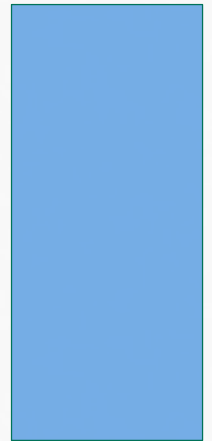




*Building Communities,
Changing Lives*

FAIR HOUSING AND THE CTI FAIR HOUSING PROGRAM

AN INTRODUCTION TO FAIR HOUSING FOR HOMEBUYERS



HUD FAIR HOUSING GRANT RECIPIENT

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TRAINING GOALS

- Understand who is protected and common forms of housing discrimination.
- Understand how to advocate and enforce your rights.
- Understand what the CTI Fair Housing Program is, what it does, and how it can help tenants and homebuyers.

INSTITUTIONAL HOUSING DISCRIMINATION

- Housing Discrimination has existed in this country at all levels of government and social institutions.
- Systematic steps have been taken to fight housing discrimination, but it remains a significant problem.
- The effects of governmental discrimination remain in zoning laws and administration and distribution of housing resources, benefits, and incentives.
- Overt, subtle, pretextual, and inadvertent discrimination remains prevalent.

THE WIDE REACHING EFFECTS OF HOUSING DISCRIMINATION

- Housing affects all parts of life
 - Family
 - Community
 - Neighborhood
- Housing affects our health
 - Access to healthcare
 - Healthy environments
 - Stability and safety
- Housing affects access to resources
 - schools
 - Jobs
 - Transportation
 - Community resources (parks, recreation, goods and services)
- Housing access has generational effects

ROOTS OF FAIR HOUSING ACT

- The Fair Housing Act was passed to address unfair practices in homebuying and sales
 - Facially discriminatory housing laws
 - Restrictive covenants
 - Unfair lending
 - Redlining
 - Steering
- Unfair and discriminatory practices remain
 - Lending practices
 - Zoning restrictions

THE FAIR HOUSING ACT – HOW IT WORKS

Prohibits discrimination in housing when:

- The person belongs to a protected class;
- The person has suffered a housing related harm or unequal treatment; and
- The harm suffered is connected to membership in a protected class.

PROTECTED CLASSES UNDER STATE AND FEDERAL FAIR HOUSING LAWS

- Race
- Color
- National Origin
 - Ancestry
- Religion
- Sex
 - Sexual orientation
 - Gender identity
- Family Status
- Disability
- Sexual Orientation
- Gender Identity/Expression
- Marital Status
- Age
- Housing Subsidy
- Public Assistance
- Veteran/Military Status
- Ancestry
- Genetic Information

WHO AND WHEN

- Anyone providing housing services
 - Realtors, mortgage companies, banks, appraisers
 - Landlords, property management, condo boards, HOAs
- Housing Discrimination can happen anytime
 - Anytime during a tenancy
 - Anytime during sale and ownership of property
 - Property search, lending, sale
- For tenants – all properties are covered
 - Except owner occupied two family residences
 - Note – no exclusions for race, SOI, advertisements, or lead laws

CATEGORIES OF DISCRIMINATORY CONDUCT

Discriminatory conduct can happen in many different ways:

- Refusal to rent or sell
- Otherwise make unavailable
 - False information on availability
 - Steering
- Different terms or conditions
- Discriminatory Statements (oral or written)
- Threatening, intimidating, or coercing
- Retaliation
- Denial of reasonable accommodations and modifications

HOW CONDUCT MAY VIOLATE HOUSING LAW

There are two theories of housing discrimination

- Disparate treatment
 - A policy or practice motivated by a person's protected class status
 - Examples
 - Refusing to rent to immigrants
 - Fees for wheelchairs or assistance animals
- Disparate impact
 - A facially neutral policy, procedure, or practice that has a disproportionate effect on a protected class
 - Examples
 - Criminal records
 - CORI checks
 - NOTE – blanket or broadly applied rules are red flags

