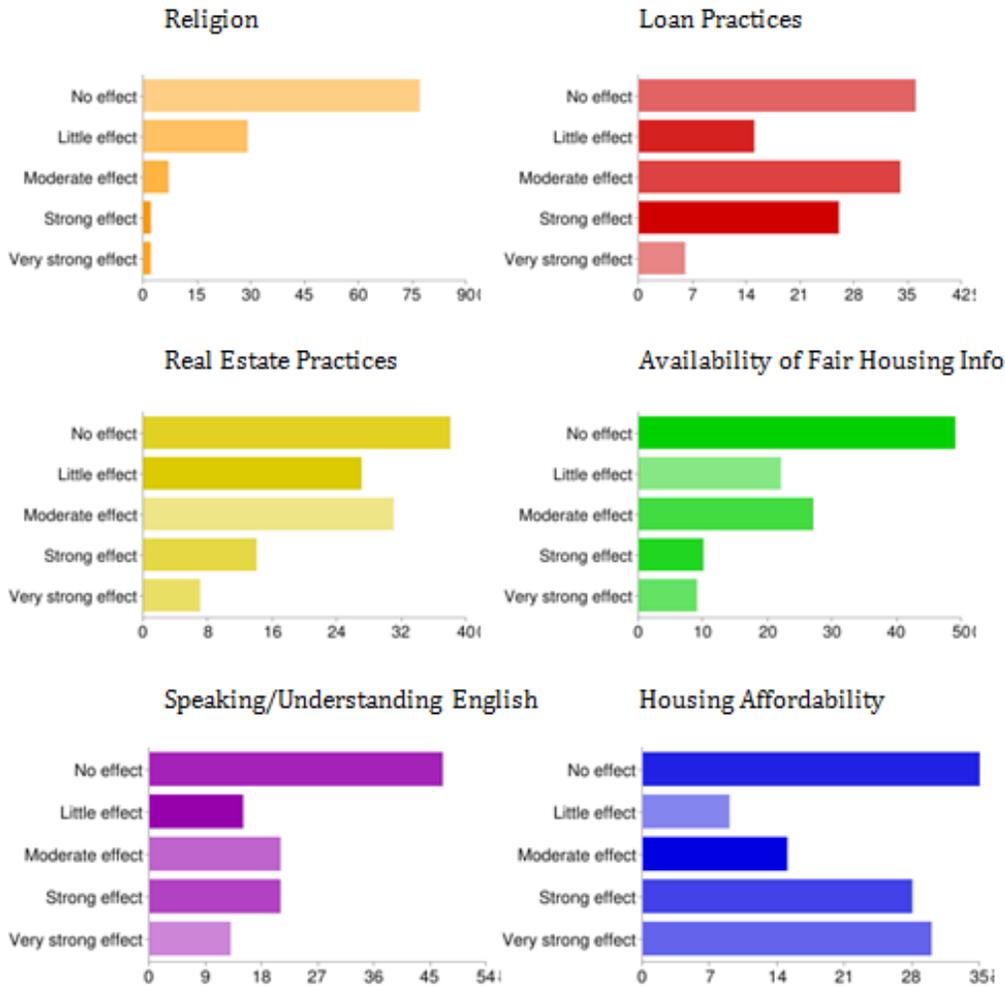
one can be perceived as a “difficult person to deal with”. A form of discrimination that is not officially recognized and very difficult to prove.

- 74% of respondents indicated they were either very-knowledgeable or knowledgeable of fair housing laws while 26% indicated they had no knowledge.

The Tenant/Homeowner Survey asked for opinions on several factors that might negatively affect access to housing. Each respondent answered within a range between No Effect and Strong Effect.

It is important to note that at least one respondent indicated a “Strong Effect” in each category. Although the survey results may lead to prioritizing efforts in one area, there is no area that can be ignored.





Finally, tenants and homeowners were asked which tools should be used to raise awareness about fair housing issues in the community. The most common tool was Media (Public service announcements and newspaper notices) at 67%. The other four categories were identified at relatively the same rate. Fair Housing Workshops-31%, Newsletter-34%, Posters-29%, and Brochures-29%.

### Housing Agency Survey

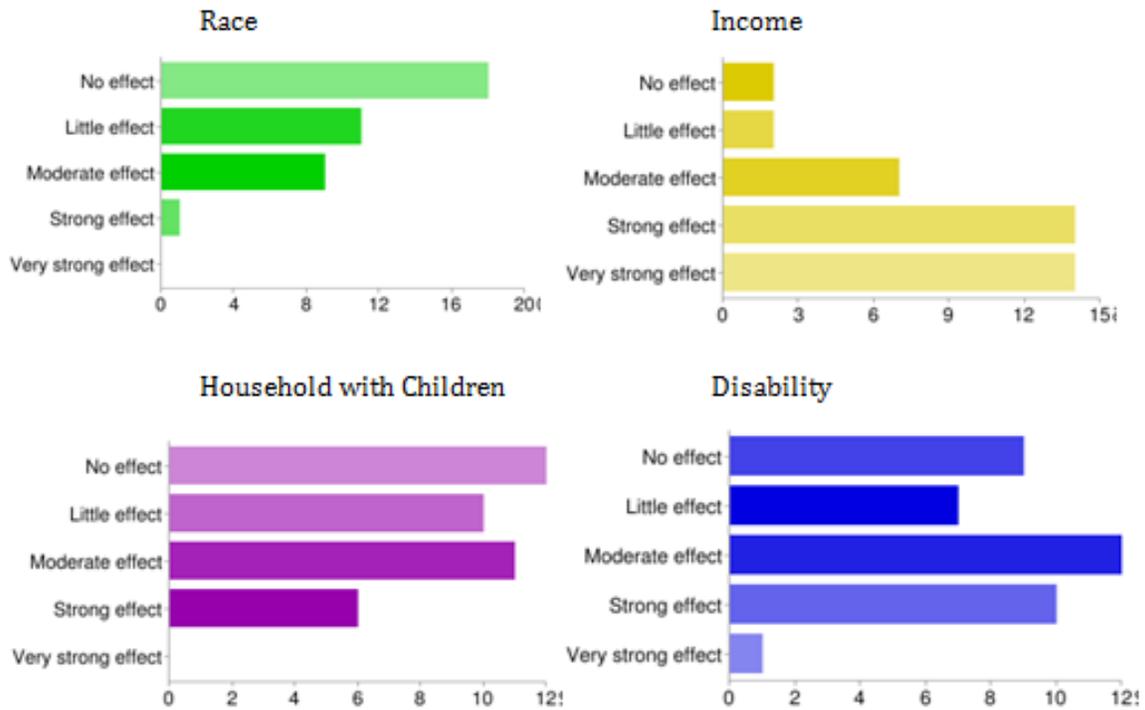
The Housing Agency Survey did not include any of the demographic questions found in the Tenant/Homeowner Survey. The survey only asked what type of agency the respondent represented. This was followed by a question on knowledge of fair housing issues, then the same nine questions on different factors and the effects on access to fair housing followed by what tools should be used to raise awareness about fair housing issues. A copy of the survey can be found in Appendix B.