FAIR HOUSING AND HOMEBUYING – FOCUS ON DISPARATE TREATMENT

Identifying discrimination

- Flagrant – open and obvious
 - Clear discriminatory statements
 - Behavior far outside norms and expectations
- Terms and Conditions
 - Different terms, conditions, and treatment compared to non-class members
 - Difficult to identify, comparison necessary
 - Requires strong understanding of process, procedure, and current industry practices and expectations

AM I BEING TREATED DIFFERENTLY

- Know the process, know the practices –
 - Homebuying is complicated
 - Homebuying is novel to most
 - Impossible to identify different treatment if you do not have concrete expectations and knowledge base
 - This first time homebuyer course helps you know and set expectations
- Understand common areas where discrimination happens
 - Know the common unfair practices
 - Focus attention for certain red flags
- Get help, ask early
 - Do not need certainty
 - Check in with your resources (MVHP & FHP)



KNOW THE PROCESS

- Learn the process in this course – well positioned
- Work with people you trust and are comfortable with
- Read everything, compare with common practices and offers
- Review and compare at each step

COMMON FAIR HOUSING CONCERNS

- Refuses to show properties or make a loan based on protected class status
 - Including delays or failure to respond
- Refuses to provide information or explanations
- Extra or unexpected hoops, conditions, or terms
- Pushing toward certain neighborhoods or towns (steering)
- Refusing loan service based on location (redlining)
- Pushing particular loan products, or not offering others
- Appraisal bias
- Inferior service

RED FLAGS

- Realtor reluctance to show properties in desired area
- Lender aggressively promoting particular products
- Any costs of fees that feel unnecessary or inflated
 - High appraisal costs
 - High broker fees
 - High lender fees
 - Prepayment penalties
 - Unnecessary closing costs
 - Harsh default, collection, or foreclosure practices



SELF-ADVOCACY

- Best tools
 - Knowledge (know the numbers)
 - Trusted Guidance
 - Choice
- Working with realtors/brokers
 - Know their requirements for a client
 - Know what you want and where you want to live – learn the market
 - Know what you can afford
- Working with lenders
 - Know the different products the lender and competition offers
 - Know associated fees, make sure they are in line
 - No surprises, all information up front
- Working with appraisers
 - Know the range of appraisal costs
 - Be aware that homes may be undervalued because of the neighborhood or owner's race or ethnicity



IDENTIFYING DISCRIMINATION

Identifying discrimination can be fact intensive; some housing providers may try and hide their discrimination

- What is the timeline?
 - A suspect timeline should raise a red flag
 - Did something happen or did someone say something right before a change in behavior or suspect treatment?
- What did the housing provider say or do?
 - Did your housing provider mention something about a protected class?
 - Ask about membership in a protected class?
 - Are there a lot of excuses/reasons for suspect treatment hiding pretext?

REPORTING AND ENFORCEMENT

- Reporting discrimination is important
 - Report as soon as possible
 - Certainty is not prerequisite
- Contact the CTI Fair Housing Program
 - Information and resources
 - Technical assistance
 - Referral for legal services
- File a complaint with HUD
- File a complaint with MCAD

ENFORCEMENT OPTIONS

- File a complaint with the state or federal government
 - The Federal Department of Housing and Urban Development
 - The Massachusetts Commission Against Discrimination
 - The Massachusetts Office of the Attorney General
- File a civil action (go to court)
 - Federal district court
 - State court
 - Housing Court
 - District Court
 - Superior Court

THE FAIR HOUSING PROGRAM AT CTI

- To promote and increase fair housing opportunities
- Key functions
 - Tenant/homebuyer complaints
 - Fair housing trainings
 - Promote awareness through media engagement
 - Provide online resource library for fair housing
- Who the Fair Housing Program works with
 - Any tenant
 - Any housing provider
 - Any social services advocate or other person helping with housing
- The Fair Housing Program does NOT provide legal advice.



CTI FAIR HOUSING COMPLAINTS PROCESS

- Intake – complaint received
 - Is there a fair housing issue?
 - Is there another issue?
- Available services
 - Information and resources
 - Technical assistance
- Referrals
 - To legal aid services
 - To Enforcement Agency
 - To other social services
- Tracking
 - Track discriminatory conduct

QUESTIONS?

RESOURCES - LEGAL

- Legal aid organizations by region
 - <https://mlac.org/wp-content/uploads/2022/04/MLAC-Legal-Aid-Org-Map-and-Contact-New-Logo.pdf>
- Legal aid and subject matter legal aid organizations
 - <https://mlac.org/help/#lawyer>
- Massachusetts court information
 - Housing Court: <https://www.mass.gov/orgs/housing-court>
 - District Court: <https://www.mass.gov/orgs/district-court>
 - Court Service Centers: <https://www.mass.gov/info-details/learn-about-court-service-centers>
- Filing a Fair Housing Complaint
 - HUD: https://www.hud.gov/program_offices/fair_housing_equal_opp/online-complaint
 - MCAD: <https://www.mass.gov/file-a-complaint-of-discrimination>

RESOURCES – SELF HELP

- MassLegalHelp
 - <https://www.masslegalhelp.org/legal-tactics>
- MADE – complete eviction forms online
 - <https://interviews.gbls.org/run/eviction/#/1>
- Made Up to Code – complete housing code forms online
 - <https://madeuptocode.org/>
- Restraining Orders – complete forms online
 - https://apps.suffolklitlab.org/run/housing_tro/#/1
- Bazelon Guide on Fair Housing for People with Disabilities
 - https://securereservercdn.net/198.71.233.111/d25.2ac.myftpupload.com/wp-content/uploads/2018/05/Fair-Housing-Guide_2018-Update.pdf

BASICS ON DISABILITY DISCRIMINATION AND REASONABLE ACCOMMODATIONS

- Understanding your rights
 - HUD Overview: https://www.hud.gov/program_offices/fair_housing_equal_opp/disability_main
 - Bazelon Center for Mental Health Law Fair Housing Guide: https://secureservercdn.net/198.71.233.111/d25.2ac.myftpupload.com/wp-content/uploads/2018/05/Fair-Housing-Guide_2018-Update.pdf
 - Disability Law Center Guide on Emotional Support Animals: <https://www.dlc-ma.org/wp-content/uploads/2018/10/Emotional-Support-Animals-in-Housing.pdf>
 - Disability Law Center Guide on Reasonable Accommodations: <https://www.dlc-ma.org/wp-content/uploads/2018/06/Housing-and-RA.pdf>
- Doctor's letters
 - MassLegalHelp General Tips: <https://www.masslegalhelp.org/health/sickle-cell-disease/housing-doctor-letter-article>
 - Bazelon Sample Service Provider letter: <https://secureservercdn.net/198.71.233.111/d25.2ac.myftpupload.com/wp-content/uploads/2017/04/ESA-Sample-Letter.pdf>

TECHNICAL GUIDANCE ON ACCOMMODATIONS AND MODIFICATIONS

- HUD/DOJ Joint Statement on Reasonable Accommodations:
https://www.hud.gov/sites/documents/DOC_7502.PDF
- HUD/DOJ Joint Statement on Reasonable Modifications:
https://www.hud.gov/sites/documents/DOC_7502.PDF
- HUD FHEO Assistance Animal Guidance:
https://www.hud.gov/sites/documents/DOC_7502.PDF

HOUSING ASSISTANCE

- Community Action Agencies by region
 - <https://www.masscap.org/agencies/>
- RAFT
 - <https://www.mass.gov/service-details/residential-assistance-for-families-in-transition-raft-program>
- Housing Consumer Education Centers
 - <https://www.masshousinginfo.org/>

STAY CONNECTED

- Email: fairhousing@commteam.org
- Website: www.commteam.org
 - Online Request for Assistance:
<https://www.cognitofrms.com/CommunityTeamwork1/FairHousingRequestForAssistance>
 - Online Training Registration:
<https://www.cognitofrms.com/CommunityTeamwork1/FairHousingTrainingRegistration>
 - Email Listserv
 - Tenant
<https://www.cognitofrms.com/CommunityTeamwork1/FairHousingTenantMailingList>
 - Housing provider
<https://www.cognitofrms.com/CommunityTeamwork1/FairHousingHousingProvidersMailingList>

THANK YOU!



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