39 people completed the Agency Survey. The Agency Survey revealed:

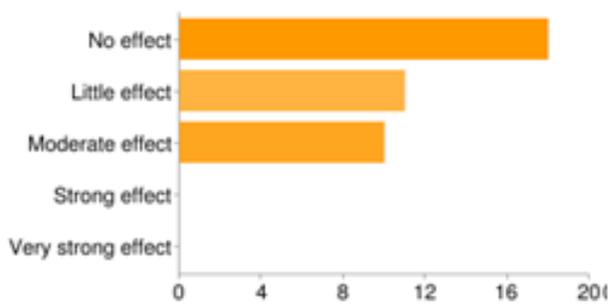
- 33% of respondents identified themselves as representatives of Non-Profit Agencies and 31% of respondents identified themselves as representatives of Real Estate Agencies. The remaining respondents indicated they represented Homeless Shelters, Landlords, Property Managers, Mortgage/Bankers, and Fair Housing Advocates.

- 77% of respondents indicated they were very-knowledgeable or knowledgeable of Fair Housing laws while 23% indicated they had no knowledge.

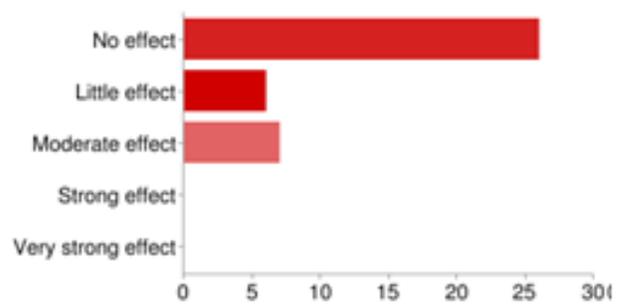
The Agency Survey asked for opinions on several factors that might negatively affect access to housing. Each respondent answered within a range between No Effect and Strong Effect.



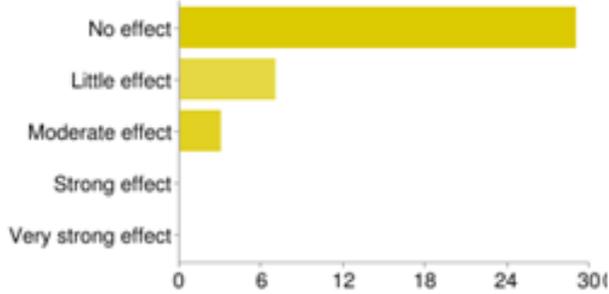
Nationality



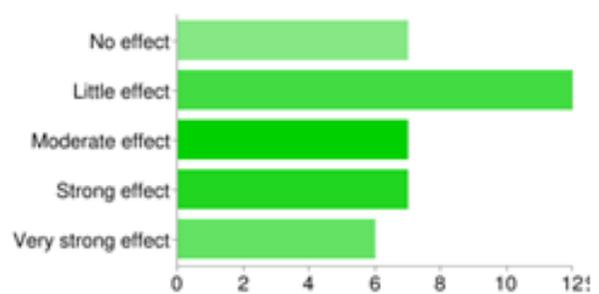
Gender



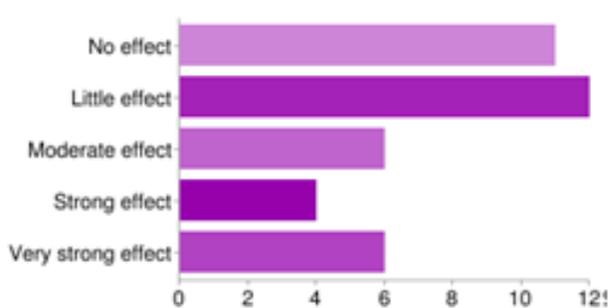
Religion



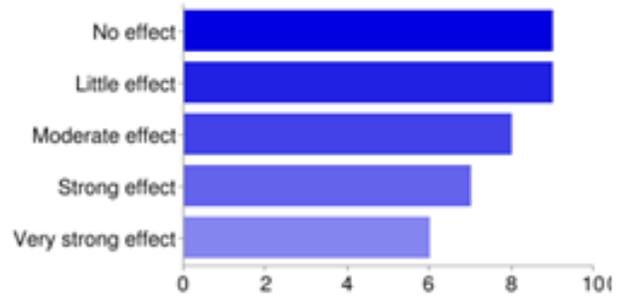
Loan Practices



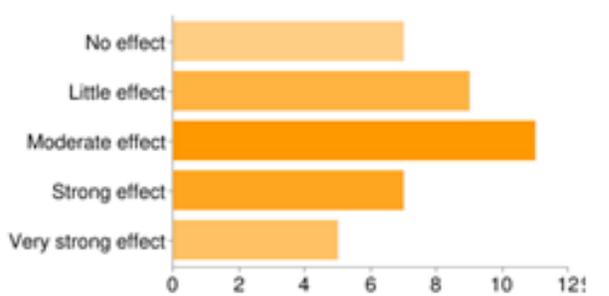
Real Estate Practices



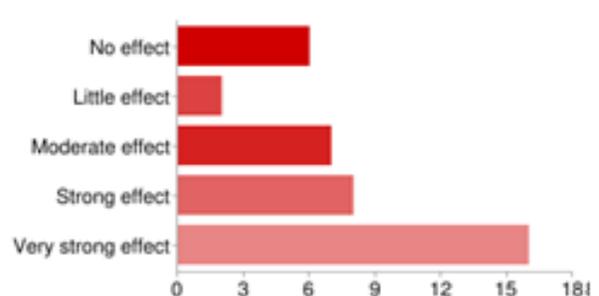
Availability of Fair Housing Info



Speaking/Understanding English



Housing Affordability



Finally, agency representatives were asked which tools should be used to raise awareness about fair housing issues in the community. Respondents were allowed to choose more than one tool. Three tools were identified more than the other; Fair Housing Workshops-79%, Media (Public Service Announcements)-69%, and Brochures-62%.

#### **9.4 Conclusions**

Generally, both the Tenant/Homeowner and Agency survey identified economic factors as having the strongest negative impacts to fair housing. Reflective of the recent housing bubble and subsequent burst, Income, Loan Practices, Real Estate Practices, and Housing Affordability questions were all viewed as having negative impacts.

Most of the questions involving race, gender familial status, and religion had the majority of respondents answer there was no or little negative impact to fair housing. However, there were two categories identified in the Agency Survey that registered a moderate or strong negative impact; Households with Children and Persons with a Disability. Due to the high number of Real Estate professionals that filled out the Agency Survey, the negative impacts could reflect the condition of the available housing stock in the Consortium. The age of the housing stock and the greater likelihood of lead paint hazards in for sale or rental housing units is an impediment for households with children. The overall lack of fully available handicapped accessible housing units is an impediment to persons with disabilities.

The tenant/Homeowner and Agency Survey recommended the Fair Housing Workshops and Seminars, Newsletters/Brochures, and Media (Public Service announcements) as the preferred fair housing educational tools.

## Appendix V: Housing Authority Waiting Lists as of April 2014

### Quincy Housing Authority Waiting List as of April 2014

	Family Housing	Elderly Housing
White:	836	1065
Black	502	166
Indian	18	23
Asian	347	672
Hispanic	346	57
Other	26	4
<b>Total # on waiting list</b>	<b>2075</b>	<b>1987</b>
Average annual income:	\$15,745	\$10,310

### Braintree Housing Authority Waiting List as of April 2014

	Family Housing	Elderly Housing	MRVP - Elderly at Independence Manor	MRVP - 1,2, and 3 BR at Skyline Apartments
White	10	349	19	67
Black	22	82	9	81
Indian	0	1	0	0
Asian	0	34	4	7
Hawaiian	0	0	0	0
Hispanic	21	26	4	51
Not Disclosed	6	52	4	25
<b>Total on the waiting list:</b>	<b>59</b>	<b>544*</b>	<b>40</b>	<b>231</b>

\*246 elderly, 298 non-elderly

### Holbrook Housing Authority Waiting List as of April 2014

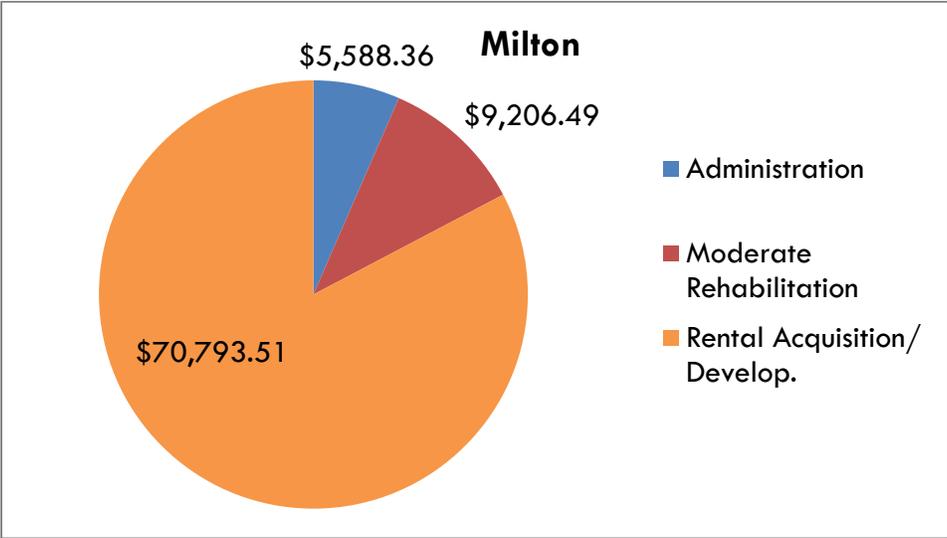
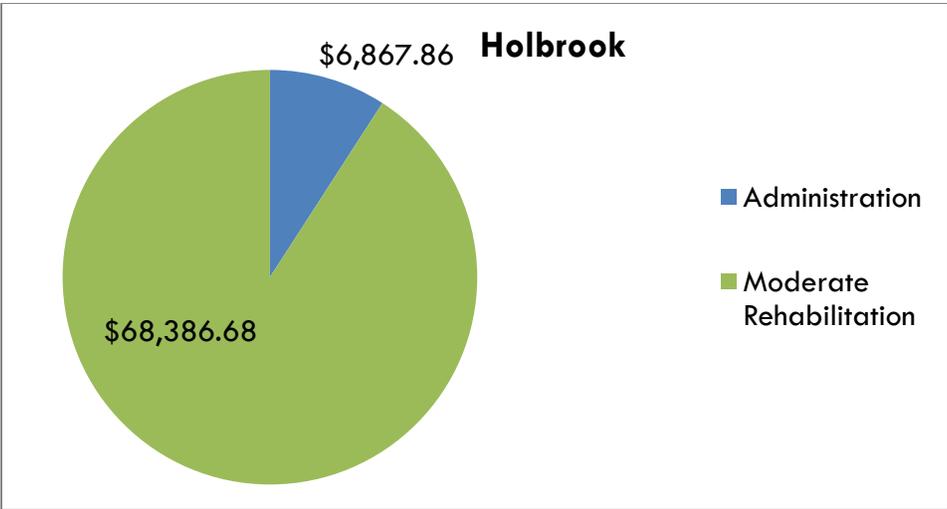
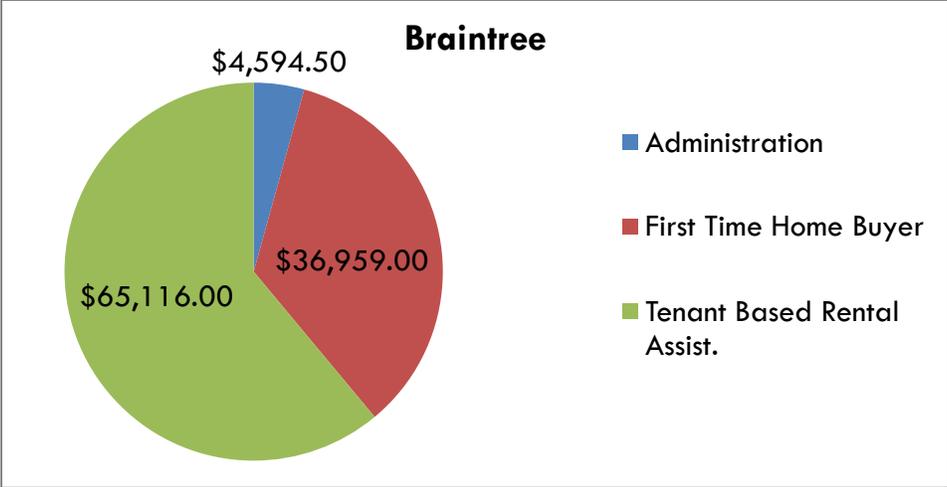
	Elderly (60+) housing, 1 bedroom	Under 60 & disabled	3 bed family units (10 units total)	MRVP (waiting list closed Feb 2013)
Residents	7	56	36	6
Non-residents	79	158	27	35 (also minorities)

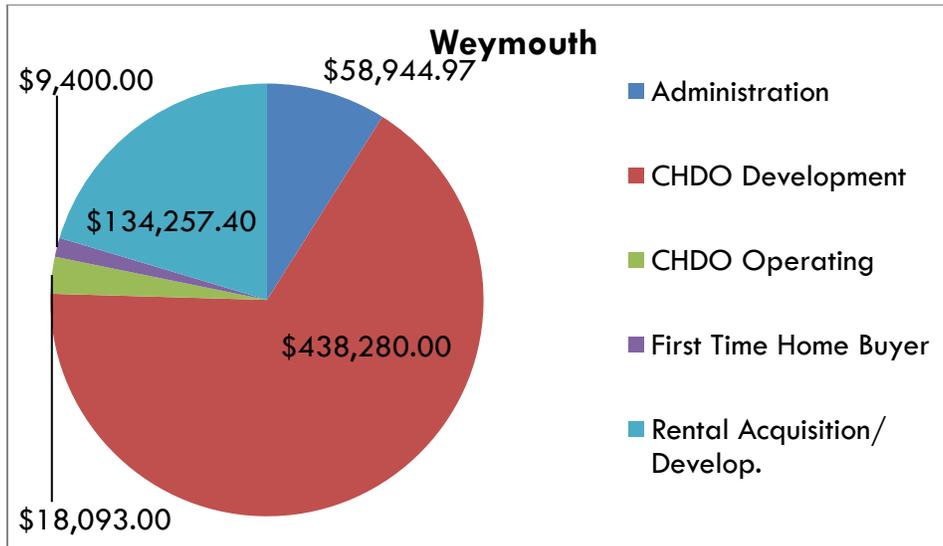
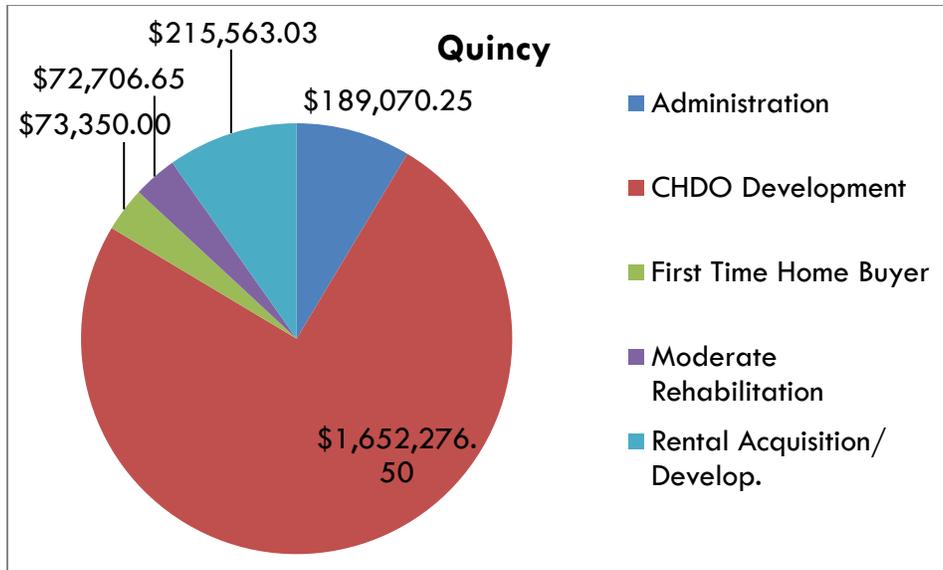
Minorities	9	20	32	78
Veterans	3			
<b>Total applicant population</b>	<b>108</b>	<b>214</b>	<b>63</b>	<b>171</b>

*Milton and Weymouth Housing Authority waiting list data is forthcoming.*

Appendix VI: SSHC Expenditures by Municipality, July 1, 2009 – June 30, 2013

<b>QUINCY HOME CONSORTIUM D/B/A South Shore HOME Consortium</b>	
HOME PROGRAM EXPENDITURES	
July 1, 2009 - June 30, 2013	
<b>QUINCY</b>	
Administration	\$ 189,070.25
CHDO Development	\$ 1,652,276.50
First Time Home Buyer	\$ 73,350.00
Moderate Rehabilitation	\$ 72,706.65
Rental Acquisition/ Develop.	\$ 215,563.03
<b>WEYMOUTH</b>	
Administration	\$ 58,944.97
CHDO Development	\$ 438,280.00
CHDO Operating	\$ 18,093.00
First Time Home Buyer	\$ 9,400.00
Rental Acquisition/ Develop.	\$ 134,257.40
<b>BRAINTREE</b>	
Administration	\$ 4,594.50
First Time Home Buyer	\$ 36,959.00
Tenant Based Rental Assist.	\$ 65,116.00
<b>MILTON</b>	
Administration	\$ 5,588.36
Moderate Rehabilitation	\$ 9,206.49
Rental Acquisition/ Develop.	\$ 70,793.51
<b>HOLBROOK</b>	
Administration	\$ 6,867.86
Moderate Rehabilitation	\$ 68,386.68
<b>Total</b>	<b>\$ 3,129,454.20</b>





## Appendix VII: Public Forum Meeting Summaries and Keypad Polling Results

### April 2, 2014 Public Meeting

**Forum on Fair Housing in the South Shore**  
Wednesday, April 2, 6:30-9pm  
Quincy City Hall, 1305 Hancock Street, Quincy, MA 02169

#### Meeting Summary

Over 60 people attended the April 2 forum, which provided a basic understanding of fair housing laws and responsibilities and provided an opportunity for attendees to discuss fair housing issues/barriers and needs/opportunities they have faced and/or observed. Quincy Community Development Director Sean Glennon opened the meeting and recognized South Shore HOME Consortium members, Fair Housing Advisory Committee members present, and MAPC staff.

MAPC Assistant Director of the Land Use Planning and Chief Housing Planner Jenny Raitt provided an overview of fair housing law and protected classes and the objectives of the South Shore HOME Consortium Regional Analysis of Impediments to Fair Housing. MAPC Regional Planner Jenn Erickson provided an overview of the demographic, household, and housing characteristics of the South Shore HOME communities in the context of the region and patterns of segregation in the MAPC region. Next, attendees were asked to respond to the following questions:

- Describe **issues or barriers** you faced and/or observed in your municipality and/or in the region
- Describe **needs or opportunities** to address fair housing issues or barriers you see in your municipality and/or in the region. This can pertain to specific neighborhoods, public or private policies, practices, etc.

Below is a summary of the comments provided at the meeting, organized by topic.

#### Issues / Barriers

##### Housing assistance programs and affordable housing production

- Section 8 is a barrier to actually accessing housing.
- Rents are going up – affordable housing situation will get worse; more than what section 8 will cover (intentional exclusion with higher rents?) – leads to greater gaps in future
- NeighborWorks Southern Mass (Neighborhood Housing Services) noted that a big impediment to fair access to housing opportunity is the availability of affordable housing

### Accessible housing

- Difficulty finding appropriate accessible + affordable housing
- Facing discrimination in current housing situation, e.g. refusal of reasonable accommodation

### Familial status

- Three households in one home – crowding (12 people living in 3 bedrooms) due to low income status (several adults in household employed part-time); due to number of children observed by landlord, denied housing
- Reluctance to de-lead – households with children or who are expecting a child – have been pushed by landlord to relocate

### Age

- Exclusion due to age (development may have mostly younger tenants)

### Landlord and tenant rights and responsibilities

- Landlords have more power than people reporting discrimination
- Knowledge of available housing but no call back from landlord – hard to prove discrimination
- Raising of rents by landlords in retaliation to tenants reporting discrimination
- Landlord refusal to fix an exhaust system - health violation (go through Board of Health)
- Issue obtaining receipts of rental payments from landlords

### Education

- Quincy Community Action Programs, Inc. - noted examples of discrimination based on income source, familial status – landlords need education on law
- Lack of education and training for new home owners
- With discrimination –lack of proof (e.g. based on source of income)

### Systemic issues

- Sometimes housing authorities do not choose to mediate a situation or investigate a situation

## **Opportunities/Needs**

### Education

- Share knowledge of ability to file a complaint
- Landlord education
- Use advertising to promote knowledge of Fair Housing laws

### Incentives

- Incentives to developers – more Americans with Disabilities (ADA) accessible units + developments

- Need larger developments (100 units) – all affordable, for families and single person households

#### Housing assistance

- Idea of allowing multiple Section 8 voucher holders within one housing unit (to allow greater housing access and to allow people to share housing w/others)
- More models of vouchers/subsidies towards shared housing (there are vouchers for Single Room Occupancy units (SROs)).

#### Legal assistance

- Legal assistance (free) – need knowledge of these organizations that provide this service
- The Greater Boston Legal Services budget has been cut; South Shore communities are no longer in the service area.

#### Planning

- Work w/planners – more developers should include deed – restricted units all new developments required to include affordable – tradeoffs /risks – more homeless?

#### Best Practices for Local Municipalities

- QCAP provides housing case workers and a housing complaint line as a resource
- Develop a resource list of who to call in each municipality regarding fair housing issues– specific individuals and local and regional organizations
- Make all resource lists available in city or town halls and in multiple languages

## April 16, 2014 Public Meeting

### Fair Housing in the South Shore Forum Wednesday, April 16, 2014 Group Exercise Discussion Summary

#### Meeting Summary

Over 25 people attended the April 16 forum, which provided a basic understanding of fair housing laws and responsibilities and highlighted some of the fair housing issues/barriers and needs/opportunities in Consortium municipalities that were identified through data analysis and feedback provided at the April 2 public meeting. Weymouth Housing Coordinator Dennis Falcione opened the meeting and recognized South Shore HOME Consortium members, Fair Housing Advisory Committee members present, and MAPC staff.

MAPC Assistant Director of the Land Use Planning and Chief Housing Planner Jenny Raitt provided an overview of fair housing law and protected classes and the objectives of the South Shore HOME Consortium Regional Analysis of Impediments to Fair Housing. MAPC Regional Planner Jenn Erickson provided an overview of the demographic, household, and housing characteristics of the South Shore HOME communities in the context of the region, patterns of segregation in the MAPC region, and fair housing issues/barriers and needs/opportunities identified at the April 2 public meeting.

Next, attendees were asked to assist in the development of the action plan section of the Fair Housing Plan, which will identify public and private sector actions to mitigate impediments to fair housing. Attendees broke out into two facilitated brainstorming and discussion groups and were asked to help identify fair housing goals and strategies that will inform the development of the Plan.

Below is a summary of ideas provided by participants at the meeting. Bolded text represents content originally provided by MAPC. In some cases, goals were modified to incorporate additional strategies identified.

Goals	Strategies	Who is involved?
Increase fair housing capacity to reach all Consortium communities	<ul style="list-style-type: none"> <li>• Support Fair Housing Advisory Committee</li> <li>• Provide fair housing education to municipalities and developers</li> <li>• Develop a plan to assure compliance with housing accessibility standards</li> <li>• Develop and implement fair housing complaint intake, referral, and resolution process</li> <li>• Create a system for recording consortium fair housing complaints keeping record(statistics)</li> <li>• Increase fair housing capacity in towns by talking to several boards in town responsible for developing town.</li> <li>• Have open forums so that people can express</li> </ul>	<ul style="list-style-type: none"> <li>• Consortium municipalities</li> </ul>

Goals	Strategies	Who is involved?
	<p>their concerns quarterly (like tonight)</p> <ul style="list-style-type: none"> <li>• (Goal)Develop a uniform process for consortium towns to proceed with fair housing complaints</li> <li>• [Offer] Mediation</li> <li>• Periodic reviews of compliance</li> <li>• Establish community watchdog</li> <li>• Fair housing hotline</li> <li>• Create an atmosphere of <u>no</u> tolerance</li> <li>•</li> </ul>	
<p><b>Address discriminatory actions in Consortium real estate market</b></p>	<ul style="list-style-type: none"> <li>• <b>Build awareness of fair housing requirements</b></li> <li>• <b>Create, adopt, and implement formal fair housing policies</b></li> <li>• Provide fair housing counseling to first time landlords</li> <li>• Real estate agents – (screening not allowed) to rent apartments to housing voucher owners – not ignore them – because some owners pay the fee and say “I don’t want anyone on housing”, so they don’t call the clients back , leaving them high and dry.</li> <li>• Disclosure form identifying fair housing responsibilities to be provided to landlords.</li> <li>• Build more awareness of discrimination of Section 8 in large apartments complexes –Credit &amp; collect if on complaints</li> <li>• Involve private sector to a greater degree by letting them know that they are part of the problem &amp; solution.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Realtors</b></li> <li>• <b>Property management companies</b></li> <li>• <b>Consortium municipalities</b></li> </ul>
<p><b>Educate people about fair housing laws, rights, and responsibilities and widely disseminate resources</b></p> <ul style="list-style-type: none"> <li>• Develop outreach to create more awareness of the problem</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Continue to train municipal officials on their role in furthering fair housing and providing resources</b></li> <li>• <b>Create materials to educate renters/ buyers/ property owners</b></li> <li>• Target and engage/ educate smaller property owners 2 unit (own-occ.) vs. 3 unit</li> <li>• Packet of education materials directed to municipal staff.</li> <li>• Multilingual documents and translation services</li> <li>• Info for tenants and renters. <ul style="list-style-type: none"> <li>• Fair housing laws</li> <li>• written in simple language</li> </ul> </li> <li>• Make education materials available in other languages</li> <li>• Make consortium area citizens aware of fair housing Counseling agency in the area (QCAP!)</li> <li>• Workshops [as part of?] communities’ events</li> <li>• Real estate agents – (screening not allowed) to rent apartments to housing voucher owners – not</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Consortium municipalities</b></li> <li>• <b>service providers</b></li> <li>• <b>fair housing organizations</b></li> <li>• <b>landlords with emphasis on new property owners</b></li> <li>• <b>tenants</b></li> <li>• Landlord &amp; tenant Associations</li> <li>• Housing Authorities</li> <li>• Community leaders, Media</li> </ul>

Goals	Strategies	Who is involved?
	<p>ignore them – because some owners pay the fee and say “I don’t want anyone on housing”, so they don’t call the clients back , leaving them high and dry.</p> <ul style="list-style-type: none"> <li>• Action Plan to educate municipal boards and commissions.</li> <li>• Educate people on who to call, sometimes does not need a formal legal complaint.</li> <li>• More town meetings to learn and educate residents.</li> <li>• Education of tenants &amp; LLS <ul style="list-style-type: none"> <li>○ LL trainings</li> <li>○ Tenants don’t understand their rights</li> </ul> </li> <li>• [Develop] a list of “Violators”[to aid in targeted development of resources?]</li> <li>• Develop a plan to educate residents about fair housing laws as well as educate</li> <li>• Implement a Public Awareness Campaign</li> <li>• Landlord education – help them understand fair housing rights and responsibilities</li> <li>• Tenant should have easy access to their rights.</li> </ul>	
<ul style="list-style-type: none"> <li>• <b>Increase access to mechanisms for reporting and filing complaints</b></li> <li>• [Work towards] measurable decrease of segregation of protected groups</li> </ul>	<ul style="list-style-type: none"> <li>• A check in by government agencies overseeing housing vouchers – to tenants yearly to ask if there are any concerns and to work with owners and/or managers of apartment buildings.</li> <li>• Send out a mailing to renters in the town to gather info they see as issues.</li> <li>• If a tenant is wrongfully evicted or is threatened with eviction, the housing authority should become more supportive in finding quick resolutions.</li> <li>• Inform about how and where to file a complaint</li> <li>• Communicate complaints</li> <li>• Encourage to speak up!!!</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Banks/Lenders,</i></li> <li>• <i>School department,</i></li> <li>• <i>Who isn't???</i></li> <li>• <i>Everyone, we have to educate everyone so individuals know how to make a difference in breaking down barriers.</i></li> <li>• <i>ESL/translation providers</i></li> <li>• <i>Lawyers</i></li> <li>• <i>Public Housing Authorities</i></li> </ul>
<p><b>Advance access to opportunity by promoting diverse, affordable, and integrated housing stock</b></p>	<ul style="list-style-type: none"> <li>• Reduce concentrations of poverty by providing greater access to fair and affordable housing and education.</li> <li>• Need for housing vouchers to keep pace with rents</li> <li>• Build affordable housing units</li> </ul>	

Goals	Strategies	Who is involved?
<ul style="list-style-type: none"> <li>• Equal access to all</li> <li>• Promote and welcome more economic diversity in housing.</li> </ul>	<ul style="list-style-type: none"> <li>• Produce affordable housing</li> <li>• Developers</li> <li>• Requirements to build &amp; maintain it affordable and accessible.</li> <li>• Info/educate about accessibility</li> <li>• Address extreme shortage [of accessible units]</li> <li>• Encourage inclusionary zoning.</li> <li>• Create incentives to promote fair housing practice.</li> <li>• Level playing field Re: Rents. Makes some towns accessible. There isn't equal access to schools and services. Address the increasing need as more population is ageing</li> <li>• Address lead abatement/interim controls</li> <li>• Work with lenders / other partners in de-leading programs / increase landlord access to these programs</li> <li>• Identify resources for lead paint abatement</li> <li>• Disseminate info about lead laws</li> <li>• Checklist for landlords/ tenants on laws</li> <li>• Provide info about available tax credits for the development of accessible units - market or subsidized</li> <li>• Address income element [of tax credit program requirements] - not many make enough money to access tax credits</li> <li>•</li> </ul>	

## **May 14, 2014 Public Meeting**

### **Fair Housing in the South Shore Forum** Wednesday, May 14, 2014 Group Exercise Discussion Summary

#### **Meeting Summary**

Approximately 25 people attended the May 14 forum, which provided a basic overview of fair housing laws and responsibilities; shared findings on fair housing issues, needs, and opportunities in Consortium municipalities; and obtained input from attendees on the draft fair housing action plan, specifically on fair housing goals, objectives, and strategies for each SSHC municipality and the Consortium. Town of Braintree Mayor Joseph Sullivan opened the meeting and recognized the importance of the work of the South Shore HOME Consortium members and expressed his commitment to promoting Fair Housing in the Town and the region.

MAPC Assistant Director of the Land Use Planning and Chief Housing Planner Jenny Raitt provided an overview of fair housing law and protected classes and the objectives of the South Shore HOME Consortium Regional Analysis of Impediments to Fair Housing. MAPC Regional Planner Jennifer Erickson present results of the 2014 Fair Housing survey and shared an overview of fair housing issues and opportunities identified through data analysis and feedback collected during the April 2 and April 16 forums. Next, Jenny presented a summary of findings and recommendations from the Fair Housing Action Plan, highlighting goals, objectives, and strategies from five action categories.

Finally, attendees were asked to provide additional goals, objectives, and strategies for each municipality and to assist in the prioritization of strategies laid out in the draft action plan. Attendees visited five poster stations that were set up by action plan category. Below are strategies that were highlighted as top priorities by participants:

#### **Category: Public and Private Sector Education and Outreach**

Private sector priorities highlighted:

- Create materials to educate renters, buyers, and property owners and commit resources to ensuring that materials are accessible to protected classes. Collaborate with local and regional nonprofits and realtor® associations to prepare educational materials. Disseminate materials in collaboration with local and regional media including community access television.
- Work with realtor® associations to strengthen the content and delivery of fair housing workshop curricula

Public sector priorities highlighted:

- Work with municipalities to administer public forums in each municipality that educate tenants and property owners on fair housing rights and responsibilities.

- Provide information on fair housing responsibilities to first-time landlords and public and private housing developers by disseminating materials in collaboration with local and regional media including community access television. Make resources visible and readily available in municipal offices and other public spaces.
- Develop an SSHC system for intake, referral, and resolution of fair housing complaints and with the analysis of collected data on an annual basis to guide continued implementation of the Fair Housing. The system will define a complaint, intake, referral, and resolution process and will involve designated parties in each municipality. Annual analysis of fair housing complaints that will be used to build municipal knowledge of ongoing and emerging fair housing issues and needs.

Participants also identified several additional strategies necessary at the municipal level. For Braintree these included posting more information on the town's website, distribution of materials through human resources offices and workshops, and disseminating information through community access TV, websites such as craigslist, and churches. For Quincy, the suggested strategies included organizing multilingual workshops on fair housing laws, using mass-media and displaying posters in community centers and libraries, etc. For the Town of Milton an additional strategy was providing materials to real estate offices for distribution.

### **Category: Private Sector Compliance**

Priorities highlighted:

- Develop a fair housing responsibilities disclosure form that can be provided to landlords working with realtors; advocate for consistent delivery of this form to landlords in the region through realtors
- Work with the Fair Housing Center of Greater Boston to administer fair housing testing in SSHC communities annually

Participants also identified several additional strategies necessary at the municipal level. Additional strategies identified for Braintree include: using of mass media such as TV stations, Craigslist and human resources offices for outreach. For Holbrook the suggested strategies included more specific counseling for landlords and enhanced disclosure of fair housing laws.

### **Category: Reporting**

Priority highlighted: Identify and publicize a list of municipal staff and organizational contacts who can be contacted about issues related to fair housing. Work with service providers to disseminate information about fair housing contacts in each municipality and the process for filing fair housing complaints.

Participants also identified several additional strategies necessary at the municipal level. Additional strategies identified for Braintree included: coordinated dissemination of information with the Disabilities Commission and using the designated Fair Housing Agency as a central point for reporting and data collection in Quincy.

### **Category: Local Policies and Practices**

Priorities highlighted:

- Reduce concentrations of poverty and facilitate the construction and inclusion of more affordable and accessible housing through the adoption of zoning tools like inclusionary zoning and 40R overlay districts in smart growth, transit-accessible locations and enabling the by-right development of diverse housing including supporting housing and accessory units in transit-accessible commercial and business districts
- Identify technical assistance and resources that can assist property owners with the rehabilitation of units to become fully accessible units and with lead paint abatement
- Partner with organizations to deliver specialized trainings on accessibility standards and lead laws

Participants also identified several additional strategies necessary at the municipal level. Particularly for Braintree and Milton, the participants identified a need of inclusionary zoning. Another suggested strategy for the town of Braintree includes Transit Orient Development. For the Town of Milton, the participants suggested an update of the cluster bylaw.

#### **Category: Oversight and Monitoring**

Priorities highlighted:

- Develop an SSHC system for intake, referral, and resolution of complaints and with the analysis of collected data on an annual basis to guide continued implementation of Fair Housing.
- Develop a regional Fair Housing Committee.

Participants also identified several additional strategies necessary at the municipal level. Recommended strategies include work with local, regional and state organizations in the Town of Braintree and establishing a centralized and well publicized agency in Quincy for taking and collecting complaints and referring individuals reporting complaints to agencies monitoring compliance.

## Keypad Polling Results – April 2, April 16, and May 14<sup>th</sup> Public Meetings

The following tables summarize keypad polling responses submitted at the three public meetings. Note: Responses to each question were optional and questions were administered at different parts of each meeting; questions administered towards the end of each meeting received a lower response rate.

Please select the city or town in which you live and/or work:

	April 2 Forum	April 16 Forum	May 14 Forum	Total	%
Braintree	4	3	13	20	27%
Holbrook	1	3	2	6	8%
Milton	0	1	1	2	3%
Quincy	23	2	4	29	39%
Weymouth	4	5	4	13	17%
Other	4	1	0	5	7%

What is your age?

	April 2 Forum	April 16 Forum	May 14 Forum	Total	%
0 – 19	0	0	0	0	0%
20 – 29	5	0	0	5	6%
30 – 39	9	3	5	17	21%
40 – 49	13	2	1	16	20%
50 – 59	13	4	10	27	34%
60 – 69	0	3	5	8	10%
70 or better	1	3	3	7	9%

How do you identify yourself?

	April 2 Forum	April 16 Forum	May 14 Forum	Total	%
White	8	13	24	45	58%
Black or African American	0	0	0	0	0%
Hispanic or Latino	0	0	0	0	0%
Asian	31	1	1	33	42%
Two or more	0	0	0	0	0%
Other	0	0	0	0	0%

What language do you speak at home?

	April 2 Forum	April 16 Forum	May 14 Forum	Total	%
English	12	13	22	47	60%
Chinese	25	1	1	27	35%
Spanish	0	0	0	0	0%
Haitian Creole	0	0	0	0	0%
Portuguese	0	1	0	1	1%
Other	2	0	1	3	4%

Do you own a home or rent?

	April 2 Forum	April 16 Forum	May 14 Forum	Total	%
I own a single family home	8	9	18	35	44%
I own a multi-family home (e.g. triple-decker)	4	1	2	7	9%
I own a condominium or townhouse	1	1	2	4	5%
I rent my home	23	3	1	27	34%
Other (none)	3	1	2	6	8%

What is your household income?

	April 2 Forum	April 16 Forum	May 14 Forum	Total	%
\$0 - \$14,999	5	1	1	7	10%
\$15,000 - \$24,999	7	0	0	7	10%
\$25,000 - \$34,999	5	1	0	6	9%
\$35,000 - \$49,999	6	2	0	8	11%
\$50,000 - \$74,999	3	7	4	14	20%
\$75,000 - \$99,999	3	0	4	7	10%
\$100,000 - \$149,999	1	3	6	10	14%
\$150,000 or more	3	1	7	11	16%

Did this forum help increase your understanding of fair housing?

	April 2 Forum	April 16 Forum	May 14 Forum	Total	%
Strongly Agree	7	5	9	21	53%
Agree	6	5	2	13	33%
Disagree	3	2	1	6	15%
Strongly Disagree	0	0	0	0	0%

Did this forum give you opportunities to provide meaningful input?

	April 2 Forum	April 16 Forum	May 14 Forum	Total	%
Strongly Agree	7	5	10	22	55%
Agree	5	6	2	13	33%
Disagree	3	0	0	3	8%
Strongly Disagree	2	0	0	2	5%

Did you make helpful connections and/or learn something valuable?

	April 2 Forum	April 16 Forum	May 14 Forum	Total	%
Strongly Agree	9	4	7	20	47%
Agree	7	6	4	17	40%
Disagree	5	1	0	6	14%
Strongly Disagree	0	0	0	0	0%

## Appendix VII: Past Fair Housing Plans

### 1996 Fair Housing Plan

#### Summary of Impediments

- There is a need for more affordable rental units for low and moderate income individuals and families.
- There is a need for affordable housing for physically disabled individuals.
- There is a need to increase federal and state rental assistance programs that help extremely low income renters paying greater than 30% of their income.
- Extremely low and low income homeowners have trouble maintaining homes.
- Low and moderate income need down payment assistance.
- There is a need for continuing education for real estate brokers and rental property owners.

#### Summary of Actions to Eliminate Impediments

- Use CDBG and HOME funds to create affordable rental units
- Use CDBG and HOME funds to support a First Time Homebuyers Program
- Use CDBG funds for a Housing Adaptation Program for public housing facilities
- Support a Housing Rehabilitation and Deleading Program
- Conduct Training workshops for Real Estate Brokers and Rental property Owners

### 2000-2005 Fair Housing Plan

#### Summary of Impediments

- There is a need for more affordable rental units for low and moderate income individuals, and for large families.
- There is a need for affordable housing for physically disabled individuals.
- There is a need to increase both federal and state rental assistance programs that help extremely low and low-income renters paying greater than 30% of their income on rent. Recent budget cutbacks have diminished the availability of assistance for these income groups.
- Extremely low and low-income homeowners within the consortium have trouble handling the responsibilities of home ownership. The high cost burden placed on these groups often leads them to deferring necessary home maintenance.
- Low and moderate-income individuals are in need of down payment and closing cost assistance programs to help them make the jump to home ownership.
- There is a need for continuing education for real estate brokers and rental property owners

#### Summary of Actions to Eliminate Impediments

- CDBG and HOME funds will be spent for Community Housing Development Organizations, (and perhaps other nonprofit and for-profit developers) to acquire and rehabilitate existing buildings as affordable housing for extremely low and low-income renters.
- Use HOME and CDBG funds as down payment and closing cost assistance.

- CDBG funds will be used to make public housing facilities and housing facilities that meet the special needs populations handicap accessible as well as to provide support services where needed.
- HOME and CDBG funds will be programmed for new affordable housing construction in the Consortium as appropriate.
- Supply grants and low interest loans, depending on income level, to repair homes of households with incomes below 80% of median family income.
- The City of Quincy along with the Town of Weymouth will hold educational seminars for Real Estate Brokers and Rental Property Owners on Fair Housing Laws, Lead Paint Laws, and the Americans with Disabilities Laws, as well as programs offered through the City.
- Encourage the State and Federal Government to increase rental assistance programs that assist renters paying greater than 30% of their income in rent.

### **2006-2010 Fair Housing Plan**

Impediments: Quincy and Weymouth are built out communities with little developable land that limiting the availability of land to develop new 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 Quincy (North Quincy, Wollaston, Brewers Corner, Atlantic, Hough’s Neck, Germantown, Squantum, and Quincy Center) and Weymouth (Weymouth landing, Jackson Square, North Weymouth, and Columbian Square).
- Consider implementing MGL Chapter 40R Smart Growth Zoning Districts.
- Implement Transit Orientated Development (TOD) techniques for new development around mass transit stations and along bus routes.
- Encourage the creation of mixed-income housing in business districts that are close to public transportation, and other amenities.
- Implement “sustainable development principles” for the 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 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 Quincy and Weymouth where transportation to employment opportunities may be scarce.

Actions: Encourage the development and preservation of all types of housing.

- Continue using 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 existing housing units.
- Supplement HUD funding used to address housing issues with other Federal and State grant programs along with private funds.
- Continue to support and fund the housing rehabilitation programs. 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 Quincy/Weymouth HOME Consortium.
- 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 in Quincy.
- Leverage money acquired in lieu of unit creation from the IZO with other funding sources for the creation of affordable housing.
- Educate officials and housing developers on the need for additional housing units with support services made available to physically and mentally disabled individuals.
- Coordinate housing policies with the housing policies of the Housing Authority.
- Encourage the development of housing projects with the funds from the Community Preservation Act.
- 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. Materials should be translated into appropriate languages to reach growing foreign born populations.
- 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 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.

Impediments: Monitoring of fair housing practices

- Verify fair housing practices are being adhered to throughout the Consortium.
- There is a significant monitoring burden on the City and Town 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 Consortium.

## **2011-2015 Analysis of Impediments to Fair Housing Choice**

### **10.1 Impediments identified in Public Sector**

In 2010, the Quincy HOME Consortium expanded to include the Towns of Braintree, Holbrook, and Milton. Representatives from each community meet regularly to discuss the many HOME program caveats and to begin implementing housing programs.

Quincy and Weymouth have participated in the HOME program since its inception in the early 1990's. As a result, the early going has focused on introducing the new communities to the HOME Program, explaining what activities can be funded, and describing the required HUD reporting requirements and responsibilities. Part of that process has dealt with the HUD's statutory obligations for communities (consortium) receiving federal funding through the HOME program. The effort has had a steep learning curve for the new communities. In each case they have been asked to expand their responsibilities as it relates to housing issues.

The first step taken by the Quincy Consortium was the inclusion of data from all communities in the City of Quincy's 2010-2014 Consolidated Plan and Annual Action Plans as well as the Consolidated Annual Performance and Evaluation Reports.

The statutory obligation for Fair Housing activities as part of the HOME Program has led to the second step with the development of the Quincy Consortium Analysis of Impediments to Fair Housing (AI).

Impediments to Fair Housing knows no boundaries and in the past, Quincy and Weymouth each performed their own analysis. The Quincy Consortium 2011-2015 Analysis to Impediments of Fair Housing represents the first look at impediments in the five member consortium. Because it's the first for the Quincy Consortium, the most important priority should be on the development of fair housing capacity and infrastructure that reaches all consortium members.

#### **Fair Housing Capacity of the Quincy HOME Consortium**

- The Consortium includes three new member communities that have never been required to develop an Analysis to Impediments to Fair Housing.
- The Consortium does not have a formalized approach to Fair Housing.
- Although each community has several municipal departments, boards, committees, or commissions that may be involved in a fair housing issue, there is no system in place to oversee all fair housing issues.

#### **Actions**

- The Quincy HOME Consortium Committee should designate a Fair Housing Subcommittee.
- The Fair Housing Subcommittee should take steps to develop a permanent Consortium Fair Housing Committee to oversee Fair Housing issues.

- The Consortium should identify municipal staff resources to support Fair Housing Subcommittee and actions to address fair housing.
- Under the oversight of the Fair Housing Subcommittee, develop a Consortium Fair Housing Plan.

### **Zoning and Site Selection**

- Generally, dimensional requirements for commercial/business districts are not conducive for residential uses thus limiting housing opportunities and choices that are close to employment, services, and could be close to public transportation.
- Generally, dimensional, parking, and street requirements discourage residential development.
- “Not IN My Back Yard” Opposition (NIMBYism)

### **Actions**

- Support the Commonwealth of Massachusetts Sustainable Development Principles.
- Review and potentially revise zoning to more broadly allow mixed-use residential uses in non-residential districts.
- Consider Broadening the range of explicitly permitted residential uses that expand housing choice such as single room occupancy, supportive housing, accessory units, and others.
- Provide fair housing education to municipal staff, relevant boards, and housing developers proposing new projects.

### **Architectural Accessibility**

- Existing systems for reviewing, approving, and monitoring residential developments for compliance with local, state, and federal architectural access requirements needs to be examined and strengthened.

### **Actions**

- Consider developing a comprehensive and integrated plan to assure compliance with all architectural access requirements within municipal departments and public housing authority’s.
- Consider establishing an intermunicipal training collaborative to provide fair housing educational opportunities for municipal staff and members of various boards and committees.

### **Current Housing Programs and Policies**

- Neighborhood notification required by housing development projects submitted for review may initiate NIMBY or other opposition with fair housing implications.

### **Actions**

- Consider developing a policy that encourages housing developers to hold a neighborhood/public meeting to introduce the housing project prior to its filing.

## **10.2 Impediments identified in Public and Private Sector**

### **Private Sector Real Estate Policies and Practices**

- Based on the results of the Fair Housing Survey, the City of Newton Fair Housing Testing Audits, studies published by the Greater Boston Fair Housing Center and the Massachusetts Community Banking Council as well as fair housing complaint data covering the last five years, discrimination based on race, national origin, familial status, source of income, disability, and lead paint occurs in the Consortium rental and for-sale real estate market.

#### **Actions**

- Work in partnership with local real estate community to build awareness of fair housing requirements.
- Consider creating a database of real estate agencies and management companies operating in the Consortium in order to undertake direct marketing on Fair Housing issues.
- Encourage real estate agencies and management companies to create, adopt, and implement formal policies to ensure consistent practices.
- Assist real estate agencies in their efforts to comply with all state and federal fair housing laws.

### **10.3 Impediments in the Public and Private Sector**

#### **Compliance and Monitoring**

- There is no formal entity responsible for overseeing fair housing compliance in the Quincy HOME Consortium.
- There is a need for more comprehensive fair housing data in conjunction with consistent monitoring to ensure that fair housing practices remain constant.
- There is a difficulty tracking private sector housing practices on the local level when agencies operate in an area beyond the five Consortium communities.

#### **Actions**

- Consider creating a Quincy HOME Consortium Fair Housing Committee that will monitor and assure compliance with the relevant civil rights requirements applicable to housing activities.
- Consider endorsing the Civil Rights Access Checklist and distribute to all municipal departments, boards, and public housing authority's to inform them about applicable fair housing and architectural access requirements.
- Explore discrete and available indicators and data collection methodology to evaluate the "status" of housing choice for members of protected classes and fair housing practices within the local housing market.
- Consider working with local or regional fair housing agencies in there analysis of the private sector housing industry.

#### **Informational Programs, Education, Outreach, and Advocacy**

- Fair housing knowledge does not extend to all consumers, producers, and providers of housing resulting in misconceptions, lack of understanding, and ultimately violation of fair housing laws.
- Lack of knowledge results in underutilization of available complaint systems and resources leading to possible fair housing violations going unaddressed.

- There is no system to extend fair housing training to municipal staff, officials, and board members.
- Language barriers faced by recent immigrants and high mobility rates of certain groups creates a challenge to access available housing opportunities.

### **Actions**

- There is a need to develop sufficient fair housing capacity Consortium.
- New outside resources such as grants and local and regional affiliations and partnerships should be explored to carry out fair housing activities.
- Provide resources and training opportunities to municipal staff and board and committee members so they can stay informed on fair housing issues.
- Continue with the City of Quincy and Town of Weymouth efforts to provide fair housing education for renters, homebuyers, and landlords through public service announcements, brochures, and special events.
- Develop and implement a Consortium fair housing complaint *intake* → *referral* → *resolution* process.
- Explore working with real estate and banking/mortgage agencies operating in the Consortium to encourage fair housing education and training.

### **Housing Affordability and Economic Factors**

- High cost of housing, high development costs, land acquisition, and lack of available land for new development limits opportunities, diverse siting of affordable housing, and housing choice.
- Municipalities cannot act quickly in a highly competitive real-estate market that makes it challenging to create or preserve affordable and/or accessible housing.
- The age of housing stock coupled with the existence of lead paint hazards and limited financial resources for homeowners and landlords to abate lead paint limits housing choices for families with young children.
- The age of existing housing stock and its architectural layout makes it difficult to rehabilitate units to become fully accessible units
- The relatively high costs of housing can restrict housing choice for low and moderate income households.

### **Actions**

- Continue using the 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.
- Supplement HUD funding used to address housing issues with other Federal and State grant programs along with private funds.
- Continue to support and fund housing rehabilitation programs including single-family, multi-family, and non-profit housing rehab, handicapped accessibility, Lead Paint Abatement, and FEMA Pre-Disaster Flood Mitigation.
- Consider applying 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 QUINCY CONSORTIUM.
- Provide financial and technical support to nonprofit housing developers and providers.